

**No. 23-12472**

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**In the United States Court of Appeals  
for the Eleventh Circuit**

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CITY OF MIAMI,

*Defendant-Appellant,*

v.

GRACE, INC.; ENGAGE MIAMI, INC.;  
SOUTH DADE BRANCH OF THE NAACP;  
MIAMI-DADE BRACH OF THE NAACP;  
CLARICE COOPER; YANELIS VALDES;  
JARED JOHNSON; AND ALEXANDER  
CONTRERAS,

*Plaintiff-Appellee.*

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**APPELLANT'S MOTION FOR LEAVE TO FILE  
DOCUMENTS OUT OF TIME**

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George T. Levesque (FBN 55555)  
GRAYROBINSON, P.A.  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
george.levesque@gray-robinson.com

Christopher N. Johnson (FBN 69329)  
GRAYROBINSON, P.A.  
333 S.E. 2nd Avenue, Suite 3200  
Miami, Florida 33131  
george.levesque@gray-robinson.com

*Attorneys for Defendant-Appellant*

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

Appellant, the City of Miami, furnishes this certificate of interested persons and corporate disclosure statement.

1. ACLU Foundation of Florida, Inc., Counsel for Plaintiffs/Appellees
2. Bardos, Andy, Counsel for Defendant/Appellant
3. Carollo, Joe, Defendant/Appellant
4. City of Miami, Defendant/Appellant
5. Cody, Steven, Defendant/Appellant's expert
6. Contreras, Alexander, Plaintiff/Appellee
7. Cooper, Clarice, Plaintiff/Appellee
8. Covo, Sabina, Defendant/Appellant
9. De Grandy, Miguel, Defendant/Appellant's expert
10. Dechert LLP, Counsel for Plaintiffs/Appellees
11. Diaz de la Portilla, Alex, Defendant/Appellant
12. Engage Miami, Inc., Plaintiff/Appellee
13. GrayRobinson, P.A., Counsel for Defendant/Appellant
14. Grace, Inc., Plaintiff/Appellee
15. Greco, John A, Counsel for Defendant/Appellant
16. Johnson, Christopher N., Counsel for Defendant/Appellant
17. Johnson, Jared, Plaintiff/Appellee

18. Jones, Kevin R., Counsel for Defendant/Appellant
19. King, Christine, Defendant/Appellant
20. Kirsch, Jocelyn Kirsch, Counsel for Plaintiff/Appellee
21. Levesque, George T., Counsel for Defendant/Appellant
22. McNamara, Caroline A., Counsel for Plaintiff/Appellee
23. McNulty, Kerri L., Counsel for Defendant/Appellant
24. Méndez, Victoria, Counsel for Defendant/Appellant
25. Merken, Christopher J., Counsel for Plaintiff/Appellee
26. Miami-Dade Branch of the NAACP, Plaintiff/Appellee
27. Moore, K. Michael, United States District Judge, Southern District of Florida
28. Quintana, Marlene, Counsel for Defendant/Appellant
29. Reyes, Manolo, Defendant/Appellant
30. South Dade Branch of the NAACP, Plaintiff/Appellee
31. Steiner, Neil A., Counsel for Plaintiff/Appellee
32. Suarez, Francis, Defendant/Appellant
33. Tilley, Daniel T., Counsel for Plaintiff/Appellee
34. Unger, Jason L., Counsel for Defendant/Appellant
35. Valdes, Yanelis, Plaintiff/Appellee
36. Warren, Nicholas L.V., Counsel for Plaintiff/Appellee

37. Wysong, George, Counsel for Defendant/Appellant

Appellant, the City of Miami, certifies that, to the best of its knowledge, no publicly traded company or corporation has an interest in the outcome of the case or appeal.

**MOTION FOR LEAVE TO FILE DOCUMENTS OUT OF TIME**

Appellant, the City of Miami, respectfully moves this Court for leave to file the attached Civil Appeal Statement out of time. The delay, which resulted from inadvertence of counsel, has caused no prejudice to any party, and the appeal has not been delayed. Appellees do not oppose the relief requested in this motion.

Respectfully submitted,

George T. Levesque (FBN 55555)  
GRAYROBINSON, P.A.  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
george.levesque@gray-robinson.com

/s/ Christopher N. Johnson  
Christopher N. Johnson (FBN 69329)  
GRAYROBINSON, P.A.  
333 S.E. 2nd Avenue, Suite 3200  
Miami, Florida 33131  
george.levesque@gray-robinson.com

*Attorneys for Defendant-Appellant*

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

This document complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Rule 32(f), this document contains 63 words.

This document was prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font and therefore complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6).

**CERTIFICATE OF SERVICE**

I hereby certify that on August 23, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Christopher N. Johnson  
Christopher N. Johnson (FBN 69329)  
GRAYROBINSON, P.A.

Attachment

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 23-12472

Caption: City of Miami, Defendant-Appellant, v. GRACE, INC.; ENGAGE MIAMI, INC.; SOUTH DADE BRANCH OF THE NAACP; MIAMI-DADE BRANCH OF THE NAACP; CLARICE COOPER; YANELIS VALDES; JARED JOHNSON; AND ALEXANDER CONTRERAS, Plaintiff-Appellee	District and Division: Southern District of Florida (Miami)
	Name of Judge: K. Michael Moore
	Nature of Suit: 440 Civil Rights: Other
	Date Complaint Filed: December 15, 2022
	District Court Docket Number: 1:22-cv-24066-KMM
Date Notice of Appeal Filed: 07/30/2023	
<input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action	Has this matter previously been before this court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide (a) Caption: City of Miami v. Grace, Inc., et al. (b) Citation: 23-11854-D (c) Docket Number:

	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	GRAY ROBINSON, P.A. George T. Levesque Jason L. Unger Andy Bardos Christopher N. Johnson Marlene Quintana	301 S. Bronough Street, S-600 Tallahassee, FL 32301  333 SE 2nd Avenue, S-3200 Miami, FL 33131	george.levesque@gray-robinson.com jason.unger@gray-robinson.com andy.bardos@gray-robinson.com  christopher.johnson@gray-robinson.com marlene.quintana@gray-robinson.com
For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Daniel B. Tilley Caroline A. McNamara Nicholas L.V. Warren Christopher J. Merken jocelyn Kirsch Neil A. Steiner	4343 W. Flagler Street, S-400 Miami, FL 33134 336 E. College Ave., S-203 2929 Arch Street Philadelphia, PA 19104 Three Bryant Park 1095 Avenue of the Americas New York, Y 10036	dtilley@aclufl.org cmcnamara@aclufl.org nwarren@aclufl.org christopher.merken@dechert.com jocelyn.kirsch@dechert.com neil.steiner@dechert.com

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input checked="" type="checkbox"/> Injunction <input type="checkbox"/> Other _____	Amount Sought by Plaintiff: \$ _____  Amount Sought by Defendant: \$ _____  Awarded: \$ _____ to _____  Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Granted <input type="checkbox"/> Preliminary <input type="checkbox"/> Denied <input type="checkbox"/> Permanent

Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression?  Yes  No  
 What is the issue you claim is one of First Impression?  
Whether a governmental entity may be required to draw a Voting Rights Act protected District, but still have to set the Voting Age Population for the protected class at less than 50%.
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute?  Yes  No

If Yes, provide

- (a) Case Name/Statute Negron v. City of Miami Beach
- (b) Citation 113 F.3d 1563
- (c) Docket Number if unreported \_\_\_\_\_

- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
  - (a) Arises from substantially the same case or controversy as this appeal?  Yes  No
  - (b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal?  Yes  No

If Yes, provide

- (a) Case Name \_\_\_\_\_
- (b) Citation \_\_\_\_\_
- (c) Docket Number if unreported \_\_\_\_\_
- (d) Court or Agency \_\_\_\_\_

- (4) Will this appeal involve a conflict of law
  - (a) Within the Eleventh Circuit?  Yes  No
  - (b) Among circuits?  Yes  No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Whether a governmental entity may be required to draw a Voting Rights Act protected District, but still have to set the Voting Age Population for the protected class at less than 50%. Whether 50.3% Voting Age Population is sufficiently narrowly tailored to meet the strict scrutiny standard articulated in *Bethune-Hill v. Va. State Bd. of Elections* (Bethune-Hill I), 580 U.S. 178, 195-96 (2017) standard

Whether *Negron v. City of Miami Beach*, 114 F.3d 1563, 1569 (11th Cir. 1997) requires a governmental entity to set the population of Voting Rights Act protected District using Citizen Voting Age Population.

Whether Plaintiffs unduly delayed seeking injunctive relief pursuant to *Purcell v. Gonzalez*, 549 U.S. 1 (2006).

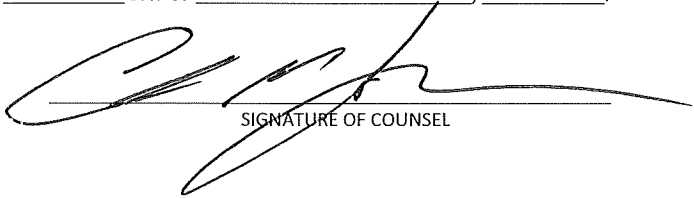
Whether the District Court exceeded its authority in invalidating a newly passed redistricting map and mandating Plaintiffs' map.

Whether the map mandated by the District Court corrected the alleged deficiencies of the map that was subject to the injunction.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 22ND DAY OF August, 2023.

Christopher N. Johnson, Esq.  
NAME OF COUNSEL (Print)

  
SIGNATURE OF COUNSEL