

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KETO NORD HODGES, et al.,

Plaintiffs,

v.

Case No. 8:24-cv-879

KATHLEEN PASSIDOMO, et al.,

Defendants.

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**THE SECRETARY’S MOTION FOR LEAVE TO FILE
A REPLY IN SUPPORT OF HIS MOTION TO DISMISS**

Defendant, Secretary of State Cord Byrd, moves for leave to file a reply—no longer than seven pages—in support of his motion to dismiss under Local Rule 3.01(d).

In his motion to dismiss, the Secretary explained how Plaintiffs failed to state a vote-dilution claim in their complaint. Doc.19. Plaintiffs say that they aren’t pursuing a vote-dilution claim; they contend that they are pursuing a *Shaw*-style sorting claim. Doc.28. Under these circumstances, a brief reply is warranted.

The “purpose of a reply brief is to rebut any new law or facts contained in the oppositions response to a request for relief before the Court.” *Promenades Mall (E&A), LLC v. Allstate Ins. Co.*, 2:08-cv-475, 2008 U.S. Dist. LEXIS 125839, at *2-3 (M.D. Fla. Aug. 12). A reply, moreover, should “benefit the Court’s resolution of the pending motion.” *ELI Research, LLC v. Must Have Info, Inc.*, 2:13-cv-695, 2015 U.S. Dist. LEXIS 64671, at *2 (M.D. Fla. May 18).

Here, good cause warrants filing a reply. Plaintiffs introduced a new contention in their response in opposition: that they are pursuing a *Shaw*-style sorting claim, and not a vote-dilution claim. The Secretary should have a chance to respond to this new contention, to sort out the allegations actually contained in the complaint, and to discuss the relevant standards applicable here. In sum, a more fulsome discussion on Plaintiffs' contention would thus benefit the resolution of the pending motion to dismiss.

The Secretary therefore asks this Court for leave to file a reply in support of his motion to dismiss within ten days of any order granting such leave.

Respectfully submitted this 8th day of May 2024.

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LOCAL RULE CERTIFICATION

I certify that this memorandum contains 264 words, excluding the case style and certifications.

/s/ Mohammad O. Jazil
Mohammad O. Jazil

LOCAL RULE CERTIFICATION 3.01(G)

I certify that on May 6, 2024, Plaintiffs' counsel was sent an electronic conferral concerning this motion. They oppose this motion.

/s/ Mohammad O. Jazil
Mohammad O. Jazil

CERTIFICATE OF SERVICE

I certify that on May 8, 2024, 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/ Mohammad O. Jazil
Mohammad O. Jazil.