

## **APPENDIX D**

Filing # 147448789 E-Filed 04/11/2022 02:31:13 PM

**IN THE CIRCUIT COURT FOR LEON COUNTY, FLORIDA**

DONIVON CRAIG TINGLE,

Plaintiff,

Case No. 2021 CA 2155

v.

FLORIDA DEPARTMENT OF HEALTH,

Defendant.

**ORDER AND FINAL JUDGMENT**

**THIS CAUSE** came before the Court on the parties' cross-motions for summary judgment and *Plaintiff's Motion for Sanctions*. After reviewing the motions, responses to the motions, and having heard argument of counsel at a hearing on March 30, 2022, and being otherwise fully advised in the premises, the Court finds as follows:

1. Based on everything presented by the parties, the Court concludes that section 381.986(8)(a)2.b., Florida Statutes, (the Pigford Provision) is not unconstitutional as alleged by Plaintiff.

2. Accordingly, and based on all the arguments made in the *Department's Motion for Summary Judgment and Supporting Memorandum of Law* and the *Department's Response Opposing Plaintiff's Motion for Summary Judgment*, the Court concludes that the Department's motion should be granted. The Court notes, without limiting its ruling, that it finds *Jana-Rock Constr., Inc. v. N.Y. State Dep't of Econ. Dev.*, 438 F.3d 195 (2d Cir. 2006) to be persuasive as to Plaintiff's equal protection claims and that the Pigford Provision survives

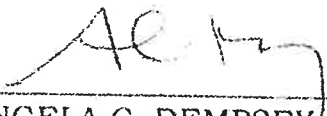
constitutional scrutiny under the rational basis test. Additionally, and alternatively, even applying a strict scrutiny analysis to the Pigford Provision, the Court finds that it survives strict scrutiny as well.

3. Having concluded that the Department is entitled to summary final judgment based on the arguments presented in its papers, the Court finds that the *Plaintiff's Motion for Sanctions* must be denied.

Accordingly, it is ORDERED AND ADJUDGED THAT:

1. *Plaintiff's Motion for Summary Judgment* is DENIED.
2. *Plaintiff's Motion for Sanctions* is DENIED.
3. *Department's Motion for Summary Judgment and Supporting Memorandum of Law* is GRANTED.
4. Final Judgment is hereby entered on all claims in favor of the Florida Department of Health, who shall go hence without day.

**DONE AND ORDERED** in Leon County, Florida on April 11, 2022.

  
ANGELA C. DEMPSEY  
Circuit Judge

Copies to:  
All parties of record via the e-filing portal