

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA, FIRST DISTRICT

RON DESANTIS, in his official capacity
as Governor of the State of Florida;
RICHARD CORCORAN, in his official capacity
as Florida Commissioner of Education;
FLORIDA DEPARTMENT OF
EDUCATION; and FLORIDA BOARD OF
EDUCATION,

Case No.: 1D20-2470

L.T. Case No.:
2020 CA 1450

Appellants/Defendants,

vs.

FLORIDA EDUCATION ASSOCIATION;
STEFANIE BETH MILLER; LADARA
ROYAL; MINDY FESTGE; VICTORIA
DUBLINO-HENJES; ANDRES HENJES;
THE NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
INC.; and NAACP FLORIDA STATE
CONFERENCE,

Appellees/Plaintiffs.

APPELLANTS' UNOPPOSED MOTION FOR CONSOLIDATION

Pursuant to Fla. R. Jud. Admin. 2.210 (a)(2)(B), Appellants/Defendants, Ron DeSantis, in his official capacity as Governor of the State of Florida; Richard Corcoran, in his official capacity as Commissioner of Education; the Florida Department of Education; and the Florida Board of Education (collectively “Appellants/Defendants”), ask the Chief Judge of this Court to consolidate this case with Case No. 1D20-2472. In support, Appellants/Defendants state:

1. Case No. 1D20-2470 and Case No. 1D20-2472 present the same issue of law. Each appeal involves a temporary injunction entered to prevent enforcement of Emergency Order 2020-EO-06, which Education Commissioner Corcoran issued on July 6, 2020. The Emergency Order addresses school district reopening plans for the 2020-2021 academic year in response to the COVID-19 pandemic.

2. Appellants/Defendants in both cases include Governor DeSantis, Commissioner Corcoran, the Florida Department of Education, and the Florida Board of Education.

3. Andy Tuck, in his official capacity as the chair of the State Board of Education, and Jacob Oliva, in his official capacity as Chancellor of the Division of Public Schools are Appellants/Defendants in Case No. 1D20-2472.

4. The Appellees/Plaintiffs in Case No. 1D20-2470 and Case No. 1D20-2472 are Florida teachers, parents and various associations that seek to enjoin the application of Emergency Order 2020-EO-06.

5. These cases were assigned to the Honorable Judge Charles Dodson in Leon County Circuit Court and consolidated at the trial court level on August 12, 2020. The cases concern the same record and same legal issues.

6. Pursuant to Fla. R. App. P. 9.300(a), counsel for Appellants/Defendants certifies he has consulted with counsel for all Appellees/Plaintiffs. Counsel for Appellees/Plaintiffs in Case No. 1D20-2472 have indicated that they do not oppose

the requested consolidation. Appellees/Plaintiffs in Case No. 1D20-2470 have indicated they do not object provided it is understood that the Appellees/Plaintiffs in the two cases will be filing separate answer briefs.

WHEREFORE, this Court is asked to enter an order consolidating this case with Case No. 1D20-2472 for purposes of briefing and oral argument.

Respectfully submitted,

/s/ David M. Wells

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Counsel for Appellants/Defendants Governor Ron DeSantis, Commissioner Richard Corcoran, Florida Department of Education, and Florida Board of Education

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic transmission through the Florida courts e-filing portal to all counsel or parties of record, on this 27th day of August, 2020.

/s/ David M. Wells

David M. Wells

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