

IN THE SUPREME COURT OF THE STATE OF FLORIDA

JEB BUSH,
Governor of the State of Florida,

Appellant,

CASE NO.: SC04-925

v.

MICHAEL SCHIAVO, as Guardian of
the Person of THERESA MARIE SCHIAVO,

Appellee.

**MOTION FOR LEAVE OF NOT DEAD YET *ET AL.* TO FILE BRIEF
AMICI CURIAE IN SUPPORT OF APPELLANT
AND REQUESTING REVERSAL**

Pursuant to Fla. R. App. P. 9.370, the following organizations and individuals move this Court for leave to file a brief *amici curiae* in support of Appellant in the above-captioned matter: NOT DEAD YET, ADAPT, THE ARC OF THE UNITED STATES, AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES, CENTER ON HUMAN POLICY AT SYRACUSE UNIVERSITY, CENTER FOR SELF-DETERMINATION, DISABILITY RIGHTS CENTER, FREEDOM CLEARINGHOUSE, HOSPICE PATIENTS' ALLIANCE, MOUTH MAGAZINE, NATIONAL COUNCIL ON

INDEPENDENT LIVING, NATIONAL DISABLED STUDENTS UNION, NATIONAL SPINAL CORD INJURY ASSOCIATION, SELF-ADVOCATES BECOMING EMPOWERED, SOCIETY FOR DISABILITY STUDIES, TASH, WORLD ASSOCIATION OF PERSONS WITH DISABILITIES, and WORLD INSTITUTE ON DISABILITY. As grounds, proposed *Amici* aver as follows:

1. Proposed *Amici* are national organizations that promote the civil rights of people with disabilities. They are governed by, comprised of, serve and/or represent people with disabilities of all types and levels of severity, including physical and cognitive disabilities, and their families. Many helped to draft and enact key civil rights legislation, including the Americans with Disabilities Act in 1990.

2. This case raises a significant question of law: whether the Florida Legislature may act prospectively to protect the civil rights of persons with disabilities when a court has ordered withdrawal of life-sustaining medical treatment of an incapacitated, disabled woman in a manner the Legislature – and the overwhelming majority of people with disabilities – viewed as contrary to the woman’s fundamental constitutional rights.

3. In their respective roles as representatives of and civil rights advocates for the disability community and people who have had similar

experiences to Ms. Schiavo's, proposed *Amici* have been intimately involved in the issues before this Court concerning the withdrawal of life-sustaining treatment from people who are incompetent as a result of a medical condition or disability. *Amici* have filed briefs in similar cases. The brief of *amicus* Not Dead Yet was cited as authoritative by the U.S. Supreme Court in *Washington v. Glucksberg*, 521 U.S. 702, 733 (1997) (Rehnquist, C.J., for the majority). Therefore, *Amici* believe that their views and experience will be of assistance to this Court.

4. Counsel for Appellants has consented to the filing of this brief.

Letter from Godwin to Kaliski (June 30, 2004), attached hereto. *Amici* have written to Appellee to seek his consent but have received no response. See Letter from Kaliski to Marshall (June 30, 2004), attached hereto.

WHEREFORE, *Amici* respectfully requests this Court to accept their brief, submitted concurrently with this Motion, and consider the points raised therein in connection with the adjudication of the case.

Dated July 12, 2004.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I certify that on July 12, 2004, I served a copy of the foregoing Motion and attached Brief by regular U.S. Mail, postage prepaid, upon the following counsel of record:

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