

IN THE SUPREME COURT OF FLORIDA

THE LEAGUE OF WOMEN
VOTERS OF FLORIDA, INC., *et al.*,

Appellants,

Case No. SC14-1905
L.T. Case No. 2012-CA-000412
L.T. Case No. 2012-CA-000490

v.

KEN DETZNER, in his official
capacity as Florida Secretary of State,
et al.,

Appellees.

_____ /

**THE FLORIDA HOUSE OF REPRESENTATIVES’
MOTION FOR CONTINUANCE OF ORAL ARGUMENT**

Appellee/Cross Appellant, the Florida House of Representatives (the “House”), moves to continue the oral argument scheduled for November 2, 2015.

1. From October 19 through November 6, 2015, the Florida Legislature will meet in Special Session to pass a redistricting plan for the Florida Senate. On October 6, 2015, prior to this Court’s order of October 14 setting oral argument in this case, the House scheduled a meeting of the House Select Committee on Redistricting for November 2, 2015, from 12:00 to 4:00 p.m., and Floor Sessions for consideration and passage of a plan for the remainder of that week. *See* Ex. A, (Interim Week 4 Special Session C Authorized Meeting Schedule). During that November 2 meeting, the House will consider a proposed Senate redistricting plan,

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or plans, together with any amendments. The active participation of the House's legal counsel at that committee meeting is essential to an informed evaluation of any such plans or amendments. Members of the Florida House of Representatives have made arrangements to be present in Tallahassee pursuant to this schedule.

2. The oral argument scheduled in the congressional case falls squarely in the middle of the House committee meeting. The House would suffer extreme, manifest hardship if its counsel were unable to participate in the committee meeting, or if members of the committee who have made arrangements in reliance on the published schedule were required to rearrange their schedules, including their travel to and from Tallahassee.

3. Pursuant to the Agreed Scheduling Order in the Senate litigation, the Legislature has committed to enact a remedial Senate Plan by November 9, 2015. *See Ex. B.* The Legislature has been diligently working toward that commitment. Any delay in the Special Session Calendar places that deadline at risk.

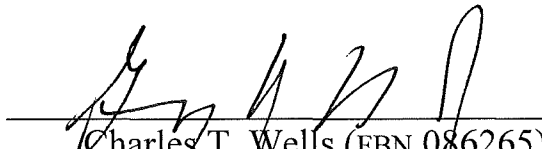
4. Both the congressional and Senate redistricting cases are of critical importance to the House and to its constitutional prerogative to conduct redistricting. The House therefore respectfully requests that oral argument in this case be rescheduled to the following week.

WHEREFORE, Appellee/Cross Appellant, the Florida House of Representatives, respectfully moves the Court to continue the oral argument scheduled for November 2, 2015.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent by electronic mail on October 15, 2015, to the individuals identified on the Service List that follows.

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AUTHORIZED MEETING SCHEDULE

NOVEMBER 2, 2015-NOVEMBER 6, 2015

SPECIAL SESSION C AND INTERIM WEEK 4



Committees and subcommittees shall meet only within the dates, times, and locations authorized by the Speaker - Rule 7.8

Current as of: Tuesday, October 06, 2015 - 9:37 AM

<p>Monday <i>November 2, 2015</i> <i>Special Session</i> <i>Notice deadline,</i> <i>2 hours prior to meeting</i></p>	<p><u>12:00 pm - 4:00 pm</u> Select Committee on Redistricting Webster Hall (212 Knott)</p> <p><u>4:30 pm - 5:00 pm</u> Rules, Calendar & Ethics Committee Sumner Hall (404 HOB)</p>
<p>Tuesday <i>November 3, 2015</i> Notice deadline, 4:30 pm October 27, 2015</p>	<p><u>8:00 am - 11:00 am</u> Children, Families & Seniors Subcommittee Reed Hall (102 HOB)</p> <p><u>9:00 am - 11:00 am</u> Agriculture & Natural Resources Appropriations Subcommittee 12 HOB Civil Justice Subcommittee Sumner Hall (404 HOB) Government Operations Subcommittee Webster Hall (212 Knott) K-12 Subcommittee Morris Hall (17 HOB) Rulemaking Oversight & Repeal Subcommittee 306 HOB</p> <p><u>10:00 am - 11:00 am</u> Highway & Waterway Safety Subcommittee 116 Knott Building</p> <p><u>12:00 pm - 2:00 pm</u> Agriculture & Natural Resources Subcommittee Reed Hall (102 HOB) Business & Professions Subcommittee 12 HOB Choice & Innovation Subcommittee 306 HOB Government Operations Appropriations Subcommittee Morris Hall (17 HOB) Health Care Appropriations Subcommittee Webster Hall (212 Knott)</p> <p><u>1:00 pm - 2:00 pm</u> Transportation & Ports Subcommittee Sumner Hall (404 HOB)</p> <p><u>3:00 pm - Until Completion</u> SESSION House Chamber</p>



<p>Wednesday November 4, 2015 Notice deadline, 4:30 pm October 28, 2015</p>	<p><u>8:00 am - 10:00 am</u> Health Innovation Subcommittee 306 HOB Higher Education & Workforce Subcommittee Reed Hall (102 HOB) Insurance & Banking Subcommittee Sumner Hall (404 HOB) Justice Appropriations Subcommittee Morris Hall (17 HOB) Local Government Affairs Subcommittee Webster Hall (212 Knott)</p> <p><u>9:00 am - 10:00 am</u> Economic Development & Tourism Subcommittee 12 HOB</p> <p><u>10:30 am - 11:30 am</u> Criminal Justice Subcommittee Sumner Hall (404 HOB)</p> <p><u>10:30 am - 12:30 pm</u> Education Appropriations Subcommittee Morris Hall (17 HOB) Energy & Utilities Subcommittee Webster Hall (212 Knott) Health Quality Subcommittee 306 HOB Transportation & Economic Development Appropriations Subcommittee Reed Hall (102 HOB) Veteran & Military Affairs Subcommittee 12 HOB</p> <p><u>2:00 pm - Until Completion</u> SESSION House Chamber</p>
<p>Thursday November 5, 2015 Notice deadline, 4:30 pm October 29, 2015</p>	<p><u>8:00 am - 10:00 am</u> Education Committee Reed Hall (102 HOB) Health & Human Services Committee Morris Hall (17 HOB) Local & Federal Affairs Committee Webster Hall (212 Knott)</p> <p><u>11:00 am - 1:00 pm</u> Judiciary Committee Sumner Hall (404 HOB) State Affairs Committee Morris Hall (17 HOB)</p> <p><u>2:00 pm - 4:00 pm</u> Appropriations Committee Webster Hall (212 Knott) Finance & Tax Committee Morris Hall (17 HOB)</p> <p><u>4:30 pm - Until Completion</u> SESSION if needed House Chamber</p>
<p>Friday November 6, 2015</p>	<p><u>8:00 am - 3:00 pm</u> SESSION if needed House Chamber</p>

Special Session C Interim Week 4 November 2 - 6, 2015

Tentative calendar subject to change. Check meeting notices for accurate meeting time. Up to the minute information may be found at <http://www.myfloridahouse.gov/Sections/HouseCalendar/housecalendar.aspx>. When using the web page, select the appropriate date to view meeting schedules. Meetings must be scheduled by notice deadlines above but may be subject to change.

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA**

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, *et al.*,

Plaintiffs,

vs.

Case No. 2012-CA-002842

KENNETH W. DETZNER, *et al.*,

Defendants.

AGREED SCHEDULING ORDER

On July 28, 2015, this Court entered a Consent Judgment which directs the Legislative Parties to file with the Court and serve on Plaintiffs a remedial apportionment plan for Florida's Senate districts (the "Remedial Senate Plan") no later than November 9, 2015. On July 29, 2015, this Court entered an Order Setting Case Management Conference that directed the parties to confer and, if possible, submit to the Court an agreed scheduling order for the remedial proceedings. The parties having conferred and submitted an agreed scheduling order, and the Court, having reviewed and approved the parties' proposal, enters this Order.

1. The Legislative Parties anticipate that the Legislature will enact the Remedial Senate Plan by November 9, 2015. The Legislative Parties reserve the right to seek relief from this Agreed Scheduling Order should unanticipated contingencies arise during the legislative process which prevent the Legislature from enacting the Remedial Senate Plan by November 9, 2015, and Plaintiffs reserve their right to contest any such relief.



2. Within **one business day** after enactment of the Remedial Senate Plan, the Legislative Parties shall make all submissions required of them by paragraph b. of the Consent Judgment.

3. Within **fourteen (14) days** after enactment of the Remedial Senate Plan, Plaintiffs shall:

- a. File and serve their response to the Remedial Senate Plan, which, at a minimum, and subject to ongoing discovery, shall identify (i) any districts in the Remedial Senate Plan that Plaintiffs challenge; (ii) each constitutional standard that each challenged district allegedly violates; and (iii) the factual bases of each alleged violation;
- b. File and serve any alternative maps that Plaintiffs wish to introduce in support of their claims in this proceeding in the manner set forth in the Consent Judgment (or, if Plaintiffs have already filed and served in this action the alternative maps that they wish to introduce, Plaintiffs shall identify the specific alternative maps they intend to introduce in support of their claims);
- c. Serve any expert disclosures, which shall include the identities and qualifications of all experts on whose opinions Plaintiffs intend to rely, as well as a complete statement of their opinions and the production of all materials on which the experts relied in forming their opinions; and
- d. Subject to ongoing discovery, serve a list of all fact witnesses, including known impeachment and rebuttal witnesses whom Plaintiffs might call at the evidentiary hearing, and of all exhibits that Plaintiffs might offer to introduce. The witness list shall contain the name, address, and telephone number of each witness and

segregate all witnesses into three groups: (a) witnesses whom the party in good faith intends to call; (b) witnesses whom the party might or might not call, depending upon what witnesses the opposing parties call or other unanticipated matters; and (c) witnesses whom the party does not intend to call, but who are listed from an abundance of caution in light of their knowledge of the facts or the issues in dispute.

4. Within **fourteen (14) days** after Plaintiffs make all disclosures required by Paragraph 3 of this Order, the Legislative Parties shall:

- a. File and serve their reply to Plaintiffs' response to the Remedial Senate Plan, which, at a minimum, and subject to ongoing discovery, shall reply to each challenge identified in Plaintiffs' response;
- b. Serve any expert disclosures, which shall include the identities and qualifications of all experts on whose opinions the Legislative Parties intend to rely, as well as a complete statement of their opinions and the production of all materials on which the experts relied in forming their opinions; and
- c. Subject to ongoing discovery, serve a list of all fact witnesses, including known impeachment and rebuttal witnesses whom the Legislative Parties might call at the evidentiary hearing, and of all exhibits that the Legislative Parties might offer to introduce. The witness list shall contain the name, address, and telephone number of each witness and segregate all witnesses into three groups: (a) witnesses whom the party in good faith intends to call; (b) witnesses whom the party might or might not call, depending upon what witnesses the opposing parties call or other unanticipated matters; and (c) witnesses whom the party does

not intend to call, but who are listed from an abundance of caution in light of their knowledge of the facts or the issues in dispute.

5. To the extent that a party identifies any witnesses or exhibits after service of the parties' witness and exhibit disclosures as set forth above, the witnesses or exhibits so identified shall be disclosed immediately (but no later than **noon on December 10, 2015**) in a supplemental witness and exhibit disclosure that conforms to the requirements of Paragraphs 3 and 4 above.

6. Discovery shall conclude by **December 11, 2015**. The Court anticipates that the parties will serve and respond to requests for discovery in good faith and as promptly as circumstances permit. The parties may take discovery after the discovery deadline only by leave of court granted upon a showing of good cause or by the agreement of all parties.

7. Any Defendant other than the Legislative Parties that wishes to present argument or evidence at the evidentiary hearing referenced in Paragraph 8 below shall comply with the disclosure requirements set forth in Paragraphs 4 and 5 above.

8. The parties may file a motion seeking an extension from the Court of the deadlines set forth in this Scheduling Order, but such extension will be granted only for good cause shown.

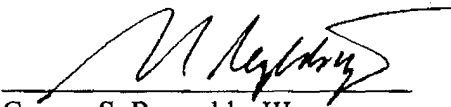
9. The Court will conduct an initial pretrial conference on December 1, 2015, beginning at 1:00 p.m. The Court will conduct a second pretrial conference, if necessary, on December 10, 2015 beginning at 1:00 p.m.

10. The evidentiary hearing shall begin at 9:30 a.m. on **December 14, 2015**, in Courtroom TBD. The hearing shall continue from day to day as necessary, but conclude no later than **December 18, 2015**.

11. It is the understanding of the Court that in the event Plaintiffs are successful in any challenge presented at the evidentiary hearing, the Court will set out its factual and legal bases for such a ruling and refer the matter back to the Legislature to redraw the map.

12. Any party may move for reconsideration of any part of this order for good cause shown.

DONE AND ORDERED this 19 day of August, 2015.


George S. Reynolds, III
Circuit Judge

Copies to all counsel of record