

UNITED STATES DISTRICT COURT FOR
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No.:04-22572-CIV-KING

EMMA YAIZA DIAZ; AMERICAN
FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL
ORGANIZATIONS; AMERICAN
FEDERATION OF STATE, COUNTY
AND LOCAL EMPLOYEES, AFL-CIO;
FLORIDA PUBLIC EMPLOYEES
COUNCIL 79, AFSCME, AFL-CIO;
and SERVICE EMPLOYEES
INTERNATIONAL UNION,

Plaintiffs,

v.

KURT S. BROWNING, Secretary
of State of Florida; BRENDA SNIPES,
Broward County Supervisor of Elections;
JERRY HOLLAND, Duval County
Supervisor Of Elections; LESTER SOLA,
Miami-Dade Supervisor of Elections;
BILL COWLES, Orange County Supervisor
of Elections; and ARTHUR ANDERSON,
Palm Beach County Supervisor of Elections,

Defendants.

**NOTICE OF SUBSTITUTION OF
COUNSEL AND MOTION TO WITHDRAW**

Comes now the undersigned Lynn C. Hearn, on behalf of Defendant Kurt
Browning, Secretary of the State of Florida ("Secretary"), and files this Notice of

Substitution of Counsel and Motion to Withdraw. In support of this motion, counsel states:

1. Richard Perez, former General Counsel for the Florida Department of State, previously appeared in this action on behalf of then-Secretary of State Glenda Hood.

2. Richard Perez left the employ of the Florida Department of State in 2005 but did not move to withdraw as counsel.

3. Because Mr. Perez remains counsel of record in this action, various parties and the Court continue to attempt to serve him electronically with pleadings. But because his e-mail address at the Department of State is no longer valid, electronic service is impossible and those seeking to serve Mr. Perez are forced to do so by U.S. mail.

4. The Secretary is also represented by private counsel in this action and therefore also receives copies of pleadings from private counsel.

5. The current Secretary does not deem it necessary for his general counsel to appear in this action in addition to private counsel, and desires to stop receiving paper copies of the pleadings directed to Mr. Perez.

6. The Clerk of Court has advised that the only way to remove Mr. Perez as counsel of record is through a motion to withdraw. This proposal is problematic as Mr. Perez is no longer employed by or associated with the Secretary of State in any capacity, notwithstanding Mr. Perez's technical status as counsel of record in this case.

7. Therefore, in order to cease delivery of paper copies of pleadings directed to Mr. Perez, the current General Counsel for the Department of State, Lynn C. Hearn, respectfully seeks to substitute for Richard Perez, and simultaneously to withdraw as counsel in this action.

Wherefore, the undersigned counsel respectfully gives notice of substitution as counsel for the Secretary, and also moves for leave of court to withdraw as counsel in this action.

Respectfully submitted, this 9th day of May, 2007.

/s/Lynn C. Hearn
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been served electronically through the Court's CM/ECF system or by United States mail this 9th day of May, 2007, to the following:

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