UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP 2 9 2015

SAINT VINCENT INDIANAPOLIS
HOSPITAL,

    Plaintiff,

    v.

KATHLEEN SEBELIUS, SECRETARY,
U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES

    Defendant.

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Case No 1:13-cv-01768-RDM

ORDER

Plaintiff Saint Vincent Hospital and Health Care Center, Inc., ("plaintiff") filed suit against

Defendant Kathleen Sebelius, Secretary of the Department of Health and Human Services

("defendant"), alleging agency error in limiting the scope of administrative review to issues

identified by providers in cost reports under the Medicare program established by Title XVIII of

the Social Security Act, as amended. Compl., ECF No. 1. Defendant filed an answer, generally

denying all factual allegations and referring the Court to statute and relevant case law for

interpretations of legal points raised in the complaint. Answer, ECF No. 11. Plaintiff then filed

this motion for Summary Judgment. Mot. Summ. J., ECF No. 17. Defendant filed a cross motion

for summary judgment and memorandum in support of summary judgment and in opposition to

plaintiff's motion for summary judgment. Cross-Mot. Summ. J., ECF No. 18, Mem. Supp. Mot.

Summ. J Opp'n Pl.'s Mot. Summ. J., ECF No. 18-1. Plaintiff then filed a reply in opposition.

Reply Opp'n Mot. Summ. J., ECF No. 20. Lastly, defendant filed a reply. Reply Opp'n. Mot.

Summ. J. Combined Opp'n. Pl.'s Mot. Summ. J., ECF No. 23.

Upon consideration of the above referenced filings and for reasons given in the memorandum opinion issued this date, it is hereby:

ORDERED that plaintiff's motion for summary judgment is denied;
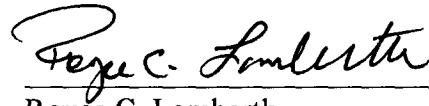
ORDERED that defendant's cross-motion for summary judgment is granted;

ORDERED that the Secretary's final decision dismissing plaintiff's PRRB appeal for lack of jurisdiction is affirmed; and

ORDERED that plaintiff's complaint is dismissed with prejudice.

SO ORDERED.

DATED: September 29, 2015

Royce C. Lamberth
United States District Judge