

# REPORTED OPINIONS

## Daniel E. Nordby



**PARTNER**

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

**\*Bellsouth Telecommunications, LLC v. Fla. Public Service Comm'n, Florida Power & Light Company, Duke Energy Florida, and Tampa Electric Company**, Case No. 22-774RP (Fla. DOAH May 18, 2022) (Final Order)  
Represented investor-owned utilities in successful defense of administrative challenge to Public Service Commission proposed rule addressing regulation of pole attachments.

**Physicians Medical Centers v. Allstate Fire & Cas. Ins. Co.**, 335 So. 3d 1284 (Fla. 1st DCA 2022)  
Represented insurer in successful defense of challenge to validity of fee-schedule election in no-fault policy, resolution of certified question of great public importance.

**League of Women Voters of Fla., Inc., v. Fla. Secretary of State**, 32 F.4th 1363 (11th Cir. 2022)  
Represented political party organizations in successful appeal to institute stay of district court order permanently enjoining amendments to Florida Election Code.

**Allstate Fire & Cas. Ins. Co. v. Sports, Spine, Occupational, Rehabilitation, Inc.**, 335 So. 3d 725 (Fla. 4th DCA 2022)  
Represented insurer in successful appeal of trial court order addressing provider's entitlement to payment of PIP benefits for amounts billed below insured's deductible.

**\*In re Senate Jt. Resolution of Legislative Apportionment 100**, 334 So. 3d 1282 (Fla. 2022)  
Represented Florida Senate in original action affirming the constitutional validity of the 2022 reapportionment of state legislative districts.

**\*Advisory Op. to Gov. re Whether Art. III, Section 20(a) of Fla. Const. Requires Retention of a District in Northern Florida**, 333 So. 3d 1106 (Fla. 2022)  
Represented Florida Senate in original action by Governor seeking advisory opinion on the interpretation of the Florida Constitution's redistricting provisions.

**\*Fla. Financial Impact Estimating Conference v. All Voters Vote, Inc.**, 328 So. 3d 1149 (Fla. 1st DCA 2021)  
Represented Florida Financial Impact Estimating Conference in successful appeal of trial court order invalidating financial impact statement prepared for proposed constitutional amendment.

**Westside Electric Inc. v. Jacksonville Electric Authority and Florida Power & Light Co.**, 326 So. 3d 685 (Fla. 1st DCA 2021)  
Represented electric utility company in appeal addressing application of continuing tort doctrine to trespass and nuisance claims.

**\*Sch. Bd. of Miami-Dade Cnty. v. Fla. Dep't of Health**, 329 So. 3d 784 (Fla. 3d DCA 2021)  
Represented state agency in successful defense of challenge to emergency rule providing for parental opt-out of face mask requirements in public schools.

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- \*Allstate Property & Cas. Ins. Co. v. Marcia C. Sasso, D.C., P.A., 325 So. 3d 903 (Fla. 4th DCA 2021)  
Represented insurer in successful defense of challenge to validity of fee-schedule election in no-fault policy.
- \*Tanner v. Tanner, 323 So. 3d 808 (Fla. 1st DCA 2021)  
Represented former husband in successful appeal of trial court order awarding permanent and retroactive alimony in dissolution of marriage proceeding.
- \*Allstate Fire & Cas. Ins. Co. v. Jeffrey L. Katzell, M.D., P.A., 323 So. 3d 191 (Fla. 4th DCA 2021)  
Represented insurer in successful defense of trial court order addressing interpretation of Florida No-Fault Law.
- Assoc. in Family Practice of Broward, LLC v. Allstate Fire & Cas. Ins. Co., 322 So. 3d 1169 (Fla. 4th DCA 2021)  
Represented insurer in successful appeal of trial court order addressing medical provider's unbundling of CPT billing codes.
- \*Adv. Op. to Att'y Gen. re Regulate Marijuana in a Manner Similar to Alcohol to Establish Age, Licensing, and Other Restrictions**, 320 So. 3d 657 (Fla. 2021)  
Represented trade and social-welfare organizations in successful challenge to proposed constitutional amendment addressing marijuana regulation.
- Peoples Gas System v. Posen Construction, Inc., 322 So. 3d 604 (Fla. 2021)  
Represented natural gas distributor in Florida Supreme Court proceeding addressing certified question on interpretation of Underground Facility Damage Prevention and Safety Act.
- \*Point Conversions, LLC v. WPB Hotel Partners, LLC**, 324 So. 3d 947 (Fla. 4th DCA 2021), rev. granted, 2021 WL 5804319 (Fla. Dec. 7, 2021).  
Represented hotel franchisee in appeal addressing state-court jurisdiction over complaint raising issues of federal patent law.
- Tallahassee Medical Center, Inc. v. Kemp, 324 So. 3d 14 (Fla. 1st DCA 2021)  
Represented hospital in successful appeal reversing seven-figure jury verdict in premises liability case based upon improper stacking of inferences.
- Fla. Dep't of Health v. Florigrown, LLC, 317 So. 3d 1101 (Fla. 2021)  
Represented state agency in successful defense of constitutional challenge to Florida statutes regulating medical marijuana treatment centers.
- \*Point Conversions, LLC v. Omkar Hotels, Inc., 321 So. 3d 326 (Fla. 2021)  
Represented hotel franchisee in appeal addressing state-court jurisdiction over complaint raising issues of federal patent law.
- \*Priority Medical Centers, LLC v. Allstate Ins. Co.**, 319 So. 3d 724 (Fla. 3d DCA 2021)  
Represented insurer in successful defense of trial court order addressing interpretation of Florida No-Fault Law.

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Adv. Op. to Att’y Gen. re Adult Use of Marijuana, 315 So. 3d 1176 (Fla. 2021)

Represented trade and social-welfare organizations in successful challenge to proposed constitutional amendment addressing marijuana regulation.

Point Conversions, LLC v. Natha Govan, Inc., 318 So. 3d 619 (Fla. 1st DCA 2021)

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

**\*Fla. Dep’t of Transportation v. Miami-Dade County Expressway Authority, 316 So. 3d 388 (Fla. 1st DCA 2021)**

Represented state agency in successful defense of constitutional challenge based on application of public official standing doctrine.

Unique Goals Int’l, Ltd. v. Finskiy, 178 A.D.3d 626, 116 N.Y.S.3d 223 (2019)

Represented appellee in appeal affirming dismissal of complaint alleging fraud and conspiracy to commit fraud based upon insufficiency of pleading as to justifiable reliance by sophisticated investors.

**\*AHF MCO of Florida, Inc. v. Agency for Health Care Admin., 308 So. 3d 1136 (Fla. 1st DCA 2020)**

Represented Agency for Health Care Administration in successful defense of agency decision to disqualify bidder for violations of “cone of silence” provision of Florida procurement law.

WilsonArt, LLC v. Lopez, 308 So. 3d 961 (Fla. 2020)

Represented trade associations as amici curiae in Florida Supreme Court case addressing whether Florida should adopt the federal summary judgment standard.

**\* McCallum v. Kramer et al., 299 So. 3d 630 (Fla. 1st DCA 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, 302 So. 3d 1012 (Fla. 1st DCA 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., 302 So. 3d 1012 (Fla. 1st DCA 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, 298 So. 3d 1261 (Fla. 1st DCA 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, 296 So. 3d 376 (Fla. 2020)

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

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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, 291 So. 3d 901 (Fla. 2020)  
Represented political party in challenge to proposed constitutional amendment addressing "top-two" primary.

\*Advisory Op. to Att'y Gen. re Right to Competitive Energy Market for Customers of Investor-Owned Utilities, 287 So.3d 1256 (Fla. 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**, 259 So. 3d 982 (Fla. 1st DCA 2018)  
Represented Governor in successful defense of challenge to financial disclosure under Florida's qualified blind trust law.

\***Trotti v. Scott**, 271 So. 3d 904 (Fla. 2018); and

\***Scott v. Trotti**, So. 3d 340 (Fla. 1st DCA 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**, 257 So. 3d 900 (Fla. 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**, 366 F. Supp.3d 1311 (N.D. Fla. 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.

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**\*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.

**\*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.

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- \*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.
- \***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.



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**\*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.

**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.

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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.

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)