

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI CIVIL DIVISION**

Case No. 1:12-cv-22282-WJZ
Honorable Judge William J. Zloch

KARLA VANESSA ARCIA, an individual,
MELANDE ANTOINE, an individual, VEYE
YO, a civic organization based in Miami-
Dade County, FLORIDA IMMIGRANT
COALITION, INC., a Florida non-profit
corporation, NATIONAL CONGRESS FOR
PUERTO RICAN RIGHTS, a Pennsylvania
non-profit corporation, FLORIDA NEW
MAJORITY, INC., a Florida non-profit
corporation, and 1199SEIU UNITED
HEALTHCARE WORKERS EAST, a Labor
Union,

Plaintiffs,

v.

KEN DETZNER, in his official capacity as
Florida Secretary of State,

Defendant.

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
AND SUMMARY JUDGMENT**

For the reasons set forth in the accompanying Memorandum of Law, Plaintiffs hereby move the Court for entry of a preliminary injunction under Federal Rule of Civil Procedure 65(a). In addition, because there are no material facts in dispute and the Court may decide Plaintiffs' claims as a matter of law, Plaintiffs move that the Court grant summary judgment under Federal Rules of Civil Procedure 56 and 65(a)(2) in favor of Plaintiffs on all Counts in the First Amended Complaint (DE 57), and issue an order:

1. Declaring that the Program to Purge Alleged Non-Citizens, specifically including plans to remove additional voters based on use of the SAVE database, is a

systematic purge within ninety (90) days of a Federal election and is therefore unlawful under the NVRA;

2. Enjoining the Defendant from conducting any systematic purges aimed at ineligible voters (including non-citizens) prior to the November 6 federal election, specifically including all plans to remove additional voters based on use of the SAVE database;
3. Directing Defendant to ensure that any individual removed from the voter rolls as part of the State's systematic efforts to remove non-citizens during the 90 days before the November 6 federal election is restored to the rolls prior to October 15, 2012;
4. Instructing Defendant to file with the Court, within five days of the issuance of an injunction, a list of voters removed pursuant to the State's systematic purge efforts, and a report stating which voters have been reinstated and providing confirmation of the steps that Defendant is taking to comply with the injunction; and
5. Granting such further relief as the needs and interests of justice require.

Dated: September 19, 2012

Respectfully submitted,

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 19, 2012, a true and correct copy of the foregoing was served on all counsel of record via CM/ECF.

Dated: September 19, 2012

By: /s/ Katherine Roberson-Young
Katherine Roberson-Young, Esq.

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Defendant.

**[PROPOSED] ORDER ENTERING A PRELIMINARY INJUNCTION AND
GRANTING SUMMARY JUDGMENT IN FAVOR OF PLAINTIFFS**

THIS MATTER is before the Court upon Plaintiffs' Motion for Preliminary Injunction and Summary Judgment. Having reviewed the Motion, the Court **ORDERS** that:

_____ A preliminary injunction is ENTERED on Plaintiffs' claims.

_____ Summary Judgment is GRANTED in favor of Plaintiffs.

The Court further **DECLARES** and **ORDERS** that:

1. The Program to Purge Alleged Non-Citizens, specifically including plans to remove additional voters based on use of the SAVE database, is a systematic purge within ninety (90) days of a Federal election and is therefore unlawful under the NVRA;
2. Defendant is enjoined from conducting any systematic purges aimed at ineligible voters (including non-citizens) prior to the November 6 federal election, specifically including all plans to remove additional voters based on use of the SAVE database;
3. Defendant shall ensure that any individual removed from the voter rolls as part of the State's systematic efforts to remove non-citizens during the 90 days before the November 6 federal election is restored to the rolls prior to October 15, 2012;
4. Defendant shall file with the Court, within five days of the issuance of an injunction, a list of voters removed pursuant to the State's systematic purge efforts, and a report stating which voters have been reinstated and providing confirmation of the steps that Defendant is taking to comply with the injunction; and
5. Such further relief as the needs and interests of justice require is hereby ordered.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida, this _____
day of _____, 2012.

Honorable William J. Zloch, U.S.D.J.