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6 UNITED STATES DISTRICT COURT FOR THE
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNIVERSITY OF WASHINGTON, D/B/A
10 UNIVERSITY OF WASHINGTON
11 MEDICAL CENTER, and HARBORVIEW
12 MEDICAL CENTER,

13 Plaintiffs,

14 v.

15 SYLVIA M. BURWELL, in her official
16 capacity as Secretary, United States
17 Department of Health and Human Services,

18 Defendant.

CASE NO. 2:13cv1156-RSM

MOTION AND ORDER FOR
VOLUNTARY DISMISSAL

19 Come now the Plaintiffs, University of Washington, d/b/a University of Washington
20 Medical Center and Harborview Medical Center (the “Hospitals”), and file this Motion of
21 Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a)(2), together with a Proposed Order.

22 This case turns on a single legal question: whether in the context of applying a
23 formula to calculate a portion of the Hospital’s Medicare reimbursement, the Secretary
24 properly excluded from the adjustment pertaining to the Hospital’s indirect graduate medical
25 education (“IME”), the time spent by Hospital residents conducting research that was
26 unrelated to any particular patient’s care. This exact issue has been addressed in two other
27 cases in which the court of appeals ruled in favor of the Secretary. *Rush University Medical*
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1 *Center v. Burwell*, 763 F.3d 754 (7th Cir. 2014); *Henry Ford Health System v. Department of*
2 *Health and Human Services*, 654 F.3d 660 (6th Cir. 2011). In light of these decisions, the
3 Hospitals have decided not to pursue this issue further. Accordingly, the Hospitals now
4 move to voluntarily dismiss this case without prejudice and without costs to any party.

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6 DATED this ____ day of February, 2015.

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ORDER

IT IS SO ORDERED this 20th day of February 2015.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

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