

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

FLORIDA EDUCATION ASSOCIATION;)
STEFANIE BETH MILLER; LADARA)
ROYAL; MINDY FESTGE; VICTORIA)
DUBLINO-HENJES; and, ANDRES HENJES,)

Plaintiffs,)

vs.)

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,)

Defendants.)

Case No. 2020-001450 CA

PLAINTIFFS' RENEWED EMERGENCY MOTION FOR STATUS CONFERENCE

Plaintiffs the FLORIDA EDUCATION ASSOCIATION, STEFANIE BETH MILLER, LADARA ROYAL, MINDY FESTGE, VICTORIA DUBLINO-HENJES, and ANDRES HENJES, by and through undersigned counsel, move this Court on an emergency basis for a status conference to address scheduling in this matter.

1. On July 20, 2020, Plaintiffs filed their Complaint in the Eleventh Judicial Circuit in and for Miami-Dade County for declaratory and injunctive relief against Defendants to prevent the unsafe reopening of brick and mortar public schools during the current resurgence of COVID-19 in Florida.

2. On August 4, 2020, Plaintiffs filed their Expedited Motion for Temporary Injunction.

3. More specifically, Plaintiffs seek a declaratory judgment that Emergency Order No. 2020-EO-06 of the state Education Commissioner, which mandates the opening of brick and mortar schools in Florida in August 2020, violates Article IX, § 1 of the Florida Constitution, which mandates “[a]dequate provision shall be made by law for a uniform, efficient, **safe, secure**, and high quality system of free public schools.” Plaintiffs also seek a declaratory judgment that the Education Commissioner’s directive to open brick and mortar schools is arbitrary and capricious, and thus a violation of due process.

4. At least ten public school districts are scheduled to begin re-opening brick and mortar locations today, **August 10, 2020**, with most schools expected to be open by August 31, 2020, as evidently mandated by the Education Commissioner in Emergency Order No. 2020-EO-06.

5. On July 27, 2020, Plaintiffs filed their Motion to Compel Expedited Mediation so the parties may come together to resolve the issues in this litigation. The Plaintiffs renewed this motion on August 5, 2020. The Defendants oppose the Plaintiffs’ request for mediation.

6. On August 6, 2020, Judge Eig of the Eleventh Judicial Circuit granted the Defendants’ motion to transfer this case to the Second Judicial Circuit in and for Leon County.

7. On August 7, 2020, this case was assigned to Your Honor.

8. Currently pending before the Court is the Plaintiffs’ renewed motion for mediation, the Plaintiffs’ Motion for Temporary Injunction, and the Defendants’ Motion to Dismiss. Before the transfer occurred, Judge Eig had scheduled the pending motions to be heard on August 7, 2020.

9. Due to the urgent nature of the unresolved matters in this case, including, but not limited to, the reopening of schools scheduled for **today** and throughout the week, the increased

community spread of COVID-19, illness, hospitalizations, and potentially severe and irreparable human consequences that will result from the mandated physical reopening of schools, the Plaintiffs move this Court, on an emergency basis, for a status conference no later than **August 11, 2020**, to address the pending motions discussed above.

10. Plaintiffs' counsel has conferred with counsel for the Defendants, who state that the Defendants' disagree with the emergency concept of the Motion but do not object to the request for an expedited status conference.

WHEREFORE, Plaintiffs seek a status conference on an emergency basis.

Dated: August 10, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished by the Florida Courts e-filing Portal pursuant to Fla. R. Jud. Admin. 2.516(b)(1), this 10th day of August, 2020, to the following:

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- *Florida Board of Education*

By: /s/ Kendall B. Coffey