

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA**

FLORIDA DEMOCRATIC PARTY,

Plaintiff,

v.

RICHARD SCOTT, in his official
capacity as Governor of the State of
Florida, and KEN DETZNER, in his
official capacity as Secretary of State of
the State of Florida,

Defendants.

CASE NO. 4:16-cv-626

**PLAINTIFF'S EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

NOW COMES Plaintiff Florida Democratic Party, by and through its attorneys, and moves the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a temporary restraining order and order to show cause as to why a temporary restraining order should not issue against Richard Scott, in his official capacity as Governor of Florida, and Ken Detzner, in his official capacity as Secretary of State of Florida. In support thereof, Plaintiff states as follows:

1. On October 9, 2016, Plaintiff filed its Complaint for Declaratory and Injunctive Relief, alleging that Plaintiff is entitled to relief from this Court for violations of its rights as well as the rights of its members and constituents—thousands of eligible Florida voters—under Section 2 of the Voting Rights Act and the First and Fourteenth Amendments to the U.S. Constitution, pursuant to 42 U.S.C. §§ 1983 and 1988.

2. Plaintiff seeks a temporary restraining order requiring Defendants, their officers, employees, and agents, all persons acting in active concert or participation with Defendants, or under Defendants' supervision, direction, or control, and all other persons within the scope of Federal Rule of Civil Procedure 65, to (a) accept delivery of voter registration applications until October 18, 2016, and (b) accept designations by the supervisor of elections of early voting sites and hours until October 16, 2016.

3. Federal Rule of Civil Procedure 65 provides for the issuance of a temporary restraining order under circumstances such as those that exist in the present case.

4. In support of this motion, Plaintiff submits a Memorandum of Law, addressing all necessary elements for the entry of a temporary restraining order and preliminary injunction and an order to show cause.

5. Plaintiff seeks leave to present 30 minutes of oral argument in support of this motion pursuant to Local Civil Rule 7.1(K).

6. Plaintiff files this motion as an emergency motion pursuant to Local Rule 7.1(L) because the voter registration deadline is currently scheduled for October 11, 2016. It is essential that this Court resolve the motion before the deadline for the relief Plaintiff requests to be effective, such that voters are able to register after the current deadline.

WHEREFORE, for the foregoing reasons, and for those set forth in Plaintiff's supporting Memorandum of Law, Plaintiff respectfully moves that the Court enter a temporary restraining order requiring Defendants, their officers, employees, and agents, all persons acting in active concert or participation with Defendants, or under Defendants' supervision, direction, or control, and all other persons within the scope of Federal Rule of Civil Procedure 65, to (a) accept delivery of voter registration applications until October 18, 2016, and (b) accept designations by the supervisor of elections of early voting sites and hours until October 16, 2016.

Dated: October 9, 2016

Respectfully submitted,

/s/ Mark Herron

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following parties via electronic mail; Adam S. Tanenbaum, General Counsel for The Secretary of State, adam.tanenbaum@dos.myflorida.com, William Spicola, General Counsel for Governor, Rick Scott, william.spicola@eog.myflorida.com

/s/

Mark Herron