

APR. 28, 2008

STEVEN M. LARIMORE
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S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. **08-21243-CIV-ALTONAGA/BROWN**

	:	Civil Action No.
League of Women Voters of Florida, et al.,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
Kurt S. Browning, in his official capacity, and Donald L. Palmer, in his official capacity,	:	
	:	
Defendants.	:	

EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER AND TO SET A BRIEFING AND HEARING SCHEDULE FOR A PRELIMINARY INJUNCTION MOTION AND TO ALLOW LIMITED DISCOVERY

Plaintiffs League of Women Voters of Florida, Florida AFL-CIO, American Federation of State, County, and Municipal Employees, Council 79 (“AFSCME”), and Marilyn Willis hereby move this Court for an Order granting Plaintiffs’ application for a Temporary Restraining Order in this matter pursuant to Rule 65 of the Federal Rules of Civil Procedure and S.D. Fla. L.R. 7.1. As grounds for this application, Plaintiffs state:

1. Plaintiffs move for a Temporary Restraining Order for the reasons stated in the concurrently filed Complaint and the Memorandum of Law in Support of Plaintiffs’ Emergency Motion for a Temporary Restraining Order and to Set a Briefing and Hearing Schedule for a Preliminary Injunction Motion and to Allow Limited Discovery (“Brief”), along with the Declarations and Exhibits thereto.

2. Pursuant to S.D. Fla. L.R. 7.1(E), Plaintiffs respectfully request that this Court waive the time requirements of S.D. Fla. L.R. 7.1, and grant a hearing on this matter, if

necessary, as early as possible on Tuesday, April 29, 2008. It is necessary for the Court to rule on this motion in an expedited fashion because of the imminent threat to First Amendment rights. As detailed in the Complaint and Brief, Plaintiffs seek to enjoin the Defendants from enforcing Fla. Stat. 97.0575(3) (as construed by Fla. Stat. 97.021) starting April 30, 2008. Enforcement of that law will, if not enjoined, prevent Plaintiffs from planning and conducting voter registration drives and thus infringe their political speech. Without emergency review by this Court, Plaintiffs and other individuals and entities who conduct voter registration drives in Florida will suffer immediate and irreparable injury to their First Amendment rights.

3. Defendants will not be prejudiced by the entry of a temporary restraining order. Plaintiffs served a copy of this motion and all supporting papers by email at or around 1:00 p.m. on April 28, 2008 upon attorneys representing the Defendants in a prior action, *League of Women Voters of Florida v. Cobb*, Civil Action No. 06-21265, challenging the predecessor law to the statute being challenged in this action. Upon information and belief, counsel for Defendants in this action will be the same as it was in the prior action. Plaintiffs informed Defendants' counsel that they sought a hearing in this matter as early as possible on Tuesday, April 29, 2008. Moreover, Defendants have known since July 25, 2007 that Plaintiffs intended to challenge the amended law before it could be enforced. Plaintiffs-Appellees Opposition to Appellants' Suggestion of Impending Mootness, *League of Women Voters of Fla. v. Sec'y of State of Florida*, No. 06-14836-D (11th Cir. July 25, 2007), available at http://www.brennancenter.org/page/-/d/download_file_50120.pdf. Defendants were also informed of the basis of the Plaintiffs' complaints regarding the amended law.

4. For the reasons set forth in the Brief, Plaintiffs request that this Court enter the following briefing and hearing schedule for a preliminary injunction:

May 14, 2008	Plaintiffs' Motion to Extend TRO and for Preliminary Injunction Due
May 21, 2008	Defendants' Response Due
May 23, 26, 27, or 28	Plaintiffs' Reply Due; Preliminary Injunction Hearing

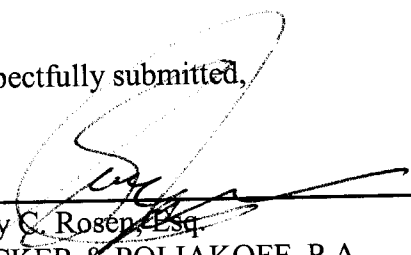
5. For the reasons set forth in the Brief, Plaintiffs further request that this Court order limited discovery to allow Plaintiffs to depose a small number of state and county officials regarding the state's interest in enforcing Fla. Stat. 97.0575(3) (as construed by Fla. Stat. 97.021).

6. Plaintiffs further request that out-of-state counsel, Debevoise & Plimpton LLP, the Brennan Center for Justice at NYU School of Law, and the Advancement Project be permitted to attend any hearing telephonically. Both Debevoise & Plimpton LLP and the Brennan Center for Justice at NYU School of Law are located in New York City, while the Advancement Project is located in Washington, DC.

Plaintiffs will rely upon the Complaint, Brief and supporting papers in support of this motion.

Dated: April 28, 2008

Respectfully submitted,



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