

**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, Wilton
Simpson, in his official capacity as the
President of the Florida State Senate,
Chris Sprowls, in his official capacity as
the Speaker of the Florida House of
Representatives, Ray Wesley Rodrigues,
in his official capacity as the Chair of the
Florida Senate Reapportionment
Committee, Jennifer Bradley, in her
official capacity as the Chair of the
Florida Senate Select Subcommittee on
Congressional Reapportionment, Thomas
J. Leek, in his official capacity as the
Chair of the Florida House of
Representatives Redistricting Committee,
Tyler I. Sirois, in his capacity as the
Chair of the Florida House of
Representatives Congressional
Redistricting Subcommittee, and Ron
DeSantis, in his official capacity as
Governor of Florida,

Defendants.

Case No.: 4:22-cv-109

PLAINTIFFS' MOTION TO RECUSE JUDGE WINSOR

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

(collectively, “Plaintiffs”), respectfully move to recuse Judge Winsor pursuant to 28 U.S.C. § 455 and Canon 3(C)(1) of the Code of Conduct for United States Judges.

In support of their motion, Plaintiffs state as follows:

1. Plaintiffs filed their complaint in this Court on March 11, 2022. *See* ECF No. 1.

2. On March 12, 2022, the Court issued an Order pursuant to 28 U.S.C. §2284(b)(1) notifying the Chief Judge of the Eleventh Circuit of the need to convene a three-judge district court in this case. The case was also transferred to the Tallahassee Division. *See* ECF No. 3.

3. The case was randomly assigned to United States District Judge Allen Winsor. *See* ECF No. 5.

4. On March 14, 2022, District Judge M. Casey Rodgers and Circuit Judge Adalberto Jordan were designated to serve with the requesting judge, Judge Winsor, as members of the three-judge court to hear and decide the action. *See* ECF No. 6.

5. On March 25, 2022, Andy Bardos filed notice of his appearance as counsel for Defendants Chris Sprowls, in his official capacity as the Speaker of the Florida House of Representatives; Thomas J. Leek, in his official capacity as the Chair of the Florida House of Representatives Redistricting Committee; and Tyler I.

Sirois, in his official capacity as the Chair of the Florida House of Representatives Congressional Redistricting Subcommittee. *See* ECF No. 45.

6. As explained further in their brief, Plaintiffs respectfully suggest that Judge Winsor consider the propriety of recusal in this case pursuant to 28 U.S.C. § 455 and Canon 3(C)(1) of the Code of Conduct for United States Judges. Judge Winsor's previous efforts in this state's redistricting processes raise legitimate questions about his role in this case, and—irrespective of Judge Winsor's ability to remain evenhanded—reasonable citizens might question the appearance of impartiality in this case.

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

LOCAL RULE 7.1(B) CERTIFICATION

Counsel for Plaintiffs has conferred with counsel for Defendants, who oppose the motion. Counsel for Plaintiffs has conferred with counsel for Proposed Intervenors, who has consented to Plaintiffs' motion for recusal.

LOCAL RULE 7.1(F) CERTIFICATION

Undersigned counsel certifies that this motion contains 349 words, excluding the case style and certifications.

Date: March 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 March 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