

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:24-cv-21983-JB

CUBANOS PA'LANTE, *et al.*,

Plaintiffs,

v.

FLORIDA HOUSE OF
REPRESENTATIVES, *et al.*,

Defendants.

**PLAINTIFF GENESIS FALCON'S RESPONSES TO DEFENDANT HOUSE OF
REPRESENTATIVES' THIRD SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and the Local Rules of the U.S. District Court for the Southern District of Florida, Plaintiff Genesis Falcon ("Plaintiff"), by and through her undersigned counsel, hereby responds and objects to Defendant House of Representatives' Third Set of Interrogatories ("Requests" or "Interrogatories"), dated January 10, 2025. These Responses and Objections are made to the best of Plaintiff's present knowledge, information, and belief, and are provided without prejudice to Plaintiff's right to amend, clarify, and/or supplement these Responses and Objections at a later time for any reason.

PRELIMINARY STATEMENT

1. Plaintiff's counsel is prepared to meet and confer with the House's counsel about any disputes concerning the meaning, scope, and relevance of the House's Interrogatories or these Responses and Objections.

2. Each response below is on behalf of Genesis Falcon and no other entity or individual.

3. The following objections are made without waiving but, instead, preserving: (a) the right to raise all questions of, and to object to, the authenticity, competence, foundation, relevancy, materiality, privilege, and/or admissibility of any information or document provided or identified in response to the Interrogatories; (b) the right to object on any ground to the use or introduction into evidence of any information or any document in any subsequent proceeding or in the trial of this or any other action on any ground; and (c) the right to object on any ground at any time to additional discovery.

4. As of the date of this response, Plaintiff has not completed her discovery and investigation of the facts in this case, has not completed her review and production of relevant documents, and has not completed her preparation for summary judgment and, if necessary, trial. Accordingly, the Responses and Objections set forth below are based on information presently known and reasonably available to Plaintiff at this time after a diligent search and reasonable and good-faith inquiry. Plaintiff reserves the right to: (a) amend, alter, supplement, clarify, or otherwise modify these Responses and Objections; (b) make use of, or introduce at any hearing or trial, any documents, information, facts, evidence, and legal theories which are subsequently discovered or which are now known but whose relevance, significance, or applicability has not yet been ascertained; and (3) offer expert witness opinions or testimony on any relevant matter, which opinions or testimony may be at variance with these Responses and Objections or the documents and information referenced in these Responses and Objections.

5. The Responses and Objections set forth below shall not be construed as any admission that Plaintiff adopts or agrees with any definition, premise, characterization, or legal conclusion in any Interrogatories.

6. Any inadvertent disclosure of privileged or protected information or documents shall not be deemed a waiver of any privilege. The House shall notify Plaintiff of any inadvertently disclosed privileged or protected information or documents pursuant to Federal Rule of Civil Procedure 26(b)(5)(B) and/or any procedures for doing so in any orders governing discovery in this litigation. The House must not use any privileged or protected information or documents inadvertently disclosed. In addition, nothing herein is intended to be, or should be construed as, a waiver of any privilege.

7. Plaintiff objects to each of the House's Definitions, Instructions, and Requests to the extent that they seek to impose on Plaintiff any obligations not required by the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Southern District of Florida, any protocol governing the production of documents and/or information in this action, the orders of this Court, and/or any agreements of the parties with respect to document collection, search, and/or production.

RESPONSES

Plaintiff responds to the House of Representatives' Third Set of Interrogatories,

as follows:

INTERROGATORY NO. 1: Do you contend that, in drawing the challenged districts, the Florida Legislature subordinated traditional race-neutral districting principles to racial considerations? If so, then, separately for each challenged district:

- a. Identify the principle or principles that were subordinated;
- b. Identify the specific features of the district that reflect that subordination; and
- c. Explain how those features advanced a racial objective.

RESPONSE TO INTERROGATORY NO. 1: Plaintiff contends that, in drawing the challenged districts, the Florida Legislature subordinated traditional race-neutral districting principles to racial considerations. For each Challenged District, the Legislature subordinated compactness and the utilization of political and geographic boundaries to racial considerations. “[A] conflict or inconsistency between the enacted plan and traditional redistricting criteria is not a threshold requirement or a mandatory precondition in order for a challenger to establish a claim of racial gerrymandering.” *Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. 178, 190 (2017). However, the following specific features of each district reflect subordination of traditional race-neutral districting principles to racial considerations:

CD 26 is noncompact, has a stairway-looking shape, spans from the Gulf of Mexico to Biscayne Bay, consists of two distinct population centers in two counties separated by the unpopulated Everglades, results in one more district than necessary crossing the Miami-Dade County line, splits Collier County, follows local streets in Collier County, cuts off a piece of CD 24 that is connected to the rest of the district only by a bridge, splits the City of Miami into multiple portions, and forces adjacent CD 19 to have a noncompact shape and appendage. These features advanced the Legislature’s racial objective by balancing the Hispanic population and electorate between CDs 26, 27, and 28 in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, including in this district a portion of Collier County with a higher Hispanic population than the portion excluded from it, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

CD 27 connects Downtown Miami with far-flung portions of South Dade that CD 28 avoids, divides the Biscayne Bay island communities between CDs 27 and 24, and splits the City

of Miami into multiple portions. These features advanced the Legislature's racial objective by balancing the Hispanic population and electorate between CDs 26, 27, and 28 in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

CD 28 connects the Florida Keys with areas of Miami-Dade County beyond South Dade, and stretches up and over the Florida Turnpike to take in the FIU campus and areas north of the Tamiami Trail. These features advanced the Legislature's racial objective by balancing the Hispanic population and electorate between CDs 26, 27, and 28 in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

HD 112 splits the City of Miami into multiple portions and has a noncompact shape that connects areas divided by geographic and political boundaries. These features advanced the Legislature's racial objective by balancing the Hispanic population and electorate among the Hispanic-majority districts in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

HD 113 splits the City of Miami into multiple portions and has an appendage along Biscayne Bay. These features advanced the Legislature's racial objective by balancing the Hispanic population and electorate among the Hispanic-majority districts in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

HD 114 is noncompact, has a long, skinny, north-south shape, has an appendage that wraps around the top of HD 115, and splits the City of Miami into multiple portions. These features advanced the Legislature's racial objective by balancing the Hispanic population and electorate among the Hispanic-majority districts in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

HD 115 is noncompact, has a long, skinny, north-south shape, and has an appendage that sticks out the top of it. These features advanced the Legislature's racial objective by balancing the Hispanic population and electorate among the Hispanic-majority districts in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

HD 116 is noncompact and has a long, skinny, north-south shape. These features advanced the Legislature's racial objective by balancing the Hispanic population and electorate among the Hispanic-majority districts in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

HD 118 is noncompact and has a long, skinny, north-south shape. These features advanced the Legislature's racial objective by balancing the Hispanic population and electorate among the Hispanic-majority districts in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

HD 119 is noncompact and has a long, skinny, north-south shape. These features advanced the Legislature's racial objective by balancing the Hispanic population and electorate among the Hispanic-majority districts in a manner the Legislature assumed was necessary to draw Hispanic-performing districts, and including in this district a portion of Miami-Dade County with a higher Hispanic population than the portion excluded from it and the other Hispanic-majority districts.

INTERROGATORY NO. 2: Did you—or anyone on your behalf—participate in the legislative process that culminated in the Florida Legislature's enactment of new congressional and State House districts in 2022, or in the Florida Supreme Court's review of state-legislative districts in *In re Senate Joint Resolution of Legislative Apportionment 100*, 334 So. 3d 1282 (Fla. 2022)? If so, describe as specifically as possible all of the ways in which you participated either in the legislative process or in the Florida Supreme Court's review proceeding. If not, explain why you did not participate.

RESPONSE TO REQUEST NO. 2: No. At the time I was not activated to the issue, and I prioritized life commitments.

Dated: February 10, 2025

/s/ Andrew Frackman

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**VERIFICATION TO PLAINTIFF GENESIS M. CASTILLA FALCON'S RESPONSES
TO DEFENDANT'S THIRD SET OF INTERROGATORIES**

My name is Genesis M. Castilla Falcon. I have read *Plaintiff Genesis M. Castilla Falcon's Responses to Defendant House of Representatives' Third Set of Interrogatories* and know its contents. While I have relied on others to compile and prepare these responses, I am informed and believe that the matters stated therein are true and correct, and on that basis verify the responses, reserving the right to, in the event new, additional, or different information is discovered, revise or supplement the responses as appropriate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12 day of February, 2025, at Miami, Florida.


Genesis M. Castilla Falcon

CERTIFICATE OF SERVICE

I certify that I served the foregoing document on counsel for all parties by email on June 25, 2025.

/s/ Nicholas L.V. Warren

Nicholas L.V. Warren

Counsel for Plaintiffs