

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 23-11126

In re: SECRETARY, FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION,

Petitioner,

On Petition for Writ of Mandamus from the United States District Court
for the Northern District of Florida

Before: GRANT and BRASHER, Circuit Judges.

BY THE COURT:

Before the Court is the April 10, 2023, Petition for a Writ of Mandamus. Petitioner requests that this Court review the district court's order denying his motion to quash a notice of deposition. Petitioner argues to avoid a deposition because of his responsibilities as Secretary of the Agency for Health Care Administration for the State of Florida ("the Agency") and because testimony from medical experts, not from him, is relevant to the key issue of whether the treatments the Agency has excluded from Medicaid coverage are experimental, *see Rush v. Parham*, 625 F.2d 1150 (5th Cir. 1980)¹. The district court did not abuse its discretion in determining that Weida is subject to deposition because he possesses unique or superior knowledge of discoverable information regarding the process that resulted in the Agency adopting a rule that excludes the treatments.

¹ In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir.1981) (en banc), this Court adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to close of business on September 30, 1981.

Petitioner does not have a clear and indisputable right to a writ of mandamus. *See Cheney v. U.S. Dist. Ct. for the Dist. of Columbia*, 542 U.S. 367, 380 (2004).

Accordingly, the Petition for a Writ of Mandamus is DENIED.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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April 21, 2023

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Appeal Number: 23-11126-H
Case Style: In re: Secretary, Florida Agency for Health Care Administ
District Court Docket No: 4:22-cv-00325-RH-MAF

The enclosed order has been entered. No further action will be taken in this matter.

Any pending motions are now rendered moot in light of the attached order.

Clerk's Office Phone Numbers

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Enclosure(s)

DIS-4 Multi-purpose dismissal letter