

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

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.

KURT S. BROWNING, in his official capacity as
Secretary of State for the State of Florida; and AMY
TUCK, in her official capacity as Director of the
Division of Elections within the Department
of State for the State of Florida,

Defendants.

CONSENT MOTION TO EXTEND STAY PENDING APPEAL

Defendants Kurt S. Browning, in his official capacity as Secretary of State for the State of Florida, and Amy Tuck, in her official capacity as Director of the Division of Elections, submit this Consent Motion to Extend the Stay Pending Appeal. The Defendants respectfully show the 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 has scheduled oral argument the week of June 4, 2007. The Circuit Court's decision could be dispositive of this action.

3. In light of the pending appeal, the Parties 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. The parties jointly moved for a stay lasting until the earlier of the resolution of the appeal or six months after entry of the order approving the stay. (Doc. no. 68.) The Court granted the Motion (Doc. no. 69), and the current stay will expire no later than April 12, 2007.

4. The parties have agreed to extend the stay by four months. Therefore, Defendants request entry of an order extending the stay until the earlier of (i) the resolution of the pending appeal, or (ii) August 12, 2007.

5. The Defendants are authorized to represent that counsel for the Plaintiffs consents to the relief sought in this Motion.

WHEREFORE, the Defendants respectfully request this Court enter an order, substantially in the form of the attached proposed order, extending the temporary stay in this Court. Submitted this 21st day of March, 2007.

[Signature on following page.]

/s/ Allen Winsor

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Defendants.

ORDER GRANTING MOTION TO EXTEND STAY PENDING APPEAL

This matter is before the Court on the Defendants' Motion to Extend Stay Pending Appeal [DE ____]. 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—continue to be 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) August 12, 2007.

3. This Order is without prejudice to the Parties' moving for an additional stay or modification of the stay.

DONE AND ORDERED in Miami, Florida, this __ day of _____, 2007.

PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been served through the Court's CM/ECF system or by electronic mail this 21st day of March, 2007, to the following:

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