

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 3:21cv1066-TKW-ZCB

**UNITED STATES OF AMERICA,
et al.,**

Defendants.

**ORDER RULING ON PENDING MOTIONS
AND ESTABLISHING PRETRIAL CONFERENCE DATE**

This case came before the Court at a telephonic case management conference on November 18, 2022. At the conference, the Court heard oral argument on Defendants' motion for alternative pretrial scheduling order (Doc. 112) and Plaintiff's motion to supplement the summary judgment record (Doc. 115). The Court also provided oral rulings on the parties' motions for summary judgment (Docs. 86, 88) and allowed additional argument related to those rulings.

Upon due consideration of the parties' written submittals and oral argument, the Court finds for the reasons stated on the record at the conference that Plaintiff's motion to supplement the summary judgment record is due to be granted, with the understanding that the Court will merely construe references in the summary judgment filings to the March 20 email (Doc. 85-12) to be references to the March

19 memo (Doc. 115-1); that Defendant's motion for alternative pretrial scheduling order is due to be denied because the interests of justice favor maintaining the current trial date even though that will essentially preclude a separately held oral argument on the summary judgment motions; and that parties' summary judgment motions are due to be denied because (a) there are genuine disputes of material fact as to Plaintiff's standing and the existence, operation, and validity of the "non-detention policy," (b) Defendants' justiciability and redressability arguments are unpersuasive, and (c) although judicial review of the Parole + ATD policy will be limited to the supplemental administrative record, the Court defers that review until at or after trial so all of the issues in the case can be resolved at the same time. Accordingly, it is

ORDERED that:

1. Plaintiff's motion to supplement the summary judgment record (Doc. 115) is **GRANTED**, and the memorandum attached to the motion (Doc. 115-1) is included in the summary judgment record with the limitation described above.
2. Defendants' motion for alternative pretrial scheduling order (Doc. 112) is **DENIED**.
3. Plaintiff's motion for partial summary judgment (Doc. 86) is **DENIED**.
4. Defendants' motion for summary judgment is (Doc. 88) is **DENIED**.

5. An in-person pretrial conference is scheduled for December 16, 2022 at 9:00 a.m. (central time) in Pensacola. A separate Order will establish deadlines and procedures for motions in limine, the pretrial stipulation, and the other documents to be filed before the pretrial conference.

DONE and ORDERED this 18th day of November, 2022.

A handwritten signature in blue ink, appearing to read "T. Kent Wetherell, II", with a stylized flourish at the end.

T. KENT WETHERELL, II
UNITED STATES DISTRICT JUDGE