

STATE OF FLORIDA
FIRST DISTRICT COURT OF APPEAL

MAGNOLIA RETIREMENT HOME, INC.,

APPELLANT,

v.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

APPELLEE.

CASE No.: 1D19-1963
L.T. CASE No.: 2018008393
2018010207
2018010211
2018010213
2018010216
2018013918

RECEIVED, 06/11/2019 10:13:29 AM, Clerk, First District Court of Appeal

MOTION TO RELINQUISH JURISDICTION

COMES NOW Magnolia Retirement Home, Inc., in accordance with Florida Rule of Appellate Procedure 9.300, by and through its undersigned counsel, and moves this Honorable Court to relinquish jurisdiction to the Agency for Health Care Administration so that it may rule on Magnolia's Motion for Rehearing or Reconsideration of Final Order. In support of this motion, Magnolia states:

1. On May 29, 2019, Magnolia filed a Motion for Rehearing or Reconsideration of Final Order with the Agency.

2. Later that day, Magnolia filed a Notice of Appeal to this Court that preserved its Motion for Rehearing or Reconsideration of Final Order in the lower tribunal. Specifically, Magnolia advised in the notice that the motion remained pending and should not be deemed abandoned, and that it would move the Court to relinquish jurisdiction for the limited purpose of ruling on the pending motion.

3. The Agency may not rule on Magnolia's motion unless and until the Court relinquishes jurisdiction for that limited purpose.

4. The undersigned has conferred with opposing counsel and the Agency takes no position on this Motion to Relinquish Jurisdiction.

WHEREFORE, Magnolia respectfully asks this Honorable Court to enter an order relinquishing jurisdiction to the Agency for the limited purpose of ruling on Magnolia's Motion for Rehearing or Reconsideration of Final Order.

Respectfully submitted,

/s/ [Dwight O. Slater]

Dwight O. Slater
Florida Bar No. 30607
Cohn Slater, P.A.
336 E College Ave., Suite 300
Tallahassee, FL 32301
(850) 329-0402
dwight@cohnslater.com

Counsel for Appellant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been furnished via e-filing to Chief Appellate Counsel for the Agency, Tracy Lee Cooper George, Esq., Agency for Health Care Administration, Office of the General Counsel, 2727 Mahan Dr., MS #3, Tallahassee, FL 32308, at tracy.george@ahca.myflorida.com, and Additional Counsel for Appellee, Nicholas A. Merlin, Agency for Health Care Administration, Office of the General Counsel, 2727 Mahan Dr., MS #3, Tallahassee, FL 32308, at nicholas.merlin@ahca.myflorida.com, on this 11th day of June 2019.

/s/ [Dwight O. Slater]

Dwight O. Slater
Counsel for Appellant