

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

KELVIN LEON JONES, *et al.*,

Plaintiffs,

v.

Case No.4:19cv300-RH/MJF

RON DeSANTIS, *et al.*,

Defendants.

---

**GOVERNOR AND SECRETARY OF STATE’S RESPONSE  
IN OPPOSITION TO EMERGENCY MOTION FOR AN  
AMENDMENT TO AND CLARIFICATION OF  
ORDER GRANTING PRELIMINARY INJUNCTION**

At the hearing on the Plaintiffs’ Motion for Preliminary Injunction, this Court made clear that the record would not be left open beyond the hearing date, emphasizing that if the Plaintiffs “want a ruling, we are going to have to stop the evidence at some point.” PI Hearing Tr. at 62:24 to 63:5.

Ten days after entry of the preliminary injunction order, the Plaintiffs effectively seek to reopen the record by means of an “emergency” motion to amend the order and include four new plaintiffs within its scope on the basis of supplemental affidavits. *See* ECF 211, 211-1, 211-2, 211-3, 211-4.

The Governor and the Secretary understand their obligations to comply with this Court’s preliminary injunction. The Governor and Secretary are also mindful

that “the governing statutes and rules of procedure allow individuals to intervene as plaintiffs in pending actions, allow certification of plaintiff and defendant classes, allow issuance of successive preliminary injunctions, and allow successful plaintiffs to recover costs and fees.” *Brenner v. Scott*, No. 4:14-cv-107, 2015 WL 44260 (N.D. Fla. Jan. 1, 2015). But none of those statutes, rules, or conventions allow the Plaintiffs to expand the scope of a preliminary injunction—to modify the preliminary injunction—based on affidavits submitted after the close of the record.

The Governor and Secretary thus oppose the Plaintiffs’ Motion.

Respectfully submitted by:

JOSEPH W. JACQUOT  
(FBN 189715)  
General Counsel  
joe.jacquot@eog.myflorida.com  
NICHOLAS A. PRIMROSE  
(FBN 104804)  
Deputy General Counsel  
nicholas.primrose@eog.myflorida.com  
COLLEEN M. ERNST (FBN 112903)  
Deputy General Counsel  
colleen.ernst@eog.myflorida.com  
Executive Office of the Governor  
400 S. Monroe St., PL-5  
Tallahassee, FL 32399  
Telephone: (850) 717-9310  
Fax: (850) 488-9810

*Counsel for Governor Ron DeSantis*

BRADLEY R. MCVAY (FBN 79034)  
General Counsel  
brad.mcvay@dos.myflorida.com  
ASHLEY E. DAVIS (FBN 48032)  
Deputy General Counsel  
ashley.davis@dos.myflorida.com  
Florida Department Of State  
R.A. Gray Building Suite, 100  
500 South Bronough Street  
Tallahassee, Florida 32399-0250  
Phone: (850) 245-6536  
Fax: (850) 245-6127

/s/ Mohammad O. Jazil  
MOHAMMAD O. JAZIL  
(FBN 72556)  
mjazil@hgslaw.com  
GARY V. PERKO (FBN 855898)  
gperko@hgslaw.com  
Hopping Green & Sams, P.A.  
119 South Monroe Street, Suite 300  
Tallahassee, Florida 32301  
Phone: (850) 222-7500  
Fax: (850) 224-8551

GEORGE N. MEROS, JR.  
(FBN 263321)  
george.meros@hklaw.com  
TARA R. PRICE (FBN 98073)  
tara.price@hklaw.com  
Holland & Knight LLP  
315 South Calhoun Street, Suite 600  
Tallahassee, Florida 32301  
Telephone: (850) 224-7000  
Facsimile: (850) 224-8832

*Counsel for Florida Secretary of State  
Laurel M. Lee*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULES**

The undersigned certifies that this filing complies with the size, font, and formatting requirements of Local Rule 5.1(C).

*/s/ Mohammad O. Jazil*  
Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to all counsel of record via email on this 14th day of November, 2019.

*/s/ Mohammad O. Jazil*  
Attorney