

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

JANE DOE et al.,

Plaintiffs,

CASE NO.: 4:23cv114-RH-MAF

v.

JOSEPH A. LADAPO et al.,

Defendants.

**STIPULATION AND ORDER OF DISMISSAL OF
STATE ATTORNEY DEFENDANTS UPON CONDITIONS**

Plaintiff, JANE DOE et al. (collectively, “Plaintiffs”) and the undersigned Defendant State Attorneys,¹ in their official capacities as the State Attorneys of their respective judicial circuits of the State of Florida, and on behalf of themselves, their offices, their successors in office, and all personnel acting on behalf of their respective offices (hereafter, collectively, the “Stipulating Parties”) enter into the following stipulations and agreements, which the Court hereby Orders:

¹ The Defendant State Attorneys party to this agreement are: GINGER BOWDEN-MADDEN in her official capacity as State Attorney for the First Judicial Circuit of Florida; JACK CAMPBELL in his official capacity as State Attorney for the Second Judicial Circuit of Florida; JOHN F. DURRETT in his official capacity as State Attorney for the Third Judicial Circuit of Florida; BRUCE L. BARTLETT in his official capacity as State Attorney for the Sixth Judicial Circuit of Florida; R.J. LARIZZA in his official capacity as State Attorney for the Seventh Judicial Circuit of Florida; BRIAN S. KRAMER in his official capacity as State Attorney for the Eighth Judicial Circuit of Florida; MONIQUE H. WORRELL in her official capacity as State Attorney for the Ninth Judicial Circuit of Florida; BRIAN W. HAAS in his official capacity as State Attorney for the Tenth Judicial Circuit of Florida; KATHERINE FERNANDEZ-RUNDLE in her official capacity as State Attorney for the Eleventh Judicial Circuit of Florida; ED A. BRODSKY in his official capacity as State Attorney for the Twelfth Judicial Circuit of Florida; SUSAN LOPEZ in her official capacity as State Attorney for the Thirteenth Judicial Circuit of Florida; LARRY R. BASFORD in his official capacity as State Attorney for the Fourteenth Judicial Circuit of Florida; DAVID A. ARONBERG in his official capacity as State Attorney for the Fifteenth Judicial Circuit of Florida; DENNIS W. WARD in his official capacity as State Attorney for the Sixteenth Judicial Circuit of Florida; HAROLD F. PRYOR in his official capacity as State Attorney for the Seventeenth Judicial Circuit of Florida; PHILIP G. ARCHER in his official capacity as State Attorney for the Eighteenth Judicial Circuit of Florida; THOMAS R. BAKKEDAHL in his official capacity as State Attorney for the Nineteenth Judicial Circuit of Florida; AMIRA D. FOX, in her official capacity as State Attorney for the Twentieth Judicial Circuit of Florida. Defendant State Attorney MELISSA W. NELSON in her official capacity as State Attorney for the Fourth Judicial Circuit of Florida.

1. By agreement of the Stipulating Parties as set forth below, and pursuant to Federal Rule of Civil Procedure 21 and 41(a)(1), the eighteen above-listed Defendant State Attorneys (the “Dismissed State Attorneys”) are hereby dismissed without prejudice. Defendant State Attorney WILLIAM M. GLADSON in his official capacity as State Attorney for the Fifth Judicial Circuit of Florida (“State Attorney Gladson”) is not a party to this stipulation and will remain a Defendant in the lawsuit. Although the dismissal of the Dismissed State Attorneys is without prejudice, Plaintiffs agree that, absent a violation of this agreement or the dismissal of State Attorney Gladson from the lawsuit for reasons other than the merits of Plaintiffs’ claims, they will not seek to rejoin any of the Dismissed State Attorneys or their successors in office to this lawsuit (or any appeals).

2. The dismissal of the Dismissed State Attorneys without prejudice set forth in paragraph 1 is conditioned upon, and subject to the agreement of, each Plaintiff and each Dismissed State Attorney, as follows:

a. Each Dismissed State Attorney, in his or her official capacity, stipulates and agrees (on behalf of themselves, their offices, their successors in office, and all personnel acting on behalf of their respective offices) to the following:

- i. to comply with and be bound by the terms of the Preliminary Injunction entered by the Court on June 6, 2023 (Doc. 90) for so long as said injunction remains in effect against any Defendant;
- ii. to comply with and be bound by the terms of any other injunction, temporary or permanent, that may be entered in this matter against the remaining State Attorney Defendant, William Gladson in his official capacity as State Attorney for the Fifth Judicial Circuit of Florida or any of the other Defendants, and to apply said injunction

in each of their respective Judicial Districts as if it had been entered against each of them directly;

- iii. not to enforce (or seek to enforce) an enjoined provision of Senate Bill 254 (2023) (“SB 254”)² during the time such an injunction is in place, or against conduct that was protected by such an injunction at the time that conduct occurred, even if such injunction was later vacated;
- iv. that any judgment in this action declaring SB 254 unconstitutional will be binding on themselves, their respective offices, successors in office, and all personnel acting on behalf of their respective offices, as if such State Attorney (or his or her office or successor in office) were a party to such judgment;
- v. not to pursue or join any challenge (in any forum and on any ground) to the validity or enforceability of any injunction or judgment entered in this lawsuit; and
- vi. not to seek to rejoin this lawsuit (whether at the trial court or on appeal) as a party or intervenor, where doing so is over Plaintiffs’ objection.

b. Plaintiffs stipulate and agree that, because the State Attorneys have agreed to be bound by judgments and orders in this proceeding, Plaintiffs will similarly be bound, absent a violation of this agreement or the dismissal of State Attorney Gladson from the

² Fla. SB 254, § 4-7, (2023) (Second Engrossed)

lawsuit for reasons other than the merits of Plaintiffs' claims, from proceeding against the Dismissed State Attorneys.

3. This Court may enforce this agreement as necessary and appropriate in the adjudication of this matter and in the enforcement of its orders or judgment entered in this matter.

4. Plaintiffs and the Dismissed State Attorneys agree not to seek costs against the other pursuant to Federal Rule of Civil Procedure 41(d)(1).

5. This Order does not dismiss any claims against any Defendants except as expressly provided herein.

IT IS SO ORDERED.

June 22, 2023



DISTRICT JUDGE

STIPULATED AND AGREED:

Melissa Nelson

Melissa Nelson, State Attorney
Fourth Judicial Circuit
Ed Austin Building
311 West Monroe Street
Jacksonville, FL 32202
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