

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 4:11-cv-10006-KMM

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN, CHARLES
MAJOR, JR., and PATRICIA M. LENNY,

Plaintiffs,

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of State,

Defendants.



**DOCKET
SHEET**

**U.S. District Court
Southern District of Florida (Key West)
CIVIL DOCKET FOR CASE #: 4:11-cv-10006-KMM**

The League of Women Voters of Florida, et al v. Rick Scott, et al
Assigned to: Judge K. Michael Moore
Referred to: Magistrate Judge Andrea M. Simonton
Cause: 28:2201 Injunction

Date Filed: 02/03/2011
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

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V.

Defendant**Rick Scott***in his official capacity as Governor of the
State of Florida***Defendant****Kurt Browning***in his official capacity as Florida
Secretary of State*

Date Filed	#	Docket Text
02/03/2011	<u>1</u>	COMPLAINT <i>For Declaratory and Injunctive Relief</i> against Kurt Browning, in his official capacity as Florida Secretary of State, Rick Scott, in his official capacity as Governor of the State of Florida. Filing fee \$ 350.00 receipt number 113C-3491112, filed by Michael E. Berman, Democracia Ahora,, Charles Major Jr., The Florida State Conference of NAACP Branches,, Patricia M. Lenny, Sarah Fowler,, The League of Women Voters of Florida,, Rosanne Potter,. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summon(s), # <u>3</u> Summon(s), # <u>4</u> Summon(s))(Moscowitz, Jane) (Entered: 02/03/2011)
02/03/2011	<u>2</u>	Judge Assignment RE: Electronic Complaint to Judge K. Michael Moore and Magistrate Judge Andrea M. Simonton (ots) (Entered: 02/03/2011)
02/03/2011	<u>3</u>	Summons Issued as to Kurt Browning. (ots) (Entered: 02/03/2011)
02/03/2011	<u>4</u>	Summons Issued as to Rick Scott. (Attachments: # <u>1</u> Summon(s))(ots) (Entered: 02/03/2011)
02/07/2011	<u>5</u>	PAPERLESS PRETRIAL ORDER. THIS ORDER has been entered upon the filing of the complaint. Plaintiff's counsel is hereby ORDERED to forward to all defendants, upon receipt of a responsive pleading, a copy of this order. It is further ORDERED that S.D. Fla. L.R. 16.1 shall apply to this case and the parties shall hold a scheduling conference no later than twenty (20) days after the filing of the first responsive pleading by the last responding defendant, or within sixty (60) days after the filing of the complaint, whichever occurs first. However, if all defendants have not been served by the expiration of this deadline, Plaintiff shall move for an enlargement of time to hold the scheduling conference, not to exceed 120 days from the filing of the Complaint. Within ten (10) days of the scheduling conference, counsel shall file a joint scheduling report. Failure of counsel to file a joint scheduling report within the deadlines set forth above may result in dismissal, default, and the imposition of other sanctions including attorney's fees and costs. The parties should note that the time period for filing a joint scheduling report is not tolled by the filing of any other pleading, such as an amended complaint or Rule 12 motion. The scheduling conference may be held via telephone. At the conference, the parties shall comply with the following agenda that the Court adopts from S.D. Fla. L.R. 16.1: (1) Documents (S.D. Fla. L.R. 16.1.B.1 and 2) – The parties shall determine the procedure for exchanging a copy of or a description by category and location of all documents and other evidence that is reasonably available and that a party expects to offer or may offer if the need arises. Fed. R. Civ. P. 26(a)(1)(B). (a) Documents include computations of the nature and extent of any category of damages claimed by the disclosing party unless the computations are privileged or otherwise protected from disclosure. Fed. R. Civ. P. 26(a)(1)(C). (b) Documents include insurance agreements which may be at issue with the satisfaction of the judgment. Fed. R. Civ. P. 26(a)(1)(D). (2) List of Witnesses – The parties shall exchange the name, address and telephone number of each individual known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. Fed. R. Civ. P. 26(a)(1)(A). The

		parties have a continuing obligation to disclose this information. (3) Discussions and Deadlines (S.D. Fla. L.R. 16.1.B.2) – The parties shall discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case. Failure to comply with this Order or to exchange the information listed above may result in sanctions and / or the exclusion of documents or witnesses at the time of trial. S.D. Fla. L.R. 16.1.M. Telephonic appearances are not permitted for any purpose. Upon reaching a settlement in this matter the parties are instructed to notify the Court by telephone and to file a Notice of Settlement within twenty-four (24) hours. Signed by Judge K. Michael Moore on 2/7/2011. (rg1) (Entered: 02/07/2011)
02/07/2011	<u>6</u>	PAPERLESS ORDER REFERRING PRETRIAL DISCOVERY MATTERS TO MAGISTRATE, JUDGE ANDREA M. SIMONTON. PURSUANT to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the above-captioned Cause is referred to United States Magistrate Judge Andrea M. Simonton to take all necessary and proper action as required by law with respect to any and all pretrial discovery matters. Any motion affecting deadlines set by the Court's Scheduling Order is excluded from this referral, unless specifically referred by separate Order. Signed by Judge K. Michael Moore on 2/7/2011. (rg1) (Entered: 02/07/2011)
02/07/2011	<u>7</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Michael B. DeSanctis. Filing Fee \$ 75.00. Receipt # 13668. (ksa) (Entered: 02/07/2011)
02/07/2011	<u>8</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Eric R. Haren. Filing Fee \$ 75.00. Receipt # 13669. (ksa) (Entered: 02/07/2011)
02/07/2011	<u>9</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Paul M. Smith. Filing Fee \$ 75.00. Receipt # 13670. (ksa) (Entered: 02/07/2011)
02/07/2011	<u>10</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for J. Gerald Hebert. Filing Fee \$ 75.00. Receipt # 16771. (ksa) (Entered: 02/07/2011)
02/08/2011	<u>11</u>	PAPERLESS ORDER. THIS CAUSE came before the Court on Plaintiffs' Motions to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings <u>7 8 9 10</u> . UPON CONSIDERATION of the Motions, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motions <u>7 8 9 10</u> are GRANTED. Eric R. Haren, J. Gerald Hebert, Michael B. DeSanctis and Paul M. Smith may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to eharen@jenner.com, GHebert@campaignlegalcenter.org, mdesanctis@jenner.com, and psmith@jenner.com. Signed by Judge K. Michael Moore on 2/8/2011. (rg1) (Entered: 02/08/2011)
02/08/2011	<u>12</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for M. Laughlin McDonald. Filing Fee \$ 75.00. Receipt # 13769. (ksa) (Entered: 02/08/2011)
02/09/2011	<u>13</u>	NOTICE by Michael E. Berman, Democracia Ahora,, Patricia M. Lenny, Charles Major Jr., Rosanne Potter,, Sarah Fowler,, The Florida State Conference of NAACP Branches,, The League of Women Voters of Florida, <i>of Filing Corrected Service List</i> (Attachments: # <u>1</u> Exhibit A)(Moscowitz, Jane) (Entered: 02/09/2011)
02/16/2011	<u>14</u>	ACKNOWLEDGMENT OF SERVICE Executed Acknowledgment filed by Michael E. Berman, Democracia Ahora,, Patricia M. Lenny, Charles Major Jr., Rosanne Potter,, Sarah Fowler,, The Florida State Conference of NAACP Branches,, The League of Women Voters of Florida,. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Moscowitz, Jane) (Entered: 02/16/2011)
02/25/2011	<u>15</u>	NOTICE by Michael E. Berman, Democracia Ahora,, Patricia M. Lenny, Charles Major Jr., Rosanne Potter,, Sarah Fowler,, The Florida State Conference of NAACP Branches,, The League of Women Voters of Florida, <i>Of Related Case</i>

		(Moscowitz, Jane) (Entered: 02/25/2011)
02/25/2011	<u>16</u>	SUMMONS (Affidavit) Returned Executed by Michael E. Berman, Democracia Ahora,, Charles Major Jr., The Florida State Conference of NAACP Branches,, Patricia M. Lenny, Sarah Fowler,, The League of Women Voters of Florida,, Rosanne Potter,. Rick Scott served on 2/23/2011, answer due 3/16/2011. (Moscowitz, Jane) (Entered: 02/25/2011)
02/25/2011	<u>17</u>	SUMMONS (Affidavit) Returned Executed by Michael E. Berman, Democracia Ahora,, Charles Major Jr., The Florida State Conference of NAACP Branches,, Patricia M. Lenny, Sarah Fowler,, The League of Women Voters of Florida,, Rosanne Potter,. Kurt Browning served on 2/23/2011, answer due 3/16/2011. (Moscowitz, Jane) (Entered: 02/25/2011)

001

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN, CHARLES
MAJOR, JR., and PATRICIA M. LENNY,

Civil Action No.:

Three-Judge District Court Requested

Plaintiffs

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs THE LEAGUE OF WOMEN VOTERS OF FLORIDA, THE FLORIDA
STATE CONFERENCE OF NAACP BRANCHES, DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER, MICHAEL E. BERMAN, CHARLES MAJOR, JR., and
PATRICIA M. LENNY allege:

1. This action is brought on behalf of Plaintiffs pursuant to Sections 5 and 12(d) of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973c, and §1973l and pursuant to 28 U.S.C. §§ 2201 and 1343(4), to enforce rights guaranteed by Section 5 of the Voting Rights Act as well as the Fourteenth and Fifteenth Amendments to the United States Constitution.

JURISDICTION

2. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 1973c(a), 42

U.S.C. § 1973l, 28 U.S.C. § 2284, 28 U.S.C. § 1331 and 28 U.S.C. § 1343(4). Venue properly lies in this Court under 28 U.S.C. §1391 in that Plaintiffs reside in this Judicial District, the Defendants' actions which are the subject of this lawsuit occurred and will continue to occur in this District, and Defendants reside in or conduct business in this District.

3. Pursuant to 42 U.S.C. § 1973c(a), “[a]ny action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.”

PARTIES

4. Plaintiffs Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny are citizens of the United States and registered voters in Monroe County, Florida. All the individual plaintiffs voted in the last General Election and supported the redistricting reforms known as Amendments 5 and 6. Plaintiffs Fowler and Major are African-Americans.

5. The League of Women Voters of Florida (“LWV”) is the Florida chapter of the League of Women Voters, a nonpartisan political organization that has fought since 1920 to improve our systems of government and impact public policies through citizen education and advocacy. In addition to its mission of encouraging an active and informed electorate, it is the League's goal to help protect representative government and the individual liberties established in the Constitutions of the United States and Florida. The LWV believes that every citizen should be protected in the right to vote.

6. The Florida State Conference of NAACP Branches is an organization dedicated to removing barriers of racial discrimination through democratic processes and is comprised of branches throughout the State of Florida, with over 11,000 members statewide.

7. Democracia Ahora is a Florida-based civic organization that is affiliated with the national Hispanic civic organization, Democracia U.S.A. It has offices in Florida and individual members throughout the state. Democracia Ahora's primary purposes are to empower Hispanic citizens who are engaged in civic and democratic endeavors; and to assist members of Hispanic communities in identifying and articulating issues of concern, including voting rights issues. Democracia Ahora is an organization dedicated to increasing the prominence and participation of Hispanics in every aspect of the political process.

8. Defendant Governor Rick Scott is the Governor of the State of Florida, the chief executive officer of the State of Florida. Defendant Scott is bound by the oath of office he took to uphold the laws of the United States and the laws of the State of Florida, which includes implementing amendments to the Florida Constitution approved by the voters, as well as complying with the provisions of the Voting Rights Act.

9. Defendant Kurt Browning is the Secretary of State for the State of Florida and the chief elections officer for the State. Defendant Browning is the state official responsible for making preclearance submissions to the United States Department of Justice of any changes affecting voting occasioned by state constitutional amendments or state laws. Defendant Browning is bound by the oath of office he took to uphold the laws of the United States and the laws of the State of Florida, which includes implementing amendments to the Florida Constitution approved by the voters, as well as complying with the provisions of the Voting Rights Act.

ALLEGATIONS

10. In November 2010, voters in the State of Florida overwhelmingly approved two amendments to the Florida Constitution. Amendment 5 created Article III, Section 21 of

Florida's Constitution, which sets forth new criteria that must be followed by the State Legislature when it undertakes state legislative redistricting. Amendment 6 created Article III, Section 20, which specifies new criteria that must be followed by the State Legislature when it undertakes congressional redistricting. These criteria impact the way legislative and congressional districts are drawn in Florida, likely changing the composition of the electorate in numerous legislative and congressional districts all over the State.

11. Defendants have authority under Florida law to implement or administer voting qualifications or prerequisites to voting, or standards, practices, or procedures with respect to voting different from those in force or effect on November 1, 1972.

12. Monroe County is one of five political subdivisions within the State of Florida that are "covered counties" subject to the preclearance requirements of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c ("Section 5"). *See also* 28 C.F.R. Part 51, Appendix.

13. Section 5 states that any "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting" different from that in force or effect on November 1, 1972, in any of Florida's covered counties, may not be lawfully implemented unless and until such change has been submitted to the United States Attorney General, and the Attorney General has not interposed an objection within sixty days, or the jurisdiction obtains a declaratory judgment from the United States District Court for the District of Columbia that the proposed change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

14. The voting changes occasioned by Amendments 5 and 6 are changes within the meaning of Section 5 of the Voting Rights Act and thus are subject to the Section 5 preclearance

requirement.

15. According to the preclearance regulations issued by the United States Department of Justice, jurisdictions subject to Section 5 should submit voting changes for preclearance “as soon as possible after the changes become final.” *See* 28 C.F.R. § 51.21.

16. The voting changes occasioned by the passage of Amendments 5 and 6 became final when the State Canvassing Board certified the election on November 16, 2010. On December 10, 2010, the Florida Department of State submitted the voting changes contained in Amendments 5 and 6 to the United States Attorney General for preclearance on behalf of the five designated preclearance counties (Collier, Hardee, Hendry, Hillsborough and Monroe) pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c.

17. On January 4, 2011, Defendant Scott assumed his office and the next day he appointed Defendant Browning to his post. Prior to his appointment by Scott, Browning had served as chair of “Protect Your Vote,” a political committee with the sole purpose of defeating Amendments 5 and 6. In that effort, Defendant Browning formally aligned himself with U.S. Representatives Corrine Brown and Mario Diaz-Balart, who had unsuccessfully sued to block the Amendments from being placed on the ballot, *Roberts v. Brown*, 43 So.3d 673 (Fla. 2010), and who have sued once again to block the Amendments’ enforcement, *see Brown v. Florida*, No. 10-23968 (S.D. Fl.). Mr. Browning publicly championed the Amendments’ defeat, proclaiming that Protect Your Vote would spend “at least \$4 [million] maybe more” to defeat the Amendments, and standing with Reps. Brown and Diaz-Balart “to kill the constitutional amendments.” Mr. Browning appeared on numerous occasions in public and in the media to argue against the Amendments.

18. Two days after Defendant Scott appointed Defendant Browning as Secretary of

State, Browning's office wrote to the Department of Justice withdrawing Florida's Section 5 request for preclearance of Amendments 5 and 6. The voting changes occasioned by Amendments 5 and 6 have not been re-submitted for preclearance.

19. Defendants have not filed an action in the United States District Court for the District of Columbia pursuant to Section 5 of the Voting Rights Act seeking a declaration that the voting changes occasioned by Amendments 5 and 6 have neither the purpose nor the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group.

20. On information and belief, Defendants do not intend to submit a new application for preclearance to the Attorney General or to seek preclearance through a declaratory judgment action in the District Court for the District of Columbia.

CAUSE OF ACTION

21. Defendants and the State of Florida are in violation of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, because they withdrew a timely submission for pre-clearance and have failed to re-submit it "as soon as possible after the changes become final," *see* 28 C.F.R. § 51.21.

22. Florida's House of Representatives and Senate have already begun implementation of the new redistricting standards. Notwithstanding the failure to obtain preclearance, the Florida Senate has convened its Reapportionment Committee on numerous occasions and informed its members and the public that redistricting plans will be drawn utilizing the new criteria set forth in Amendments 5 and 6. The Florida House has published a website listing the new constitutional provisions as law that will govern the redistricting process. Further, the Legislature has announced statewide public hearings on redistricting to begin in July

2011 that will be convened utilizing the new standards.

23. Proceeding with this process notwithstanding failure to obtain the requisite preclearance of the redistricting criteria set forth in Amendments 5 and 6 will not only continue the violation of Section 5, but will cause uncertainty, delay and confusion among Plaintiffs, among other voters, and all those involved in the redistricting process.

24. Plaintiffs have a personal stake in bringing about compliance with Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. As a result of a long history of racial discrimination by the State of Florida and Monroe County (and four other Florida counties), and its continuing effects, the United States Department of Justice (or a special court in the District of Columbia) must review all voting changes to be implemented in Monroe County to ensure that such voting changes are free of racially discriminatory purpose and retrogressive effect. The absence of preclearance for Amendments 5 and 6 harms Plaintiffs and will deprive Plaintiffs of their rights under 42 U.S.C. § 1973c. Moreover, Amendments 5 and 6 provide Plaintiffs – some of whom are minority voters – with state constitutional voting protections they did not enjoy before those Amendments were enacted. Defendants' purposeful withdrawal of the State's preclearance submission will, if not remedied, deprive Plaintiffs of those critical protections by rendering them unenforceable.

25. Plaintiffs supported the standards set forth in Amendments 5 and 6, and want to see them employed by the Legislature as it complies with its obligations to draw congressional and legislative districts. The absence of preclearance for Amendments 5 and 6 jeopardizes the application of the new standards and renders the ongoing redistricting process legally uncertain, harming voters who intend to participate meaningfully in that process.

26. It has now been over three months since the November 2010 elections. While their predecessors in office followed federal law and promptly made a Section 5 submission seeking preclearance of the new redistricting criteria, Defendants Scott and Browning have acted instead in complete defiance of the Voting Rights Act by withdrawing Florida's timely filed preclearance request, failing to resubmit a request on behalf of Florida and the covered counties in our State, and by allowing implementation of Amendments 5 and 6 without preclearance.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that a court of three judges be convened to hear this action pursuant to 42 U.S.C. § 1973c and 28 U.S.C. § 2284 and thereafter enter a judgment:

- (1) Declaring that the voting changes occasioned by Amendments 5 and 6 are subject to the preclearance requirements of Section 5 of the Voting Rights Act, 42 U.S.C. §1973c;
- (2) Ordering the Defendants to seek the required Section 5 preclearance of the voting changes occasioned by Amendments 5 and 6 within thirty (30) days, by either filing an action in the United States District Court for the District of Columbia or by seeking administrative preclearance from the United States Attorney General;
- (3) Ordering such further relief as may be necessary and appropriate, including an award of attorneys' fees, as well as all costs and disbursements in maintaining this action.

Respectfully Submitted,

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By: /s/Jane W.Moscowitz
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Attorney at Law
J. Gerald Hebert, P.C.
191 Somerville Street, #405
Alexandria, VA 22304
Telephone (703) 628-4673

**REQUEST FOR APPOINTMENT OF A THREE-JUDGE COURT
ATTACHED PURSUANT TO S.D. FLA. LOCAL RULE 9.1**

Pursuant to 42 U.S.C. § 1973(a), “[a]ny action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.” Plaintiffs, by their counsel, therefore, request the Court to notify the Chief Judge of the Eleventh Circuit Court of Appeals that Plaintiffs’ claim that Defendants have failed to comply with the preclearance provisions of Section 5 of the Voting Rights Act is required to be heard by a district court of three judges pursuant to 28 U.S.C. § 2284 and 42 U.S.C. § 1973c.

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NO REFILE ATTORNEYS MUST INDICATE A RE-FILED CASE BELOW**

<p>I. (a) PLAINTIFFS The League of Women Voters of Florida, The Florida State Conference of NAACP Branches, Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny</p> <p>(b) County of Residence of First Listed Plaintiff <u>MONROE</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number)</p> <p>Jane W. Moscovitz, Esq. Moscovitz & Moscovitz, P.A. 1111 Brickell Avenue, Ste 2050, Miami, FL 33131 (305) 379-8300</p>	<p>DEFENDANTS</p> <p>Rick Scott, in his capacity as Governor of Florida; and Kurt Browning, in his capacity as Florida Secretary of State</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
--	--

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)			
<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input checked="" type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395f)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>
<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Raconteur Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Re-filed- (see VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See instructions second page):

a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE: Ungaro DOCKET NUMBER 10-23968

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

This case arises under the Voting Rights Act, 42 U.S.C. 1973c and 1973 1 and seeks declaratory and injunctive relief requiring the State to seek preclearance for Florida Constitutional Amendments 5 and 6.

LENGTH OF TRIAL via 2 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD: *Jane W Moscovitz* DATE: 2/3/11

FOR OFFICE USE ONLY

AMOUNT _____ RECEIPT # _____ IFP _____

002

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN AND CHARLES
MAJOR JR., PATRICIA M. LENNY,

Civil Action No. **11-1006-CIV-Moore/Simonton**

Plaintiffs,

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

SUMMONS IN A CIVIL ACTION

To: Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399

A lawsuit has been filed against you.

Within 21 days of service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) - you must serve the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jane W. Moscovitz, Esq.
Moscovitz & Moscovitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, Florida 33131

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: February 3, 2011



Steven M. Larimore
Clerk of Court

SUMMONS

s/Olivia Tompkins
Deputy Clerk
U.S. District Courts

003

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN AND CHARLES
MAJOR JR., PATRICIA M. LENNY,

Plaintiffs,

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

Civil Action No. **11-10006-CIV-Moore/Simonton**

SUMMONS IN A CIVIL ACTION

To: Pam Bondi, Attorney General
Office of the Attorney General
State of Florida
The Capitol PL-01
Tallahassee, Florida 32399-1050

A lawsuit has been filed against you.

Within 21 days of service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) - you must serve the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jane W. Moscowitz, Esq.
Moscowitz & Moscowitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, Florida 33131

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: **February 3, 2011**



Steven M. Larimore
Clerk of Court

SUMMONS

s/Olivia Tompkins
Deputy Clerk
U.S. District Courts

004

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN AND CHARLES
MAJOR JR., PATRICIA M. LENNY,

Civil Action No. **11-10006-CIV-Moore/Simonton**

Plaintiffs,

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

SUMMONS IN A CIVIL ACTION

To: Rick Scott
Governor of Florida
The Capitol PL-01
Tallahassee, Florida 32399

A lawsuit has been filed against you.

Within 21 days of service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) - you must serve the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jane W. Moscovitz, Esq.
Moscovitz & Moscovitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, Florida 33131

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: **February 3, 2011**



Steven M. Larimore
Clerk of Court

SUMMONS

s/Olivia Tompkins
Deputy Clerk
U.S. District Courts

005

02/07/2011	5	<p>PAPERLESS PRETRIAL ORDER. THIS ORDER has been entered upon the filing of the complaint. Plaintiff's counsel is hereby ORDERED to forward to all defendants, upon receipt of a responsive pleading, a copy of this order. It is further ORDERED that S.D. Fla. L.R. 16.1 shall apply to this case and the parties shall hold a scheduling conference no later than twenty (20) days after the filing of the first responsive pleading by the last responding defendant, or within sixty (60) days after the filing of the complaint, whichever occurs first. However, if all defendants have not been served by the expiration of this deadline, Plaintiff shall move for an enlargement of time to hold the scheduling conference, not to exceed 120 days from the filing of the Complaint. Within ten (10) days of the scheduling conference, counsel shall file a joint scheduling report. Failure of counsel to file a joint scheduling report within the deadlines set forth above may result in dismissal, default, and the imposition of other sanctions including attorney's fees and costs. The parties should note that the time period for filing a joint scheduling report is not tolled by the filing of any other pleading, such as an amended complaint or Rule 12 motion. The scheduling conference may be held via telephone. At the conference, the parties shall comply with the following agenda that the Court adopts from S.D. Fla. L.R. 16.1: (1) Documents (S.D. Fla. L.R. 16.1.B.1 and 2) - The parties shall determine the procedure for exchanging a copy of or a description by category and location of all documents and other evidence that is reasonably available and that a party expects to offer or may offer if the need arises. Fed. R. Civ. P. 26(a)(1)(B). (a) Documents include computations of the nature and extent of any category of damages claimed by the disclosing party unless the computations are privileged or otherwise protected from disclosure. Fed. R. Civ. P. 26(a)(1)(C). (b) Documents include insurance agreements which may be at issue with the satisfaction of the judgment. Fed. R. Civ. P. 26(a)(1)(D). (2) List of Witnesses - The parties shall exchange the name, address and telephone number of each individual known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. Fed. R. Civ. P. 26(a)(1)(A). The parties have a continuing obligation to disclose this information. (3) Discussions and Deadlines (S.D. Fla. L.R. 16.1.B.2) - The parties shall discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case. Failure to comply with this Order or to exchange the information listed above may result in sanctions and / or the exclusion of documents or witnesses at the time of trial. S.D. Fla. L.R. 16.1.M. Telephonic appearances are not permitted for any purpose. Upon reaching a settlement in this matter the parties are instructed to notify the Court by telephone and to file a Notice of Settlement within twenty-four (24) hours. Signed by Judge K. Michael Moore on 2/7/2011. (rg1) (Entered: 02/07/2011)</p>
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006

02/07/2011	6	PAPERLESS ORDER REFERRING PRETRIAL DISCOVERY MATTERS TO MAGISTRATE, JUDGE ANDREA M. SIMONTON. PURSUANT to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the above-captioned Cause is referred to United States Magistrate Judge Andrea M. Simonton to take all necessary and proper action as required by law with respect to any and all pretrial discovery matters. Any motion affecting deadlines set by the Court's Scheduling Order is excluded from this referral, unless specifically referred by separate Order. Signed by Judge K. Michael Moore on 2/7/2011. (rg1) (Entered: 02/07/2011)
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007

FILING FEE	
PAID	\$ 75.00
pro hac vice	13668
Steven M. Larimore, Clerk	

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
 FLORIDA, THE FLORIDA STATE)
 CONFERENCE OF NAACP BRANCHES,)
 DEMOCRACIA AHORA, SARAH)
 FOWLER, ROSANNE POTTER, MICHAEL)
 E. BERMAN, CHARLES MAJOR, JR.,)
 and PATRICIA M. LENNY,)

Plaintiffs,)

vs.)

RICK SCOTT, in his official capacity as)
 Governor of the State of Florida; and KURT)
 BROWNING, in his official capacity as)
 Florida Secretary of State,)

Defendants.)

Case No. 11-CV-10006-KMM

FILED by ALC D.C.
 FEB 07 2011
 STEVEN M. LARIMORE
 CLERK U. S. DIST. CT.
 S. D. of FLA. - MIAMI

MOTION TO APPEAR PRO HAC VICE, CONSENT TO DESIGNATION, AND REQUEST TO ELECTRONICALLY RECEIVE NOTICES OF ELECTRONIC FILING

In accordance with Local Rules 4(b) of the Special Rules Governing the Admission and Practice of Attorneys of the United States District Court for the Southern District of Florida, the undersigned respectfully moves for the admission *pro hac vice* of Michael B. DeSanctis of the law firm of Jenner & Block LLP, 1099 New York Avenue, NW, Washington, DC 20001, (202) 639-6000, for purposes of appearance as co-counsel on behalf of Plaintiffs the League of Women Voters of Florida, the Florida State Conference of NAACP Branches ("Florida NAACP"), Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny (collectively, "Plaintiffs") in the above-styled case only, and pursuant to Rule 2B of the CM/ECF Administrative Procedures, to permit Michael B. DeSanctis to receive electronic filings in this case, and in support thereof states as follows:

1. Michael B. DeSanctis is not admitted to practice in the Southern District of Florida and is a member in good standing of the Bars of the following jurisdictions: District of Columbia (Bar No. 460961); New Jersey (Bar No. 1009-1998); New York (Bar No. 2876803); Supreme Court of the United States; the U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, Ninth, Eleventh, and District of Columbia Circuits; the U.S. District Court for the District of Columbia; the U.S. District Court for the District of Maryland; the U.S. District Court for the District of New Jersey; and the U.S. District Court for the Southern District of New York.

2. Movant, Jane W. Moscovitz, Esquire, of the law firm of Moscovitz & Moscovitz, P.A., Sabadell Financial Center, 1111 Brickell Avenue, Suite 2050, Miami, FL 33131, (305) 379-8300, is a member in good standing of the Florida Bar and the United States District Court for the Southern District of Florida, maintains an office in this State for the practice of law, and is authorized to file through the Court's electronic filing system. Movant consents to be designated as a member of the Bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case, upon whom filings shall be served, who shall be required to electronically file all documents and things that may be filed electronically, and who shall be responsible for filing documents in compliance with the CM/ECF Administrative Procedures. *See* Section 2B of the CM/ECF Administrative Procedures.

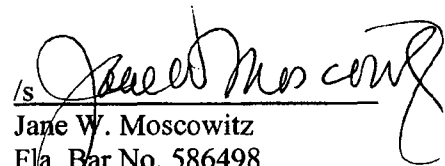
3. In accordance with the local rules of this Court, Michael B. DeSanctis has made payment of this Court's \$75 admission fee. A certification in accordance with Rule 4(b) is attached hereto.

4. Michael B. DeSanctis, by and through designated counsel and pursuant to Section 2B CM/ECF Administrative Procedures, hereby requests the Court to provide Notice of Electronic Filings to Michael B. DeSanctis at the email address mdesanctis@jenner.com.

WHEREFORE, Jane W. Moscowitz, moves this Court to enter an Order permitting Michael B. DeSanctis to appear before this Court on behalf of Plaintiffs for all purposes relating to the proceedings in the above-styled matter and directing the Clerk to provide notice of electronic filings to Michael B. DeSanctis.

Date: February 7, 2011

Respectfully submitted,



/s
Jane W. Moscowitz
Fla. Bar No. 586498
Moscowitz & Moscowitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, FL 33131
Telephone (305) 379-8300
Facsimile (305) 379-4404
Jmoscowitz@moscowitz.com

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
FLORIDA, THE FLORIDA STATE)
CONFERENCE OF NAACP BRANCHES,)
DEMOCRACIA AHORA, SARAH)
FOWLER, ROSANNE POTTER, MICHAEL)
E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

Plaintiffs,)

vs.)

RICK SCOTT, in his official capacity as)
Governor of the State of Florida; and KURT)
BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

Case No. 11-CV-10006-KMM

CERTIFICATION OF MICHAEL B. DESANCTIS

I, Michael B. DeSanctis, Esquire, pursuant to Rule 4(b) of the Special Rules Governing the Admission and Practice of Attorneys, hereby certify that (1) I have studied the Local Rules of the United States District Court for the Southern District of Florida; and (2) I am a member in good standing of the Bars of the following jurisdictions: District of Columbia (Bar No. 460961); New Jersey (Bar No. 1009-1998); New York (Bar No. 2876803); Supreme Court of the United States; the U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, Ninth, Eleventh, and District of Columbia Circuits; the U.S. District Court for the District of Columbia; the U.S. District Court for the District of Maryland; the U.S. District Court for the District of New Jersey; and the U.S. District Court for the Southern District of New York.



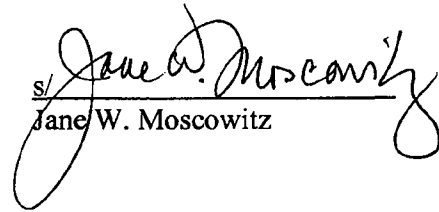
Michael B. DeSanctis

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Appear *Pro Hac Vice*, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings was served by mail, on February 7, 2011 to the following:

Pam Bondi, Attorney General
Office of the Attorney General
State of Florida
The Capitol PL-01
Tallahassee, Florida 32399-1050
Counsel for Governor Rick Scott

Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399

s/ 
Jane W. Moscovitz

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
FLORIDA, THE FLORIDA STATE)
CONFERENCE OF NAACP BRANCHES,)
DEMOCRACIA AHORA, SARAH)
FOWLER, ROSANNE POTTER, MICHAEL)
E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

Plaintiffs,)

Case No. 11-CV-10006-KMM

vs.)

RICK SCOTT, in his official capacity as)
Governor of the State of Florida; and KURT)
BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

ORDER GRANTING MOTION TO APPEAR PRO HAC VICE, CONSENT TO
DESIGNATION, AND REQUEST TO ELECTRONICALLY RECEIVE NOTICES OF
ELECTRONIC FILING

THIS CAUSE having come before the Court on the Motion to Appear *Pro Hac Vice* for Michael B. DeSanctis, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing (the "Motion"), pursuant to the Special Rules Governing the Admission and Practice of Attorneys in the United States District Court for the Southern District of Florida and Section 2B of the CM/ECF Administrative Procedures. This Court having considered the motion and all other relevant factors, it is hereby

ORDERED AND ADJUDGED that:

The Motion is GRANTED. Michael B. DeSanctis may appear and participate in this action on behalf of Plaintiffs the League of Women Voters of Florida, the Florida State Conference of NAACP Branches, Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny. The Clerk shall provide electronic notification of all electronic filings to Michael B. DeSanctis at mdsanctis@jenner.com.

DONE AND ORDERED in Chambers at _____, Florida, this _____ day of _____.

United States District Judge

Copies furnished to:
All Counsel of Record (*via electronic filing*)

008

FILING FEE	
PAID	\$ 75.00
pro hac vice	13669
Steven M. Larimore, Clerk	

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
FLORIDA, THE FLORIDA STATE)
CONFERENCE OF NAACP BRANCHES,)
DEMOCRACIA AHORA, SARAH)
FOWLER, ROSANNE POTTER, MICHAEL)
E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

Plaintiffs,)

vs.)

RICK SCOTT, in his official capacity as)
Governor of the State of Florida; and KURT)
BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

Case No. 11-CV-10006-KMM

FILED by <u>AK</u> D.C.
FEB 07 2011
STEVEN M. LARIMORE CLERK U. S. DIST. CT. S. D. of FLA. - MIAMI

MOTION TO APPEAR *PRO HAC VICE*, CONSENT TO DESIGNATION, AND REQUEST
TO ELECTRONICALLY RECEIVE NOTICES OF ELECTRONIC FILING

In accordance with Local Rules 4(b) of the Special Rules Governing the Admission and Practice of Attorneys of the United States District Court for the Southern District of Florida, the undersigned respectfully moves for the admission *pro hac vice* of Eric R. Haren of the law firm of Jenner & Block LLP, 1099 New York Avenue, NW, Washington, DC 20001, (202) 639-6000, for purposes of appearance as co-counsel on behalf of Plaintiffs the League of Women Voters of Florida, the Florida State Conference of NAACP Branches (“Florida NAACP”), Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny (collectively, “Plaintiffs”) in the above-styled case only, and pursuant to Rule 2B of the CM/ECF Administrative Procedures, to permit Eric R. Haren to receive electronic filings in this case, and in support thereof states as follows:

1. Eric R. Haren is not admitted to practice in the Southern District of Florida and is a member in good standing of the Bars of the following jurisdictions: California (Bar No. 250291); District of Columbia (Bar No. 985189); the U.S. Courts of Appeals for the Sixth and Federal Circuits; and the United States Court of Federal Claims.

2. Movant, Jane W. Moscovitz, Esquire, of the law firm of Moscovitz & Moscovitz, P.A., Sabadell Financial Center, 1111 Brickell Avenue, Suite 2050, Miami, FL 33131, (305) 379-8300, is a member in good standing of the Florida Bar and the United States District Court for the Southern District of Florida, maintains an office in this State for the practice of law, and is authorized to file through the Court's electronic filing system. Movant consents to be designated as a member of the Bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case, upon whom filings shall be served, who shall be required to electronically file all documents and things that may be filed electronically, and who shall be responsible for filing documents in compliance with the CM/ECF Administrative Procedures. *See* Section 2B of the CM/ECF Administrative Procedures.

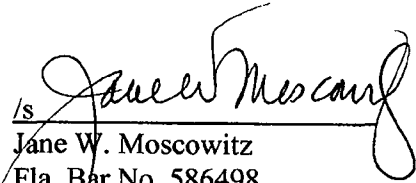
3. In accordance with the local rules of this Court, Eric R. Haren has made payment of this Court's \$75 admission fee. A certification in accordance with Rule 4(b) is attached hereto.

4. Eric R. Haren, by and through designated counsel and pursuant to Section 2B CM/ECF Administrative Procedures, hereby requests the Court to provide Notice of Electronic Filings to Eric R. Haren at the email address eharen@jenner.com.

WHEREFORE, Jane W. Moscovitz, moves this Court to enter an Order permitting Eric R. Haren to appear before this Court on behalf of Plaintiffs for all purposes relating to the proceedings in the above-styled matter and directing the Clerk to provide notice of electronic filings to Eric R. Haren.

Date: February 7, 2011

Respectfully submitted,


/s/ Jane W. Moscovitz

Jane W. Moscovitz
Fla. Bar No. 586498
Moscovitz & Moscovitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, FL 33131
Telephone (305) 379-8300
Facsimile (305) 379-4404
Jmoscovitz@moscovitz.com

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
FLORIDA, THE FLORIDA STATE)
CONFERENCE OF NAACP BRANCHES,)
DEMOCRACIA AHORA, SARAH)
FOWLER, ROSANNE POTTER, MICHAEL)
E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

Plaintiffs,)

vs.)

RICK SCOTT, in his official capacity as)
Governor of the State of Florida; and KURT)
BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

Case No. 11-CV-10006-KMM

CERTIFICATION OF ERIC R. HAREN

I, Eric R. Haren, Esquire, pursuant to Rule 4(b) of the Special Rules Governing the Admission and Practice of Attorneys, hereby certify that (1) I have studied the Local Rules of the United States District Court for the Southern District of Florida; and (2) I am a member in good standing of the Bars of the following jurisdictions: California (Bar No. 250291); District of Columbia (Bar No. 985189); the U.S. Courts of Appeals for the Sixth and Federal Circuits; and the United States Court of Federal Claims.



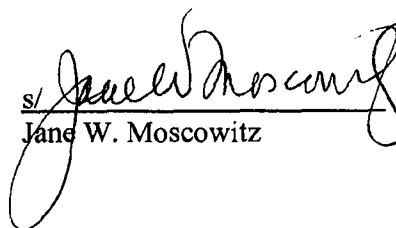
Eric R. Haren

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Appear *Pro Hac Vice*, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings was served by mail, on February 7, 2011 to the following:

Pam Bondi, Attorney General
Office of the Attorney General
State of Florida
The Capitol PL-01
Tallahassee, Florida 32399-1050
Counsel for Governor Rick Scott

Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399


s/ Jane W. Moscovitz
Jane W. Moscovitz

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
FLORIDA, THE FLORIDA STATE)
CONFERENCE OF NAACP BRANCHES,)
DEMOCRACIA AHORA, SARAH)
FOWLER, ROSANNE POTTER, MICHAEL)
E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

Plaintiffs,)

Case No. 11-CV-10006-KMM

vs.)

RICK SCOTT, in his official capacity as)
Governor of the State of Florida; and KURT)
BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

ORDER GRANTING MOTION TO APPEAR PRO HAC VICE, CONSENT TO
DESIGNATION, AND REQUEST TO ELECTRONICALLY RECEIVE NOTICES OF
ELECTRONIC FILING

THIS CAUSE having come before the Court on the Motion to Appear *Pro Hac Vice* for Eric R. Haren, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing (the "Motion"), pursuant to the Special Rules Governing the Admission and Practice of Attorneys in the United States District Court for the Southern District of Florida and Section 2B of the CM/ECF Administrative Procedures. This Court having considered the motion and all other relevant factors, it is hereby

ORDERED AND ADJUDGED that:

The Motion is GRANTED. Eric R. Haren may appear and participate in this action on behalf of Plaintiffs the League of Women Voters of Florida, the Florida State Conference of NAACP Branches, Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny. The Clerk shall provide electronic notification of all electronic filings to Eric R. Haren at eharen@jenner.com.

DONE AND ORDERED in Chambers at _____, Florida, this _____ day of _____.

United States District Judge

Copies furnished to:
All Counsel of Record (*via electronic filing*)

009

FILING FEE	
PAID	\$75. ⁰⁰
pro hac vice	13670
Steven M. Larimore, Clerk	

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

FILED by <u>AL</u> D.C.
FEB 07 2011
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S. D. of FLA. - MIAMI

THE LEAGUE OF WOMEN VOTERS OF)
FLORIDA, THE FLORIDA STATE)
CONFERENCE OF NAACP BRANCHES,)
DEMOCRACIA AHORA, SARAH)
FOWLER, ROSANNE POTTER, MICHAEL)
E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

Plaintiffs,)

vs.)

RICK SCOTT, in his official capacity as)
Governor of the State of Florida; and KURT)
BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

Case No. 11-CV-10006-KMM

MOTION TO APPEAR *PRO HAC VICE*, CONSENT TO DESIGNATION, AND REQUEST
TO ELECTRONICALLY RECEIVE NOTICES OF ELECTRONIC FILING

In accordance with Local Rules 4(b) of the Special Rules Governing the Admission and Practice of Attorneys of the United States District Court for the Southern District of Florida, the undersigned respectfully moves for the admission *pro hac vice* of Paul M. Smith of the law firm of Jenner & Block LLP, 1099 New York Avenue, NW, Washington, DC 20001, (202) 639-6000, for purposes of appearance as co-counsel on behalf of Plaintiffs the League of Women Voters of Florida, the Florida State Conference of NAACP Branches ("Florida NAACP"), Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny (collectively, "Plaintiffs") in the above-styled case only, and pursuant to Rule 2B of the CM/ECF Administrative Procedures, to permit Paul M. Smith to receive electronic filings in this case, and in support thereof states as follows:

1. Paul M. Smith is not admitted to practice in the Southern District of Florida and is a member in good standing of the Bars of the following jurisdictions: District of Columbia (Bar No. 358870); Maryland (Bar No. 27182); New York (Bar No. 4372447); the Supreme Court of the United States; the U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, District of Columbia, and Federal Circuits; the U.S. District Court for the District of Columbia; the U.S. District Court for the District of Colorado; the U.S. District Court for the Northern District of Illinois; the U.S. District Court for the District of Maryland; and the U.S. District Court for the Southern District of New York.

2. Movant, Jane W. Moscovitz, Esquire, of the law firm of Moscovitz & Moscovitz, P.A., Sabadell Financial Center, 1111 Brickell Avenue, Suite 2050, Miami, FL 33131, (305) 379-8300, is a member in good standing of the Florida Bar and the United States District Court for the Southern District of Florida, maintains an office in this State for the practice of law, and is authorized to file through the Court's electronic filing system. Movant consents to be designated as a member of the Bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case, upon whom filings shall be served, who shall be required to electronically file all documents and things that may be filed electronically, and who shall be responsible for filing documents in compliance with the CM/ECF Administrative Procedures. *See* Section 2B of the CM/ECF Administrative Procedures.

3. In accordance with the local rules of this Court, Paul M. Smith has made payment of this Court's \$75 admission fee. A certification in accordance with Rule 4(b) is attached hereto.

4. Paul M. Smith, by and through designated counsel and pursuant to Section 2B CM/ECF Administrative Procedures, hereby requests the Court to provide Notice of Electronic Filings to Paul M. Smith at the email address psmith@jenner.com.

WHEREFORE, Jane W. Moscovitz, moves this Court to enter an Order permitting Paul M. Smith to appear before this Court on behalf of Plaintiffs for all purposes relating to the proceedings in the above-styled matter and directing the Clerk to provide notice of electronic filings to Paul M. Smith.

Date: February 7, 2011

Respectfully submitted,

/s/ Jane W. Moscovitz
Jane W. Moscovitz
Fla. Bar No. 586498
Moscovitz & Moscovitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, FL 33131
Telephone (305) 379-8300
Facsimile (305) 379-4404
Jmoscovitz@moscovitz.com

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)	
FLORIDA, THE FLORIDA STATE)	
CONFERENCE OF NAACP BRANCHES,)	
DEMOCRACIA AHORA, SARAH)	
FOWLER, ROSANNE POTTER, MICHAEL)	
E. BERMAN, CHARLES MAJOR, JR.,)	
and PATRICIA M. LENNY,)	
)	
Plaintiffs,)	Case No. 11-CV-10006-KMM
)	
vs.)	
)	
RICK SCOTT, in his official capacity as)	
Governor of the State of Florida; and KURT)	
BROWNING, in his official capacity as)	
Florida Secretary of State,)	
)	
Defendants.)	

CERTIFICATION OF PAUL M. SMITH

I, Paul M. Smith, Esquire, pursuant to Rule 4(b) of the Special Rules Governing the Admission and Practice of Attorneys, hereby certify that (1) I have studied the Local Rules of the United States District Court for the Southern District of Florida; and (2) I am a member in good standing of the Bars of the following jurisdictions: District of Columbia (Bar No. 358870); Maryland (Bar No. 27182); New York (Bar No. 4372447); the Supreme Court of the United States; the U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, District of Columbia, and Federal Circuits; the U.S. District Court for the District of Columbia; the U.S. District Court for the District of Colorado; the U.S. District Court for the Northern District of Illinois; the U.S. District Court for the District of Maryland; and the U.S. District Court for the Southern District of New York.

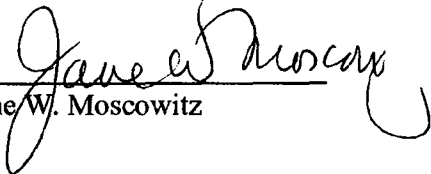

Paul M. Smith

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Appear *Pro Hac Vice*, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings was served by mail, on February 7, 2011 to the following:

Pam Bondi, Attorney General
Office of the Attorney General
State of Florida
The Capitol PL-01
Tallahassee, Florida 32399-1050
Counsel for Governor Rick Scott

Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399

s/ 
Jane W. Moscovitz

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
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DEMOCRACIA AHORA, SARAH)
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E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

Plaintiffs,)

Case No. 11-CV-10006-KMM

vs.)

RICK SCOTT, in his official capacity as)
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BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

ORDER GRANTING MOTION TO APPEAR *PRO HAC VICE*, CONSENT TO
DESIGNATION, AND REQUEST TO ELECTRONICALLY RECEIVE NOTICES OF
ELECTRONIC FILING

THIS CAUSE having come before the Court on the Motion to Appear *Pro Hac Vice* for Paul M. Smith, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing (the "Motion"), pursuant to the Special Rules Governing the Admission and Practice of Attorneys in the United States District Court for the Southern District of Florida and Section 2B of the CM/ECF Administrative Procedures. This Court having considered the motion and all other relevant factors, it is hereby

ORDERED AND ADJUDGED that:

The Motion is GRANTED. Paul M. Smith may appear and participate in this action on behalf of Plaintiffs the League of Women Voters of Florida, the Florida State Conference of NAACP Branches, Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny. The Clerk shall provide electronic notification of all electronic filings to Paul M. Smith at psmith@jenner.com.

DONE AND ORDERED in Chambers at _____, Florida, this _____ day of _____.

United States District Judge

Copies furnished to:
All Counsel of Record (*via electronic filing*)

010

FILING FEE	
PAID	\$ 75. ⁰⁰
pro hac vice	13171
Steven M. Larimore, Clerk	

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
FLORIDA, THE FLORIDA STATE)
CONFERENCE OF NAACP BRANCHES,)
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E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

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vs.)

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BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

Case No. 11-CV-10006-KMM

FILED by AL D.C.
FEB 07 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

MOTION TO APPEAR PRO HAC VICE, CONSENT TO DESIGNATION, AND REQUEST
TO ELECTRONICALLY RECEIVE NOTICES OF ELECTRONIC FILING

In accordance with Local Rules 4(b) of the Special Rules Governing the Admission and Practice of Attorneys of the United States District Court for the Southern District of Florida, the undersigned respectfully moves for the admission *pro hac vice* of J. Gerald Hebert, 191 Somerville Street, #405, Alexandria, VA 22304, (703) 628-4673, for purposes of appearance as co-counsel on behalf of Plaintiffs the League of Women Voters of Florida, the Florida State Conference of NAACP Branches (“Florida NAACP”), Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny (collectively, “Plaintiffs”) in the above-styled case only, and pursuant to Rule 2B of the CM/ECF Administrative Procedures, to permit J. Gerald Hebert to receive electronic filings in this case, and in support thereof states as follows:

1. J. Gerald Hebert is not admitted to practice in the Southern District of Florida and is a member in good standing of the Bars of the following jurisdictions: Virginia (Bar No. 48432); District of Columbia (Bar No. 447676); U.S. District Court for the Eastern District of Virginia; and the U.S. District Court for the District of Columbia. I am also a member of the bar in good standing of the United States Courts of Appeals for the Fifth, Eighth and Eleventh Circuits, and a member of the bar in good standing of the United States Supreme Court.

2. Movant, Jane W. Moscovitz, Esquire, of the law firm of Moscovitz & Moscovitz, P.A., Sabadell Financial Center, 1111 Brickell Avenue, Suite 2050, Miami, FL 33131, (305) 379-8300, is a member in good standing of the Florida Bar and the United States District Court for the Southern District of Florida, maintains an office in this State for the practice of law, and is authorized to file through the Court's electronic filing system. Movant consents to be designated as a member of the Bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case, upon whom filings shall be served, who shall be required to electronically file all documents and things that may be filed electronically, and who shall be responsible for filing documents in compliance with the CM/ECF Administrative Procedures. *See* Section 2B of the CM/ECF Administrative Procedures.

3. In accordance with the local rules of this Court, J. Gerald Hebert has made payment of this Court's \$75 admission fee. A certification in accordance with Rule 4(b) is attached hereto.

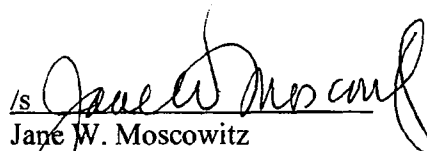
4. J. Gerald Hebert, by and through designated counsel and pursuant to Section 2B CM/ECF Administrative Procedures, hereby requests the Court to provide Notice of Electronic Filings to J. Gerald Hebert at the email address GHebert@campaignlegalcenter.org.

WHEREFORE, Jane W. Moscovitz, moves this Court to enter an Order permitting J. Gerald Hebert to appear before this Court on behalf of Plaintiffs for all purposes relating to the

proceedings in the above-styled matter and directing the Clerk to provide notice of electronic filings to J. Gerald Hebert.

Date: February 7, 2011

Respectfully submitted,


/s/ Jane W. Moscovitz

Jane W. Moscovitz
Fla. Bar No. 586498
Moscovitz & Moscovitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, FL 33131
Telephone (305) 379-8300
Facsimile (305) 379-4404
Jmoscovitz@moscovitz.com

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
FLORIDA, THE FLORIDA STATE)
CONFERENCE OF NAACP BRANCHES,)
DEMOCRACIA AHORA, SARAH)
FOWLER, ROSANNE POTTER, MICHAEL)
E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

Plaintiffs,)

vs.)

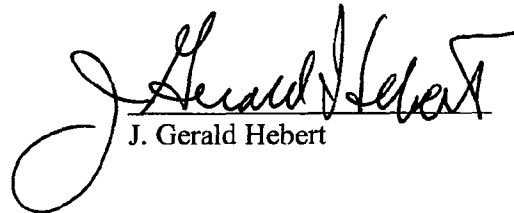
RICK SCOTT, in his official capacity as)
Governor of the State of Florida; and KURT)
BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

Case No. 11-CV-10006-KMM

CERTIFICATION OF J. GERALD HEBERT

I, J. Gerald Hebert, Esquire, pursuant to Rule 4(b) of the Special Rules Governing the Admission and Practice of Attorneys, hereby certify that (1) I have studied the Local Rules of the United States District Court for the Southern District of Florida; and (2) I am a member in good standing of the Bars of the following jurisdictions: Virginia (Bar No. 48432); District of Columbia (Bar No. 447676); the Supreme Court of the United States; the United States Courts of Appeals for the Fifth, Eighth and Eleventh Circuits; the U.S. District Court for the Eastern District of Virginia; and the U.S. District Court for the District of Columbia.

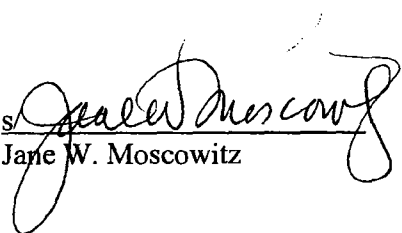

J. Gerald Hebert

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Appear *Pro Hac Vice*, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings was served by mail, on February 7, 2011 to the following:

Pam Bondi, Attorney General
Office of the Attorney General
State of Florida
The Capitol PL-01
Tallahassee, Florida 32399-1050
Counsel for Governor Rick Scott

Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399


s/ Jane W. Moscovitz
Jane W. Moscovitz

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS OF)
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DEMOCRACIA AHORA, SARAH)
FOWLER, ROSANNE POTTER, MICHAEL)
E. BERMAN, CHARLES MAJOR, JR.,)
and PATRICIA M. LENNY,)

Plaintiffs,)

Case No. 11-CV-10006-KMM

vs.)

RICK SCOTT, in his official capacity as)
Governor of the State of Florida; and KURT)
BROWNING, in his official capacity as)
Florida Secretary of State,)

Defendants.)

ORDER GRANTING MOTION TO APPEAR *PRO HAC VICE*, CONSENT TO
DESIGNATION, AND REQUEST TO ELECTRONICALLY RECEIVE NOTICES OF
ELECTRONIC FILING

THIS CAUSE having come before the Court on the Motion to Appear *Pro Hac Vice* for J. Gerald Hebert, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing (the "Motion"), pursuant to the Special Rules Governing the Admission and Practice of Attorneys in the United States District Court for the Southern District of Florida and Section 2B of the CM/ECF Administrative Procedures. This Court having considered the motion and all other relevant factors, it is hereby

ORDERED AND ADJUDGED that:

The Motion is GRANTED. Michael B. DeSanctis may appear and participate in this action on behalf of Plaintiffs the League of Women Voters of Florida, the Florida State Conference of NAACP Branches, Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny. The Clerk shall provide electronic notification of all electronic filings to J. Gerald Hebert at GHebert@campaignlegalcenter.org.

DONE AND ORDERED in Chambers at _____, Florida, this _____ day of _____.

United States District Judge

Copies furnished to:
All Counsel of Record (*via electronic filing*)

011

02/08/2011	11	<p>PAPERLESS ORDER. THIS CAUSE came before the Court on Plaintiffs' Motions to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filings <u>7</u> <u>8</u> <u>9</u> <u>10</u> . UPON CONSIDERATION of the Motions, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motions <u>7</u> <u>8</u> <u>9</u> <u>10</u> are GRANTED. Eric R. Haren, J. Gerald Hebert, Michael B. DeSanctis and Paul M. Smith may appear Pro Hac Vice in this matter. The Clerk of the Court shall provide electronic notification of all electronic filings to eharen@jenner.com, GHebert@campaignlegalcenter.org, mdesanctis@jenner.com, and psmith@jenner.com. Signed by Judge K. Michael Moore on 2/8/2011. (rg1) (Entered: 02/08/2011)</p>
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012

FILING FEE	
PAID	\$ 75. ⁰⁰
pro hac vice	13769
Steven M. Larimore, Clerk	

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

FILED by <u>SL</u> D.C.
FEB 08 2011
STEVEN M. LARIMORE CLERK U. S. DIST. CT. SOUTHERN DISTRICT OF FLORIDA - MIAMI

Civil Action No.: 4:11-cv-10006-KMM

THE LEAGUE OF WOMEN VOTERS OF FLORIDA, THE FLORIDA STATE CONFERENCE OF NAACP BRANCHES, DEMOCRACIA AHORA, SARAH FOWLER, ROSANNE POTTER, MICHAEL E. BERMAN, CHARLES MAJOR, JR., and PATRICIA M. LENNY,

Plaintiffs

v.

RICK SCOTT, in his official capacity as Governor of the State of Florida; and KURT BROWNING, in his official capacity as Florida Secretary of State,

Defendants.

**MOTION TO APPEAR *PRO HAC VICE*,
CONSENT TO DESIGNATION, AND REQUEST TO
ELECTRONICALLY RECEIVE NOTICES OF ELECTRONIC FILING**

In accordance with Local Rules 4(b) of the Special Rules Governing the Admission and Practice of Attorneys of the United States District Court for the Southern District of Florida, the undersigned respectfully moves for the admission *pro hac vice* of M. Laughlin McDonald (Moffatt Laughlin McDonald) of the American Civil Liberties Union Foundation, Inc., 230 Peachtree Street, NW, Suite 1440, Atlanta, GA 30303-1227, 404-523-2721, for purposes of appearance as co-counsel on behalf of Plaintiffs in the above-styled case only, and pursuant to Rule 2B of the CM/ECF Administrative Procedures, to permit M. Laughlin McDonald to receive electronic filings in this case, and in support thereof states as follows:

1. M. Laughlin McDonald is not admitted to practice in the Southern District of Florida and is a member in good standing of the Georgia Bar, the United States District Court for the Northern District of Georgia, and the Eleventh Circuit.

2. Movant, Randall C. Marshall of the American Civil Liberties Union Foundation of Florida, Inc., 4500 Biscayne Blvd Suite 340, Miami, FL 33137-3227, 786-363-2700, is a member in good standing of The Florida Bar and the United States District Court for the Southern District of Florida, maintains an office in this State for the practice of law, and is authorized to file through the Court's electronic filing system. Movant consents to be designated as a member of the Bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case, upon whom filings shall be served, who shall be required to electronically file all documents and things that may be filed electronically, and who shall be responsible for filing documents in compliance with the CM/ECF Administrative Procedures.

3. In accordance with the local rules of this Court, M. Laughlin McDonald has made payment of this Court's \$75 admission fee. A certification in accordance with Rule 4(b) is attached hereto.

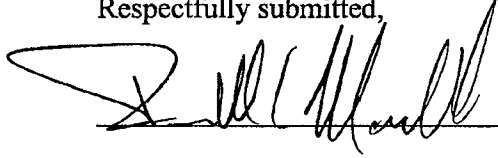
4. M. Laughlin McDonald, by and through designated counsel and pursuant to Section 2B CM/ECF Administrative Procedures, hereby requests the Court to provide Notice of Electronic Filings to M. Laughlin McDonald at email address: Lmcdonald@aclu.org.

WHEREFORE, Randall C. Marshall moves this Court to enter an Order permitting M. Laughlin McDonald, to appear before this Court on behalf of Plaintiffs, for all purposes relating

to the proceedings in the above-styled matter and directing the Clerk to provide notice of electronic filings to M. Laughlin McDonald.

Date: February 8, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randall C. Marshall", written over a horizontal line.

RANDALL C. MARSHALL
American Civil Liberties Union
Foundation of Florida, Inc.
4500 Biscayne Blvd Suite 340
Miami, FL 33137
Tel: (786) 363-2700
Fax: (786) 363-1108
Rmarshall@aclufl.org
FL Bar Number 181765

M. LAUGHLIN McDONALD
American Civil Liberties Union Foundation, Inc.
230 Peachtree Street, NW
Suite 1440
Atlanta, GA 30303-1227
Tel: (404) 523-2721
Fax: (404) 653-0331
Lmcdonald@aclu.org

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN, CHARLES
MAJOR, JR., and PATRICIA M. LENNY,

Civil Action No.: 4:11-cv-10006-KMM

Plaintiffs

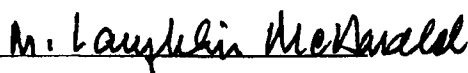
v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

CERTIFICATION OF M. LAUGHLIN McDONALD

M. Laughlin McDonald, Esquire, pursuant to Rule 4(b) of the Special Rules Governing the Admission and Practice of Attorneys, hereby certifies that (1) I have studied the Local Rules of the United States District Court for the Southern District of Florida; and (2) I am a member in good standing of the Georgia Bar, the United States District Court for the Northern District of Georgia, and the Eleventh Circuit.



M. LAUGHLIN McDONALD
American Civil Liberties Union Foundation, Inc.
230 Peachtree Street, NW
Suite 1440
Atlanta, GA 30303-1227
Tel: (404) 523-2721
Fax: (404) 653-0331
Lmcdonald@aclu.org

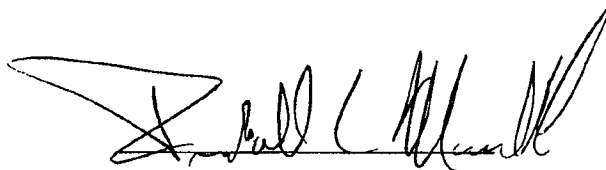
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 8, 2011, I filed the foregoing document with the Clerk of the Court and sent a copy by U.S. mail, postage pre-paid, and by e-mail to the following:

Pam Bondi, Attorney General
Office of the Attorney General
State of Florida
The Capitol PL-O1
Tallahassee, Florida 32399-1050

Counsel for Governor Rick Scott

Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-1 0
Tallahassee, Florida 32399

A handwritten signature in black ink, appearing to read "Randall C. Marshall". The signature is fluid and cursive, with a large, sweeping initial "R" and "M".

RANDALL C. MARSHALL
American Civil Liberties Union
Foundation of Florida, Inc.
4500 Biscayne Blvd Suite 340
Miami, FL 33137
Tel: (786) 363-2700
Fax: (786) 363-1108
Rmarshall@aclufl.org
FL Bar Number 181765

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN, CHARLES
MAJOR, JR., and PATRICIA M. LENNY,

Civil Action No.: 4:11-cv-10006-KMM

Plaintiffs

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

**ORDER GRANTING MOTION TO APPEAR
PRO HAC VICE, CONSENT TO DESIGNATION AND REQUEST TO
ELECTRONICALLY RECEIVE NOTICES OF ELECTRONIC FILING**

THIS CAUSE having come before the Court on the Motion to Appear *Pro Hac Vice* for M. Laughlin McDonald, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing (the "Motion"), pursuant to the Special Rules Governing the Admission and Practice of Attorneys in the United States District Court for the Southern District of Florida and Section 2B of the CM/ECF Administrative Procedures. This Court having considered the motion and all other relevant factors, it is hereby

ORDERED AND ADJUDGED that:

The Motion is GRANTED. M. Laughlin McDonald may appear and participate in this action on behalf of Plaintiffs. The Clerk shall provide electronic notification of all electronic filings to M. Laughlin McDonald at Lmcdonald@aclu.org.

DONE AND ORDERED in Chambers at Miami, Florida, this ____ day of February, 2011.

K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

cc: all counsel of record

013

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN, CHARLES
MAJOR, JR., and PATRICIA M. LENNY,

Case No. 11-CV-10006-KMM

Plaintiffs,

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

NOTICE OF FILING CORRECTED SERVICE LIST

Plaintiffs, the League of Women Voters of Florida, the Florida State Conference of NAACP Branches, Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny, hereby file a corrected service list to Motion's for Pro Hac Vice (DE #'s 7, 8, 9, 10, and 12), attached hereto as Exhibit A.

Respectfully Submitted,

Moscowitz & Moscovitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, FL 33131
Telephone (305) 379-8300
Facsimile (305) 379-4404

By: /s/Jane W. Moscovitz

Jane W. Moscovitz
Florida Bar No. 586498
Jmoscovitz@moscovitz.com

Charles G. Burr
Fla. Bar No. 0689416
Burr & Smith, LLP
441 W. Kennedy Blvd.
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Fax: (813) 254-8391
cburr@burrandsmithlaw.com

Randall C. Marshall
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Foundation of Florida, Inc.
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Rmarshall@aclufl.org
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Laughlin McDonald
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Paul M. Smith
Michael B. DeSanctis
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Tel: (202) 639-6000
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psmith@jenner.com

J. Gerald Hebert
Attorney at Law
J. Gerald Hebert, P.C.
191 Somerville Street, #405
Alexandria, VA 22304
Tel: (703) 628-4673
ghebert@campaignlegalcenter.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing is being served via transmission of notices of electronic filing generated by CM/ECF on this 9th, day of February,

2011, on:

Rick Scott
Governor of Florida
The Capitol PL-01
Tallahassee, Florida 32399

Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399

s/Jane W. Moscovitz
Jane W. Moscovitz

EXHIBIT A

CORRECTED SERVICE LIST

Rick Scott
Governor of Florida
The Capitol PL-01
Tallahassee, Florida 32399

Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399

s/Jane W. Moscovitz
Jane W. Moscovitz

014

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN, CHARLES
MAJOR, JR., and PATRICIA M. LENNY,

Case No. 11-CV-10006-KMM

Plaintiffs,

**DECLARATION OF JANE W.
MOSCOWITZ REGARDING
SERVICE OF THE COMPLAINT
AND SUMMONSES**

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

I, JANE W. MOSCOWITZ, make the following Declaration pursuant to 28 U.S.C. §
1746 and Rule 4, FRCP:

1. I am an attorney licensed to practice in the courts of the State of Florida,
and am admitted to practice in the Southern District of Florida. I am over 18 years of age. I am a
partner in the firm of Moscowitz & Moscowitz, P.A., and represent the League of Women Voters
of Florida, The Florida State Conference of NAACP Branches, Democracia Ahora, Sarah
Fowler, Rosanne Potter, Michael E. Berman, Charles Major, Jr., and Patricia M. Lenny in the

above-captioned matter. Accordingly, I am fully familiar with the facts, circumstances, and prior proceedings in this matter.

2. Plaintiffs' Complaint and Summons was served upon Defendants via Certified U.S. Mail, Return Receipt Requested. More specifically, Defendants were served as follows:

(a) Defendant Governor Rick Scott was served with a package bearing Article Number 7007 0220 0000 7625 5001;

(b) Defendant Secretary of State Kurt Browning was served with a package bearing Article Number 7007 0220 0000 7625 4998, and

(c) Attorney General Pam Bondi (served as a courtesy) was served with a package bearing Article Number 7007 0220 0000 7625 4981. Each package contained a copy of the Complaint, and each package issued to a defendant contained a summons issued by this Court.

3. Defendants accepted service by mail. A true and correct copy of the dated and stamped Return Receipt cards reflecting Defendants' acceptance are attached hereto as Exhibits A, B, and C.

Respectfully submitted,

Moscowitz & Moscovitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, FL 33131
Telephone (305) 379-8300
Facsimile (305) 379-4404

By: /s/Jane W.Moscowitz
Jane W. Moscovitz
Florida Bar No. 586498
jmoscovitz@moscovitz.com

Charles G. Burr
Fla. Bar No. 0689416
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American Civil Liberties Union
Foundation of Florida, Inc.
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Attorney at Law
J. Gerald Hebert, P.C.
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Tel: (703) 628-4673
ghebert@campaignlegalcenter.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing is being served via transmission of notices of electronic filing generated by CM/ECF on this 16th, day of February, 2011, on:

Rick Scott
Governor of Florida
The Capitol PL-01
Tallahassee, Florida 32399

Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399

s/Jane W. Moscovitz
Jane W. Moscovitz

EXHIBIT A

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee X	
1. Article Addressed to: Rick Scott Governor of Florida The Capitol PL-01 Tallahassee, FL 32399	B. Received by (Printed Name) OFFICE OF THE GOVERNOR CITIZEN SERVICE	C. Date of Delivery FEB 9 AM 11:00
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7007 0220 0000 7625 5001		

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kurt Browning
 Secretary of State
 Attn: The General Counsel
 The Capitol, LL-10
 Tallahassee, FL 32399

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
 X FEB 10 2011

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number
 (Transfer from service label)

7007 0220 0000 7625 4998

EXHIBIT C

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Pam Bondi, Attorney General
 Office of the Attorney General
 State of Florida
 The Capitol PL-01
 Tallahassee, FL 32399

2. Article Number

(Transfer from service label)

7007 0220 0000 7625 4981

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

RECEIVED

C. Date of Delivery

2/16/11

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

ATTORNEY GENERAL'S OFFICE

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

015

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN, CHARLES
MAJOR, JR., and PATRICIA M. LENNY,

Civil Action No.:11-10006-CV-MOORE

Three-Judge District Court Requested

Plaintiffs

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

NOTICE OF RELATED CASE

Plaintiffs THE LEAGUE OF WOMEN VOTERS OF FLORIDA, THE FLORIDA STATE CONFERENCE OF NAACP BRANCHES, DEMOCRACIA AHORA, SARAH FOWLER, ROSANNE POTTER, MICHAEL E. BERMAN, CHARLES MAJOR, JR., and PATRICIA M. LENNY, pursuant to Local Rule 3.8, hereby file this Notice of Related Case, to inform this Court of another case, *Diaz-Balart v. Rick Scott, et al.*, Case No. 10-CV- 23968-UNGARO, “which involves subject matter which is a material part of the subject matter of another action or proceeding then pending before this Court. . . .” Section 2.15.00 of the Internal Operating Procedures of the Southern District of Florida. Pursuant to Local Rule 3.8, it is the “continuing duty of counsel” to notify the Court of such related actions.

This case and *Diaz-Balart v. Rick Scott* involve much of the same subject matter, namely

the implementation and enforceability of recently adopted Amendment 6 to the Florida Constitution, now Section III, Article 20. Amendment 6, upon adoption by Florida's voters in the last election, created new criteria that must be followed by the State Legislature when it undertakes congressional redistricting pursuant to the 2010 census. Specifically, the *Diaz-Balart* Plaintiffs (two members of the United States Congress) seek to enjoin the Governor and Secretary of State from enforcement of Amendment 6; and this case addresses the question of whether Amendment 6 should be submitted by the Governor or Secretary of State for pre-clearance pursuant to section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c ("Section 5") in order to assure its implementation and enforcement. Section 5 states that any "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting" in any jurisdiction covered by Section 5, may not be lawfully implemented unless and until such change has been pre-cleared by the Department of Justice or the United States District Court for the District of Columbia. This case also seeks the same relief for Amendment 5, now Article III, section 21 of the Florida Constitution which specifies new criteria that must be followed by the State Legislature when it undertakes state legislative redistricting.

This action came about when Florida's Governor and Secretary of State withdrew an earlier request that the Department of Justice approve the new criteria as required by Section 5. Despite the apparent need for preclearance, the State of Florida has begun to implement Sections 20 and 21. The essence of this case is to determine if Sections 20 and 21 require pre-clearance and if they do, to require the Governor and the Secretary of State to re-submit them promptly for preclearance so that they may be enforced.

The two actions are, therefore, related, especially because the new criteria cannot be legally implemented until the requisite pre-clearance of the criteria has been obtained – a legal reality intimately connected to the *Diaz-Balart* Plaintiffs' alleged harms. *Lopez v. Monterey County*, 525 U.S. 266, 287 (1999); *McDaniel v. Sanchez*, 425 U.S. 130 (1987); *Cook v. Randolph County*, 573 F.3d 1143 (11th Cir. 2009). Furthermore, there is an identity of parties in these related cases. The primary Defendants in the two actions, Governor Scott and Secretary of State Browning, are the same, and some of the Plaintiffs in the instant case, *i.e.*, the Florida State Conference of NAACP Branches and Democracia Ahora, have moved to intervene as Defendants in the *Diaz Balart* case.

Respectfully Submitted,

Moscowitz & Moscovitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, FL 33131
Telephone (305) 379-8300
Facsimile (305) 379-4404

By: /s/Jane W.Moscowitz
Jane W. Moscovitz
Florida Bar No. 586498
Jmoscovitz@moscovitz.com

Charles G. Burr
Fla. Bar No. 0689416
Burr & Smith, LLP
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Tampa, FL 33606
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cburr@burrandsmithlaw.com

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Foundation of Florida, Inc.
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FL Bar Number 181765

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Atlanta, GA 30303-1227
Tel: (404) 523-2721
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Lmcdonald@aclu.org

Paul M. Smith
Michael B. DeSanctis
Eric R. Haren
Jenner & Block LLP
1099 New York Ave., N.W.
Washington, D.C. 20001
Tel: (202) 639-6000
Fax: (202) 639-6066
psmith@jenner.com

J. Gerald Hebert
Attorney at Law
J. Gerald Hebert, P.C.
191 Somerville Street, #405
Alexandria, VA 22304
Telephone (703) 628-4673
ghebert@campaignlegalcenter.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing is being served via transmission of notices of electronic filing generated by CM/ECF on this 25th, day of February, 2011, on:

Rick Scott
Governor of Florida
The Capitol PL-01
Tallahassee, Florida 32399

Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399

s/Jane W. Moscovitz
Jane W. Moscovitz

016

RETURN OF SERVICE

State of Florida

County of Southern

United States District Court Court

Case Number: 11-10006-CIV-MOORE/SIMONTON

Plaintiff:

**The League of Women Voters of Florida, The Florida State
Conference of NAACP Branches, Democracia Ahora, Sarah Fowler,
Rosanne Potter, Michael E. Berman and Charles Major Jr., Patricia
M. Lenny,**

vs.

Defendant:

**Rick Scott, in his official Capacity as Governor of the State of
Florida; and Kurt Browning, in his official capacity as Florida
Secretary of State,**

For:

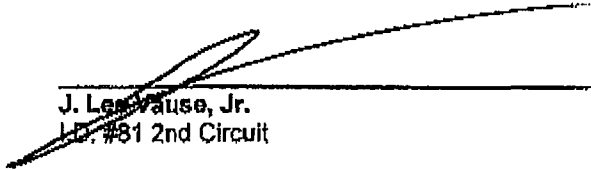
Jane W. Moscovitz
Moscovitz & Moscovitz, P.A.
1111 Brickell Avenue
Suite 2050
Miami, FL 33131

Received by Vause's Process Service on the 23rd day of February, 2011 at 10:30 am to be served on **Rick Scott, Governor of Florida, The Capitol PL-01, Tallahassee, FL 32399.**

I, J. Lee Vause, Jr., do hereby affirm that on the 23rd day of February, 2011 at 10:55 am, I:

GOVERNMENT AGENCY: served by delivering a true copy of the **Summons & Complaint, Request for Appointment of a Three-Judge Court Attached Pursuant to S.D. Fla. Local Rule 9.1** with the date and hour of service endorsed thereon by me, to: **Rick Figlio as General Counsel at the address of The Capitol, Second Floor, Tallahassee, FL 32399 for Rick Scott, Governor of Florida,** and informed said person of the contents therein, in compliance with State Statutes.

Under Penalties of Perjury, I declare I have read the foregoing document and the facts stated in it are true. NO NOTARY REQUIRED PURSUANT TO F.S. 92.525(2). I am over the age of 18, of sound mind and neither a party to or interested in the above suit.


J. Lee Vause, Jr.
LD. #81 2nd Circuit

Vause's Process Service
P.O. Box 1777
Tallahassee, FL 32302-1777
(850) 656-2605

Our Job Serial Number: VPS-2011002099

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN AND CHARLES
MAJOR JR., PATRICIA M. LENNY,

Civil Action No. **11-10006-CIV-Moore/Simonton**

Plaintiffs,

v.

RICK SCOTT, in his official capacity
as Governor of the State of Florida;
and KURT BROWNING, in his official
capacity as Florida Secretary of
State,

Defendants.

SUMMONS IN A CIVIL ACTION

To: Kurt Browning
Secretary of State
Attn: The General Counsel
The Capitol, LL-10
Tallahassee, Florida 32399

A lawsuit has been filed against you.

Within 21 days of service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) - you must serve the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jane W. Moscovitz, Esq.
Moscovitz & Moscovitz, P.A.
Sabadell Financial Center
1111 Brickell Avenue, Suite 2050
Miami, Florida 33131

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: February 3, 2011



Steven M. Larimore
Clerk of Court

SUMMONS

s/Olivia Tompkins
Deputy Clerk
U.S. District Courts

017

RETURN OF SERVICE

State of Florida

County of Southern

United States District Court Court

Case Number: 11-10006-CIV-MOORE/SIMONTON

Plaintiff:

The League of Women Voters of Florida, The Florida State Conference of NAACP Branches, Democracia Ahora, Sarah Fowler, Rosanne Potter, Michael E. Berman and Charles Major Jr., Patricia M. Lenny,

vs.

Defendant:

Rick Scott, in his official Capacity as Governor of the State of Florida; and Kurt Browning, in his official capacity as Florida Secretary of State,

For:

Jane W. Moscovitz
Moscovitz & Moscovitz, P.A.
1111 Brickell Avenue
Suite 2050
Miami, FL 33131

Received by Vause's Process Service on the 23rd day of February, 2011 at 10:30 am to be served on Kurt Browning, Secretary of State, The Capitol, LL-10, Tallahassee, FL 32399.

I, J. Lee Vause, Jr., do hereby affirm that on the 23rd day of February, 2011 at 11:00 am, I:

GOVERNMENT AGENCY: served by delivering a true copy of the **Summons & Complaint, Request for Appointment of a Three-Judge Court Attached Pursuant to S.D. Fla. Local Rule 9.1** with the date and hour of service endorsed thereon by me, to: **Betty Money as Executive Assistant** at the address of **500 S. Bronough St., Tallahassee, FL 32399** for **Kurt Browning, Secretary of State**, and informed said person of the contents therein, in compliance with State Statutes.

Under Penalties of Perjury, I declare I have read the foregoing document and the facts stated in it are true. NO NOTARY REQUIRED PURSUANT TO F.S. 92.525(2). I am over the age of 18, of sound mind and neither a party to or interested in the above suit.


J. Lee Vause, Jr.
D. #81 2nd Circuit

Vause's Process Service
P.O. Box 1777
Tallahassee, FL 32302-1777
(850) 656-2606

Our Job Serial Number: VPS-2011002100

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF FLORIDA

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES,
DEMOCRACIA AHORA, SARAH
FOWLER, ROSANNE POTTER,
MICHAEL E. BERMAN AND CHARLES
MAJOR JR., PATRICIA M. LENNY,

Civil Action No. **11-10006-CIV-Moore/Simonton**

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To: Rick Scott
Governor of Florida
The Capitol PL-01
Tallahassee, Florida 32399

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Steven M. Larimore
Clerk of Court

SUMMONS

s/Olivia Tompkins
Deputy Clerk
U.S. District Courts