

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**PLAINTIFFS' RESPONSE TO THE CITY'S
NOTICE OF FILING REDISTRICTING RESOLUTION (ECF 151)**

Plaintiffs submit this response pursuant to the Court's Paperless Order Requiring Response from Plaintiffs as to Defendant's Notice of Filing Redistricting Resolution (ECF 152).

In its Notice (ECF 151), the City notified the Court that the Miami City Commission recently adopted Resolution R-24-1, amending the border between Districts 1 and 3. This revision restores to District 1 a small area that the City's June 14, 2023 redistricting plan ("2023 Plan") moved from District 1 to District 3. The area moved has a population of just 48 people, or 0.05% of the population of District 1 and 0.01% of the population of the City. In other words, the map is 99.99% unchanged.

By its own terms, Resolution R-24-1 merely "amends" the 2023 Plan by moving those 48 people from District 3 and back into District 1. ECF 151 at 7. This minor amendment restores the District 1/3 boundary in this area to follow the Dolphin Expressway—the boundary line under the 2022 Plan. The small change does not disrupt Plaintiffs' claims that Districts 1 and 3 were drawn predominantly based on race. Likewise, Resolution R-24-1 has no impact on Plaintiffs' challenge to Districts 2, 4, or 5.

The City adopted Resolution R-24-1 on January 11, 2024—the same day the Parties' joint

pretrial stipulation was due, and the deadline for the Parties to move to amend the pleadings. Nevertheless, the City notes in its Proposed Findings of Fact and Conclusion of Law that “Plaintiffs have not challenged [] the 2024 Plan, and they have not sought relief from [that] plan[.]” The City’s amending the challenged 2023 Plan eighteen days before trial to move 48 people between two districts should not prevent Plaintiffs from obtaining effective relief. But if it does, it would be appropriate to amend the pleadings at or after trial under FRCP 15(b), to reflect that Plaintiffs challenge the 2023 Plan as amended by Resolution R-24-1.

* * *

The Parties have agreed to stipulate to the following facts relating to Resolution R-24-1:

1. On January 11, 2024, the Miami City Commission adopted Resolution R-24-1, amending the 2023 Plan.
2. Resolution R-24-1 moves four census blocks from District 3 into District 1.
3. The 2023 Plan had previously moved this area from District 1 into District 3.
4. The area moved has a population of 48 people.
5. The area moved lies between the Miami River, the Dolphin Expressway, and the Lawrence Canal.

Respectfully submitted this 24th day of January, 2024,

/s/ Nicholas L.V. Warren

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