

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Brittany R. Tovar and Reid Olson,

Plaintiffs,

vs.

Essentia Health,  
Innovis Health, LLC  
dba Essentia Health West,  
HealthPartners, Inc., and  
HealthPartners Administrators, Inc.

Defendants.

Case No.: 0:16-cv-00100-(DWF/LIB)

**PROPOSED ORDER ON  
DEFENDANTS ESSENTIA  
HEALTH AND INNOVIS HEALTH,  
LLC'S MOTION TO DISMISS OR,  
IN THE ALTERNATIVE, MOTION  
TO STAY**

This matter came before the undersigned United States District Court Judge upon the Motion to Dismiss or, in the Alternative, Motion to Stay submitted by Defendants Essentia Health and Innovis Health, LLC (collectively "Essentia"). The Court, being duly advised in the premises, upon all of the files, records, and proceedings herein, now makes and enters the following **ORDER**:

1. Essentia's Motion to Dismiss is hereby **GRANTED**;
2. All of the claims against Essentia are hereby dismissed with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and
3. Essentia's Motion to Stay is hereby **DENIED AS MOOT**.

*[In the alternative:*

1. Essentia's Motion to Dismiss is hereby **DENIED**;
2. Essentia's Motion to Stay is hereby **GRANTED**; and

3. All claims against Essentia are hereby stayed pending final resolution of *Franciscan Alliance v. Price*, Case No. 7:16-cv-00108, and issuance of new regulations from the Department of Health and Human Services implementing Section 1557.]

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Donovan W. Frank  
United States District Court Judge

3134104.1