

No. 24-10135

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

REACH AIR MEDICAL SERVICES LLC,

Plaintiff-Appellant,

v.

KAISER FOUNDATION HEALTH PLAN INC., *et al.*,

Defendants-Appellees.

On Appeal from the United States District Court
for the Middle District of Florida, Hon. Timothy J. Corrigan
Case No. 3:22-cv-01153-TJC-JBT

**APPELLANT'S UNOPPOSED MOTION TO CONSOLIDATE APPEAL
NOS. 24-10134 AND 24-10135**

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CERTIFICATE OF INTERESTED PERSONS

As required by Federal Rule of Appellate Procedure 26.1 and 11th Circuit Rule 26.1-1(a), Plaintiff-Appellant REACH Air Medical Services LLC provides this Certificate of Interested Persons and Corporate Disclosure Statement. The following trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations have an interest in the outcome of this appeal:

1. America's Health Insurance Plans (Amicus Curiae).
2. Burns, John F. (Counsel for Defendant-Appellee Kaiser Foundation Health Plan Inc.).
3. Burns, PA (Counsel for Amicus Curiae).
4. Burns, Thomas A. (Counsel for Amicus Curiae).
5. C2C Innovative Solutions, Inc. (Defendant-Appellee).
6. Chang, Abraham (Counsel for Plaintiff-Appellant).
7. Corrigan, Timothy J. (U.S. District Judge, United States District Court for the Middle District of Florida).
8. DeGory, Amelia A. (Counsel for Plaintiff-Appellant).
9. Deutsch Hunt PLLC (Counsel for Amicus Curiae).
10. Dodd, Christian Edward (Counsel for Defendant-Appellee Kaiser Foundation Health Plan Inc.).

11. Fackler, Michael T. (Counsel for Defendant-Appellee C2C Innovative Solutions, Inc.).
12. Giboney, Pierce (Counsel for Defendant-Appellee C2C Innovative Solutions, Inc.).
13. Global Medical Response, Inc. (Parent Company of REACH Air Medical Services LLC).
14. Halgren, Matthew G. (Counsel for Defendant-Appellee Kaiser Foundation Health Plan Inc.).
15. Hickey Smith LLP (Counsel for Defendant-Appellee Kaiser Foundation Health Plan Inc.).
16. Hunt, Hyland (Counsel for Amicus Curiae).
17. Jones Day (Counsel for Plaintiff-Appellant).
18. Kaiser Foundation Health Plan Inc. (Defendant-Appellee).
19. Keshavarzi, Mohammed (Counsel for Defendant-Appellee Kaiser Foundation Health Plan Inc.).
20. McKisson, Megan Kathleen (Counsel for Defendant-Appellee Kaiser Foundation Health Plan Inc.).
21. Milam Howard Nicandri & Gillam, P.A. (Counsel for Defendant-Appellee C2C Innovative Solutions, Inc.).

22. Norton Rose Fulbright US LLP (Counsel for Plaintiff-Appellant).
23. REACH Air Medical Services, LLC (Plaintiff-Appellant).
24. Russell, Lanny (Counsel for Plaintiff-Appellant).
25. Schramek, Adam T. (Counsel for Plaintiff-Appellant).
26. Sheppard Mullin Richter & Hampton LLP (Counsel for Defendant-Appellee Kaiser Foundation Health Plan Inc.).
27. Smith Hulseley & Busey (Counsel for Plaintiff-Appellant).
28. Smith, Shelby Baird (Counsel for Plaintiff-Appellant).
29. Taylor, Charlotte H. (Counsel for Plaintiff-Appellant).
30. TMF Health Quality Institute (Parent Company of Defendant-Appellee C2C Innovative Solutions, Inc.).
31. Toomey, Joel B. (U.S. Magistrate Judge, United States District Court for the Middle District of Florida).

No other persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities are financially interested in the outcome of this case or appeal.

**APPELLANT’S UNOPPOSED MOTION TO CONSOLIDATE APPEAL
NOS. 24-10134 AND 24-10135**

Pursuant to Federal Rule of Appellate Procedure 3(b), Appellant REACH Air Medical Services LLC (“REACH”) respectfully moves to consolidate the case docketed at Appeal No. 24-10134 with the case with the case docketed at Appeal No. 24-10135 and to align subsequent briefing and argument for the consolidated appeals. Counsel for Appellees have represented that they do not oppose consolidation. In support of this motion, REACH respectfully states as follows:

Appeal No. 24-10134 and Appeal No. 24-10135 arise from the same final judgment entered by the District Court on December 22, 2023. D. Ct. Dkt. No. 70. The District Court ruled on the Defendant-Appellees’ motions to dismiss in one order because both cases present the same the legal issues. *See id.* On January 15, 2024, REACH timely filed its Notice of Appeal of the final judgment. Likewise, on January 15, 2024, Plaintiff-Appellant Med-Trans Corporation timely filed its Notice of Appeal of the same final judgment in the companion case (Case No. 3:22-cv-01077-TJC-JBT), which is docketed at Appeal No. 24-10134.

Under Federal Rule of Appellate Procedure 3(b)(2), this Court may consolidate separately filed “timely” appeals when those “appeals arise from the same . . . litigation in the District Court” and it “would be both efficient and equitable for the disposition of the appeals.” *Chem One, Ltd. v. M/V RICKMERS*

GENOA, 660 F.3d 626, 642 (2d Cir. 2011); *see also Devlin v. Transp. Commc'ns Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999) (holding that a court “should consider both equity and judicial economy” to determine “whether consolidation is appropriate in given circumstances”); *United States v. Nursey*, 696 F. App'x 983, 983 n.1 (11th Cir. 2017) (allowing appeals to be consolidated under Rule 3(b)); *United States v. Washington*, 573 F.2d 1121, 1123 (9th Cir. 1978) (court may consolidate appeals “where the court in its discretion deems it appropriate and [when it is] in the interests of justice”).

The standard for consolidation is met here. Consolidation would be the most efficient means of addressing the identical legal issues presented by these cases. Both appeals are timely and both arise out of the same final judgment.

CONCLUSION

For the foregoing reasons, Appellant respectfully moves the Court to consolidate Appeal No. 24-10134 and Appeal No. 24-10135.

February 5, 2024

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 381 words. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font in text and footnotes.

Dated: February 5, 2024.

/s/ Charlotte H. Taylor
Charlotte H. Taylor
Counsel for Plaintiff-Appellant

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2024, the foregoing was electronically filed with the Clerk of the Court by using the Court's Appellate PACER system, which will automatically send a notice of electronic filing to all counsel of record. Under 11th Circuit Rule 25-3(a), no independent service by other means is required.

Dated: February 5, 2024.

/s/ Charlotte H. Taylor
Charlotte H. Taylor
Counsel for Plaintiff-Appellant