

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

KELVIN LEON JONES, *et al.*,

Plaintiffs,

v.

Case No.4:19cv300-RH/MJF

RON DeSANTIS, *et al.*,

Defendants.

**GOVERNOR AND SECRETARY OF STATE’S RESPONSE
IN OPPOSITION TO EMERGENCY MOTION FOR AN
AMENDMENT TO AND CLARIFICATION OF
ORDER GRANTING PRELIMINARY INJUNCTION**

At the hearing on the Plaintiffs’ Motion for Preliminary Injunction, this Court made clear that the record would not be left open beyond the hearing date, emphasizing that if the Plaintiffs “want a ruling, we are going to have to stop the evidence at some point.” PI Hearing Tr. at 62:24 to 63:5.

Ten days after entry of the preliminary injunction order, the Plaintiffs effectively seek to reopen the record by means of an “emergency” motion to amend the order and include four new plaintiffs within its scope on the basis of supplemental affidavits. *See* ECF 211, 211-1, 211-2, 211-3, 211-4.

The Governor and the Secretary understand their obligations to comply with this Court’s preliminary injunction. The Governor and Secretary are also mindful

that “the governing statutes and rules of procedure allow individuals to intervene as plaintiffs in pending actions, allow certification of plaintiff and defendant classes, allow issuance of successive preliminary injunctions, and allow successful plaintiffs to recover costs and fees.” *Brenner v. Scott*, No. 4:14-cv-107, 2015 WL 44260 (N.D. Fla. Jan. 1, 2015). But none of those statutes, rules, or conventions allow the Plaintiffs to expand the scope of a preliminary injunction—to modify the preliminary injunction—based on affidavits submitted after the close of the record.

The Governor and Secretary thus oppose the Plaintiffs’ Motion.

Respectfully submitted by:

JOSEPH W. JACQUOT
(FBN 189715)
General Counsel
joe.jacquot@eog.myflorida.com
NICHOLAS A. PRIMROSE
(FBN 104804)
Deputy General Counsel
nicholas.primrose@eog.myflorida.com
COLLEEN M. ERNST (FBN 112903)
Deputy General Counsel
colleen.ernst@eog.myflorida.com
Executive Office of the Governor
400 S. Monroe St., PL-5
Tallahassee, FL 32399
Telephone: (850) 717-9310
Fax: (850) 488-9810

Counsel for Governor Ron DeSantis

BRADLEY R. MCVAY (FBN 79034)
General Counsel
brad.mcvay@dos.myflorida.com
ASHLEY E. DAVIS (FBN 48032)
Deputy General Counsel
ashley.davis@dos.myflorida.com
Florida Department Of State
R.A. Gray Building Suite, 100
500 South Bronough Street
Tallahassee, Florida 32399-0250
Phone: (850) 245-6536
Fax: (850) 245-6127

/s/ Mohammad O. Jazil
MOHAMMAD O. JAZIL
(FBN 72556)
mjazil@hgslaw.com
GARY V. PERKO (FBN 855898)
gperko@hgslaw.com
Hopping Green & Sams, P.A.
119 South Monroe Street, Suite 300
Tallahassee, Florida 32301
Phone: (850) 222-7500
Fax: (850) 224-8551

GEORGE N. MEROS, JR.
(FBN 263321)
george.meros@hklaw.com
TARA R. PRICE (FBN 98073)
tara.price@hklaw.com
Holland & Knight LLP
315 South Calhoun Street, Suite 600
Tallahassee, Florida 32301
Telephone: (850) 224-7000
Facsimile: (850) 224-8832

*Counsel for Florida Secretary of State
Laurel M. Lee*

CERTIFICATE OF COMPLIANCE WITH LOCAL RULES

The undersigned certifies that this filing complies with the size, font, and formatting requirements of Local Rule 5.1(C).

/s/ Mohammad O. Jazil
Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to all counsel of record via email on this 14th day of November, 2019.

/s/ Mohammad O. Jazil
Attorney