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

RENE ROMO, ET AL. PLAINTIFFS, VS. KEN DETZNER AND PAM BONDI, DEFENDANTS.	CASE NO.: 2012-CA-00412
THE LEAGUE OF WOMEN VOTERS OF FLORIDA, ET AL., PLAINTIFFS, VS. KEN DETZNER, ET AL., DEFENDANTS.	CASE NO.: 2012-CA-00490

PLAINTIFFS' JOINT OBJECTION TO REVISED PLAN AND PROPOSED ELECTION SCHEDULES

Romo Plaintiffs and Coalition Plaintiffs object to Legislative Defendants' revised congressional redistricting plan, H000C9057 (the "Revised Plan" or "9057") and the election schedules proposed by the Secretary of State (the "Secretary") and the Florida State Association of Supervisors of Elections, Inc. (the "Supervisor Association"). Plaintiffs request that this Court adopt a remedial plan that complies with Article III, Section 20 of the Florida Constitution and direct that the upcoming elections proceed under the court-approved remedial plan.

I. INTRODUCTION

The FairDistricts Amendments express the uncompromising will of Florida's electorate to outlaw political gerrymandering. This is supposed to be a new era in Florida politics, one in which the voters choose their representatives, not the other way around. Yet Legislative

Defendants continue to act as if nothing has changed. Despite being given the opportunity to right the wrong they committed and to honor the clear mandate of Florida's voters, Legislative Defendants have squandered that opportunity by adopting a Revised Plan with minimal changes that once again chooses political partisanship over constitutional compliance. Despite their proclamations about openness and transparency and the revelations of backroom dealings at trial, Legislative Defendants returned to the shadows when they prepared the Revised Plan. The Revised Plan emerged fully formed from a series of meetings held behind closed doors and then sailed through the special session without modifications while any opposing voices were ridiculed, distorted, or simply ignored.

The dispute over the Revised Plan centers primarily around District 5 and its surrounding districts. Legislative Defendants have again adopted a snakelike north-south configuration of the district that marginalizes minorities by concentrating them into a single district, harms tier-two compliance overall, and conspicuously benefits Republicans in surrounding areas. This Court has correctly described the redistricting process as "a high stakes proposition" and "a zero sum game in which one party wins and the other loses." (Final Judgment at 2). Legislative Defendants have devoted so much energy to the preservation of a version of District 5 that favors the Republican Party and limits the voting opportunities of minorities because they know much is at stake. If this Court endorses a serpentine north-south configuration, it will establish a benchmark district that Legislative Defendants will argue cannot be modified in future redistricting cycles, further entrenching the Republican Party in its position of power. That is why Legislative Defendants are willing to flout their constitutional responsibilities and the will of Florida's voters. The zero sum game is alive and well. But this Court need not and should not allow Legislative Defendants to play games with Floridians' fundamental rights.

Nor should this Court heed Legislative Defendants' cynical pleas to delay an effective remedy until after the 2014 elections, thereby forcing Floridians to endure yet another unconstitutional election. As explained in detail below, this Court has the authority to adopt a truly remedial map – one that complies with the Florida Constitution and serves the voters of Florida rather than the Republican Party. And ample time remains to implement a new map in time for 2014. Legislative Defendants' self-serving claims to the contrary are based on nothing but speculation and the misguided conviction that the convenience of election officials outweighs the fundamental rights of Florida's voters.

II. BACKGROUND

A. Invalidity of the 2012 Congressional Plan

On July 10, 2014, this Court entered its Final Judgment invalidating the 2012 congressional redistricting plan (the "Initial Plan") enacted by the Legislature. Throughout trial, a constant theme advanced by Legislative Defendants was that they conducted the most open and transparent redistricting effort in the history of the state and perhaps the nation. As it turned out, the supposedly public process was merely a façade, and Legislative Defendants performed the real work of redistricting in the shadows. They met and communicated with partisan operatives in secret, destroyed virtually all of their redistricting-related documents, and made significant decisions at meetings held outside of the sunshine. Worst of all, Legislative Defendants perverted the public process itself, using it as a mechanism to allow political operatives "to infiltrate and influence the Legislature" and "to obtain the necessary cooperation and collaboration" to implement their partisan goals. (Final Judgment at 22). These efforts "made a mockery of the Legislature's proclaimed transparent and open process of redistricting" and produced a map thoroughly "taint[ed] . . . with improper partisan intent." (*Id.* at 21-22).

This Court invalidated the Initial Plan in its entirety and identified specific defects in two districts – Districts 5 and 10. It found that District 5 "does not adhere to the tier-two standards in Article III, Section 20" because "[i]t is visually not compact, bizarrely shaped, and does not follow traditional political boundaries as it winds from Jacksonville to Orlando." (*Id.* at 18). This Court emphasized that District 5 "connects two far flung urban populations in a winding district which picks up rural black population centers along the way." (*Id.* at 19). As an example of the many defects in District 5, this Court pointed to an appendage into Seminole County that was plainly drawn with partisan intent. (*Id.* at 18-20). While this unjustified appendage was one of the district's more obvious problems, this Court more generally found that proposed legislative versions of District 5 without the appendage were still "not model tier-two compliant districts." (*Id.* at 18).

As for District 10, this Court found that a finger-shaped appendage reaching into downtown Orlando and Winter Park deviated from the constitutional requirement of compactness without any minority-protection justification. (*Id*. at 32-34). The appendage was also drawn with an improper intent to favor the Republican Party and the incumbent Daniel Webster by "returning to District 10 territory that was part of [Webster's]… benchmark District 8 and improved the Republican performance of District 10 . . . ." (*Id.* at 34).

B. The Special Session

On August 1, 2014, this Court directed Legislative Defendants to craft a redistricting map correcting the constitutional defects in the Initial Plan by August 15, 2014. The Legislature convened a special session to enact a new congressional plan on August 7, 2014. The public and press clamored for Legislative Defendants to provide a truly open and transparent process in redrawing the districts, as opposed to the sham public process conducted in the initial redistricting effort. This Court likewise extolled the virtues of a genuine public process. (*See,*

e.g., Final Judgment at 28 (recognizing that "an open process would assist in evaluating" whether partisan intent "was in play in a particular situation"); *id.* ("Perhaps it would be best to have it out on the table for all to see and evaluate.")). Legislative Defendants disregarded those pleas and conducted a special session permeated by secrecy and exclusion.

Before holding the first public meeting in the special session, Republican legislative leaders conducted several private meetings to decide the features of the Revised Plan. As with the Initial Plan, Legislative Defendants carefully arranged seriatim meetings between two legislators to avoid public scrutiny of their discussions.[1] Senator Bill Galvano ("Galvano") and Representative Richard Corcoran ("Corcoran"), the chairmen of the redistricting committees in the special session, met in private with staff and counsel to negotiate the Revised Plan. (8/8/14 Senate Comm. Hearing Tr. 3:19-24, 14:10-15:13; 8/11/14 Senate Floor Tr. 19:6-16, 33:23-34:11).[2] Separate and apart from the meeting or meetings between Galvano, Corcoran, and legislative staff and counsel, Galvano met with Gaetz, and Corcoran met with Weatherford, to discuss the contours of the Revised Plan. (8/8/14 House Comm. Hearing Tr., at 42:13-43:4, 47:14-17; 8/11/14 House Floor Tr. 44:20-45:5). If these four legislators had simply held their discussion in a single room rather than coordinating a series of two-legislator meetings, they would have been required to reveal to the public exactly what they were saying and doing. As it stands, there is no known record of what occurred at these non-public meetings, and the process of drawing the Revised Plan itself was similarly conducted outside the public view.

[1] Article III, Section 4(e) of the Florida Constitution requires meetings between three or more legislators to be open to the public.

[2] Attached as **Composite Exhibit J** to Leg. Def. Submission of Remedial Plan are all committee and floor hearing transcripts from the Legislature's special session. Accordingly, Plaintiffs have not refiled those transcripts here.

Legislative Defendants attempt to justify their efforts to conceal the map drawing process with the same technical argument raised at trial. They insist that "Amendment Six does not impose procedural requirements on the map-drawing process" and that "[t]he Florida Constitution does not require that map-drawers work in an environment similar to a hospital operating room, where bystanders oversee the work performed below." (Leg. Def. Submission of Remedial Plan at 16-17). Legislative Defendants have again missed the point. It is they who promised the public, this Court, and the Florida Supreme Court that the redistricting process was conducted in the open and exclusively for the benefit of Florida's voters. But instead of providing actual transparency, Legislative Defendants merely offer a *post hoc* assurance that their non-public meetings were nothing but "a series of thorough, thoughtful, and businesslike discussions driven by counsel and professional staff." (*Id.* at 6). If that is true, then why exclude the public, particularly in light of the surreptitious dealings revealed at trial? Legislative Defendants' repeated machinations to avoid public scrutiny when they have promised openness and transparency smacks of improper intent – whether or not the Florida Constitution imposes specific procedural requirements. *See League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135, 149 (Fla. 2013) ("*Apportionment IV*") (explaining that "if evidence exists to demonstrate that there was an entirely different, separate process that was undertaken contrary to the transparent [redistricting] effort in an attempt to favor a political party or an incumbent in violation of the Florida Constitution, clearly that would be important evidence in support of the claim that the Legislature thwarted the constitutional mandate").

Conspicuously absent from the non-public meetings were any members of the minority party. As described in the attached affidavit from the leader of the House Democratic Caucus, Representative Perry E. Thurston, Jr., the Republican leadership in the House and Senate affirmatively excluded Democrats from these non-public meetings. (**Ex. E**, Thurston Affidavit

at ¶ 5). Although Legislative Defendants feign inclusiveness in their written submission with this Court, Democratic legislators repeatedly expressed dismay about their exclusion from the process. (*See, e.g.*, 8/11/14 House Floor Tr. 138:14-21 ("[A]t the least we should have been invited to the table to start this process. When you take what the Judge has found and his rulings, you would think that . . . the least we are going to do is start out a process where Democrats and Republicans . . . [can] take part in this process."); *id.* at 146:3-8 ("[W]hy didn't staff and why didn't the attorneys and why didn't the Chairs come to the Democrats and say . . . let's sit down and let's figure out a way to draw these maps so they will be fair to the people of the state of Florida."); *id.* at 146:25-147:3 ("I am truly offended that we were not included, that the minority party was not included prior [to] these maps being drawn."); *id.* at 152:22-153:4 ("No Democrats were consulted or asked to participate in the process . . . . Yes, Democrats had the opportunity to question it in committee and on the floor, but it was pretty clearly fait accompli."); *id.* at 159:10-11 ("We heard today how this map was drawn without [Democratic] input."); *id.* at 161:23-162:13 ("I don't believe anybody in the back row has received an invitation to any type of meeting that occurred while we developed these maps…."). The only response that Legislative Defendants can muster is that Democrats were allowed to offer amendments and ask questions in committee or on the floor to the same extent as Republicans. (*See* Leg. Def. Submission on Remedial Plan at 18-19). Yet everyone surely knew that the principal remedial plan would emerge from the pre-session meetings among Republican legislative leadership, staff, and counsel. If Legislative Defendants truly intended to show the public that they are capable of conducting an apolitical redistricting process, one might have expected Democrats to be invited

to the purportedly "thorough, thoughtful, and businesslike discussions" transpiring behind closed doors.[3]

After negotiating the new district configurations in the shadows, Legislative Defendants first made the Revised Plan public on August 7, 2014 and simply ignored competing views in their carefully orchestrated special session. Coalition Plaintiffs, for example, sent several letters to the Legislature requesting an open and transparent process, submitting the exemplar remedial map previously filed with this Court ("Coalition Remedial Map A" or "CP-A"), and explaining the advantages of Coalition Remedial Map A over the Revised Plan. (*See* **Composite Ex. I** to Leg. Def. Submission of Remedial Plan)**.** The letters went unanswered and undiscussed, as did requests in them for the Legislature to publicly post Coalition Remedial Map A and introduce it for legislative consideration.

Rather than confront the serious questions raised in Coalition Plaintiffs' letters, Legislative Defendants used a portion of their joint committee meeting to criticize the proposed east-west configuration of District 5 with cherry-picked data and gimmickry at the taxpayers' expense. Counsel for the House compared Proposed District 5 to "a surfboard that was attacked by jaws in any number of different places" and then displayed a slide superimposing Proposed District 5 between Florida and Cuba in an apparent effort to ridicule its length. (8/7/14 Jt. Comm.

[3] Legislative Defendants egregiously misrepresent the record when they quote from Democratic Representative Waldman's statement in the floor debate. They insinuate that he praised the map as compliant, yet he plainly stated that he does not "think that this map is legally constitutional" and argues that "this map has been tainted from the beginning" and does not "fix" the fundamental problems with District 5 going "beyond just those appendages." (8/11/14 House Floor Tr. 163:7-8, 164:2-165:11). For that reason, Representative Waldman urged the House members "to vote this down" because "[w]e really ought to be doing what is proper and what is in compliance with the Fair Districts Amendment." (*Id.* at 168:25-169:4). It is telling that Legislative Defendants felt compelled to distort the statements of a vocal opponent of the Revised Plan to give the false impression of bipartisan support for their remedial efforts.

Meeting Tr. 40:18-41:5).[4] During the floor debate, Corcoran simply declined to respond to questions about Plaintiffs' proposed east-west configuration altogether because it was purportedly "not before this body." (8/11/14 House Floor Tr. 26:20-27:22).

C. The Revised Plan

On August 11, 2014, the Legislature adopted the Revised Plan negotiated in the initial non-public meetings without a single modification to the map by a vote of 25 to 12 in the Senate and 71 to 38 in the House. On August 13, 2014, Governor Scott signed the Revised Plan into law.

The "remedial" map that emerged from the special session is exactly what one would expect from a legislative body that has resisted redistricting reform at every turn. It makes minimal changes to the Initial Plan, ensuring the least possible impact on political performance for the Republican Party. (8/11/14 House Floor Tr. at 25:8-10 (acknowledging that legislative leadership "wanted to keep [the changes] as narrow as possible")). Primarily, the Revised Plan removes the appendage into Seminole County from District 5 and the finger-shaped appendage from District 10. The Revised Plan otherwise maintains a serpentine north-south configuration of District 5 and merely fattens it (facially improving its compactness on the Reock metric) by adding geographically dispersed areas of non-minority populations in Putnam and Marion Counties to offer the appearance of improved compactness. With these carefully selected changes, the districts remain rigged to ensure that Republicans win a disproportionate share of Florida's congressional seats: 17 out of 27 seats based on the 2010 gubernatorial election, and 16 out of 27 seats based on the 2008 and 2012 presidential elections.

[4] A more serious analysis might have noted that the Florida Constitution requires compactness rather than shortness. Length alone has little relevance, particularly because districts in sparsely populated areas naturally cover more territory as a result of the equal population requirement.

This Court rejected Legislative Defendants' initial request to defer any remedy until after the 2014 congressional election and set a hearing on August 20, 2014 "to consider additional evidence as to the legal and logistical obstacles to holding delayed elections for affected districts in 2014." (Order on Defs. Mot. to Amend the Judgment at 5). In a brazen show of defiance, however, Legislative Defendants have attempted to foreclose this issue by inserting language into the enacting legislation that purports to make the Revised Plan effective only "for any election held after the 2014 general election." LAWS OF FLA., ch. 2014-255, § 9. According to the enacting legislation, the new districts "do not apply with respect to the office of any representative to the Congress of the United States elected in the 2014 general election." *Id.*

III. SCOPE OF REVIEW

The question currently before this Court is a narrow one. Based on the limited record before it, this Court cannot determine whether the Revised Plan is constitutional, but only whether the Revised Plan adequately corrects the defects identified in the Final Judgment for the upcoming election to be conducted under it. As Plaintiffs will demonstrate, the Revised Plan does not correct those defects and is therefore unconstitutional.

IV. ARGUMENT

A. The Revised Plan Continues to Violate the Florida Constitution

The Revised Plan violates Article III, Section 20 by packing Democratic minorities into a grossly non-compact District 5 and thereby enhancing the Republican performance of the surrounding districts. In enacting yet another grossly gerrymandered District 5, Legislative Defendants have unjustifiably deviated from tier-two criteria and deprived minority voters of an additional opportunity district in Central Florida. This minority-marginalizing strategy is a vestige of an era in which partisan considerations drove the redistricting process, and it can no longer be sustained. Because District 5 in the Revised Plan remains infected with partisan intent

and continues to deviate from the requirements of compactness and respect for political boundaries, the districts surrounding it are also unconstitutional.

1. The Revised Plan Is Tainted with the Same Partisan Intent as the Initial Plan and the Benchmark 2002 Plan

District 5 in the Revised Plan, like its predecessor in the Initial Plan, follows the basic contours of the benchmark District 3 and retains roughly 80% of the benchmark population. Compactness and respect for political boundaries were not constitutional requirements at the time of the 2002 congressional plan (the "2002 Plan"), and Legislative Defendants openly admitted that they drew the 2002 Plan with the intent to benefit the Republican Party and incumbents. *See Martinez v. Bush*, 234 F. Supp. 2d 1275, 1340 (S.D. Fla. 2002). Given these partisan origins, it is not surprising that District 5 was one of the main focuses of the political operatives in their efforts to surreptitiously influence the redistricting process. And it is nationally known that the bizarre, north-south configuration of District 5 is the lynchpin for maintaining Republican dominance in Florida's congressional districts.

In the special session, it is not surprising that Legislative Defendants maintained the same general configuration of District 5 that this Court found to be infused with partisan intent and addressed only one of the infirmities identified by this Court when they revised it. In so doing, Legislative Defendants were maintaining the partisan advantage that they knew served their party well for decades. They merely trimmed off the appendage into Seminole County and added sparsely populated territory in Putnam and Marion Counties so that they could claim improved compactness. Legislative Defendants left in place the overall serpentine configuration of District 5, including all of the other defects identified by this Court. District 5 in the Revised Plan continues to be "visually not compact, bizarrely shaped, and does not follow traditional political boundaries as it winds from Jacksonville to Orlando." (Final Judgment at 18). It still

"narrows to the width of Highway 17" at one point and "connects two far flung urban populations in a winding district which picks up rural black population centers along the way." (*Id.* at 18-19). Most importantly, District 5 continues to marginalize African American voters in Northeast and Central Florida by packing them into a single district and reduces the tier-two compliance of numerous districts in the process. The result is a Revised Plan that, like its predecessors, benefits the Republican Party and incumbents by leeching Democratic minority voters out of the districts surrounding District 5. Accordingly, District 5 in the Revised Plan is tainted with partisan intent because it is drawn to follow the same the same overall contours as its politically gerrymandered predecessors in the Initial Plan and the 2002 Plan.

2. Plaintiffs' Exemplar Maps Show That a Serpentine North-South Configuration of District 5 Is Unconstitutional

Plaintiffs have submitted a proposed east-west configuration that is more compact than any north-south version of District 5 prepared by Legislative Defendants, improves the tier-two compliance of the surrounding districts, and allows for the creation of a new minority opportunity district in Central Florida. The evidence developed in this case has established that the proposed east-west orientation would not result in retrogression and enhances minority voting opportunities on a statewide basis. Rather than embrace this superior version of District 5, Legislative Defendants have engaged in a prolonged campaign of vilification and distortion to attempt to preserve the serpentine configuration that is a relic of Florida's partisan past.

a. Plaintiffs' Exemplar Maps Establish That the Revised Plan Needlessly Deviates from Tier-Two Requirements and Reduces Statewide Minority Voting Opportunities

An objective point-by-point review reveals that Plaintiffs have proposed plans that fully comply with both tier one and tier two of the Florida Constitution's redistricting mandates, unlike the Legislature's Revised Plan. Images of Plaintiffs' exemplar remedial maps, together

with data sheets, are attached as **Composite Exhibit "A."**

i. Coalition Plaintiffs' Remedial Maps

Tier One Compliance

The Coalition Plaintiffs' Remedial Maps ("CP-A" and "CP-B") and the Romo Plaintiffs' Remedial Map all include an identical east-west configuration of District 5 that maintains African Americans' ability to elect their chosen candidates, even with a lower African American voting age population than District 5 in the Revised Plan. Dr. Stephen Ansolabehere ("Ansolabehere") testified at trial that the same proposed east-west configuration of District 5 would not diminish minorities' ability to elect. (*See* Trial Tr., vol. 14, 1744:23-1745:4, 1746:22-1748:19 (Ansolabehere)). Indeed, Alex Kelly ("Kelly"), the principal map drawer for the House, readily conceded this point. Kelly evaluated a similar east-west configuration during the initial redistricting process and determined that it would not cause retrogression with a slightly lower BVAP than Plaintiffs' Proposed District 5. (*See* Trial Tr., vol. 8, 932:17-935:19 (Kelly)).

Legislative Defendants attempt to mount an about-face and disavow Kelly's conclusion because it does not suit their remedial strategy. During the special session, counsel for the House offered lowbrow attacks on the proposed east-west configuration, together with a chart purporting to show reductions in various demographic, performance, and turnout data as between the benchmark District 3 and Proposed District 5. Mere reductions in data points are, however, inadequate to establish retrogression. This is because a determination of whether a district is likely to perform for minority candidates of choice requires a "functional analysis" of numerous factors, including, "(1) voting-age populations; (2) voting-registration data; (3) voting registration of actual voters; and (4) election results history." *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 627 (Fla. 2012) ("*Apportionment I*") (footnote omitted). The purpose of such a functional analysis is to evaluate the "actual effect of a

redistricting plan" on minorities' ability to elect their preferred candidates. *Id.* at 626 (citation omitted).

The materials presented in the special session, if anything, confirm that an east-west district continues to allow African-Americans to control the Democratic primary with 57.1% of the vote and then to determine the outcome of the general election, with African-American preferred candidates winning by decisive margins. (*See* **Ex. B**). According to Legislative Defendants' own comparison chart, Barack Obama would have carried Proposed District 5 with 63.8% and 64.2% of the vote in the 2008 and 2012 presidential elections, and Alex Sink would have received 64.1% of the vote in the 2010 gubernatorial election. (*Id.*). These figures hardly reflect a minority group incapable of electing its preferred candidates.

An east-west configuration also allows for minority voting strength to be enhanced by creating a new minority opportunity district in Central Florida. At trial, Legislative Defendants went to great lengths to claim concern for minorities as grounds to increase the BVAP of District 5 and to enhance the Hispanic VAP ("HVAP") of District 9 in Central Florida. The reality, however, is that the Legislature's interest in that regard only goes so far as it yields a partisan benefit. By raiding African American voting strength from two far-flung urban cores of Jacksonville and Orlando, the Legislature's District 5 actually deprives minorities of an additional opportunity to elect a (Democratic) candidate of choice in Orlando.

Coalition Plaintiffs' exemplars, in contrast, demonstrate that an east-west configuration of District 5 opens up Central Florida to versions of District 10 with growing minority populations. In these versions of District 10, African Americans represent 38.2% to 44.2% of the 2010 Democratic primary, and Hispanics represent 4.1% to 5.2% of the 2010 Democratic primary in a Democratic-performing district. Moreover, as reflected in the following figure, the electoral strength of minorities in the Coalition Plaintiffs' Proposed Districts 10 will improve

over time, as the proportion of minority registered Democrats has already increased in each version by about three percentage points since 2010:

	2010 Democratic Primary Turnout		2010 Registered Democrats		2012 Registered Democrats		2010 to 2012 % Change in Democrat Registration	
CD 10	%Blk	%H	%Blk	%H	%Blk	%H	%Blk	%H
9057	21.0	4.7	22.9	13.6	24.0	15.7	+5%	+15%
CP-A	**38.2**	**4.1**	41.1	13.0	42.6	15.0	+4%	+15%
CP-B	**44.2**	**5.2**	43.1	13.0	44.3	14.7	+3%	+13%

What this would have meant in the 2012 congressional race is that African American voters in Coalition Plaintiffs' Proposed Districts 10 would have had the voting strength (if not alone, then with crossover voters) to elect the minority candidate Val Demings, who lost her election bid to Daniel Webster by a few percentage points. As the following performance data reflects, Legislative Defendants' gerrymandered map destroyed that opportunity, and its Revised Plan may well deprive minorities of such opportunities to elect candidates of choice in Orlando for years, if not decades, to come.

	Democratic Performance		
CD 10	2008 Obama	2010 Sink	2012 Obama
9047	47.57%	45.57%	46.13%
9057	48.41%	45.04%	47.56%
CP-A	58.98%	55.40%	58.38%
CP-B	58.97%	53.74%	58.55%

Tier Two Compliance

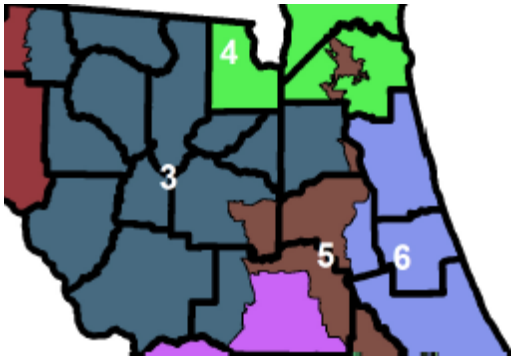
Not only does an east-west configuration of District 5 prevent retrogression and avoid minority vote suppression, it allows for compliance with the Florida Constitution's tier-two mandates on an overwhelming number of objective non-partisan measures that the Revised Plan fails to meet. Further, use of Coalition Plaintiffs' Proposed District 5 also allows six or seven more districts to comply with the Florida Constitution where the versions of those districts in the Revised Map fail by objective measures.

District 5. In particular, the east-west configuration of District 5 keeps counties whole, and is more compact by most measures than District 5 in the Revised Plan. Coalition Plaintiffs Proposed District 5 contains four whole counties (Baker, Hamilton, Madison, and Gadsden) and significant parts of four counties (Duval, Columbia, Jefferson, and Leon). The north-south version of District 5 in the Revised Plan remains a snakelike district that splits and contains only parts of the seven counties it touches (Duval, Clay, Putnam, Alachua, Marion, Lake, and Orange). Legislative Defendants most notable change to District 5 in the Revised Plan was to swap concentrated population in Sanford and Orlando for dispersed population in Putnam County – thus geographically "fattening" CD 5 in Putnam County – in a superficial effort to increase District 5's Reock compactness score. As the following figure reflects, Coalition Plaintiffs' Proposed District 5 remains superior to the version of CD 5 in Map 9057 based on a majority of accepted compactness measures, with respectively 70% and 28% higher compactness under the Convex-Hull and Polsby-Popper methodologies.

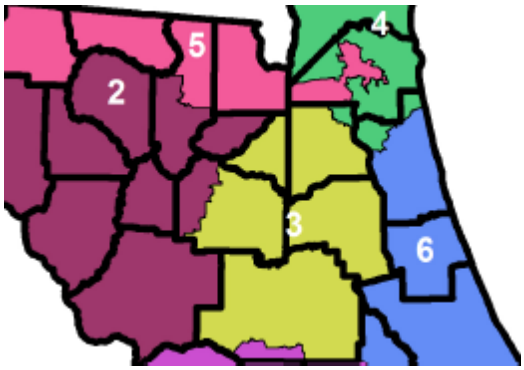
	Compactness		
CD 5	Reock	Convex Hull	Polsby-Popper
9057	.127	.417	.075
CP-A & B	.119	.707	.097

District 3. Proposed District 3 in both of the Coalition Remedial Maps is a North Central Florida district that includes all of Bradford and Putnam Counties; includes most of Alachua, Clay, and Marion Counties; splits fewer (three versus four) counties and is more compact by every measure than District 3 in the Revised Plan.

9057



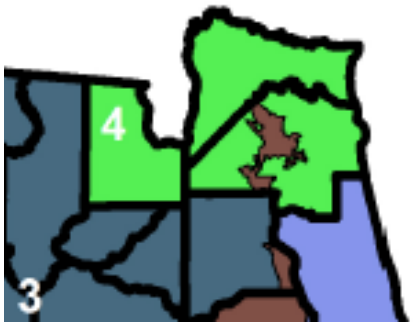
CP-A & CP-B



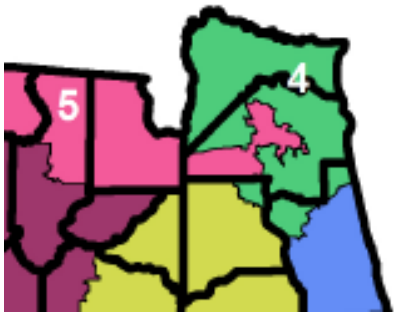
	Compactness		
CD 3	Reock	Convex Hull	Polsby-Popper
9057	.564	.793	.366
CP-A & B	.598	.853	.406

District 4. Proposed District 4 in both Coalition Remedial Maps is a Northeast Florida district encircling the urban core of Jacksonville, save only the portion of Duval County taken into District 5 to avoid retrogression. As a consequence, Proposed District 4 is more compact by every measure than the District 4 in the Revised Plan, which includes (rural) Baker County:

9057



CP-A & CP-B

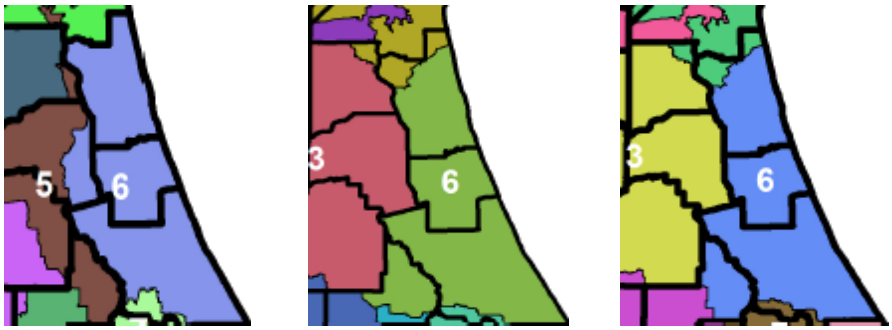


	Compactness		
CD 4	Reock	Convex Hull	Polsby-Popper
9057	.451	.729	.131
CP-A & B	.491	.768	.158

District 6. The similar Proposed District 6 configurations in Coalition Remedial Maps both span south of Jacksonville; do not split Putnam County as does the version of District 6 in

the Revised Plan; and are rounded out by taking in the non-compact northern peninsula of Lake County (above Orange County). As a result, both versions of Proposed District 6 are more compact by most measures than District 6 in the Revised Plan.

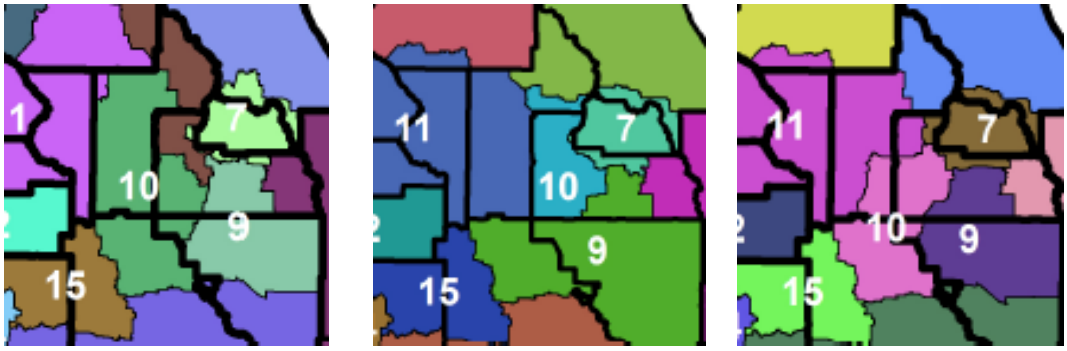
9057 CP-A CP-B



	Compactness		
CD 6	Reock	Convex Hull	Polsby-Popper
9057	.301	.786	.335
CP-A	.336	.757	.347
CP-B	.336	.776	.362

District 7. The similar versions of Proposed District 7 in the Coalition Remedial Maps both include all of Seminole County, and take in portions of Volusia and Orange Counties in a manner that makes them more compact that the version of District 7 in the Revised Plan, with one slight exception. Proposed District 7 in Coalition Remedial Map B includes a small portion of Lake County that enables neighboring Proposed District 10 to attain a configuration in which minorities have greater voting strength to elect a candidate of choice. The following figures reflect that, as a consequence, District 7 in CP-B is ***a mere 1% less compact*** in its Reock score than Legislative Defendants' District 7, and in substantially more compact by all metrics in CP-A and remains more compact in CP-B by the majority accepted metrics:

9057 CP-A CP-B



	Compactness		
CD 7	Reock	Convex Hull	Polsby-Popper
9057	.594	.846	.361
CP-A	.645	.869	.415
CP-B	.589	.884	.473

	Minority Population		2010 Democratic Primary Turnout	
CD10	%Blk VAP	%Hisp VAP	%Blk VAP	%Hisp VAP
9057	12.2	16.9	21.0	4.7
CP-A	25.78	19.18	38.2	4.1
CP-B	**27.40**	18.50	**44.2**	5.2

District 10. Coalition Plaintiff's Proposed Districts 10 reflect alternatives that are both more compact by a majority of accepted measures than the Revised Plan's version.

Proposed District 10 in CP-A comprises a centralized area in only two counties, including the western half of Orange County and a compact area within Lake County just north of the Orange County border. District 10 in the Revised Plan, by contrast, is a much larger, less compact district that splits and includes parts of four counties (Lake, Orange, Osceola, and Polk). Proposed District 10 in CP-A is more compact by most numeric measures, obviously is more visually compact, and keeps a discrete Central Florida African American community whole and influential, as discussed above.

Proposed District 10 in CP-B is likewise more compact by most numeric measures than District 10 in the Revised Plan. And, rather than include populations of Lake County that reduce the minority voting strength of Orlando African Americans as District 10 in the Revised Plan does, CP-B meaningfully increases compactness in both its Proposed District 10 and Proposed District 9 (as reflected below), and it further increases the ability of African Americans to elect a

candidate of choice in Proposed District 10.

	Compactness		
CD 10	Reock	Convex Hull	Polsby-Popper
9057	.419	.825	.312
CP-A	.440	.742	.324
CP-B	.493	.752	.329

District 9. Coalition Plaintiff's Proposed Districts 9 reflect alternative tier two approaches. Proposed District 9 in CP-A addressed Legislative Defendants' stated goal of keeping Osceola County whole. Once Legislative Defendants proposed a Revised Plan that divides Osceola County three ways, Proposed District 9 in CP-B was drawn to follow the same southern boarder (with District 17) as District 9 in the Revised Plan. CP-B otherwise substantially exceeds the compactness of the Revised Plan's version of District 9 by every objective measure, and comparatively increases District 9's HVAP, consistent with Legislative Defendants' stated goal of enhancing Hispanic voting strength in District 9.

	Compactness			Minority Population	
CD 9	Reock	Convex Hull	Polsby-Popper	% Blk VAP	%Hisp VAP
9057	.508	.810	.395	11.2%	38.4%
CP-A	.421	.741	.315	13.1%	37.2%
CP-B	.597	.849	.484	11.4%	**39.3%**

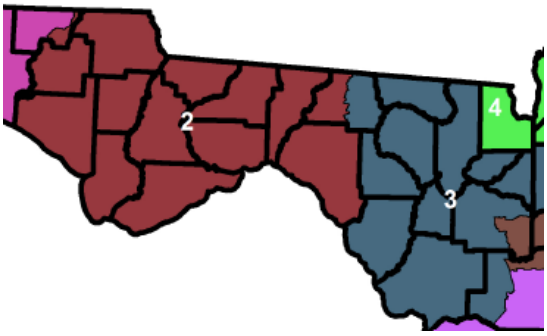
District 11. Proposed Districts 11 follow the consistent pattern of being more compact by every objective measure than District 11 in the Revised Plan.

	Compactness		
CD 11	Reock	Convex Hull	Polsby-Popper
9057	.499	.725	.343
CP-A	.529	.868	.471
CP-B	.519	.835	.405

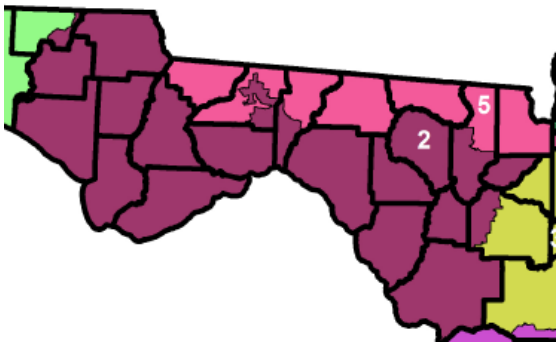
District 2. Coalition Plaintiffs' Proposed District 2 is the only real exception to improved compactness in the Coalition Remedial Maps, but that is the result of having to follow the boundaries of Proposed District 5 to avoid retrogression, having to follow state-line

boundaries, having a large sparsely populated area, and having to comply with the equal population requirement. Proposed District 2 does not break a county boundary or deviate from compactness for any other reason. Specifically, Proposed District 2 keeps the same western boundary with District 1 as all prior legislative draft maps to comply with the equal population rule; takes up the rest of three counties (Leon, Jefferson, and Columbia) which Proposed District 5 splits to prevent minority retrogression; keeps fifteen counties whole; and only splits Alachua County to the extent required to comply with the equal population requirement.

9057



CP-A & CP-B



In sum, the Coalition Remedial Maps are able to achieve exacting compliance with the Florida Constitution's redistricting mandates, while deviating from compactness only to extent truly necessary to avoid minority retrogression in District 5. This is significant because the Florida Supreme Court has made clear that Legislative Defendants may deviate from tier-two criteria "only to the extent necessary" to avoid retrogression or other conflicts with tier-one requirements. *See Apportionment I*, 83 So. 3d at 627, 640 (Fla. 2012); *see also id*. at 667 (holding that "the Legislature is permitted to violate compactness only when necessary to avoid conflict with tier-one standards"); *id.* at 669 (striking down Senate District 6 because it could have been "drawn much more compactly and remain a minority-opportunity district"). As any non-partisan mapping expert would demonstrate, the Revised Map fails in that regard –

unnecessarily deviating from compactness in a raft of districts – because Legislative Defendants have kept District 5 in a snaking north-south configuration that is over-packed with minority population raided from far flung communities in Jacksonville and Orlando. Legislative Defendants know the partisan effect and have no legitimate excuse to justify its inherently suspect District 5 configuration.

ii. Romo Plaintiffs' Remedial Map

The Romo Plaintiffs' remedial map also complies fully with the Court's rulings that Congressional Districts 5 and 10 are unlawful and must be redrawn. First, the map addresses the Court's findings that CD 5 is highly non-compact, connects two "far-flung" urban populations (Jacksonville and Orlando), unnecessarily increases the percentage of African-Americans in the district, and was drawn to benefit Republicans. (Final Judgment at 18-20). As with the Coalition maps, the Romo map re-orients CD 5 so that it now runs in an east-west direction instead of snaking its way from Jacksonville to Orlando and, at one point, being no wider than the width of Highway 17. The Romo version of CD 5 has fewer county and city splits than the Revised Plan's version of CD 5. In the Revised Plan, CD 5 splits seven counties and does not contain any whole counties. By contrast, Romo CD 5 splits only four counties and contains four whole counties. Similarly, Revised Plan CD 5 splits six incorporated towns and cities, while Romo CD 5 splits only three incorporated towns and cities.

Romo CD 5 also preserves the opportunity for African-Americans to elect their preferred candidates by including a total African-American population of 48.5% and an African-American voting age population of 45.1%. The redrawn district also eliminates the egregious political gerrymanders in the enacted district, including the intrusion into Seminole County that, as the Court found, were designed to bolster Republican political performance. (*Id*. at 20).

Second, the Romo Plaintiffs' remedial map redraws CD 10 by eliminating the appendage that, under the enacted map, wrapped around and under the now-invalidated version of CD 5. The new district dramatically improves the compactness of the enacted district, producing a Reock score of .56 as compared to .42 in the Revised Plan's version of CD 10. And, by removing the appendage, the new district eliminates the political gerrymander that, as the Court found, was designed to benefit Republicans and the incumbent in that district. (*Id*. at 34-35). The redrawn district also is contained entirely in Orange County.

Third, the Romo remedial map accomplishes these mandated changes while also improving the map's overall compliance with tier-two criteria. The Romo map splits only 19 counties, as compared to the 21 county splits in the Revised Plan. Similarly, the Romo map out-performs the Revised Plan on the number of times counties are split, with the Romo map splitting counties 54 times as compared to 61 in the Revised Plan. The Romo map also contains fewer splits of incorporated areas: incorporated areas are split 59 times as compared to 66 in the enacted map. And the Romo map splits fewer incorporated areas than the enacted map (28 vs. 23).

In sum, the Romo Plaintiffs' proposed remedial map fully implements the Court's rulings**,** increases compliance with tier-two criteria, preserves the ability of African-Americans to elect candidates of their choice in CD 5, and creates an additional minority-opportunity district in CD 10. The Romo map out-performs the Revised Plan on all relevant criteria.

B. The Court Should Adopt a Remedial Plan Immediately

For over two years, Legislative Defendants squandered taxpayer dollars defending a patently unconstitutional voting map. After striking down the Initial Plan, this Court gave Legislative Defendants exactly what they asked for: a second chance to enact a lawful map. Legislative Defendants should have taken that chance to right their wrongs and fulfill their

constitutional duties. Instead, they enacted *another* brazenly partisan map in *another* brazenly partisan process, once again sacrificing voters' rights for their own political purposes.

With primary elections fast approaching, no time remains to give Legislative Defendants a *third* opportunity to obey the Florida Constitution. *See In re Legislative Districting of State*, 805 A.2d 292, 298 (Md. 2002) (When "elections are imminent, there simply is no time to return the matter to the political branches" and the court must adopt a plan). Even if there were sufficient time, it is abundantly clear that ordering another special session would be futile. Having sought to evade the Florida Constitution the last two times they were called upon to draw Florida's congressional districts, there is no reason to think that the Legislative Defendants would act differently the third time around. Thus, it is now "obvious that [the Legislature] cannot or will not" draw a lawful map before the upcoming elections. (Order on Defs. Mot. To Amend the Judgment at 2).

This is an unfortunate state of affairs. But it is not unprecedented, and the law clearly defines the Court's duties in the face of Legislative Defendants' intransigence. "[W]hen the legislature is unable to adopt a redistricting plan, the obligation of devising a redistricting scheme falls upon the courts." *DeGrandy v. Wetherell*, 794 F. Supp. 1076, 1083 (N.D. Fla. 1992) (citation omitted). Indeed, this Court is "*constitutionally required* to draw constitutional congressional districts" now that the Legislature has "fail[ed] to do so." *People ex rel. Salazar v. Davidson*, 79 P.3d 1221, 1232 (Colo. 2003) (emphasis added); *see also Wise v. Lipscomb*, 437 U.S. 535, 540 (1978) (explaining that "it becomes the 'unwelcome obligation'" of the judiciary "to devise and impose a reapportionment plan pending later legislative action" when a legislative body fails to do so) (principal opinion) (citation omitted).

Legislative Defendants ask the Court to ignore its constitutional duty to enact a valid map before the 2014 elections. That plea is reminiscent of the Legislative Defendants' earlier plea to

ignore the partisan political shenanigans that "made a mockery" of Florida's redistricting process—a plea the Court rightly rejected. (Final Judgment at 21). But Legislative Defendants have not yet identified a single compelling reason for forcing voters to endure yet another unconstitutional election.

a. The Court Has Authority to Adopt a Remedial Plan

In earlier briefing, Legislative Defendants argued that only federal courts, not state courts, may adopt congressional plans in the face of legislative inaction. The argument is demonstrably wrong. Florida law "provide[s] for circuit court jurisdiction over political gerrymandering claims in redistricting cases," including "Congressional redistricting cases." *Brown v. Butterworth*, 831 So. 2d 683, 688-89 (Fla. 4th DCA 2002). And federal law not only allows but *requires* state courts to adopt lawful congressional plans if legislatures fail to do so. As the Florida Supreme Court has explained, the "power of the judiciary of a State to require valid reapportionment *or to formulate a valid redistricting plan* has not only been recognized by [the United States Supreme] Court but appropriate action by the States in such cases has been specifically encouraged." *Apportionment I*, 83 So. 3d at 608 (emphasis added) (internal quotation marks and citation omitted); *see also Growe v. Emison*, 507 U.S. 25, 37 (1993) (holding that state courts are appropriate agents of apportionment, and that the "District Court erred in not deferring to the state court's timely consideration of congressional reapportionment").

Simply stated, "state *and* federal courts have jurisdiction to craft both legislative reapportionment *and congressional redistricting plans* when, as here, the legislature has failed to act." *Alexander v. Taylor*, 51 P.3d 1204, 1209 (Okla. 2002) (emphasis added). Any argument to the contrary cannot be reconciled with the case law. *See, e.g.*, *In re Petition of Reapportionment Comm'n*, No. SC 18907, Order Directing Special Master (Conn. Jan. 3, 2012) (ordering special

master to propose congressional plan for adoption by state court) (**Ex. C**); *In re 2003 Apportionment of State Senate & U.S. Congressional Dists.*, 827 A.2d 844, 848-49 (Me. 2003) (adopting congressional map in face of legislative inaction).[5]

b. Conducting the 2014 Elections Under a Court-Approved Map Is Feasible

Although there has been much discussion about the expense and difficulty of a constitutional election in 2014, the fact that election officials may be called upon to make extra efforts is no reason to reject an immediate remedy. Plaintiffs acknowledge that adopting a lawful map now may require election officials to work extra hours, hire additional staff, or buy more voting equipment. But those potential burdens must be weighed against the "compelling . . . interest of effectuating the explicit constitutional mandate that prohibits partisan political gerrymandering." *Apportionment IV*, 132 So. 3d at 138 (emphasis removed). They must also be weighed against the time and effort expended by Florida's voters to enact Article III, Section 20; the time and effort expended by Plaintiffs to prove that the Legislature violated that provision; and the time and effort expended by Florida's judiciary to ensure that Legislative Defendants were held accountable for their scheme. It would be remarkable indeed to conclude that all of those efforts are outweighed by the mere possibility that election officials would have to shoulder extraordinary burdens to conduct a constitutional election. *See Johnson v. Halifax Cnty.*, 594 F. Supp. 161, 171 (E.D.N.C. 1984) (finding in VRA case that African-American

[5] Legislative Defendants cite exactly one case in support of their position: *Smith v. Clark*, 189 F. Supp. 2d 548 (S.D. Miss. 2002). The *Smith* court held, as an *alternative* basis for enjoining use of a plan adopted by a state court, that the U.S. Constitution barred Mississippi state courts from drawing congressional districts. *See id*. at 558. The U.S. Supreme Court, however, vacated *Smith*'s alternative holding and warned that it "is not to be regarded as supporting the injunction we have affirmed on the principal ground, or as binding upon state and federal officials should Mississippi seek in the future to administer a redistricting plan adopted by the Chancery Court." *Branch v. Smith*, 538 U.S. 254, 265-66 (2003).

citizens would suffer irreparable harm if they were forced "once again" to cast their votes under illegal plan and that the resulting "clear . . . administrative and financial burdens on the defendant . . . are not . . . undue in view of the otherwise irreparable harm to be incurred by plaintiffs").[6]

Purported concerns about voter confusion are likewise spurious. It is true that an immediate remedy may cause some voter confusion—although there is no record in the evidence on that score. But again, those hypothetical costs are more than outweighed by the concrete benefits of enforcing Floridians' fundamental right to vote in districts free from unlawful partisan intent. And surely voters would be *more* confused—indeed, likely put off—if they are told that they must endure another unconstitutional election because, according to Legislative Defendants, they are not sharp enough to navigate a deferred general election. (*See, e.g.*, Order on Mot. to Amend Judgment at 3 ("[T]o do nothing, when you could, means that you lessen the ability of many citizens to fairly elect a representative of their choice . . . . *You must tell them that even though they have been deprived of the equal right of having a say in who represents their interests in congress for two years, they must wait another two*.") (emphasis added)).

The Supervisor Association claims that the nearness of the election creates vague risks of "compromising the election" or "confusing voters." (Supervisor Ass'n Resp. ¶ 4). Yet courts have routinely intervened to prevent unlawful elections with equal or less time in the election cycle without tearing at the fabric of the Republic. *See, e.g.*, *Holt v. City of Richmond*, 406 U.S. 903, 903 (1972) (enjoining May 2 election on April 24); *Watson v. Commr's Ct. of Harrison*

[6] It is also worth noting that many of the potential burdens on election officials could have been avoided if the Secretary—who has always been a party to these consolidated cases—had formulated a plan for implementing a remedial map, or at least taken steps to preserve the Court's ability to fashion a timely remedy in the event plaintiffs prevailed (*e.g.*, by seeking a waiver of the MOVE Act's deadlines). Voters should not be penalized for the Secretary's failure to plan ahead.

Cnty., 616 F.2d 105, 106-07 (5th Cir. 1980) (enjoining May 3 election on April 11); *Herron v. Koch*, 523 F. Supp. 167, 175 (E.D.N.Y. 1981) (enjoining September 10 election on September 8, even though "the date of the primary election is but two days away, and . . . candidates and the City have spent irrecoverable time and money preparing for the elections"); *Heggins v. City of Dallas, Tex.*, 469 F. Supp. 739, 742 (N.D. Tex. 1979) (enjoining April 7 election on February 22); *Stephenson v. Bartlett*, 561 S.E.2d 888, 889 (N.C. 2002) (enjoining May 7 primary on March 7).

The Secretary and Supervisor Association likewise insist that there is no time for constitutional elections in 2014 because of state and federal election deadlines. Such deadlines are routinely extended to implement immediate remedies. *See, e.g., Perry v. Perez*, No. 5:11-CV-00360-OLG-JES-XR, Order (W.D. Tex. Mar. 1, 2012) (court re-opened candidate filing period and adjusted various election deadlines) (**Ex. D**); *Larios v. Cox*, 305 F. Supp. 2d 1335, 1342-43 (N.D. Ga. 2004) (recognizing that courts have "broad equitable power to delay certain aspects of the electoral process," such as the candidate qualifying period, "if [it] proves to be necessary to ensure constitutional elections") (footnote omitted). Indeed, one court even invalidated the results of primaries held before certain districts were invalidated, and then established a schedule for special elections in those districts. *See Vera v. Bush*, 933 F. Supp. 1341, 1347 (S.D. Tex. 1996) ("The Court's remedial order will require a new filing deadline for candidates; minor adjustments for mail-in ballots; a prompt canvassing of the November election results; and the possible conduct of December 1996 runoff elections in some of the congressional districts."). Strict compliance with state statutes must yield to ensure enforcement of a constitutional mandate, and this Court has the authority to enforce the requirements of Article III, Section 20 by adjusting election dates to accommodate an immediate remedy. *See English v. McCrary*, 348 So. 2d 293, 297 (Fla. 1977) (recognizing that circuit courts are "superior courts of

general jurisdiction, and nothing is intended to be outside their jurisdiction except that which clearly and specially appears so to be").

The Secretary and Supervisor Association offer no argument to address these principles, nor do they even attempt to propose innovative solutions to ensure that Florida's voters are not denied a constitutional election. They simply assume—contrary to this Court's directive—that their proposed election schedule must rigidly follow statutory election deadlines and be conducted under normal operating procedures. The result is an election schedule that requires a whopping 191 days to implement ***starting on December 30, 2014***. In fact, this Court has the authority to significantly shorten the election schedule, and numerous options exist to resolve the practical issues inherent in a delayed general election. To give but one example, existing precincts could be split were necessary along new congressional districts lines and redesignated (*e.g.*, Precinct 1 becomes Precinct 1.1 and 1.2) as soon as a remedial map is adopted, such that voters remain in the same precincts and are issued new ballots that can be developed quickly (with special color-coding and different return address, if needed to avoid public and processing confusion). Further, it would be wasteful to spend a month hiring and training new poll workers, as the Supervisors call for, when they already have poll workers hired, trained, and likely happy to take on another six weeks of part time work. Thus, the misleading schedule proposed by the Secretary and Supervisor Association should not discourage the Court from adopting an immediate remedy.

Finally, the Court has rightly recognized that it may "push[] back the November 4th [general] election date" if necessary to accommodate an immediate remedy. (*See* 8/1/14 Order on Defs. Mot. to Amend Judgment at 4). Nevertheless, Legislative Defendants continue to argue that "federal law does not permit the election scheduled to take place on November 4, 2014, to be canceled or rescheduled." (Leg. Def. Submission of Remedial Plan at 20 n.11). In support of

that argument, they point to 2 U.S.C. § 7, which provides that "[t]he Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January next thereafter." But the Court has already rejected Legislative Defendants' misinterpretation of federal law. This Court explained that federal courts have construed 2 U.S.C. § 8 to allow general elections after November 4 in "exigent circumstances." (Order on Defs. Mot. to Amend Judgment at 4 (quoting *Busbee v. Smith*, 549 F. Supp. 494, 525 (D.D.C. 1982)). This Court further explained that "a finding of exigent circumstances in this case"—in which "the State finds itself facing elections under an unlawful redistricting plan"—would be "consistent with the *Busbee* court's interpretation of" 2 U.S.C. §§ 7 and 8. (*Id.* at 4-5). Accordingly, federal law does not prevent this Court from ordering a general election after November 4, 2014.

In light of the foregoing and the Secretary's and Supervisor Association's apparent unwillingness to propose a schedule for 2014, Plaintiffs are attempting to develop alternative proposed election schedules for a constitutional congressional election in 2014, taking into account the milestones identified by the Secretary and Supervisor Association in their August 15th filings.

V. CONCLUSION

Legislative Defendants have now had two opportunities to prepare a constitutional redistricting plan, but they have continued to give partisan goals precedence over compliance with the Florida Constitution. Further delay can no longer be tolerated at the expense of Florida's voters. Accordingly, and for all of the foregoing reasons, this Court should (1) sustain Plaintiffs' objections to the Revised Plan and the election schedule proposed by the Secretary and the Supervisor Association, (2) invalidate the Revised Plan as inadequate to remedy

Legislative Defendants' constitutional violations, (3) impose a judicially approved remedial plan, (4) order the upcoming congressional election to proceed under the judicial approved plan based on an adjusted schedule, and (5) grant such other and further relief as is just and proper.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 18, 2014 I filed the foregoing using the State of Florida ePortal Filing System. I further certify that a copy of the foregoing has been served via email on all counsel of record listed on the Service List below.

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