

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-Civ-King

EMMA YAIZA DIAZ *et al.*,

Plaintiffs,

v.

KURT S. BROWNING, Secretary of State of
Florida

Defendant.

PLAINTIFF'S MOTION FOR ORAL ARGUMENT

Plaintiff unions, the AFL-CIO, AFSCME, Council 79, and SEIU ("Plaintiffs") respectfully move pursuant to Local Rule 7.1 for a hearing on Defendant Secretary of State Kurt Browning's Motion for Summary Judgment and Plaintiffs' Cross-Motion for Summary Judgment and Opposition to the Motion for Summary Judgment by Defendant Browning.

In support of this motion, Plaintiffs state the following:

1. On October 8, 2007, Defendant Browning moved for summary judgment.
2. On October 25, 2007, Plaintiffs filed a memorandum of law opposing Defendant Browning's motion and alternatively seeking summary judgment on behalf of the non-movant plaintiffs.
3. A ruling on summary judgment could resolve this pressing issue of public concern before the primaries, avoid further litigation on the issue of a grace period during the busy election season, give the Supervisors time to implement a grace period if this Court grants summary judgment, and would avoid harm to thousands, if not tens of thousands, of voters during the 2008 election cycle.

4. Here, with both parties seeking summary judgment, a complete record - with each side having adequate notice and an opportunity to be heard - will assist the Court in rendering a decision. The format of oral argument will allow the Court to delve into any issue to whatever depth it prefers, allowing the Court to satisfy itself that the record supports a finding of summary judgment for the Plaintiffs. Additionally, oral arguments will allow the Court to examine the full scope of the evidence supporting such a finding.

5. Because of the importance of summary judgment to the voters affected by this case, and because oral argument will aid the Court, Plaintiffs ask that oral argument be permitted.

6. Plaintiffs estimate that two and one half hours would be sufficient time to provide the Court with a full argument on the issues presented.

For the foregoing reasons, Plaintiffs respectfully submit that this Court hear oral argument on Defendant Browning's Motion for Summary Judgment and Plaintiffs' Cross-Motion and Opposition to the Motion for Summary Judgment by Defendant Browning.

Dated: Miami, Florida
October 29, 2007

RESPECTFULLY SUBMITTED,

/s/ Robert Harris

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via CM/ECF this 29th day of October, 2007, to counsel for the parties listed in Appendix A, attached hereto.

/s/ Robert Harris

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