

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI DADE 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; FLORIDA)
BOARD OF EDUCATION; CARLOS)
GIMENEZ, in his official capacity)
as Mayor of Miami-Dade County,)

Case No. 2020-015211 CA (31)

Defendants.)

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, moves 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 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.

2. 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.

3. Certain of Florida’s 67 public school districts are scheduled to begin re-opening brick and mortar locations on August 10, 2020, with many schools expected to be open by August 31, 2020, as evidently mandated by the Education Commissioner in Emergency Order No. 2020-EO-06.

4. 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.

5. This action was originally assigned to Miami-Dade Circuit Judge Antonio Arzola. On July 30, 2020, Judge Arzola held an Emergency Status Conference in this matter.

6. At the July 30 Status Conference, the Parties agreed to an expedited briefing schedule: Defendants agreed to file their motions to dismiss by Monday, August 3, Plaintiffs agreed to file their Responses by Wednesday, August 5, with any Replies to be filed on Thursday, August 6, and the Court agreed to hold a hearing on the motions on Friday, August 7 – in advance of the potential reopening of schools in some Florida school districts.

7. At the Status Conference, the Court also said that it would deny Plaintiffs’ Motion to Compel Expedited Mediation.

8. However, after the Status Conference, also on July 30, Judge Arzola entered a *sua sponte* Order recusing himself from this action. This matter was then transferred to Division 31.

9. Due to the urgent nature of the unresolved matters in this case, including, but not limited to, 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 across the state in just a few days, the Plaintiffs move this Court, on an emergency basis, for a status conference no later than **August 4, 2020**, to schedule a hearing by August 7, 2020, and address the other pending issues discussed above.

10. Plaintiffs' counsel has conferred with counsel for the Defendants, who do not oppose conducting a status conference with immediacy to discuss scheduling. Counsel to Mayor Gimenez specifically objects to a status conference to address Plaintiffs' Motion to Compel Expedited Mediation.

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

Dated: August 3, 2020.

Respectfully submitted,

COFFEY BURLINGTON, P.L.
2601 South Bayshore Drive, Penthouse
Miami, FL 33133
Telephone: (305) 858-2900

By: /s/ Kendall Coffey
Kendall B. Coffey, FBN 259861
Josefina M. Aguila, FBN 0119719
Scott A. Hiaasen, FBN 103318
kcoffey@coffeyburlington.com
jaguila@coffeyburlington.com
shiaasen@coffeyburlington.com
yvb@coffeyburlington.com
lperez@coffeyburlington.com
service@coffeyburlington.com

MEYER, BROOKS, BLOHM & HEARN, P.A.
131 North Gadsden Street
Tallahassee, FL 32301
Telephone: (850) 878-5212

By: /s/ Ronald G. Meyer

Ronald G. Meyer, FBN 148248
rmeyer@meyerbrookslaw.com

Kimberly C. Menchion, General Counsel
FLORIDA EDUCATION ASSOCIATION
213 South Adams Street
Tallahassee, FL 32301
Telephone: (850) 224-7818

By: /s/ Kimberly C. Menchion

Kimberly C. Menchion, FBN 425613
kimberly.menchion@floridaea.org

PHILLIPS, RICHARD & RIND, P.A.
9360 S.W. 72nd Street, Suite 283
Miami FL 33173-3283
Telephone: (305) 412-8322

By: /s/ Lucia Piva

Lucia Piva, FBN 119340
Mark Richard, FBN 305979
Kathleen M. Phillips, FBN 287873
lpiva@phillipsrichard.com
mrichard@phillipsrichard.com
kphillips@phillipsrichard.com

Counsel for Plaintiffs

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 3rd day of August, 2020, to the following:

Angel A. Cortiñas, Esq.
acortinas@gunster.com
nsalazar@gunster.com
eservice@gunster.com

Jonathan H. Kaskel, Esq.
jkaskel@gunster.com
nsalazar@gunster.com

GUNSTER
The DuPont Building
600 Brickell Avenue, Suite 3500
Miami, Florida 33131
Telephone: (305) 376-6000

Counsel for Defendants:

- *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*

David M. Murray
Assistant County Attorney
DMurray@miami-airport.com
RMartin@miami-airport.com

Lauren Morse
Assistant County Attorney
LaurenM@miamidade.gov
Olga.Appeland@miamidade.gov

Angela F. Benjamin
Assistant County Attorney
Angela.Benjamin@miamidade.gov
Jeane.Neal@miamidade.gov
Stephen P. Clark Center, Suite 2810
111 Northwest First Street
Miami, Florida 33128-1993
Telephone: (305) 375-1381

Counsel for Defendant Mayor Carlos Gimenez

By: /s/ Kendall B. Coffey