

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

Civil Action No. 5:17-cv-25-FL

PHIL BERGER, and TIM MOORE,

Plaintiffs,

v.

SYLVIA BURWELL, THE UNITED
STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
ANDREW SLAVITT, THE CENTERS FOR
MEDICARE AND MEDICAID SERVICES,
RENARD MURRAY, DEMPSEY
BENTON, THE NORTH CAROLINA
DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendants.

**ORDER GRANTING PLAINTIFFS
PHIL BERGER AND TIM MOORE’S
MOTION FOR A TEMPORARY
RESTRAINING ORDER**

Pending before the Court is Plaintiffs Phil Berger and Tim Moore’s Motion for a Temporary Restraining Order. After consideration, and good cause appearing:

IT IS ORDERED that the Motion for a Temporary Restraining Order is **GRANTED**.

The Court hereby orders that:

1. The Federal Defendants are enjoined from formally approving the proposed State Plan Amendment or any similar State Plan Amendment that does not comply with the requirements of Section 1902(a)(1) and (a)(2) of the Social Security Act and is not submitted pursuant to a valid authorization by the State; and
2. The State Defendants are enjoined from submitting the proposed State Plan Amendment or any similar State plan amendment that does not comply with the

requirements of Section 1902(a)(1) and (a)(2) of the Social Security Act.

This injunction shall be effective immediately, and it shall last for fourteen days or until the Court orders otherwise.

DATED this 14th day of January, 2017.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

Louise Wood Flanagan
United States District Judge