

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

W.B., a minor child by and through  
his father and legal guardian DAVID B.,  
and A.W., a minor child by and through  
her mother and legal guardian,  
BRITTANY C., on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

Case No. 3:21-cv-771-MMH-PDB

SIMONE MARSTILLER, in her  
official capacity as Secretary for the  
Florida Agency for Health Care  
Administration,

Defendant.

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**ORDER**

**THIS CAUSE** is before the Court on A.W.’s Motion for Preliminary Injunction (Doc. 4; A.W.’s Motion) and W.B.’s Motion for a Preliminary Injunction (Doc. 5; W.B.’s Motion), filed on August 6, 2021 (collectively, “the Motions”). In the Motions, Plaintiffs request that the Court “enter a preliminary injunction prohibiting Defendant from applying its medical necessity standard set for[th] in Fla. Admin. Code R. 59G-1.010,” and requiring Defendant to evaluate Plaintiffs’ requests pursuant to the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) provisions of the federal

Medicaid Act found at 42 U.S.C. §§ 1396a(a)(43) & 1396d(r). See A.W. Motion at 2, 17-18; see W.B. Motion at 2, 17-18. Upon review of the Motions, it appears that Plaintiffs have not fully complied with the requirements of Local Rule 6.02, United States District Court, Middle District of Florida (Local Rule(s)), which, along with Rule 65 of the Federal Rules of Civil Procedure (Rule(s)), governs the entry of preliminary injunctive relief. Local Rule 6.02(a)(1) requires the party applying for a preliminary injunction to comply with certain procedural requirements set forth in Local Rule 6.01(a). See Local Rule 6.02(a)(1). Among other requirements, for example, a request for injunctive relief must include “a precise and verified explanation of the amount and form of the required security” which must be posed pursuant to Rule 65(c) as well as “a proposed order.” See Local Rule 6.01(a)(1)-(5). Accordingly, the Court will direct Plaintiffs to file a supplement which brings the Motions into compliance with the Local Rules.<sup>1</sup> In addition, the Court will direct Plaintiffs to promptly effect service of process on Defendant and to file a notice with the Court advising that service has been accomplished. In light of the foregoing, it is


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<sup>1</sup> The Court’s identification of certain deficiencies in the instant Motions should not be interpreted as a determination that all other requirements have been satisfied. Instead, counsel should review Rule 65 and the Local Rules and assure that any supplemental filing brings the Motion into full compliance.

**ORDERED:**

1. A.W.'s Motion for Preliminary Injunction (Doc. 4) and W.B.'s Motion for a Preliminary Injunction (Doc. 5) are **TAKEN UNDER ADVISEMENT**.
2. Plaintiffs shall promptly file supplements which bring the Motions into full compliance with the Local Rules of this Court.
3. Plaintiffs shall promptly effect service of process on Defendant and file a notice with the Court advising that service has been accomplished.

**DONE AND ORDERED** in Jacksonville, Florida, on August 9, 2021.

  
**MARCIA MORALES HOWARD**  
United States District Judge

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Copies to:

Counsel of Record