

**IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA**

CORD BYRD,¹ in his official
capacity as Florida Secretary of
State,

Appellant,

Case No. 1D22-1470
LT Case No.: 2022 CA 0666

v.

BLACK VOTERS MATTER
CAPACITY BUILDING INSTITUTE,
INC., *et al.*,

Appellees.

**RESPONSE IN OPPOSITION TO EMERGENCY
SUGGESTION FOR CERTIFICATION DATED MAY 18, 2022**

The Secretary asks that this Court immediately reinstate the automatic stay. Such immediate relief would allow election administrators to complete (or avoid undoing) the work already done to implement the State's duly enacted congressional map; allow candidates and campaigns to continue relying on the enacted map; and provide voters with certainty about their precincts, about their districts, and about the soundness of their elections. *See State ex rel.*

¹ Secretary Byrd is former Secretary Lee's successor in office and is "automatically substituted" as a party. Fla. R. App. P. 9.360(c)(2).

RECEIVED, 05/18/2022 05:00:26 PM, Clerk, First District Court of Appeal

RETRIEVED FROM DEMOCRACYDOCKET.COM

Haft v. Adams, 238 So. 2d 843 (Fla. 1970); App. to Emergency Mot. to Reinstate the Stay at 219-27; *see generally* Emergency Mot. to Reinstate the Stay at 25-53. Moreover, this Court is perfectly capable of resolving the issue, and briefing on the stay question is already underway in this Court. *See* Order, No. 1D22-1470 (May 18, 2022) (ordering Appellees to file their response to the motion to reinstate the automatic stay by 12pm on May 19, 2022). The Secretary thus opposes the request.

Dated: May 18, 2022

Bradley R. McVay (FBN 79034)
brad.mcvay@dos.myflorida.com
Ashley Davis (FBN 48032)
ashley.davis@dos.myflorida.com
FLORIDA DEPARTMENT OF STATE
R.A. Gray Building
500 S. Bronough St.
Tallahassee, FL 32399
(850) 245-6536

/s/ Mohammad O. Jazil

Mohammad O. Jazil (FBN 72556)

mjazil@holtzmanvogel.com

Gary V. Perko (FBN 855898)

gperko@holtzmanvogel.com

Michael Beato (FBN 1017715)

mbeato@holtzmanvogel.com

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK

119 S. Monroe St. Suite 500

Tallahassee, FL 32301

(850) 270-5938

*Counsel for Florida Secretary
of State*

Henry C. Whitaker (FBN1031175)

Solicitor General

Daniel W. Bell (FBN 1008587)

Jeffrey Paul DeSousa (FBN 110951)

Chief Deputy Solicitors General

David M. Costello (FBN 1004952)

Assistant Solicitor General

OFFICE OF THE ATTORNEY GENERAL

The Capitol, PL-01

Tallahassee, Florida 32399

(850) 414-3300

henry.whitaker@myfloridalegal.com

daniel.bell@myfloridalegal.com

jeffrey.desousa@myfloridalegal.com

david.costello@myfloridalegal.com

*Counsel for Florida Attorney General Ashley
Moody*

CERTIFICATE OF SERVICE

I certify that on this 18th day of May, the foregoing was filed electronically via the Florida Court's E-Filing Portal, which will send a copy of this filing to the following:

Frederick S. Wermuth
Florida Bar No. 0184111
Thomas A. Zehnder
Florida Bar No. 0063274
*KING, BLACKWELL, ZEHNDER
& WERMUTH, P.A.*
P.O. Box 1631
Orlando, Florida 32802
fwerthemuth@kbzwlaw.com
tzehnder@kbzwlaw.com

John M. Devaney
PERKINS COIE LLP
700 Thirteenth Street N.W.,
Suite 600
Washington, D.C. 20005
jdevaney@perkinscoie.com

Abha Khanna
Jonathan P. Hawley
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite
2100
Seattle, Washington 98101
akhanna@elias.law
jhawley@elias.law

Christina A. Ford
Florida Bar No. 1011634
Joseph N. Posimato
Graham W. White
Harleen K. Gambhir
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
cford@elias.law
jposimato@elias.law
gwhite@elias.law
hgambhir@elias.law

Counsel for Plaintiffs

Andy Bardos, Esq.
GRAYROBINSON, P.A.
301 S. Bronough Street,
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-
robinson.com

Daniel E. Nordby
SHUTTS & BOWEN LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
ndordby@shutts.com

*Counsel Chris Sprowls and
Thomas J. Leek*

*Counsel for Florida Senate,
Ray Rodrigues, and Wilton Simpson*

/s/ Mohammad O. Jazil
Attorney

CERTIFICATE OF COMPLIANCE

I certify that under Florida Rule of Appellate Procedure 9.045 that
this response is computer generated in 14-point Bookman Old Style.

/s/ Mohammad O. Jazil
Attorney