Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 23-12155-J

Caption:
August Dekker et al. v. Secretary, Florida Agency for Health Care Administration et al.

District and Division: Northern District of Florida, Tallahassee Division
Name of Judge: Judge Hinkle
Nature of Suit: Civil Rights

Date Complaint Filed: 09/07/2022
District Court Docket Number: 4:22-cv-325

Date Notice of Appeal Filed: 06/26/2023
☐ Cross Appeal ☐ Class Action

Has this matter previously been before this court?
☑ Yes ☐ No
If Yes, provide
(a) Caption: In re: Secretary, Florida Agency for Health Care Administration
(b) Citation: 23-11126 (11th Cir. Apr. 21, 2023)
(c) Docket Number: 23-11126

	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: ☐ Plaintiff ☑ Defendant ☐ Other (Specify)	See Attachment A		
For Appellee: ☑ Plaintiff ☐ Defendant ☐ Other (Specify)	See Attachment A		

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
☑ Federal Question	☑ Final Judgment, 28 USC 1291	☐ Dismissal/Jurisdiction	Amount Sought by Plaintiff: $_____
☐ Diversity	☐ Interlocutory Order, 28 USC 1292(a)(1)	☐ Default Judgment	Amount Sought by Defendant: $_____
☐ US Plaintiff	☐ Interlocutory Order Certified, 28 USC 1292(b)	☐ Summary Judgment	Awarded: $_____ to _____
☐ US Defendant	☐ Interlocutory Order, Qualified Immunity	☑ Judgment/Bench Trial	Injunctions:
	☐ Final Agency Action (Review)	☐ Judgment/Jury Verdict	☐ TRO ☐ Preliminary ☑ Granted ☑ Permanent ☐ Denied
	☐ 54(b)	☐ Judgment/Directed Verdict/NOV	
		☑ Injunction	
		☐ Other _____	

 11th Circuit Docket Number: 23-12155-J

Based on your present knowledge:

(1) Does this appeal involve a question of First Impression? ☐ Yes ☑ No
What is the issue you claim is one of First Impression? _____

(2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☑ Yes ☐ No

If Yes, provide
(a) Case Name/Statute Rush v. Parham
(b) Citation 625 F.2d 1150 (5th Cir. 1980)
(c) Docket Number if unreported _____

(3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☑ Yes ☐ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☑ Yes ☐ No

If Yes, provide
(a) Case Name Doe v. Surgeon General, State of Florida
(b) Citation _____
(c) Docket Number if unreported 23-12159-J
(d) Court or Agency Eleventh Circuit (on appeal from Northern District of Florida, Tallahassee Division)

(4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☑ No
(b) Among circuits? ☐ Yes ☑ No

If Yes, explain briefly:

(5) Issues proposed to be raised on appeal, including jurisdictional challenges:

See Attachment A

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 5th DAY OF July, 2023.

Michael Beato
NAME OF COUNSEL (Print)

/s/Michael Beato
SIGNATURE OF COUNSEL

ATTACHMENT A

Attorneys for Appellants / Defendants

Attorney Name	Mailing Address	Telephone, Fax, Email
Beato, Michael	Holtzman Vogel Baran Torchinsky & Josefiak PLLC – Tallahassee, FL 119 S Monroe St., Suite 500 Tallahassee, FL 32301	(850) 566-7610 mbeato@holtzmanvogel.com
Pratt, Joshua	Holtzman Vogel Baran Torchinsky & Josefiak PLLC – Tallahassee, FL 119 S Monroe St., Suite 500 Tallahassee, FL 32301	(850) 566-7610 jpratt@holtzmanvogel.com
Jazil, Mohammad	Holtzman Vogel Baran Torchinsky & Josefiak PLLC – Tallahassee, FL 119 S Monroe St., Suite 500 Tallahassee, FL 32301	(850) 391-0503 mjazil@holtzmanvogel.com
Perko, Gary	Holtzman Vogel Baran Torchinsky & Josefiak PLLC – Tallahassee, FL 119 S Monroe St., Suite 500 Tallahassee, FL 32301	(850) 391-0502 gperko@holtzmanvogel.com

Attorneys for Appellees / Plaintiffs

Attorney Name	Mailing Address	Telephone, Fax, Email
Altman, Jennifer	Pillsbury Winthrop Shaw Etc., LLP – Miami, FL 600 Brickell Ave., Suite 3100	(786) 913-4805 Fax: (786) 913-4901 jennifer.altman@pillsburylaw.com

	Miami, FL 33131	
Charles, Carl	Lambda Legal – Decatur, GA 1 West Court Square, Suite 105 Decatur, GA 30030	(440) 897-1880 ccharles@lamdalegal.org
Chriss, Simone	Southern Legal Council 1229 NW 12th Ave. Gainesville, FL 32601	(352) 271-8890 Fax: (352) 271-8347 simone.chriss@southernlegal.org
Coursolle, Abigail	National Health Law Program – Los Angeles, CA 3701 Wilshire Blvd., Suite 315 Los Angeles, CA 90010	(310) 736-1652 coursolle@healthlaw.org
Debriere, Katherine	Florida Health Justice Project 3900 Richmond St. Jacksonville, FL 32205	(352) 278-6059 debriere@floridahealthjustice.org
Dunn, Chelsea	Southern Legal Counsel 1229 NW 12th Ave. Gainesville, FL 32601	(352) 271-8890 chealsea.dunn@southernlegal.org
Gonzalez-Pagan, Omar	Lambda Legal – New York, NY 120 Wall St., 19th Floor New York, NY 10005	(212) 809-8585 ogonzalez-pagan@lambdalegal.org
Little, Joseph	Pillsbury Winthrop Shaw Etc., LLP – Sacramento, CA 500 Capitol Mall, Suite 1800 Sacramento, CA 95814	(916) 704-4853 joe.little@pillsburylaw.com
McKee, Catherine	National Health Law Program – Chapel Hill, NC 1512 E Franklin St., Suite 110 Chapel Hill, NC 27514	(919) 968-6308 mckee@healthlaw.org

Miller, William	Pillsbury Winthrop Shaw Etc., LLP – Washington, DC 1200 17th St. NW Washington, DC 20036	(202) 663-9455 william.c.miller@pillsburylaw.com
Rivaux, Shani	Pillsbury Winthrop Shaw Etc., LLP – Miami, FL 600 Brickell Ave., Suite 3100 Miami, FL 33131	(786) 913-4805 Fax: (786) 913-4901 shani.rivaux@pillsburylaw.com
Shaw, Gary	Pillsbury Winthrop Shaw Etc., LLP – Washington, DC 1200 17th St. NW Washington, DC 20036	(304) 612-4708 gary.shaw@pillsburylaw.com

Based on Present Knowledge:

(5) Issues proposed to be raised on appeal, including jurisdictional challenges:

- Whether the Equal Protection Clause was violated in this case.
- Whether Section 1557 of the Patient Protection and Affordable Care Act was violated in this case.
- Whether provisions of the Medicaid Act were violated in this case.