

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

LEAGUE OF WOMEN VOTERS OF
FLORIDA, INC., LEAGUE OF
WOMEN VOTERS OF FLORIDA
EDUCATION FUND, INC., BLACK
VOTERS MATTER FUND, INC.,
FLORIDA ALLIANCE FOR
RETIRED AMERICANS, INC.,
CECILE SCOON, DR. ROBERT
BRIGHAM, and ALAN MADISON,

Plaintiffs,

v.

LAUREL M. LEE, in her official
capacity as Secretary of State of
Florida, et al.,

Defendants,

and

NATIONAL REPUBLICAN
SENATORIAL COMMITTEE and
REPUBLICAN NATIONAL
COMMITTEE,

Intervenor-Defendants.

Case No. 4:21-cv-186

**SECRETARY OF STATE LAUREL M. LEE'S
UNOPPOSED MOTION TO CONSOLIDATE**

Secretary of State Laurel M. Lee moves to consolidate *League of Women Voters et al. v. Lee, et al.*, No.: 4:21-cv-00186 (N.D. Fla.), *NAACP, et al. v. Lee, et*

al., No.: 4:21-cv-00187, *Florida Rising Together, et al. v. Lee, et al.*, No.: 4:21-cv-00201 (N.D. Fla.), and *Harriet Tubman Freedom Fighters, Corp. et al. v. Lee, et al.*, No.: 21-cv-242 (N.D. Fla.) under the lowest numbered case, *League of Women Voters*, No. 186. All four cases have overlapping issues of law and fact. Consolidation under Federal Rule of Civil Procedure 42(a) is thus appropriate and necessary to ensure the timely and efficient resolution of the cases through a uniform discovery schedule and a single trial before this Court. Plaintiffs in all four cases consent to consolidation before this Court, albeit with the caveats noted below. As a courtesy, the Secretary asked other, non-adverse parties for their position on consolidation as well. The Attorney General,¹ several of the Supervisors of Elections, and Intervenors also consent to this motion.

MEMORANDUM IN SUPPORT

This Court has discretion to consolidate actions that involve “common question[s] of law and fact.” Fed. R. Civ. P. 42(a). Each of these actions challenge several provisions of Chapter 2021-11, Laws of Florida on either constitutional or statutory grounds or both. *Compare* Complaint, *League of Women Voters et al. v. Lee, et al.*, No.: 21-cv-00186 (N.D. Fla.) (ECF No. 1) (challenging provisions of Chapter 2021-11 under the First and Fourteenth Amendments to the U.S.

¹ The Attorney General of Florida is a named defendant in both the *League of Women Voters* and *Harriet Tubman* cases.

Constitution) *with* Complaint, *NAACP, et al. v. Lee, et al.*, No.: 4:21-cv-00187-MW-MAF (N.D. Fla.) (ECF No. 1) (challenging provisions of Chapter 2021-11 under the First and Fourteenth Amendments to the U.S. Constitution, Section 2 of the Voting Rights Act, and the Americans with Disabilities Act); Complaint, *Florida Rising Together, et al. v. Lee, et al.*, No.: 4:21-cv-00201-AW-MJF (N.D. Fla.) (ECF No. 1) (challenging provisions of Chapter 2021-11 under the First and Fourteenth Amendments to the U.S. Constitution and Sections 2 and 208 of the Voting Rights Act) *and* Complaint, *Harriet Tubman Freedom Fighters, Corp. et al. v. Lee, et al.*, No.: 21-cv-242 (N.D. Fla.) (ECF No. 1) (challenging provisions of Chapter 2021-11 under the First and Fourteenth Amendments). The Defendants involved in all four cases are substantially the same, with Secretary Lee being named as a Defendant in all four cases. Common questions of law and fact permeate all four actions, and consolidation would therefore further judicial economy.

Although the issues in the four actions are similar, the deadlines are not. Scheduling orders have been set in the *League of Women Voters* case, (ECF No. 22, *modified by* ECF No. 64) and in *NAACP* (ECF No. 41).² Fortunately, most of the deadlines are sufficiently distant, which should, in the interest of judicial economy, allow them to be reset as necessary and appropriate. The amended complaint in the

² A scheduling order has yet to be issued in *Florida Rising Together, et al. v. Lee, et al.*, No.: 4:21-cv-00201-AW-MJF (N.D. Fla.) and the recently filed *Harriet Tubman Freedom Fighters, Corp. et al., v. Lee, et al.*, No.: 21-cv-242 (N.D. Fla.).

NAACP case should allow for the schedules in all four cases to be aligned. *See* Case No. 187 (ECF No. 45).

Given the various overlapping claims, the deadlines in all four actions should be aligned. The Secretary therefore requests that the matters referenced herein be consolidated and that the Court hold a scheduling conference to address and unify the varying schedules across the four cases.

Plaintiffs in *League of Women Voters, et al.* (Case No. 186) consent to the motion for consolidation with the understanding that (1) a uniform scheduling order will be entered in each case, (2) a consolidated trial will be held for all four matters, and (3) each set of Plaintiffs will be allowed to file separate papers when seeking or responding to relief from this Court. The Secretary agrees.

Plaintiffs in the *NAACP, et al.* (Case No. 187) further state that “[t]he limited nature of the consolidation is material to [their] position and is a condition for non-opposition to the motion” and that “each case should retain its separate identity for purposes of settlement, judgment, and appeal.”

Plaintiffs in *Florida Rising, et al.* (Case No. 201) state that “the form of motion filed in our case must also include language seeking transfer/reassignment, since our case is not presently before Judge Walker.”

While not adverse parties, Secretary Lee has sought the position of all named Defendants in the four separate matters. The Attorney General and Intervenors

consent. Counsel for the Supervisors of Elections for Charlotte, Collier, Indiana River, Lake, Lee, Manatee, Marion, Monroe, Pasco, and Seminole Counties has yet to respond with the Supervisors' decision but asks that "the cases ... retain their individual identities and that the parties to one case will not, by virtue of the consolidation, become parties to the other consolidated cases." The following County Supervisors of Elections either consent to, or do not oppose, the relief sought herein: Leon County, Palm Beach County, Hernando County, Orange County, Broward County, Brevard County, Desoto County, Flagler County, Gilchrist County, Gulf County, Highlands County, Jefferson County, Madison County, Duval County, Levy County, Volusia County, Hillsborough County, Polk County, Martin County, Clay County, and Osceola County. Secretary Lee has either been unable to reach or has not heard a response from the remaining Supervisors at the time of this filing.

Respectfully submitted by:

BRADLEY R. MCVAY (FBN 79034)

General Counsel

Brad.McVay@dos.myflorida.com

ASHLEY E. DAVIS (FBN 48302)

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@holtzmanvogel.com

GARY V. PERKO (FBN 855898)

gperko@holtzmanvogel.com

Holtzman Vogel Baran Torchinsky &
Josefiak, PLLC

5817 Dahlgren Trail, Tallahassee, FL 32312

Phone: (850) 274-1690

Fax: (540) 341-8809

Dated: June 16, 2021

NORTHERN DISTRICT OF FLORIDA
LOCAL RULE 7.1 CERTIFICATION

As detailed above, consistent with Local Rule 7.1(B), counsel for the Secretary consulted with counsel for the Plaintiffs in the following four cases: *NAACP, et al. v. Lee*, No.: 4:21-cv-00187-WS-MAF (N.D. Fla.) (*filed* May 6, 2021); *Florida Rising Together, et al. v. Lee, et al.*, No.: 4:21-cv-00201-AW-MJF (N.D. Fla.) (*filed* May 5, 2021); *League of Women Voters et al. v. Lee, et al.*, No.: 21-cv-00186 (N.D. Fla.) (*filed* May 6, 2021); and *Harriet Tubman Freedom Fighters, Corp. et al. v. Lee, et al.*, No.: 21-cv-242 (N.D. Fla.) (*filed* June 14, 2021). They do not oppose this Motion.

/s/ *Mohammad O. Jazil*

LOCAL RULE 7.1(F) CERTIFICATION

Pursuant to Local Rule 7.1(F), the Motion contains 927 words, excluding the case style, signature block, and any certificate of service.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to all counsel of record through the Court's CM/ECF system on the 16th of June, 2021.

/s/ Mohammad O. Jazil
Attorney for Defendant Secretary Lee