

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

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February 26, 2016

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 12-14009-U

Case Style: Dr. Bernd Wollschlaeger, et al v. Governor State of FL, et al

District Court Docket No: 1:11-cv-22026-MGC

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause.

For the purpose of the upcoming en banc rehearing in the above referenced case, the court desires for counsel to focus on their briefs the following issues:

1. What level of scrutiny applies to the record-keeping and inquiry provisions of the Act, Fla. Stat. §§ 790.338(1) & (2), and are those provisions constitutional under the appropriate level of scrutiny?
2. What level of scrutiny applies to the Act's anti-discrimination provision, Fla. Stat. § 790.338(5), and is that provision constitutional under the appropriate level of scrutiny?
3. Is the Act's anti-harassment provision, Fla. Stat. § 790.338(6), unconstitutionally vague?

The attorneys are allowed to argue in the alternative on questions 1 and 2.

APPELLANTS' EN BANC BRIEF IS TO BE SERVED AND FILED ELECTRONICALLY ON OR BEFORE MONDAY, MARCH 28, 2016 BY 5:00 P.M. APPELLANTS ARE PERMITTED TO FILE AN INITIAL BRIEF WITH NO MORE THAN 17,500 WORDS AND REPLY BRIEF OF NO MORE THAN 8,000 WORDS. APPELLEE'S EN BANC BRIEF SHALL BE SERVED AND FILED ELECTRONICALLY ON OR BEFORE WEDNESDAY, APRIL 27, 2016 BY 5:00 P.M. APPELLEES ARE PERMITTED TO FILE A BRIEF OF NO MORE THAN 20,000 WORDS. Any en banc reply brief shall be filed electronically on or before Thursday, May 12, 2016 by 5:00 p.m. **NO EXTENSIONS WILL BE GRANTED.** 20 copies of the en banc briefs should be filed (appellants in blue covers, appellees in red covers and any reply brief in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing. **NO TIME FOR**

MAILING SHALL BE ALLOWED. The filing of an en banc amicus brief is governed by 11th Cir.R.35-8.

All counsel are requested to submit 20 copies of their original panel briefs, appendix and supplemental authorities prior to 5:00 p.m. Monday, March 28, 2016.

Oral argument will be conducted on Tuesday, June 21, 2016 in Atlanta, Georgia at 9:00 a.m. Each party will be allotted 30 minutes per side for oral argument.

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Jenifer L. Tubbs
Phone #: 404-335-6166 or 404-335-6131

BR-1CIV Civil appeal briefing ntc issued