No. 1D2026-1559

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA, FIRST DISTRICT

VONDA THOMPSON-WYNN, ET AL.,
Appellant,
v.
CORD BYRD, IN HIS OFFICIAL CAPACITY AS FLORIDA SECRETARY OF STATE, ET AL.,
Appellees.

APPELLEES' OPPOSITION TO APPELLANTS' MOTION TO EXPEDITE APPEAL

Plaintiffs again seek to litigate this case at their preferred, breakneck pace after failing to omit this Court from litigation altogether. The briefing schedule they seek to impose on Appellees is unrealistic and unnecessary. The Court should deny the motion to expedite.

First, Plaintiffs spring this motion, after business hours, on Appellees without as much as conferring with opposing counsel. *But see* Fla. R. App. P. 9.300 (permitting parties to "contain a certificate that the movant's counsel has consulted opposing counsel and that the movant's counsel is authorized to represent that opposing counsel either has no objection or will promptly file an objection."). That

basic step would have at least notified this Court of Appellees' objection to this motion.

Second, Plaintiffs' request that Appellees respond to their 70-page initial brief on two days' notice is unreasonable and prejudicial, particularly when it's one of three detailed initial briefs now before this Court. Each of those briefs include a wide array of complicated factual and legal assertions. Despite this, Plaintiffs' request a briefing schedule that (1) gives Appellees only 1/5th of the normal time to file their answer briefs, *see* Fla. R. App. P. 9.210(g) (allowing 30 days to file answer brief),[1] and (2) does so only two business days before the proposed filing date. This defies the general principle, established in a host of other contexts, that courts "shall give the appellant adequate time to file his written response thereto." *Walker v. State*, 742 So. 2d 533 (Fla. 3rd DCA 1999); *see also* Fla. R. Gen. Prac. & Jud.

[1] *See* Mot. at 4 (requesting an "order [that] Appellees [] 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").

Admin. Rule 2.545(a) ("parties and counsel shall be afforded a reasonable time to prepare and present their case").[2]

Plaintiffs' main justification for this aggressive briefing schedule is their faint hope "that relief related to the 2026 elections is not mooted by the mere passage of time." Mot. at 4 (cleaned up). But as the circuit court correctly noted, the deadline for implementing Florida's congressional maps for the 2026 election has passed, *see* Order at 3, and "[t]he election machinery of the state is already underway," *id.* at 8. The logic of that order—correct when it was issued a week ago—is only truer now. The Director of the State's Division of Elections has explained that a cascading set of election-related deadlines began to tumble one after the other on May 25, culminating in election day on the August 18, 2026. App. 1, Matthews Decl. ¶ 4. The declaration from officials in Florida's largest county now makes plain that the lines for 2026 are fixed; "[i]t is now past the point at which [Miami-Dade County] would need to begin the implementation process of any new congressional district plan—or even revert to the

[2] Among the many reasons that timeframe is unrealistic, Florida's Solicitor General is arguing before the en banc Eleventh Circuit in Atlanta, Georgia on June 2, 2026.

previous congressional districts—while still adequately preparing for the Primary Election." App. 2, Pichs Decl. ¶ 7. And by June 5, "more than 160,000 voter information cards reflecting the new congressional districts" will be mailed in Miami-Dade County—making Plaintiffs' proposed response deadline by June 3 futile. *Id.* at ¶ 8; *see also Diaz v. Cobb*, 541 F.Supp.2d 1319, 1336-1340 (S.D. Fla. 2008) (summarizing the myriad duties imposed on local election officials preceding an election). Thus, Plaintiffs' contested and untested assertions regarding the congressional plan and the 2026 elections do not warrant hurried briefing and hurried analysis from this Court.

But if expedited briefing is necessary, Appellees request that this Court reduce the deadline for filing the answer brief from 30 days to 21 days. This accelerated timing allows for robust briefing that would aid this Court and still allows for the temporary injunction and, subsequent merits litigation, to move forward with sufficient speed to be resolved well in advance of the 2028 election.

All of this is undergirded by the fact that even Plaintiffs' 70-page initial brief presents only an incomplete picture of the many complex issues that must be resolved before Plaintiffs can establish entitlement to a temporary injunction. Plaintiffs' brief fails to address one

of the principal defenses presented below: the unenforceability of the article III, section 20 of the Florida Constitution. To obtain a temporary injunction, Plaintiffs must show a substantial likelihood of success not only on the elements of their claims, but also on any affirmative defenses. *Bradley v. Health Coal., Inc.*, 687 So. 2d 329, 333 (Fla. 3d DCA 1997). The need to resolve these additional, complex issues before Plaintiffs can establish their entitlement to relief only highlights the impracticability of Plaintiffs' proposed timeline for briefing and a final resolution of these appeals.

Third, Appellees oppose Plaintiffs' request to waive oral argument. Oral argument—especially on the range of nuanced issues at stake here—would aid this Court in rendering its judgment. This is especially true given that Appellees intend to raise arguments not yet addressed by the circuit court, meaning this Court will be the first to adjudicate complicated and novel legal issues. Oral argument would therefore clearly aid this Court in its deliberations.

CONCLUSION

This Court should deny the motion to expedite the appeal.

Date: June 2, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on June 2, 2026, a true and correct copy of the foregoing has been furnished to all counsel of record by electronic mail via the Florida Courts E-Filing Portal:

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CERTIFICATE OF COMPLIANCE

I certify that the response 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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