



# North Carolina Court of Appeals

EUGENE H. SOAR, Clerk  
Court of Appeals Building  
One West Morgan Street  
Raleigh, NC 27601  
(919) 831-3600

Mailing Address:  
P. O. Box 2779  
Raleigh, NC 27602

Fax: (919) 831-3615  
Web: <https://www.nccourts.gov>

From Office of Admin. Hearings  
( 22DHR02385 22DHR02385 )

No. 23-672

FLETCHER HOSPITAL INC. d/b/a  
ADVENTHEALTH HENDERSONVILLE,  
Petitioner,

v.

NC DEPARTMENT OF HEALTH AND HUMAN  
SERVICES, DIVISION OF HEALTH SERVICE  
REGULATION, HEALTH CARE PLANNING &  
CERTIFICATE OF NEED SECTION,  
Respondent,

and

MH MISSION HOSPITAL, LLLP,  
Respondent-Intervenor.

## ORDER

The following order was entered:

The motion for en banc rehearing filed in this cause on 2 April 2024 and designated "Appellee's Motion for Rehearing En Banc" is decided as follows: having received no votes to allow, the motion is denied.

The Court's stay of its mandate, entered 3 April 2024, is hereby dissolved and the mandate shall be deemed issued as of the date of this order.

By order of the Court this the 8th of May 2024.

WITNESS my hand and official seal this the 8th day of May 2024.

Eugene H. Soar  
Clerk, North Carolina Court of Appeals

Copy to:  
Mr. Matthew A. Fisher, Attorney at Law, For MH Mission Hospital, LLLP. - (By Email)  
Mr. Kenneth L. Burgess, Attorney at Law - (By Email)  
Mr. Iain M. Stauffer, Attorney at Law - (By Email)  
Mr. William F. Maddrey, Attorney at Law - (By Email)

Mr. Frank S. Kirschbaum, Attorney at Law, For Fletcher Hospital Inc., et al - (By Email)  
Mr. Charles George, Attorney at Law - (By Email)  
Mr. Trevor P. Presler, Attorney at Law - (By Email)  
Mr. Derek L. Hunter, Special Deputy Attorney General, For NC Department of Health and Human Services, Division of Health Service Regulation, Health Care Planning & Certificate of Need Section - (By Email)  
Mr. Andrew L. Fitzgerald, Attorney at Law - (By Email)  
Mr. Andrew T. Heath, Attorney at Law - (By Email)  
Ms. Maureen D. Murray, Attorney at Law - (By Email)  
Mr. Lorin J. Lapidus, Attorney at Law - (By Email)  
Ms. Candace S. Friel, Attorney at Law - (By Email)  
Mr. Noah H. Huffstetler, III, Attorney at Law - (By Email)  
Mr. D. Martin Warf, Attorney at Law - (By Email)  
Mr. Nathaniel J. Pencook, Attorney at Law - (By Email)  
The Honorable Director and Chief Administrative Law Judge of Admin. Hearings, Office of Admin. Hearings County