

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 04-22572-CIV-KING/O'SULLIVAN

EMMA YAIZA DIAZ et al.,

Plaintiffs,

v.

KURT BROWNING, Secretary of State
of Florida, et al.,

Defendants.

**DEFENDANT LESTER SOLA'S
MOTION TO APPOINT MEDIATOR AND SUPPORTING MEMORANDUM OF LAW**

The Local Rules strongly encourage mediation, recognizing that resolving cases prior to trial results in "savings in time and costs to litigants and to the Court." S.D. Fla. L.R. 16.2A.2. Defendant Lester Sola, Supervisor of Elections for Miami-Dade County, believes that mediation in this case could help resolve this matter or at least narrow the issues to be tried. Accordingly, Supervisor Sola respectfully requests that the Court appoint a mediator and require the Parties to engage in mediation while they continue to litigate this case on the schedule established by the Court. To further this request, undersigned counsel has contacted retired state court judge Gerald Wetherington, who indicated he would be willing to serve as mediator in this case. Mr. Wetherington has previously served as mediator in other voting rights disputes, including disputes involving plaintiff civil rights groups, the Secretary of State, and various supervisors of elections. Supervisor Sola respectfully suggests that Mr. Wetherington's experience as a mediator in similar cases would serve the Parties well in their effort to resolve this matter.

Accordingly, Supervisor Sola requests that the Court appoint Gerald Wetherington as mediator, and require the Parties to attend mediation as soon as practicable.

Respectfully submitted,

MURRAY A. GREENBERG
MIAMI-DADE COUNTY ATTORNEY

By: **s/ Jeffrey P. Ehrlich**

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1.A(3), I certify that undersigned counsel conferred with counsel for the other Parties. Counsel for each of the supervisors of elections indicated that they do not oppose the relief sought in this motion. Counsel for the Secretary of State has no objection to the relief requested as it pertains to the 2004 cycle, but does not believe that the validity of the book closing deadline is a suitable matter for mediation. Counsel for Plaintiffs indicated that they support the concept of mediation, but oppose the relief to the extent expressed in Exhibit A.

s/ Jeffrey P. Ehrlich
Assistant County Attorney

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2007 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Jeffrey P. Ehrlich
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