

**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 TO STRIKE “ANSWER” BRIEF
AND ACCOMPANYING APPENDIX OF INTERESTED PARTIES**

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COMES NOW Florida4Marriage.org, by and through its undersigned counsel, and files this Motion to Strike Interested Parties' "Answer Brief" and accompanying Appendix, 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. In compliance with this Court's Order dated September 2, 2005, Proponents and Interested Parties and filed their briefs on September 22, 2005.

3. This Court's Order dated September 2, 2005, provided that interested parties were to file their briefs on or before September 22, 2005 and serve them on the Attorney General, who initiated the Petition that is the subject matter of this action.

4. This Court's Order dated September 2, 2005, further provided that Answer Briefs were to be filed on or before October 12, 2005.

5. Attorney General Crist did not submit an Answer Brief on or before October 12, 2005.

6. This Court's Order dated September 2, 2005 did not provide for any further briefing by any party, including supplemental or reply briefs.

7. On October 12, 2005, Interested Parties submitted a document entitled "Answer Brief" and an Appendix.

8. The document entitled “Answer Brief” is not in fact an Answer Brief submitted by a third party in response to the briefs filed by Proponent and Interested Parties, but is an attempt by Interested Parties to file an additional brief espousing the views already presented in the brief filed on September 22, 200, which is not permitted under this Court’s Order dated September 2, 2005.

9. This Court’s Order provided for each party to have the opportunity to provide one brief espousing its position regarding the proposed Amendment, which is in keeping with Fla. R. App. Proc. § 9.210.

10. Interested Parties’ purported “Answer Brief” is an attempt to submit an additional brief in violation of this Court’s order providing for one brief per party and in violation of Fla. R. App. Proc. §9.210.

11. Because the purported “Answer Brief” violates this Court’s September 2, 2005 Order, Proponent requests that the “Answer Brief” and accompanying Appendix be stricken.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail delivery this 14th day of October, 2005, to the following:

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