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

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.: 06-22463-CIV Huck, J./Simonton, MJ

ORDER GRANTING PLAINTIFF'S MOTION FOR CLASS CERTIFICATION, CERTIFYING DEFENDANT CLASS AND DESIGNATING CLASS REPRESENTATIVE

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., seek certification of a Defendant class of all 67 county Supervisors of Elections throughout Florida. Defendant, Lester Sola, Supervisor of Elections for Miami-Dade County, Florida is suggested as the appropriate class representative.

The Defendant, Secretary of State, does not object to the Motion or the designation of Mr. Sola as class representative. Mr. Sola takes no position as to the Motion and he acknowledges that

a class of Supervisor of Elections is appropriate for the relief Plaintiffs seek.

The Court has reviewed the memoranda and other papers submitted by the parties, heard argument of counsel for the parties and is otherwise fully apprised in the premises.

Certification of the Defendant Class

Supervisors of Elections are the local officials responsible for administering elections in each county in Florida. Fla. Stat. §98.015 (2005). Each Supervisor is empowered to enforce the provisions of the Florida Elections Code, including the statute at issue here, Fla. Stat. §102.031 (2005). The Court finds that the requirements of Rule 23, Fed.R.Civ.P., have been met: (1) the Defendant class of Supervisors of Elections for each of the 67 counties in Florida is so numerous that joinder of all members is impracticable; (2) the Plaintiffs have raised only one major question of law -- whether §102.031 can be applied, consistent with the First Amendment, to prohibit Plaintiffs' exit polling activities within 100 feet of Florida polling places - - and it is common to the entire Defendant class; (3) the defenses available to Supervisor Sola are surely typical of the defenses of the entire Defendant class: and (4) Supervisor Sola, empowered with the same election law enforcement and oversight functions as every other county Supervisor, can fairly and adequately protect the interests of the Defendant class of Supervisors. He is ably represented by Messrs. Rosenthal and Ehrlich of the Office of the Miami-Dade County Attorney. Plaintiffs' action is properly maintainable as a class action under Rule 23(b)(1)(A) or 23(b)(1)B. There are 67 county Supervisors throughout the State and the prosecution of separate actions against individual members of the Defendant class would create a substantial risk of inconsistent or varied adjudications with respect to individual members of the class and would establish incompatible standards of conduct for Plaintiffs in each county. Likewise, adjudication with respect to individual members of the class

would as a practical matter be dispositive of the interests of other members not parties or substantially impair or impede their ability to protect their interests.

Therefore it is ordered:

Pursuant to Fed.R.Civ.P. 23, this Court certifies as a class all Supervisors of Elections in the State of Florida, and designates Defendant, Lester Sola, as Supervisor of Elections for Miami-Dade County, Florida, as the class representative.

DONE and ORDERED in Chambers at the United States District Court, Miami, Florida, this 24 day of October, 2006.

PAUL C. HUCK
United States District Judge

cc: Raymond V. Miller, Esq.
Attorney for Plaintiffs
Peter Antonacci, Esq. and Allen C. Winsor, Esq.
Attorney for Defendant, Secretary of State
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