



1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

July 1, 2024

David J. Smith
Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Re: Citation of Supplemental Authority
Disability Rights Florida v. Secretary, State of Florida
No. 23-13727 (11th Cir.)

Dear Mr. Smith,

Food & Drug Administration v. Alliance for Hippocratic Medicine, 602 U.S. 367, 2024 WL 2964140 (2024) (“*Alliance*”), has no bearing on Plaintiffs’ standing for at least two reasons. First, *Alliance* did not concern associational standing, which alone suffices under Article III. As discussed in Plaintiffs’ opening brief, three of the four Plaintiff organizations here have adequately alleged associational standing. See Dkt. 43 at 17–20.

Second, three Plaintiff organizations have standing in their own right under *Alliance*. *Alliance* does not alter the organizational-standing requirements. Instead, the decision emphasizes that *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982), does not allow an organization to “spend its way into standing simply by expending money to gather information and advocate against the defendant’s action,” *All. for Hippocratic Med.*, 2024 WL 2964140, at *13. The defendant’s conduct must also “perceptibly impair[]” the organization’s mission. *Id.*

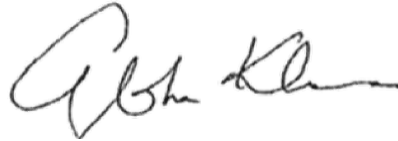
That is precisely the standard the lower court applied in finding that at least one Plaintiff adequately pleaded standing. Florida NAACP is a civil-rights organization whose activities include voter registration. App. 42. As the lower court recognized, Plaintiffs allege that the Wet Signature Requirement “forces Florida NAACP to divert valuable resources to helping registrants who cannot use Florida’s other methods of registration to print, sign, and physically return their voter registration applications.” App. 326. Enforcement of the Requirement therefore “directly affect[s] and interfere[s] with [its] core . . . activities.” *All. for Hippocratic Med.*, 2024 WL 2964140, at *13. The other Plaintiffs pleaded similar facts. App. 39–45.

The regulations at issue in *Alliance*, by contrast, did not make it harder for medical-association plaintiffs to conduct their usual activities. Instead, plaintiffs argued they had organizational standing “based on their incurring costs to oppose FDA’s actions” through activities such as “drafting citizen petitions to FDA, as well as engaging in public advocacy and public

David J. Smith
July 1, 2024
Page 2

education” in opposition to the use of mifepristone. *All. for Hippocratic Med.*, 2024 WL 2964140, at *13. The Supreme Court’s rejection of that standing theory has no bearing on this case.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Abha Khanna', with a stylized, flowing script.

ABHA KHANNA
PARTNER

RETRIEVEDFROMDEMOCRACYDOCKET.COM