

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

HISPANIC FEDERATION, *et al.*,

Plaintiffs,

v.

CORD BYRD, *etc., et al.*,

Defendants.

Case No. 4:23-cv-218-MW-MAF

HISPANIC FEDERATION PLAINTIFFS' SUPPLEMENTAL BRIEFING
IN SUPPORT OF CONSOLIDATION

Undersigned Plaintiffs (collectively, the “Hispanic Federation Plaintiffs”) pursuant to this Court’s Order Setting Deadlines, ECF No. 64, respectfully request that this Court consolidate for trial *Florida Conference of the NAACP et al. v. Byrd, et al.*, No.: 4:23-cv-00215 (N.D. Fla.), *League of Women Voters of Florida, et al. v. Byrd, et al.*, No.: 4:23-cv-00216 (N.D. Fla.), and *Hispanic Federation, et al. v. Byrd, et al.*, No.: 4:23-cv-00218 (N.D. Fla.), and in support state:

1. All three of the cases cited above challenge Florida Senate Bill 7050 (2023) (“SB 7050”) and have overlapping issues of law and fact. For example, Plaintiffs in each case challenge SB 7050 provisions: (1) restricting who may “collect” and “handle” voter registration applications; and (2) 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 No. 56, and this Court entered two orders granting in part and denying in part the motions for preliminary injunction, ECF No. 68 and ECF No. 46.¹

3. This Court ordered the Parties to confer and submit their positions on consolidation within 21 days of its orders on Plaintiffs’ preliminary injunction motions. ECF No. 49.

4. The Hispanic Federation Plaintiffs believe 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.

¹ On docket for *League of Woman Voters v. Byrd*, No. 4:23-cv-00216-MW-MAF.

Compare First Am. Compl., *Fla. Conf. 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 Fla. et al. v. Byrd, et al.*, No. 4:23-cv-00216 (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 (the NAACP Plaintiffs have also sued Florida's 67 Supervisors of Elections). Common questions of law and fact permeate all three actions, and consolidation would therefore further judicial economy.

LOCAL RULES CERTIFICATION

Undersigned counsel, Julie A. Ebenstein, certifies that this filing contains 456 words, excluding the case style, conferral certification, and certificate of service.

LOCAL RULE 7.1(B) CERTIFICATION

The Hispanic Federation Plaintiffs' counsel has conferred with respective counsel for the Secretary, Attorney General, and the NAACP Plaintiffs and League Plaintiffs, as part of the Rule 26(f) Conference. Counsel for the NAACP Plaintiffs

and League Plaintiffs expressed agreement to seek consolidation. Counsel for the Secretary and Attorney General did not express a definitive position on consolidation.

LOCAL RULE 7.1(F) CERTIFICATION

Undersigned counsel, Julie A. Ebenstein, certifies that this motion contains 456 words, excluding the case style and certifications.

Respectfully submitted this 24th day of July, 2023.

/s/ Julie A. Ebenstein

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**Admitted pro hac vice*

† Motion for leave to appear pro hac vice forthcoming

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/Julie A. Ebenstein
Florida Bar Number: 91033