

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

NANCY CAROLA JACOBSON,
et al.,

Plaintiffs,

v.

CASE NO. 4:18-CV-262-MW/CAS

KENNETH W. DETZNER, in his official
capacity as the Florida Secretary
of State,

Defendant.

_____ /

**ORDER DENYING DEFENDANT'S AND
DEFENDANT-INTERVENORS' MOTIONS TO DISMISS**

This Court has considered, after hearing on July 24, 2018, Defendant's and Defendant-Intervenors' Motions to Dismiss. ECF No. 21 & 37. For the reasons stated on the record, the motions are **DENIED**.

Defendant's arguments based on the equitable doctrine of laches are denied for two reasons. First, the doctrine does not apply where, as here, Plaintiffs seek prospective relief. Second, even if the doctrine applied to claims for prospective relief, this affirmative defense is a fact-intensive inquiry not appropriate for resolution at this stage of the proceedings.

Defendant's/Defendant-Intervenors' arguments that Plaintiffs have failed to state a claim are equally unavailing. This Court, as it must, accepts

the facts as set forth in the Complaint as true. Based on the allegations of the Complaint, this Court cannot say that Plaintiffs have failed to state a claim as a matter of law. Accordingly, the motions must be denied.

SO ORDERED on July 24, 2018.

s/Mark E. Walker
Chief United States District Judge