

**IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA**

CORD BYRD, in his official
capacity as Florida Secretary of
State, et al.,

Appellants,

v.

BLACK VOTERS MATTER
CAPACITY BUILDING INSTITUTE,
INC., et al.,

Appellees.

Case No.: 1D22-1470
L.T. No.: 2022-ca-000666

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**APPELLEES' EMERGENCY MOTION TO EXPEDITE REVIEW
OF MOTION TO CERTIFY APPEAL**

Appellees (“Plaintiffs”) respectfully move this Court to expedite its review of their motion to certify Appellant’s (the “Secretary’s”) appeal of the trial court’s order granting Plaintiffs’ motion for a temporary injunction to the Florida Supreme Court:

1. On May 13, 2022, Plaintiffs filed a motion requesting that the First District certify the Secretary’s appeal to the Florida Supreme Court. As Plaintiffs explained, the Secretary’s appeal concerns the fundamental right to vote, an issue the Florida Supreme Court has repeatedly described as of exceeding public importance and this

Court found sufficiently weighty to certify last redistricting cycle, *twice*. See *League of Women Voters of Fla. v. Detzner*, 178 So. 3d 6, 6-8 (Fla. 1st DCA 2014) (certifying appeal of the merits of a constitutional challenge to a districting plan); *Non-Parties v. League of Women Voters of Fla.*, 150 So. 3d 221, 222 (Fla. 1st DCA 2014) (en banc) (certifying appeal concerning third-party discovery dispute arising out of challenge to districting plan).

2. Unless the Secretary's appeal is adjudicated by the Florida Supreme Court soon, Plaintiffs will have no opportunity to obtain relief in time for the 2022 elections. As the trial court found, Plaintiffs must obtain relief within the next few weeks if they are to avoid irreparable harm. Order at 15-19. Adjudicating the Secretary's appeal before this Court will nullify the Florida Supreme Court's authority to grant relief in this case. See *League of Women Voters of Fla.*, 178 So. 3d at 8 ("To allow the appellate process to take its full course through the completion of review by this court followed by possible en banc review, could potentially put the supreme court in the position of having to delay the remedy.").

3. In light of this threat to Plaintiffs' rights, Plaintiffs respectfully request that the Court expedite disposition of this

matter. The issue is fully briefed and ready for decision. Plaintiffs respectfully request that the Court decide Plaintiffs' motion to certify by May 24 at noon. This schedule will allow the Florida Supreme Court sufficient time to consider this important matter in time for the 2022 elections.

WHEREFORE, the Court should expedite disposition of Plaintiffs' motion to certify.

Dated: May 23, 2022

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 23, 2022 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

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CERTIFICATE OF COMPLIANCE

I certify under Florida Rule of Appellate Procedure 9.045 that this opposition brief is computer generated in 14-point Bookman Old Style.

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