

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

EQUAL GROUND EDUCATION FUND,
INC., *et al.*,

Plaintiffs,

v.

CORD BYRD, in his official capacity as
Florida Secretary of State, the FLORIDA
SENATE, and the FLORIDA HOUSE OF
REPRESENTATIVES,

Defendants.

Case No. 2026 CA 000914

PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION

Pursuant to Florida Rule of Civil Procedure 1.610, Plaintiffs Equal Ground Education Fund, Inc., and Florida voters Marcos Vilar, Brandon Nelson, Lisa Barika, Kisha Linebaugh, Rochelle Reback, Elizabeth Wells, Susan Wilson, Andrea Davnie Hill, Emma Kurtz, Lynnelle Mays, Steven Licari, Anne Blanford, Sharon Lascola, Janet Wechter, Kerry Marie, Linda Rosenthal, Daniella Pierre, and Philip Fortman, for the reasons set forth herein and in the memorandum of law filed concurrently with this motion, along with its associated verifications and affidavits, respectfully move for an order temporarily enjoining Defendants from enforcing the boundaries of the congressional districts as drawn in the congressional plan signed into law by Governor Ron DeSantis on May 4, 2026 (the "2026 Plan").

A temporary injunction is warranted here because Plaintiffs are likely to succeed on the merits of their claim that the 2026 Plan violates the Florida Constitution's requirements that (1) "[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor

a political party,” Fla. Const. art. III, § 20(a), and (2) “districts shall be compact” and shall “where feasible, utilize existing political and geographical boundaries,” *Id.* § 20(b).

There is no serious dispute that the 2026 Plan was drawn with the intent to favor the Republican Party and disfavor the Democratic Party. Plaintiffs’ motion provides the Court with both direct and circumstantial evidence of partisan intent, *see In re Senate Joint Resol. of Legis. Apportionment 1176 (Apportionment I)*, 83 So. 3d 597, 607 (Fla. 2021), including testimony from the map maker that he did not consider himself bound by the Fair Districts Amendment in drawing the 2026 Plan and consequently used partisan data to draw it. *See* Memo. Supp. Temp. Inj. Background § IV; Argument § I.A.1. Plaintiffs’ expert analysis only confirms the extent to which Democratic voters were packed into a small number of districts and cracked across others, while disregarding political and geographic boundaries, in a textbook effort to dilute their votes. *See* Memo. Supp. Temp. Inj. Background § V; Argument I.A.2.

The 2026 Plan also violates the Fair Districts Amendment’s geographic requirements. The 2026 Plan is less compact than the 2022 Plan it replaces and is substantially less compact than what computer-simulated plans demonstrate is achievable in Florida. *See* Mem. Supp. Temp. Inj. Argument § I.B.1. Further, the 2026 Plan needlessly splits counties and cities across the state in ways that cannot be explained by adherence to the Fair Districts Amendment’s other criteria. *See* Mem. Supp. Temp. Inj. Argument § I.B.2.

This Court has authority to preserve the status quo by enjoining the 2026 Plan for upcoming elections and ordering the 2022 congressional plan remain in place pending a final determination on the merits. *See Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.*, 339 So. 3d 1070 (Fla. 1st DCA 2022). Plaintiffs lack an adequate remedy at law because their injuries result from a violation of a fundamental constitutional right—the right to vote. *See, e.g., Gainesville Woman Care, LLC*

v. State, 210 So. 3d 1243, 1263–64 (Fla. 2017) (finding “no adequate legal remedy at law for the improper enforcement of” unconstitutional law), *overruled on other grounds by Planned Parenthood of Sw. & Cent. Fla. v. State*, 384 So. 3d 67 (Fla. 2024). Plaintiffs will suffer irreparable injury to their fundamental voting rights without immediate injunctive relief because Florida “law recognizes that a continuing constitutional violation, in and of itself, constitutes irreparable harm.” *Bd. of Cnty. Comm’rs v. Home Builders Ass’n of W. Fla., Inc.*, 325 So. 3d 981, 985 (Fla. 1st DCA 2021); *see also, e.g., League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014) (“Courts routinely deem restrictions on fundamental voting rights irreparable injury.”). And “enjoining the enforcement of a law that encroaches on a fundamental constitutional right presumptively would serve the public interest,” *Green v. Alachua County*, 323 So. 3d 246, 254 (Fla. 1st DCA 2021) (internal quotation omitted)—especially where, as here, the 2026 Plan was not enacted on the basis of a good-faith legal judgment that it complies with the Florida Constitution as written, but on an explicit bet that future courts will change the law.

Plaintiffs therefore request that the Court temporarily enjoin implementation of the 2026 Plan. Plaintiffs further request that the Court expedite its consideration of this motion, including the scheduling of any hearings, to ensure that a lawful congressional plan is in place for the 2026 congressional elections.

Plaintiffs also request that the Court, in determining the posting of bond as required by Florida Rule of Civil Procedure 1.610(b), set no more than a nominal bond, because the relief sought is against the State and to remedy a congressional plan that fails to comply with the Florida Constitution.¹

¹ Plaintiffs have requested that Defendants waive the requirement of a bond, but Defendants have not reached a definitive position on that request as of the time of this filing. *See Dubner v. Ferraro*,

WHEREFORE, Plaintiffs request that the Court temporarily enjoin implementation of the 2026 Plan, require no more than a nominal bond for injunctive relief, and expedite consideration of this matter to ensure that a lawful congressional plan is in place in time for the 2026 primary and general elections.

CERTIFICATE OF GOOD FAITH CONFERRAL

Pursuant to Section 2.3 of the Court’s Policies and Procedures, on May 5, 2026, Plaintiffs’ counsel—Frederick Wermuth—conferred with counsel for the Defendants—Daniel Nordby, Andy Bardos, and Mohammed Jazil—by telephone in a good faith effort to resolve the issues raised in this motion, and counsel have been unable to agree on the resolution of the motion.

Dated: May 6, 2026

/s/ Frederick S. Wermuth
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Respectfully submitted,

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Counsel for Plaintiffs

** Pro hac vice application forthcoming*

242 So. 3d 444, 447–48 (Fla. 4th DCA 2018) (“[A] bond is ordinarily required for a temporary injunction absent evidence of financial inability to maintain a bond, agreement of both sides, or any other recognized ground.”).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 6, 2026 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to all counsel of record and counsel in the Service List below, including counsel for the Florida Senate and Florida House of Representatives by consent.

/s/ Frederick S. Wermuth

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