UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Case No. 19-10254

JOHN DOE #4, *et al.*, *Plaintiffs-Appellants*,

v.

MIAMI-DADE COUNTY, *Defendant-Appellee*.

Appeal from the United States District Court for the Southern District of Florida

REPLY BRIEF OF PLAINTIFFS-APPELLANTS

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CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Plaintiffs-Appellants certify, pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, that the Certificates of Interested Persons filed in Appellants' and Appellee's earlier briefs are complete.

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, Plaintiffs-Appellants state that there are no corporate disclosures.

/s/ Daniel B. Tilley
Daniel B. Tilley

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INTRODUCTION

The County's Answer Brief confirms that the trial court committed reversible error in refusing to consider whether Plaintiffs were entitled to relief under a narrower, as-applied ex post facto theory of relief. The County does not contest that Plaintiffs would have been entitled to relief under an as-applied theory based on Plaintiffs' particular hardships, such as their physical and mental disabilities. The County instead insists that it did not implicitly try an as-applied ex post facto claim, and that it would have been prejudiced by the trial court considering such a claim. Both arguments are unpersuasive.

The County's assertion that it did not impliedly consent to litigating an as-applied theory betrays a fundamental misunderstanding of the difference between a facial versus an as-applied ex post facto theory. As-applied claims rest on the same substantive considerations as facial claims about whether a law is punitive. However, rather than pursue relief for everyone affected by the law, they seek relief limited to plaintiffs' particular circumstances. The County never acknowledges this distinction, or the binding case law on which the distinction rests.

Further, the parties thoroughly examined Plaintiffs' particular circumstances at trial, as they were also critical to Plaintiffs' facial theory of relief and to the County's defense. That the parties implicitly litigated an as-applied ex post facto

theory is thus inherent both to the nature of Plaintiffs' ex post facto claim and to the parties' approaches to this case.

The County also cannot demonstrate prejudice. Each of its assertions about how it would have litigated this case entirely differently under an as-applied theory is either legally incorrect, duplicative of evidence the County already sought in discovery and introduced at trial, or both. But it is unsurprising that, having failed to articulate how as-applied and facial theories differ substantively, the County also cannot identify any practical difference in how it would have approached the case.

ARGUMENT

I. The district court committed reversible error when it denied Plaintiffs' motion to conform the pleadings to the evidence.

The Parties litigated and tried an ex post facto claim. Plaintiffs' Motion to Conform the Pleadings to the Evidence, filed before the close of its case, merely sought to narrow the scope of the remedy for that single claim.

This Court's decision in *Am. Fed'n of State, Cty. & Mun. Employees Council 79 v. Scott* ("*AFSCME*"), 717 F.3d 851 (11th Cir. 2013), which the County fails to address in its brief, is controlling and instructive. As the Court explained, courts must "look to the scope of the relief requested to determine whether a challenge is facial or as-applied in nature." *Id.* at 862 (citing *Doe v. Reed*, 561 U.S. 186 (2010)). In *AFSCME*, a labor union challenged suspicionless drug testing of state employees. *Id.* at 857. The Union's complaint brought a facial challenge, in that the complaint

sought broad relief that would extend well beyond the individual plaintiffs: quashing the governor's executive order on drug testing, and enjoining all relevant agencies. *Id.* at 862. The Union "expressly maintained" that its challenge was facial until the summary-judgment stage—when it limited the scope of the relief it sought. *Id.* At that point "[t]he State object[ed] that the district court could not have construed the Union's suit as an as-applied challenge at all because the Union's complaint requested only facial relief and the Union insisted during discovery that it was mounting a facial challenge." *Id.* at 863. This Court rejected this argument as "unconvincing." *Id.* The Court held that the Union was not required to amend its complaint because "[it] was not stating a new claim, only clarifying the scope of its desired remedy." *Id.*

Like the Union in *AFSCME*, Plaintiffs sought to narrow the scope of relief at a dispositive stage of the case. Like the Union, Plaintiffs had previously only sought facial relief and had expressly disavowed as-applied relief. Like the State in *AFSCME*, the County objected to Plaintiffs requesting a narrower scope of the relief. Yet, unlike the district court in this case, the *AFSCME* Court approved the narrowing of the remedy in this manner because "courts construe a plaintiff's challenge, if possible, to be as-applied." *Id.* at 864 (citing *Jacobs v. Fla. Bar*, 50 F.3d 901, 905 n. 17 (11th Cir. 1995). Here, Plaintiffs were similarly entitled to narrow the scope of

their relief, and it was error for the trial court to deny the request under the circumstances.

In fact, while Plaintiffs used a Motion under Rule 15(b) to request as-applied relief, consistent with the assessment of the trial court,[1] *AFSCME* suggests that it was not necessary to amend the pleading since Plaintiffs were not stating a new claim but were instead merely limiting the scope of requested relief. *Id.* at 863. A party does not need to amend its complaint to narrow the remedy sought. *See Forest Guardians v. U.S. Dept. of Interior*, No. CIV-02-1003, 2004 WL 3426434 (D.N.M. Feb. 28, 2004) ("[I]t puts form over substance to say that a plaintiff must amend its complaint to limit the scope of relief it seeks in a proceeding.")

The County argues that it did not implicitly try an as-applied challenge. However, inherent in every ex post facto claim is an examination of the statute's punitive effects on the individual plaintiffs. Plaintiffs must show that "the statutory scheme is 'so punitive either in purpose or effect as to negate [the government's intention' to deem it 'civil.'" *Smith v. Doe*, 538 U.S. 84, 92 (2003) (citations and

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[1] The trial judge said: "Since this is a facial and not an as-applied challenge, we heard a lot from the Does about their individual circumstances. Some of them are pretty compelling. Maybe they would survive the as-applied challenge because it's so onerous for them to be able to comply with the statute and go about any kind of reasonable existence. **But we don't have an as-applied case here. So think about that. I'm kind of addressing the plaintiffs' counsel in this case.**" Trial Tr., Day 4 ("T4") (ECF 196) at 198-99 (emphasis added).

quotations omitted). This fact is true whether plaintiffs are seeking broad facial relief for all individuals affected by the law or whether they are seeking a narrow, as-applied remedy that would only provide relief to the individual plaintiffs. How the challenged law affects the individual plaintiffs is therefore always an issue the parties must confront and that the court must examine. As more fully described in the next section, the parties conducted significant discovery and presented extensive testimony about the individual effects of the residence restriction.

The County cites to several cases where courts found that the party did not implicitly consent to an issue. However, in each of those cases, the party invoking Rule 15(b) sought to add new claims or expand liability; they were not seeking to *narrow* the remedy, like Plaintiffs here:

- In *Wesco Mfg. Inc. v. Tropical Attractions of Palm Beach, Inc.*, 833 F.2d 1484, 1486-1487 (11th Cir. 1987), the trial court had found an individual defendant personally liable on a breach-of-contract claim even though that defendant was not named as a defendant for that claim.
- In *Jimenez v. Tuna Vessel Granada*, 652 F.2d 415, 421 & n.9 (5th Cir. 1981), the trial court had entered findings and liability for unseaworthiness on independent and unpled grounds.

- In *Int'l Harvester Credit Corp. v. E. Coast Truck*, 547 F.2d 888, 891 (5th Cir. 1977), the trial court had granted rescission of a contract even though that had not been requested in the complaint.
- In *Diaz v. Jaguar Rest. Grp., LLC*, 627 F.3d 1212, 1213, 1215 (11th Cir. 2010), the trial court had permitted the defendant, at the close of its case at trial, to amend its answer to include an additional, unpled defense.
- In *Cioffe v. Morris*, 676 F.2d 539, 542 (11th Cir. 1982), the plaintiffs had sought recovery on an "independent source of liability" (an "account stated" theory of liability rather than contract liability)—a "separate issue."
- In *Dawley v. NF Energy Saving Corp. of Am.*, 374 F. App'x 921, 924 (11th Cir. 2010), the trial court had permitted an additional, distinct, and even conflicting remedy not earlier sought. The plaintiff had sought specific performance of contract, and while the trial court found that "[t]his remedy conflicts with the equitable reformation of a contract," the trial court on its own motion denied specific performance and granted equitable reformation (the independent, unpled relief). *Id.*

In each of these cases cited by the County, plaintiffs sought to add new legal theories or expand their requested relief.[2] Here, however, Plaintiffs, under the same

[2] The out-of-circuit cases cited by the County are distinguishable in the same way—the courts disallowed new (or expanded) claims, not requests for narrower relief. *See*:

- *Rodriguez v. Doral Mortg. Corp.*, 57 F.3d 1168, 1169-73 (1st Cir. 1995) (disallowing judgment on a "Law 17 claim"—a separate statute concerning sexual harassment—when a different cause of action (a "Law 100 claim") had been pled);
- *Grand Light & Supply Co., Inc. v. Honeywell, Inc.*, 771 F.2d 672, 680-81 (2d Cir. 1985) (disallowing new unfair-trade-practices claim first raised in post-trial brief, and, incidentally, **remanding to the district court for a trial on that claim**);
- *Douglas v. Owens*, 50 F.3d 1226, 1235-36 (3d Cir. 1995) (disallowing new claim that an individual "approved the use of force" when the initial claim was that the individual "actually used force");
- *Pinkley, Inc. v. City of Frederick, MD.*, 191 F.3d 394, 401-02 (4th Cir. 1999) (disallowing new, state-law conversion claim, where the initial claims were alleged violations of the First, Fourth, and Fourteenth Amendments);
- *Kehoe Component Sales Inc. v. Best Lighting Prod., Inc.*, 796 F.3d 576, 595-96 (6th Cir. 2015) (disallowing damages for defective products purchased at any time from the seller, where the "formal pleadings only enumerate claims based on defective goods purchased during the Supply Agreement" (*i.e.*, during a specific time period);
- *Reynolds v. Tangherlini*, 737 F.3d 1093, 1105-06 (7th Cir. 2013) (disallowing new claim, a retaliation claim under the Rehabilitation Act that was mentioned following closing arguments, where the original claims were under the ADEA and Title VII);
- *Gallon v. Lloyd–Thomas Co.*, 264 F.2d 821, 825 (8th Cir. 1959) (disallowing fraud-in-the-inducement contract claim where the case was tried on a contract claim concerning duress);

legal theory, merely sought a narrower form of relief. None of the County's cited cases address this, and *AFSCME*—which the County ignores entirely—specifically permits it.

II. There is no prejudice to the County.

The County's protestations that the district court ruling on Plaintiffs' as-applied ex post facto theory of relief would have been prejudicial are either improper or implausible.

The County first asserts that defending against an as-applied challenge would have "radically influence[d] all types of decisions concerning litigation strategy and the efficient allocation of resources." Answer Br. at 34 (PDF p.42). The County points to the fact that its motions to dismiss and for summary judgment focused on the heightened standard of review for facial ex post facto challenges. *Id.* at 33-34 (PDF pp.41-42). But this contention overlooks the fact that the County *lost* both of these motions: this Court on appeal rejected the district court's wholesale dismissal

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- *In re Acequia, Inc.*, 34 F.3d 800, 814 (9th Cir. 1994) (disallowing restitution claims for Counts V through IX, where restitution was specifically sought for Counts X and XI but not for V through IX);
- *Koch v. Koch Industries, Inc*., 203 F.3d 1202, 1211, 1215-18 (10th Cir. 2000) (disallowing non-disclosure claim concerning evidence that just prior to entering into a stock-purchase agreement, Koch Industries had plans to increase refinery capacity to 200,000 barrels per day and failed to disclose it, where other, separate claims had included non-disclosure of purported 145,000 and 155,000 barrels-per-day expansions).

of the facial ex post facto challenge, and the district court on remand subsequently denied the County's Motion for Summary Judgment. The County also does not contest—and, indeed, appears to accept—that an as-applied ex post facto challenge seeks a more limited remedy than its facial counterpart, yet under essentially the same legal theory. *See id.* at 33 (PDF p.41) (not addressing Plaintiffs' assertion regarding the more limited remedy, but instead disputing Plaintiffs' assertion regarding prejudice). It follows that, by failing to prevail on its dispositive motions attacking Plaintiffs' broader, and more difficult to prove, facial theory, the County necessarily would have failed to prevail on a dispositive motion attacking a more limited as-applied theory.

The County next argues that its defense against an as-applied challenge would have focused more on Plaintiffs' "individual circumstances," *id.* at 34 (PDF p.42), by "expand[ing] the scope of its discovery requests," *id.*, and "devot[ing] more time during trial to the cross examination of the Plaintiffs," *id.* at 35 (PDF p.43). At the threshold, the County is raising these arguments for the first time on appeal. The County did not proffer them to the district court, despite having ample opportunity to do so. The County's Brief on appeal reveals that it only advised the district court in the vaguest terms that it "would have litigated the case, conducted discovery differently . . . if it had been an as-applied challenge." *Id.* at 41 (quoting ECF 190 at 8:17 – 9:3). Yet the County offered not a single example of *how* it would have

altered its approach to discovery and trial. In analogous contexts, this Court has recognized that "[s]uch glancing, unsupported references . . . are not sufficient to preserve arguments on appeal." *Ashley v. Jaipersaud*, 544 F. App'x 827, 829 (11th Cir. 2013) (citing *Zhou Hua Zhu v. U.S. Att'y Gen.*, 703 F.3d 1303, 1316 n.3 (11th Cir. 2013)); *see also Ledford v. Peeples*, 657 F.3d 1222, 1258 (11th Cir. 2011) ("[W]e do not consider arguments raised for the first time on appeal. A mere recitation of the underlying facts, furthermore, is insufficient to preserve an argument; the argument itself must have been made below.").

Even if the Court considers the County's new submissions, the County's suggestion that it would have focused more on Plaintiffs' individual circumstances is meritless. As Plaintiffs explained at trial, their position has always been that, regardless of whether the district court evaluated the ex post facto challenge under a facial or as-applied standard, the district court could "use the individual circumstances of the plaintiffs to provide context for why the law is punitive." T4 (ECF 196) at 199:12-17. The County therefore has always had a significant stake in scrutinizing Plaintiffs' individual circumstances to defend the Ordinance, as Plaintiffs' initial brief on appeal make clear. *See* Opening Br. at 31-36 (discussing the County's particularized discovery against Plaintiffs individually). The County's arguments at trial and on appeal that this "would have been a vastly different case," Answer Br. at 33 (PDF p.41), under an as-applied theory are simply incredible.

The County's specific assertions of prejudice bear this out. The County first contends that it would have requested that Plaintiffs undergo physical or mental examinations under Rule 35 of the Federal Rules of Civil Procedure. Answer Br. at 34 (PDF p.42). However, Rule 35 limits such examinations to situations where the movant demonstrates that an opposing party's mental or physical condition is "in controversy," Fed. R. Civ. P. 35(a)(1), and only upon a showing of good cause, Fed. R. Civ. P. 35(a)(2)(A). The Supreme Court has cautioned that a Rule 35 motion is not to be granted lightly, and "requires discriminating application by the trial judge, who must decide, as an initial matter in every case, whether the party requesting a mental or physical examination or examinations has adequately demonstrated the existence of the Rule's requirements of 'in controversy' and 'good cause.'" *Schlagenhauf v. Holder*, 379 U.S. 104, 118-19 (1964).

The County fails to offer a single basis for granting a Rule 35 request. To the contrary, the County *stipulated* to the mental and physical disabilities that Plaintiffs contend render the lifelong application of the Ordinance's residence restriction excessive as applied to them. Joint Pre-Trial Stipulation (ECF 149) at 8 (County stipulating to Doe #4's schizophrenia and depression); at 9 (County stipulating to Doe #5 Parkinson's disease and diabetes); at 12 (County stipulating to Doe #7 being confined to a wheelchair by physical disabilities). Given the County's admitted interest in obtaining impeachment evidence against Plaintiffs, Answer Br. at 34

(PDF p.42), along with Plaintiffs' heavy emphasis on these disabilities even under its facial theory,[3] the County cannot plausibly assert that it would have contested these conditions under an as-applied theory. Plaintiffs disabilities were thus not in controversy.

Moreover, a Rule 35(a) exam is impermissible unless the requesting party has exhausted other, less intrusive, discovery methods. *See Acosta v. Tenneco Oil Co.*, 913 F.2d 205, 209 (5th Cir. 1990). Because the County could have used (and did use) other discovery methods to obtain information on Plaintiffs' medical conditions,[4] there would have been no good cause to require a separate examination.

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[3] *See, e.g.*, T4 (ECF 196) at 96:5-13 (discussing Doe #5's Parkinson's disease), 100:7-10 (discussing #5's disability benefits), 125:20 – 126:1 (County attorney asking Doe #5 if he has "looked into whether someone who has a disability like yours could have free access to not only buses but to the train system?"); *id.* at 140:7-13 (discussing Doe #4's disability benefits); 143:21 – 146:3 (discussing Doe #4's disability benefits, his knee and back pain, the fact that he was "disabled … by my psychiatrist" (Doe #4's testimony was translated from Spanish), his breathing problems, the fact that his breathing problems are worse because he doesn't "have a place to use the machine," his medication, the fact that he hears voices, his doctors), 152:10-13 (discussing Doe #4's disability benefits); *id.* at 172:7 (discussing Doe #7's disability); Trial Declaration of Doe #7 (ECF 152-1) at 1-3 ¶¶ 4-9 (describing Doe #7's serious physical- and mental-health issues), 4-5 ¶¶ 18-19 (describing Doe #7's skin condition, which prevents him from using his wheelchair or leaving his tent, meaning "[o]ther residents have to bring me water and food. They also need to help me get rid of the plastic bottles and bags where I urinate and defecate.").

[4] *See, e.g.*, SEALED Ex. 5 to Def.'s Mot. for Summ. J. (Doe #4 Dep. at PDF p.11) ("Q Okay. Now Mr. Doe Number 4, **in the course of this case your attorneys have provided some of your medical records and I've read those medical records** and

The County next states that it "may" have sought an expert witness to opine on Plaintiffs' "individualized recidivism concerns." Answer Br. at ECF 34-35 (PDF pp.42-43). The County's equivocation is likely because such an assessment would have been entirely at odds with the opinions of the County's actual expert witness, Dr. Richard McCleary. One of Dr. McCleary's primary contentions was that recidivism cannot be credibly predicted by either clinical or actuarial methods. As Dr. McCleary explained in his expert report:

> The 'best' instruments [for predicting sexual offense recidivism], such as the Static-99R, are more accurate than clinical judgments but, still, have only a 'moderate' degree of accuracy. While this degree of accuracy may be adequate for clinical purposes, *it is inadequate for judicial and/or public safety decisions*.

I saw that you have been diagnosed as schizophrenic. Is that accurate? A Yes, I suffer from that and a lot of depression; I get depressed a lot. Q Okay. And from reading your medical records one of the other things that I saw is that because of your schizophrenia you occasionally have auditory hallucinations; voices in your head. A Yes.") (emphasis added); SEALED Ex. 7 to Def.'s Mot. for Summ. J. (Doe #5 Dep. at PDF p.7) (question from County Attorney: "[J]ust to let you know, as part of this case, umm, *both reports from the experts your attorneys have retained and* ***information that's been provided to me****, I am aware of some of the medical conditions that you've just listed*. I know that you suffer from tremors.") (emphasis added); *accord* SEALED Ex. 7 to Def.'s Mot. for Summ. J. (Doe #5 Dep. at PDF p.120) (interrogatory #16: "Give the name, addresses, and telephone numbers of (1) all probation and parole officers that you have had, (2) all individuals who have provided sex offender treatment to you, (3) all qualified practitioners that have created a safety plan or risk assessment relating to you, and (4) **all doctors, therapists, or other qualified practitioners that have examined your mental or physical health**, since the date of the qualifying offense") (emphasis added).

McCleary Expert Report ("McCleary Report") (ECF 123-11) at 13 (emphasis added). McCleary goes so far as to call "crude" the risk-assessment tools that he concedes are also the most accurate and well researched. Trial Tr., Day 5 ("T5") (ECF 197) at 146:7-17. The County could not have harmonized McCleary's testimony with its hypothetical new expert, whose conclusions McCleary necessarily would have deemed "too inaccurate for public safety decision-making." McCleary Report (ECF 123-11) at 13.

Additionally, the County proposes that it "could have"—not necessarily that it *would* have—"sought out" Plaintiffs' treatment providers. Answer Br. at 35 (PDF p.43). For what, the County does not say. The County does not explain what additional information it could have obtained, or why this unidentified additional evidence would be uniquely critical to an as-applied defense. The County's assertion is likely inexplicable, given its admitted interest in gathering impeachment evidence against Plaintiffs and the fact that Plaintiffs' case always relied heavily on their individual circumstances. Indeed, the County cross examined Doe #6 about the therapy he received while on probation to establish that Doe #6 was taught to avoid walking past schools to help control his urges, thus demonstrating the County's interest in using Plaintiffs' treatment histories against them. T5 (ECF 197) at 71:21 – 73:6.

More practically, the County overlooks the fact that a search for additional treatment would have proven largely futile. Doe #4 was never required to participate in sex-offender therapy or treatment, Stipulation (ECF 149) at 9, and Doe #5 also did not have to attend sex-offender treatment as part of his original sentence, Trial Tr., Day 2 ("T2") (ECF 194) at 14. In addition, Doe #7 began treatment but later withdrew because he could not afford the fees of the private entity providing the required program. T4 (ECF 196) at 178:2-7. He nonetheless testified that, during his shortened period in treatment, he admitted and took full responsibility for his crimes. T4 (ECF 196) at 178:8-15. The County's claim that it would have introduced unspecified, additional evidence from Doe #7 and Doe #6's treatment providers does not establish prejudice.

The County's final submission, which it contends is most obvious, is also least persuasive. The County argues that it "would have devoted more time" to cross examining Plaintiffs under an as-applied theory. Answer Br. at 35 (PDF p.43). This argument neglects the fact that Plaintiffs moved to alter their theory of relief before the close of evidence, indeed, before the close of their case in chief. Thus, had the trial court properly granted Plaintiffs' motion, the County would not have been prejudiced because it could have simply called Plaintiffs back to the stand to pursue further impeachment.

Regardless, the County's only illustrations of its need for additional impeachment are two exchanges with a single Plaintiff, Doe #4. The first exchange was over a probation violation for testing positive for cocaine in the early 1990's. Though the County doubts Doe #4's explanation for the positive drug test, it is undisputed that Doe #4 was released early from a 4.5-year sentence on good behavior, and that the incident occurred nearly 30 years ago. The County does not indicate what other impeaching evidence it could have introduced, or to what end.

The second exchange concerned Doe 4#'s contention that he avoids women and children for fear of again being falsely accused of a crime. *Id.* Some context reveals the frivolity of this argument. In 1993, Doe #4 pleaded no contest to the underlying sexual offense—meaning he did not admit guilt, and no admission of guilt was required—and received a sentence of probation, rather than imprisonment. T4 (ECF 196) at 148:20 – 149:19. Considering that Doe #4 has maintained his innocence since 1993, the County had little to gain by "devoting more time" to impeachment 25 years later in 2018. Moreover, it is equally unclear why the district court would have allowed the County to prolong its questioning if, as the County believes, the "incredulous nature" of Doe #4's testimony was readily apparent. *See* Answer Br. at 35 (PDF p.43).

Thus, rather than establishing prejudice, the County's submissions demonstrate that there is no credible theory for how the County's defense would have differed under an as-applied ex post facto theory.

CONCLUSION

For the reasons above, the district court's order dismissing the case should be vacated, the motion to conform the evidence with the pleadings should be granted, and the district court should be directed to enter an order on Plaintiffs-Appellants' as-applied challenge.

Date: July 30, 2019

Respectfully Submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C), Plaintiffs-Appellants state that this brief complies with the type-volume limitations set forth in Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 3,216 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

This brief also complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface in 14-point Times New Roman.

CERTIFICATE OF SERVICE

Today, I electronically filed this document with the Clerk of Court using CM/ECF, which will serve opposing counsel Michael B. Valdes (mbv@miamidade.gov) and Bernard Pastor (pastor@miamidade.gov) via electronic transmission of Notices of Docket Activity generated by CM/ECF.

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