

IN THE SUPREME COURT OF FLORIDA

CASE NOS. SC00-2346, SC00-2348 & SC00-2349

PALM BEACH COUNTY
CANVASSING BOARD

vs.

KATHERINE HARRIS and
ROBERT BUTTERWORTH,
et. al.

VOLUSIA COUNTY
CANVASSING BOARD

vs.

MICHAEL MCDERMOTT, et.
al.

FLORIDA DEMOCRATIC
PARTY

vs.

MICHAEL MCDERMOTT, et.
al.

Petitioners

Respondents.

**BUTLER'S RESPONSE TO MOTION TO MODIFY
ORAL ARGUMENT TIME APPORTIONMENT**

Respondent/Appellant Matt Butler, files this response to the Motion to Modify Oral Argument Time Apportionment, filed on Nov. 19, 2000, and states:

1. This Court's briefing order was issued on Nov. 17, 2000. It provided for "a maximum of one hour to the side" being made available for oral argument.
2. Several parties have expressed concern over their affiliation with other parties in this case. For example, the attorney general moved to be

realigned with the Petitioners/Appellants, and Respondent/Appellee Harris has asked to be treated separately from any party.

3. It has been proposed by Respondent/ Appellee¹ that the time be split so she is aligned with nobody, that Vice President Gore and those affiliated with his efforts be aligned together, and that Gov. Bush and those affiliated with his efforts be aligned² together. She proposes that after this realignment, each group would be provided 40 minutes of the two hours this Court has set aside.
4. Respondent/Appellee Butler takes no position on the proper alignment of the parties in this case. However, he has already agreed to limit his argument time³ to 10 minutes to provide the maximum argument time for the other parties, without regard to how they are aligned. He objects to

¹ It appears this proposal was faxed yesterday (Saturday), but the undersigned counsel was working on the brief filed today from his home. Therefore, the proposal was not seen until this morning. Counsel has not agreed to the proposal.

² While it is true that Butler voted for Gov. Bush and thinks he should be certified the winner of the election in Florida, it is not accurate to say Butler is merely “affiliated with [Gov. Bushes] efforts.” He intervened in this case due to his stake in having the election laws in Florida applied properly, and has maintained his status as a party to continue protecting that stake.

³ Butler has timely filed his Answer Brief pursuant to this Court’s order to preserve his right to participate in oral argument.

any proposal or order that would restrict his already short time for presenting the side of the Florida voter under the facts of this extremely important case.

Wherefore, Respondent/Appellee, respectfully requests that however this Court decides to respond to Secretary Harris' Motion, such ruling should not affect Butler's right and ability to participate in oral argument.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copy of the foregoing has been sent by U.S. Mail this 19th day of November, 2000, to the attached service list, and/or hand delivery to those marked as such on the service list.

McFARLAIN, WILEY, CASSEDY
& JONES
215 South Monroe Street
Suite 600 (32301)
Post Office Box 2174
Tallahassee, Florida 32316-2174
Telephone: (850) 222-2107
Facsimile: (850) 222-8475

C. Madigan
Florida Bar #380318
Harold R. Mardenborough Jr.
Florida Bar #947172
Terrell

Christopher Barkas
Florida Bar #449202

IN THE SUPREME COURT OF FLORIDA

CASE NOS. SC00-2346, SC00-2348 & SC00-2349

PALM BEACH COUNTY
CANVASSING BOARD

vs.

KATHERINE HARRIS and
ROBERT BUTTERWORTH,
et. al.

VOLUSIA COUNTY
CANVASSING BOARD

vs.

MICHAEL MCDERMOTT, et.
al.

FLORIDA DEMOCRATIC
PARTY

vs.

MICHAEL MCDERMOTT, et.
al.

Petitioners

Respondents.

**BUTLER'S RESPONSE TO MOTION TO MODIFY
ORAL ARGUMENT TIME APPORTIONMENT**

Respondent/Appellant Matt Butler, files this response to the Motion to Modify Oral Argument Time Apportionment, filed on Nov. 19, 2000, and states:

1. This Court's briefing order was issued on Nov. 17, 2000. It provided for "a maximum of one hour to the side" being made available for oral argument.
2. Several parties have expressed concern over their affiliation with other parties in this case. For example, the attorney general moved to be

realigned with the Petitioners/Appellants, and Respondent/Appellee Harris has asked to be treated separately from any party.

3. It has been proposed by Respondent/ Appellee¹ that the time be split so she is aligned with nobody, that Vice President Gore and those affiliated with his efforts be aligned together, and that Gov. Bush and those affiliated with his efforts be aligned² together. She proposes that after this realignment, each group would be provided 40 minutes of the two hours this Court has set aside.
4. Respondent/Appellee Butler takes no position on the proper alignment of the parties in this case. However, he has already agreed to limit his argument time³ to 10 minutes to provide the maximum argument time for the other parties, without regard to how they are aligned. He objects to

¹ It appears this proposal was faxed yesterday (Saturday), but the undersigned counsel was working on the brief filed today from his home. Therefore, the proposal was not seen until this morning. Counsel has not agreed to the proposal.

² While it is true that Butler voted for Gov. Bush and thinks he should be certified the winner of the election in Florida, it is not accurate to say Butler is merely “affiliated with [Gov. Bushes] efforts.” He intervened in this case due to his stake in having the election laws in Florida applied properly, and has maintained his status as a party to continue protecting that stake.

³ Butler has timely filed his Answer Brief pursuant to this Court’s order to preserve his right to participate in oral argument.

any proposal or order that would restrict his already short time for presenting the side of the Florida voter under the facts of this extremely important case.

Wherefore, Respondent/Appellee, respectfully requests that however this Court decides to respond to Secretary Harris' Motion, such ruling should not affect Butler's right and ability to participate in oral argument.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copy of the foregoing has been sent by U.S. Mail this 19th day of November, 2000, to the attached service list, and/or hand delivery to those marked as such on the service list.

McFARLAIN, WILEY, CASSEDY
& JONES
215 South Monroe Street
Suite 600 (32301)
Post Office Box 2174
Tallahassee, Florida 32316-2174
Telephone: (850) 222-2107
Facsimile: (850) 222-8475

Terrell

C. Madigan
Florida Bar #380318
Harold R. Mardenborough Jr.
Florida Bar #947172

Christopher Barkas
Florida Bar #449202

IN THE SUPREME COURT OF FLORIDA

CASE NOS. SC00-2346, SC00-2348 & SC00-2349

PALM BEACH COUNTY
CANVASSING BOARD

vs.

KATHERINE HARRIS and
ROBERT BUTTERWORTH,
et. al.

VOLUSIA COUNTY
CANVASSING BOARD

vs.

MICHAEL MCDERMOTT, et.
al.

FLORIDA DEMOCRATIC
PARTY

vs.

MICHAEL MCDERMOTT, et.
al.

Petitioners

Respondents.

**BUTLER'S RESPONSE TO MOTION TO MODIFY
ORAL ARGUMENT TIME APPORTIONMENT**

Respondent/Appellant Matt Butler, files this response to the Motion to Modify Oral Argument Time Apportionment, filed on Nov. 19, 2000, and states:

1. This Court's briefing order was issued on Nov. 17, 2000. It provided for "a maximum of one hour to the side" being made available for oral argument.
2. Several parties have expressed concern over their affiliation with other parties in this case. For example, the attorney general moved to be

realigned with the Petitioners/Appellants, and Respondent/Appellee Harris has asked to be treated separately from any party.

3. It has been proposed by Respondent/ Appellee¹ that the time be split so she is aligned with nobody, that Vice President Gore and those affiliated with his efforts be aligned together, and that Gov. Bush and those affiliated with his efforts be aligned² together. She proposes that after this realignment, each group would be provided 40 minutes of the two hours this Court has set aside.
4. Respondent/Appellee Butler takes no position on the proper alignment of the parties in this case. However, he has already agreed to limit his argument time³ to 10 minutes to provide the maximum argument time for the other parties, without regard to how they are aligned. He objects to

¹ It appears this proposal was faxed yesterday (Saturday), but the undersigned counsel was working on the brief filed today from his home. Therefore, the proposal was not seen until this morning. Counsel has not agreed to the proposal.

² While it is true that Butler voted for Gov. Bush and thinks he should be certified the winner of the election in Florida, it is not accurate to say Butler is merely “affiliated with [Gov. Bushes] efforts.” He intervened in this case due to his stake in having the election laws in Florida applied properly, and has maintained his status as a party to continue protecting that stake.

³ Butler has timely filed his Answer Brief pursuant to this Court’s order to preserve his right to participate in oral argument.

any proposal or order that would restrict his already short time for presenting the side of the Florida voter under the facts of this extremely important case.

Wherefore, Respondent/Appellee, respectfully requests that however this Court decides to respond to Secretary Harris' Motion, such ruling should not affect Butler's right and ability to participate in oral argument.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copy of the foregoing has been sent by U.S. Mail this 19th day of November, 2000, to the attached service list, and/or hand delivery to those marked as such on the service list.

McFARLAIN, WILEY, CASSEDY
& JONES
215 South Monroe Street
Suite 600 (32301)
Post Office Box 2174
Tallahassee, Florida 32316-2174
Telephone: (850) 222-2107
Facsimile: (850) 222-8475

C. Madigan
Florida Bar #380318
Harold R. Mardenborough Jr.
Florida Bar #947172
Terrell

Christopher Barkas
Florida Bar #449202

IN THE SUPREME COURT OF FLORIDA

CASE NOS. SC00-2346, SC00-2348 & SC00-2349

PALM BEACH COUNTY
CANVASSING BOARD

vs.

KATHERINE HARRIS and
ROBERT BUTTERWORTH,
et. al.

VOLUSIA COUNTY
CANVASSING BOARD

vs.

MICHAEL MCDERMOTT, et.
al.

FLORIDA DEMOCRATIC
PARTY

vs.

MICHAEL MCDERMOTT, et.
al.

Petitioners

Respondents.

**BUTLER'S RESPONSE TO MOTION TO MODIFY
ORAL ARGUMENT TIME APPORTIONMENT**

Respondent/Appellant Matt Butler, files this response to the Motion to Modify Oral Argument Time Apportionment, filed on Nov. 19, 2000, and states:

1. This Court's briefing order was issued on Nov. 17, 2000. It provided for "a maximum of one hour to the side" being made available for oral argument.
2. Several parties have expressed concern over their affiliation with other parties in this case. For example, the attorney general moved to be

realigned with the Petitioners/Appellants, and Respondent/Appellee Harris has asked to be treated separately from any party.

3. It has been proposed by Respondent/ Appellee¹ that the time be split so she is aligned with nobody, that Vice President Gore and those affiliated with his efforts be aligned together, and that Gov. Bush and those affiliated with his efforts be aligned² together. She proposes that after this realignment, each group would be provided 40 minutes of the two hours this Court has set aside.
4. Respondent/Appellee Butler takes no position on the proper alignment of the parties in this case. However, he has already agreed to limit his argument time³ to 10 minutes to provide the maximum argument time for the other parties, without regard to how they are aligned. He objects to

¹ It appears this proposal was faxed yesterday (Saturday), but the undersigned counsel was working on the brief filed today from his home. Therefore, the proposal was not seen until this morning. Counsel has not agreed to the proposal.

² While it is true that Butler voted for Gov. Bush and thinks he should be certified the winner of the election in Florida, it is not accurate to say Butler is merely “affiliated with [Gov. Bushes] efforts.” He intervened in this case due to his stake in having the election laws in Florida applied properly, and has maintained his status as a party to continue protecting that stake.

³ Butler has timely filed his Answer Brief pursuant to this Court’s order to preserve his right to participate in oral argument.

any proposal or order that would restrict his already short time for presenting the side of the Florida voter under the facts of this extremely important case.

Wherefore, Respondent/Appellee, respectfully requests that however this Court decides to respond to Secretary Harris' Motion, such ruling should not affect Butler's right and ability to participate in oral argument.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copy of the foregoing has been sent by U.S. Mail this 19th day of November, 2000, to the attached service list, and/or hand delivery to those marked as such on the service list.

McFARLAIN, WILEY, CASSEDY
& JONES
215 South Monroe Street
Suite 600 (32301)
Post Office Box 2174
Tallahassee, Florida 32316-2174
Telephone: (850) 222-2107
Facsimile: (850) 222-8475

Terrell

C. Madigan
Florida Bar #380318
Harold R. Mardenborough Jr.
Florida Bar #947172

Christopher Barkas
Florida Bar #449202