

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

<p>Brittany R. Tovar and Reid Olson, Plaintiffs, vs. Essentia Health, Innovis Health, LLC dba Essentia Health West, HealthPartners, Inc., and HealthPartners Administrators, Inc. Defendants.</p>	<p>Case No.: 0:16-cv-00100-(DWF/LIB)</p> <p>DEFENDANTS ESSENTIA HEALTH AND INNOVIS HEALTH, LLC'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO STAY</p>
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Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Essentia Health and Innovis Health, LLC dba Essentia Health West hereby move the Court for an order dismissing Plaintiff Reid Olson's Section 1557 claim against these Defendants. The Defendants move for dismissal on the grounds the First Amended Complaint fails to state a claim upon which relief can be granted.

In the alternative, if this Court does not dismiss Plaintiff Olson's claim pursuant to Fed.R.Civ.P. 12(b)(6), the Defendants move this Court to stay the action, including any and all discovery, pending a final determination regarding the lawfulness of Section 1557 regulations and new proposed agency regulations implementing Section 1557.

The Defendants' motion is based on the supporting memorandum of law, pleadings, and all other records on file in this matter.

VOGEL LAW FIRM

Dated: January 16, 2018

/s/ Lisa Edison-Smith

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