

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STATE OF FLORIDA,

Plaintiff,

v.

UNITED STATES OF AMERICA, and  
ERIC H. HOLDER, JR., in his official  
capacity as Attorney General of the United  
States,

Defendants,

KENNETH SULLIVAN, *et al.*,

Defendant-Intervenors.

Civil Action No. 11-01428  
(CKK) (MG) (ESH)

**ORDER**  
(June 5, 2012)

The Court held an on-the-record telephonic conference on June 1, 2012 to discuss a schedule for further proceedings and various miscellaneous matters. That discussion is incorporated herein in its entirety. Upon careful consideration of the matters discussed, as well as the United States' [100] Motion to Modify the Court's April 20, 2012 Scheduling Order, it is, this 5th day of June, 2012, hereby

**ORDERED** that the parties shall adhere to the following schedule:

<b>June 12, 2012</b>	Florida, the United States, and Defendant-Intervenors shall each file a statement, not to exceed ten (10) pages, describing the effect of Judge Robert L. Hinkle's recent order granting a preliminary injunction in <i>League of Women Voters of Florida v. Browning</i> , 4:11-cv-00628-RH-CAS (N.D. Fla.), on this case.
<b>June 19-20, 2012</b>	If the Court deems it necessary and appropriate, the Court shall hear live testimony in connection with the judicial preclearance question. <sup>1</sup>

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<sup>1</sup> During the June 1, 2012 conference, the parties indicated that they see no need for live testimony and represented that they are satisfied with the record as it has been submitted.

<b>June 21, 2012, at 9:30 a.m.</b>	The Court shall hear oral argument on the judicial preclearance question.
<b>June 25, 2012</b>	<p>The United States shall file its opposition to Florida’s [98] Motion for Summary Judgment, and its cross-motion for summary judgment, with a memorandum of points and authorities not to exceed fifty (50) pages.</p> <p>Defendant-Intervenors shall file their opposition to Florida’s Motion for Summary Judgment, and their cross-motion for summary judgment, with a memorandum of points and authorities not to exceed thirty-five (35) pages.</p>
<b>July 9, 2012</b>	Florida shall file its reply in support of its Motion for Summary Judgment, as well as its opposition to any cross-motion for summary judgment, with a memorandum of points and authorities not to exceed thirty (30) pages.
<b>July 20, 2012</b>	<p>The United States shall file its reply in support of its cross-motion for summary judgment, with a memorandum of points and authorities not to exceed thirty (30) pages.</p> <p>Defendant-Intervenors shall file their reply in support of their cross-motion for summary judgment, with a memorandum of points and authorities not to exceed twenty-five (25) pages.</p>
<b>July 24, 2012, at 1:00 p.m.</b>	The Court shall hear oral argument on Florida’s constitutional claims.

The dates identified above are **firm**; the Court expects that the parties will adhere to the schedule set forth above.

It is **FURTHER ORDERED** that, as set forth more fully by the Court during the June 1, 2012 conference, in addition to whatever other arguments the parties may raise, the parties’ future briefing shall apply the analytic framework set forth in *Shelby County, Alabama v. Holder*, No. 11-5256, 2012 WL 1759997 (D.C. Cir. May 18, 2012), when addressing the constitutionality of Congress’ 1975 extension of Section 5’s preclearance obligation to cover language minorities and its 2006 reauthorization of such coverage.

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It is **FURTHER ORDERED** that the parties should bear in mind that the Court considers itself bound by *Lopez v. Monterey County*, 525 U.S. 266 (1999), and *Shelby County, Alabama v. Holder*, No. 11-5256, 2012 WL 1759997 (D.C. Cir. May 18, 2012). Accordingly, to the extent either decision is dispositive of any of Florida's constitutional arguments, those specific arguments need only be addressed in the most summary form in any future briefing.

**SO ORDERED.**

Date: June 5, 2012

/s/

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**MERRICK B. GARLAND**  
United States Circuit Judge

/s/

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**ELLEN S. HUVELLE**  
United States District Judge

/s/

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**COLLEEN KOLLAR-KOTELLY**  
United States District Judge