
From: Omar Gonzalez-Pagan <ogonzalez-pagan@lambdalegal.org>
Sent: Wednesday, March 8, 2023 3:56 PM
To: Mohammad O. Jazil; 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

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
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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 <mjazil@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 Coursolle <coursolle@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

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