

STATE OF NORTH CAROLINA
COUNTY OF WAKE.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
14 CVS 6433

FILED

DIVISION OF MEDICAL ASSISTANCE,)
N. C. DEPARTMENT OF HEALTH AND)
HUMAN SERVICES,)

SEP 26 10 34 47

Petitioner,)

v.)

ORDER GRANTING MOTION TO
DISMISS

A GREAT CHOICE FOR HOME CARE,)
INC.,)


Respondent.)

This cause was heard before the undersigned Honorable Paul G. Gessner, Superior Court Judge, on September 19, 2014 upon Respondent, A Great Choice for Home Care, Inc.'s, ("Respondent" or "Great Choice") Motion to Dismiss the Petition for Judicial Review filed by Petitioner the Division of Medical Assistance, North Carolina Department of Health and Human Services ("Petitioner" or "DMA").

The Court has considered the arguments of counsel from both parties, the motion to dismiss, the briefs submitted by the parties, and relevant portions of the administrative record and finds that pursuant to N.C. Gen. Stat. Chapter 150B, Articles I and IV and applicable case law that the Wake County Superior Court lacks subject matter and personal jurisdiction to consider DMA's Petition for Judicial Review.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Respondent's Motion to Dismiss is **GRANTED** and Petitioner's Petition for Judicial Review is hereby **DISMISSED** with prejudice.

This the 25 day of SEP, 2014.



Paul G. Gessner
Superior Court Judge

cc: Brenda Eaddy
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