

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

CASE NO. CV 00 2808

ALBERT GORE, JR., Nominee of the
Democratic Party of the United States
for President of the United States, and
JOSEPH I. LIEBERMAN, Nominee of
the Democratic Party of the United States
for Vice President of the United States,

Plaintiffs,

v.

KATHERINE HARRIS, as SECRETARY OF
STATE, STATE OF FLORIDA, and SECRETARY
OF AGRICULTURE BOB CRAWFORD, SECRETARY
OF STATE KATHERINE HARRIS AND L. CLAYTON
ROBERTS, DIRECTOR, DIVISION OF
ELECTIONS, individually and as members of and as
THE FLORIDA ELECTIONS
CANVASSING COMMISSION,

and

THE MIAMI-DADE COUNTY CANVASSING
BOARD, LAWRENCE D. KING, MYRIAM
LEHR and DAVID C. LEAHY as
members of and as THE MIAMI-DADE COUNTY
CANVASSING BOARD, and DAVID C. LEAHY,
individually and as Supervisor of Elections,,

and

THE NASSAU COUNTY CANVASSING BOARD,
ROBERT E. WILLIAMS, SHIRLEY N. KING,
AND DAVID HOWARD (or, in the alternative,
MARIANNE P. MARSHALL), as
members of and as the NASSAU COUNTY

FILED
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CLERK OF COURT
LEON COUNTY, FLORIDA

MARIANNE P. MARSHALL), as
members of and as the NASSAU COUNTY
CANVASSING BOARD, and SHIRLEY N. KING,
individually and as Supervisor of Elections,

and

THE PALM BEACH COUNTY CANVASSING BOARD,
THERESA LEPORE, CHARLES E. BURTON
AND CAROL ROBERTS, as members of and as the
PALM BEACH COUNTY CANVASSING BOARD,
and THERESA LEPORE, individually and as Supervisor
of Elections,

and

GEORGE W. BUSH, Nominee of
the Republican Party of the United States
for President of the United States and
RICHARD CHENEY, Nominee of the
Republican Party of the United States
for Vice President of the United States

Defendants

NOTICE OF OBJECTION TO PLAINTIFFS'
"EXPEDITED TRIAL CALENDAR"

The defendants, Secretary of State and the Elections Canvassing Commission (the
"Secretary and Commission"), give notice of their objection to a document entitled "Expedited
Trial Calendar" served late last night by the plaintiffs, a copy of which is attached as Exhibit A.

1. The plaintiffs' "Expedited Trial Calendar" was presented as not subject to
discussion. If the "Expedited Trial Calendar" was not accepted by the defendants, it would be

submitted by plaintiffs to the Court as a proposed order. Therefore, it is necessary to present this objection now, in an abundance of caution.

2. At the hearing yesterday, the Court ruled that the plaintiffs should first disclose to the defendants their witness and exhibit lists and defendants should first respond to the complaint -- before a determination is made as to whether all of the ballots in Miami-Dade and Palm Beach Counties should be ordered transported to the registry of this Court. Yet, the plaintiffs "Expedited Trial Calendar" is directly contrary to the Court's ruling. Indeed, the plaintiffs "Expedited Trial Calendar" does not even address the time for responding to the complaint, and instead assumes the ballots from Miami-Dade and Palm Beach Counties will be ordered transported today and reviewed over the next 7 days. Thus, the "Expedited Trial Calendar" simply ignores the orderly process the Court put in motion by its rulings yesterday.

3. Further, the "Expedited Trial Calendar" sets out as the first act "Delivery of Ballots Ordered" on Tuesday, November 28 -- today. The Court specifically declined to order such relief in the hearing held yesterday. Moreover, the defendants, including the Secretary and Commission requested an opportunity to address the Court in papers as to the necessity of delivering any ballots to Leon County. By assuming an Order of the Court for delivery of ballots today, the "Expedited Trial Calendar" violates this Court's prior rulings.

4. Defendants also requested an opportunity to address whether the subset of the ballots selected by the plaintiffs for partisan advantage could provide any basis to overturn the certification such that delivery of *all* ballots is a necessary prerequisite to the plaintiffs' claims. This is not a county election. This is an election for President of the United States and for all the votes of this state in the Electoral College. By assuming "Delivery of Ballots Ordered" today

(with “Ballots” meaning only the subset of ballots where the plaintiffs sense an opportunity for partisan advantage), the “Expedited Trial Calendar” presumes that the plaintiffs have already been granted their requested relief with no showing of any right to such relief.

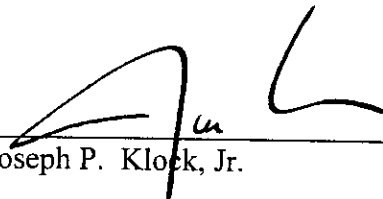
5. The “Expedited Trial Calendar” also fails to include any date for the defendants to respond to the Complaint by pleading or motion and, to the extent that the defendants elect to respond by motion, fails to address the necessity that such motions be disposed of before expending the massive trial and discovery resources contemplated by the plaintiffs. The Court expressly provided for a response date and contemplated that the defendants might respond by motion. Thus, again, the “Expedited Trial Calendar” violates this Court’s prior ruling.

6. The hardships associated with providing the defendants minimal due process are entirely of the plaintiffs own making, having demanded a greatly expanded protest period at the expense of the evidentiary contest period. That self-inflicted exigency is not a license for the plaintiffs to ignore the Court’s rulings. Nor is it a license to force an impossible schedule on a state agency with limited resources that is already straining to meet multiple deadlines in other courts. For example, the Secretary and Commission must today file briefs in the United States Supreme Court, the United States Court of Appeals for the Eleventh Circuit and the Florida Supreme Court in matters related to the Presidential election. The Secretary and Commission also must file a reply brief in the United States Supreme Court this Thursday, November 30, 2000. Thus, the Secretary and Commission respectfully request that the Court remain especially vigilant to protect the rights of all parties to due process of law.

CONCLUSION

Accordingly, the Secretary and Commission object to the plaintiffs "Expedited Trial Calendar," and will promptly submit to the Court an appropriate schedule consistent with the Court's rulings.

Respectfully submitted,



Joseph P. Klock, Jr.

CERTIFICATE OF SERVICE

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

Mitchell W. Berger
Berger Davis & Singerman
350 East Las Olas Boulevard, Suite 1000
Fort Lauderdale, FL 33301
for Albert Gore, Jr. and Joseph I. Lieberman

Barry Richard
Greenberg Traurig
101 East College Avenue
Tallahassee, FL 32301
for Governor Bush

W. Dexter Douglass
Douglass Law Firm
211 East Call Street
Tallahassee, FL 32302
for Albert Gore and Joseph I. Lieberman

Ben Ginsburg
State Republican Headquarters 420 West
Jefferson Street
Tallahassee, FL 32301
for the Republican Party

Tucker Ronzetti
Assistant County Attorney
111 NW First Street
Miami, FL 33130
for Miami-Dade Canvassing Board

Michael S. Mullin
191 Nassau Place
Yulee, Florida 32097
for Nassau County Canvassing Board

Harold McLean, Senior Attorney
Agriculture & Consumer Services
515 Mayo Building
407 South Calhoun Street
Tallahassee, FL 32399

Bruce Rogow
Bruce S. Rogow, P.A.
500 East Broward Boulevard, Suite 1930
Fort Lauderdale, FL 33394
for Palm Beach Canvassing Board

Andrew McMahon
Palm Beach County Attorney Office
301 North Olive Avenue, Suite 601
West Palm Beach, FL 33401-4705

Terrell C. Madigan
Harold R. Mardenborough Jr.
McFarlain, Wiley, Cassedy & Jones
215 South Monroe Street
Suite 600 (32301)
Post Office Box 2174
Tallahassee, FL 32316-2174
for Intervener: Matt Butler

R. Frank Myers, Esquire
Post Office Box 1876
215 South Monroe Street, Suite 701
Tallahassee, FL 32302-1876
for Interveners: Stephen Cruce, Teresa Cruce,
Terry Kelly & Jeanette K. Seymour

BY: _____

Joseph P. Klöck, Jr.

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