

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

Florida Action Committee, Inc.,

Plaintiff,

vs.

Mark Glass, *et al.*,

Defendants.

No. 4:26-cv-388 (MW/MJF)

**OPPOSITION TO MIAMI-DADE COUNTY’S MOTION FOR
ENLARGEMENT OF THE WORD LIMIT**

This is a constitutional challenge to Florida’s sex-offender registration scheme, including Florida’s and its municipalities’ restrictions on where registrants may live and be present. Plaintiff Florida Action Committee (FAC) submits that the scheme must be evaluated as a whole. A registrant faces more than just Florida’s statutory restrictions, and he faces more than just one county’s or one town’s ordinance. A registrant in Florida faces *every* Florida law and *every* Florida ordinance impacting where he may live and be present. Only by taking all provisions together does the full picture come into focus. This theory has necessitated a suit against not just Mark Glass as Commissioner of the Florida Department of Law Enforcement, but also Florida’s 50 most populous municipalities.

FAC is cognizant that a lawsuit against 51 state entities entails more work, both substantively and administratively, than would a suit against the State alone. We also appreciate that each defendant is entitled to its own defense, and we are prepared to respond fully (and efficiently) to each defense raised, including party-specific defenses. But that does not mean that each defendant can treat this case as though it were the only entity being sued; all parties on both sides will need to commit to a manageable plan for litigating this matter. With due respect to Miami-Dade County, that does not leave room for double-length briefs filed on behalf of singular defendants.

At the outset of this case, the Court entered a scheduling order requiring the parties to conduct a Rule 26(f) conference and submit a joint status report on or before September 16. *See* Dkt. 11. On September 4, after accomplishing service on or obtaining waivers of service from 48 of the 51 defendants (as of today, it is 50 of 51), undersigned counsel sent an email to all counsel of record who had appeared and to corporate counsel for those who had not, for the purpose of arranging the Rule 26(f) conference. *See* Exhibit A.

In that email, undersigned counsel for FAC explained that although FAC understands that “[e]ach defendant is entitled to its own brief setting forth its own defenses,” it believes that “consolidation of briefs where possible” will best conserve party and judicial resources. Counsel thus indicated an intent to “discuss a coordinated and hopefully consolidated (or partially consolidated)

approach to any motions to dismiss,” committing to “a consolidated approach to opposing any motions to dismiss.” *See id.*

On September 8, counsel for Miami-Dade County responded to the September 4 email asking for a telephone call to discuss “a few housekeeping matters.” *Id.* In that call, counsel asked for consent to file an overlong motion to dismiss for Miami-Dade only, totaling 16,000 words. It also asked for FAC’s position on a separate motion to sever, indicating that it would file a motion to sever in addition to a 16,000-word motion to dismiss.

During the call and in a later email exchange, FAC explained its concerns with Miami-Dade’s proposed approach. As reflected in the county’s motion, undersigned counsel suggested that rather than rushing forward with an early motion to dismiss that would enlarge the burden on the parties and Court, Miami-Dade should instead simply seek an extension of time to file its response to the complaint, so that it might explore with the other defendants a more efficient approach to the briefing of common legal issues.

Miami-Dade declined that request and now seeks leave to enlarge the length of its motion to dismiss by two-fold. Respectfully, the Court should deny the motion. If Miami-Dade insists on filing quickly and going it alone, it should at least be required to observe the applicable length limits.

As explanation for its motion, Miami-Dade asserts (at 2) that it has been working diligently over just “two-and-a-half weeks” “to parse through the

voluminous Complaint,” to research “the legal issues it raises,” and to draft “a comprehensive motion to dismiss,” which it describes as “a significant undertaking given the magnitude of the 61-page Complaint, which also contains nine exhibits, spanning well over 200 pages.” Be that as it may, those are reasons for seeking an extension of time—as more than a dozen other defendants have done, and to which FAC would have consented. It is not a justification for filing an motion to dismiss spanning 16,000 words (amounting to more than 60 pages) in case with 51 defendants. By Miami-Dade’s lights, each defendant would be entitled to its own overlength motion, and FAC and the Court would potentially be confronted with more than 800,000 words in opening dismissal briefs alone. That would not be manageable.

Moreover, it is a near certainty that Miami-Dade’s motion will press legal defenses held in common with other defendants. Again, FAC respects that each defendant is entitled to party-specific defenses. But Miami-Dade has not given any reason that it cannot or should not simply take additional time to align its briefing with the other defendants, so that it might coordinate with them to avoid duplicative briefing and reduce, rather than enlarge, the burden on the parties and the Court. The Court accordingly should deny Miami-Dade’s motion for leave to file a double-long motion to dismiss.

The Court may also wish to consider granting Miami-Dade County (and all other defendants with proximate response due dates) a *sua sponte* extension

of time to respond to the complaint, so the parties have adequate time and opportunity to discuss scheduling and possible consolidation of Rule 12(b)(6) briefing at the upcoming Rule 26(f) conference. Engaging in a meaningful pre-filing discussion would also allow the parties to identify potential ways to avoid 12(b)(6) briefing of some arguments altogether, assuming an early amendment to the complaint may resolve some of defendants' concerns with the sufficiency of the allegations.

Dated: September 9, 2026

Respectfully submitted,

/s/ Michael B. Kimberly

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Attorneys for Florida Action Committee

CERTIFICATE OF SERVICE

I certify that, on September 9, 2026, I caused the foregoing document to be served on all defendants either via the Court's CM/ECF system (for parties whose counsel who have appeared) or email service (for parties whose counsel have not yet appeared).

/s/ Michael B. Kimberly

Exhibit A

Kimberly, Michael Branch

From: Azar, Jennifer (CAO) <jennifer.azar@miamidade.gov>
Sent: Tuesday, September 8, 2026 9:13 AM
To: Kimberly, Michael Branch
Cc: Zaron, Erica S. (CAO)
Subject: RE: Rule 26(f) conference: FAC v. Glass, et al. -- ND Fla. No. 4:26-cv-388



This message needs your attention

- This is their first email to your company.

Winston Taylor

Hi Michael,

Thank you for reaching out. Erica and I have a few housekeeping matters we'd like to discuss with you. Are you available for a quick call today at 11?

Thanks,

Jennifer L. Hochstadt Azar
Assistant County Attorney
Miami-Dade County Attorney's Office
111 NW 1st St., Suite 2810
Miami, Florida 33128
(305) 375-5151

From: Kimberly, Michael Branch <michael.kimberly@winstontaylor.com>
Sent: Friday, September 4, 2026 4:09 PM
To: akatzman@broward.org; jkjarone@broward.org; BBUTTERWORTH@broward.org; JLahti@broward.org; MFackler@coj.net; GarrettC@coj.net; TPinkstaff@coj.net; MSanchez@coj.net; kbledsoe@volusia.gov; mefird@volusia.gov; dclements@volusia.gov; dabbott@wsh-law.com; pgrotto@wsh-law.com; bsiddique@wsh-law.com; mboschini@wsh-law.com; rdente@fortmyers.gov; ARamos@fortmyers.gov; rachel.bartolowits@lakecountyfl.gov; sandra.lara@lakecountyfl.gov; melanie.marsh@lakecountyfl.gov; Zaron, Erica S. (CAO) <erica.zaron@miamidade.gov>; Azar, Jennifer (CAO) <jennifer.azar@miamidade.gov>; djadon@roperpa.com; Lramirez@Roperpa.com; nzachman@roperpa.com; Ctownsend@Roperpa.com; mrodriguez@flaglercounty.gov; jerry.olivo@henlaw.com; Rebekah.Davies@henlaw.com; stearns@jambg.com; young@jambg.com; nunez@jambg.com; jgary@apnwplaw.com; chutchins@apnwplaw.com; mpamies@apnwplaw.com; countyattorney.sumtercounty.fl@hoganlawfirm.com; warmistead@coppinsmonroe.com; mcampbell@coppinsmonroe.com; zascharlepp@coppinsmonroe.com; vhogancamp@holtzmanvogel.com; mfischer@holtzmanvogel.com; mjazil@holtzmanvogel.com; kgordon@holtzmanvogel.com; mlogan@rumberger.com; mlogansecy@rumberger.com; docketingorlando@rumberger.com; casey.bigelow@pd14.fl.gov; RWesch@leegov.com; matthew.minter@marionfl.org; eelder@martin.fl.us; dottey@pbcgov.org; RandyMink@polkfl.gov; rich@claylawyers.com; ltaylor@sjcfl.us; kwest@sjcfl.us; barberik@stlucieco.org; smccartney@fortlauderdale.gov;

cityattorney@gainesvillefl.gov; needm@cityofgainesville.org; Dhenlon@hollywoodfl.org; mayanne.downs@orlando.gov; psmith@palmbayflorida.org; smithp@pbfl.org; rberrios@cityofpsl.com; krothenburg@wpb.org

Cc: Casserlie, Megan Anne <megan.casserlie@winstontaylor.com>; Alvarez, Hellen <hellen.alvarez@winstontaylor.com>

Subject: Rule 26(f) conference: FAC v. Glass, et al. -- ND Fla. No. 4:26-cv-388

You don't often get email from michael.kimberly@winstontaylor.com. [Learn why this is important](#)

FAC v. Glass, et al. -- ND Fla. No. 4:26-cv-388

Good afternoon,

I am lead counsel for the plaintiff in the above captioned case. This group comprises (1) counsel who have appeared on behalf of one or more defendants and (2) in-house counsel for defendants who have not yet appeared. Two threshold points:

1. I understand that our process server is having a challenging time serving Jackson, Hernando, and St. Johns Counties — will counsel for those counties please either waive service (form attached) or inform us where and how to accomplish timely service? Many thanks.
2. We filed with the complaint several exhibits under seal. The protective order entered by Judge Walker places certain obligations with respect to the sealed exhibits on “counsel of record.” As counsel make their appearances on the docket, we are sending the unredacted exhibits in hard copy. If you have appeared but not yet received the sealed exhibits, please let me know. We sent out the most recent batch today.

Beyond that, I write regarding a Rule 26(f) conference in this case, which we are required by Judge Walker’s initial scheduling order to hold on or before September 16, in just 12 days’ time. We also must file a joint status report by or before September 16.

Collecting availabilities will take some work with 51 defendants. To make the process as manageable as possible, I’d be very grateful if you would please respond to this email indicating your availability during the following windows. Please do not reply-all, but please copy Megan Casserlie (MCasserlie@winston.com) and Hellen Alvarez (HeAlvarez@winston.com), who are copied to this email.

- Wednesday, 9/9, between 10am and 4pm
- Thursday 9/10, between 9am and 5pm
- Friday 9/11, between 9:30am and 4pm
- Monday 9/14, between 10am and 4pm
- Tuesday 9/15, between 9am and 12pm
- Wednesday 9/16, between 9am and 5pm

Once a universally workable time is sorted, we’ll send a Teams invitation. At the conference, we intend to raise the topics identified in Rule 26(f)(2), plus the following:

- **Responses to the complaint.** We wish to discuss a coordinated and hopefully consolidated (or partially consolidated) approach to any motions to dismiss. Each defendant is entitled to its own brief setting forth its own defenses. But Judge Walker doubtless will appreciate consolidation of briefs where possible. I encourage defense counsel to coordinate among yourselves to the extent

possible before the Rule 26(f) conference, to make the discussion as fruitful as possible. FAC, for its part, will commit to a consolidated approach to opposing any motions to dismiss.

- **Timing and procedure for motions for summary judgment.** In our view, the claims in this case are not fact intensive, and we do not anticipate much, if any, fact discovery will be needed beyond what is already attached to the complaint. We would like to explore the possibility of early, limited discovery (subject to the needs of the defenses that the individual defendants plan to raise) and early summary judgment cross-motions.

We look forward to receiving your availability for the conference.

Best,
Michael



Michael Kimberly
Partner

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