

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ISIS BENJAMIN; FANTASIA
HORTON; NAEOMI MADISON;
BRYNN WILSON; and JOHN DOE;
on behalf of themselves and all
persons similarly situated,

Plaintiffs,

v.

COMMISSIONER TYRONE
OLIVER, in his official capacity;
ASSISTANT COMMISSIONER
RANDY SAULS, in his official
capacity; STATEWIDE MEDICAL
DIRECTOR DR. MARLAH
MARDIS, in her official capacity;
and CENTURION OF GEORGIA,
LLC,

Defendants.

Case No. 1:25-cv-04470-VMC

**DEFENDANT CENTURION OF GEORGIA, LLC'S
JOINDER IN STATE DEFENDANT'S MOTION
FOR PARTIAL SUMMARY JUDGMENT**

Defendant Centurion of Georgia, LLC ("Centurion"), the contract medical provider for the Georgia Department of Corrections, files this joinder in the State Defendant's Motion for Partial Summary Judgment (ECF No. 72).

JOINDER ARGUMENT

Centurion joins and adopts the State Defendants' summary judgment motion to the extent that the State Defendants argue:

First, decisions to provide or prohibit the use of hormone replacement therapies for treating inmates with gender dysphoria is a contested question of public policy that can only be decided by State officials, in this case the Georgia Legislature and Governor of Georgia through the adoption of SB 185. *See* ECF No. 72 at 5-9, 10-12. Centurion cannot be deemed deliberately indifferent based on actions taken to comply with laws enacted by State officials. *See Howell v. Evans*, 922 F.2d 712, 724-26 (11th Cir. 1991).¹

Second, Centurion and its medical providers are providing extensive monitoring, medical care, and mental health treatment to patients diagnosed with gender dysphoria and will continue to do so, subject to SB 185's limitations, if the State Defendants' motion is granted. *See* ECF No. 72 at 16. Under these circumstances, Centurion and its providers cannot be deemed deliberately indifferent to plaintiffs' medical needs. *See Wade v. McDade*, 106 F.4th 1251, 1258 (11th Cir.

¹ As *Howell* explains, a private contractor cannot be deemed a "final authority," subject to pattern-or-practice liability, if a state agency has retained or exercised final decision-making authority on the subject. 922 F.2d at 724-46; *see also Whiting v. Wexford Health Sources, Inc.*, 839 F.3d 658, 664 (7th Cir. 2016) ("To prevail on his *Monell* claim, Whiting needs to show that Wexford's policy, practice, or custom, caused a constitutional violation."); *Johnson v. Karnes*, 398 F.3d 868, 877 (6th Cir. 2005) ("[A] private contractor is liable for a policy or custom of that private contractor, rather than a policy or custom of the municipality.").

2024) (“[W]e hold that a deliberate-indifference plaintiff must show that the defendant official was subjectively aware that his own conduct—again, his own actions or inactions—put the plaintiff at substantial risk of serious harm.”); *id.* at 1258-62 (discussing heavy burden required to meet subjective prong of deliberate-indifference test); *see also Hoffer v. Sec’y, Fla. Dep’t of Corr.*, 973 F.3d 1263, 1272 (11th Cir. 2020) (recognizing that deliberate indifference requires proof that officials are ignoring or denying medical care, and evidence that some medical attention was provided defeats deliberate-indifference claims).

Third, Plaintiffs Stewart and Madison lack standing to seek prospective relief. *See* ECF No. 72 at 17-18.

For these reasons, if the Court grants the State Defendants’ Motion for Partial Summary Judgment, then it should enter summary judgment for Centurion as well.

Respectfully submitted,

HUFF, POWELL & BAILEY, LLC

/s/ Michael Frankson

Michael G. Frankson
Georgia Bar No.: 173825
Alexander C. Vey
Georgia Bar No.: 307899
Daniel Ficarrotta
Georgia Bar No.: 863030

*Counsel for Defendant Centurion of
Georgia, LLC*

HUFF, POWELL & BAILEY, LLC
999 Peachtree Street, Suite 950
Atlanta, Georgia 30309
Telephone: (404) 892-4022
Fax: (404) 892-4033
Email: mfrankson@huffpowellbailey.com
Email: avey@huffpowellbailey.com
Email: dficarrotta@huffpowellbailey.com

Of Counsel

Michael J. Bentley
(Admitted *Pro Hac Vice*)
BRADLY ARANT BOULT CUMMINGS LLP
188 East Capitol Street, Suite 1000
Jackson, Mississippi 39201
Telephone: (601) 948-8000
Email: mbentley@bradley.com

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rules 5.1(B) and 7.1(D), I hereby certify that the foregoing filing complies with the applicable font and size requirements and is formatted in Times New Roman, 14-point font.

HUFF, POWELL & BAILEY, LLC

/s/ Michael Frankson

Michael G. Frankson
Georgia Bar No.: 173825
Alexander C. Vey
Georgia Bar No.: 307899
Daniel Ficarrotta
Georgia Bar No.: 863030

*Counsel for Defendant Centurion of
Georgia, LLC*

HUFF, POWELL & BAILEY, LLC
999 Peachtree Street, Suite 950
Atlanta, Georgia 30309
Telephone: (404) 892-4022
Fax: (404) 892-4033
Email: mfrankson@huffpowellbailey.com
Email: avey@huffpowellbailey.com
Email: dficarrotta@huffpowellbailey.com

CERTIFICATE OF SERVICE

I certify that on November 11, 2025, I electronically filed the foregoing with the Clerk of the Court using the Court's ECF system, which will automatically send email notification to all counsel of record.

Respectfully submitted,

HUFF, POWELL & BAILEY, LLC

/s/ Michael Frankson

Michael G. Frankson

Georgia Bar No.: 173825

Alexander C. Vey

Georgia Bar No.: 307899

Daniel Ficarrotta

Georgia Bar No.: 863030

*Counsel for Defendant Centurion of
Georgia, LLC*

HUFF, POWELL & BAILEY, LLC

999 Peachtree Street, Suite 950

Atlanta, Georgia 30309

Telephone: (404) 892-4022

Fax: (404) 892-4033

Email: mfrankson@huffpowellbailey.com

Email: avev@huffpowellbailey.com

Email: dficarrotta@huffpowellbailey.com