

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 06-21265-CIV-SEITZ-MCALILEY

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FILED

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CLARENCE MADDOX
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LEAGUE OF WOMEN VOTERS OF FLORIDA;
PEOPLE ACTING FOR COMMUNITY TOGETHER
(PACT); FLORIDA ALF-CIO; AMERICAN
FEDERATION OF STATE, COUNTY AND LOCAL
EMPLOYEES, COUNCIL 79 (AFSCME); SEIU
FLORIDA HEALTHCARE UNION, as organizations
and as representatives of their members; MARILYN
WILLS; and JOHN and JANE DOES 1-100,

Plaintiffs,

v.

SUE M. COBB, individually and in her official capacity as
Secretary of State for the State of Florida; and DAWN
ROBERTS, individually and in her official capacity as
Director of the Division of Elections within the Department
of State for the State of Florida,

Defendants.

JOINT MOTION TO STAY PROCEEDINGS PENDING APPEAL

The parties in this action jointly move this Court for an order temporarily staying the proceedings in this Court. The parties respectfully show this Court as follows:

1. The Plaintiffs initiated this action seeking to enjoin the Defendants' enforcement of Sections 97.021(36) and 97.0575, Florida Statutes. After a hearing on the Plaintiffs' Motion for Preliminary Injunction, this Court entered an order preliminarily enjoining enforcement of the challenged provisions.

2. After entry of this Court's preliminary injunction order, Defendants timely filed a Notice of Appeal. The Eleventh Circuit Court of Appeals has docketed the appeal and will review this Court's order. The Circuit Court's decision could be dispositive of this action.

3. In light of the pending appeal, upon Defendants' request, the Parties have agreed that a temporary stay of all proceedings in this Court would be efficient and practical and may prevent unnecessary efforts by the Parties and this Court.

4. Accordingly, the Parties have agreed to a stay under the following terms:

- A. All proceedings in this Court—including but not limited to discovery, reports, and conferences—are stayed, with all deadlines to be postponed accordingly.
- B. The stay will continue until the earlier of (i) resolution of the pending appeal or (ii) six months from the entry of the order granting the stay.
- C. The Parties reserve their rights to revisit the issue and move for an additional stay or modification of the stay.
- D. Once the stay is lifted, to ensure that plaintiffs will not be prejudiced by the stay, the discovery period will be expedited so that discovery will be completed within three months.
- E. In order to ensure that discovery will be completed within three months, the parties agree to produce initial disclosures pursuant to Federal Rule of Civil Procedure 26 and Local Rule 26.1(A) within two (2) weeks of the Circuit Court's ruling; to respond to written discovery requests pursuant to Fed. R. Civ. P. 33, 34, 36 and Local Rule 26.1(G), within twenty (20) days of their service; to adhere to an expedited briefing schedule of any motion

to compel, under which responses to such motion shall be due seven (7) days after service of such motion and the reply to the response shall be due five (5) days after service of such response.

WHEREFORE, the Parties respectfully request this Court enter an order, substantially in the form of the attached proposed order, temporarily staying proceedings in this Court.

Submitted this 9th day of October, 2006.

[Signatures on following page.]

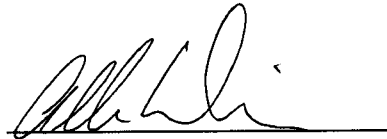
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Defendants.

ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS PENDING APPEAL

This matter is before the Court on the Parties' Joint Motion to Stay Proceedings Pending Appeal. Having considered the matter, it is ORDERED that the Motion is GRANTED.

1. All proceedings in this Court—including but not limited to discovery, pleadings, reports, and conferences—are stayed, with all deadlines to be postponed accordingly.
2. The stay will continue until the earlier of (i) resolution of the pending appeal or (ii) six months from the entry of this Order.
3. This Order is without prejudice to the Parties' moving for an additional stay or modification of the stay.

4. Once the stay is lifted, the discovery period will be limited to three months.

DONE AND ORDERED in Miami, Florida, this __ day of _____, 2006.

PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE