

**IN AND FOR THE STATE OF FLORIDA
FLORIDA SUPREME COURT**

Case No. SC 05-1563

ADVISORY OPINION TO THE)
ATTORNEY GENERAL)
RE: FLORIDA MARRIAGE PROTECTION)
AMENDMENT)
_____)

**FLORIDA4MARRIAGE.ORG'S MOTION FOR EXPEDITED ORAL
ARGUMENT**

Mathew D. Staver
(Lead Counsel)
Florida Bar No. 0701092
Erik W. Stanley
Florida Bar No. 0183504
Anita L. Staver
Florida Bar No. 0611131
Rena M. Lindevaldsen
Florida Bar No. 0659045
Mary E. McAlister
Florida Bar No. 0010168
LIBERTY COUNSEL
210 East Palmetto Avenue
Longwood, FL 32750
(407) 875-2100 - Telephone
(407) 875-0770 - Facsimile
Attorneys for Florida4Marriage.org

COMES NOW Florida4Marriage.org, by and through its undersigned counsel, and files this Motion to Expedite Oral Argument, and in support thereof states as follows:

1. Florida4Marriage.org (“Proponent”) is the Proponent of the Florida Marriage Protection Amendment, which is the subject of this action.

2. Proponent has complied with Fla. Stat. §15.21 in that Proponent has registered as a political committee pursuant to Fla. Stat. §106.03, submitted the ballot title, substance, and text of the proposed revision or amendment to the Secretary of State pursuant to Fla. Stat. §§ 100.371 and 101.161; and obtained a letter from the Division of Elections confirming that Proponent has submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 10 percent of the number of electors statewide and in at least one-fourth of the congressional districts.

3. On September 1, 2005, pursuant to Fla. Stat. § 16.061 and upon verification that Proponent complied with Fla. Stat. § 15.21, Attorney General Charles J. Crist, Jr., petitioned this Court for an advisory opinion regarding whether the text of the Amendment complies with Article 11, § 3 of the Florida Constitution and whether the ballot title and summary comply with Fla. Stat. § 101.161.

4. Proponent and a group of Interested Parties submitted their Initial Briefs on September 22, 2005, and Proponent has submitted a separate written request for oral argument.

5. Answer Briefs are due to be filed on or before October 12, 2005. Therefore, the matter will be fully briefed by October 12, 2005.

6. Pursuant to Art. 4, § 10 of the Florida Constitution, this Court shall permit interested persons to be heard on the questions presented and shall render their written opinion expeditiously.

7. It is particularly imperative that Proponent obtain this Court's written opinion expeditiously in that under Art. 11, § 5 of the Florida Constitution Proponent must have the Florida Marriage Protection Amendment validated by this Court and collect more than 611,000 signatures before February 1, 2006 in order for the Amendment to be placed on the ballot for the November 7, 2006 general election. Proponent is the first organization to face the shortened timeline for qualification of initiative constitutional amendments under the Florida Constitution as amended in 2004, which further exacerbates the need for expeditious oral argument.

8. Proponent's efforts to collect the more than 611,000 signatures necessary to qualify the Amendment for the ballot are significantly impaired until this Court issues its opinion.

9. Without an expeditious ruling by this Court, Proponent will be unable to effectively exercise the initiative rights reserved to the people under the Florida Constitution.

10. Pursuant to this Court's order dated September 2, 2005, this matter will be fully briefed by October 12, 2005.

11. Therefore, as of October 12, 2005, this Court will have all of the written materials necessary to render its decision, and will be ready to hear oral arguments.

12. Proponent respectfully requests that this Court set an expedited oral argument schedule to permit prompt resolution of the issues presently before the Court.

Respectfully Submitted,

_____/s/_____

Mathew D. Staver

(Lead Counsel)

Florida Bar No. 0701092

Erik W. Stanley

Florida Bar No. 0183504

Anita L. Staver

Florida Bar No. 0611131

Rena M. Lindevaldsen

Florida Bar No. 0659045

Mary E. McAlister

Florida Bar No. 0010168

LIBERTY COUNSEL

210 East Palmetto Avenue

Longwood, FL 32750

(407) 875-2100 - Telephone
(407) 875-0770 - Facsimile
Attorneys for Florida4Marriage.org

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail delivery this 11th day of October, 2005, to the following:

Charles J. Crist, Esq.
Attorney General
Office of the Attorney General
State of Florida
The Capitol PL-01
Tallahassee FL 32399-1050

Randall C. Marshall
American Civil Liberties Union
Foundation of Florida, Inc.
4500 Biscayne Blvd., Suite 340
Miami, FL 33137-3227

Leslie Cooper
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004-2400

Rebecca Harrison Steele
ACLU West Central Florida
P.O. Box 18245
Tampa, FL 33679-8245

Karen M. Doering
National Center for Lesbian Rights
3150 5th Avenue North, Suite 325
St. Petersburg, FL 33713

_____/s/_____
Mathew D. Staver
(Lead Counsel)
Florida Bar No. 0701092
Erik W. Stanley
Florida Bar No. 0183504
Anita L. Staver
Florida Bar No. 0611131
Rena M. Lindevaldsen
Florida Bar No. 0659045
Mary E. McAlister
Florida Bar No. 0010168
LIBERTY COUNSEL
210 East Palmetto Avenue
Longwood, FL 32750
(407) 875-2100 - Telephone