

No. 19-14552

In the United States Court of Appeals for the Eleventh Circuit

NANCY CAROLA JACOBSON, *et al.*,
Plaintiffs–Appellees,

v.

LAUREL M. LEE,
in her official capacity as Florida Secretary of State,
Defendant–Appellant

and

NATIONAL REPUBLICAN SENATORIAL COMMITTEE, *et al.*,
Intervenors–Appellants.

INTERVENORS-APPELLANTS’ RESPONSE IN SUPPORT OF DEFENDANT–APPELLANT’S TIME-SENSITIVE MOTION FOR STAY PENDING APPEAL

On Appeal from the
United States District Court
For the Northern District of Florida
No. 4:18-cv-262-MW-CAS

Jason Torchinsky
Holtzman Vogel Josefiak
Torchinsky PLLC
45 North Hill Drive, Suite 100
Warrenton, VA 20106
P: (540) 341-8808
F: (540) 341-8809
E: JTorchinsky@hvjt.law
Counsel to Intervenors–Appellants

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1, the National Republican Senatorial Committee and Republican Governors Association certify that they are not publicly traded and have no parent corporations and that no publicly held corporation owns more than 10% of their stock.

CERTIFICATE OF INTERESTED PERSONS

Intervenor Appellees certify that the following is a complete list of interested persons as required by Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1:

1. Anderson, Eric A., *Attorney for Witness*
2. Anderson, Jacki L., *Attorney for Plaintiffs/Appellees*
3. Barber, Devan Hanna, *Witness*
4. Barber, Michael, *Witness*
5. Barnett, Michael A., *Witness*
6. Bottcher, Susan, *Plaintiff/Appellee*
7. Brown, Joseph Alexander, *Attorney for Defendants/Appellants*
8. Burns, Jessica, *Witness*
9. Callais, Amanda R., *Attorney for Plaintiffs/Appellees*
10. Cecil, Guy Henry, *Witness*

11. Cox, Michael C., *Attorney for Third Party*
12. Davis, Ashley E., *Attorney for Defendants/Appellants*
13. Democratic Congressional Campaign Committee, *Plaintiff/Appellee*
14. Democratic Governors Association, *Plaintiff/Appellee*
15. Democratic Legislative Campaign Committee, *Plaintiff/Appellee*
16. Democratic Senatorial Campaign Committee, *Plaintiff/Appellee*
17. Detzner, Kenneth, *Defendant/Appellant*
18. Diot, Kristen Candice, *Attorney for Defendants/Appellants*
19. DNC Services Corporation/Democratic National Committee,
Plaintiff/Appellee
20. Dyer, Jesse Craig, *Attorney for Defendants/Appellants*
21. Earley, Mark, *Witness*
22. Election Systems & Software, *Third Party*
23. Elias, Marc. E., *Attorney for Plaintiffs/Appellees*
24. Fleming, Terence, *Plaintiff/Appellee*
25. Frontera, Michael, *Witness*
26. Frost, Elisabeth C., *Attorney for Plaintiffs/Appellees*
27. Fugett, David A., *Attorney for Defendants/Appellants*
28. Geise, John Michael, *Attorney for Plaintiffs/Appellees*

29. Gordon, Phillip Michael, *Attorney for Intervenors/Appellants*
30. Herrnson, Paul S., *Witness*
31. Jacobs, Rachel L., *Attorney for Plaintiffs/Appellees*
32. Jacobson, Nancy Carola, *Plaintiff/Appellee*
33. Jazil, Mohammad Omar, *Attorney for Defendants/Appellants*
34. Kazin, Daniel, *Witness*
35. Khanna, Abha, *Attorney for Plaintiffs/Appellees*
36. Klick, Jonathan, *Witness*
37. Krosnick, Jon, *Witness*
38. Lee, Laurel M., *Defendant/Appellant*
39. Lienhard, Jonathan Philip, *Attorney for Intervenors/Appellants*
40. Lux, Paul, *Witness*
41. Martin, Rachana Desai, *Witness*
42. Matthews, Maria, *Witness*
43. McVay, Bradley Robert, *Attorney for Defendants/Appellants*
44. National Republican Senatorial Committee, *Intervenors/Appellants*
45. Reese, Ezra. W., *Attorney for Plaintiffs/Appellees*
46. Rosenthal, Oren, *Attorney for Witness*
47. Perko, Gary Vergil, *Attorney for Defendants/Appellants*

48. Primrose, Nicholas A., *Attorney for Defendants/Appellants*
49. Priorities USA, *Plaintiff/Appellee*
50. Republican Governors Association, *Intervenors/Appellants*
51. Rodden, Jonathan, *Witness*
52. Sancho, Ion V., *Witness*
53. Sawtelle, James G., *Attorney for Witness*
54. Sheehy, Shawn T., *Attorney for Intervenors/Appellants*
55. Taylor, Ben, *Witness*
56. Torchinsky, Jason Brett, *Attorney for Intervenors/Appellants*
57. Valdes, Michael B., *Attorney for Witness*
58. Velez, Alexi Machek, *Attorney for Plaintiffs/Appellees*
59. Walker, Mark E., *U.S. District Judge*
60. Wallace, Wendi, *Witness*
61. Wermuth, Frederick Stanton, *Attorney for Plaintiffs/Appellees*
62. Williams, Heather, *Witness*
63. White, Christina, *Witness*

/s/ Jason B. Torchinsky
Jason Torchinsky
Attorney for *Intervenors-Appellants*

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Torchinsky PLLC
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Warrenton, VA 20106
P: (540) 341-8808
F: (540) 341-8809
E: JTorchinsky@hvjt.law
Counsel to Intervenors–Appellants

**INTERVENORS-APPELLANTS' RESPONSE IN SUPPORT OF
SECRETARY LEE'S TIME-SENSITIVE MOTION FOR STAY PENDING
APPEAL**

The National Republican Senatorial Committee (“NRSC”) and the Republican Governors Association (“RGA”) (collectively “Intervenors-Appellants”) support the entirety of Secretary of State Lee’s Time-Sensitive Motion for Stay Pending Appeal as well as the relief set forth therein. Intervenors-Appellants hereby incorporate by reference, in so far as such incorporation is required, the Secretary’s arguments into this Response and adopt them as the position of the NRSC and RGA. Intervenors-Appellants concur with Secretary’s arguments that, *inter alia*, the Supreme Court’s decision in *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019), controls Plaintiffs’ partisan vote dilution claims.

Therefore, for the reasons stated in Defendant-Appellant’s Time-Sensitive Motion for Stay, the District Court’s order should be stayed pending appeal.

Respectfully submitted:

/s/ Jason B. Torchinsky
Jason Torchinsky
Holtzman Vogel Josefiak
Torchinsky PLLC
45 North Hill Drive, Suite 100
Warrenton, VA 20106
P: (540) 341-8808
F: (540) 341-8809
E: JTorchinsky@hvjt.law
Counsel to Intervenors-Appellants

CERTIFICATE OF COMPLIANCE

This document complies with the word limit of FRAP 27 and Eleventh Circuit Rule 27-1 because, excluding the parts of the document exempted by FRAP 32(f), this document contains 130 words.

/s/ Jason B. Torchinsky
Jason Torchinsky
Attorney for *Intervenors-Appellants*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served through the Court's CM/ECF system to all counsel of record on this 13th day of December 2019.

/s/ Jason B. Torchinsky
Jason Torchinsky
Attorney for *Intervenors-Appellants*