

# REPORTED OPINIONS

## Daniel E. Nordby



**PARTNER**

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(850) 241-1725

\* Indicates lead counsel responsibility  
**BOLD** indicates oral argument presented

\* *McCallum v. Kramer et al.*, 2020 WL 4745110 (Fla. 1st DCA Aug. 17, 2020)

Represented candidate for state attorney in successful challenge to opponent's constitutional eligibility and qualifications to seek office.

\***Fla. Agency for Health Care Admin. v. Best Care Assurance**, 2020 WL 4745394 (Fla. 1st DCA Aug. 17, 2020)

Represented Agency for Health Care Administration in successful appeal of circuit court judgment regarding challenge to award of Statewide Medicaid Managed Care contract.

\***Best Care Assurance v. Fla. Agency for Health Care Admin.**, 2020 WL 4745394 (Fla. 1st DCA Aug. 17, 2020)

Represented Agency for Health Care Administration in successful defense of agency final order dismissing administrative challenge to award of Statewide Medicaid Managed Care contract.

\***Florida Dep't of Transportation and Florida House of Representatives v. Miami-Dade County Expressway Authority**, 2020 WL 3456675 (Fla. 1st DCA June 25, 2020)

Represented Florida Department of Transportation in original action for prohibition challenging trial court's jurisdiction to consider constitutional claims against the Department.

Advisory Op. to Att'y Gen. re Prohibits Possession of Defined Assault Weapons, 2020 WL 2960236 (Fla. June 4, 2020)

Represented trade association in successful challenge to proposed constitutional amendment addressing firearms.

*Point Conversions, LLC v. Pfeffer & Marin Holdings*, 45 Fla. L. Weekly D1004 (Fla. 3d DCA Apr. 29, 2020)

Represented respondent in successful defense of mandamus action challenging trial court's dismissal of complaint.

Advisory Op. to Att'y Gen. re All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet, 287 So. 3d 1256 (Fla. 2020)

Represented political party in challenge to proposed constitutional amendment addressing "top-two" primary.



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\*Advisory Op. to Att’y Gen. re Right to Competitive Energy Market for Customers of Investor-Owned Utilities, 45 Fla. L. Weekly S1 (Fla. Jan. 9, 2020)

Represented trade associations in opposition to proposed constitutional amendment providing for electric utility deregulation.

\***L3Harris Technologies, Inc. v. Dept. of Management Services**, 279 So. 3d 648 (Fla. 1st DCA 2019)

Successfully defended \$680MM contract award for development of statewide law enforcement radio system following competitive procurement and bid protest.

\***Scott v. Hinkle**, 2018 WL 6253291 (Fla. 1st DCA Nov. 30, 2018)

Represented Governor in successful defense of challenge to financial disclosure under Florida’s qualified blind trust law.

\***Trotti v. Scott**, 2018 WL 6167830 (Fla. Nov. 26, 2018); and

\***Scott v. Trotti**, 43 Fla. L. Weekly D1691 (Fla. 1st DCA July 26, 2018)

Represented Governor at trial court, appellate court, and Supreme Court levels in successful defense of constitutional challenge to gubernatorial appointment power to fill vacancy on the Fourth Judicial Circuit.

\***League of Women Voters of Fla. v. Scott**, 2018 WL 6010744 (Nov. 16, 2018)

Represented Governor in successful defense of extraordinary writ challenges in Florida Supreme Court to authority of Supreme Court Judicial Nominating Commission to certify nominations before occurrence of physical vacancies in judicial office.

\***League of Women Voters of Fla. v. Scott**, 2018 WL 6025856 (N.D. Fla. Nov. 15, 2018)

Represented Governor in successful defense of emergency motion for preliminary injunction regarding conduct and oversight of 2018 General Election and statewide recounts.

\***Bogorff v. Scott**, 223 So. 3d 1000 (Fla. 2017)

Represented Governor in successful defense of original action for mandamus in Florida Supreme Court seeking invalidation of gubernatorial line-item veto to 2017 General Appropriations Act.

**Jackson v. Scott et al.**, Case No. 2018-CA-4630 (Fla. 4th Cir. Sept. 26, 2018)

Represented Governor in successful defense of appointment to fill vacancy on Jacksonville City Council during pendency of a council member’s suspension.

\***Rosen Gonzalez v. Scott**, Case No. 2018-CA-860 (Fla. 2d Cir. Apr. 26, 2018)

Represented Governor in successful defense of constitutional challenge by Congressional candidate to Florida’s resign-to-run law.

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**\*Bittel et al. v. Scott et al.**, Case No. 17-CA-2301 (Fla. 2d Cir. Dec. 15, 2017)

Represented Governor in successful defense of challenge by Florida Democratic Party Chair to executive orders setting special elections to fill vacancies in the Florida Senate and Florida House of Representatives.

**\*League of Women Voters v. Scott**, 232 So. 3d 264 (Fla. 2017)

Represented Governor in successful defense of original action for quo warranto in Florida Supreme Court seeking determination on scope of gubernatorial appointment authority regarding end-of-term vacancies on Florida Supreme Court.

**Sarasota Cty Public Hosp. Dist. et al. v. Fla. Agency for Health Care Admin.**, 230 So. 3d 973 (Fla. 1st DCA 2017)

Represented Agency for Health Care Administration in consolidated administrative challenges by hospitals to unaudited outpatient reimbursement rates.

**Ayala v. Scott**, 224 So. 3d 755 (Fla. 2017)

Represented Governor in successful defense of extraordinary writ challenge to executive orders reassigning responsibility for prosecution of capital homicide cases in the Ninth Judicial Circuit.

**\*McGillis v. Dept. of Economic Opportunity**, 210 So. 3d 220 (Fla. 3d DCA 2017)

Successfully defended appeal of Department of Economic Opportunity's determination that a former driver for Uber performed his services as an independent contractor rather than as an employee for the purpose of reemployment assistance.

**\*AT&T Corp. v. Dept. of Management Services**, 201 So. 3d 852 (Fla. 1st DCA 2016); and **AT&T Corp. v. Dept. of Management Services**, Case No. 15-5002BID (Fla. DOAH Nov. 25, 2015)

Successfully defended \$700MM MyFloridaNet-2 contract award by Department of Management Services following competitive procurement and bid protest.

**Bayfront Med. Cntr., Inc. v. Fla. Agency for Health Care Admin.**, Case No. 14-4758RU (Fla. DOAH Apr. 20, 2015), affirmed per curiam, 192 So. 3d 472 (Fla. 1st DCA 2016)

Represented Agency for Health Care Administration in successful defense of rule challenge by hospitals contesting agency's practice of limiting Medicaid reimbursement for services provided to eligible undocumented aliens to the duration of the medical emergency.

**In re: Medicaid Reimbursement Rate Proposed and Existing Rule Challenges**, Case Nos. 17-467RP through 17-474RP, 17-496RP, 17-558RP through 17-560RP (Fla. DOAH Apr. 18, 2018)

Represented Agency for Health Care Administration in successful defense of consolidated proposed and existing rule challenges by hospitals to agency rules governing outpatient reimbursement rates.

**\*Advisory Op. to the Att'y Gen. re Rts of Elect. Consumers re Solar Energy Choice**, 188 So. 3d 822 (Fla. 2016)

Filed amicus curiae brief on behalf of social welfare organization in support of ballot summary of proposed constitutional amendment governing solar energy choice.

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- \*Dept. of Economic Opportunity v. Consumer Rights, LLC**, 181 So. 3d 1239 (Fla. 2015)  
Successfully obtained reversal of attorney's fee award against Department in public records case.
- \*Joyner v. House of Representatives**, 163 So. 3d 503 (Fla. 2015)  
Represented Speaker Crisafulli and Florida House of Representatives in successful defense of mandamus action filed by State Senators seeking to compel House to reconvene following adjournment sine die.
- Plastic Tubing Industries v. Advanced Drainage Systems**, Case No. 14-3960 (Fla. DOAH Dec. 19, 2014)  
Represented applicant for regulatory variance in successful defense of administrative challenge by competitor to agency order granting variance.
- \*Advisory Op. to the Att'y Gen. re Use of Marijuana for Certain Med. Conditions**, 132 So. 3d 786 (Fla. 2014)  
Filed amicus curiae brief on behalf of Florida House of Representatives in opposition to ballot summary of proposed constitutional amendment governing medical use of marijuana.
- League of Women Voters of Fla. v. Fla. House of Representatives**, 132 So. 3d 135 (Fla. 2013)  
Represented Speaker Weatherford and Florida House of Representatives in constitutional litigation regarding application of legislative privilege to reapportionment litigation.
- \*Westphal v. City of St. Petersburg**, 122 So. 3d 440 (Fla. 1st DCA 2013) (en banc)  
Filed amicus curiae brief on behalf of Speaker Weatherford and Florida House of Representatives in constitutional challenge to Florida's worker's compensation statutes.
- Fla. House of Representatives v. League of Women Voters of Fla.**, 118 So. 3d 198 (Fla. 2013)  
Represented Speaker Weatherford and Florida House of Representatives in extraordinary writ proceeding regarding subject matter jurisdiction of circuit courts to review validity of legislative apportionment plans.
- Worley v. Fla. Secretary of State**, 717 F.3d 1238 (11th Cir. 2013); and **Worley v. Detzner**, 2012 WL 12897964 (N.D. Fla. July 2, 2012)  
Represented Secretary of State in successful defense of constitutional challenge to Florida campaign finance disclosure laws.
- \*Crews v. Fla. Pub. Employers Council 79**, 113 So. 3d 1063 (Fla. 1st DCA 2013)  
Filed amicus curiae brief on behalf of Speaker Weatherford and Florida House of Representatives in constitutional challenge to authority of the Legislative Budget Commission with respect to prison health care contracts.
- \*Bray v. Detzner**, 99 So. 3d 1290 (Fla. 1st DCA 2012)  
Represented Secretary of State in successful defense of constitutional challenge to judicial candidate qualifying fees.

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Arcia v. Detzner, 908 F.Supp.2d 1276 (S.D. Fla. 2012)

Represented Secretary of State in successful defense of challenge to database-matching program under National Voter Registration Act.

\*Telli v. Detzner et al., 98 So. 3d 1284 (Fla. 4th DCA 2012)

Represented Secretary of State in successful defense of constitutional challenge seeking to open political party primary election under Universal Primary Amendment.

Greene v. Clemens et al., 98 So. 3d 791 (Fla. 1st DCA 2012)

Represented Secretary of State in successful defense of election contest action challenging results of primary election for Florida Senate.

Brown v. Detzner, 895 F.Supp.2d 1236 (M.D. Fla. 2012)

Represented Secretary of State in successful defense of Voting Rights Act and Fourteenth Amendment challenges to Florida's early voting statutes.

\***Joyner v. Secretary of State of Fla.**, Case No. 12-2295RU (Fla. DOAH Sept. 18, 2012)

Represented Secretary of State in successful defense of rule challenge proceeding regarding implementation of election law amendments under Voting Rights Act.

Mi Familia Vota Ed. Fund v. Detzner, 891 F.Supp.2d 1326 (M.D. Fla. 2012)

Represented Secretary of State in defense of Voting Rights Act challenge to database-matching program.

Florida v. United States, 885 F.Supp.2d 299 (D.D.C. 2012) (three-judge court)

Represented State of Florida in declaratory judgment action seeking preclearance of election law changes under Section 5 of the Voting Rights Act.

\***Florida v. United States**, 886 F.Supp.2d 1301 (N.D. Fla. 2012)

Represented State of Florida in proceeding ancillary to Voting Rights Act litigation, successfully establishing as a matter of first impression that Florida legislators had a privilege against compelled testimony as to matters at the core of their legislative functions.

\***Lacasa v. Townsley**, 883 F.Supp.2d 1231 (S.D. Fla. 2012)

Represented Secretary of State in successful defense of constitutional challenge seeking to open political party primary election for Miami-Dade State Attorney under Universal Primary Amendment.

United States v. Florida, 870 F.Supp.2d 1346 (N.D. Fla. 2012)

Represented Secretary of State in successful defense of challenge to database-matching program under National Voter Registration Act.

League of Women Voters of Fla. v. Browning, 863 F.Supp.2d 1155 (N.D. Fla. 2012)

Represented Secretary of State in defense of constitutional challenge to statutes governing activities of third-party voter registration organizations.

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- National Organization for Marriage v. Secretary, State of Fla., 477 Fed.Appx. 584 (11th Cir. 2012)  
Represented Secretary of State in successful defense of constitutional challenge to Florida campaign finance disclosure laws for electioneering communications organizations.
- \*In re Senate Joint Resolution of Legislative Apportionment 2-B, 89 So. 3d 872 (Fla. 2012)  
Filed amicus curiae brief on behalf of Secretary of State regarding statutory deadlines and Voting Rights Act requirements relevant to legislative redistricting litigation.
- \***Argenziano v. Detzner**, Case No. 2011-CA-3484 (Fla. Cir. Ct. Mar. 26, 2012)  
Represented Secretary of State in successful defense of candidate qualifying statutes.
- \***Brown v. Secretary of State of Fla.**, 668 F.3d 1271 (11th Cir. 2012)  
Represented Secretary of State in successful defense of redistricting amendments to Florida Constitution against constitutional challenge under federal Elections Clause.
- \***Shapiro v. Browning**, Case No. 2011-CA-1892 (Fla. Cir. Ct. Dec. 13, 2011)  
Represented Secretary of State in defense of constitutional challenge to ballot summary for constitutional amendment regarding religious freedom.
- \*Sullivan v. Scott, 2011 WL 4954261 (S.D. Fla. 2011)  
Represented Secretary of State in successful defense of Voting Rights Act challenge to implementation of Florida Election Code.
- Infinity Software Development v. Dept. of Education, Case No. 11-1662BID (Fla. DOAH June 7, 2011)  
Represented software developer in successful bid protest challenge to contract award following invitation to negotiate.
- \***Norman v. Ambler**, 46 So. 3d 178 (Fla. 1st DCA 2010)  
Represented Republican Party of Florida in election contest litigation challenging eligibility of prevailing candidate.
- \***Scott v. Roberts**, 612 F.3d 1279 (11th Cir. 2010)  
Represented Secretary of State in defense of constitutional challenge to campaign matching funds statute.