

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 04-22572-CIV-KING-GARBER

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS; AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO; FLORIDA
PUBLIC EMPLOYEES COUNCIL 79,
AFSCME, AFL-CIO; and SERVICE
EMPLOYEES INTERNATIONAL
UNION,

Plaintiffs,

v.

KURT S. BROWNING,
Secretary of State of Florida,

Defendant.

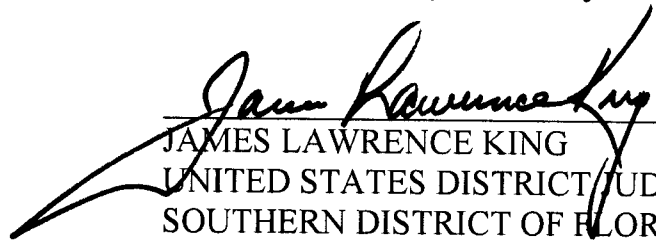
ORDER DENYING MOTION FOR SUMMARY JUDGMENT

THIS MATTER is before the Court upon the Motion of Kurt Browning, Secretary of the State of Florida, for Summary Judgment (D.E. #282) orally argued December 7, 2007. After full consideration of the pleadings, briefs and oral argument of the respective parties, the Court concludes that there are substantial issues of material fact, barring summary judgment and requiring the resolution of said issues at a trial held for that purpose. Careful consideration of the 103-page transcript of counsels' oral argument of December 7, 2007, evaluation of the legal authorities cited in the respective briefs and full consideration of the case and the issues presented overall that yet remain for

determination, confirm the statement of the parties set forth at page 5 of the Pretrial Stipulation (D.E. #304) that these factual issues must be litigated. It is therefore,

ORDERED, ADJUDGED and DECREED that Defendant Secretary of State's Motion for Summary Judgment (D.E. #282) filed October 8, 2007 and orally argued December 7, 2007 be, and the same is hereby DENIED.

DONE and ORDERED in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, this 18th day of January, 2008.


JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

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