

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

FLORIDA STATE CONFERENCE OF  
BRANCHES AND YOUTH UNITS OF  
THE NAACP, et al.,

*Plaintiffs,*

v.

CORD BYRD, in his official capacity as  
Secretary of State of Florida, et al.,

*Defendants.*

Case Nos. 4:23-cv-215-MW-MAF  
4:23-cv-216-MW-MAF  
4:23-cv-218-MW-MAF

**JOINT MOTION TO SET AGREED PRETRIAL SCHEDULE,  
TO DISPENSE WITH PRETRIAL BRIEFING, AND  
TO PERMIT OR REQUIRE POST-TRIAL BRIEFING**

Plaintiffs Florida State Conference of Branches and Youth Units of the NAACP, Voters of Tomorrow Action, Inc., Disability Rights Florida, Alianza for Progress, Alianza Center, UnidosUS, Florida Alliance for Retired Americans, Santiago Mayer Artasanchez, Esperanza Sánchez and Humberto Orjuela Prieto (“NAACP Plaintiffs”); Hispanic Federation, Poder Latinx, Verónica Herrera-Lucha, Norka Martínez, and Elizabeth Pico (“Hispanic Federation Plaintiffs”); League of Women Voters of Florida Inc. and League of Women Voters of Florida Education Fund Inc. (“LWVFL Plaintiffs”); Defendant Cord Byrd, in his official capacity as the Florida Secretary of State (“Secretary”); and Defendant Ashley

Moody, in her official capacity as the Florida Attorney General (“Attorney General”) (collectively “Movants”)<sup>1</sup>, pursuant to Rule 7(b), Federal Rules of Civil Procedure, respectfully request that this Court adopt the Movants’ proposed pretrial schedule and permit or require the Movants to file post-trial briefing, if any, at a time to be set, in lieu of any requirement for pretrial briefing. As grounds therefor, the Movants state:

1. The Movants jointly submit the following proposed pretrial schedule for this Court’s consideration:

<b>Attorney’s Conference</b>	February 23, 2024
<b>Motions <i>in limine</i> and <i>Daubert</i> motions</b>	February 23, 2024
<b>Pretrial Stipulation and Related Disclosures</b>	March 1, 2024
<b>Final pretrial conference</b>	March 8, 2024, if the Court is available

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<sup>1</sup> The 67 Supervisor of Elections Defendants, who are only joined as defendants to the NAACP Plaintiffs’ claims, have not been joined in this motion. Based on a Letter Agreement Regarding Limited Participation of Supervisors of Elections between 66 of the 67 Supervisor of Elections Defendants, undersigned counsel for the NAACP Plaintiffs understands that most, if not all, of the Supervisors of Election will have limited, if any, participation in the trial, except to the extent they may be called as witnesses, observe the proceedings, state positions on the timing and feasibility of specific remedies, or preserve the arguments raised in their motion to dismiss (ECF No. 146), which the Court has denied (ECF No. 199). As reflected in the Local Rule 7.1(B) Certification below, counsel for the Supervisor of Elections for Miami Dade County, who is not a party to the above-referenced agreement, has confirmed availability to appear by telephone or videoconference for the Final Pretrial Conference, and otherwise agreed to the proposed schedule and relief requested in this motion.

2. The Movants also move to dispense with pretrial briefing. The Movants have or will have submitted extensive briefing at the preliminary injunction stage (*see, e.g.*, ECF Nos. 55-1, 92, 94) and summary judgment stage (*see, e.g.*, ECF No. 201), and have detailed proposed findings of fact, conclusions of law, and legal analyses therein with citation to authorities and arguments in support of their respective positions.

3. At this point, further pretrial briefing may tend to be duplicative of the Movants' prior briefing, albeit with refinements in light of any ruling on the motions for summary judgment and the anticipated record at trial.

4. Rather than file briefing in anticipation of the record at trial, the Movants submit that it would be more efficient for the Movants and more useful to the Court to consider post-trial briefing, with citation to the actual trial record, submitted on a date to be set after trial, to the extent the respective Movants wish to supplement their briefing or the Court considers it necessary or desirable.

WHEREFORE, the Movants respectfully request that the Court adopt the pretrial schedule proposed in paragraph 1 of this motion and permit or require them to file post-trial briefing, if any, on a date to be set after trial, in lieu of any requirement for pretrial briefing.

**LOCAL RULE 7.1(B) CERTIFICATION**

Undersigned counsel for the NAACP Plaintiffs has conferred with counsel for

the League Plaintiffs, the Hispanic Federation Plaintiffs, the Secretary of State, and Attorney General, who all join in the requested relief. Undersigned counsel for NAACP Plaintiffs has also conferred with counsel for Supervisor of Elections for Miami Dade County, who has confirmed availability to appear by telephone or videoconference for the Final Pretrial Conference, and otherwise agreed to the proposed schedule and relief requested in this motion. For the reasons noted in footnote 1 above, undersigned counsel for the NAACP Plaintiffs does not expect the remaining Supervisor of Elections Defendants to take an active role in pretrial proceedings, but said Defendants may wish to attend the Final Pretrial Conference and may request to attend by telephone or video conference. Should the Court wish confirmation of the positions of the 66 remaining Supervisors of Elections, undersigned counsel would provide a supplement as soon as practicable.

#### **LOCAL RULE 7.1(F) CERTIFICATION**

Undersigned counsel, Frederick Wermuth, certifies that this motion contains 613 words, excluding the case style and certifications.

Respectfully submitted this 22nd day of January, 2024.

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**CERTIFICATE OF SERVICE**

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