

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

AUGUST DEKKER, et al.,

Plaintiffs,

v.

Case No. 4:22-cv-00325-RH-MAF

JASON WEIDA, et al.,

Defendants.

\_\_\_\_\_ /

**THE STATE’S TRIAL BRIEF**

As required by this Court’s scheduling order, Doc.67 ¶ 15, Defendants Secretary Weida and the Florida Agency for Health Care Administration (collectively, “the State”) provide a trial brief. As contemplated by the order, the State incorporates by reference the facts described and the legal arguments made in its summary-judgment motion. Doc.120.

The summary-judgment motion details the facts of this case, including the federal government’s purported change in position on treatments for gender dysphoria, the GAPMS-drafting process, the rulemaking process, the State’s discovery disputes with WPATH and other organizations, and the international consensus on treatments for gender dysphoria. The motion also presents the State’s legal arguments: how the State’s actions are reasonable under *Rush*, how there’s no Medicaid cause of action under 42 U.S.C. § 1983, and how the State’s actions are constitutional and permissible

under the Affordable Care Act. It also bears mentioning that the exhibits used in the summary-judgment motion overlap with the exhibits that the State will rely upon at trial.

Respectfully submitted by:

/s/ Mohammad O. Jazil  
Mohammad O. Jazil (FBN 72556)  
mjazil@holtzmanvogel.com  
Gary V. Perko (FBN 855898)  
gperko@holtzmanvogel.com  
Michael Beato (FBN 1017715)  
mbeato@holtzmanvogel.com  
zbennington@holtzmanvogel.com  
HOLTZMAN VOGEL BARAN  
TORCHINSKY & JOSEFIK  
119 S. Monroe St. Suite 500  
Tallahassee, FL 32301  
(850) 270-5938  
*Counsel for Defendants.*

Dated: April 28, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2023, I electronically filed the foregoing with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties who have appeared.

/s/ Mohammad O. Jazil  
Mohammad O. Jazil