

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-60460-CIV-ZLOCH

C.V. by and through his next
friends Michael and Johnette
Wahlquist, et al.,

Plaintiffs,

vs.

FINAL ORDER OF DISMISSAL

JUSTIN SENIOR, in his official
capacity as Secretary of the
Agency for Health Care
Administration, et al.,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STATE OF FLORIDA,

Defendant.

THIS MATTER is before the Court upon the Report & Recommendation (DE 634) filed herein by United States Magistrate Judge Patrick M. Hunt and the State Of Florida's Motion For Summary (DE 588). Private Plaintiffs C.V., M.D., and C.M., the remaining plaintiffs in this action, object to said Report. See DE 637. The State Defendants¹ do not. The Court has conducted a de novo review of the entire record herein and is otherwise fully advised in the premises.

The Court adopts the reasoning and conclusions set forth in

¹ Defendants Justin Senior, in his official capacity as Secretary of the Agency for Health Care Administration, Celeste Philip, M.D., in her official capacity as the Surgeon General of the State of Florida and Secretary of the Florida Department of Health, and Cassandra Pasley, in her official capacity as Director of the Florida Department of Health's Children's Medical Service, are referred to herein collectively as the "State Defendants."

Magistrate Judge Hunt's Report & Recommendation (DE 634). The Court will therefore dismiss as moot the claims remaining before the Court asserted by Private Plaintiffs C.V., M.D., and C.M.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

1. Plaintiffs' Objection To Report And Recommendation On Defendant's Motion For Summary Judgment (DE 637) be and the same is hereby **OVERRULED**;

2. The Report & Recommendation (DE 634) filed herein by United States Magistrate Judge Patrick M. Hunt be and the same is hereby approved, adopted, and ratified by the Court;

3. The State Of Florida's Motion For Summary (DE 588) be and the same is hereby **GRANTED**;

4. The above-styled cause be and the same is hereby **DISMISSED** without prejudice as to Plaintiffs C.V., M.D., and C.M. in that the Court lacks subject matter jurisdiction over their claims; and

5. All pending Motions be and the same are hereby **DENIED** as moot.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 9th day of June, 2017.



WILLIAM J. ZLOCH
Sr. United States District Judge

Copies furnished:

All Counsel of Record

The Honorable Patrick M. Hunt
United States Magistrate Judge