

IN THE SUPREME COURT OF FLORIDA

Case No. SC26-_____
L.T. Case Nos. 1D26-1539, 2026-CA-914

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

Petitioners,

v.

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

Respondents.

**EMERGENCY MOTION TO EXPEDITE REVIEW OF EMERGENCY
PETITION FOR CONSTITUTIONAL WRIT**

Frederick S. Wermuth
Florida Bar No. 0184111
Quinn B. Ritter
Florida Bar No. 1018135
King, Blackwell, Zehnder
& Wermuth, P.A.
25 East Pine Street
Orlando, Florida 32801
T: (407) 422-2472
F: (407) 648-0161
fwerthemuth@kbzwlaw.com
qritter@kbzwlaw.com

Christina Ford
Florida Bar No. 1011634
Harleen Gambhir*
Julie Zuckerbrod*
Elias Law Group LLP
250 Massachusetts Ave NW
Suite 400
Washington, D.C. 20001
T: (202) 968-4490
F: (202) 968-4498
cford@elias.law
hgambhir@elias.law
jzuckerbrod@elias.law

Abha Khanna*
Elias Law Group LLP
1700 Seventh Ave
Suite 2100
Seattle, WA 98101
T: (206) 656-0177
F: (206) 656-0180
akhanna@elias.law

**Pro hac vice application
forthcoming*

Counsel for Petitioners

Petitioners respectfully move the Court to expedite its review of this case and in support state:

This action concerns the legality of a congressional redistricting plan drawn in explicit defiance of the Florida Constitution. From the moment the Governor signed the unlawful 2026 Plan into law, Petitioners have moved at breakneck speed to seek judicial review and ensure the upcoming 2026 elections can occur under the status quo of the lawful 2022 Plan that has governed the past two congressional elections—a plan that Respondents themselves drew and have successfully defended as constitutional over the past four years.

Despite Petitioners' efforts, this case will not reach this Court in time for the 2026 elections—unless this Court takes action. The circuit court denied Petitioners' motion for temporary injunction in disregard of extensive direct and circumstantial evidence of constitutional violations. The First District then denied both Petitioners' motion for pass-through certification—despite this Court's recent admonition that congressional redistricting cases are especially fit for pass-through certification—and Petitioners' motion to expedite their appeal. Neither the equities nor this Court's

jurisdiction can await the First District's eventual ruling on the trial court's order. The appellate process at the First District on a non-expedited timeline will almost certainly run out the time available to the State's election administrators to effect relief for the 2026 elections, no matter how quickly this Court acts when the parties inevitably invoke its jurisdiction. Indeed, under the current timeline at the First District, Respondents will not even have to respond to Petitioners' brief until June 29. Such delay would almost certainly render this Court's jurisdiction moot through the sheer passage of time. *See League of Women Voters of Fla. v. Data Targeting, Inc.*, 140 So. 3d 510, 516 (Fla. 2014) (Lewis, J., concurring) (emphasizing that if no writ were granted, "this issue will become moot due to the time sensitive nature of the proceedings, and there will be no adequate remedy to correct a possible manifest injustice").

Petitioners therefore submit the accompanying emergency petition for a constitutional writ pursuant to Article V, Section 3(b)(7) of the Florida Constitution and respectfully move the Court to expedite its review. Absent action by this Court pursuant to its all-writs authority, the circuit court's order and the First District's subsequent refusal to expedite Petitioners' appeal are certain to strip

this Court of its ability to grant Petitioners and countless other Florida voters relief in time for the 2026 elections.

Expedited briefing and disposition of this matter are appropriate given impending election deadlines and the importance of the constitutional rights at stake. *See Fla. Educ. Ass'n v. Fla. Dep't of State*, 48 So. 3d 694, 697 (Fla. 2010) (granting expedited review “in light of the pending election”); *Data Targeting*, 140 So. 3d at 511, 514 (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”); *see also* Fla. R. Gen. Prac. & Jud. Admin. 2.215(h) (explaining that the “duty to expedite priority cases” entails that “[p]articular attention must be given to . . . challenges involving elections”).

The parties have already fully briefed the issues before the trial court. Additionally, Petitioners have submitted an initial brief to the First District that has now been available to Respondents for a full week. An extremely abbreviated briefing schedule is therefore appropriate here. *See Order, Black Voters Matter Capacity Bldg. Inst., Inc. v. Byrd*, Case No. SC2022-0685 (Fla. May 23, 2022) (ordering

expedited response briefing to petition for constitutional writ for relief regarding the State's 2022 congressional redistricting plan).¹

Petitioners propose that the Court order Respondents to show cause by 2:00 p.m. tomorrow, June 5, 2026, why the relief sought in the Emergency Petition should not be granted and order Petitioners to file a reply by 8:00 p.m. on June 5, 2026. This schedule will allow the Court to decide the issue expeditiously, including before the beginning of Florida's qualifying period, which runs from Monday, June 8, to Friday, June 12.

WHEREFORE, the Court should expedite briefing and disposition of this proceeding.

Dated: June 4, 2026

Abha Khanna*
ELIAS LAW GROUP LLP
1700 Seventh Avenue
Suite 2100
Seattle, WA 98101
T: (206) 656-0177
F: (206) 656-0180
akhanna@elias.law

Respectfully submitted,

/s/ Frederick S. Wermuth
Frederick S. Wermuth
Florida Bar No. 0184111
Quinn B. Ritter
Florida Bar No. 1018135
**KING, BLACKWELL, ZEHNDER
& WERMUTH, P.A.**
25 East Pine Street

¹ Petitioners have also alerted Respondents' counsel of this filing and are promptly providing copies of this Emergency Motion to Expedite and the Emergency Petition for Constitutional Writ via email.

Christina Ford
Florida Bar No. 1011634
Harleen K. Gambhir*
Julie Zuckerbrod*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW
Suite 400
Washington, D.C. 20001
T: (202) 968-4490
F: (202) 968-4498
cford@elias.law
hgambhir@elias.law
jzuckerbrod@elias.law

Counsel for Petitioners

** Pro hac vice application
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Orlando, FL 32801
T: (407) 422-2472
F: (407) 648-0161
fweremuth@kbzwlaw.com
qritter@kbzwlaw.com
courtfilings@kbzwlaw.com
agonzalez@kbzwlaw.com

Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
has been furnished by email to the following attorneys on June 4,
2026:

Mohammad O. Jazil, Esq.
Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
MJazil@holtzmanvogel.com
KGordon@holtzmanvogel.com

Ashley E. Davis, Esq.
General Counsel

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
DNordby@shutts.com
TPrice@shutts.com
KReardon@shutts.com
MMcCormick@shutts.com

Florida Department of State
500 S. Bronough Street
Suite 100
Tallahassee, FL 32399-0250
Ashley.davis@dos.fl.gov
Jenna.mclanahan@dos.fl.gov

Jeffrey P. DeSousa
David M.S. Dewhirst
Jason J. Muehlhoff
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399
jeffrey.desousa@myfloridalegal.com
david.dewhirst@myfloridalegal.com
jason.muehlhoff@myfloridalegal.com
jenna.hodges@myfloridalegal.com

*Counsel for Florida Secretary of
State*

Counsel for Florida Senate

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-
robinson.com

Carmen Manrara Cartaya,
Esq.
Lazaro P. Fields, Esq.
Continental PLLC
245 Alcazar Avenue
Coral Gables, FL 33134
CCartaya@continentalpllc.com
LFields@continentalpllc.com
HGray@continentalpllc.com
Service@continentalpllc.com

*Counsel for Florida House of
Representatives*

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY under Florida Rules of Appellate Procedure
9.045(b) that this motion has utilized 14-point Bookman Old Style
and is proportionately spaced.

/s/ Frederick S. Wermuth

Frederick S. Wermuth
Florida Bar No. 0184111

Counsel for Petitioners