

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT,  
LEON COUNTY, FLORIDA, CIVIL DIVISION

ALBERT GORE, JR., Nominee of the  
Democratic Party of the United States for  
President of the United States, et al.,

Plaintiffs,

v.

CASE NO.: *02-288*

KATHERINE HARRIS, as SECRETARY OF  
STATE, STATE OF FLORIDA, et al.,

Defendants.

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LEON COUNTY  
JAN 27 PM 12:15

FILED

**EMERGENCY MOTION TO SHORTEN TIME AND  
REQUEST FOR AN EMERGENCY HEARING**

Plaintiffs Albert Gore, Jr. and Joseph I. Lieberman, through undersigned counsel, respectfully request that this Court enter an Order shortening the time which the parties have to respond to pleadings, motions, and discovery requests in this action; to establish procedures for the expeditious conduct of this action; and to schedule an emergency hearing to consider this motion and other preliminary matters. The grounds for this motion, as set forth more fully below, are that the procedures requested are necessary to insure that this contest action is resolved in time for the will of the Florida voters to be expressed in the election of the next President of the United States. Movant further states:

1. As recognized by the Florida Supreme Court in its unanimous opinion in *Palm Beach County Canvassing Board v. Harris*, the present case involves "unique circumstances and extraordinary importance," because the outcome of Florida's Presidential election will determine who becomes the next President of the United States. Case Nos.

SC00-2346, SC00-2348 & SC00-2349 (Nov. 21, 2000) (Slip Op. at p.39). This election is the closest in our nation's history. It therefore is not surprising that the contest provisions of Florida law, designed to ensure that close elections are decided properly and accurately, must be carefully employed.

2. Pursuant to federal law, 3 U.S.C. § 7, the Electoral College will meet this year on December 18, 2000. To accommodate that date, Florida's slate of electors must be chosen by December 12, 2000 pursuant to 3 U.S.C. § 5. Time is of the essence to accomplish this contest.

3. In order to effectuate plaintiffs' rights to contest the certifications at issue in any meaningful way, it is necessary that the Court establish an expedited schedule with respect to answers, discovery responses, motions, and a trial setting.

4. Pursuant to the contest statute, this Court is empowered to "fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked to prevent or correct *any alleged wrong*." § 102.168(8), Fla. Stat. (2000). It is also well-established that in Florida, circuit courts are superior courts of general jurisdiction, and nothing is intended to be outside their jurisdiction except that which clearly and specifically appears so to be. *English v. McCrary*, 348 So. 2d 293, 295 (Fla. 1977) (citing *State ex rel. B.F. Goodrich Co. v. Trammell*, 192 So. 175 (Fla. 1939) ("The circuit courts of the State of Florida are courts of general jurisdiction . . . clothed with most generous powers under the Constitution, which are beyond the competency of the legislature to curtail.")).

5. Considering the foregoing, plaintiffs respectfully request that the Court order the following:

a. The Requests to Produce ballots from Miami-Dade County and Palm Beach County shall be effectuated, and the motions to place these ballots in the registry of the Court shall be granted and effectuated before 11:00 a.m., Tuesday, November 28, 2000, or as soon as the Court deems appropriate.

b. All pleadings in this matter shall be effectuated by hand delivery. The Court shall establish a liaison counsel for each party upon whom all pleadings shall be hand delivered. Liaison counsel shall be responsible for making and distributing all copies to co-counsel for its client.

c. All pleadings and all discovery requests should be responded to by 5:30 p.m. on the day following the service of the pleading or discovery requests, unless otherwise directed. All such pleadings and discovery requests shall be simultaneously served upon the court.

d. The Court should establish a daily motions calendar, which shall take place at 8:00 a.m. of each morning of this proceeding to settle pending discovery disputes and pending motions. All discovery disputes and motions pending and ripe as of 5:30 p.m. the night before shall be settled at the morning motions calendar unless otherwise directed.

6. In addition, plaintiffs further request that this Court schedule an emergency hearing for today, or as soon thereafter as possible, to consider this motion and hear any other preliminary matters that the parties seek to raise.

Respectfully submitted this \_\_\_\_\_ day of November, 2000.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by United States mail, hand delivery or facsimile transmission this 27 day of November, 2000 to the following:

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for Miami-Dade County Canvassing  
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for Secretary Katherine Harris and  
the Elections Canvassing Committee

Ben Ginsburg  
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for the Republican Party

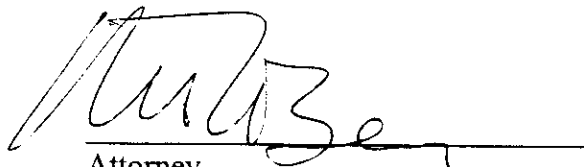
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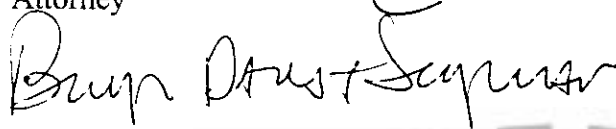
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THE SECOND JUDICIAL CIRCUIT,

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