

IN THE SUPREME COURT OF FLORIDA

HALIFAX HOSPITAL MEDICAL  
CENTER,

Appellant,

v.

Case No. SC18-683  
L.T. Case No: 2018 30059 CICI

STATE OF FLORIDA, ET. AL.,

Appellees.

\_\_\_\_\_ /

**NANCY EPPS'S RESPONSE IN OPPOSITION TO  
HALIFAX'S NOTICE OF VOLUNTARY DISMISSAL**

Pursuant to Rules 9.300 and 9.350 of the Florida Rules of Appellate Procedure, Appellee Nancy Epps, by and through undersigned counsel, respectfully submits this Response in Opposition to Halifax's Notice of Voluntary Dismissal. Halifax's request should be denied because Halifax seeks dismissal only after the Court has fully considered and issued its opinion in this matter, and because the case concerns issues of statewide public importance. Moreover, because Halifax's Notice of Voluntary Dismissal moots its pending Motion for Rehearing, that Motion should be denied, and the Court's mandate should be issued without delay.

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## ARGUMENT

1. It is well established that this Court maintains the ability to retain jurisdiction over a cause where one or both parties seek voluntary dismissal of an appeal. *State v. Schopp*, 653 So. 2d 1016, 1018 (Fla. 1995). This is “particularly true” where “the case presents a question of public importance and substantial judicial labor has been expended as evidenced by the issuance of an initial opinion.” *Id.* See also *Charles v. S. Baptist Hosp. of Fla.*, 209 So. 3d 1199, 1203 (Fla. 2017) (reasons not to accept the stipulation of dismissal are “even more compelling when not only has briefing been completed, but when the stipulation was also filed on the eve of Oral Argument and the briefing includes several amici on both sides of the controversy who have important interests in the outcome of this case”); *Pino v. Bank of N.Y.*, 76 So. 3d 927, 927 (Fla. 2011) (“It cannot be questioned that our well-established precedent authorizes this Court to exercise its discretion to deny the requested dismissal of a review proceeding, even where both parties to the action agree to the dismissal in light of an agreed-upon settlement.”).

2. Here, all relevant factors weigh against granting Halifax’s belated request for dismissal. The Court has already fully expended the judicial labor to review the parties’ briefing, prepare for and hold oral argument, deliberate on the case, and issue a written opinion. There is nothing left for the Court to do except

issue the mandate. Even Halifax’s Motion for Rehearing—which has now been laid bare as nothing more than a pretextual delay tactic—has been rendered moot by its request for voluntary dismissal.

3. Similarly, the Court’s decision addresses issues of substantial public importance. The Court addressed the default geographical grant of authority given to all special districts in the state, as set forth in Chapter 189, Florida Statutes, and stated clearly what the Legislature must do if it wishes for any individual special district to be exempt from that default. [Slip Op. 5] The Court also addressed, as a matter of first impression, whether the Interlocal Cooperation Act of 1969 trumps that default geographical grant of authority. [Slip Op. 9] The importance of these issues is illustrated by the participation of no fewer than 10 *amici*, whose collective organizational membership consists of hundreds of local government entities.

4. With the judicial labor of deciding those issues now complete, there is no reason to allow Halifax, the Appellant in this case, to veto the Court’s reasoned decision simply because Halifax is unhappy with the result of its choice to take this appeal.

5. This Court should therefore deny Halifax’s request to dismiss this appeal and, in accordance with Rule 9.330(c), issue its mandate “forthwith.”

## CONCLUSION

WHEREFORE, undersigned counsel respectfully requests that the Court (1) deny Halifax's request for voluntary dismissal; (2) deny Halifax's Motion for Rehearing as moot; (3) immediately issue its mandate in accordance with its opinion issued on April 18, 2019 in this matter; and (4) grant all other such relief as is just and proper.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of foregoing has been filed using the Florida Courts e-Filing Portal on this 8th day of May, 2019, which will deliver it electronically to the following:

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