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August 3, 2023

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

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

Dear Mr. Clerk:

Pursuant to FRAP 28(j), Defendant/Appellant the City of Miami responds to the Citation to Supplemental Authority [ECF 14] filed by Plaintiff/Appellees on August 2, 2023. Plaintiffs cite an order entered in *Singleton v. Allen*, No. 2:21-cv-1291-AMM (N.D. Ala. Aug. 1, 2023).

Defendants did file a motion to dismiss for mootness because a new plan had been passed, which the Court denied and which is currently not on appeal. But the new plan is not a “remedial plan.” The City is not relitigating the injunction hearing, but instead, enacted a new redistricting plan that was intended to serve as the plan until the next census. The Court invalidated the new plan, disregarded new evidence that it is in fact narrowly tailored, reversed the burden of proof and did not afford the City a presumption of good faith before mandating a plan that did not cure the alleged infirmities of the old plan, but rather exacerbated them. Therefore *Singleton* is inapposite.

Thank you.

Sincerely,

/s/ Christopher N. Johnson

Christopher N. Johnson