

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

GEORGE WILLIAMS, *et al.*

Plaintiffs,

v.

CASE NO. 2011 CA 1584

RICK SCOTT, *et al.*,

Defendants.

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**DEFENDANTS' MOTION TO CONTINUE HEARING**

Defendants Rick Scott, Jeff Atwater, and Pam Bondi, in their capacities as the State Board of Administration, and John P. Miles, in his capacity as the Secretary of the Department of Management Services (collectively, "Defendants"), respectfully submit this Motion to Continue the Hearing currently scheduled for Friday, February 23, 2012, to Monday, February 27, 2012.

In support of this Motion, Defendants state as follows:

1. On Thursday, February 16, the Court's judicial assistant contacted counsel for all parties to advise that the Court was prepared to release its written order on the parties' cross-motions for summary judgment (the "Order") and inquired as to the availability of all parties for a hearing at 3:00 p.m. on Friday, February 24, 2012 (the "Hearing"). The message from the Court's assistant stated that "[t]he purpose of the hearing is for the Judge to release her written order on the cross motions for summary judgment, and to address any post-ruling requests for emergency relief." A copy of this e-mail is attached hereto as Exhibit 1.

2. Later that day, counsel for all parties responded affirmatively that they were available for the Hearing. Per the Court's instructions, Plaintiffs' counsel filed a notice scheduling the Hearing at the date and time requested by the Court.

3. While counsel for Defendants are available for the hearing, Defendants respectfully request that the Court (1) release the Order at its earliest convenience and in advance of any hearing, and (2) continue the hearing until Monday, February 27, 2012.

4. As grounds for the requested release of the Court's Order on the pending cross-motions for summary judgment prior to the hearing, Defendants note that the nature of the Order will control any requests for further relief, emergency or otherwise. Without prior notice of the Court's decision, the Defendants cannot properly prepare for any hearing on additional relief. Specifically, Defendants' counsel will not be able to consult with their clients or properly consider the next steps that are appropriate in light of the Court's ruling. Defendants' counsel, for example, represent the Governor, Attorney General, and Chief Financial Officer, three Constitutional officers elected by the people of the State of Florida, as well as the Secretary of the Department of Management Services. Likewise, counsel for Plaintiffs and Intervening Plaintiffs collectively represent more than 30 individuals and entities. Defendants respectfully submit that a hearing on relief related to the Order immediately following the announcement of that Order would not allow adequate time for counsel to consult with their various clients with respect to the impact of the Order, let alone any related relief, emergency or otherwise. Defendants respectfully submit that, in order to adequately consider the legality, propriety, and/or feasibility of further relief that might be requested as a result of the Order, counsel must be given adequate time to review the Order, consider the specific relief that is requested or appropriate in light of same, and consult with their respective clients.

5. Although it is unclear from the Court's judicial assistant's message whether the Court's Order has already been written, Defendants respectfully request that the Court release its Order as soon as possible and, in any event, at least 24 hours in advance of the Hearing to allow

the parties adequate time to request and consider any relief that might be appropriate as a result of the Order.

6. Regardless of when the Court releases the Order, Defendants also respectfully request that the Court continue the Hearing and any consideration of relief requested by any of the Parties, emergency or otherwise, from Friday, February 24, to Monday, February 27. The timing of the Hearing, specifically at the end of the business day on a Friday, would likely prevent the Parties and the Court from having adequate time to fully consider and address the issues related to such relief, as well as other procedural steps that may be necessary or appropriate in light of any specific relief the Court may award. Accordingly, Defendants respectfully request that the Court postpone the Hearing until Monday, February 27, or as early during that week as is convenient for the Court.

7. In the alternative, if the Court prefers to release its Order at the Hearing as scheduled on Friday, February 24, Defendants respectfully request that the Court not consider the merits of any requests for relief, emergency or otherwise, during the Hearing, but that the Court instead hold a second hearing on a later date to consider any such relief. Holding separate hearings relating to the Court's Order and any related relief would permit the parties adequate time to review the Order, consult their clients, and determine what, if any, relief is appropriate or feasible in light of same. In addition, scheduling the hearing on a day of the week other than Friday will give the Parties the opportunity to fully consider and implement any additional steps that may be appropriate in light of any relief the Court may award.

For these reasons, Defendants respectfully request that the Court release its Order as soon as it is available and continue the Hearing to Monday, February 27. In the alternative, Defendants respectfully request that the Court not consider the merits of any specific relief that

may be requested as a result of its Order at the Hearing currently scheduled for Friday, February 24, but instead consider such relief at a subsequent hearing after the Parties have had sufficient time to consider, identify and discuss the legality and feasibility of any such relief.

**PAMELA JO BONDI  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of February, 2012, a copy of the foregoing was served by electronic mail and by U.S. Mail upon:

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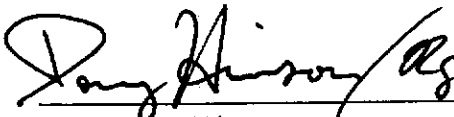
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# **EXHIBIT 1**

## **Siegel, Richard**

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**From:** Deanna Gravius [<mailto:GraviusD@leoncountyfl.gov>]

**Sent:** Thursday, February 16, 2012 2:21 PM

**To:** [David.Godofsky@alston.com](mailto:David.Godofsky@alston.com); [Doug.Hinson@alston.com](mailto:Doug.Hinson@alston.com); [Jonathan.Rose@alston.com](mailto:Jonathan.Rose@alston.com); [sickingpa@aol.com](mailto:sickingpa@aol.com); [rsiwica@eganlev.com](mailto:rsiwica@eganlev.com); [pam.cooper@floridaea.org](mailto:pam.cooper@floridaea.org); [hal@flpba.org](mailto:hal@flpba.org); [gcounsel@iupa.org](mailto:gcounsel@iupa.org); [nisenson@iupa.org](mailto:nisenson@iupa.org); Jennifer S. Blohm; Lynn Hearn; [blaine.winship@myfloridalegal.com](mailto:blaine.winship@myfloridalegal.com); [chesterfield.smith@myfloridalegal.com](mailto:chesterfield.smith@myfloridalegal.com); [aobrien@nea.org](mailto:aobrien@nea.org); [orind@phillipsrichard.com](mailto:orind@phillipsrichard.com); [gwilson@schwartzlawfirm.net](mailto:gwilson@schwartzlawfirm.net); [donslesnick@sclp.com](mailto:donslesnick@sclp.com)

**Subject:** Williams v Scott 2011 CA 1584

The Judge would like to know if all counsel of record can be available for a hearing on Friday, February 24, 2012 at 3:00 p.m. The purpose of the hearing is for the Judge to release her written order on the cross motions for summary judgment, and to address any post-ruling requests for emergency relief. She will set one hour aside to address whatever issues the parties wish to take up.

She can start as late as 4:00 p.m. that day.

Please contact all counsel of record and let us know whether that date is acceptable. If it is, please notice the hearing as a case management. If one of you can take the lead and contact other counsel and let me know it would be greatly appreciated

Thank you.

### **Deanna Gravius**

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