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### Carlton Fields partner provides invaluable pro bono assistance in Medicaid prescription drug access case

**Tuesday, June 27, 2006**

- **Organization:** Florida Legal Services, Inc.

When the Florida Medicaid Agency implemented a policy asserting that the state has discretion to deny "off-label" (non- FDA approved) uses of prescription drugs, thousands of severely ill recipients lost access to a drug which was successfully treating their intractable pain and mood disorders. The state's action violated federal Medicaid law. After administrative advocacy failed, Florida Legal Services, Legal Aid Service of Broward County, the Legal Aid Society of Orange County and the National Health Law Program, filed a class action, Edmonds et al. v. Levine. Shortly after the law suit was filed, we asked Carlton Fields whether they would be interested in providing assistance if necessary. Although it initially appeared that the case would turn on a straight-forward issue of law and that assistance would not be necessary, Neil Kodsi, a partner at Carlton Fields, graciously offered to become familiar with the case and to join the litigation team if and when necessary.

At the first status conference the state agency insisted on taking depositions of all class representatives, their doctors and class declarants (over twenty). The state also insisted on a three day evidentiary trial, involving 5 experts in addition to fact witnesses. Mr. Kodsi's ability to step into the case at that time was critical. As a highly experienced trial attorney, Mr. Kodsi coordinated our trial preparation. He provided invaluable assistance in helping plaintiffs present a comprehensive and compelling factual presentation of irreparable injury, along with providing extremely skilled cross examination of the Defendant's expert witnesses.

Thanks in large part to Mr. Kodsi's outstanding pro bono assistance, plaintiffs received a highly favorable decision granting our motion for summary judgment and entering a permanent injunction, see Edmonds v. Levine, 417 F.Supp. 2d 1323 (S.D. Fla. 2006).