RECEIVED 07/26/2016 FLORIDA SUPREME COURT
RECEIVED, 7/26/2016 3:20 PM, Jon S. Wheeler, First District Court of Appeal

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
FIRST DISTRICT

I CERTIFY THE ABOVE TO BE A TRUE COPY
JON S. WHEELER, CLERK
FIRST DISTRICT COURT OF APPEAL
BY: _____
DEPUTY CLERK

CAROL ELIZABETH SCOTT; PAUL BREMER; JENNIE BRENNETT; and ELIZABETH W. WILLIAMS,

Appellants,

vs.

Appeal Case No.: 1D16-2773

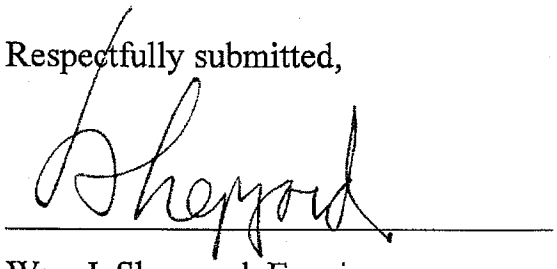
MIKE HOGAN, as Supervisor of Elections for Duval County, Florida; CHRIS H. CHAMBLISS, as Supervisor of Elections for Clay County, Florida; VICKI P. CANNON, as Supervisor of Elections for Nassau County, Florida; ALEXANDER PANTANAKIS, individually; and DANIEL KENNETH LEIGH, individually,

Appellees.

NOTICE TO INVOKE DISCRETIONARY JURISDICTION

Notice is given that Appellants invoke the discretionary jurisdiction of the Supreme Court to review the decision of this Court in an opinion issued on July 1, 2016, which was rendered on July 14, 2016, when this court denied Appellant's Motion To Certify As Issue Of Great Public Importance. *See* Rule 9.020(j). The decision expressly construes a provision of the Constitution of the State of Florida. *See* Fl. Const. Art. V §(3)(b)(3) (2015).

Respectfully submitted,



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CO-COUNSELS FOR PLAINTIFFS/APPELLANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via Electronic mail to the below listed persons on July 26th, 2016.

Lindsey Brock, Esquire
9995 Gate Parkway N., Suite 400
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and Chris H. Chambless

ATTORNEY

swp[elections.invoke.jurisdiction.notice]

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED

CASE NO. 1D16-2773

CAROL ELIZABETH SCOTT, PAUL BREMER, JENNIE BENNETT, and ELIZABETH W. WILLIAMS,

Appellants,

v.

MIKE HOGAN, as Supervisor of Elections for Duval County, Florida; CHRIS H. CHAMBLESS, as Supervisor of Elections for Clay County, Florida; VICKI P. CANNON, as Supervisor of Elections for Nassau County, Florida; ALEXANDER PANTINAKIS, Individually; and DANIEL KENNETH LEIGH, Individually,

Appellees.

_____/

Opinion filed July 1, 2016.

An appeal of the Circuit Court for Duval County.
Richard R. Townsend, Senior Judge.

Samuel S. Jacobson and Stephanie A. Sussman of Bledsoe, Jacobson, Schmidt, Wright & Sussman, Jacksonville; William J. Sheppard, Elizabeth L. White, Matthew Kachergus, Bryan E. DeMaggio, and Jesse B. Wilkison of Sheppard, White, Kachergus & DeMaggio, P.A., Jacksonville, for Appellants/Cross-Appellees.

Craig D. Feiser, Assistant General Counsel, and Jon R. Phillips, Deputy General Counsel, Office of General Counsel, City of Jacksonville, Jacksonville, for Appellee Mike Hogan; Ronald A. Labasky, Tallahassee, and John T. LaVia, III, of Gardner,

Bist, Bowden, Bush, Dee, LaVia & Wright, P.A., Tallahassee, for Appellees Vicki P. Cannon and Chris H. Chambless; Lindsey C. Brock III, of Rumrell, McLeod & Brock, PLLC, Lindsey Brock, P.A., Jacksonville, for Appellee/Cross-Appellant, Alexander Pantinakis; Brian P. North of Kenny Leigh & Associates, Fort Walton Beach, for Appellee/Cross-Appellant Daniel Kenneth Leigh.

PER CURIAM.

Appellants seek review of an order dismissing their complaint with prejudice for failure to state a cause of action. We expedited review at Appellants' request.

Appellants' complaint raised two counts, one seeking a declaratory judgment that appellee Leigh's write-in candidacy is a "sham" and therefore is not "opposition" within the meaning of Article VI, section 5(b) of the Florida Constitution, and the other a claim under 42 U.S.C. § 1983. We affirm the dismissal of the first count based on Brinkmann v. Francois, 184 So. 3d 504 (Fla. 2016), and we affirm the dismissal of the second count without comment.

We also affirm without comment the issue raised on cross appeal.

AFFIRMED.

WETHERELL, ROWE, and WINSOR, JJ., CONCUR.

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

July 22, 2016

CASE NO.: 1D16-2773
L.T. No.: 2016-CA-003471

Carol Elizabeth Scott, Paul Bremer, et al.	v.	Mike Hogan, as Supervisor etc. et al.
Appellant / Petitioner(s),		Appellee / Respondent(s)

BY ORDER OF THE COURT:

Appellant's motion filed July 14, 2016, for certification is denied.

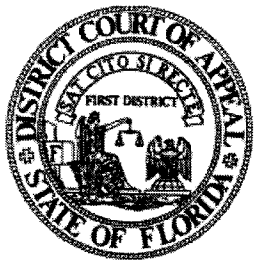
I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Samuel S. Jacobson	Wm. J. Sheppard	Ronald A. Labasky
Jon Robert Phillips	Elizabeth L White	John T. Lavia, Iii
Lindsey C. Brock I I I	Craig D. Feiser	Matthew R. Kachergus
Stefani K. Nolan	D. Kenneth Leigh	Bryan E. Demaggio
Brian P. North	Stephanie Sussman	Jesse B. Wilkison

jm

JON S. WHEELER, CLERK



DISTRICT COURT OF APPEAL
FIRST DISTRICT
STATE OF FLORIDA
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TALLAHASSEE, FLORIDA 32399-0950
(850) 488-6151

JON S. WHEELER
CLERK OF THE COURT

KAREN ROBERTS
CHIEF DEPUTY CLERK

July 26, 2016

Re: Carol Elizabeth Scott, Paul Bremmer, et al
Appeal No.: 1D 16-2773
Trial Court No.: 2016-CA-003471
Trial Court Judge: Hon. Richard Townsend

Dear Mr. Tomasino:

Attached is a certified copy of the Notice Invoking the Discretionary Jurisdiction of the Supreme Court, pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

___ The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and is attached.

✓ The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this court.

___ Petitioner/Appellant has previously been determined insolvent by the circuit court or our court in the underlying case.

___ Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's motion to proceed without payment of costs in this case.

No filing fee was required in the underlying case in this court because it was:

___ A summary Appeal, pursuant to Rule 9.141
___ From the Unemployment Appeals Commission
___ A Habeas Corpus proceeding
___ A Juvenile case
___ Other _____

If there are any questions regarding this matter, please do not hesitate to contact this Office. **A motion postponing rendition pursuant to Florida Rule of Appellate Procedure 9.020(i) ____ is or ✓ is NOT pending in the lower tribunal at the time of filing this notice of appeal.**

Sincerely yours,

Jon S. Wheeler

Jon S. Wheeler
Clerk of the Court

By: _____
Deputy Clerk