

IN THE SUPREME COURT OF FLORIDA

BLACK VOTERS MATTER
CAPACITY BUILDING INSTITUTE,
INC., et al.,

Petitioners,

v.

CORD BYRD, in his official
capacity as Florida Secretary of
State, et al.,

Respondents.

Case No.: SC22-_____
L.T. No.: 1D22-1470
2022-ca-000666

**PETITIONERS' EMERGENCY MOTION TO EXPEDITE REVIEW
OF EMERGENCY PETITION FOR CONSTITUTIONAL WRIT**

Petitioners respectfully move the Court to expedite its review of this case and state:

1. In their Emergency Petition filed simultaneously with this motion, Petitioners seek emergency all writs relief in aid of this Court's jurisdiction to review a preliminary decision by the First District reinstating an automatic stay of the circuit court's order. Absent a stay issued by this Court pursuant to its all writs authority, the First District's order is certain to strip this Court of its ability to grant Petitioners and countless other Florida voters relief in time for the 2022 elections. By staying the trial court's order, the First

RECEIVED, 05/23/2022 01:41:22 PM, Clerk, Supreme Court

District's disrupted the status quo under which supervisors of elections were preparing to implement both the DeSantis Plan *and* the Remedial Plan, an administrative approach that would prepare the state for this Court's judgment. Now, supervisors are *only* preparing to implement the DeSantis Plan, needlessly jeopardizing this Court's ability to implement a remedy and prevent irreparable harm to its voters in the event it upholds the trial court's temporary injunction.

2. In light of Petitioners' waning window to access relief, Petitioners respectfully request that the Court expedite briefing and disposition in this matter. The parties have already briefed the legal issues before the First District, and those briefs are in the supplemental appendix submitted with the petition. Thus, an extremely abbreviated briefing schedule is appropriate. Petitioners propose that the Court order Respondents to show cause by 2:00 p.m. tomorrow, May 24, 2022, why the relief sought in the Emergency Petition should not be granted and order Petitioners to file a reply to Respondent's brief by 8:00 p.m., May 24, 2022. This schedule will allow the Court to the decide the issue expeditiously to ensure Petitioners retain their ability to obtain relief by the 2022 elections.

WHEREFORE, the Court should expedite briefing and disposition of this proceeding.

Dated: May 23, 2022

/s/ Frederick S. Wermuth
Frederick S. Wermuth
Florida Bar No. 184111
Thomas A. Zehnder
Florida Bar No. 0063274
**KING, BLACKWELL,
ZEHNDER & WERMUTH, P.A.**
P.O. Box 1631
Orlando, Florida 32802
Telephone: (407) 422-2472
Facsimile: (407) 648-0161
fweremuth@kbzwlaw.com
tzezhnder@kbzwlaw.com

John M. Devaney+
PERKINS COIE LLP
700 Thirteenth Street N.W.,
Suite 600
Washington, D.C. 20005
Telephone: (202) 654-6200
Facsimile: (202) 654-6211
jdevaney@perkinscoie.com

Respectfully submitted,

Abha Khanna++
Jonathan P. Hawley++
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite
2100
Seattle, Washington 98101
Telephone: (206) 656-0177
Facsimile: (206) 656-0180
akhanna@elias.law
jhawley@elias.law

Christina A. Ford
Florida Bar No. 1011634
Joseph N. Posimato+
Graham White++
Harleen K. Gambhir++
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4490
Facsimile: (202) 968-4498
cford@elias.law
jposimato@elias.law

Counsel for Petitioners
+Admitted Pro hac vice
++ Pro hac vice application
forthcoming

CERTIFICATE OF COMPLIANCE

I certify under Florida Rule of Appellate Procedure 9.045 that this opposition brief is computer generated in 14-point Bookman Old Style.

/s/ Frederick S. Wermuth _____
Frederick S. Wermuth
Florida Bar No. 0184111

Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 23, 2022 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

/s/ Frederick S. Wermuth _____
Frederick S. Wermuth
Florida Bar No. 0184111

Counsel for Petitioners

SERVICE LIST

Bradley R. McVay
Ashley Davis
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399
brad.mcvay@dos.myflorida.com
ashley.davis@dos.myflorida.com

Henry C. Whitaker
Daniel W. Bell
Jeffrey Paul DeSousa
David M. Costello
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399
henry.whitaker@myfloridalegal.com
daniel.bell@myfloridalegal.com

Mohammed O. Jazil
Michael Beato
Holtzman Vogel Baran
Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com
mbeato@holtzmanvogel.com

*Counsel for Florida Secretary of
State*

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-
robinson.com

*Counsel Chris Spowls and
Thomas J. Leek*

jeffrey.desousa@myfloridalegal.com
david.costello@myfloridalegal.com
jenna.hodges@myfloridalegal.com

Counsel for Florida Attorney General

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
ndordby@shutts.com

*Counsel for Florida Senate, Ray
Rodrigues, and Wilton Simpson*