

**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' UNOPPOSED MOTION TO PERMIT
DR. CORY McCARTAN TO TESTIFY REMOTELY**

Pursuant to FRCP 43(a), Plaintiffs respectfully move the Court to permit Dr. Cory McCartan to testify remotely, and state:

1. This case is set for trial during the two-week trial period beginning January 29, 2024. ECF No. 32. The pretrial conference is scheduled for January 16, 2024. *Id.*

2. Plaintiffs intend to call Dr. Cory McCartan to testify as to certain statistical compactness and population figures included in his trial report, which is identical to the report submitted in the interim-remedial phase of this case.

3. The purpose of Dr. McCartan's testimony will solely be to explain and admit into evidence the compactness and population statistics contained within his report.

4. Plaintiffs anticipate their examination of Dr. McCartan to last no more than 30 minutes.

5. Dr. McCartan lives and teaches in New York.

6. Given the brevity and simplicity of his testimony, the Court's and Defendant's familiarity with the content of his testimony, the distance he would be required to travel, and the present uncertainty of the exact date he would be required to testify, there are compelling

circumstances to permit Dr. McCartan to testify remotely.

WHEREFORE, Plaintiffs respectfully request that the Court permit Dr. Cory McCartan to testify by contemporaneous transmission from a different location.

LOCAL RULE 7.1(a)(3) CERTIFICATE OF CONFERRAL

Plaintiffs' counsel conferred with counsel for the City, which does not oppose this motion.

Respectfully submitted this 11th day of January, 2024,

/s/ Nicholas L.V. Warren

Nicholas L.V. Warren (FBN 1019018)
ACLU Foundation of Florida
1809 Art Museum Drive, Suite 203
Jacksonville, FL 32207
(786) 363-1769
nwarren@aclufl.org

Daniel B. Tilley (FBN 102882)
Caroline A. McNamara (FBN 1038312)
Janine M. Lopez (FBN 1038560)
ACLU Foundation of Florida
4343 West Flagler Street, Suite 400
Miami, FL 33134
(786) 363-2714
dtilley@aclufl.org
cmcnamara@aclufl.org

Gregory P. Luib*
Dechert LLP
1900 K Street NW
Washington, DC 20006
(202) 261-3413
gregory.luib@dechert.com

Neil A. Steiner*
Julia Markham-Cameron*
Dechert LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
(212) 698-3822
neil.steiner@dechert.com
julia.markham-cameron@dechert.com

Christopher J. Merken*
Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104
(215) 994-2380
christopher.merken@dechert.com

** Admitted pro hac vice*

Counsel for Plaintiffs