

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

**Case. No. 1D2026-1539
L.T. Case No. 2026-CA-914**

Equal Ground Education Fund, Inc., et al.,

Appellants,

v.

**Cord Byrd, in his official capacity as Florida Secretary of State,
the Florida House of Representatives,
and the Florida Senate,**

Appellees.

APPELLANTS' TIME-SENSITIVE MOTION TO EXPEDITE APPEAL

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**Pro hac vice motion
forthcoming*

Under Florida Rule of Appellate Procedure 9.300, Appellants respectfully request that this Court expedite this appeal, and in support state:

BACKGROUND

This action concerns the legality of a congressional redistricting plan drawn by a map maker who openly admitted to drawing it “*not* having to comply with the Fair Districts Amendment,” Initial Br. at 9 (emphasis added). Given the stakes in this case, Appellants have moved with utmost speed. They filed suit immediately after the Governor signed the new map into law on May 4, 2026, and followed just two days later with a motion for temporary injunction. On May 26, 2026, the circuit court entered an order denying temporary injunctive relief. That order notably declined to make any meaningful factual findings about the congressional plan at issue and failed to even address several of Appellants’ claims. Initial Br. at 27-29. Appellants filed a notice of appeal just minutes later and filed their full initial brief on the morning of May 28, 2026, as soon as an appellate docket became available. Appellees have now had notice of that brief for five days.

Appellants also filed a motion for pass-through certification to the Florida Supreme Court on the morning of May 28, 2026. This Court denied that motion this afternoon, on June 1, 2026. This motion to expedite follows within an hour of that order.

ARGUMENT

This Court has granted motions to expedite appellate proceedings “where the justice of the cause requires it,” *Dep’t of Agric. & Consumer Servs. v. Henry & Rilla White Found., Inc.*, 317 So. 3d 1168, 1171 (Fla. 1st DCA 2020), including where expediting the appeal would “mitigate further harm and resolve . . . uncertainty,” *id.*, or where “any relief to which appellant is entitled may be rendered moot by the mere passage of time,” *Carter v. State*, 512 So. 2d 1079, 1080 (Fla. 1st DCA 1987). The Court should grant Appellants’ motion to expedite for precisely these reasons.

Expedited resolution of this appeal is in the interest of justice because the appeal presents issues of great public importance and delayed resolution will impose irreparable harm across the state. This appeal will determine whether the 2026 congressional elections are held under an unconstitutional plan drawn in explicit disregard of the Fair Districts Amendment or under a lawful plan that has

governed the past two congressional elections and that both this Court and the Florida Supreme Court blessed just last year. See Initial Br. at 61, 67-69. This time-sensitive, statewide election-related issue undoubtedly merits expedition. Indeed, Florida's Rules of General Practice and Judicial Administration commands that in following the "duty to expedite priority cases," "[p]articular attention must be given to . . . challenges involving elections." Fla. R. Gen. Prac. & Jud. Admin. 2.215(h). Appellate courts routinely expedite or grant extraordinary writs in such election-related cases. See *Fla. Dep't of State v. Fla. State Conf. of NAACP Branches*, 43 So. 3d 662, 664 (Fla. 2010) (noting that Florida Supreme Court had accepted First District Court of Appeal's certification for immediate resolution and also given expedited review to trial court's order striking proposed redistricting-related initiative from the ballot in 2010); *Fla. Educ. Ass'n v. Fla. Dep't of State*, 48 So. 3d 694, 697 (Fla. 2010) (same for another ballot initiative, "in light of the pending election"); *League of Women Voters of Fla. v. Data Targeting, Inc.*, 140 So. 3d 510, 511, 514 (Fla. 2014) (granting writ petition in light of "the importance and statewide significance" of redistricting case and noting appropriateness of such

writs in cases “involving great public interest where emergencies and seasonable considerations are involved that require expedition”).

Moreover, expediting these proceedings is necessary to ensure that relief related to the 2026 elections is not “moot[ed] by the mere passage of time.” *Carter*, 512 So. 2d at 1080. Any contrary approach would render the Fair Districts Amendment meaningless by incentivizing the Legislature to pass new maps immediately before every election, and then claim there is no time for judicial review. That regime would flout the obligation of the Florida court system to construe “provisions of the Florida Constitution” to “effectuate the intent of the framers and the people.” *Gallant v. Stephens*, 358 So. 2d 536, 539 (Fla. 1978).

CONCLUSION

For each of the foregoing reasons, this Court should expedite this appeal. Appellants respectfully request that this Court order Appellees to file responses to this motion, if any, within one day, and thereafter order Appellees to file responses to Appellants’ initial brief by June 3, which affords them six days to respond from the date which they were served with Appellants’ initial brief, with a reply from Appellants to be filed on June 4.

Appellants also respectfully request that the Court dispense with oral argument and resolve this case on the briefs. Finally, given this case's time-sensitive nature, Appellants respectfully request that this Court issue its decision by June 5, 2026.

Dated: June 1, 2026

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 1, 2026, I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this motion was prepared in Bookman Old Style, 14-point font, in compliance with Rule 9.045(b) of the Florida Rules of Appellate Procedure.

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