

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 04-22572-CIV-KING

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. BROWING, Secretary of State of Florida;

Defendant.

ORDER GRANTING MOTION TO QUASH TRIAL SUBPOENAS

THIS CAUSE is before the Court upon William Cowles, Orange County Supervisor of Elections (“Cowles”) and Linda Tanko, Deputy Supervisor of Elections for Orange County (“Tanko”) Motion to Quash Trial Subpoenas (D.E. # 312), filed January 10, 2008. Plaintiffs filed their Response (D.E. # 313) on January 11, 2008. The movants are not now parties to this case.


On January 4, 2008, counsel for Plaintiffs served trial subpoenas on Cowles and Tanko seeking to compel their appearance and testimony in the trial of the above styled action scheduled to commence during the two week calendar of February 4, 2008. In the instant Motion, Cowles and Tanko seek to have those subpoenas quashed alleging unreasonable hardship to themselves and in the administration of elections in Orange County. Plaintiffs’ counsel, i.e. the party that

issued the subpoena, has agreed to release Cowles and Tanko from the subpoena and excuse their attendance so long as they may use their depositions at trial. Signed Affidavits from both Cowles and Tanko (Attached to D.E. # 312) disclose that they were deposed for several hours and were questioned extensively by Plaintiffs on the issues relating to the processing of voter registration applications and potential "grace periods." The Court has no objection to the use of the depositions at trial so long as it is in accordance with the rules of the Court.¹

Accordingly, after a careful review of the record and the Court being otherwise fully advised, it is

ORDERED, ADJUDGED, and DECREED that William Cowles, Orange County Supervisor of Elections ("Cowles") and Linda Tanko, Deputy Supervisor of Elections for Orange County ("Tanko") Motion to Quash Trial Subpoenas (**D.E. # 312**) be, and the same, is hereby **GRANTED**. William Cowles and Linda Tanko are excused by agreement from appearing as subpoenaed.

DONE AND ORDERED in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, this 17th day of January, 2008.



JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

¹ The use of depositions in Court proceedings is permissible so long as: (A) the party was present or represented at the taking of the deposition or had reasonable notice of it; (B) ...it is admissible under the Federal Rules of Evidence; and (C) the use is allowed by Rule 32(a)(2) through (8). Fed.R.Civ.P 32

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