

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:22-cv-24066-KMM

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,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**DEFENDANT’S UNOPPOSED MOTION
FOR AN EXTENSION OF TIME TO RESPOND TO
PLAINTIFFS’ EXPEDITED MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to S.D. Local Rule 7.1(a) and Fed. R. Civ. P. 6(b), Defendant, City of Miami (the “Defendant”), respectfully moves the Court for an extension of time to file its Response to Plaintiffs’ Motion for Preliminary Injunction. As grounds, Defendant states as follows:

1. Plaintiffs filed this action on December 15, 2022. [DE 1].¹
2. One and a half months later, on January 31, 2023, Plaintiffs filed an Unopposed Motion for Leave to File Excess Pages, requesting “leave to file a preliminary injunction motion and incorporated memorandum of law of 50 pages.” [DE 21, at 1]. This Court granted the motion in part on February 1, 2023, and allowed each party “up to 35 pages” for the Motion and Response. [DE 22].
3. Nine days after the court granted leave, on February 10, 2023, Plaintiffs filed an Expedited Motion for Preliminary Injunction (Plaintiffs’ “Motion”) [DE 26]. The Motion is 35

¹ On February 10, 2023, after Defendant filed a Motion to Dismiss [DE 19], Plaintiffs filed their First Amended Complaint. [DE 23]

pages long—almost double the twenty-page limit prescribed by S.D. Local Rule 7.1(c)(2), and the maximum length permitted by the Court in its Order granting leave.

4. In conjunction with the Motion, Plaintiffs also filed a Notice of Filing Exhibits in Support of Motion for Preliminary Injunction (the “Notice of Filing”) [DE 24]. The Notice of Filing is 1,753 pages long and contains 93 exhibits—two of which are expert reports totaling 97 pages.

5. Currently, Defendant’s Response to the Motion for Preliminary Injunction is due February 24, 2023.

6. Federal Rule of Civil Procedure 6(b) vests this Court with discretion to enlarge deadlines for good cause. Defendant respectfully submits that, given the complexity and volume of Plaintiffs’ submissions, fundamental fairness requires an extension. Specifically, Defendant requires additional time to evaluate the Motion, analyze the extensive exhibits, and confer with its own experts in order to adequately and completely respond.

7. This Motion is made in good faith and not for the purpose of delay. The redistricting occurred in March 2022, and the Complaint was not filed until nine months later. The Motion seeking an injunction was not filed until almost two months after that. Significantly, the district maps that are the subject of Plaintiffs’ Motion, which maps they claim resulted in racial packing, have been substantially in place since 2013. As pointed out in the Motion to Dismiss, Plaintiffs’ Complaint demonstrates that the redistricting performed in March 2022 did not create the packing, it lessened it. There have been ten years of elections in these districts; there is no urgency.

8. Defendant’s counsel has conferred with Plaintiffs’ counsel, Nicholas Warren, Esquire, who does not oppose the requested extension.

9. A proposed Order is attached in compliance with Local Rule 7.1(a)(2).

WHEREFORE, Defendant respectfully moves the Court for a two-week extension of time, until March 10, 2023, to file its Response to Plaintiffs' Expedited Motion for Preliminary Injunction.

Dated this 20th day of February, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 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.

By: s/ Christopher N. Johnson
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