

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.

MOTION FOR PROTECTIVE ORDER

Defendants Secretary Weida and the Florida Agency for Health Care Administration (the “Agency”) move this Court to issue a protective order and prevent the deposition of Secretary Weida. The accompanying memorandum explains the bases for the motion.

Dated: March 15, 2023

Respectfully submitted by:

/s/ Mohammad O. Jazil
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 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

MEMORANDUM

At 5:21pm, on March 8, 2023, Plaintiffs served Defendants with a notice to depose Secretary Weida. *See* Exhibit A at 7-8. The fact-discovery cutoff in the case was March 10, 2023. *See* Doc. 107 at 1. Plaintiffs had never before mentioned the need to depose Secretary Weida, though they had previously sought the deposition of Andrew Sheeran, the Agency's General Counsel, *see* Exhibit B at 1-2, and suggested that the Agency's outside counsel also sit for a deposition. *See* Exhibit C at 1-3. The apex doctrine bars Plaintiffs from taking Secretary Weida's deposition and, under the circumstances, the deposition notice's timing is unreasonable.

BACKGROUND

To date, Plaintiffs have deposed three agency employees: Jeffrey English, Ann Dalton, and Matt Brackett. Plaintiffs deposed Mr. English on January 23, 2023. The next day, on January 24, 2023, Plaintiffs deposed Ms. Dalton, the Bureau Chief of Medicaid Policy. Then Plaintiffs deposed Mr. Brackett, the author of the Agency's GAPMS Report and the Agency's 30(b)(6) designee. Mr. Brackett's first deposition was on February 8, 2023, and his second deposition was on March 8, 2023. Among other things, these employees provided Plaintiffs with information concerning the GAPMS process, as well as the rulemaking process for Rule 59G-1.050(7). Other employees that Plaintiffs could have *attempted* to depose were Cody Farrill (who was then the Agency's Chief of Staff), Tom Wallace (who was and continues to be a Deputy Secretary for the Agency), Devona Pickle (a Program Director who assisted in the rulemaking process),

and Nai Chen (a Pharmacist who assisted in the rulemaking process and who, at one point, Plaintiffs suggested they would depose).

Plaintiffs also set for deposition of Andrew Sheeran, the Agency's General Counsel, though attorney depositions are highly disfavored. *See* Exhibit B; *see also* *Covington v. Walgreen Co.*, 2012 WL 2120776, at *3 (S.D. Fla. June 11, 2012). The parties reached an agreement where Plaintiffs would provide Mr. Sheeran with written questions in lieu of being deposed. *See* Exhibit B. Defendants sent no questions.

Plaintiffs intimated that they would depose outside counsel of record for Defendants as fact witnesses if they "wrote the initial rule and/or had any role in the drafting of the rule at issue in this case." *See* Exhibit C. Outside counsel did not, and so those depositions did not happen. *Id.*

Now Plaintiffs attempt to depose Secretary Weida. When the Agency began the GAPMS and rulemaking processes, Secretary Weida served as the Assistant Deputy Secretary for Medicaid Policy and Medicaid Quality. *See* Exhibit D at ¶ 6. As the process proceeded, on September 12, 2022, he assumed the role of Chief of Staff. *Id.* at ¶ 7. In January, he became the Agency's Interim Secretary and then Secretary. *Id.* at ¶ 3. As the current agency head, Secretary Weida is responsible for running the Agency, leading its personnel, securing its budget, and overseeing over 1,500 employees. *Id.* at ¶ 4. A deposition would be highly disruptive to Secretary Weida, not only as an agency head, but also with the Florida Legislature in session. *Id.* at ¶¶ 13-14.

Regarding Secretary Weida’s deposition, Plaintiffs and Defendants have reached an impasse on whether the deposition is appropriate. *See* Exhibit A at 1. It is not. The apex doctrine and the fact-discovery cutoff serve as independent bars.

LEGAL STANDARD

Federal Rule of Civil Procedure 26(b)(1) limits discovery to “nonprivileged matter[s] that [are] relevant” “and proportional to the needs of the case,” balancing, among other things, “whether the burden” “of the proposed discovery outweighs its likely benefit.” Rule 26(c)(1)(B) provides that a court may, “for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including” “specifying terms, including time and place, for the” “discovery.” *Id.* A court may also “prescribe[] a discovery method other than the one selected by the party seeking discovery.” Fed. R. Civ. P. 26(c)(1)(C).

DISCUSSION

I. The apex doctrine bars Secretary Weida’s deposition.

A. It is well settled that, under the apex doctrine or “*Morgan*” doctrine, involuntary depositions of high-ranking government officials are presumptively barred absent “extraordinary circumstances or a ‘special need’ for compelling the appearance of a high-ranking officer in a judicial proceeding.” *In re United States* (“*EPA Adm’r*”), 624 F.3d 1368, 1373 (11th Cir. 2010); *see also United States v. Morgan*, 313 U.S. 409, 422 (1941) (observing that the Secretary of Agriculture “should never have been subjected to [a deposition]”); *In re United States* (“*Att’y Gen.*”), 197 F.3d 310, 312-13 (8th Cir. 1999)

(barring testimony of the Attorney General and the Deputy Attorney General); *In re Paxton*, 53 F.4th 303, 309-10 (5th Cir. 2022) (staying attorney general’s deposition).

The reason for imposing a high bar to deposing high-ranking officials is “obvious.” *In re United States* (“*FDA Comm’r*”), 985 F.2d 510, 512 (11th Cir. 1993). “High ranking government officials have greater duties and time constraints than other witnesses.” *Id.* If high-ranking officials must “testify in every case,” then their “time would be monopolized by preparing and testifying in such cases.” *Id.*

High-ranking officials include executive agency leaders, like agency secretaries and senior-level officials. *E.g.*, *In re U.S. Dep’t of Educ.*, 25 F.4th 692, 706 (9th Cir. 2022) (barring deposition of the former Secretary of Education); *Lederman v. N.Y.C. Dep’t of Parks & Recreation*, 731 F.3d 199, 203 (2d Cir. 2013) (affirming order barring deposition of the New York City Mayor and the former Deputy Mayor); *In re Cheney*, 544 F.3d 311, 314 (D.C. Cir. 2008) (barring depositions of the Chief of Staff to the Vice President); *Bogan v. City of Boston*, 489 F.3d 417, 424 (1st Cir. 2007) (affirming order barring deposition of the Boston Mayor); *In re FDIC*, 58 F.3d 1055, 1060 (5th Cir. 1995) (barring deposition of FDIC directors); *In re Murthy*, No. 22-30697 (5th Cir. Jan. 5, 2023) (staying press secretary’s deposition); *Coleman v. Schwarzenegger*, 2008 WL 43300437, at *4 (E.D. Cal. Sept. 15, 2008) (barring deposition of Chief of Staff of California Governor).

To overcome the apex doctrine’s burden, Plaintiffs must make a strong showing of “extraordinary circumstances” and “special need” based on the “record” evidence. *EPA Adm’r*, 624 F.3d at 1372; *EEOC v. Exxon Corp.*, 1998 WL 50464, at *1 (N.D. Tex.

Jan. 20, 1998) (requiring a “strong showing”). That requires two things: first, Plaintiffs must “identify with particularity the information they need[.]” *Lederman*, 731 F.3d at 203. Such information cannot be merely relevant; it must be “essential to the claims alleged by plaintiffs” and “absolutely needed for [the] case.” *In re U.S. Dep’t of Educ.*, 25 F.4th at 703-04; *see also DOJ*, 197 F.3d at 312-13 (requiring the same showing). Second, Plaintiffs must proffer evidence that the high-ranking official “ha[s] first-hand knowledge” of that essential information that “[can]not be obtained elsewhere.” *Lederman*, 731 F.3d at 203. Under Eleventh Circuit caselaw, the availability of ““alternate witnesses”” bars discovery of the high-ranking official. *EPA Adm’r*, 624 F.3d at 1373 (quoting *FDA Adm’r*, 985 F.2d at 512).

B. To begin, the apex doctrine applies to and protects Secretary Weida. Right now, he is the Secretary for the Agency, and the apex doctrine protects him in his current role.

Plaintiffs rely on non-binding authority to suggest that the doctrine “may be invoked only when the deponent has been noticed for deposition because of his corporate position,” and that the doctrine exists to prevent “unwarranted inquiries into the decision-making process.” Exhibit A at 2 (quoting *Simon v. Bridewell*, 905 S.W. 2d 439, 442 (Tex. App. 1997); *City of Fort Lauderdale v. Scott*, 2012 WL 760743, at *2 (S.D. Fla. Mar. 7, 2012)). But Plaintiffs neglect that the doctrine is largely predicated on high-ranking officials’ *current* inability to participate in judicial proceedings: “[h]igh ranking

government officials have greater duties and time constraints than other witnesses”; their “time is very valuable.” *FDA Adm’r*, 985 F.2d at 512.

Even if the apex doctrine comes with some relationship-back concept to the moment when the Agency was formulating its action, and the Agency maintains that it does not, Secretary Weida was still protected as Chief of Staff Weida and Assistant Deputy Secretary Weida. In both those roles, he was still a high-ranking, senior-level official in the Agency who assisted in promulgating the at-issue rule. Exhibit D at ¶¶ 6-8. The apex doctrine applies to such officials. *See e.g., Coleman*, 2008 WL 43300437, at *4 (barring deposition of Chief of Staff of California Governor); *id.* at *24 (citing cases that senior government officials are protected by the apex doctrine).

C. Because the doctrine applies to Secretary Weida, and applied to him in his roles as Chief of Staff and Assistant Deputy Secretary, Plaintiffs must show that the information they seek from him is “essential” to their case. “Without establishing this foundation, exceptional circumstances cannot be shown”; otherwise, courts would “risk distracting [high-ranking officials] from their essential duties with an inundation of compulsory, unnecessary depositions.” *In re U.S. Dep’t of Educ.*, 25 F.4th at 703 (cleaned up) (quoting *Att’y Gen.*, 197 F.3d at 312-13).

To be sure, Secretary Weida cannot be deposed for generalized “facts relevant to Defendants’ adoption of the Challenged Exclusion.” Exhibit A at 2. It is not enough for Plaintiffs to assert that Secretary Weida’s testimony is “merely relevant” to their claims. *McNamee*, 2012 WL 1665873, at *1. Plaintiffs need to show more.

At most, in this case, Plaintiffs state that a deposition is needed because Secretary Weida worked with outside consultants during the rulemaking process. Exhibit A at 2. Yet communications with outside consultants are not essential to the case. As this Court has stressed many times over, the central issue here is whether, *based on current medical knowledge*, the State reasonably determined that certain treatments for gender dysphoria are experimental. Doc.64 at 4. Discussions with outside consultants during the rulemaking process shed no light on that question. *See Rush v. Parham*, 625 F.2d 1150, 1157 n.13 (5th Cir. 1980) (“We think it a simple matter of logic that the district court’s determination should be based *on current medical opinion, regardless of the prevailing knowledge at the time of plaintiff’s application.*” (emphasis added)).

Though it has been suggested that the Eleventh Circuit’s decision in *Garrido v. Dudek*, 731 F.3d 1152 (11th Cir. 2013), broadens the scope of the *Rush* analysis, with respect, *Garrido* neither adds to nor subtracts from *Rush*. This is for two reasons.

First, the Eleventh Circuit never mentioned or cited *Rush* when deciding the narrow issue in *Garrido* that concerned the *scope* of the district court’s permanent injunction and declaratory judgment. The *bases* of the injunction and judgment were not appealed, *id.* at 1158, and the Eleventh Circuit never opined on those issues. *See generally Support Working Animals, Inc. v. Governor of Fla.*, 8 F.4th 1198, 1202 (11th Cir. 2021) (declining to opine on an issue not briefed by the parties).

Second, *Garrido*’s *purported* holding—that agency actions should undergo an arbitrary, capricious, and unreasonable “administrative review”—would overrule the

earlier decision. *Rush* is a pragmatic opinion that acknowledges a State’s role in shaping healthcare and welfare policy, 625 F.2d at 1154, and focuses the judicial inquiry on the decision reached, not the decisionmaking process. *Id.* at 1157 n.13. A less-than-perfect process that reached a reasonable decision would satisfy *Rush* because the inquiry focuses on *current* medical opinion, not *prevailing knowledge at the time of an application*. *Id.* But, under *Garrido*’s purported holding, a less-than-perfect process that reached the right, reasonable decision would not satisfy an arbitrary, capricious, or unreasonable “administrative review.” This backward-looking, process-oriented approach would effectively overrule *Rush*, even though a three-judge appellate panel cannot overrule prior panel decisions. *See United States v. Brown*, 342 F.3d 1245, 1246 (11th Cir. 2003).

All of this is to say that *Garrido* does not—and cannot—affect the controlling *Rush* analysis in this case. Communications with outside consultants—the principal reason for deposing Secretary Weida—are not essential to the central issue in this case. And so, Plaintiffs fail to show an entitlement to depose Secretary Weida.

C. What is more, Plaintiffs cannot show that the information they seek from Secretary Weida cannot be, or has not been, discovered through less burdensome means. Plaintiffs must do more than generally assert that they are “unable to obtain the information” through other means. *FDIC*, 58 F.3d at 1061. “Exhaustion of all reasonable alternative sources is required.” *In re U.S. Dep’t of Educ.*, 25 F.4th at 704. “[I]f other persons can provide the information sought, discovery will not be permitted against [a high-ranking] official.” *In re U.S. Dep’t of Educ.*, 25 F.4th at 704 (quoting *Att’y*

Gen., 197 F.3d at 312-14). The Eleventh Circuit has also said that the availability of “alternate witnesses” “weigh[s] against” compelling the high-ranking official’s deposition. *FDA Comm’r*, 985 F.2d at 512; *see also EPA Adm’r*, 624 F.3d at 1373 (holding that the district court abused its discretion in ordering the EPA Administrator to appear at a hearing and then denying the request to allow a lower-ranking EPA official to appear as a substitute).

Again, Plaintiffs mainly focus on Secretary Weida’s communications with outside consultants and reference two emails between Secretary Weida and the outside consultants to support this contention. *See* Exhibit A at 2 (referencing DEF_000291486 / AHCA0122318 (Exhibit E) and DEF_000291186 / AHCA0119657 (Exhibit F)). Even a cursory look at those emails shows that Secretary Weida kept other agency employees in the loop on his conversations: Mr. Brackett, Mr. Sheeran, Mr. Chen, and Ms. Pickle. It follows that information about the Agency and the outside consultants’ relationship is not purely known to Secretary Weida. That information could have been “obtained elsewhere.” *Lederman*, 731 F.3d at 203.

Plaintiffs failed to exhaust the many sources of alternative information. In addition to other agency deponents, Plaintiffs could have sought depositions of the outside consultants themselves (some of whom are experts in the litigation and already set for deposition). They could have submitted written questions to Mr. Sheeran consistent with the parties’ prior agreement, but never did. *See* Exhibit B. At the very least, Plaintiffs could have used all twenty-five interrogatories (as opposed to just

nineteen) and asked Secretary Weida and the Agency their questions about the outside-consultant conversations or more specific questions about the at-issue rule. *See In re U.S. Dep't of Educ.*, 25 F.4th at 704 (holding that “Plaintiffs did not exhaust their alternatives here” because, in part, “they did not use all of their interrogatories”).

In sum, the apex doctrine applies to Secretary Weida. Plaintiffs have failed to make the necessary showing to overcome the doctrine.

II. Secretary Weida’s deposition is untimely.

Separately, Plaintiffs were late in seeking Secretary Weida’s deposition. This Court set this case on an accelerated schedule and, as later modified, set March 10, 2023 as the discovery cutoff. *See* Doc. 107 at 1. Plaintiffs served a deposition notice one business day before that cutoff. This notice was unreasonable for purposes of Federal Rule of Civil Procedure 30(b). *See, e.g., In re Sulfuric Acid Antitrust Litig.*, 231 F.R.D. 320, 327-28 (N.D. Ill. 2005) (ten days’ notice for a deposition near the discovery deadline was unreasonable); *Middlebrooks v. Equifax, Inc.*, 2021 U.S. Dist. LEXIS 257512, at *1 (N.D. Ga. Dec. 14, 2021) (four days’ notice for a deposition on the last day of an extended discovery period was unreasonable).

All told, Plaintiffs were aware that Secretary Weida was involved in the rulemaking process as early as July 8, 2022. *See* Exhibit D at ¶¶ 9-11 (noting that Secretary Weida was a panelist during the July 8 rule hearing); Doc. 84-1 at 3-4 (Brackett declaration noting that Plaintiffs counsel were present at that hearing). Plaintiffs nevertheless waited until the very end of extended fact discovery, after obtaining

thousands of agency documents, and after conducting several agency-employee depositions, to try to depose him on non-essential issues.

CONCLUSION

Secretary Weida's deposition should not take place.

Dated: March 15, 2023

Respectfully submitted by:

/s/ Mohammad O. Jazil
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(850) 270-5938

Counsel for Defendants

LOCAL RULE 7.1(B) CERTIFICATION

The undersigned certifies that he attempted in good faith to resolve the issues raised in this motion through a meaningful conference with Plaintiffs' counsel.

/s/ Mohammad O. Jazil
Mohammad O. Jazil

LOCAL RULE 7.1(F) CERTIFICATION

The undersigned certifies that this memorandum contains 2,629 words, excluding the case style and certifications.

/s/ Mohammad O. Jazil
Mohammad O. Jazil

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 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

From: [Mohammad O. Jazil](#)
To: [Omar Gonzalez-Pagan](#); [Little, Joe](#); [Gary V. Perko](#); [Michael Beato](#); [John Cycon](#)
Cc: [Altman, Jennifer](#); [Rivaux, Shani](#); [Miller, William C.](#); [Shaw, Gary J.](#); [Garcia, Soraya M.](#); [Carl Charles](#); [Chelsea Dunn](#); [Simone Chriss](#); [Katy DeBriere](#); [Abigail Coursolle](#); [Catherine McKee](#)
Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida
Date: Tuesday, March 14, 2023 11:01:44 AM
Attachments: [image001.png](#)
[image002.png](#)

Omar—

Many thanks to you for sharing the material and talking through the issues with me. My clients have decided to file a motion for protective order. I'll have that motion on file before the end of the day tomorrow. Perhaps we can revisit the question of Secretary Weida's availability after the Court decides the issue.

-Mo

From: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>
Sent: Monday, March 13, 2023 7:44 PM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Little, Joe <joe.little@pillsburylaw.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John Cycon <jcycon@HoltzmanVogel.com>
Cc: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Miller, William C. <william.c.miller@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Garcia, Soraya M. <soraya.garcia@pillsburylaw.com>; Carl Charles <CCharles@lambdalegal.org>; Chelsea Dunn <chelsea.dunn@southernlegal.org>; Simone Chriss <simone.chriss@southernlegal.org>; Katy DeBriere <debriere@floridahealthjustice.org>; Abigail Coursolle <coursolle@healthlaw.org>; Catherine McKee <mckee@healthlaw.org>
Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida

Mo,

Thank you for the meet and confer this morning. I hope the below and the discussion are sufficient to illustrate how the apex doctrine is inapplicable here. As per our discussion, we are willing to limit the time for the deposition, to do the deposition remotely, and to stipulate the timeframe for the deposition (i.e. before Mr. Weida became AHCA Secretary). I understand you need to consult with your client as to your next steps. That said, and in order to keep the ball rolling, given that last Thursday and Friday did not work for Mr. Weida, we were hoping you could provide us his availability so we may reschedule last Friday's deposition. Can you please let us which days Mr. Weida is available?

Thank you,

Omar

Omar Gonzalez-Pagan

Pronouns: He/Him/His

Lambda Legal

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Lambda Legal: Making the case for equality

From: Omar Gonzalez-Pagan

Sent: Monday, March 13, 2023 9:47 AM

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Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida

Mo,

Following up on our conversation. As you are aware, emails show that Mr. Weida was the person who worked directly with the external consultants hired by AHCA to justify the Challenged Exclusion. For example, in many instances Mr. Weida was the *only* person to communicate with the defendants' consultants, including providing input on the draft of the reports. *See, e.g.*, DEF_000291486 (providing feedback to Dr. Cantor); DEF_000291186 (communicating with Dr. Van Meter). All of this occurred *prior to Mr. Weida becoming AHCA Secretary*.

Defendants have suggested that they may seek a protective order, under the apex doctrine. To be sure, the apex doctrine applies to agency heads whose deposition testimony is sought *in their capacities as agency heads*. However, the testimony sought from Mr. Weida concerns his involvement with the Challenged Exclusion prior to becoming of AHCA Secretary. I am unaware of any case applying the apex doctrine in such context. To the contrary, "the doctrine may be invoked only when the deponent has been noticed for deposition because of his corporate position." *Simon v. Bridewell*, 950 S.W.2d 439, 442 (Tex. App. 1997). In other words, the apex doctrine, which exists in part to prevent "unwarranted inquiries into [the] decision-making process" of an agency head, *City of Fort Lauderdale v. Scott*, 2012 WL 760743, at *2 (S.D. Fla. Mar. 7, 2012), does not apply.

All that said, even if the apex doctrine were to apply, there is no reason why Mr. Weida's deposition should not proceed. In such inapplicable scenario, "[t]he question, then, is whether the likelihood that [the sheriff] has personal knowledge of pertinent facts is sufficiently remote to constitute good cause to proscribe his deposition with a protective order or by other means available." *Greater Birmingham Ministries v. Merrill*, 321 F.R.D. 406, 409 (N.D. Ala. 2017) (citing *Gray v. Kohl*, 2008 WL 1803643, at *1 (S.D. Fla. Apr. 21, 2008)). Here, however, Mr. Weida has **unique, first-hand knowledge** of certain facts relevant to Defendants' adoption of the Challenged Exclusion. Mr. Weida was the person who worked directly with the agency's consultants, and it seems the primary and at times only agency contact with them. That alone is sufficient for the deposition to proceed and for the apex doctrine to not apply.

What is more, Plaintiffs have sought discovery by other means including written discovery and the deposition of the agency's 30(b)(6) witness, and that has failed to provide the necessary information. For example, Mr. Brackett, as the agency's 30(b)(6) witness, testified that the decision to contract with the consultants to prepare their reports was made solely by Mr. Weida and that the determination that the consultants had the appropriate backgrounds to write the reports was made by Mr. Weida and General Counsel Tamayo. *See* 30(b)(6) Dep. (Vol. 1) Tr. 129:1-14. And Mr. Brackett, as the agency's 30(b)(6) witness, was unable to provide detailed answers about how AHCA selected its consultants. *See, e.g.*, 30(b)(6) Dep. (Vol. 2) Tr. 112; Agency Responses to Plaintiffs' Questions: March 1, 2023 ("Agency staff engaged in verbal communications with individuals that were referred by Dr. Michelle Cretella and do not recall the names of those individuals that were consulted."). Moreover, the decision not to send an entire plan transmittal regarding the Challenged Exclusion was made exclusively by Mr. Weida, and Mr. Brackett provided no further explanation as to the why except to say it "was pretty self-explanatory" even though the transmittal had been drafted. *See* 30(b)(6) Dep. (Vol. 1) Tr. 214:25-215:9, 219:8-11.

Thanks,

Omar

Omar Gonzalez-Pagan

Pronouns: He/Him/His

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Lambda Legal: Making the case for equality

From: Mohammad O. Jazil <mjazil@holtzmanvogel.com>

Sent: Friday, March 10, 2023 6:50 PM

To: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Little, Joe <joe.little@pillsburylaw.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John Cycon <jcycon@HoltzmanVogel.com>

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Subject: Re: Plaintiffs' Notice of Deposition of Jason Weida

Great. I'll give you a call at 10am Monday. Please do send that apex doctrine case (or cases) we discussed. Safe travels back from Seattle.

Get [Outlook for iOS](#)

From: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>

Sent: Friday, March 10, 2023 6:46:17 PM

To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Little, Joe <joe.little@pillsburylaw.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John

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Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida

Yes, ***not waived.*** Forgive the typo.

Omar Gonzalez-Pagan

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Lambda Legal: Making the case for equality

From: Mohammad O. Jazil <mjazil@holtzmanvogel.com>

Sent: Friday, March 10, 2023 6:45 PM

To: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Little, Joe <joe.little@pillsburylaw.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John Cycon <jcycon@HoltzmanVogel.com>

Cc: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Miller, William C. <william.c.miller@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Garcia, Soraya M. <soraya.garcia@pillsburylaw.com>; Carl Charles <CCharles@lambdalegal.org>; Chelsea Dunn <chelsea.dunn@southernlegal.org>; Simone Chriss <simone.chriss@southernlegal.org>; Katy DeBriere <debriere@floridahealthjustice.org>; Abigail Coursolle <coursolle@healthlaw.org>; Catherine McKee <mckee@healthlaw.org>

Subject: Re: Plaintiffs' Notice of Deposition of Jason Weida

Omar, I think you meant "not waived," per our conversation.

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From: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>

Sent: Friday, March 10, 2023 6:25:23 PM

To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Little, Joe <joe.little@pillsburylaw.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John Cycon <jcycon@HoltzmanVogel.com>

Cc: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Miller, William C. <william.c.miller@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Garcia, Soraya M. <soraya.garcia@pillsburylaw.com>; Carl Charles <CCharles@lambdalegal.org>; Chelsea Dunn <chelsea.dunn@southernlegal.org>; Simone Chriss <simone.chriss@southernlegal.org>; Katy DeBriere <debriere@floridahealthjustice.org>;

Abigail Coursolle <coursolle@healthlaw.org>; Catherine McKee <mckee@healthlaw.org>

Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida

Mo,

Following up on this as per our conversation yesterday and given Defendants' representation of Mr. Weida, we cancelled the deposition for today. I understand that defendants have now waived their ability to seek a protective order based on the apex doctrine (nor on timing), but we agreed to meet and confer further to see if there is a mutually agreeable time for the deposition.

Can we meet and confer on this on Monday?

Omar

Omar Gonzalez-Pagan

Pronouns: He/Him/His

Lambda Legal

Email: ogonzalez-pagan@lambdalegal.org | Mobile: (617) 686-3464

Lambda Legal: Making the case for equality

From: Omar Gonzalez-Pagan

Sent: Wednesday, March 8, 2023 6:56 PM

To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Little, Joe <joe.little@pillsburylaw.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John Cycon <jcycon@HoltzmanVogel.com>

Cc: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Miller, William C. <william.c.miller@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Garcia, Soraya M. <soraya.garcia@pillsburylaw.com>; Carl Charles <CCharles@lambdalegal.org>; Chelsea Dunn <chelsea.dunn@southernlegal.org>; Simone Chriss <simone.chriss@southernlegal.org>; Katy DeBriere <debriere@floridahealthjustice.org>; Abigail Coursolle <coursolle@healthlaw.org>; Catherine McKee <mckee@healthlaw.org>

Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida

Mo,

Thank you for the email below.

First, we are happy and willing to meet and confer regarding the timing, while we noticed the deposition for Friday given the timing of the discovery deadlines. Judge Hinkle expressed his approval during the MTC hearing for some depositions to occur past that deadline if needed. In short, as to timing, we are willing to confer to find a time that works for all parties.

Second, as to the apex doctrine, we do not believe it is applicable. Mr. Weida was not the agency head during the relevant time period. Indeed, he became AHCA Secretary *months after* the initiation

of this case and almost half a year after the promulgation of the challenged exclusion. In other words, Mr. Weida is a fact witness *regardless of his current role*. We do not intend to ask questions about actions undertaken as head of an agency but rather about his firsthand knowledge of actions he personally took relating to the Challenged Exclusion prior to his becoming secretary.

I am currently on a flight and not able to connect by phone for the next 4 hours. But remain available via email during that time.

Omar

Omar Gonzalez-Pagan

Pronouns: He/Him/His

Lambda Legal

Email: ogonzalez-pagan@lambdalegal.org | Mobile: (617) 686-3464

Lambda Legal: Making the case for equality

From: Mohammad O. Jazil <mjazil@holtzmanvogel.com>

Sent: Wednesday, March 8, 2023 5:54 PM

To: Little, Joe <joe.little@pillsburylaw.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John Cycon <jcycon@HoltzmanVogel.com>

Cc: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Miller, William C. <william.c.miller@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Garcia, Soraya M. <soraya.garcia@pillsburylaw.com>; Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Carl Charles <CCharles@lambdalegal.org>; Chelsea Dunn <chelsea.dunn@southernlegal.org>; Simone Chriss <simone.chriss@southernlegal.org>; Katy DeBriere <debriere@floridahealthjustice.org>; Abigail Coursolle <coursolle@healthlaw.org>; Catherine McKee <mckee@healthlaw.org>

Subject: RE: Plaintiffs' Notice of Deposition of Jason Weida

Dear friends—

I'm having difficulty seeing how this notice provides reasonable notice for purposes of Rule 30 when the deponent is an agency head who must attend to his usual duties and, given the ongoing legislative session, secure a budget for his agency, etc.

Also, I don't see how or for what reason the apex doctrine has been overcome here. If there's some deficiency in Rule 30(b)(6) deponent's testimony, the bulk of that testimony happened almost a month ago. We supplemented that testimony with written responses and another 30(b)(6) session today. If there's some other piece of information that's missing, we can talk about that, but that's separate from setting a sitting agency head for a deposition two days before the close of fact discovery.

I welcome your thoughts on this surprise notice.

-Mo

From: Little, Joe <joe.little@pillsburylaw.com>

Sent: Wednesday, March 8, 2023 5:21 PM

To: Mohammad O. Jazil <mjazel@holtzmanvogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; John Cycon <jcycon@HoltzmanVogel.com>

Cc: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Miller, William C. <william.c.miller@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Garcia, Soraya M. <soraya.garcia@pillsburylaw.com>; Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Carl Charles <CCharles@lambdalegal.org>; Chelsea Dunn <chelsea.dunn@southernlegal.org>; Simone Chriss <simone.chriss@southernlegal.org>; Katy DeBriere <debriere@floridahealthjustice.org>; Abbi Coursole <coursole@healthlaw.org>; Catherine McKee <mckee@healthlaw.org>

Subject: Plaintiffs' Notice of Deposition of Jason Weida

Counsel,

Please see the attached Notice of Deposition.

Thank you,

Joe

Joe Little | Associate

Pillsbury Winthrop Shaw Pittman LLP

500 Capitol Mall, Suite 1800 | Sacramento, CA 95814-4741

t +1.916.329.4731 | m +1.916.704.4853

joe.little@pillsburylaw.com | [website bio](#)

AUSTIN BEIJING HONG KONG HOUSTON LONDON LOS ANGELES
MIAMI NASHVILLE NEW YORK NORTHERN VIRGINIA PALM BEACH
SACRAMENTO SAN DIEGO SAN FRANCISCO SHANGHAI
SILICON VALLEY TAIPEI TOKYO WASHINGTON, DC



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From: [Mohammad O. Jazil](#)
To: [Omar Gonzalez-Pagan](#)
Subject: RE: Florida Medicaid Litigation / Andrew Sheeran Deposition
Date: Sunday, February 26, 2023 12:35:24 PM

Omar, the modified agreement works for us. Hope all is well, Mo.

From: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>
Sent: Wednesday, February 22, 2023 11:24 PM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>
Subject: RE: Florida Medicaid Litigation / Andrew Sheeran Deposition

Mo,

Please find below the agreement as modified:

The parties agree that AHCA's General Counsel, Andrew Sheeran, will not sit for a deposition on February 27, 2023. To avoid litigation concerning the appropriateness of deposing an agency's general counsel, the Plaintiffs will submit written questions to Mr. Sheeran consistent with the process outlined in Federal Rule of Civil Procedure 31; however, in a deviation from Rule 31, (1) the Plaintiffs will propose a truncated timeframe to allow for the process to proceed consistent with the scheduling order in this case, (2) there will be no oral questioning of Mr. Sheeran in a deposition, and (3) the Plaintiffs will be free to use Mr. Sheeran's written responses as they see fit at the summary judgment and trial stage.

This agreement does not waive Plaintiffs' ability to call Mr. Sheeran at trial and/or to orally question him at trial, nor does it waive Defendants' ability to move to quash any subpoena seeking to have Mr. Sheeran to testify at trial.

Please confirm this is amenable.

Thanks,

Omar

Omar Gonzalez-Pagan

Pronouns: He/Him/His

Lambda Legal

Email: ogonzalez-pagan@lambdalegal.org | Mobile: (617) 686-3464

Lambda Legal: Making the case for equality

From: Mohammad O. Jazil <mjazil@holtzmanvogel.com>
Sent: Wednesday, February 22, 2023 9:49 AM
To: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>

Subject: Florida Medicaid Litigation / Andrew Sheeran Deposition

Omar—

It was good talking to you Friday and yesterday evening. My understanding of our conversation is that AHCA's General Counsel, Andrew Sheeran, will not sit for a deposition on February 27, 2023. To avoid litigation concerning the appropriateness of deposing an agency's general counsel, the Plaintiffs will submit written questions to Mr. Sheeran consistent with the process outlined in Federal Rule of Civil Procedure 31; however, in a deviation from Rule 31, (1) the Plaintiffs will propose a truncated timeframe to allow for the process to proceed consistent with the scheduling order in this case, (2) there will be no oral questioning of Mr. Sheeran in a deposition (or at trial), and (3) the Plaintiffs will be free to use Mr. Sheeran's written responses as they see fit at the summary judgment and trial stage.

Thanks as always,
Mo

Mohammad O. Jazil

Holtzman Vogel Baran Torchinsky & Josefiak PLLC

Mobile: (850) 274-1690

mjazil@holtzmanvogel.com // www.HoltzmanVogel.com

Tallahassee Office

119 S. Monroe St, Ste 500

Tallahassee, FL 32301

Washington DC Office

2300 N Street, NW, Ste 643-A

Washington, DC 20037

(202) 737-8808

From: [Mohammad O. Jazil](#)
To: [Altman, Jennifer](#); [Gary V. Perko](#)
Cc: [Omar Gonzalez-Pagan](#); [Little, Joe](#); [Rivaux, Shani](#); [Shaw, Gary J.](#); [Michael Beato](#)
Subject: RE: Dekker
Date: Wednesday, March 1, 2023 2:13:36 PM

We had no involvement in drafting the rule and any discussions we may have had with AHCA are attorney-client privileged.

From: Altman, Jennifer <jennifer.altman@pillsburylaw.com>
Sent: Wednesday, March 1, 2023 12:49 PM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>
Cc: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Little, Joe <joe.little@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Michael Beato <mbeato@HoltzmanVogel.com>
Subject: RE: Dekker

Mo-

Did you edit the rule or have any discussions with AHCA or others about the content of the rule before it was finalized?

jga

From: Mohammad O. Jazil <mjazil@holtzmanvogel.com>
Sent: Wednesday, March 1, 2023 12:48 PM
To: Altman, Jennifer <jennifer.altman@pillsburylaw.com>; Gary V. Perko <gperko@HoltzmanVogel.com>
Cc: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Little, Joe <joe.little@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Michael Beato <mbeato@HoltzmanVogel.com>
Subject: RE: Dekker

Jennifer—

We didn't write the rule.

We weren't presenters at the rule hearing either; Gary called out names from the audience so people could come up and speak.

Thanks,
Mo

From: Altman, Jennifer <jennifer.altman@pillsburylaw.com>

Sent: Wednesday, March 1, 2023 10:53 AM

To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Gary V. Perko <gperko@holtzmanvogel.com>

Cc: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>; Little, Joe <joe.little@pillsburylaw.com>; Rivaux, Shani <shani.rivaux@pillsburylaw.com>; Shaw, Gary J. <gary.shaw@pillsburylaw.com>; Michael Beato <mbeato@HoltzmanVogel.com>

Subject: Dekker

Mo and Gary:

In gathering information as part of the discovery process, we have concerns that you may be potential fact witnesses in this case. Aside from attendance at the meeting in July 2022 (as a presenter), the discovery suggests that you may have written the Rule itself, the very rule that is at issue here. Thus, we are first asking that you confirm whether you wrote the initial rule and/or had any role in the drafting of the rule at issue in this case. The purpose of this email is not to suggest that Plaintiffs are seeking to disqualify you or your firm, but, rather, to get an understanding as to whether either of you (or both) are potential fact witnesses that need to be deposed and/or called at trial. We obviously appreciate that AHCA has a right to its chosen counsel, and we are not attempting to interfere with that. By the same token, discovery is suggesting to Plaintiffs that counsel for Defendants may have factual knowledge that is not privileged related to the GAPMS process, the drafting of the rule and other matters. We are happy to get on the phone with you to discuss this matter, but we need to get a greater understanding of your specific involvement in these matters in the next day or so given the impending discovery cut-off in the event we cannot reach agreement and need to pursue the above with the Court. Certainly, Defendants' recent position regarding the 17-page memo only hastens the need for this information. We need a prompt response to the above. Thanks.

jga

Jennifer Altman | Partner

Pillsbury Winthrop Shaw Pittman LLP

600 Brickell Avenue, Suite 3100 | Miami, FL 33131

t +1.786.913.4880 | **m** +1.305.606.9778

jennifer.altman@pillsburylaw.com | [website bio](#)

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.

_____ /

DECLARATION OF SECRETARY WEIDA

I, Jason Weida, hereby declare as follows:

1. I am over the age of eighteen and am otherwise competent to make the statements in this declaration.
2. I have personal knowledge of the matters contained herein.
3. I am the Secretary for the Florida Agency of Health Care Administration (the “Agency”). I assumed that position on January 1, 2023, on an interim basis, and then on February 1, 2023, on a permanent basis. Under Florida law, I “head” the Agency and “serve at the pleasure of and report to the Governor.” Fla. Stat. § 20.42(2).
4. As Secretary, I am responsible for running the Agency, leading its personnel, securing its budget, and overseeing over 1,500 full-time equivalent positions. The Agency currently has the largest budget of any state agency in Florida.

5. I am aware that this lawsuit challenges an Agency rule, Rule 59G-1.050(7), regarding the Medicaid reimbursement of several treatments for gender dysphoria.

6. When the rulemaking process began, I was an Assistant Deputy Secretary—another senior-level position in the Agency. I assumed that position on December 13, 2021. In that role, I oversaw over 100 full-time equivalent positions in the Bureaus of Medicaid Policy and Medicaid Quality. The Bureau of Medicaid Policy is responsible for the development, coordination, and implementation of Florida Medicaid program policies. The Bureau of Medicaid Quality provides data-driven, focused, and systematic feedback on the quality of Florida's Medicaid program to federal and state agencies, Medicaid recipients, Medicaid managed care plans, and providers.

7. I then became Chief of Staff. I assumed that position on September 12, 2022. Again, that is a senior-level position in the Agency. My duties as Chief of Staff were wide-ranging and included assisting then-Secretary Marstiller in managing, coordinating, and evaluating the administrative, programmatic, and operational activities of the Agency's over 1,500 full-time equivalent positions.

8. I became Interim Secretary on January 1, 2023. In that role, I performed the same role as I do now as Secretary. That is, I am responsible for running the Agency, leading its personnel, securing its budget (again, the largest of any state agency in Florida), and overseeing over 1,500 full-time equivalent positions.

9. I, along with many other Agency employees, assisted in the rulemaking process for Rule 59G-1.050(7). I was even a panelist during the July 8, 2022 hearing on the rule.

10. Matt Brackett, the author of the GAPMS Report, was also a panelist during the hearing. I am aware that he was deposed twice as the Rule 30(b)(6) witness for the Agency.

11. As such, any actions touching the at-issue rule are not uniquely known to me.

12. Indeed, multiple current and former employees of the Agency had the requisite personal knowledge of those actions. If Plaintiffs had taken additional fact depositions during the discovery period (which they declined to do or otherwise failed to pursue) those current or former employees could have testified about those actions.

13. As Secretary, my schedule is demanding. Moreover, because the Florida Legislature is currently in session, I have additional duties to ensure that the Legislature provides appropriate resources to the Agency, that the Legislature passes bills that the Agency has proposed, and that I consult with, and even testify in front of, many legislators (among other things, as part of securing a budget).

14. Thus, any deposition of me would be unduly burdensome and would unreasonably interfere with my responsibilities as Secretary.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 15, 2023.

/s/ Jason Weida

Jason Weida
Secretary, Florida Agency for Health Care
Administration

From: Weida, Jason
Subject: Fwd: Florida
To: ""Pickle""; "" Devona; "" Brackett""; "" Matt; "" Chen""; "" Nai; Matt.Brackett@ahca.myflorida.com; Devona.Pickle@ahca.myflorida.com; Nai.Chen@ahca.myflorida.com
Cc: Sheeran, Andrew
Sent: May 17, 2022 11:48 AM (UTC-04:00)
Attached: Cantor Report for Florida (final).pdf

Revised and attached.

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From: Dr. James Cantor <jamescantorphd@gmail.com>
Sent: Tuesday, May 17, 2022 11:30:58 AM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Re: Florida

I apologize in advance, if the attachement doesn't come through!

- James

On Mon, May 16, 2022 at 11:29 PM Dr. James Cantor <jamescantorphd@gmail.com> wrote:
416-831-4541

On Mon, May 16, 2022 at 11:15 PM Weida, Jason <Jason.Weida@ahca.myflorida.com> wrote:
Great, thanks. I'll call you then. Best number?

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From: James Cantor <jamescantorphd@gmail.com>
Sent: Monday, May 16, 2022 10:53:40 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: Re: Florida

Yes, I am work?

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Date: Monday, May 16, 2022 at 10:48 PM
To: James Cantor <jamescantorphd@gmail.com>
Subject: Re: Florida

Dr Cantor, I just have a couple minor proposed changes. Can we discuss briefly on the phone? Then we can put in final. I'm hoping to have a final version tomorrow (Tuesday).

Thanks!

Jason

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From: James Cantor <jamescantorphd@gmail.com>
Sent: Monday, May 16, 2022 2:13:52 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>; Ashley Hoffman Lukis <ashley.lukis@gray-robinson.com>
Subject: Re: Florida

Whew!

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Date: Monday, May 16, 2022 at 2:09 PM
To: Dr. James Cantor <jamescantorphd@gmail.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>; Ashley Hoffman Lukis <ashley.lukis@gray-robinson.com>
Subject: RE: Florida

Received. Thank you!

From: Dr. James Cantor <jamescantorpd@gmail.com>
Sent: Monday, May 16, 2022 1:44 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>; Ashley Hoffman Lukis <ashley.lukis@gray-robinson.com>
Subject: Re: Florida

I'm now by passing Outlook altogether and sending this from gmail directly. Any success?

On Mon, May 16, 2022 at 1:40 PM Weida, Jason <Jason.Weida@ahca.myflorida.com> wrote:

I don't see an attachment on this email either, sadly.

Jason Weida - ADS FOR
MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 -
DIVISION OF MEDICAID
+1 850-412-4118 (Office) -
Jason.Weida@ahca.myflorida.com

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From: James Cantor <jamescantorphd@gmail.com>
Sent: Monday, May 16, 2022 1:40 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>; Ashley Hoffman Lukis <ashley.lukis@gray-robinson.com>
Subject: Re: Florida

Sorry. Microsoft has recently decided not to send everything I tell it to....And it only took a month for me to realize I wasn't the one making the mistake.

Let me know if this one doesn't work...

- James

From: James Cantor <jamescantorphd@gmail.com>
Date: Monday, May 16, 2022 at 1:36 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>
Subject: Re: Florida

Hi, Jason.

Attached is my report and its 3 appendices. Let me know if anything doesn't come through!

- James Cantor

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Date: Thursday, May 12, 2022 at 10:42 AM
To: James Cantor <jamescantorphd@gmail.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>
Subject: RE: Florida

Excellent. DD will coordinate a date/time and send you a link. Let's shoot for Tuesday, if possible. Thanks all.

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
+1 850-412-4118 (Office) - Jason.Weida@ahca.myflorida.com

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From: James Cantor <jamescantorphd@gmail.com>
Sent: Thursday, May 12, 2022 10:41 AM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>
Subject: Re: Florida

-
Yes, I'm happy to.

From: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Date: Thursday, May 12, 2022 at 10:37 AM
To: James Cantor <jamescantorphd@gmail.com>
Cc: Pickle, Devona <Devona.Pickle@ahca.myflorida.com>
Subject: Florida

Hi Dr. Cantor,

-
Quick question for you. Once you are done with the heavy lifting on your report, would you be amenable to doing a short (2-3 minute) recording where you introduce yourself and provide a summary of your opinions? The recording would be posted on the Agency's website along with a copy of the Agency's GAPMS report and other resources on this topic. If you are amenable to that, we can schedule a Teams meeting where someone from our tech team will record you (no camera crews or anything like that). Please let me know your thoughts when you have time.

-
Thanks!

-
Jason

-
**Jason Weida - ADS FOR
MEDICAID POLICY & QUALITY**

Bldg 3 Room 2413 - DIVISION OF
MEDICAID
2727 MAHAN DR.,
TALLAHASSEE, FL. 32308
+1 850-412-4118 (Office) - (Fax)
Jason.Weida@ahca.myflorida.com

-
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From: Weida, Jason
Subject: Fwd: new draft version of statement by Van Meter
To: ""Pickle""; "" Devona; " "Brackett""; "" Matt; " "Chen""; "" Nai; Matt.Brackett@ahca.myflorida.com; Devona.Pickle@ahca.myflorida.com; Nai.Chen@ahca.myflorida.com
Cc: Sheeran, Andrew
Sent: May 16, 2022 10:34 PM (UTC-04:00)
Attached: Declaration draft Florida.docx

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From: QUENTIN VAN METER <kidendo@comcast.net>
Sent: Monday, May 16, 2022 9:33:58 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: RE: new draft version of statement by Van Meter

Here is the cleaned up draft. I think I got all the spelling errors taken care of and I added the references.

Quentin

On 05/16/2022 6:41 PM Weida, Jason <jason.weida@ahca.myflorida.com> wrote:

Thanks.

Jason Weida - ADS FOR MEDICAID POLICY & QUALITY

AHCA Bldg 3 Room 2413 - DIVISION OF MEDICAID
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From: QUENTIN VAN METER <kidendo@comcast.net>
Sent: Monday, May 16, 2022 6:29 PM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: RE: new draft version of statement by Van Meter

I will clean this up tonight- it was on my home tablet and I was at the office all day.

On 05/16/2022 8:58 AM Weida, Jason <jason.weida@ahca.myflorida.com> wrote:

Hi Dr. Van Meter,

Looks good. Please proofread (we noticed some spelling errors). Also, some references to the DSM need to be fixed (you say "DMS").

In addition, please do not use contractions.

Lastly, if you can add any citations/references, that would be great.

Thanks,

Jason

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From: [QUENTIN VAN METER <kidendo@comcast.net>](mailto:kidendo@comcast.net)
Sent: Saturday, May 14, 2022 11:17 AM
To: Weida, Jason <Jason.Weida@ahca.myflorida.com>
Subject: new draft version of statement by Van Meter

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Jason- attached is a rewritten document. references are not yet supplied, adjusted or cleaned up because I wanted to be sure this is the direction you wanted me to go with the document. Please let me know as soon as possible if this is what you need and if not, what can be improved and once I am sure I have provided such, I will clean up and add the necessary references.

-

Quentin