

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 04-22572-CIV-KING

EMMA YAIZA DIAZ; JOHN A. LANMAN;  
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, AFL-CIO,

Plaintiffs,

vs.

SUE M. COBB, Secretary of State of Florida;  
BRENDA C. SNIPES, Broward County Supervisor of  
Elections; JERRY HOLLAND, Duval County  
Supervisor of Elections; LESTER SOLA,  
Miami-Dade County Supervisor of Elections; BILL  
COWLES, Orange County Supervisor of Elections;  
and ARTHUR ANDERSON, Palm Beach County  
Supervisor of Elections,

Defendants.



---

**MOTION OF DEFENDANT JERRY HOLLAND, SUPERVISOR  
OF ELECTIONS, DUVAL COUNTY, TO DISMISS THIRD  
AMENDED COMPLAINT AND INCORPORATED MEMORANDUM**

Defendant Jerry Holland, pursuant to Fed.R.Civ.P. 12(b)(6), and the other grounds set forth and incorporated by reference below, moves that Plaintiffs Third amended Complaint, *vis a vis* Duval County Supervisor of Elections, be dismissed with prejudice. In support of this Motion Defendant Holland makes the following observations and adopts the following arguments made by his co-defendants:

179/04

**First Cause of Action (pp. 33-34, Third Amended Complaint)**

Defendant Holland, Duval County Supervisor, is not named in this count as a defendant and hence requires no relief with respect to same.

**Second Cause of Action (pp. 34-36, Third Amended Complaint)**

Defendant Holland, Duval County Supervisor, hereby adopts the arguments made by Defendant Lester Sola, Miami-Dade Supervisor with respect to the First and Second Causes of Action, subheadings I, IA, and IB, in support of his (“Sola’s”) Motion to Dismiss Third Amended Complaint, which is being filed concurrently with this Motion and Incorporated Memorandum.

Defendant Holland, Duval County Supervisor, hereby also adopts the Motion to Dismiss and Memorandum of Law in Support Thereof of Defendant Snipes, Broward County Supervisor, Defendant Cowles, Orange County Supervisor, and Defendant Anderson, Palm Beach County Supervisor, set forth in subheading I, including the subparts of same, which is also being filed concurrently with this Motion and Incorporated Memorandum.

**Third Cause of Action (pp. 37-39, Third Amended Complaint)**

Defendant Holland, Duval County Supervisor, hereby adopts the arguments made by Defendant Lester Sola, Miami-Dade Supervisor with respect to the Third Cause of Action, subheading II, in support of his (“Sola’s”) Motion to Dismiss Third Amended Complaint, which is being filed concurrently with this Motion and Incorporated Memorandum.

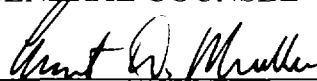
Defendant Holland, Duval County Supervisor, hereby also adopts the Motion to Dismiss and Memorandum of Law in Support Thereof of Defendant Snipes, Broward County Supervisor, Defendant Cowles, Orange County Supervisor, and Defendant Anderson, Palm Beach County Supervisor, set forth in subheading I, including the subparts of same, which is also being filed concurrently with this Motion and Incorporated Memorandum.

**Conclusion**

Based upon the grounds stated above and incorporated by reference from the concurrently filed motions and memoranda submitted by Supervisor Sola, Miami-Dade Supervisor and by Supervisors Snipes (Broward County), Cowles (Orange County), and Anderson (Palm Beach County), it is requested that this Motion be granted.

Respectfully submitted,

**RICHARD A. MULLANEY**  
**GENERAL COUNSEL**



---

**Ernst D. Mueller**

Deputy General Counsel  
Florida Bar No. 164027

**Tracey I. Arpen, Jr.**

Deputy General Counsel  
Florida Bar No. 154493

Office of General Counsel

117 West Duval Street, Suite 480

Jacksonville, FL 32202

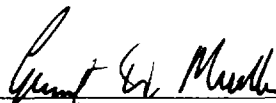
(904) 630-1871

(904) 630-1316 (Fax)

Attorneys for Defendant, Duval County  
Supervisor of Elections

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been furnished to counsel for the parties listed in Exhibit A, attached hereto, by U.S. Mail, this 14<sup>th</sup> day of August, 2006.



---

ATTORNEY

**Service List-Exhibit A**

*Diaz, et al. v. Hood, et al., Case Number 04-22572-CIV-King*

**Counsel for Plaintiffs:**

Mary Jill Hanson, Esq.  
Hanson, Perry & Jensen, P.A.  
400 Executive Center Drive, Suite 207  
West Palm Beach, FL 33401  
Phone: 561-686-6550  
Fax: 561-686-2802  
[mjhanson@hpjlaw.com](mailto:mjhanson@hpjlaw.com)

Judith A. Browne, Esq.  
Sheila Y. Thomas, Esq.  
Elizabeth Westfall, Esq.  
ADVANCEMENT PROJECT  
1730 M Street, NW, Suite 910  
Washington, D.C. 20036  
Phone: 202-728-9557  
Fax: 202-728-9558  
[ewestfall@advancementproject.org](mailto:ewestfall@advancementproject.org)

Michael Halberstam, Esq.  
Paul. Weiss, Rifkind, Wharton,  
Garrison. LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Phone: 212-373-3000  
Fax: 202-492-0111

Jonathan P. Hiatt  
AFL-CIO  
815 Sixteenth Street, NW  
Washington, D.C. 20006  
Phone: 202-637-5053  
Fax: 202-637-5323  
[jhiatt@aflcio.org](mailto:jhiatt@aflcio.org)

Elliot Minberg  
People for the America Way Foundation  
2000 M Street, Suite 400  
Washington, D.C. 20036  
[eminberg@pfaw.org](mailto:eminberg@pfaw.org)

Manny Anon, Jr.  
Florida Public Employees Council 79  
3064 Highland Oaks Terrace  
Tallahassee, FL 32301  
Phone: 850-222-0842 or 305-651-6617  
Fax: 850-224-6926 or 305-651-1740  
[M\\_Anon@Afscme-fl.org](mailto:M_Anon@Afscme-fl.org)

Judith A. Scott, Esq.  
John J. Sullivan, Esq.  
SEIU  
1313 L Street, NW  
Washington, D.C. 20005  
Phone: 202-898-3453  
Fax: 202-898-3323  
[sullivaj@seiu.org](mailto:sullivaj@seiu.org)

**Counsel for Defendants:**

Pete Antonacci, Esq.  
Allen C. Winsor  
Gray, Robinson, P.A.  
301 South Bronough, Suite 600  
Tallahassee, FL 32301  
Phone: 850-577-9090  
Fax: 850-577-3311  
[pva@gray-robinson.com](mailto:pva@gray-robinson.com)  
[awinsor@gray-robinson.com](mailto:awinsor@gray-robinson.com)

Jeffrey P. Ehrlich, Esq.  
Susan Torres, Esq.  
Miami-Dade County Attorney's Office  
111 N.W. First Street, Suite 2810  
Miami, FL 33128  
Phone: 305-375-5151  
Fax: 305-375-5634  
[ehrllich@miamidade.gov](mailto:ehrllich@miamidade.gov)

Daniel S. Fridman, Esq.  
99 N.E. 4<sup>th</sup> Street  
Miami, FL 33132  
Phone: 305-961-9083  
Fax: 305-530-7976

Juan C. Enjamio, Esq.  
HUNTON & WILLIAMS LLP  
1111 Brickell Avenue, Suite 2500  
Miami, FL 33131  
Phone: 305-810-2500  
Fax: 305-810-2460

Richard Perez, General Counsel  
Department of State  
The Capitol, PL-01, R.A. Gray Building  
Tallahassee, FL 32301  
Phone: 850-245-6523  
Fax: 850-245-6125

Eddie G. Labrador, Esq.  
Matthew Cohen, Esq.  
Broward County Assistant Attorney  
Governmental Center  
115 South Andrews Avenue, Room 423  
Fort Lauderdale, FL 33301  
Phone: 954-357-7600  
Fax: 954-357-7641  
[elabrador@broward.org](mailto:elabrador@broward.org)

Mike Cirullo  
Orange County Attorney's Office  
3099 East Commercial Blvd., Suite 200  
Fort Lauderdale, FL 33308  
Phone: 954-771-4500  
Fax: 954-771-4923  
[mcirullo@cityatty.com](mailto:mcirullo@cityatty.com)

Leon St. John, Esq.  
Palm Beach County Attorney's Office  
301 N. Olive Avenue  
West Palm Beach, FL 33401  
Phone: 561-355-2520  
Fax: 561-355-4398  
[lstjohn@pbcgov.com](mailto:lstjohn@pbcgov.com)

Ronald A. Labasky, Esq.  
Fred McCormack, Esq.  
Landers & Parsons, P.A.  
310 West College Avenue  
Tallahassee, FL 32301  
Phone: 850-681-0311  
Fax: 850-224-5595  
[fmccormack@landersandparsons.com](mailto:fmccormack@landersandparsons.com)

Burnadette Norris-Weeks, Esq.  
100 S.E. Sixth Street, Suite 6  
Ft. Lauderdale, FL 33301-3422  
Phone: 954-768-9770  
Fax: 954-768-9790

G:\General Litigation\MUELLER\Diaz v. Stafford\Third Amended Complaint\Service List.wpd