

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

JOHN T. AND ESTHER N. DODERO,  
LIONEL AND TAMMY ALFORD, AS  
CO-TRUSTEES OF THE LIONEL D.  
ALFORD, JR. AND TAMMY NIX ALFORD  
REVOCABLE TRUST,

DOUGLAS B. AND SHELLY L. BUSH,  
ST. JOHNS FLORIDA PROPERTIES,

Case No.: 3:20-cv-05358-RV-HTC

L.L.C., KI FLORIDA PROPERTIES,  
L.L.C., MICHAEL D. HUCKABEE AND  
JANET M. HUCKABEE AS CO-TRUSTEES  
OF THE ANGUS B. WILES TRUST,  
CAMPING ON THE GULF LAND, L.L.C.,  
SANDY SHORES PROPERTY OWNERS  
ASSOCIATION, INC., TODD HARLICKA,  
CHRISTOPHER F. CORRADO

EDWARD J. AND JOY L. MCMILLIAN,  
JE COASTAL PROPERTIES, L.L.C., ERIC AND  
DEBORAH WILHELM AS CO-TRUSTEES OF  
THE ERIC AND DEBORAH WILHELM  
REVOCABLE TRUST, DAVID A. BRADFORD  
AS TRUSTEE OF THE ELIZABETH M.  
BRADFORD REVOCABLE TRUST DATED  
JULY 12, 2012, AND PARKER H. PETIT,

Plaintiffs

v.

WALTON COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF FLORIDA;  
MICHAEL A. ADKINSON, JR., IN HIS  
OFFICIAL CAPACITY AS WALTON  
COUNTY SHERIFF,

Defendants

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**NOTICE OF SUPPLEMENTAL AUTHORITY**

Pursuant to Local Rule 7.1(J), the Present Plaintiffs submit this Notice of Supplemental Authority in support of their Motion for an Emergency Preliminary Injunction (ECF 2).

On April 11, 2020, the U.S. District Court for the Western District of Kentucky issued a temporary restraining against Mayor Greg Fisher and the City of Louisville (collectively “Louisville”) prohibiting Louisville from enforcing (or threatening enforcement of) a prohibition of drive-in church services on Easter under threat of arrest. *On Fire Christian Center, Inc., v. Greg Fischer, et al.*, Case No. 3:20-CV-264-JRW (W.D. Ky., April 11, 2020). **Exhibit A.** Among other things, the Western District of Kentucky’s Order states:

The Mayor’s decision is stunning.  
And it is, “beyond all reason,” unconstitutional. [footnote omitted].

\* \* \*

In other words, Louisville’s actions are “underinclusive” and “overbroad.” They’re underinclusive because they don’t prohibit a host of equally dangerous (or equally harmless) activities that Louisville has permitted on the basis that they are “essential.” Those “essential” activities include driving through a liquor store’s pick-up window, parking in a liquor store’s parking lot, or walking into a liquor store where other customers are shopping. The Court does not mean to impugn the perfectly legal business of selling alcohol, nor the legal and widely enjoyed activity of drinking it. But if beer is “essential,” so is Easter.

Louisville’s actions are also overbroad because, at least in this early stage of the litigation, it appears likely that Louisville’s interest in

preventing churchgoers from spreading COVID-19 would be achieved by allowing churchgoers to congregate in their cars as On Fire proposes. On Fire has committed to practicing social distancing in accordance with CDC guidelines. “Cars will park six feet apart and all congregants will remain in their cars with windows no more than half open for the entirety of the service.” Its pastor and a videographer will be the only people outside cars, and they will be at a distance from the cars.

*Id.* at 3, and 13-14 (internal citations and footnotes omitted)

\* \* \*

### **CERTIFICATE OF COMPLIANCE WITH LOCAL RULES**

The undersigned certifies that this filing complies with the size, font, and formatting requirements of Local Rule 5.1(C), and that this filing complies with the word limit in Local Rule 7.1(J); this filing contains 336 words, excluding the case style, signature block, and certificates.

Respectfully submitted by:

/s/ Kristen C. Diot

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Dated: April 12, 2020

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to all counsel of record via email on this 12<sup>th</sup> day of April, 2020.

/s/ Kristen C. Diot  
Kristen C. Diot