

August 2, 2023

David J. Smith
Clerk of Court
U.S. Court of Appeals for the 11th Circuit
56 Forsyth St., NW
Atlanta, GA 30303

Re: Citation of Supplemental Authorities in *GRACE, Inc. v. City of Miami*, No. 23-12472

Mr. Clerk:



Florida

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Nicholas Warren
Staff Attorney

Pursuant to FRAP 28(j), Plaintiffs-Appellees in the above-referenced case submit the following pertinent and significant supplemental authorities (also attached), which have come to their attention after filing their Response in Opposition to the City of Miami’s Emergency Motion to Stay (App. Doc. 10).

These authorities explain that the Miami-Dade County Elections Department is preparing to implement *both* the district-court-ordered redistricting plan (P4), *and* the City Commission’s plan adopted in June. The Elections Department also confirms they are “waiting for an order from the Appellate Court.” They support Plaintiffs-Appellees’ arguments at pp. 15–18 of their brief and contradict Defendant-Appellant’s argument at pp. 8–9 and n.3 of their reply brief (App. Doc. 12).

1. Christina Vazquez (@CBoomerVazquez), TWITTER (Aug. 2, 2023, 8:08 AM), <https://twitter.com/CBoomerVazquez/status/1686710652537044992>
2. Christina Vazquez and Chris Gothner, *City, ‘Frustrated’ Plaintiffs Await New Ruling After Court Pauses New Miami Commission Map*, WPLG LOCAL 10 (updated Aug. 2, 2023, 8:14 AM) <https://www.local10.com/news/local/2023/08/01/city-frustrated-plaintiffs-await-new-ruling-after-court-pauses-new-miami-commission-map/>
3. Email from Assistant City Clerk to County Supervisor of Elections, *City of Miami - Redistricting Map (June 2023)*, Aug. 1, 2023, 3:25 PM

Sincerely,

A handwritten signature in black ink that reads "Nick Warren".

Nicholas Warren

Counsel for Plaintiffs-Appellees

Exhibit 1

Christina Vazquez (@CBoomerVazquez), TWITTER

(Aug. 2, 2023, 8:08 AM),

<https://twitter.com/CBoomerVazquez/status/1686710652537044992>



Christina Boomer Vazquez, M.S.

@CBoomerVazquez



NEW: @MDCElections spokesperson confirms requested from the City a copy of the map the majority of commissioners approved in June. “We did ask for the map so that we can do certain preliminary work with both sets of maps while waiting for an order from the Appellate Court.”



Christina Boomer Vazquez, M.S. @CBoomerVazquez · Jun 14

Commissioner Sabina Covo’s office confirms she is the commissioner who did not vote for it. Background: [local10.com/news/local/202...](https://www.local10.com/news/local/2023/06/14/commissioner-sabina-covo-office-confirms-she-is-the-commissioner-who-did-not-vote-for-it/)

[Show this thread](#)

8:08 AM · Aug 2, 2023 · 90 Views

Exhibit 2

Christina Vazquez and Chris Gothner, City, ‘Frustrated’ Plaintiffs Await New Ruling After Court Pauses New Miami Commission Map,

WPLG Local 10 (updated Aug. 2, 2023, 8:14 AM),

<https://www.local10.com/news/local/2023/08/01/city-frustrated-plaintiffs-await-new-ruling-after-court-pauses-new-miami-commission-map/>

City, ‘frustrated’ plaintiffs await new ruling after court pauses new Miami commission map

City officials ‘stalling’ to keep old map, plaintiff says

[Christina Vazquez](#), Reporter

[Chris Gothner](#), Digital Journalist

Published: August 1, 2023 at 5:15 PM

Updated: August 2, 2023 at 8:14 AM

MIAMI – Miami’s redistricting saga [took another turn](#) Monday after a court placed a temporary halt on [a new city commission district map](#) ordered in place by a federal judge the day prior.

After a months-long legal tussle, the new map was designed to fix commission districts Judge K. Michael Moore said were “[racially-gerrymandered](#)” and split up the city’s neighborhoods.

He rejected both the city’s original map and the commissioners’ purported fix, which featured boundaries that largely mimicked the original map. He said the updated map did not make sufficient changes.

Moore said the new map, drawn by the plaintiffs in the case, “keeps traditional neighborhoods and communities of interest united,” in contrast to the previous maps, which split up neighborhoods like Coconut Grove and Flagami.

But the city, after filing [an emergency motion](#), was able to get the 11th Circuit Court of Appeals to issue a stay on the same day Moore ordered officials to send the map to Miami-Dade’s elections department for use in November’s races.

“The judge has decided they need more time to decide if they are going to put the brakes on what is happening here,” legal analyst David Weinstein said.

The plaintiffs, which include the NAACP and other groups, represented by the American Civil Liberties Union, filed their response Tuesday.

“Holding elections under unconstitutionally racially gerrymandered maps cause irreparable harm. Granting a stay now will cause that harm, not just to Plaintiffs, but to all Miamians,” they wrote. “They would continue to be forced to live in districts unconstitutionally based on racial “[c]lassifications ... [that] ‘are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.’”

They added: “There is only one viable map for the November elections: the court-ordered remedy.”

Citing Local 10 News’ story on Monday, they pointed out in their order that while the ACLU delivered the maps to county elections officials on Monday, there’s no evidence the city complied with the ruling.

“Right now we are frustrated,” Nora Vinas the deputy executive director of Engage Miami, one of the plaintiffs, said. “We worked tirelessly to come up with this community-driven map and the city seems to be stalling.”

A spokesperson for the Miami-Dade Elections Department confirms they requested from the City a copy of the map the majority of commissioners approved in June.

The spokesperson explained, “We did ask for the map so that we can do certain preliminary work with both sets of maps while waiting for an order from the Appellate Court. The plaintiff had already provided their map on 07/30/2023.”

Miami’s city attorney praised Monday evening’s ruling.

“The City is pleased with the 11th Circuit Court of Appeals acting swiftly to review Judge Moore’s order,” City Attorney Victoria Mendez told Local 10 News in a statement. “The Stay works to place a pause on the transmittal of the new map to the County Election’s Department. The City awaits further direction from the 11th Circuit Court of Appeals.”

Court documents show the city is arguing that it is “not the City’s burden to prove that the New Map was constitutional. The court below impermissibly shifted that burden and did not afford the City the presumption of good faith.”

Weinstein said he would expect to see a ruling by the federal appeals court as soon as Wednesday afternoon.

County elections officials tell Local 10 News they’re hoping for a decision by Wednesday so they can move forward with preparing for November’s general election.

Exhibit 3

Email from Assistant City Clerk to County Supervisor of Elections, *City of Miami - Redistricting Map (June 2023)*, Aug. 1, 2023, 3:25 PM

Merken, Christopher

From: Ewan, Nicole <newan@miamigov.com>
Sent: Tuesday, August 1, 2023 3:25 PM
To: Christina.White@miamidade.gov
Cc: Vanessa.Innocent@miamidade.gov; Roberto.Rodriguez@miamidade.gov; gbk@miamidade.gov; Michael.Valdes@miamidade.gov; Gerald.Sanchez@miamidade.gov; Mendez, Victoria; Greco, John A.; McNulty, Kerri L.; Wysong, George K.; Jones, Kevin R.; Gomez, Marta; Santos, Christina; Hannon, Todd; Forges, Sandra; ben.kuehne@kuehnelaw.com; CMcNamara@acluf.org; dtilly@acluf.org; Merken, Christopher; andy.bardos@gray-robinson.com; Steiner, Neil; Christopher.Johnson@gray-robinson.com; George.Levesque@gray-robinson.com; jason.unger@gray-robinson.com; Marlene.Quintana@gray-robinson.com
Subject: City of Miami - Redistricting Map (June 2023)
Attachments: City of Miami map; GRACE (11th Cir) - DE 8 Order Administratively Staying District Court's Order.pdf; Certified Copy - Resolution R-23-0271 - Redistricting.pdf; Commission_Districts_Final_Adopted_June142023.zip
Importance: High

[EXTERNAL EMAIL]

Christina White, Supervisor of Elections,

I am the Assistant City Clerk of the City of Miami, and I am acting on behalf of the City Clerk, Todd Hannon. Pursuant to the City's discussions with the Miami-Dade County Department of Elections and in response to an email request from Vanessa Innocent at the County Department of Elections, attached, please find the current City of Miami district map that was approved by the City Commission on June 14, 2023, and rendered by the City on June 29, 2023 (see attached, City of Miami Resolution 23-271). In light of the August 1, 2023 deadline for submitting voting maps for the November 7, 2023 election, the City requests that you implement this approved and rendered map. Your office had previously mentioned that you required a finalized map for implementation by today, August 1, 2023.

The previous City of Miami district map on file with the Miami-Dade County Department of Elections is not valid. That map had been enacted and rendered in City of Miami Resolution 22-131. That map was enjoined by the U.S. District Court for the Southern District of Florida and replaced by the City with the map from the referenced City of Miami Resolution 23-271 that is attached.

The district map is the subject of litigation in *Grace, Inc., et al. v. City of Miami* (S.D. Fla., Case No. 1:22-cv-24066-KMM). The District Judge entered an order on Sunday, July 30, 2023, invalidating the attached map and instead adopted an alternative map. The City appealed that order and requested a stay from the Eleventh Circuit. (*Grace, Inc., et al. v. City of Miami*, 11th Cir., Case No. 23-12472). Last night (July 31, 2023), the Eleventh Circuit issued an order staying the district court's order until the Eleventh Circuit fully considers the City's motion to stay (see attached July 31, 2023 Order (DE8)). The Eleventh Circuit ordered the Plaintiffs in the litigation to respond to the Motion to Stay by 9:00 a.m. on August 2, 2023. Accordingly, the district court order is stayed. Therefore, in order to comply with the Elections Department's August 1, 2023 deadline, the City submits the map rendered in June 2023 by the City Commission as the currently applicable map.

The old map on file with the County is no longer valid and cannot be used for the November election. The City Clerk will bring to your attention any further developments.

Please do not hesitate to contact our office with any questions or concerns concerning this matter, or if you need anything further from us to implement the attached map.

Thank you,



Nicole Ewan, MPA, CMC
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