

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

*[Handwritten signature]*  
2006 SEP 29 PM 3:48  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI

**06-22463**

CBS BROADCASTING INC., AMERICAN BROADCASTING  
COMPANIES, INC., THE ASSOCIATED PRESS, CABLE  
NEWS NETWORK LP, LLLP, FOX NEWS NETWORK,  
L.L.C. and NBC UNIVERSAL, INC.,

Plaintiffs,

- v. -

SUE M. COBB, in her official capacity as Secretary of  
State of the State of Florida, and LESTER SOLA, in his  
official capacity as the Supervisor of Elections of  
Miami-Dade County, Florida and as proposed  
representative of a defendant class of all county  
Supervisors of Elections in the State of Florida,

Defendants.

Case **CIV - HUCK**

**MAGISTRATE JUDGE  
SEBASTIAN**

**PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiffs CBS Broadcasting, Inc, American Broadcasting Companies, Inc., The Associated Press, Cable News Network, LP, LLLP, Fox News Network, L.L.C., and NBC Universal, Inc., hereby move this Court for Preliminary Injunction enjoining defendants from enforcing Fla. Stat. §102.031(4),(a),(b) (2005) to prohibit Plaintiffs from conducting exit polls at Florida polling places during the general elections scheduled for November 7, 2006, and as grounds therefore, state:

1. The Plaintiffs in the instant action are challenging the constitutionality of Fla. Stat. §102.031(4)(2005) as applied to their newsgathering activities. The statute, as amended January 1, 2006, prohibits Plaintiffs from asking any voter a "fact" or "opinion"

*[Handwritten number 3 and letter D]*

within 100 feet of the entrance to any polling place or early voting site and from “conducting a poll” within the same distance.

2. Plaintiffs are presently planning to interview voters, after they have voted, at 40 selected polling places in Florida on November 7, 2006, the date of the general elections.

3. Plaintiffs seek the entry of a preliminary injunction enjoining Defendants from prohibiting Plaintiffs’ newsgathering activities within 100 feet of the polling places on the grounds that, as applied to Plaintiffs’ activities, § 102.031 (4)(5) (2005) violates the First Amendment to the United States Constitution, as made applicable to the states through the Fourteenth Amendment.

3. To obtain preliminary injunctive relief, Plaintiffs must establish that: (i) they have a substantial likelihood of success on the merits; (ii) irreparable injury will be suffered unless the injunction issues; (iii) the threatened injury to non-movants outweighs whatever damage the proposed injunction may cause the opposing parties; and (iv) if issued, the injunction would not be adverse to the public interest. *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1268 (11<sup>th</sup> Cir. 2006).

For the reasons set forth more fully in the attached Memorandum of Law, this Court should enter a preliminary injunction enjoining defendants from enforcing Fla. Stat. §102.031 4(a),(b) (2005) as against Plaintiffs’ exit polling activities on November 7, 2006 and pending the entry of final judgment in this action.

Dated this 29<sup>th</sup> day of September, 2006.


Respectfully Submitted,

Co-Counsel for Plaintiffs

Susan Buckley, Esq.  
Kevin J. Burke, Esq.  
Brian Markley, Esq.  
CAHILL GORDON & REINDEL LLP  
80 Pine Street  
New York, New York 10005

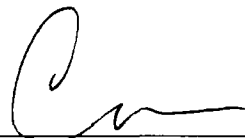
GUNSTER, YOAKLEY & STEWART P.A.  
*Attorneys for Plaintiffs*  
One Biscayne Tower, Suite 3400  
2 South Biscayne Boulevard  
Miami, Florida 33131  
Telephone: (305) 80 Pine Street 376-6000  
Facsimile: (305) 376-6010

By:

  
Raymond V. Miller  
Florida Bar No.: 328901

**CERTIFICATE OF SERVICE**

We hereby certify that a true and correct copy of the foregoing is being served upon the Defendants along with the Complaint and Summons.

By:  FBN: 818054  
for Raymond V. Miller