

**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,

/s/ Christina A. Ford

Christina A. Ford
Florida Bar No. 1011634
Joseph N. Posimato *
Jyoti Jasrasaria *
Julie Zuckerbrod *
ELIAS LAW GROUP LLP
250 Massachusetts Avenue NW, Suite 400
Washington, D.C. 20001
Telephone: 202-968-4490
Facsimile: 202-968-4498
cford@elias.law
jposimato@elias.law
jjasrasaria@elias.law
jzuckerbrod@elias.law
Attorneys for Plaintiffs

/s/ Mohammad O. Jazil

Mohammad O. Jazil (FBN 72556)
mjazil@holtzmanvogel.com
Gary V. Perko (FBN 855898)
gperko@holtzmanvogel.com
Michael Beato (FBN 1017715)
mbeato@holtzmanvogel.com
zbennington@holtzmanvogel.com
HOLTZMAN VOGEL BARAN TORCHINSKY &
JOSEFIAK
119 South Monroe Street, Suite 500
Tallahassee, Florida 32301
Telephone: 850-279-5938
Attorneys for Defendant, Secretary of State

/s/ Abha Khanna

Abha Khanna *
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Telephone: 206-656-0177
Facsimile: 206-656-0180
akhanna@elias.law
Attorneys for Plaintiffs

/s/ Daniel E. Nordby

Daniel E. Nordby (FBN 14588)
George N. Meros, Jr. (FBN 263321)
Tara R. Price (FBN 98073)
SHUTTS & BOWEN LLP
215 South Monroe Street, Suite 804
Tallahassee, Florida 32301
Telephone: 850-241-1717
dnordby@shutts.com
gmeros@shutts.com
tprice@shutts.com
chill@shutts.com
Attorneys for Defendant, Florida Senate

/s/ Frederick S. Wermuth

Frederick S. Wermuth
Florida Bar No. 0184111
Thomas A. Zehnder
Florida Bar No. 0063274
KING, BLACKWELL, ZEHNDER & WERMUTH
P.A.
P.O. Box 1631
Orlando, Florida 32802
Telephone: 407-422-2472
Facsimile: 407-648-0161
fwerthem@kbzwlaw.com
tzezhnder@kbzwlaw.com
aprice@kbzwlaw.com
Attorneys for Plaintiffs

/s/ Andy Bardos

Andy Bardos (FBN 822671)
GRAYROBINSON, P.A.
301 South Bronough Street, Suite 600
Tallahassee, Florida 32301
Telephone: 850-577-9090
andy.bardos@gray-robinson.com
vanessa.reichel@gray-robinson.com
*Attorneys for Defendant, Florida House of
Representatives*

* Admitted *Pro Hac Vice*

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.

/s/ Andy Bardos _____
Andy Bardos (FBN 822671)
GRAYROBINSON, P.A.

SERVICE LIST

Mohammad O. Jazil
Gary V. Perko
Michael Beato
Chad E. Revis
Holtzman Vogel Baran Torchinsky & Josefiak
119 South Monroe Street, Suite 500
Tallahassee, Florida 32301
mjazil@holtzmanvogel.com
gperko@holtzmanvogel.com
mbeato@holtzmanvogel.com
crevis@holtzmanvogel.com
zbennington@holtzmanvogel.com
Attorneys for Defendant, Secretary of State

Daniel E. Nordby
George N. Meros, Jr.
Tara R. Price
Shutts & Bowen LLP
215 South Monroe Street, Suite 804
Tallahassee, Florida 32301
dnordby@shutts.com
gmeros@shutts.com
tprice@shutts.com
mmontanaro@shutts.com
chill@shutts.com
Attorneys for Defendant, Florida Senate

Christopher DeLorenz
Assistant General Counsel
Office of the General Counsel
Executive Office of the Governor
400 South Monroe Street, Suite 209
Tallahassee, Florida 32399
christopher.delorenz@eog.myflorida.com
Attorneys for Defendant, Secretary of State

Carlos Rey
Kyle E. Gray
Florida Senate
404 South Monroe Street
Tallahassee, Florida 32399
rey.carlos@flsenate.gov
gray.kyle@flsenate.gov
zaleski.michelle@flsenate.gov
Attorneys for Defendant, Florida Senate

Christina A. Ford
Joseph N. Posimato
Julie Zuckerbrod
Jyoti Jasrasaria
Elias Law Group LLP
250 Massachusetts Avenue NW, Suite 400
Washington, D.C. 20002
cford@elias.law
jposimato@elias.law
jzuckerbrod@elias.law
jjasrasaria@elias.law
Attorneys for Plaintiffs

Bradley R. McVay
Joseph S. Van de Bogart
Ashley Davis
David Chappell
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399
brad.mcvay@dos.myflorida.com
joseph.vandebogart@dos.myflorida.com
ashley.davis@dos.myflorida.com
david.chappell@dos.myflorida.com
stephanie.buse@dos.myflorida.com
Attorneys for Defendant, Secretary of State

Frederick S. Wermuth
Thomas A. Zehnder
King, Blackwell, Zehnder & Wermuth P.A.
P.O. Box 1631
Orlando, Florida 32802
fwerthemuth@kbzwlaw.com
tzehnder@kbzwlaw.com
aprice@kbzwlaw.com
Attorneys for Plaintiffs

Abha Khanna
Elias Law Group LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
akhanna@elias.law
Attorneys for Plaintiffs