

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

**INDEPENDENT PARTY
OF FLORIDA,
and
PARTY FOR SOCIALISM
AND LIBERATION,**

Plaintiffs,

v.

Case No. 4:20cv110-MW/MAF

**LAUREL M. LEE, Florida
Secretary of State, in her
official capacity,**

Defendant.

_____ /

ORDER REQUIRING SUPPLEMENTAL BRIEFING

Yesterday, the Eleventh Circuit issued an opinion in *Jacobson v. Florida Secretary of State*, No. 19-14552, 2020 WL 2049076 (11th Cir. Apr. 29, 2020) in which it held that Democratic voters and organizations lacked standing to challenge a law that governs the order in which candidates appear on the ballot in Florida’s general elections. *See* 2020 WL 2049076, at *4–*14. Specifically, the court held the plaintiffs had failed to prove an injury in fact and, even if they had proved an injury in fact, any injury “would be neither traceable to the Secretary nor redressable by relief against her” and would instead “be traceable only to 67 Supervisors of

Elections and redressable only by relief against them.” *Id.* at *5–*9. The court’s holding in *Jacobson* will be the law of the circuit when the mandate issues.

Accordingly, Plaintiffs are ordered to file a supplemental brief that addresses the issue of whether, in light of *Jacobson*, they have standing. Plaintiffs’ brief must specifically address the issue of whether their injury is traceable and redressable by Defendant. Plaintiffs shall file their brief **on or before May 11, 2020**. Defendant shall file a response **on or before May 21, 2020**.

SO ORDERED on April 30, 2020.

s/Mark E. Walker
Chief United States District Judge