

**U.S. District Court
Northern District of Florida (Pensacola)
CIVIL DOCKET FOR CASE #: 3:21-cv-02722-MCR-HTC**

STATE OF FLORIDA v. DEPARTMENT OF
HEALTH AND HUMAN SERVICES et al
Assigned to: JUDGE M CASEY RODGERS
Referred to: MAGISTRATE JUDGE HOPE T
CANNON
Case in other court: USCA, 21-14098
Cause: 05:702 Administrative Procedure Act

Date Filed: 11/17/2021
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures
Act/Review or Appeal of Agency
Decision
Jurisdiction: U.S. Government
Defendant

Plaintiff

STATE OF FLORIDA

represented by **DANIEL WILLIAM BELL**
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V.

Defendant

**DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

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Defendant

XAVIER BECERRA

represented by **JOEL L MCELVAIN**
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Defendant

**UNITED STATES OF
AMERICA**

represented by **JOEL L MCELVAIN**
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ATTORNEY TO BE NOTICED

Defendant

**U.S. CENTERS FOR
MEDICARE AND MEDICAID
SERVICES**

represented by **JOEL L MCELVAIN**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

CHIQUITA BROOKS-LASURE

represented by **JOEL L MCELVAIN**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/17/2021	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number AFLNDC-6550298.), filed by STATE OF FLORIDA. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Exhibit Summonses) (CHRISTMAS, NATALIE) (Entered: 11/17/2021)

11/17/2021	2	MOTION for Preliminary Injunction by STATE OF FLORIDA. (Attachments: # 1 Exhibit AHCA Declaration, # 2 Exhibit DCF Declaration, # 3 Exhibit DOH Declaration, # 4 Exhibit FDC Declaration, # 5 Exhibit FDVA Declaration, # 6 Exhibit APD Declaration) (CHRISTMAS, NATALIE) (Entered: 11/17/2021)
11/18/2021	3	NOTICE of <i>Similar Case</i> by STATE OF FLORIDA (COSTELLO, DAVID) (Entered: 11/18/2021)
11/18/2021	4	Summons Issued as to XAVIER BECERRA, CHIQUITA BROOKS-LASURE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES OF AMERICA. (jfb) (Entered: 11/18/2021)
11/18/2021		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: 2 MOTION for Preliminary Injunction. (jfb) (Entered: 11/18/2021)
11/19/2021	5	NOTICE of Appearance by JOEL L MCELVAIN on behalf of All Defendants (MCELVAIN, JOEL) (Entered: 11/19/2021)
11/20/2021	6	ORDER denying 2 Motion for Preliminary Injunction. Signed by JUDGE M CASEY RODGERS on November 20, 2021. (aow) (Entered: 11/20/2021)
11/22/2021		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: 5 Notice of Appearance for Defendants. (Please see proposed ISO) (jfb) (Entered: 11/22/2021)
11/23/2021	7	INITIAL SCHEDULING ORDER: Fed.R.Civ.P. 7.1 Corporate Disclosure Statement Deadline set for 12/7/2021 . Rule 26 Meeting Report due by 1/6/2022 . Discovery due by 5/18/2022 . Signed by JUDGE M CASEY RODGERS on 11/23/21. (jfb) (Entered: 11/23/2021)
11/23/2021	8	*DOCUMENT FILED USING INCORRECT EVENT. SEE CORRECT DOCKET ENTRY 10 . NOTICE of <i>Appeal</i> by STATE OF FLORIDA re 6 Order on Motion for Preliminary Injunction (COSTELLO, DAVID) Modified on 11/24/2021 (jfb). (Entered: 11/23/2021)
11/23/2021	9	Emergency MOTION for <i>Injunction Pending Appeal</i> by STATE OF FLORIDA. (COSTELLO, DAVID) (Entered: 11/23/2021)

11/24/2021		ACTION REQUIRED BY DISTRICT JUDGE: Chambers of JUDGE M CASEY RODGERS notified that action is needed Re: 9 Emergency MOTION for Injunction Pending Appeal by STATE OF FLORIDA. (COSTELLO, DAVID) (jfi) (Entered: 11/24/2021)
11/24/2021	10	NOTICE OF APPEAL as to 6 Order on Motion for Preliminary Injunction by STATE OF FLORIDA. (Filing fee \$505 Receipt Number AFLNDC-6560164.) (COSTELLO, DAVID) (Entered: 11/24/2021)
11/24/2021	11	Appeal Instructions re: 10 Notice of Appeal : The Transcript Request Form is available on the Internet at http://www.flnd.uscourts.gov/forms/Attorney/ECCA_transcript_form_fillable.pdf **PLEASE NOTE** Separate forms must be filed for each court reporter. Transcript Order Form due by 12/8/2021 . (jfi) (Entered: 11/24/2021)
11/24/2021	12	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 10 Notice of Appeal. (jfi) (Entered: 11/24/2021)
11/24/2021	19	USCA PROCEDURAL LETTER re: 10 NOTICE OF APPEAL as to 6 Order on Motion for Preliminary Injunction by STATE OF FLORIDA. USCA Appeal # 21-14098. (pmc) (Entered: 12/01/2021)
11/27/2021	13	ORDER denying 9 Motion for injunction pending appeal. The Court sua sponte reinstates Floridas request for a preliminary injunction, as stated in its Complaint 1 and previously filed motion 2 , and requires a written response to the motion from Defendants by noon (C.T.) on Tuesday, November 30, 2021. An expedited evidentiary hearing and oral argument are scheduled for Wednesday, December 1, 2021, at 9:00 a.m. (C.T.). Parties may confer and agree to a different start time if they file a notice of their agreed start time, with an indication of the anticipated length of time needed for the hearing, by 5:00 p.m. (C.T.) on Monday, November 29, 2021. Signed by JUDGE M CASEY RODGERS on November 27, 2021. (aow) (Entered: 11/27/2021)
11/27/2021		Set Deadlines/Hearings: Internal deadline for referral to judge re: 13 Order, if response not filed earlier: An expedited evidentiary

		hearing and oral argument are scheduled for Wednesday, December 1, 2021, at 9:00 a.m. (C.T.). Parties may confer and agree to a different start time if they file a notice of their agreed start time, with an indication of the anticipated length of time needed for the hearing, by 5:00 p.m. (C.T.) on Monday, 11/29/2021. A written response to the 2 motion from Defendants due by noon (C.T.) on Tuesday, 11/30/2021). (jfb) (Entered: 11/28/2021)
11/28/2021	14	MOTION to vacate further briefing and hearing on the motion for a preliminary injunction by STATE OF FLORIDA. (COSTELLO, DAVID) (Entered: 11/28/2021)
11/29/2021	15	REFERRAL AND ORDER granting 14 Joint Motion to Vacate Further Briefing and Hearing on Preliminary Injunction. The Court's order, ECF No. 13 , is PARTIALLY VACATED insofar as it sua sponte reinstated the State of Florida's Motion for Preliminary Injunction, required further briefing on the motion, and scheduled an evidentiary hearing. The hearing scheduled for December 1, 2021, is CANCELLED at the parties' joint request. Insofar as the order, ECF No. 13 , denied the request for a preliminary injunction pending appeal, the order is unchanged. A supplemental order will be entered to set out the Court's reasoning with respect to the recently enacted Florida law. Signed by JUDGE M CASEY RODGERS on 11/29/21. (jfb) (Entered: 11/29/2021)
11/30/2021	16	NOTICE of Service by STATE OF FLORIDA (Attachments: # 1 Exhibit Certified Mail Receipts, # 2 Exhibit USPS Tracking) (CHRISTMAS, NATALIE) (Entered: 11/30/2021)
12/01/2021	17	TRANSCRIPT REQUEST by STATE OF FLORIDA Court Reporter:N/A (COSTELLO, DAVID) (Entered: 12/01/2021)
12/01/2021	18	ORDER IN AID OF THE APPEAL. Signed by JUDGE M CASEY RODGERS on 12/01/21. (Order will be transmitted to the Eleventh Circuit as directed.) (jfb) (Entered: 12/01/2021)
12/01/2021	20	Supplemental Record on Appeal transmitted to US Court of Appeals (document 18) re 10 Notice of Appeal (USCA 21-14098). (jfb) (Entered: 12/01/2021)

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