

# United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

August 30, 2023

**Before**

DIANE P. WOOD, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*<sup>1</sup>

No. 20-1664

IVANKA TALEVSKI, as personal  
representative of the Estate of GORGI  
TALEVSKI,  
*Plaintiff-Appellant,*

*v.*

HEALTH AND HOSPITAL CORPORATION  
OF MARION COUNTY, *et. al.*,  
*Defendants-Appellees.*

Appeal from the United States District  
Court for the Northern District of  
Indiana, Hammond Division

No. 2:19 CV 13

James T. Moody,  
*Judge.*

## ORDER

On June 8, 2023, the Supreme Court affirmed the judgment of this court denying the appellees' motion to dismiss this action, which raised claims under the Federal Nursing Home Reform Act, 42 U.S.C. §§ 1396(c)(1)(A)(ii); 1396r(c)(2)(A). See *Health and Hospital Corp. of Marion County v. Talevski*, 599 U.S. \_\_\_, 143 S. Ct. 1444 (2023). On July 10, 2023, we filed a certified copy of the Supreme Court's decision in our docket for the case.

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<sup>1</sup> Circuit Judge Kanne died on June 16, 2022, and did not participate in the issuance of this order, which is being resolved under 28 U.S.C. § 46(d) by a quorum of the panel.

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Pursuant to Seventh Circuit Rule 54, the parties then had 21 days in which to file statements of position indicating what action they believed this court should take on remand. Appellant Talevski filed a timely statement on July 24, 2023, and then filed an amended statement on July 28, 2023. The appellees chose not to file anything.

In light of the Supreme Court's opinion and appellant's Circuit Rule 54 statement, we hereby REMAND this case to the district court for further proceedings consistent with the Court's decision. We DENY appellant's request to invoke Circuit Rule 36 on remand.

SO ORDERED.