

**No. 24-10134**

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

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MED-TRANS CORPORATION,

*Plaintiff-Appellant,*

v.

CAPITAL HEALTH PLAN, *et al.*,

*Defendants-Appellees.*

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On Appeal from the United States District Court  
for the Middle District of Florida, Hon. Timothy J. Corrigan  
Case No. 3:22-cv-01077-TJC-JBT

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**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 Med-Trans Corporation 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. Air Medical Group Holdings, LLC (Parent Company of REACH Air Medical Services LLC).
2. Barcia, Giselle (Counsel for Interested Party United States of America).
3. C2C Innovative Solutions, Inc. (Defendant-Appellee).
4. Capital Health Plan, Inc. (Defendant-Appellee).
5. Chang, Abraham (Counsel for Plaintiff-Appellant).
6. Corrigan, Timothy J. (U.S. District Judge, United States District Court for the Middle District of Florida).
7. DeGory, Amelia A. (Counsel for Plaintiff-Appellant).
8. Fackler, Michael T. (Counsel for Defendant-Appellee C2C Innovative Solutions, Inc.).
9. Giboney, Pierce (Counsel for Defendant-Appellee C2C Innovative Solutions, Inc.).

10. Global Medical Response, Inc. (Parent Company of Air Medical Group Holdings, LLC, which is the parent company of REACH Air Medical Services LLC).
11. Guilday Law, PA (Counsel for Defendant-Appellee Capital Health Plan, Inc.).
12. Hatch, George W. III (Counsel for Defendant-Appellee Capital Health Plan, Inc.).
13. Hickey Smith LLP (Counsel for Defendant-Appellee Kaiser Foundation Health Plan Inc.).
14. Hinshaw & Culbertson (Counsel for Defendant-Appellee Capital Health Plan, Inc.).
15. Jones Day (Counsel for Plaintiff-Appellant).
16. Lehner, Steven D. (Counsel for Defendant-Appellee Capital Health Plan, Inc.).
17. Med-Trans Corporation (Plaintiff-Appellant).
18. Milam Howard Nicandri & Gillam, P.A. (Counsel for Defendant-Appellee C2C Innovative Solutions, Inc.).
19. Norton Rose Fulbright US LLP (Counsel for Plaintiff-Appellant).
20. Russell, Lanny (Counsel for Plaintiff-Appellant).
21. Schramek, Adam T. (Counsel for Plaintiff-Appellant).

22. Smith Hulsey & Busey (Counsel for Plaintiff-Appellant).
23. Smith, Ruel W. (Counsel for Defendant-Appellee Capital Health Plan, Inc.).
24. Smith, Shelby Baird (Counsel for Plaintiff-Appellant).
25. Taylor, Charlotte H. (Counsel for Plaintiff-Appellant).
26. TMF Health Quality Institute (Parent Company of Defendant-Appellee C2C Innovative Solutions, Inc.).
27. Toomey, Joel B. (U.S. Magistrate Judge, United States District Court for the Middle District of Florida).
28. United States of America (Interested Party).
29. Van Den Berg, Elizabeth Minor (Counsel for Defendant-Appellee Capital Health Plan, Inc.).
30. Vincent, Joshua G. (Counsel for Defendant-Appellee Capital Health Plan, Inc.).

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 Med-Trans Corporation (“Med-Trans”) 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, Med-Trans 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, Med-Trans timely filed its Notice of Appeal of the final judgment. Likewise, on January 15, 2024, Plaintiff-Appellant REACH Air Medical Services LLC timely filed its Notice of Appeal of the same final judgment in the companion case (Case No. 3:22-cv-01153-TJC-JBT), which is docketed at Appeal No. 24-10135.

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*