

**IN THE SUPREME COURT OF FLORIDA**

WEST FLAGLER ASSOCIATES, LTD.,  
et al.,

Petitioners,

v.

SC2023-1333

RON D. DESANTIS, etc., et al.,

Respondents.

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**PETITIONERS' MOTION TO FILE**  
**ENLARGED REPLY BRIEF**

Petitioners, West Flagler Associates, Ltd., Bonita-Fort Myers Corporation d/b/a Springs Poker Room and Isadore Havenick (collectively, "Petitioners"), through undersigned counsel and under Florida Rule of Appellate Procedure 9.300(a), hereby move for permission to file an enlarged reply brief of up to 7,500 words and, in support, state:

1. On September 25, 2023, Petitioners filed their Petition. The Petition asks the Court to issue a writ of quo warranto to Respondents, Ron DeSantis, in his capacity as Governor of the State of Florida, Paul Renner, in his capacity as Speaker of the Florida House of Representatives, and Kathleen Passidomo, in her capacity

as President of the Florida Senate (collectively, “Respondents”), on the grounds that they exceeded their constitutional authority in enacting legislation expanding casino gambling in this state without a citizen’s approval as required by Article X, Section 30 of the Florida Constitution.

2. On December 1, 2023, Respondents filed their Response to Petition for Writ of Quo Warranto (the “Response”).

3. Thereafter, on December 8, 2023, the Seminole Tribe of Florida (the “Tribe”) sought leave, without any objection, to file its Amicus Brief in Support of Respondents. The Court granted the Tribe’s request and accepted the amicus brief it filed on December 8, 2023 (the “Tribe’s Amicus Brief”).

4. The Tribe’s Amicus Brief greatly expands upon and includes new arguments not raised by Respondents in their Response, such as their new assertion regarding the doctrine of contemporaneous construction and the level of deference that should be afforded to the legislature. The Tribe’s Amicus Brief also includes a survey of certain laws from six other states it claims are relevant to the Court’s analysis in this proceeding.

5. Given the expanded and additional arguments raised by the Tribe, Petitioners respectfully request an order from this Court allowing Petitioners to submit an enlarged reply brief.

6. Specifically, under Florida Rule of Appellate Procedure 9.100(k), Petitioners' reply brief must be no longer than 4,000 words. Petitioners request an enlargement of that limitation to 7,500 words.

7. Petitioners submit that an enlargement of up to 7,500 words for the reply brief is necessary in order to adequately address the arguments presented by Respondents and the Tribe and allow for meaningful review by this Court of the issues raised in this proceeding.

8. This Motion is not intended to delay these proceedings and is being filed for the purpose of ensuring the Court is fully briefed on all the arguments raised by the parties. No party will be prejudiced by the relief sought herein.

9. Petitioners' counsel has conferred with counsel for Respondents, who advises that Respondents "take no position on the request for additional words."

WHEREFORE, Petitioners respectfully request that this Court enter an order enlarging the word-count limitation for Petitioners'

reply brief up to 7,500 words total, together with such other and further relief as this Court deems just and proper.

Date: December 11, 2023.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 11, 2023, a true and accurate copy of the foregoing has been furnished via the E-Portal to: Ryan Newman, General Counsel, Executive Office of the Governor, 400 S. Monroe St., Tallahassee, FL 32399, [ryan.newman@eog.myflorida.com](mailto:ryan.newman@eog.myflorida.com), *counsel for Respondent Ron DeSantis, in his capacity as Governor of Florida*; David Axelman, General Counsel, Office of the General Counsel, Florida House of Representatives, 317 The Capitol, #402, Tallahassee, FL 32399, [david.axelman@myfloridahouse.gov](mailto:david.axelman@myfloridahouse.gov), *counsel for the Respondent Paul Renner, in his capacity as Speaker of the Florida House of Representatives*; Carols Rey, General Counsel, Florida Senate, 302 The Capitol, 404 S. Monroe St., Tallahassee, FL 32399, [rey.carlos@flsenate.gov](mailto:rey.carlos@flsenate.gov), *counsel for Kathleen Passimodo, in her capacity as President of the Senate*; Ashley Moody, Attorney General, Office of the Attorney General, PL-01 The Capitol, Tallahassee, FL 32399, [oag.civil.eserve@myfloridalegal.com](mailto:oag.civil.eserve@myfloridalegal.com); Henry C. Whitaker, Solicitor General, Jeffrey Paul DeSousa, Chief Deputy Solicitor

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