

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

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

Plaintiffs,

Case No. 2022-CA-000666

v.

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

Defendants.

STIPULATION REGARDING PLAINTIFFS' MOTION IN LIMINE

On June 23, 2023, Plaintiffs filed a motion in limine to preclude Defendants' trial witnesses from testifying to matters over which they previously and successfully invoked a privilege. The parties have since reached the following agreements to resolve Plaintiffs' motion:

1. A witness whose assertion of a privilege prevented the witness's deposition from being taken in this action will not be permitted to testify at trial.
2. A witness who was deposed in this action will not be permitted to testify at trial on the matters as to which that witness refused to testify on the basis of privilege at the witness's deposition.

These stipulations apply to all parties' trial witnesses. These stipulations do not, however, preclude any witness from providing testimony to establish the authenticity or evidentiary foundation for the admission of any trial exhibit. These stipulations also do not preclude a party from questioning an adverse witness on any matter (even if the witness invoked a privilege as to that matter in discovery) and, if the witness refuses to testify at trial on the basis of privilege, from challenging the witness's assertion of privilege. To the extent the Court overrules the privilege objection, the party that called the witness may then also question the witness on the same matter (*e.g.*, on redirect examination).

These stipulations do not waive any privilege asserted to date.

In light of these stipulations, the parties further agree that Plaintiffs' motion in limine is moot. The parties will submit to the Court's consideration a proposed order denying the motion in limine as moot.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on July 7, 2023, the foregoing document was furnished by email to all individuals identified on the Service List that follows.

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