

**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

Plaintiffs,

v.

ASHLEY MOODY, in her official
capacity as Attorney General of
Florida, CORD BYRD, in his
official capacity as Florida
Secretary of State,

Defendants.

Case No. 4:23-cv-00216
Chief Judge Mark E. Walker

**LEAGUE OF WOMEN VOTERS PLAINTIFFS' SUPPLEMENTAL
BRIEFING IN SUPPORT OF CONSOLIDATION**

The League of Women Voters of Florida, Inc. and the League of Women Voters of Florida Education Fund (collectively, “the League”), pursuant to this Court’s Order Setting Deadlines, ECF No. 43, respectfully request that this Court consolidate for trial this case, *League of Women Voters of Florida, et al. v. Byrd, et al.*, No.: 4:23-cv-00216 (N.D. Fla.), with two cases already consolidated: *Florida Conference of the NAACP et al. v. Byrd, et al.*, No.: 4:23-cv-00215 (N.D. Fla.) and *Hispanic Federation, et al. v. Byrd, et al.*, No.: 4:23-cv-00218. In support, the League states:

1. The three cases cited above all challenge Florida Senate Bill 7050 (2023) (“SB 7050”) and have overlapping issues of law and fact. Plaintiffs in each case challenge one or more of SB 7050’s provisions: (1) restricting who may “collect” and “handle” voter registration applications; (2) restricting third-party voter registration organizations (“3PVROs”) from collecting and retaining certain voter information; and (3) substantially raising the fines imposed for failure to comply with the laws governing 3PVROs.

2. All three cases were consolidated for preliminary injunction purposes only, ECF 33, and this Court entered two orders granting in

part and denying in part the motions for preliminary injunction.

3. This Court also ordered the Parties to confer and submit their positions on consolidation within 21 days of its orders on Plaintiffs' preliminary injunction motions. Because the League believes the most efficient path forward is to consolidate these actions for discovery through trial (while permitting each party to serve their own discovery and file and respond to dispositive motions separately) they submit this briefing in support of consolidation.

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 challenges several provisions of SB 7050 on either constitutional or statutory grounds or both. *Compare* First Am. Compl., *Florida Conference of the NAACP et al. v. Byrd, et al.*, No.: 4:23-cv-00215 (N.D. Fla.) (ECF No. 52), (challenging provisions of SB 7050 under the First and Fourteenth Amendments to the U.S. Constitution, 42 U.S.C. § 1981, and section 208 of the Voting Rights Act), *with* Compl., *Hispanic Federation, et al. v. Byrd, et al.* (ECF No. 1) (challenging provisions of SB 7050 under the First and Fourteenth Amendments to the U.S.

Constitution and 42 U.S.C. § 1981); *and* Compl., *League of Women Voters of Florida et al. v. Byrd, et al.* (ECF No. 1) (challenging provisions of SB 7050 under the First and Fourteenth Amendments to the U.S. Constitution). The state-level Defendants involved in all three cases are the same, with Secretary Byrd and Attorney General Moody being named as Defendants in all three cases. Common questions of law and fact permeate all three actions, and consolidation would therefore further judicial economy.

LOCAL RULE 7.1(B) CERTIFICATION

The League's counsel has conferred with respective counsel for the Secretary, Attorney General, Hispanic Federation Plaintiffs, and NAACP Plaintiffs. Counsel for the Secretary and Attorney General express no position on consolidation. Counsel for the Hispanic Federation and NAACP Plaintiffs expressed agreement to seek consolidation.

LOCAL RULE 7.1(F) CERTIFICATION

Undersigned counsel, Brent Ferguson, certifies that this motion contains 466 words, excluding the case style and certifications.

Dated: July 27, 2023

Respectfully submitted,

/s/ Brent Ferguson

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CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2023, I electronically filed the foregoing with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties who have appeared.

/s/ Brent Ferguson
Brent Ferguson