

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**FLORIDA STATE CONFERENCE  
OF BRANCHES AND YOUTH UNITS  
OF THE NAACP, et al.,**

*Plaintiffs,*

v.

**Case No.: 4:23cv215-MW/MAF**

**CORD BYRD, et al.,**

*Defendants.*

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**ORDER SETTING HEARING ON MOTION  
FOR PRELIMINARY INJUNCTION AND BRIEFING SCHEDULE**

On June 14, 2023, this Court held an expedited telephonic scheduling conference regarding Plaintiffs' Motion for Preliminary Injunction, ECF No. 55. This Court adopted the parties' joint proposed schedule, ECF No. 76, as follows. The in-person hearing on Plaintiffs' motion for preliminary injunction is set for Wednesday, June 28, 2023, at 9:00 a.m. (ET). Defendants' response and any declarations in support thereof are due on or before 12:00 p.m. (ET) on Friday, June 23, 2023. Plaintiffs' reply brief and any rebuttal declarations are due on or before 12:00 p.m. (ET) on Monday, June 26, 2023. This Court grants Plaintiffs' request to enlarge the maximum word count to 5,000 words with respect to their reply brief.

The parties indicated that they intend to proceed with declarations in lieu of live witnesses, and they have not requested to set any discovery in preparation for the hearing.<sup>1</sup>

Given that Plaintiffs will have the last word ahead of the hearing upon filing their reply, this Court intends to let Defendants present their argument first at the hearing. In so doing, this Court is not shifting the burden to Defendants. Plaintiffs retain the burden to prove their entitlement to preliminary injunctive relief.

This Court **STAYS** the parties' deadline to brief the issue of consolidation. *See* ECF No. 49. This Court will issue a new briefing deadline with respect to consolidation after the hearing on June 28. Finally, the deadline for Defendant Supervisors of Elections to answer or otherwise respond to Plaintiffs' complaint is extended to on or before the twenty-first day after this Court's ruling on Plaintiffs' motion for preliminary injunction.

**SO ORDERED on June 14, 2023.**

**s/Mark E. Walker**  
**Chief United States District Judge**

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<sup>1</sup> Given that the parties do not intend to call live witnesses or present additional evidence at the hearing and that the case will have been fully briefed before the hearing, this Court is slightly concerned that the parties proposed over four hours for argument. This Court makes clear that the parties are **NOT** to regurgitate or summarize the arguments raised in their papers at the hearing. Rather, the hearing's purpose is for Defendants to respond to Plaintiffs' replies and for Plaintiffs, in turn, to address any new issues raised by Defendants. This Court will ask questions, if any, at the end of the arguments.