

United States District Court
for the
Southern District of Florida

1199SEIU United Healthcare)
Workers East, Plaintiff,)
)
v.) Civil Action No. 20-24069-Civ-Scola
)
Louis DeJoy, United States)
Postmaster General and United)
States Postal Service, Defendants.

**Fourth Non-Final Order on the Plaintiff's Emergency Motion for
Preliminary Injunction**

This matter is before the Court upon the Plaintiff's emergency motion. (ECF No. 28.) On November 2, 2020, the Court held a status conference by videoconference. (ECF Nos. 57, 60.) Counsel for both the Plaintiff and the Defendants attended and the Plaintiff presented additional evidence in support of its motion.

Having considered the parties' arguments and evidence, and having previously issued three non-final orders, the Court **orders** the following additional relief:

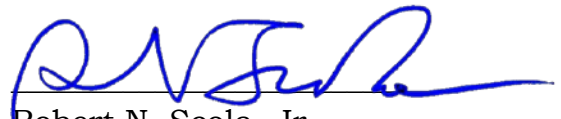
- Pursuant to agreement between the parties, in addition to the reports ordered by the Court in its Third Non-Final Order (ECF No. 56), the Defendant shall provide the Plaintiff with an additional "all clear" report by 9:00 a.m. on November 3, 2020 detailing the "all clear" status of the United States Postal Service's retail facilities in Florida's Large Counties.¹
- The Court understands, consistent with a status report filed in *Vote Forward, et al. v. Louis DeJoy, et al.*, No. 20-cv-2405 (EGS) (D.D.C.) (ECF No. 69) that was brought to the Court's attention by the Plaintiff and the briefing and arguments raised by the parties in this matter, that on or about October 30, 2020, "180,000 delayed mail pieces" were discovered at the Princeton Post Office in Miami-Dade County. In the *Vote Forward* status report, the government reported that of the 180,000 mail pieces "47 ballots were found Friday, 10 Saturday, and 5 Sunday." The report goes on to state that no additional ballots were found on Monday and that all but one of these ballots have been delivered. The report provides

¹ The Court incorporates by reference the definition of Florida's Large Counties which was initially set forth in the Court's second non-final order (ECF No. 52.)

a reasonable explanation detailing why the single undelivered remained undelivered as of the filing of the status report. The Court acknowledges that the United States Postal Service has shown its commitment to curing the backlog of mail discovered at the Princeton Post Office, including by committing “35 craft employees and managers . . . , including 18 additional carriers and members of the South Florida District leadership team” to “sorting, casing, and delivering mail.” These resources are in addition to the “23 carrier compliment” otherwise assigned to the office. In other words, 58 postal employees are reviewing this mail backlog and searching for ballots. Nonetheless, the Court finds it unclear from the *Vote Forward* status report if all 180,000 pieces of mail have been reviewed such that no additional ballots remain for delivery, or if instead additional mail remains to be reviewed such that there may remain additional undelivered ballots in the Princeton Post Office backlog. By 9:00 a.m. on November 3, 2020, the Defendants shall provide the Plaintiff with a report certifying whether or not ballots remain in the backlogged mail at the Princeton Post Office. If the Defendants cannot certify that no additional ballots remain in the backlogged mail because, for instance, additional backlogged mail remains to be reviewed, the United States Postal Service shall continue to use the extraordinary efforts detailed in the *Vote Forward* status report until all such backlogged mail has been reviewed and timely delivered such that any remaining ballots may be counted on November 3, 2020, consistent with Florida law.

This matter is set for another status conference on **November 3, 2020 at 10:30 a.m. (EST)**. The status conference will be conducted via videoconference with all participants directed to dial-in 5 minutes prior to the start of the conference. Credentials are as follows: Join ZoomGov Meeting <https://www.zoomgov.com/j/1611149457?pwd=ZVRrNzdybE5tRUesyUGYybnZVZ2pWUT09>. Meeting ID: 161 114 9457. Passcode: 608715.

Done and ordered in Miami, Florida, on November 2, 2020.


Robert N. Scola, Jr.
United States District Judge