

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 04-22572-Civ-King

EMMA YAIZA DIAZ *et al.*,

Plaintiffs,

v.

SUE M. COBB, Secretary of State of Florida,
et al.,

Defendants.

DECLARATION OF ELIZABETH S. WESTFALL

ELIZABETH S. WESTFALL declares pursuant to 28 U.S.C. § 1746:

1. I am a senior attorney with the Advancement Project, 1730 M. Street, NW, Suite 910, in Washington, DC, and am counsel for Plaintiffs Emma Yaiza Diaz, AFL-CIO, AFSME, Florida Public Employees Council 79, AFSCME, AFL-CIO, and SEIU. I submit this declaration in support of Plaintiffs' Motion to Compel Defendants to Produce Initial Disclosures.

2. The purpose of this declaration is to identify documents referred to in Plaintiffs' Motion to Compel Defendants to Produce Initial Disclosures ("Plaintiffs' Motion").

3. Tab 1 is a true and correct copy of an electronic mail that I sent to Defendants' counsel on April 26, 2006, requesting that Defendants' counsel schedule a Rule 26(f) teleconference for April 27th or May 1st attaching a proposed Rule 26(f) joint discovery report. The joint discovery report is included in Tab 1.

4. Tab 2 is a true and correct copy of an email I sent to Defendants' counsel on May 1, 2006 reiterated Plaintiffs' request for a Rule 26(f) conference.

5. Tab 3 is a true and correct copy of an email I sent to all defense counsel on May 3, 2006, requesting that they confirm in writing by the end of that day that his or her client would neither confer with Plaintiffs' counsel, pursuant to Fed. R. Civ. P. 26(f), nor produce initial disclosures, pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rule 26.1(A), pending the Court's consideration of Defendants' motions to dismiss and for a more definite statement.

6. Tab 4 is a true and correct copy of an email sent to me by Counsel for the Secretary of State on behalf of all Defendants, confirming that none of the Defendants would confer with Plaintiffs' counsel, pursuant to Fed. R. Civ. P. 26(f), nor produce initial disclosures, pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rule 26.1(A), pending the Court's consideration of Defendants' motions to dismiss and for a more definite statement.

7. Tab 5 is a true and correct copy of an email sent to me by Counsel for the Secretary of State agreeing with Plaintiffs, contrary to Miami-Dade's position, that in light of Defendants' position on initial disclosures, it is appropriate for Plaintiffs to serve discovery requests.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on May 10, 2006, in Washington, D.C.

/s/ Elizabeth S. Westfall

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via U.S. mail and electronically as an email attachment this 10th day of May, to counsel for the parties listed in Exhibit A, attached hereto.

New York, New York

By: /s/Michael Halberstam
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EXHIBIT A

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* Pro hac vice motion to be filed.

** Admitted pro hac vice.

