

IN THE SUPREME COURT OF FLORIDA

Case No. SC08-986
SC08-1149

**ADVISORY OPINION TO THE
ATTORNEY GENERAL RE:
STANDARDS FOR
ESTABLISHING
LEGISLATIVE DISTRICT
BOUNDARIES**

**ADVISORY OPINION TO THE
ATTORNEY GENERAL RE:
STANDARDS FOR
ESTABLISHING
CONGRESSIONAL
BOUNDARIES**

MOTION FOR EXTENSION OF TIME TO FILE REPLY/ANSWER BRIEFS

The Florida Legislature, which opposes the petitions, moves for an extension of time to file reply/answer briefs to the proponent’s main arguments in these two different, but related, cases.

The Court’s scheduling orders in these two matters require “interested parties” to file their initial briefs by July 1 in the legislative districting petition case and July 15 in congressional districting case. The Court set deadlines for the filing of answer briefs of August 1 for the legislative districting case and August 4 for the congressional districting case.

Because the term “interested parties” could embrace an opponent to these amendment schemes, the Legislature filed its initial briefs in compliance with the July 1 and 15 deadlines. The proponent met those deadlines as well.

However, the briefs of the two parties are markedly different. The Legislature’s briefs are more than 35 pages long and contain detailed criticisms of the proposed amendments and complex legal analysis. The proponent’s briefs are only nine and 10 pages long respectively, including required certificates. These latter briefs are cursory and provide no meaningful legal analysis of the proposed amendments.

The scheduling orders do not appear to permit a party to file a reply to an answer brief.

Consequently, the Legislature is deprived of any meaningful ability to respond to the proponent’s substantive arguments, which undoubtedly will appear in their answer brief. Without the opponents’ ability to file a reply, the Court is deprived of full briefing on the issues.

For this reason, the Legislature requests enlargements of time to file reply briefs to the proponent’s answer briefs. Specifically, the Legislature requests 20 days from service of the proponent’s answer briefs or, in the alternative, August 20 in the legislative districting case and August 24 in the congressional districting case, whichever is earlier.

Counsel for the Legislature has contacted the attorneys for the proponent about the motion. The proponent opposes the motion.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by U.S. mail, on Attorney General Bill McCollum and Scott Makar, Solicitor General, PL-01, The Capitol, Tallahassee, FL 32399; and Barry Richard and Hope Keating, 101 East College Ave., Tallahassee, FL 32301; and Mark Herron, 2618 Centennial Place, Tallahassee, FL 32308, on July 18, 2008.

Jason Vail

CERTIFICATE OF TYPE SIZE AND STYLE

The motion is printed in 14 point Times New Roman.

Jason Vail