

To: McDowell Foundation
From: Center for Public Representation
Re: Final Report
Date: October 15, 2025

I. General direction/progress of the case

On March 25, 2025, Judge Totenberg issued an opinion denying the Defendants' Motion to Dismiss in *Isaac A. vs. Carlson*, a lawsuit filed by CPR and co-counsel on behalf of Medicaid-eligible children with Serious Emotional Disturbance (SED) in Georgia. As described in the Plaintiffs' complaint, these children and youth are being denied access to intensive mental health services in the community, leading to a worsening of their conditions and causing them to be repeatedly admitted to emergency departments, institutionalized in psychiatric facilities, and separated from their families.

In a 95-page decision, the Court set out in detail the bases for Plaintiffs' allegations under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Early Periodic Screening Diagnosis and Treatment and Reasonable Promptness provisions of the Medicaid Act. The Court concluded that the Individual Plaintiffs had adequately stated a claim for relief under these statutes and had standing to pursue those claims. The Georgia Advocacy Office, the Protection and Advocacy agency for the State of Georgia, was also found to have associational standing. Additionally, the Court considered and rejected Defendants' arguments that: 1) they were immune from suit under the Eleventh Amendment; 2) relevant provisions of the Medicaid statute were not privately enforceable; and 3) the Plaintiffs' requested relief violated anticommandeering principles.

On April 2, 2025, Defendant Commissioners from Georgia's Medicaid, Child Welfare and Behavioral Health/Developmental Disability agencies filed their notice of intent to appeal the Court's decision to the Eleventh Circuit. A Motion to Stay the litigation was later entered in the District Court.

II. Status of Appellate Advocacy

On April 22, 2025, the Court of Appeals asked for supplemental briefing on the question of its jurisdiction over the Defendants' appeal. Plaintiffs' and Defendants' responses were filed simultaneously on May 6, 2025. Shortly thereafter, the parties were directed to attend mandatory mediation by the Court, which occurred on June 11, 2025.

On June 12, 2025, Defendants filed their opening brief with the Eleventh Circuit Court of Appeals, seeking direct appellate review of two sovereign immunity questions: (1) Whether Georgia's sovereign immunity is abrogated under the ADA; and (2) whether the Commissioners are proper defendants under the *Ex Parte Young* exception. Defendants also argued for pendant appellate jurisdiction which would allow the Court to revisit whether the Plaintiffs stated a claim under the Medicaid Act, ADA, and Rehabilitation Act, and their standing to raise these claims. The Court then issued a stay on Plaintiff/Appellees' briefing schedule, pending the outcome of the jurisdictional question.

III. Progress anticipated in the next six months

In the coming months, Plaintiffs anticipate briefing any claims over which the Eleventh Circuit accepts jurisdiction. Should the Court dismiss the appeal, the District Court has established a timeline for the immediate resumption of litigation including the filing of Defendants' Answer and the submission of the Parties' Joint Preliminary Report and Discovery Plan.

IV. Additional information

CPR's partners in this case are the Georgia Advocacy Office, the National Health Law Program (NHeLP), Kilpatrick Townsend & Stockton, LLP, and Duane Morris, LLP.