

**United States Court of Appeals**  
***For The Eighth Circuit***  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Room 24.329  
**St. Louis, Missouri 63102**

**Michael E. Gans**  
*Clerk of Court*

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March 28, 2017

Mr. Douglas J. Schmidt  
HUSCH & BLACKWELL  
Suite 1000  
4801 Main Street  
Kansas City, MO 64112

RE: 16-3477 Nick Gerhart, et al v. HHS, et al

Dear Counsel:

Enclosed is a copy of the dispositive order entered today in the referenced case.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing must be received by the clerk's office within the time set by FRAP 40 in cases where the United States or an officer or agency thereof is a party (within 45 days of entry of judgment). Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. Pro se petitions for rehearing are not afforded a grace period for mailing and are subject to being denied if not timely received.

Michael E. Gans  
Clerk of Court

JMM

Enclosure(s)

cc: Ms. Kirsten Anne Byrd  
Mr. Charles Canter  
Mr. John S. Courter  
Mr. Mark Davis Hill  
Ms. Alisa Beth Klein  
Mr. Terrance A. Mebane  
Ms. Serena M. Orloff  
Mr. William C. Purdy  
Mr. Michael T. Raupp  
Mr. Mark B. Stern  
Mr. Derek T. Teeter  
Mr. Curtis J. Weidler

District Court/Agency Case Number(s): 4:16-cv-00151-RGE

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 16-3477

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Nick Gerhart, in his capacity as Liquidator of CoOpportunity Health, Inc.; Dan Watkins, in his  
capacity as Special Deputy Liquidator of CoOpportunity Health, Inc.

Plaintiffs - Appellants

v.

United States Department of Health and Human Services; Centers for Medicare and Medicaid  
Services; Sylvia Mathews Burwell, in her capacity as Secretary of the U.S. Department of Health  
and Human Services; United States of America

Defendants - Appellees

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Appeal from U.S. District Court for the Southern District of Iowa - Des Moines  
(4:16-cv-00151-RGE)

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**JUDGMENT**

Before Smith, Chief Judge, SHEPHERD, Circuit Judge and FENNER, District Judge.

The motion of appellant to consolidate cases is denied.

The motion of appellee for dismissal of this appeal is granted. The appeal is hereby  
dismissed. See [Eighth Circuit Rule 47A\(b\)](#).

March 28, 2017

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans