

IN THE SUPREME COURT
STATE OF FLORIDA

STATE OF FLORIDA, AGENCY
FOR HEALTH CARE ADMINISTRATION,

Appellee/Petitioner,

v.

CASE NO: SC15-2217
DCA NO: 1D14-4988
L.T. NO: CA-2013-3419

BAKER COUNTY MEDICAL
SERVICES, INC., ETC.,
ET AL.,

Appellant/Respondent,

and

WEST JACKSONVILLE MEDICAL
CENTER, INC., ETC.,

Appellees/Petitioner,

v.

CASE NOS: SC15-2218
DCA NO: 1D14-4988
L.T. NO: CA-2013-3419

BAKER COUNTY MEDICAL
SERVICES, INC., ETC., ET AL.,

Appellant/Respondent.

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JOINT MOTION TO CONSOLIDATE

The State of Florida, Agency for Health Care Administration ("AHCA") and West Jacksonville Medical Center, Inc. ("West Jacksonville"), pursuant to Florida Rule of Appellate Procedure 9.300, and by and through the undersigned counsel, respectfully

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submit this Joint Motion to Consolidate the above-captioned cases for traveling together purposes and state as follows:

1. AHCA and West Jacksonville hereby request that the above-captioned cases be consolidated for traveling together purposes.

2. Consolidation of cases for "travelling together" purposes, "means that the cases are assigned to the same panel of judges at the same time. This is employed when the cases are factually or legally related in some fashion but they remain separate for records and briefing, and is utilized to maximize this court's judicial resources and ensure consistent outcomes. Cases may also be consolidated for oral argument, issuance of an opinion, or both." J.M.B. v. State, 776 So. 2d 353, 354 (Fla. 1st DCA 2001).

2. In both of the above-captioned cases AHCA and West Jacksonville seek to invoke this Court's discretionary jurisdiction to review the First District Court of Appeal's October 15, 2015 Opinion in case number 1D14-4988. AHCA, West Jacksonville, and Baker County Medical Services, Inc. d/b/a Ed Fraser Memorial Hospital ("Fraser") were all parties to First District Court of Appeal case number 1D14-4988, which arose from the circuit court's dismissal of Fraser's petition seeking declaratory relief from a Certificate of Need that AHCA issued to West Jacksonville in 2010. AHCA and West Jacksonville

anticipate that the issues raised in the two cases will be substantially the same or similar, although AHCA and West Jacksonville may employ different arguments in support of their positions.

3. Consolidation for traveling together purposes would promote judicial efficiency and economy and would not prejudice the parties to these actions. It would not delay either case, as the above-captioned cases were filed on the same day and are currently at the same stage in the appellate process.

4. The undersigned has consulted with counsel for Fraser, Kara L. Gross, Esquire, who has stated that her client does not object to consolidation for traveling together purposes.

WHEREFORE, AHCA and West Jacksonville respectfully request that this Court consolidate the above-captioned cases for traveling together purposes.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I CERTIFY that the foregoing document has been furnished by Electronic Mail to counsel for Appellant: Susan C. Smith, Esquire, at susan@smithlawtlh.com, Smith & Associates, 3301 Thomasville Road, Tallahassee, Florida 32308; Kara L. Gross, Esquire, at Kara@smithlawtlh.com, Smith & Associates, 3301 Thomasville Road, Tallahassee, Florida 32308; and counsel for Appellee: Stephen A. Ecenia, Esquire, at Steve@rutledge-ecenia.com, Rutledge Ecenia, P.A., 119 South Monroe Street, Suite 202, Tallahassee, Florida 32301; J. Stephen Menton, Esquire, at smenton@rutledge-ecenia.com, Rutledge Ecenia, P.A., 119 South Monroe Street, Suite 202, Tallahassee, Florida 32301; and R. David Prescott, Esquire, at david@rutledge-ecenia.com,

Rutledge Ecenia, P.A., 119 South Monroe Street, Suite 202,
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Tracy Cooper George
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