

No. 23-12313

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

Hispanic Federation et al.,
Plaintiffs-Appellees,

v.

Cord Byrd et al.,
Defendants-Appellants.

U.S. District Court for the Northern District of Florida, 4:23-cv-218 (Walker, C.J.)

RESPONSE IN OPPOSITION TO MOTION TO DISMISS

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23-12313

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Under Rule 26.1 and Circuit Rule 26.1, Defendants-Appellants certify that the CIP in the motion to dismiss is complete.

Dated: July 5, 2024

/s/ Mohammad O. Jazil

Counsel for Defendant-Appellant Secretary of State Byrd

/s/ Henry C. Whitaker

Counsel for Defendant-Appellant Attorney General Moody

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Memorandum

Defendants-Appellants Florida Secretary of State Byrd and Florida Attorney General Moody's (the "State") aim is simple: resolve the challenges to Florida Senate Bill 7050 as efficiently as possible.

Right now, things are a bit complicated. There are three challenges to SB7050: one from the *Hispanic Federation* Plaintiffs, No. 4:23-cv-218 (N.D. Fla. 2023); one from the *NAACP* Plaintiffs, No. 4:23-cv-215 (N.D. Fla. 2023); and one from the *League of Women Voters* Plaintiffs, No. 4:23-cv-216 (N.D. Fla. 2023).

The district court granted preliminary injunctions in the *Hispanic Federation* and the *NAACP* cases, and those orders were appealed to (and consolidated before) this Court. Nos. 23-12308, 23-12313 (11th Cir. 2023). This Court heard oral argument in the two consolidated cases in January of this year. An appellate decision hasn't been rendered yet.

But the district court held a bench trial in April 2024 and, as of filing this response, only rendered one final order. It did so only in the *Hispanic Federation* case, and it did so on the same grounds as its preliminary-injunction order. Final orders in the *NAACP* and the *League of Women Voters* cases haven't been rendered yet.

That's where the State is operating from: two preliminary-injunction appeals and arguments in those appeals, no appellate-court decision, one final district-court order that affects one preliminary-injunction appeal, two future district-court orders, and two future appeals.

The State wants to make things easier. That’s why it filed a motion in the *Hispanic Federation* final-order appeal to have Judges Wilson, Grant, and Lagoa preside; they are already familiar with SB7050 and the constitutional challenges to the bill. Doc.25, No. 24-11892 (11th Cir. June 24, 2024). Notably, Plaintiffs don’t oppose that portion of the motion.

That’s why the State informed this Court that it will seek consolidation of all of the SB7050 appeals; that, too, would maintain the same panel and would bring together all of the challenges to SB7050. Doc.73 at 2, No. 23-12313 (11th Cir. May 16, 2023) (letter to David Smith). In short, all SB7050 appeals should be consolidated together, as a means of resolving the SB7050 challenges as efficiently as possible.

The State understands the *Hispanic Federation* Plaintiffs’ argument. Plaintiffs are right that the *Hispanic Federation* final order superseded the *Hispanic Federation* preliminary-injunction order. But Plaintiffs are also right in suggesting that this appeal, No. 24-11892 (11th Cir. 2024), “can only be absorbed into an appeal taken from the permanent injunction,” Doc.74 ¶ 13, No. 23-12313 (11th Cir. June 24, 2024).

That’s what the State asks this Court to do: simplify things by maintaining the same SB7050 panel and consolidate *all* SB7050 cases together.

In their motion, Plaintiffs add that this Court should also “hold the newly docketed No. 24-11892” (the *Hispanic Federation* final-order appeal) “in abeyance until the district court issues orders in all SB7050 cases.” Doc.74 ¶ 14, No. 23-12313 (11th Cir. June 24, 2024). That makes things easier, too, so the State agrees.

All told, the Secretary asks this Court to deny Plaintiffs' motion to dismiss.

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Dated: July 5, 2024

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing complies with the typeface and type-style requirements of Rule 32.

Dated: July 5, 2024

/s/ Mohammad O. Jazil

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing certificate was filed on ECF.

Dated: July 5, 2024

/s/ Mohammad O. Jazil

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