

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

WILLIAM LONG et al.,

Plaintiffs,

v.

CASE NO. 4:08cv26-RH/WCS

ELIZABETH DUDEK et al.,

Defendants.

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**ORDER DENYING SUMMARY JUDGMENT**

In *Olmstead v. L.C.*, 527 U.S. 581, 119 S. Ct. 2176, 144 L. Ed. 2d 540 (1999), the United States Supreme Court made clear that a state violates the Americans with Disabilities Act if it unnecessarily isolates disabled individuals in institutions as a condition of providing them public assistance. Isolation is unnecessary, for this purpose, if a state could provide the same assistance as effectively and efficiently in the community without fundamentally altering its public assistance program. Lower courts of course have followed *Olmstead*. See, e.g., *Radaszewski v. Maram*, 383 F.3d 599 (7th Cir. 2004); *Fisher v. Okla. Health Care Auth.*, 335 F.3d 1175 (10th Cir. 2003).

In this class action, the plaintiffs assert that the State of Florida is operating its Medicaid program in violation of the *Olmstead* principle by providing assistance to many disabled individuals only in nursing homes even though they could be treated as effectively—and less expensively—in the community. Each side has moved for summary judgment. But each relies on facts that are disputed. The contested factual issues must be resolved at trial.

No purpose would be served by explaining this ruling at greater length. The trial is imminent, and a full ruling will be entered based on the evidence presented at the trial.

Accordingly,

IT IS ORDERED:

The summary-judgment motions, ECF Nos. 313 and 314, are DENIED.

SO ORDERED on January 19, 2011.

s/Robert L. Hinkle  
United States District Judge