

IN THE SUPREME COURT FOR THE
STATE OF FLORIDA

JAMES BARRY WRIGHT,
Petitioner,

Case No.: SC16-1518
3d DCA Case No. 3D16-1804
L.T. Case No. 16-16248

v.

CITY OF MIAMI GARDENS, ET AL.,

Respondents
_____ /

**RESPONDENTS' RESPONSE IN OPPOSITION
TO WRIGHT'S EMERGENCY MOTION TO EXPEDITE**

Respondents, CITY OF MIAMI GARDENS and RONETTA TAYLOR, by and through undersigned Counsel, hereby file this Response in Opposition to Petitioner WRIGHT's Emergency Motion to Expedite and would state as follows:

1. Petitioner, Wright is seeking expedited consideration by this Court that would eventually upend the current election for Mayor of the City of Miami Gardens.
2. Although Wright attempts to present his situation in a vacuum, and asks that this Court resolve this issue before the deadline to place the candidates on the ballot for the November 8, 2016 election, Wright conveniently neglects to mention that the election for Mayor of Miami Gardens is currently ongoing.
3. Vote by mail ballots in Miami Gardens went out to voters on August 2, 2016 and Early Voting began on August 15, 2016. County wide, 38% of Vote by

Mail ballots that were sent out have already been returned to the elections department. Accordingly, it is a logical conclusion that the county wide percentages would at least be equal to the municipalities, in fact, probably slightly higher since municipalities with current elections vote at a higher percentage rate than unincorporated areas with no municipal elections. Additionally, with only 4 days of early voting remaining out of the 14 offered in Miami-Dade County, the majority of those who vote early have already done so. In other words, the August 30, 2016 election for Mayor of Miami Gardens is almost over.

4. Any expedited consideration by this Court to the relief sought by the Petitioner would disenfranchise the thousands who have already cast their vote in the Miami Gardens election.
5. Additionally, it would be logistically impossible for this Court to set a reasonable briefing schedule and entertain the consideration for Oral Argument, before the last day to vote on August 30, 2016.
6. Accordingly, any relief sought by the Petitioner would essentially void the results of the election currently underway in Miami Gardens and disenfranchise candidates and voters alike who have legally cast their ballots for Mayor.

7. More important, the original action filed by the Petitioner is neither an election contest in accordance with Section 102.168 of the Florida Statutes nor can it void the election results of the Mayoral election in Miami Gardens as declaratory relief can not be used to void the results of an election.
8. Therefore, as Wright's action can not procedurally be used to overturn the results of this election, any clarity provided by this Court in response to the certified question presented by the Third District Court of Appeal will only affect future elections and not the current election in Miami Gardens. As such, no expedited schedule for this matter is warranted at this time.

WHEREFORE, for the foregoing reasons, the Respondents request that this Honorable Court deny the Petitioner's Emergency Motion to Expedite this matter.

Respectfully submitted this 24th day of August, 2016 by,

KYMP

Counsel for Respondents

600 Brickell Avenue

Suite 1715

Miami, Florida 33131

Telephone: 305-531-2424

Email: jcplanas@kymplaw.com

aserrano@kymplaw.com

By: s./ *J.C. Planas*
JUAN-CARLOS PLANAS, ESQ.
Fla. Bar No.: 156167

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via THE EFILING PORTAL on this 24th day of August, 2016, to Counsel for James Barry Wright, Simone Marstiller, The Marstiller Firm, P.A., P.O. Box 173738, Tampa, FL 33672, simone@marstillerfirm.com, Jason M. Murray and Rashad M. Collins, MURRAY LAW, P.A., 201 S. Biscayne Boulevard, Suite 2800 , Miami, Florida 33131, jmurray@murraylawpa.com, rcollins@murraylawpa.com, legalassistant@murraylawpa.com, Sorraya M. Solages-Jones, SMS|JONES LAW, PLLC, 12161 Ken Adams Way, Suite 110-PP, Wellington, FL 33414, sorraya@smsjoneslaw.com, and to Counsel for Christina White, Abigail Williams, Oren Rosenthal and Michael B. Valdes, County Attorney's Office, 111 N.W. First Street, 28th Floor, Miami, Florida 33130, orosent@miamidade.gov, mbv@miamidade.gov.

KYMP

Counsel for Respondents

600 Brickell Avenue

Suite 1715

Miami, Florida 33131

Telephone: 305-531-2424

Email: jcplanas@kymplaw.com

aserrano@kymplaw.com

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