UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

EQUALITY FLORIDA; FAMILY EQUALITY; M.A., by and through his parent AMBER ARMSTRONG; S.S., by and through her parents, IVONNE SCHULMAN and CARL SCHULMAN; ZANDER MORICZ; LINDSAY MCCLELLAND, in her personal capacity and as next friend and parent of JANE DOE; RABBI AMY MORRISON and CECILE HOURY; DAN and BRENT VANTICE; LOURDES CASARES and KIMBERLY FEINBERG; LINDSEY BINGHAM SHOOK; ANH VOLMER; SCOTT BERG and MYNDEE WASHINGTON,

Plaintiffs,

v.

RONALD D. DESANTIS, in his official capacity as Governor of Florida; FLORIDA STATE BOARD OF EDUCATION; THOMAS R. GRADY, BEN GIBSON, MONESIA BROWN, ESTHER BYRD, GRAZIE P. CHRISTIE, RYAN PETTY, and JOE YORK, in their official capacities as member of the Board of Education; JACOB OLIVIA, in his official capacity as Commissioner of Education of Florida; FLORIDA DEPARTMENT OF EDUCATION; BROWARD SCHOOL BOARD; SCHOOL BOARD OF MANATEE COUNTY; SCHOOL BOARD OF SARASOTA COUNTY; SCHOOL BOARD OF MIAMI-DADE COUNTY; ORANGE COUNTY SCHOOL BOARD; ST. JOHNS COUNTY SCHOOL BOARD; and PASCO COUNTY SCHOOL BOARD.

Defendants.

Civil Action No.: 4:22-cv-00134 (AW) (MJF)

DEFENDANT ORANGE COUNTY SCHOOL BOARD'S MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT

DEFENDANT, ORANGE COUNTY SCHOOL BOARD ("OCSB"), by and through undersigned counsel and pursuant to this Court's Order Regarding Scheduling [Docket No. 44],

responds to and opposes Plaintiffs' First Amended Complaint. [Docket No. 47]

1. On March 31, 2022, Plaintiffs filed a Complaint [Docket No. 1] against the Defendants, not including OCSB, challenging the constitutionality of House Bill 1557, the bill titled Parental Rights in Education by the Florida Legislature. On May 25, 2022, Plaintiffs filed the First Amended Complaint [Docket No. 45]. This Complaint added parent, Ahn Volmer ("Plaintiff Volmer"), from Orange County as a Plaintiff and the Orange County School Board as a Defendant.

2. Plaintiff Volmer and her minor children reside in Orange County, Florida.

3. The sum of the allegations raised by Plaintiff Volmer against OCSB are as delineated in paragraphs 75-77 of the First Amended Complaint:

> "75. Anh Volmer. Plaintiff Anh Volmer is a heterosexual woman who lives with her husband, her daughter, a kindergartener, and her son, a second grader. Her children attend public elementary school in the Orlando area. Her family attends events run by her local church, and she is active in her community.
>
> 76. Like Shook's children, Volmer's children have expressed no specific sexual orientation or gender identity. Volmer wants her children to learn that all families should be welcomed and included in their community.
>
> 77. Volmer's children recently attended a wedding of two women, and she is worried that once H.B. 1557 takes effect, her children will not be able to talk about experiences like attending that wedding or share information about their family's LGBTQ friends with their peers."

4. The allegations listing OCSB as a party to this case are critical: "Defendant Orange County School Board is a district school board organized and governed pursuant to Fla. Stat. § 1001.34, *et seq*. The Orange County School Board operates the school attended by the children of Plaintiff Volmer. **Its powers and duties include implementing H.B. 1557**. *See id*. § 1001.42(8)." (Emphasis added)

5. OCSB opposes the Motion on three grounds.

6. First, OCSB has home venue privilege under Florida law, which grants governmental defendants the right to be sued in the jurisdiction where the governmental defendant maintains its principal headquarters. This is an absolute right, which OCSB does not waive and to which no applicable exception applies. Under this privilege, it is the Middle District of Florida, Orlando Division, not the Northern District, where venue properly lies. The Northern District has no jurisdiction over Plaintiff Volmer's claims against OCSB.

7. Second, the relief Plaintiffs seek is against Defendants Governor DeSantis, the State Board of Education, the Commissioner of Education and the Florida Department of Education. The operative arguments to invalidate the law are solely against the state actors.

8. Third, the case is not ripe for adjudication and seeks an advisory opinion from this Court.

9. Finally, to the extent the case is not dismissed on bases 1-3, transfer of the case is required pursuant to *forum non conveniens* grounds. In the interest of justice and for the convenience of parties and witnesses, Plaintiff Volmer's case against OCSB should be transferred to the Middle District, Orlando Division. Each of these bases will be addressed in turn.

MEMORANDUM OF LAW

I. OCSB is entitled to Home Venue Privilege.

Under Florida common law, venue in civil actions brought against the state or one of its agencies or subdivisions, absent waiver or exception, properly lies in the county where the state, agency, or subdivision maintains its principal headquarters. Bush v. State of Florida, 945 So.2d 1207, 1212 (Fla. 2006). The home venue privilege is an "absolute right." Id.; see also Osceola County v. State Board of Education, 903 So.2d 963 (Fla. 5th DCA 2005).

OCSB is a subdivision of the State of Florida that maintains its principal headquarters in Orange County, Florida. OCSB has not and does not waive its home venue privilege, nor have Plaintiffs established that the claims against OCSB fall within one of the exceptions to the home venue privilege. Further, the home venue privilege can be asserted and must be honored in a matter pending in a federal district court. *See, e.g., MSPA Claims 1, LLC v. Halifax Health, Inc*., 2017 WL 7803813 *4 (S.D. Fla. October 13, 2017)(federal question cause of action against special taxing district with its principal place of business in Volusia County, Florida, was transferred from the Southern to the Middle District, since Volusia County lies in the Middle District of Florida).

There are four recognized exceptions to the home venue privilege: (1) where the legislature has waived the privilege by statute; (2) the sword-wielder exception; (3) where the governmental defendant is a joint tortfeasor; and (4) where a party petitions the court for an order to gain access to public records. Pinellas County v. Baldwin, 80 So.3d 366 (Fla. 2nd DCA 2012). Plaintiffs have not established that any of the four exceptions to the privilege apply. There has been no waiver of the privilege by statute, OCSB is not sued as a joint tortfeasor, and Plaintiffs have not petitioned the court for an order to gain access to public records.

The sword-wielder exception does not apply because the acts complained of by Plaintiff Volmer have not occurred as of this time, and if such conduct were to occur in the future, would not occur in any counties encompassed by the Northern District. The sword-wielder doctrine applies where the official action complained of has in fact been or is being performed in the county where the suit is filed or when the threat of such action in said county is both real and imminent. Sink v. East Coast Public Adjusters, Inc., 40 So.3d 910, 915 (Fla. 3d DCA 2010), (quoting Carlile v. Game & Fresh Water Fish Comm'n, 354 So.2d 362, 365 (Fla. 1977)). Here, Plaintiff is complaining about a law passed, but not yet effective, passed in the Northern District that OCSB

has been mandated to follow, to Plaintiff's alleged detriment, in the Middle District. The operative facts in this case as it pertains to Plaintiff Volmer and OCSB cannot, and will not, occur in the Northern District.

In addition to the home venue privilege being recognized in federal suits, Courts have also held that "[a] central purpose of the federal venue statute is to ensure that a defendant is not 'hailed into a remote district having no real relationship to the dispute.'" Hemispherx Biopharma, Inc. v. MidSouth Capital Inc., 669 F.Supp.2d 1353, 1357 (S.D. Fla. 2009)(internal citations omitted). Congress's intent in enacting the federal venue statute – 28 U.S.C. §1391 – was to protect defendants; this requires courts to focus on the relevant activities *of the defendant* when determining proper venue. Hemispherx, 669 F.Supp.2d at 1356. Here, OCPS has taken no action nor has it failed to act in any geographic location encompassed by the Northern District of Florida.

II. The First Amended Complaint effectively seeks relief against Defendant Governor DeSantis, the State Board of Education, the Commissioner of Education and the Florida Department of Education, not OCSB.

In the Prayer for Relief paragraphs of the First Amended Complaint, Plaintiffs' requested relief may adequately be entered solely against Defendants Governor DeSantis, the State Board of Education, the Commissioner of Education and the Florida Department of Education. Plaintiffs seek the following:

- A declaratory judgment that H.B. 1557 deprives the Plaintiffs of their rights under the United States Constitution, including the First and Fourteenth Amendments thereto, and applicable federal statutory law, including 42 U.S.C. §1983. (First Amended Complaint ¶313)

- Permanent injunctive relief enjoining the enforcement of H.B. 1557 as being in violation of the Plaintiffs' rights under the United States Constitution and applicable federal law. (First Amended Complaint, ¶314)

- Damages and attorney's fees (First Amended Complaint, ¶¶ 315-316)

Plaintiffs tacitly acknowledge OCSB has a duty to implement House Bill 1557. The duty is imposed by law on OCSB. See §1001.42(15), Fla. Stat.: "The district school board, acting as a board, shall exercise all powers and perform all duties listed below: Require that all laws and rules of the State Board of Education or of the district school board are properly enforced." See also, §1001.51(14), Fla. Stat., requiring that the District School Superintendent follow all laws:

> "The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law… Require that all laws and rules of the State Board of Education, as well as supplementary rules of the district school board, are properly observed and report to the district school board any violation that the district school superintendent does not succeed in having corrected."

To the extent the School Board does not implement the law passed by the Legislature and signed by the Governor, the Governor has authority under Article IV, §7(a) of the Florida Constitution to suspend school board members. See In re Advisory Opinion to Governor-Sch. Bd. Member-Suspension Auth., 626 So. 2d 684, 687 (Fla. 1993): "For the reasons expressed in this opinion, we conclude that an elected school board member may be suspended by the governor only under the authority granted in article IV, §7." Bases for suspension listed under Article IV, §7(a) include " malfeasance" and "misfeasance." "Malfeasance" under Florida law includes performing illegal acts, which in this case would be the School Board and Superintendent's refusal to implement House Bill 1557: "Malfeasance has reference to evil conduct **or an illegal deed**, the doing of that which one ought not to do, the performance of an act by an officer in his official capacity **that is wholly illegal** and wrongful, which he has no right to perform or which he has contracted not to do." State ex rel. Hardie v. Coleman, 155 So. 129, 132 (Fla. 1934). (Emphasis added)

OCSB was sanctioned previously for failing to follow emergency rules of the State Department of Health. In the fall of 2021, the Florida Department of Health issued Emergency

Rule 64DER21-15 requiring school districts to allow parents to opt their children out of wearing masks. OCSB adopted a policy that all students be masked and that a student could only opt out of wearing a mask based upon a medical note from the doctor. Pursuant to the authority of §1008.32, Fla. Stat.[1], the State Board of Education issued its Order of State Board of Education Under its Oversight and Enforcement Authority. (The Order of State Board of Education Under its Oversight and Enforcement Authority is attached as Exhibit "A") The Order found in paragraph 1 that the School Board's mask policy "does not comply with Florida Department of Health Emergency Rule 64DER21-15, Protocols for Controlling COVID-19 in School Settings." The Order in paragraph 5 directed the Florida Department of Education:

> "to begin withholding state funds, on a monthly basis, an amount equal to 1/12 of the total annual compensation of the school board, as an initial step. Monthly withholding must continue until the School Board of Orange County demonstrates compliance, the State Board of Education withdraws this order, or when the rule expires or is withdrawn."

House Bill 1557 was adopted by the Florida Legislature and signed by the Governor; it is being enforced by the State Board of Education through penalties to local school boards such as OCSB, pursuant to §1008.32(4), Fla. Stat. if the local school boards fail to implement the law.

[1] With respect to the State Board of Education's enforcement authority over school districts, §1008.32(4), Fla. Stat. states as follows:

> "If the State Board of Education determines that an early learning coalition, a district school board, or a Florida College System institution board of trustees is unwilling or unable to comply with law or state board rule within the specified time, the state board shall have the authority to initiate any of the following actions:
>
> (a) Report to the Legislature that the early learning coalition, school district, or Florida College System institution is unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.
> (b) Withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified as eligible for this purpose by the Legislature until the early learning coalition, school district, or Florida College System institution complies with the law or state board rule.
> (c) Declare the early learning coalition, school district, or Florida College System institution ineligible for competitive grants.
> (d) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied."

Adjudication of injunctive relief in this matter is by and between Plaintiffs and the state actors, not OCSB – if this Court were to invalidate the law passed by the state actors as unconstitutional, then OCSB would not follow the law deemed by this Court to be unconstitutional. Unless and until this Court deems House Bill 1557 unconstitutional, OCSB must implement the law as passed by the Legislature: "The doctrine, which we recently addressed and which is grounded in the separation of powers, 'recognizes that public officials are obligated to obey the legislature's duly enacted statute until the judiciary passes on its constitutionality.'" Sch. Bd. of Collier Cnty. v. Florida Dep't of Educ., 279 So. 3d 281, 288 (Fla. 1st DCA 2019).

III. Plaintiff Volmer's allegations are not ripe for adjudication and this Court may not issue an advisory opinion on her claims.

The claims of Plaintiff Volmer against OCSB are not ripe for adjudication. Her claims in the First Amended Complaint are as follows: "Volmer's children recently attended a wedding of two women, and she is worried that once H.B. 1557 takes effect, her children will not be able to talk about experiences like attending that wedding or share information about their family's LGBTQ friends with their peers." (First Amended Complaint, ¶77) It is Plaintiff Volmer who has the burden of establishing the case is ripe for review: "Because standing and ripeness are jurisdictional inquiries, Plaintiffs, as the party invoking federal jurisdiction, bear the burden of establishing that that they have standing to sue and that this case is ripe for review." Rubenstein v. Florida Bar, 69 F. Supp. 3d 1331, 1338 (S.D. Fla. 2014).

Plaintiff Volmer's fear about the impact of the law at some point in the future does not lead to a case or controversy under Article III. "Ripeness doctrine "originate[s] from the Constitution's Article III requirement that the jurisdiction of the federal courts be limited to actual cases and controversies." Harris v. Mexican Specialty Foods, Inc., 564 F.3d 1301, 1308 (11th Cir. 2009).

The ripeness doctrine permits dismissal in order for the courts to prevent wasting their resources on speculative claims:

> "For a court to have jurisdiction, the claim must be 'sufficiently mature, and the issues sufficiently defined and concrete, to permit effective decisionmaking by the court.' *Cheffer v. Reno,* 55 F.3d 1517, 1524 (11th Cir.1995). 'The ripeness doctrine protects federal courts from engaging in speculation or wasting their resources through the review of potential or abstract disputes.' *Digital Props., Inc. v. City of Plantation,* 121 F.3d 586, 589 (11th Cir. 1997). **'A claim is not ripe for adjudication if it rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all**.' Id. (Emphasis added)

Ripeness review typically relies upon two prongs: fitness of the issues for judicial decision and hardship to the parties of withholding judicial review. Mulhall v. UNITE HERE Local 355, 618 F.3d 1279, 1291 (11th Cir. 2010).

> "To determine whether a claim is ripe, we assess both the fitness of the issues for judicial decision and the hardship to the parties of withholding judicial review." *Id.* at 1258 (emphasis omitted). "The fitness prong is typically concerned with questions of 'finality, definiteness, and the extent to which resolution of the challenge depends upon facts that may not yet be sufficiently developed.'" *Id.* (citation and quotation marks omitted). "The hardship prong asks about the costs to the complaining party of delaying review until conditions for deciding the controversy are ideal." *Id.* **Unite's argument, which goes to the 'fitness' prong of the ripeness inquiry, has some appeal, for it is generally true that the existence of contingencies raises fitness concerns that 'militat[e] in favor of postpon [ing]' review**. *Id.* at 1263 (quoting *AT&T Corp. v. FCC,* 349 F.3d 692, 700 (D.C.Cir.2003)). … Yet, to determine whether a future contingency creates fitness (and ultimately ripeness) concerns, a court must assess the *likelihood* that a contingent event will deprive the plaintiff of an injury. *See Pittman,* 267 F.3d at 1278. In other words, it is not merely the existence, but the "*degree* of contingency [that] is an important barometer of ripeness.' *Riva v. Massachusetts,* 61 F.3d 1003, 1011 (1st Cir.1995) (emphasis added). *See also United Steelworkers of Am., Local 2116 v. Cyclops Corp.,* 860 F.2d 189, 194 (6th Cir.1988) ('In undertaking a ripeness analysis, we .... pay particular attention to the likelihood that the harm alleged by plaintiffs will ever come to pass.')." Id. at 1291–92 (11th Cir. 2010) (Emphasis added)

Plaintiff Volmer's complaints rest upon the possible future events of (1) her children speaking of a same-sex wedding in school and (2) an employee of the Defendant prohibiting them from doing so. These are the exact type of contingent future events which may not occur at all

that prohibits a claim from being ripe under 11th Circuit law. Plaintiff Volmer's generalized fears about what her children may be allow to speak of are insufficiently fit under prong 1 of ripeness analysis to survive dismissal of her complaint.

Plaintiff Volmer will not suffer hardship if her claim is dismissed. Plaintiff Volmer's claims are not even the types of claims which may be raised under House Bill 1557. The bill prohibits conduct by school district administrators and classroom teachers, not students and their parents. As examples of what the law prohibits:

- §1001.42(8)(c)(2), Fla. Stat: "**A school district may not adopt procedures or student support forms** that prohibit school district personnel from notifying a parent about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information."

- §1001.42(8)(c)(3), Fla. Stat.: "**Classroom instruction by school personnel** or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in a manner that is not appropriate or developmentally appropriate for students in accordance with state standards."

If a challenged law does not compel action by a plaintiff raising a claim, they cannot establish the hardship prong of the ripeness test:

> First, the Court noted that hardship might be present where a policy results in 'adverse effects of a strictly legal kind.' *Id.* at 733, 118 S.Ct. at 1670. **The Court explained that such effects are not present if the challenged policies 'do not command anyone to do anything or to refrain from doing anything**; they do not grant, withhold, or modify any formal legal license, power, or authority; they do not subject anyone to any civil or criminal liability; they create no legal rights or obligations.'" Pittman v. Cole, 267 F.3d 1269, 1280–81 (11th Cir. 2001). (Emphasis added)

Plaintiff Volmer's worries about her children's potential statements in the future do not establish hardship. House Bill 1557 does not prohibit Plaintiff Volmer and her children from doing anything. Nothing in the law subjects Plaintiff Volmer or her children to any civil or criminal liability. As such, Plaintiff Volmer will not suffer hardship if her claims are dismissed.

Since Plaintiff Volmer's claims are not ripe for adjudication, she is essentially seeking an advisory opinion from this Court. Article III courts do not issue advisory opinions on claims which are not ripe.

> "And it is quite clear that 'the oldest and most consistent thread in the federal law of justiciability is that the federal courts will not give advisory opinions.' C. Wright, Federal Courts 34 (1963). Thus, the implicit policies embodied in Article III, and not history alone, impose the rule against advisory opinions on federal courts. When the federal judicial power is invoked to pass upon the validity of actions by the Legislative and Executive Branches of the Government, the rule against advisory opinions implements the separation of powers prescribed by the Constitution and confines federal courts to the role assigned them by Article III." Flast v. Cohen, 392 U.S. 83, 96 (1968)

See also, TransUnion LLC v. Ramirez, 141 S. Ct. 2190, 2203 (2021) holding "Federal courts do not possess a roving commission to publicly opine on every legal question. Federal courts do not exercise general legal oversight of the Legislative and Executive Branches, or of private entities. And federal courts do not issue advisory opinions."

Based upon the foregoing, Plaintiff Volmer's claims are not ripe. As such, this Court cannot issue an advisory opinion on her speculative claims which have yet to happen. As such, Plaintiffs' First Amended Complaint must be dismissed as to OCSB.

IV. Alternatively, OCSB is entitled to a transfer to the Middle District pursuant to 28 U.S.C. §1404(a).

For the foregoing reasons, OCSB should be dismissed. If OCSB is not dismissed, then it is alternatively entitled to a transfer of Plaintiff Volmer's case to the Middle District. OCSB has the absolute right of home venue privilege, so the Northern District has no jurisdiction over OCSB with respect to the pending First Amended Complaint. Additionally, 28 U.S.C. §1404(a) states that "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought…" Hight v. United States Dep't of Homeland Sec., 391 F.Supp.3d 1178, 1182 (S.D. Fla. 2019).

When deciding to transfer, "[f]irst, courts look to whether the case could have been brought in the alternative venue." Hight, 391 F.Supp.3d at 1183 (internal citation omitted). Under the first prong, the court must determine whether an action "might have been brought" in any court that has subject matter jurisdiction, where venue is proper, and where the defendant is amenable to process issuing out of the transferee court. Carucel Investments, L.P. v. Novatel Wireless, Inc., 157 F. Supp.3d 1219, 1223 (S.D. Fla. 2016) (citing Windmere Corp. v. Remington Prods., Inc., 617 F. Supp. 8, 10 (S.D. Fla. 1985)).

Here, the Middle District would have subject matter jurisdiction over federal question claims Plaintiff Volmer and her children, who are residents of Orange County, Florida, assert against OCSB, a governmental entity with its principal place of business in Orange County, Florida. Venue in the Middle District is proper. And lastly, OCSB, is amenable to this transfer of forum.

Second, courts evaluate whether "convenience and the interest of justice require transfer." Rothschild v. Storage Retrieval Innovations, LLC v. Sony Mobile Commc'ns (USA) Inc., 2015 WL 224952, at *2 (S.D. Fla. Jan. 15, 2015)(internal quotation marks and citation omitted). Under this prong, courts weigh the following factors: (1) the convenience of the witnesses; (2) the location of relevant documents and the relative ease of access to sources of proof; (3) the convenience of the parties; (4) the locus of operative facts; (5) the availability of process to compel the attendance of unwilling witnesses; (6) the relative means of the parties; (7) a forum's familiarity with the governing law; (8) the weight accorded a plaintiff's choice of forum; and (9) trial efficiency and the interests of justice, based on the totality of the circumstances." Hight, 391 F. Supp.3d at 1183.

Here, Plaintiff Volmer and all OCSB witnesses reside in Orange County, Florida. It would be burdensome for OCSB to mount a defense in the Northern District, which is four-five hours

away. All relevant documents concerning Plaintiff Volmer and children are housed at OCSB. With respect to prong (3), the balance of convenience of the parties strongly favors OCSB, as demonstrated in the home venue privilege analysis, *supra*. The home venue privilege establishes, in the law, a governmental entity's right to convenience of forum.

With respect to factors (4) and (8), "where the operative facts underlying the cause of action did not occur within the forum chosen by the Plaintiff, the choice of forum is entitled to less consideration." Hight, at 1185. In determining whether to transfer venue, the locus of operative facts is considered a "primary" factor by courts. *Id*. Here, Plaintiff Volmer's choice of forum should not be accorded deference because neither Plaintiff Volmer nor OCSB have any nexus to the Northern District of Florida. The operative facts underlying Plaintiff Volmer's causes of action against OCSB did not occur, and will never occur, in the Northern District. While the law was passed in the Northern District (Tallahassee) the Middle District (Orlando) is where OCSB may, at some point in the future, allegedly detrimentally impact Plaintiff Volmer's federal rights.

The balance of the remaining factors weigh in OCSB's favor also. Its core, Plaintiff Volmer is entitled to less deference in her choice of forum because the operative facts underlying Plaintiff Volmer's cause of action did not occur within the Northern District.

CONCLUSION

As a threshold legal matter, OCSB should be dismissed for lack of personal jurisdiction based on the home venue privilege. The action against OCSB should be transferred to the appropriate court under 28 U.S.C. §1404(a). Without waiving its position regarding jurisdiction and venue, OCSB reserves all other legal arguments and defenses for a later date, including but not limited to (1) failure to exhaust administrative and legal remedies, (2) failure to mitigate damages, and (3) any and all other arguments available to OCSB.

WHEREFORE, OCSB respectfully requests that this Honorable Court order the following relief:

(a) transfer any claims against OCSB to the Middle District, Orlando Division;

(b) dismiss the claims against OCSB for lack of personal jurisdiction;

(c) dismiss the claim as not ripe; and

(d) any other relief this Court deems appropriate.

DATED: June 27, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have filed the foregoing with the Clerk of Court via CM/ECF this 27th day of June 2022. I further certify that any party that enters an appearance in this matter will receive a copy of this document via CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive Notice of Electronic Filing.

JOHN C. PALMERINI, B.C.S.