

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TENNESSEE HOSPITAL)	
ASSOCIATION, et al.,)	
)	
Plaintiffs)	
v.)	NO. 3:16-cv-03263
)	CHIEF JUDGE CRENSHAW
THOMAS PRICE, et al.,)	
)	
Defendants)	

ORDER

Plaintiffs' Motion for Judicial Notice of Facts Not Subject to Reasonable Dispute (Doc. No. 61) is **GRANTED** as unopposed.

For the reasons stated in the accompanying Memorandum, Plaintiffs' Motion for Summary Judgment (Doc. No. 62) is **GRANTED** as to Counts I and II of the Amended Complaint and **DENIED** as to Count III; and Defendants' Motion to Dismiss or, in the Alternative, Cross Motion for Summary Judgment (Doc. No. 67) is **DENIED** as to Counts I and II of the Amended Complaint and **GRANTED** as to Count III. The Court finds that the policies reflected in FAQs 33 and 34 were instituted and enforced against Plaintiffs in violation of the Administrative Procedures Act, specifically 5 U.S.C. § 706(2)(A), (C) and (D). Defendants are permanently enjoined from enforcing the policies reflected in FAQs 33 and 34 against Plaintiffs, for the fiscal years 2012-2016.

Any request for attorneys' fees and/or costs shall be filed in accordance with Local Rule 54.01.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE