

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF FLORIDA

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

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

Plaintiffs,

v.

KURT S. BROWNING, Secretary of State
Of Florida; BRENDA SNIPES, Broward
County Supervisor of Elections; DAVID
STAFFORD, Duval County Supervisor of
Elections; CONSTANCE KAPLAN, Miami-Dade
County Supervisor of Elections; BILL
ANDERSON, Orange County Supervisor of
Elections and ARTHUR ANDERSON, Palm
Beach County Supervisor of Elections,

Defendants.

**DEFENDANT, ARTHUR ANDERSON, PALM BEACH COUNTY SUPERVISOR
OF ELECTIONS, MOTION FOR JUDGMENT ON THE PLEADINGS AND
ADOPTION OF DEFENDANT LESTER SOLA'S MOTION FOR JUDGMENT
ON THE PLEADINGS AND SUPPORTING MEMORANDUM OF LAW**

COMES NOW, Defendant, Arthur Anderson, Palm Beach County
Supervisor of Elections ("Anderson"), by and through undersigned
counsel and files his Motion for Judgment on the Pleadings and
with respect thereto states as follows:

1. Defendant Anderson has responded to the Plaintiffs' Third Amended Complaint in this action.

2. Plaintiff has asserted in Paragraph 137 of the Third Amended Complaint that Defendant Anderson is prohibited, as are other Supervisors of Elections, from accepting corrections to a voter registration application with regard to the checkboxes at issue herein after the close of books. Defendant Anderson has admitted this allegation and assertion.

3. Defendant Anderson has admitted that the state law does not allow for a creation of a grace period as asserted by the Plaintiffs.

4. Based upon the foregoing pleadings and the argument of Defendant Sola in his Motion for Judgment on the Pleadings, Defendant Anderson is likewise entitled to a Judgment on the Pleadings in this matter.

5. Defendant Anderson adopts by reference the Motion for Judgment on the Pleadings and accompanying Memorandum of Law submitted to this Court by Defendant Sola and pursuant to such adoption, Defendant Anderson submits that he is entitled to judgment in this matter.

WHEREFORE, based upon the foregoing, Defendant Anderson moves for entry of an order in granting him judgment and dismissal from this cause.

Respectfully submitted this 10th day of April, 2007.

s/Ronald A. Labasky

Ronald A. Labasky, Esq.
Florida Bar No. 206326
YOUNG VAN ASSENDERP, P.A.
Gallie's Hall
225 South Adams Street
Suite 200
P.O. Box 1833 (32302-1833)
Tallahassee, Florida 32301
Phone: 850/222-7206
Fax: 850/561-6834
Attorney for Defendant
Email: rlabasky@yvlaw.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 10, 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 identified on the following Service List via electronic mail or facsimile and U.S. Mail:

SERVICE LIST

Mary Jill Hanson
Hanson, Perry & Jensen, P.A.
400 Executive Center Drive,
Suite 207
West Palm Beach, FL 33401
Tel: 561/686-6550
Fax: 561/686-2802
Email: mjhanson@hpjlaw.com

Judith A. Browne
Sheila Y. Thomas
Elizabeth Westfall
Advancement Project
1730 M Street, NW, Suite 910
Washington, D.C. 20036
Tel: 202/728-9557
Fax: 202/728-9558
Email:
ewestfall@advancementproject.org

Elliot Mincberg
People for the American Way
Foundation
2000 M Street, Suite 400
Washington, D.C. 20036
Tel: 202/467-2392
Fax: 202/293-2672
Email: emincberg@pfaw.org

Michael Halberstam, Esq.
Paul, Weiss, Rifkind, Wharton,
Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Tel: 212/373-3000
Fax: 202/492-0111
Email: mhalberstam@paulweiss.com

Jonathan P. Hiatt
ALF-CIO
815 Sixteenth Street, NW
Washington, D.C. 20006
Tel: 202-637-5053
Fax: 202/637-5323
Email: jhiatt@aflcio.org

Judith A. Scott
John J. Sullivan
SEIU
1313 L Street, NW
Washington, D.C. 20005
Tel: 202/898-3453
Fax: 202/898-3323
Email: sullivaj@seiu.org

Manny Anon, Jr.
Florida Public Employees
Council
AFSME 79
99 NW 183rd Street, Ste 224
N. Miami, FL 33169
Tel: 305/651-6617
Fax: 305/651-1740
Email: m_anon@afscme-fl.org

Peter Antonacci
Allen Winsor
Gray Robinson, P.A.
301 S. Bronough St., Ste 600
P.O. Box 11189
Tallahassee, FL 32302-3189
Tel: 850/577-9090
Fax: 850/577-3311
Email: pva@gray-robinson.com
Email: awinsor@gray-robinson.com

Jeffrey P. Ehrlich
Oren Rosenthal
Assistant County Attorneys
Miami-Dade County Attorney's
Office
111 NW First Street, Ste 2810
Miami, FL 33128
Tel: 305/375-5744
Fax: 305/375-5611
Email: ehrllich@miamidade.gov
Email: orosent@miamidade.gov

Burnadette Norris-Weeks
Broward County Attorney's Office
100 S.E. 6th Street
Fort Lauderdale, FL 33301-3422
Tel: 954/768-9770
Fax: 954/768-9790
Email: bnorris199@aol.com

Ernst Mueller
Tracey I. Arpen, Jr.
Scott D. Makar
Office of General Counsel
Duval County, City Hall, St.
James Bldg.
117 West Duval Street, Ste 480
Jacksonville, FL 32202
Tel: 904/630-1700
Fax: 904/630-2388
Email: emueller@coj.net
Email: tarpen@coj.net

Mike Cirullo
David N. Tolces
Orange County Attorney's Office
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, FL 33308
Tel: 954/771-4500
Fax: 954/771-4923
Email: mcirullo@cityatty.com
Email: dtolces@cityatty.com

s/Ronald A. Labasky
Attorney