

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

Chianne D., et al.,  
Plaintiffs,

v.

Case No. 3:23-cv-00985

Jason Weida, in his official capacity  
as Secretary for the Florida Agency  
for Health Care Administration, et al.,  
Defendants.

\_\_\_\_\_/

**MOTION FOR LEAVE  
TO FILE REPLY TO DEFENDANTS' RESPONSE TO  
PLAINTIFFS' AMENDED MOTION FOR CLASS CERTIFICATION**

Plaintiffs, by and through their undersigned counsel, seek leave for an order from this Court to file a reply to Defendants' Response to Plaintiffs' Motion for Class Certification (Doc. 93). In support, Plaintiffs state:

1. Pursuant to M.D. Local R. 3.01(d), "[w]ithout leave, no party may file a reply directed to response except a response to a motion for summary judgment." A request for leave to file a reply "must not exceed three pages inclusive of all parts; must specify the need for, and the length of, the proposed reply; and must not include the proposed reply." *Id.*

2. In reviewing a motion for leave to file a reply, the Court assesses whether "the purpose of the reply brief is to rebut any new law or facts contained in the...response to a request for relief before the Court." *Tardif v. People for Ethical*

*Treatment of Animals*, No. 2:09-cv-537, 2011 WL 2729145 \*1 (M.D. Fla., July 13, 2011).

3. Here, Plaintiffs request leave to file a reply for two reasons. First, Plaintiffs were previously given leave to file a reply regarding their initial class certification motion. (Doc. 31, ¶ 2). Class certification, particularly class certification in this matter, involves complex legal arguments. As was the case with their first motion, Plaintiffs believe additional briefing will aid the Court in reaching an ultimate decision on class certification.

4. Secondly, like Defendants' first response to class certification, Defendants raise (or expound upon) new arguments Plaintiffs need the opportunity to address. This includes issues regarding standing and the class definition.

5. Plaintiffs request no more than 10 pages for legal argument. Plaintiffs recognize that the page limits set forth in the Local Rules for the Middle District of Florida are meant to be "inclusive of all parts." The limit of 10 pages inclusive of all parts for Plaintiffs' first class certification reply was difficult to achieve given the complexity of the law and arguments at hand; Plaintiffs therefore request additional space for this reply to ensure their arguments can be fully briefed. Specifically, Plaintiffs ask that they be allotted 10 pages solely for legal argument and be allowed to reserve additional space for the reply's case style, title, and signature block.

6. Plaintiffs request that the deadline for filing the reply be April 5, 2024. Plaintiffs request April 5<sup>th</sup> as the deadline because on March 18<sup>th</sup> and March 19<sup>th</sup>, Plaintiffs' counsel, Sarah Grusin, will be taking two agency representative depositions

for which Defendants have designated nine deponents. A third agency representative deposition is scheduled for Wednesday, March 21<sup>st</sup> and will be taken by Plaintiffs' counsel, Lynn Hearn. The expert deposition for this matter is scheduled for March 27, 2024. Additionally, Plaintiffs' counsel, Katy DeBriere, will be on leave from March 18<sup>th</sup> through March 22<sup>nd</sup> and Sarah Grusin will be on leave from March 20<sup>th</sup> through March 27<sup>th</sup>. On March 29<sup>th</sup>, Plaintiffs must meet deadlines to file two responses: one to Defendants' Motion to Bifurcate and one to Defendants' Motion to Dismiss. Given this schedule, Plaintiffs ask for this time to ensure their class certification reply is fully and comprehensively briefed, rather than rushed.

7. Certificate of Conference Pursuant to M.D. Local R. 3.01(g): The undersigned conferred with counsel for the Defendants beginning on March 13, 2024. On March 15, 2024, counsel for Defendants authorized Plaintiffs to represent:

Defendants would not oppose leave to file a 10-page reply that consists of argument and no new evidence if the Court would find the additional briefing helpful and if the reply were filed within a reasonable time. But at this stage of the litigation, Defendants oppose leave to file a reply as late as 24 days after the response was filed, as requested by Plaintiffs. Defendants will file a brief, written response by Monday, March 18, 2024.

**WHEREFORE**, Plaintiffs respectfully request that this Court grant their Motion for Leave to File a Reply to Defendants' Response to Plaintiffs' Motion for Class Certification with a 10 page limit for legal argument to be due on April 5, 2024.

Respectfully submitted this 15th day of March 2024.

/s/ Katy DeBriere  
Katherine DeBriere