IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

06-22463

CBS BROADCASTING INC., AMERICAN BROADCASTING COMPANIES, INC., THE ASSOCIATED PRESS, CABLE NEWS NETWORK LP, LLLP, FOX NEWS NETWORK, L.L.C. and NBC UNIVERSAL, INC.,

Plaintiffs,

- v. -

SUE M. COBB, in her official capacity as Secretary of State of the State of Florida, and LESTER SOLA, in his official capacity as the Supervisor of Elections of Miami-Dade County, Florida and as proposed representative of a defendant class of all county Supervisors of Elections in the State of Florida,

Defendants.

Case No. CIV

MAGISTRATE JUDGE

PLAINTIFFS' *EX-PARTE* MOTION FOR EXPEDITED HEARING ON MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs CBS Broadcasting, Inc, American Broadcasting Companies, Inc., The Associated Press, Cable News Network, LP, LLLP, Fox News Network, L.L.C., and NBC Universal, Inc., hereby move this Court, *ex-parte*, for an expedited hearing on their Motion for Preliminary Injunction pursuant to S.D. Fla. L.R. 7.1(E), and as grounds therefore, state:

1. The Plaintiffs in the instant action are challenging the constitutionality of Fla. Stat. §102.031(4)(2005) as applied to their newsgathering activities. The statute, as amended January 1, 2006, prohibits Plaintiffs from asking any voter a "fact" or "opinion"

within 100 feet of the entrance to any polling place or early voting site and from "conducting a poll" within the same distance.

2. Plaintiffs are presently planning to interview voters, after they have voted, at 40 selected polling places in Florida on November 7, 2006, the date of the general elections. Plaintiffs seek the entry of a preliminary injunction enjoining Defendants from prohibiting Plaintiffs' newsgathering activities within 100 feet of the polling places on the grounds that, as applied to Plaintiffs' activities, § 102.031 (4)(5) (2005) violates the First Amendment to the United States Constitution, as made applicable to the states through the Fourteenth Amendment.

3. S.D. Fla. L.R. 7.1(E) provides that the Court may, upon written motion and good cause shown, waive the time requirements of S.D. Fla. L.R. 7.1(C) and grant an immediate hearing on any matter requiring such expedited procedure.

4. Given the urgent and time-sensitive nature of this matter, good cause exists for the Court to issue an order establishing an expedited schedule for Defendants' Response to Plaintiffs' Motion For Preliminary Injunction, Plaintiffs' Reply, and the Preliminary Injunction hearing.

4. Plaintiffs are filing the instant Motion *ex-parte* upon the filing of the Complaint in this matter and request the Court issue an order granting its Motion on an expedited basis without awaiting Defendants' response.

5. Plaintiffs propose that the Court order Defendants' Response to Plaintiffs' Motion For Preliminary Injunction to be due ten days after service of the Motion, with the time to be computed in accordance with S.D. Fla. L.R. 7.1(C)(1), and order Plaintiffs' Reply

to be due four days thereafter. Plaintiffs request that the Court set the matter down for an expedited hearing as soon thereafter as is practicable.

6. Establishing such a schedule at the outset of the action will serve to give Defendants ample time to respond to Plaintiffs' Motion For Preliminary Injunction while still ensuring the timely and efficient administration of justice. Plaintiffs have enclosed a proposed order for the Court's review and consideration.

WHEREFORE, the Plaintiffs CBS Broadcasting, Inc, American Broadcasting Companies, Inc., The Associated Press, Cable News Network, LP, LLLP, Fox News Network, L.L.C., and NBC Universal, Inc. respectfully request that this Honorable Court enter its order expediting Defendants' time to respond to Plaintiffs' Motion for Preliminary Injunction and scheduling an expedited hearing on Plaintiffs' Motion.

Dated this 29th day of September, 2006.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

We hereby certify that a true and correct copy of the foregoing is being served upon the Defendants along with the Complaint and Summons.

By: FBN: 818054
for Raymond V. Miller

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