

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

AVUTOX, LLC, )  
)  
Plaintiff, )  
)  
v. )  
)  
)  
NORRIS COCHRAN, in his official )  
capacity as Acting Secretary of the )  
United States Department of Health )  
and Human Services, )  
)  
Defendant. )

**JUDGMENT**

No. 5:15-CV-634-FL

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the defendant’s motion to dismiss for lack of jurisdiction and for failure to state a claim.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court’s order entered February 27, 2017, and for the reasons set forth more specifically therein, that defendant’s motion is GRANTED. This case is DISMISSED WITH PREJUDICE for lack of subject matter jurisdiction and failure to state a claim.

**This Judgment Filed and Entered on February 27, 2017, and Copies To:**

- Charles George (via CM/ECF Notice of Electronic Filing)
- Frank S. Kirschbaum (via CM/ECF Notice of Electronic Filing)
- Paul J. Puryear, Jr. (via CM/ECF Notice of Electronic Filing)
- Andrew M. Bernie (via CM/ECF Notice of Electronic Filing)
- Neal Fowler (via CM/ECF Notice of Electronic Filing)

February 27, 2017

JULIE RICHARDS JOHNSTON, CLERK  
/s/ Christa N. Baker  
(By) Christa N. Baker, Deputy Clerk