

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

CASE NO.: 6:21-cv-00975-PGB-DCI

LUCAS WALL,

Plaintiff,

v.

**CENTERS FOR DISEASE CONTROL
& PREVENTION, DEPARTMENT OF
HEALTH & HUMAN SERVICES,
TRANSPORTATION SECURITY
ADMINISTRATION, DEPARTMENT OF
HOMELAND SECURITY, DEPARTMENT
OF TRANSPORTATION, JOSEPH BIDEN,
in his official capacity as President of the
United States of America, GREATER
ORLANDO AVIATION AUTHORITY, and
CENTRAL FLORIDA REGIONAL
TRANSPORTATION AUTHORITY,**

Defendants.

**DEFENDANT CENTRAL FLORIDA REGIONAL TRANSPORTATION
AUTHORITY'S MOTION FOR LEAVE TO ADOPT LEGAL
ARGUMENTS ASSERTED IN D.E. 129**

Defendant, Central Florida Regional Transportation Authority, d/b/a LYNX ("LYNX"), by and through its undersigned counsel, requests the Court grant LYNX leave to adopt the legal arguments asserted in the Reply to

Plaintiff's Opposition to Defendant Greater Orlando Aviation Authority's Motion to Dismiss Count 17 of the Complaint, filed by Defendant Greater Orlando Aviation Authority ("GOAA") on August 18, 2021. [D.E. 129.] In support, LYNX states as follows:

1. In Counts 17 and 18 of the Complaint, Plaintiff asserted claims for violation of Executive Order 21-102 against Defendants GOAA and LYNX, respectively (the "Local Defendants"). [D.E. 1.]

2. The Local Defendants each filed a motion to dismiss Plaintiff's claims, raising similar legal arguments. [D.E. 49, 82].

3. On July 26, 2021, Plaintiff filed his responses in opposition to each of the Local Defendant's motions to dismiss, wherein he asserted similar legal arguments. [D.E. 100, 101.]

4. On August 18, 2021, with leave of Court, GOAA filed its Reply to Plaintiff's Opposition to Defendant Greater Orlando Aviation Authority's Motion to Dismiss Count 17 of the Complaint. [D.E. 129.]

5. Because the causes of actions asserted against the Local Defendants are virtually identical and the briefing on the Local Defendants' motions to dismiss raises overlapping legal issues, the legal arguments raised in GOAA's Reply [D.E. 129] are also pertinent to the Court's consideration of the

issues raised in LYNX's Motion to Dismiss Count 18 of the Complaint [D.E. 82] and Plaintiff's Response in Opposition [D.E. 101.]

6. Specifically, Section I of GOAA's Reply raises argument regarding the inapplicability of the doctrine of *quo warranto* to Plaintiff's claims under Executive Order 21-102. [D.E. 129 at p. 2-3.] Such argument is directly relevant to the argument raised by Plaintiff in Section A of his Response in Opposition to LYNX's Motion to Dismiss. [D.E. 101 at p. 1-5.]

7. Likewise, Section II of GOAA's Reply raises argument regarding the irrelevance of the constitutional right of privacy to Plaintiff's claims under Executive Order 21-102. [D.E. 129 at p. 3-5.] Plaintiff's Response in Opposition to LYNX's Motion to Dismiss is replete with argument attempting to invoke the right to privacy in connection with Count 18. [D.E. 101 at p. 2-6, 8, 12-13.] Accordingly, Section II of GOAA's Reply contains legal argument that is relevant to Plaintiff's misguided efforts to resuscitate his claims under Executive Order 21-102 by conflating them with an invasion of his constitutional privacy rights.

8. Accordingly, LYNX respectfully requests that the Court allow LYNX to adopt the legal arguments asserted in GOAA's Reply. [D.E. 129].

9. This Motion does not contemplate any additional briefing by LYNX in connection with its Motion to Dismiss.

WHEREFORE, LYNX respectfully requests that the Court allow LYNX to adopt the legal arguments asserted in GOAA's Reply [D.E. 129] for purposes of the Court's consideration of LYNX's Dispositive Motion to Dismiss Count 18 of Plaintiff's Complaint [D.E. 82.]

**CERTIFICATE OF CONFERENCE PURSUANT TO
LOCAL RULE 3.01(G)**

I hereby certify that on August 19, 2021, counsel for Defendant, Central Florida Regional Transportation Authority, David Wood and Monica Kovecses, conferred with all parties or their counsel regarding the relief requested herein. The other named Defendants do not oppose the Relief requested. With respect to Section I of GOAA's Reply, Plaintiff does not oppose the relief requested. Plaintiff opposes the relief requested as to Section II of GOAA's Reply.

Dated: August 20, 2021.

Respectfully submitted,

/s/ David S. Wood

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CENTRAL FLORIDA REGIONAL
TRANSPORTATION AUTHORITY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 20, 2021, a true and correct copy of the foregoing was filed with the Court using the CM/ECF system, which will send an electronic notice to all counsel of record.

/s/ David S. Wood

David S. Wood, Esq.