

No. 23-12472

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

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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,

*Plaintiffs/Appellees,*

v.

CITY OF MIAMI,

*Defendant/Appellant.*

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On Appeal From The United States District Court  
For The Southern District of Florida  
No. 1:22-cv-24066-KMM

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**APPELLANT'S MOTION TO STRIKE  
NOTICE OF SUPPLEMENTAL AUTHORITY**

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

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

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

19. Johnson, Jared, Plaintiff/Appellee
20. Jones, Kevin R., Counsel for Defendant/Appellant
21. King, Christine, Defendant/Appellant
22. Kirsch, Jocelyn Kirsch, Counsel for Plaintiff/Appellee
23. Levesque, George T., Counsel for Defendant/Appellant
24. McCartan, Cory, Plaintiff/Appellee's expert
25. McNamara, Caroline A., Counsel for Plaintiff/Appellee
26. McNulty, Kerri L., Counsel for Defendant/Appellant
27. Méndez, Victoria, Counsel for Defendant/Appellant
28. Merken, Christopher J., Counsel for Plaintiff/Appellee
29. Miami-Dade Branch of the NAACP, Plaintiff/Appellee
30. Moore, K. Michael, United States District Judge, Southern District of Florida
31. Moy, Bryant J., Plaintiff/Appellee's expert
32. Quintana, Marlene, Counsel for Defendant/Appellant
33. Reyes, Manolo, Defendant/Appellant
34. South Dade Branch of the NAACP, Plaintiff/Appellee
35. Steiner, Neil A., Counsel for Plaintiff/Appellee
36. Suarez, Francis, Defendant/Appellant
37. Tilley, Daniel T., Counsel for Plaintiff/Appellee
38. Unger, Jason L., Counsel for Defendant/Appellant

39. Valdes, Yanelis, Plaintiff/Appellee
40. Warren, Nicholas L.V., Counsel for Plaintiff/Appellee
41. 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.

**APPELLANT’S MOTION TO STRIKE APPELLEES’  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Pursuant to Federal Rule of Appellate Procedure 27(a)(1), Appellant/Defendant, City of Miami, moves to strike Plaintiff/Appellees’ Citation of Supplemental Authorities (ECF 13). This so-called “Citation of Supplemental Authorities” provides no actual authorities. It is an attempt to bring new evidence through the back door. This violates the plain language of Federal Rule of Appellate Procedure 28(j), which only permits a party to advise the Court of new “authorities.” Evidence and authorities are two different things. Persuasive, longstanding authority confirms as much. See *Trans-Sterling, Inc. v. Bible*, 804 F.2d 525, 528 (9th Cir. 1986) (“Rule 28(j) permits a party to bring new *authorities* to the attention of the court; it is not designed to bring new evidence through the back door.”).

When a party attempts to bring new evidence under the guise of Rule 28(j), courts have not hesitated to grant a motion to strike. See, e.g., *Manley v. Rowley*, 847 F.3d 705, 710 (9th Cir. 2017) (“[Appellant’s] motion to strike is granted because Appellees’ letter offers no new authorities, but rather seeks to supplement the record with new evidence.”). The Court should, therefore, strike Plaintiff/Appellees’ Citation of Supplemental Authorities (ECF 13).

Respectfully submitted,

By: s/ Christopher N. Johnson

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**CERTIFICATE OF COMPLIANCE**

This motion complies with Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 1,189 words, excluding the parts that can be excluded. This motion also complies with Federal Rule of Civil Procedure 32(a)(5)-(6) because it has been prepared in a proportionally spaced face using Microsoft Word, 14-point Times New Roman font.

*/s/ Christopher N. Johnson* \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 3, 2023, the foregoing was filed with the Court's CM/ECF system generating service upon all counsel of record.

*/s/ Christopher N. Johnson* \_\_\_\_\_

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