

**IN THE SUPREME COURT OF FLORIDA**

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

**RESPONSE TO MOTION TO STRIKE**

Intervenor-Appellants Brenda McShane, *et al.*, respectfully submit this response in opposition to Appellees’ motion to strike the appendix attached to Intervenor-Appellants’ reply brief.

Despite this Court’s teaching that Florida’s “own unique state experience” should be the touchstone for interpreting its bill of rights, Appellees cite authorities from two dozen other jurisdictions, including Puerto Rico, in support of their arguments. The appendix attached to Intervenor-Appellants’ reply brief serves two purposes: first, to collect in one place most of the extra-jurisdictional authorities cited by the Appellees and organize them state-by-state for the convenience of the

Court and the parties; and second, to illustrate—through citation to authorities omitted by Appellees and brief additional commentary—that in fact other states’ treatment of their own religion provisions is more notable for its variety than its uniformity.

Appellees’ discussion of other states’ religion provisions is both incomplete and largely irrelevant. That will remain true whether the appendix to Intervenor-Appellants’ reply is struck or retained. Because they believe the appendix is potentially helpful and not genuinely objectionable, Intervenor-Appellants respectfully request that Appellees’ motion to strike be denied.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing RESPONSE TO MOTION TO STRIKE was dispatched this 30th day of March, 2005, via first-class mail, postage pre-paid to the following counsel of record:

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