

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

KELLS HETHERINGTON,
Plaintiff,

v.

GINGER BOWDEN MADDEN, in her
official capacity as State Attorney,
et al.,
Defendants.

Case No.
3:21-cv-671-MCR-EMT

**PLAINTIFF KELLS HETHERINGTON'S MOTION FOR LEAVE
TO REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE AN
AMENDED COMPLAINT**

Pursuant to N.D. Fla. Loc. R. 7.1(I), Plaintiff Kells Hetherington, by and through undersigned counsel, respectfully requests leave to file a reply to FEC Defendants' Memorandum in Opposition to Plaintiff Kells Hetherington's Motion for Leave to File an Amended Complaint (ECF No. 82), and in support of his Motion for Leave to File (ECF No. 74). The proposed reply is attached as an exhibit to this motion to aid the Court in its decision, but it will be filed as a reply only with the Court's permission.

In its opposition to the motion, the FEC Defendants accuse Mr. Hetherington of failing to be diligent in raising the motion to amend, such that the Court should find lack of good cause. They also assert a need for additional discovery and briefing.

Mr. Hetherington seeks leave to respond to these novel issues. The FEC Defendants sprung their redressability claim only after briefing on the preliminary injunction, after their answer and defenses had been filed, and after discovery was over. In deciding whether there is good cause, a brief response on Mr. Hetherington's diligent response to the FEC Defendants' claims would benefit the Court.

The FEC Defendants also claim undue prejudice because of an asserted need for additional discovery and briefing. The Court's decision would benefit from a brief response explaining why there is no need for additional discovery or briefing to address what the FEC Defendants treat as an identical, redundant restriction on Mr. Hetherington's speech.

Accordingly, Mr. Hetherington seeks an opportunity to respond to the novel issues in the FEC Defendants' opposition and respectfully requests that the Court grant leave to file a reply.

Dated: February 8, 2022

/s/ Owen Yeates

Owen Yeates (pro hac vice)

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Counsel for Plaintiff

CERTIFICATE OF ATTORNEY CONFERENCE

Pursuant to N.D. Fla. Loc. R. 7.1, I certify the following: On February 4, 2022, I emailed counsel for the FEC Defendants and for the State Attorney, asking whether they would consent to the motion for leave to file a reply. All the Defendants responded that they oppose the motion.

Dated: February 8, 2022

/s/ Owen Yeates

Owen Yeates (pro hac vice)
Counsel for Plaintiff

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the word limits at N.D. Fla. Loc. R. 7.1(F). As measured by Microsoft Word's internal count, the motion is 273 words, exclusive of the case style, tables of contents and authorities, signature block, and certificates.

Dated: February 8, 2022

/s/ Owen Yeates

Owen Yeates (pro hac vice)
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed a true and correct copy of the foregoing document with the Clerk of Court using the CM/ECF system, which will serve all attorneys of record.

Dated: February 8, 2022

/s/ Owen Yeates

Owen Yeates (pro hac vice)

Counsel for Plaintiff