

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

Common Cause Florida, FairDistricts Now,
Dorothy Inman-Johnson, Brenda Holt,
Leo R. Stoney, Myrna Young, and Nancy
Ratzan,

Plaintiffs,

v.

Laurel M. Lee, in her official capacity as
Florida Secretary of State,

Defendant.

Case No.: 4:22-cv-109-AW-MAF

**PLAINTIFFS' MOTION FOR LEAVE TO FILE
AN AMENDED COMPLAINT**

Plaintiffs Common Cause Florida, FairDistricts Now, Dorothy Inman-Johnson, Brenda Holt, Leo R. Stoney, Myrna Young, and Nancy Ratzan (collectively, "Plaintiffs") respectfully move pursuant to Federal Rule of Civil Procedure 15(a)(2) for leave to file an amended complaint. In support of their motion, Plaintiffs state as follows:

1. Plaintiffs filed their original complaint in this Court on March 11, 2022 to challenge Florida's then-existing congressional districts, which were rendered unconstitutionally malapportioned by a decade of population shifts. *See* Dkt. No. 1.

2. During a Special Legislative Session that began on April 19, 2022, the Florida Legislature accepted a new congressional district plan put forward by Governor DeSantis (the “Enacted Plan”).

3. On April 22, 2022, Defendant Lee suggested that this action is now moot because the Enacted Plan resolved Plaintiffs’ allegations of malapportionment and there is no longer any live controversy to be adjudicated. Dkt. No. 86.

4. On April 25, 2022, the Court entered an Order to Show Cause why the Court should not dismiss this case without prejudice as moot and ordered Plaintiffs to file a response to the Order to Show Cause by April 29, 2022. Dkt. No. 87.

5. As explained further in their accompanying memorandum of law, Plaintiffs respectfully move for leave to amend their complaint pursuant to Federal Rule of Civil Procedure 15(a)(2), which will obviate the need to act on Defendant’s suggestion of mootness. Although Plaintiffs’ original claims under Article I, Section 2 of the U.S. Constitution and 2 U.S.C. § 2c are now moot, the Court should grant Plaintiffs leave to amend their complaint to assert updated claims challenging the constitutionality of the new congressional district plan.

6. In accordance with Local Rule 7.1(E), Plaintiffs have contemporaneously filed a memorandum in support of this motion.

7. In accordance with Local Rule 15.1, Plaintiffs have contemporaneously filed their proposed amended complaint.

LOCAL RULE 7.1(B) CERTIFICATION

Counsel for Plaintiffs has conferred with counsel for Defendant on Defendant’s position on this motion. Counsel for Defendant stated as follows: “We take no position on the motion for leave to amend. But we do oppose re-naming Governor DeSantis as a defendant; among other things, the Governor is not the proper Ex parte Young defendant.”

Date: April 29, 2022

Respectfully submitted,

PATTERSON BELKNAP WEBB & TYLER LLP

By: /s/ Gregory L. Diskant

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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2022, 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/ Gregory L. Diskant

Gregory L. Diskant