

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMMON CAUSE FLORIDA, FAIRDISTRICTS)
NOW, FLORIDA STATE CONFERENCE OF THE)
NATIONAL ASSOCIATION FOR THE)
ADVANCEMENT OF COLORED PEOPLE)
BRANCHES, CASSANDRA BROWN, PETER) Case No: 4:22-CV-109-AW
BUTZIN, CHARLIE CLARK, DOROTHY)
INMAN-JOHNSON, VEATRICE HOLIFIELD)
FARRELL, BRENDA HOLT, ROSEMARY MCCOY,) Tallahassee, Florida
LEO R. STONEY, MYRNA YOUNG, and NANCY) October 3, 2023
RATZAN,)

Plaintiffs,) 8:33 a.m.

v.)

CORD BYRD, in his official capacity)
as Florida Secretary of State,)

Defendant.)

TRANSCRIPT OF BENCH TRIAL
BEFORE THE HONORABLE ADALBERTO J. JORDAN
UNITED STATES CIRCUIT JUDGE
HONORABLE M. CASEY RODGERS, UNITED STATES DISTRICT JUDGE
HONORABLE ALLEN C. WINSOR, UNITED STATES DISTRICT JUDGE

(Pages 777 through 1064)

Julie A. Wycoff, RMR, CRR
Official United States Court Reporter
(850) 470-8196 * julieawycoff@gmail.com

APPEARANCES:

For the Plaintiffs:

Patterson Belknap Webb & Tyler, LLP
by: **GREGORY L. DISKANT**

H. GREGORY BAKER

MICHAEL K. HALPER

CATHERINE J. DJANG

ALVIN LI

1133 Avenue of the Americas

New York, New York 10036

(212) 336-2000

gldiskant@pbwt.com

hbaker@pbwt.com

mhalper@pbwt.com

cdjang@pbwt.com

ali@pbwt.com

Southern Coalition For Social Justice
by: **KATELIN KAISER**

CHRISTOPHER SHENTON

1415 West Highway 54

Suite 101

Durham, North Carolina 27707

(919) 323-3380

katelin@scsj.org

chrissshenton@scsj.org

Holtzman Vogel Baran Torchinsky &
Josefiak, PLLC

by: **MOHAMMAD O. JAZIL**

JOSHUA E. PRATT

MICHAEL BEATO

119 South Monroe Street

Suite 500

Tallahassee, Florida 32301

(850) 274-1690

mjazil@holtzmanvogel.com

jpratt@holtzmanvogel.com

mbeato@holtzmanvogel.com

1 indulging.

2 JUDGE JORDAN: It was quite a case in which to do it
3 for both sides.

4 MR. DISKANT: And I want to also specially thank my
5 colleague Andrew Wells, the only one who didn't get to put on a
6 witness because his witness got scrapped at the last minute, but
7 he stayed up all night with me. Here's a reward.

8 Let me find dates -- I was thinking about a Monday.

9 *(Off-the-record discussion.)*

10 JUDGE JORDAN: You've got the State stuff going on.

11 MR. JAZIL: Yes, Your Honor. The State reply brief is
12 due on the 27th and the *en banc* oral argument is on the 31st.

13 JUDGE JORDAN: Okay. Let me ask you this question,
14 then, and maybe we can work backwards.

15 I have a memory a little bit of what happened last
16 year when we talked about deadlines, and dates and by the time
17 we get to do something if the legislature didn't act one way or
18 another.

19 So give me, Mr. Jazil -- so I'm going to ask you to
20 assume the worst. So if the decision were to go against you and
21 you needed to have the Secretary move, by when do you need a
22 ruling?

23 And I ask you the worst-case scenario because
24 otherwise, to you, it doesn't really matter, because if you're
25 going to prevail on the merits, then...

1 MR. JAZIL: Your Honor, as a practical matter, if the
2 Court rules against us and orders a remedy, the legislature is
3 in session starting in January.

4 So if you find for my friends on liability but you say
5 kick the map back to the legislature on remedy, if we can give
6 the legislature enough time to go through their process, it's a
7 60-day session that starts in January, goes through March. So
8 just --

9 JUDGE JORDAN: A decision by the end of the year?

10 MR. JAZIL: Yes, Your Honor. I think that would be
11 helpful.

12 JUDGE JORDAN: Okay.

13 MR. DISKANT: October 20th? Does that work?

14 MR. JAZIL: Your Honor, one set of simultaneous papers
15 on the 20th, does that work for the Court?

16 JUDGE JORDAN: Yes, but I know you've got the State
17 case on the other side, so we want to be cognizant of that too.

18 MR. DISKANT: I have problems the entire week of the
19 9th, so we're going to get into the next week.

20 JUDGE JORDAN: We know you have cases going on both
21 sides, and we don't want to presume that one case is bigger than
22 the other for the Secretary.

23 So how about simultaneous briefing the first week of
24 November?

25 MR. JAZIL: That works for us, Your Honor. Thank you.