

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

LEAGUE OF WOMEN VOTERS OF
FLORIDA,

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-00633

CERTIFICATION OF FARRAH R. BERSE

I, Farrah R. Berse, do hereby state as follows:

1. I have personal knowledge regarding the facts stated in this certification, and I am competent to testify to the matters stated in this certification.

2. I am an attorney at Paul, Weiss, Rifkind, Wharton & Garrison, LLP (“Paul, Weiss”) in New York, New York. Along with Robert Atkins of Paul, Weiss, and Wendy Weiser and Myrna Pérez of Brennan Center for Justice at New York University School of Law, I represent Plaintiff in this action and make this certification in accordance with FRCP 65(b)(2) and Local Civil Rules 7.1(B) and 7.1(L).

3. I have been informed by my co-counsel, Ms. Pérez, that on October 11, 2016, Ms. Pérez left a voicemail message for Adam Tanenbaum, counsel for Defendant Detzner, to provide notice of Plaintiff's intent to request a preliminary injunction on October 11, 2016. Additionally, Ms. Pérez spoke with David Fugett, counsel for Defendant Detzner, on October 11, 2016 and provided notice of Plaintiff's intent to request a preliminary injunction. Following that call, Ms. Pérez, copying me, sent an email to Mr. Fugett offering to discuss a potential resolution.

4. Ms. Pérez informs me that on October 11, 2016, she sent an email to, and subsequently spoke with, William Spicola, counsel for Defendant Scott, and provided notice of Plaintiff's intent to request relief and offered to discuss a potential resolution.

5. On October 11, 2016, at approximately 4:02 p.m., I sent counsel for Defendants Scott and Detzner an email attaching copies of the following documents:

- The Summons and Plaintiff's Complaint;
- Plaintiff's Motion for a Preliminary Injunction and Order to Show Cause Why a Preliminary Injunction Should Not Issue and Proposed Order;
- Plaintiff's Memorandum in Support of Its Motion for a Preliminary Injunction and Order to Show Cause Why a Preliminary Injunction Should Not Issue;
- The supporting declarations of Pamela Goodman and Lilly

Paez; and

- Plaintiff's Notice of Prior or Similar Case.

6. Attached as Exhibit A is a true and correct copy of the email cover sheet I sent to counsel for Defendants Scott and Detzner, indicating the email address used for the electronic communication with them, and the date and time the email was sent.

7. I also provided notice under Local Civil Rule 7.1(L) by calling the Clerk of the Court on October 11, 2016 at approximately 2:00 pm. I spoke with Matthew Malu and informed him that we intended to file an emergency motion on behalf of Plaintiff, and at his suggestion, I subsequently spoke with Victoria Milton, who I understand to be the case manager for Florida Dem. Party v. Scott, No. 4:16-cv-00626, 2016 (N.D. Fla. Oct. 9, 2016), letting her know about this matter.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated this 11th day of October, 2016 in New York, New York.

/s/ Farrah R. Berse

Farrah R. Berse
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Americas
New York, New York
10019-6064
Tel. 212-373-3000
Fax 212-757-3990

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;

- David Fugett, Counsel for The Secretary of State,
david.fugett@dos.myflorida.com,
- William Spicola, General Counsel for Governor, Rick Scott,
william.spicola@eog.myflorida.com

/s/ Farrah R. Berse

Farrah R. Berse

EXHIBIT A

From: Berse, Farrah R
Sent: Tuesday, October 11, 2016 4:02 PM
To: david.fugett@dos.myflorida.com; 'William.spicola@eog.myflorida.com'
Cc: 'Weiser, Wendy'; Perez, Myrna; Atkins, Robert A
Subject: League of Women Voters of Florida v. Scott & Detzner
Attachments: Summons and Plaintiff's Complaint.pdf; Supporting Declaration of Lilly Paez.pdf; Supporting Declaration of Pamela Goodman.pdf; Plaintiff's Memorandum in Support of Its Motion for a Preliminary Injunc....pdf; Plaintiff's Motion for a Preliminary Injunction and Order to Show Causepdf; Notice of Prior or Similar Case.pdf

Counsel:

The League of Women Voters of Florida has just filed a lawsuit against Governor Scott and Secretary Detzner, in their official capacities, in the Northern District of Florida. Please see attached copies of:

- (1) Plaintiff's Complaint and summons;
- (2) Notice of related case;
- (3) Plaintiff's emergency motion for a preliminary injunction and order to show cause why a preliminary injunction should not issue, with proposed order;
- (4) Plaintiff's Memorandum of law in support of its motion; and
- (5) Supporting Declarations of Pamela Goodman and Lilly Paez.

Plaintiff's motion asks to be heard tomorrow, at the same time as the FDP's motion is being heard.

Regards,
Farrah Berse

Farrah R. Berse | Counsel
Deputy Chair - Investigations and Defense, Anti-Corruption & FCPA Practice Group
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