

**IN THE SUPREME COURT OF FLORIDA**

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JOHN ELLIS “JEB” BUSH, <i>et al.</i> ,	)	
	)	
Defendants/Appellants,	)	
	)	Case Nos. SC04-2323,
CHARLES J. CRIST, JR., <i>et al.</i> ,	)	SC04-2324, SC04-2325
	)	
Defendants/Appellants,	)	
	)	
BRENDA MCSHANE, <i>et al.</i> ,	)	
	)	
Intervenors/Defendants/Appellants	)	
	)	
vs.	)	
	)	
RUTH D. HOLMES, <i>et al.</i> ,	)	
	)	
Appellees.	)	

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**VERIFIED MOTION TO APPEAR**

*Amici Curiae* the Coalition of McKay Scholarship Schools, et. al., respectfully move this Court, pursuant to Rule 2.061(b) of the Florida Rules of Judicial Administration and Rule 9.440 of the Florida Rules of Appellate Procedure, for leave of Padraic B. Fennelly to appear as counsel in the above styled action.

1. Mr. Fennelly is a member in good standing of the Bars of the State of Texas (2002) and the District of Columbia (2004).
2. Mr. Fennelly has not sought *pro hac vice* admission for any other matter in Florida state courts in the preceding 5 years.
3. Mr. Fennelly has not been disciplined in any manner in any jurisdiction in the preceding 5 years, nor are there any disciplinary proceedings pending against him.

4. In September of 2004, the Fairness Foundation retained the undersigned to provide legal advice concerning plaintiffs' challenge to the constitutionality of Florida's Opportunity Scholarship Program. The Fairness Foundation is a nonprofit organization committed to advancing educational opportunities for low-income and disadvantaged students. The Fairness Foundation supports, and has made a monetary contribution to the preparation of, the brief to be submitted on behalf of the following interested organizations and individuals: Leah Ashley Cousart; Ed and Carmen Delgado; Martha Parker; Micelle Emery; Redemptive Life Academy; the Coalition of McKay Scholarship Schools; the Florida Association of Academic Nonpublic Schools; the Florida Council of Independent Schools; the Florida Association of Christian Colleges & Schools; and the Child Development Education Alliance.

5. The undersigned states that all applicable provisions of the Florida Rules of Judicial Administration and the Rules Regulating The Florida Bar have been read and hereby certifies that this Verified Motion complies with those rules.

6. For purposes of this representation, Lansing C. Scriven of **Lansing C. Scriven, P.A.** has been associated as local counsel. Mr. Scriven's record bar address is 442 West Kennedy Blvd., Suite 280, Tampa, Florida 33606, and he is a member in good standing of The Florida Bar.

7. Mr. Lansing C. Scriven and Mr. Padraic B. Fennelly hereby certify that a copy of this verified motion has been served upon counsel of record in this matter as reflected in the attached certificate of service.

**WHEREFORE**, the Court is respectfully requested to enter an Order granting *pro hac vice* status as requested above.

Respectfully submitted,

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**VERIFICATION**

Under penalties of perjury, I declare that I have read the foregoing Verified Motion to Appear and that the facts stated therein are true.

Executed on this 21st day of January, 2005.

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PADRAIC B. FENNELLY

**ACKNOWLEDGMENT**

I hereby acknowledge my designation as associated counsel for purposes of this representation.

Respectfully submitted,

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**Attorney for *Amici Curiae* the Coalition of McKay Scholarship Schools, et al.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **VERIFIED MOTION TO APPEAR** has been furnished by U.S. Mail to the following counsel of record:

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