

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

Victor DiMaio, an individual

CASE NO: 8:08-CV-672-T-26EAJ

Plaintiff,

v.

Democratic National Committee

Defendant,
_____ /

**MOTION TO EXPEDITE SCHEDULING OF HEARING
ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW the Plaintiff, by and through his undersigned attorney and files this his Motion to Expedite Scheduling of Hearing on Plaintiff's Motion for Summary Judgment and says:

The Plaintiff, in his Complaint, seeks a declaration that the rules and the decision of the Defendant, disallowing Florida to seat all elected delegates to its National Nominating Convention is unconstitutional and violates the Plaintiff's rights under the Civil Rights Act of 1964.

The Plaintiff further seeks an injunction to require the Defendant to seat all of the delegates elected from the State of Florida at the Defendant's National Nominating Convention.

As of the date that this motion is filed, not including delegates elected from the State of Florida and Michigan, Democratic presidential candidate Barack Obama has garnered 1,490 pledged delegates and presidential candidate Hillary Clinton has garnered 1,336 pledged candidates, a difference of 154 pledged delegates. There are a number “super delegates”, who are not committed or pledged to either candidate who have indicated publicly which candidate he or she would support. If these unpledged delegates are considered, candidate Barack Obama has an estimated 1,725 delegates and candidate Hillary Clinton has approximately 1593 delegates, a difference of 132 delegates. If delegates from the States of Florida and Michigan are seated based on the elections from these respective states, the estimated difference in the number of delegates between the two candidates would be approximately 11.

The Democratic presidential preference primary elections will conclude the first week in June, 2008 and uncommitted or “super delegates” have been encouraged by the Chairman of the Democratic National Committee to announce their support for a presidential candidate on or before July 1, 2008.

The Democratic National Nominating Convention is scheduled for August 25, 2008.

The decision of this court, at a minimum, may influence the decisions of the uncommitted or super delegates to the National Nominating Convention and possibly could determine the Democratic nominee for president.

THEREFORE, due to the urgent nature of this matter, the Plaintiff would respectfully request that this court schedule a hearing on Plaintiff’s Motion for Summary

Judgment and issue its decision as soon as permissible under the Federal Rules of Civil Procedure.

Respectfully Submitted,

s/ Michael A. Steinberg
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on April 29, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel for Defendant, Katherine E. Giddlings, Akerman Senterfitt, 106 East College Avenue, Suite 1200, Tallahassee, FL 32301 and counsel, Joseph E. Sandler, Sandler, Reiff & Young, P.C., 50 E. Street, S.E., Suite 300, Washington, DC 20003.

s/ Michael A. Steinberg
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