

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**MI FAMILIA VOTA EDUCATION FUND,  
as an organization, MURAT LIMAGE,  
PAMELA GOMEZ,**

**Plaintiffs,**

**v.**

**KEN DETZNER, in his official capacity as  
Florida Secretary of State,**

**Defendant.**

**Civil Action No.: 8:12-cv-01294-JDW-MAP**

**NOTICE OF PROPOSED ORDER OF DISMISSAL WITH PREJUDICE**

Defendant, Florida Secretary of State Kenneth W. Detzner (“Secretary”), pursuant to this Court’s Orders dated February 8, 2013 (ECF No. 45) and June 26, 2013 (ECF No. 49), give notice that although all parties agree to dismissal of the First Amended Complaint (ECF No. 20), agreement could not be reached with Plaintiffs that dismissal should be with prejudice, even though the decision in *Shelby County, Ala. v. Holder*, No. 12-96 (June 25, 2013) invalidated the coverage formula which subjects jurisdictions, including Florida’s five covered counties, to the preclearance requirement in Section 5 – the sole basis for this action. (ECF No. 20 ¶¶ 2, 61-65) (bringing only a Section 5 enforcement action). Plaintiffs cannot resuscitate this action *even if* Congress creates a new coverage formula and *even if* some jurisdiction in Florida were covered by it and subject to the preclearance requirement. First, any such action would be based on the *new* (hypothesized) statute, not some resuscitation of this action based on the current unconstitutional Section 5. Second, any actionable voting change would, by necessity, have to occur *after* a newly covered jurisdiction was created by subsequent legislation. Thus, Florida’s identification of potential noncitizens and removal from the voter rolls, using SAVE or MDAVE

databases, would be the baseline, rather than a change requiring preclearance. This action should be dismissed with prejudice. A proposed order of dismissal with prejudice is attached.

Date: July 10, 2013

Respectfully submitted,

Michael A. Carvin  
(D.C. Bar No. 366784)  
John M. Gore  
(D.C. Bar No. 502057)

JONES DAY  
51 Louisiana Avenue N.W.  
Washington, DC 20001  
Telephone: (202) 879-3939  
Facsimile: (202) 626-1700  
macarvin@jonesday.com  
jmgore@jonesday.com

/s/ Ashley E. Davis  
J. Andrew Atkinson (FBN 14135)  
General Counsel  
Ashley E. Davis (FBN 48032)  
Assistant General Counsel  
Florida Department Of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6536  
Fax: (850) 245-6127  
JAndrew.Atkinson@DOS.MyFlorida.com  
Ashley.Davis@DOS.MyFlorida.com

*Counsel for Defendant, Secretary of State Kenneth W. Detzner*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served by filing via CM/ECF this 10th day of July, 2013, on the following:

Dara Lindenbaum  
dlindenbaum@lawyerscommittee.org

John A. Russ  
john.russ@usdoj.gov

Robert Kengle  
bkengle@lawyerscommittee.org  
dlindenbaum@lawyerscommittee.org

Jenigh J. Garrett  
jenigh.garrett@usdoj.gov

*Counsel for Interested Party*

Julie A. Ebenstein  
jebenstein@aclufl.org

Edward McCarthy  
edward.mccarthy@weil.com

M. Laughlin McDonald  
lmcdonald@aclu.org

Edward Soto  
edward.soto@weil.com

Katie O'Connor  
koconnor@aclu.org

Randall C. Marshall  
rmarshall@aclualabama.org

*Counsel for Plaintiffs Mi Familia Vota  
Education Fund, Murat Limage, and Pamela  
Gomez*

/s/ Ashley E. Davis  
Attorney