

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

)	
LEAGUE OF WOMEN VOTERS OF)	
FLORIDA; COMMON CAUSE)	
FLORIDA; and JOANNE LYNCH AYE,)	
)	
Plaintiffs,)	
)	Civil Action No. _____
v.)	
)	
RICHARD L. SCOTT, in his official)	
capacity as Governor of the state of Florida,)	
)	
Defendant.)	
)	

**PLAINTIFFS’ EMERGENCY MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs League of Women Voters of Florida, Common Cause Florida, and Joanne Lynch Aye (collectively, “Plaintiffs”), by and through counsel, seek emergency relief pursuant to Rules 65(a) and 65(b) of the Federal Rules of Civil Procedure to prevent Defendant, Florida Governor Richard L. Scott, in his official capacity, from exercising any power or duties relating to the tabulation or certification of the results of the 2018 Florida election for U.S. Senate. Scott himself is a candidate in this election, and his actions to date have evinced a misuse of his official power to advance his candidacy—flouting the basic rule of

fairness that “no man can be a judge in his own case,” *In re Murchison*, 349 U.S. 133, 136 (1955), and violating the First and Fourteenth Amendment rights of Plaintiffs and their members. In the alternative, Plaintiffs respectfully request an immediate hearing. In support thereof, Plaintiffs state:

1. On November 12, 2018, Plaintiffs filed their Complaint for Declaratory and Injunctive Relief, alleging that Plaintiffs are entitled to relief from this Court for Defendant’s violations of their rights, as well as the rights of their members, under the First and Fourteenth Amendments to the United States Constitution.

2. Plaintiffs seek a temporary restraining order and preliminary injunction enjoining Defendant from engaging, in his capacity as Governor or using his authority as Governor, in any decisions, directives, control, or influence, either direct or indirect, over the processing and counting of ballots in the 2018 Florida election for U.S. Senate, including but not limited to enjoining Defendant from participating, in his role as a member of the Elections Canvassing Commission or otherwise, in the certification of the results of the 2018 Florida election for U.S. Senate.

3. The relief sought is urgent because Defendant continues to use his authority as Governor to seek to influence the outcome of the election in his favor, including, *inter alia*, threatening and intimidating election workers by making unfounded allegations of fraud against election officials and political opponents

and credibly threatening to deploy state law enforcement agents to investigate them.

4. Federal Rule of Civil Procedure 65 provides for the issuance of a temporary restraining order and preliminary injunction under circumstances such as these.

5. In support of this Motion, Plaintiffs have contemporaneously submitted a Memorandum of Law, addressing all necessary elements for the entry of the relief sought.

6. Plaintiffs seek leave to present 30 minutes of oral argument.

7. Plaintiffs file this Motion as an emergency motion pursuant to Local Rule 7.1(L) because an expeditious ruling on this motion is essential to ensuring that the recount of ballots is not unfairly compromised.

WHEREFORE, for the foregoing reasons, and for those set forth in Plaintiffs' supporting memorandum of law, Plaintiffs respectfully move that the Court enter a temporary restraining order and preliminary injunction enjoining Defendant from engaging, in his capacity as Governor or using his authority as Governor, in any decisions, directives, control, or influence, either direct or indirect, over the processing and counting of ballots in the 2018 Florida election for U.S. Senate.

Date: November 12, 2018

Respectfully submitted,

/s/ John A. DeVault, III

/s/ Henry M. Coxe III

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*Application for admission forthcoming
***Pro Hac Vice* forthcoming
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only; Supervised by Principals of the Firm

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been served on Pamela Bondi, Attorney General of Florida and counsel for Defendant Scott in his capacity as Governor of the State of Florida, by e-mail sent to oag.civil.eserve@myflorida.com on this 12th day of November, 2018.

/s/ John A. Devault, III
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