

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA**

FLORIDA DEMOCRATIC PARTY,

Plaintiff,

v.

KEN DETZNER, in his official capacity
as Secretary of State of the State of
Florida,

Defendant.

CASE NO. 4:18-cv-00463-RH-CAS

**NOTICE AND RESPONSE TO ORDER SETTING PROCEDURES ON THE
MOTION FOR A TEMPORARY RESTRAINING ORDER**

Plaintiffs are hereby responding to the Court's Order Setting Procedures on the Motion for a Temporary Restraining Order issued earlier this morning (ECF No. 6). Plaintiffs apologize for the delay in responding; for unknown reasons, Plaintiffs did not receive notice of the Order via ECF and only discovered it on the docket a short time ago. In accordance with the Court's Order, Plaintiffs submit:

1. Attached as Exhibit A is a copy of the Secretary of State's Directive 2018-03.

2. Plaintiffs hereby provide notice that they sent counsel Mohammad Jazil, who has represented the Secretary in recent voting rights litigation, a copy of all of the materials that Plaintiffs have filed in the matter, including a copy of the

complaint, motion for a temporary, restraining order, and supporting memorandum, as well as copies of the civil cover sheet and summons via email at 12:06 p.m. EST on October 9, 2018. *See Exhibit B.*

3. Plaintiffs' counsel also spoke with Mr. Jazil around the same time, who indicated that he was in touch with the Secretary's office but was not yet aware if he would be retained in this matter. At approximately 3:06 p.m. EST Plaintiffs' counsel was advised by Mr. Jazil that he would not be representing the Secretary in this matter.

4. Plaintiffs' counsel then emailed copies of the materials earlier sent to Mr. Jazil directly to acting interim general counsel for the Secretary, Brad McVay, and Deputy General Counsel Ashley Davis, via email yesterday, October 10, at 3:22 p.m. EST. *See Exhibit C.*

5. Immediately upon learning of the Court's Order Setting Procedures on the Motion for a Temporary Restraining Order, Plaintiffs' counsel emailed a copy of the same to the Secretary's General Counsel Mr. McVay and Deputy General Counsel Ms. Davis, today at approximately 12:53 p.m. *See Exhibit D.*

6. Plaintiffs will also be filing a notice of supplemental authority shortly, copies of which counsel will also email to Mr. McVay and Ms. Davis.

Dated: October 10, 2018

Respectfully submitted,

/s/ Mark Herron
Mark Herron

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