

August 3, 2023

David J. Smith
Clerk of Court
U.S. Court of Appeals for the 11th Circuit
56 Forsyth St., NW
Atlanta, GA 30303

Re: Citation of Supplemental Authorities in *GRACE, Inc. v. City of Miami*, No. 23-12472

Mr. Clerk:



Florida

336 E. College Ave., Ste. 203
Tallahassee, FL 32301
(786) 363-1769
nwarren@aclufl.org
www.aclufl.org

Nicholas Warren
Staff Attorney

Pursuant to FRAP 28(j), Plaintiffs-Appellees in the above-referenced case submit the following pertinent and significant supplemental authority (attached), which came to their attention after their Response in Opposition to the City of Miami's Emergency Motion to Stay (App. Doc. 10):

Order, *GRACE, Inc. v. City of Miami*, No. 1:22-cv-22046-KMM (S.D. Fla. Aug. 3, 2023), Doc. 101

The Order of the District Court in this case explains the court's rationale for denying the City's application for a stay that mirrors the stay application to this Court. The district court made clear that its findings to overcome the presumed good faith of the City are supported by substantial record evidence: "Based on the Commissioners' explicit, unequivocal statements from the May 11 Meeting, the Court found direct evidence 'that the Commissioners intended the Remedial Plan to carry forward the very same race-based characteristics of the Enjoined Plan.'" Order at 6.

The Order refutes Defendant-Appellant's arguments at pp. 14–16 of their emergency motion (App. Doc. 2) and p. 8 of their reply brief (App. Doc. 12).

Sincerely,

/s/ Caroline McNamara

Caroline McNamara

Counsel for Plaintiffs-Appellees