

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 Jerry Holland, Duval County Supervisor of Elections (“Holland”), Jean Bedeni and Richard Carlberg’s Motion to Quash Trial Subpoenas (D.E. # 314), filed January 16, 2008. Plaintiffs filed their Response (D.E. # 313) on January 11, 2008. The movants are not now parties to this case.

On December 22, 2007, counsel for Plaintiffs served trial subpoenas on Supervisor Holland, Jean Bedeni and Richard Carlberg 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, Supervisor Holland, Jean Bedeni and Richard Carlberg 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 Supervisor Holland and Jean Bedeni from the subpoena and excuse their attendance so long as they may use their depositions at trial. Signed Affidavit from Supervisor Holland (page 9-10 of D.E. # 314) discloses that he and Ms. Bedeni 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.<sup>1</sup>

With respect to Richard Carlberg, unlike the other movants, Mr. Carlberg has not been deposed and therefore Plaintiffs' counsel has not agreed to releasing Mr. Carlberg from the subpoena and will therefore have to appear according to the rules of subpoena contained in Federal Rule of Civil Procedure 45.

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

ORDERED, ADJUDGED, and DECREED that Jerry Holland, Duval County Supervisor of Elections ("Holland"), Jean Bedeni and Richard Carlberg's Motion to Quash Trial Subpoenas (D.E. # 314) be, and the same, is hereby **GRANTED** in part and **DENIED** in part. Supervisor Holland and Jean Bedeni are excused by agreement from appearing as subpoenaed. Having not obtained a release, Richard Carlberg will have to comply with the subpoena as issued. It is further,

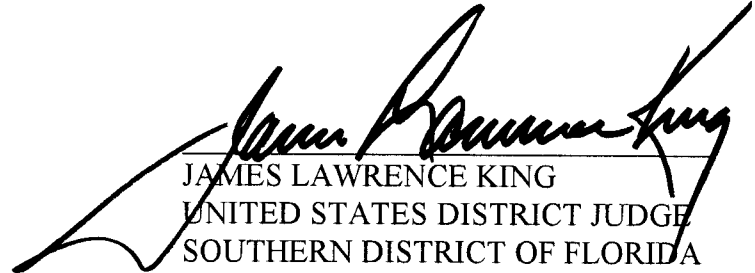
ORDERED, ADJUDGED, and DECREED that the discovery deadline for the above styled action expired on October 3<sup>rd</sup>, thus any requests for further discovery shall be denied.

---

<sup>1</sup> 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

DONE AND ORDERED in chambers at the James Lawrence King Federal Justice

Building and United States Courthouse, Miami, Florida, this 17<sup>th</sup> day of January, 2008.



JAMES LAWRENCE KING  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF FLORIDA

**Counsel for Plaintiffs**

Mary Jill Hanson, Esq.  
HANSON, PERRY & JENSEN, P.A.  
400 Executive Center Drive, Suite 207  
West Palm Beach, Florida 33401  
Facsimile: (561)686-2802

Judith A. Browne, Esq.  
Sheila Y. Thomas, Esq.  
Elizabeth Westfall, Esq.  
ADVANCEMENT PROJECT  
1730 M Street, NW - Suite 910  
Washington, D.C. 20036  
Facsimile: (202) 728-9558

Elliot Mineberg, Esq.  
PEOPLE FOR THE AMERICAN  
WAY FOUNDATION  
2000 M Street, Suite 400  
Washington, D.C. 20036  
Facsimile: (202) 293-2672

Michael Halberstam, Esq.  
Adam Skaggs, Esq.  
Facsimile: (212) 492-0298  
PAUL WEISS  
1285 Avenue of the Americas  
New York, NY 10019

Facsimile: (212) 492-0111

Judith A. Scott, Esq.  
John J. Sullivan, Esq.  
SEIU  
1313 L Street, NW  
Washington, D.C. 20005  
Facsimile: (202) 898-3323

Jonathan P. Hiatt, Esq.  
AFL-CIO  
815 Sixteenth Street, NW  
Washington, D.C. 20006  
Facsimile: (202) 637-5323

Manny Anon, Jr., Esq.  
FLORIDA PUBLIC EMPLOYEES  
COUNCIL 79  
3064 Highland Oaks Terrace  
Tallahassee, Florida 32301  
Facsimile: (850) 224-6926

**Counsel for Defendants:**

Peter Antonacci, Esq.  
Allen C. Winsor  
GRAY ROBINSON, P.A.  
Post Office Box 11189  
Tallahassee, Florida 32302-1189  
Facsimile: (850) 577-3311