

IN THE SUPREME COURT OF FLORIDA
Case No. SC18-1287

DEPARTMENT OF STATE, an agency of the
State of Florida, and KEN DETZNER, in his
official capacity as Secretary of State of Florida,

Petitioner(s)/Defendant(s),

vs.

LT Case No(s).: 1D18-3260;
372018CA001114

FLORIDA GREYHOUND ASSOCIATION, INC.,
a Florida Corporation, and
JAMES BLANCHARD, individually,

Respondent(s)/Plaintiff(s).

UNOPPOSED JOINT MOTION OF THE ANIMAL LAW SECTION
OF THE FLORIDA BAR AND THE ANIMAL LEGAL DEFENSE FUND
FOR LEAVE OF COURT TO FILE A JOINT BRIEF AS AMICUS CURIAE
IN SUPPORT OF DEFENDANTS

THE ANIMAL LAW SECTION OF THE FLORIDA BAR (“Animal Law
Section”) and the ANIMAL LEGAL DEFENSE FUND (“ALDF”), by and through
its undersigned counsel and pursuant to Rule 9.370, Rules of Appellate Procedure,
respectfully ask the Court for leave to file a brief as amicus curiae in support of
Defendants' position. In support of this motion, the Animal Law Section and
ALDF state as follows:

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1. On May 17, 2018, Plaintiffs Florida Greyhound Association, Inc. and James Blanchard ("Plaintiffs"), filed a Complaint for Declaratory Judgment and Injunctive Relief against Defendants Department of State and Ken Detzner, as Secretary of State ("Defendants"). In the Complaint, the Plaintiffs seek to have this Court declare that the ballot title and summary language accompanying Amendment No. 13 to the Florida Constitution does not inform voters of the effect and impact of the proposed amendment, in violation of Article XI, section 5, of the Florida Constitution and section 101.161(1), Florida Statutes. Plaintiffs also seek to enjoin Defendants from placing Amendment No. 13 on the ballot for the November 2018 General Election. The Animal Law Section and ALDF disagree and oppose the Plaintiffs' efforts to keep Amendment No. 13 off of the ballot.

2. Amendment No. 13 seeks to amend the Florida Constitution to prohibit the racing of and wagering on greyhounds or other dogs in the State of Florida.

3. On June 26, 2018, the Animal Law Section filed an unopposed motion for leave of court to file an amicus curiae brief in support of Defendants.

4. During a June 29 case management conference, the circuit court granted the Animal Law Section's motion for leave to file an amicus curiae brief and also ruled that amici could present oral argument at the final hearing.

5. On July 6, 2018, the ALDF filed an unopposed motion for leave of court to file an amicus curiae brief in support of Defendants, which was granted on July 25.

6. On July 13, 2018, the Animal Law Section filed its amicus curiae brief, which ALDF adopted.

7. On July 26, 2018, the cause came before the circuit court for a final hearing on the parties' cross motions for summary judgment. Both parties and amici presented oral arguments to the court.

8. On August 1, 2018, the circuit court rendered a final order in favor of the Plaintiffs.

9. The following day on August 2, 2018, the circuit court rendered a supplemental order recognizing the expedited nature of the case.

10. Also on August 2, 2018, the Defendants filed a Notice of Appeal to the First District Court of Appeals.

11. Both parties requested that the First District certify the matter pursuant to article V. section 3(b)(5) of the Florida Constitution, as a matter of great public importance. The First District granted the request.

12. On August 7, 2018, this Court accepted jurisdiction of the case, set a briefing schedule for the parties, and also set the case for oral argument.

13. The Animal Law Section has an interest in this case because it is composed of over 500 members including lawyers, judges, law clerks, law professors, law students, and animal welfare professionals whose sole focus is to promote the study and understanding of laws, regulations, and court decisions involving animals, and to provide support as needed to address animal related issues across the state of Florida. The Animal Law Section maintains a database of lawyers and other professionals who participate in judicial and non-judicial animal welfare programs, including animal rescue activities. This includes many individuals involved in the rescue of greyhounds from breeders, tracks, and animal shelters in Florida. Significantly, the Animal Law Section participated in and lobbied successfully during the Constitutional Revision Commission (CRC) process to have Amendment No. 13 placed on the November 2018 ballot by the CRC. Therefore, the Animal Law Section and its members will either gain or lose by direct operation and effect of any judgment entered into by this lawsuit. There are sufficient equities to justify participation in this proceeding given The Animal Law Section's sole function and its involvement with greyhound racing issues across the State of Florida.

14. The ALDF has an interest in this case because it is a national non-profit animal protection organization founded in 1979 that uses education, public outreach, legislation, and litigation to protect the lives and advance the interests of

animals. ALDF's work is supported by more than 14,000 members and supporters in Florida and 200,000 members nationwide. ALDF's representatives and members participated in and lobbied for the placement of Amendment No. 13 on the November 2018 ballot during the Constitutional Revision Commission (CRC) process. ALDF continues to invest resources in efforts for the successful passage of Amendment No. 13 including, building awareness of the amendment, participating in educational initiatives in support of the amendment, and encouraging members and supporters to participate in grassroots efforts in support of Amendment No. 13. Therefore, ALDF and its members and supporters will either gain or lose by direct operation and effect of any judgment entered into by this lawsuit. There are sufficient equities to justify participation in this proceeding given ALDF's involvement with animal welfare issues generally and with greyhound racing specifically across the State of Florida.

15. Counsel for the Animal Law Section and ALDF has contacted counsel for Plaintiffs and Defendants, who have expressed no objection to the Animal Law Section or ALDF filing an amicus curiae brief in this case. Indeed, both amici filed a joint brief and made oral argument in this proceeding in the circuit court, consistent with the circuit court's June 22, 2018 order. *See Order on Case Management Conference And Order Setting Final Hearing at 2, Florida*

Greyhound Assoc. v. Dep't of State, No. 2018-CA-001114 (2d Cir. Ct. June 22, 2018).

16. The Animal Law Section and ALDF will make the specific legal argument that the Ballot Title and Summary of Amendment No. 13 meet the clarity requirements of section 101.161(1), Florida Statutes, contrary to the Plaintiffs' assertions.

17. Allowing the Animal Law Section and ALDF to file an amicus brief will assist the Court in determining that the ballot title and summary language accompanying Amendment No. 13 to the Florida Constitution inform voters of the effect and impact of the proposed amendment, as required by Article XI, section 5, of the Florida Constitution and section 101.161(1), Florida Statutes, and that enjoining Defendants from placing Amendment No. 13 on the ballot for the November 2018 General Election is improper. Furthermore, allowing the Animal Law Section and ALDF to file an amicus brief will not delay final resolution of this matter or otherwise prejudice any of the parties.

WHEREFORE, the Animal Law Section and ALDF move this Court for entry of an Order allowing the Animal Law Section to file an amicus brief in this proceeding.

RESPECTFULLY SUBMITTED on this 8th day of August, 2018.

s/ Ralph A. DeMeo

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically via E-Service through the Court's E-Portal system, this 8th day of August, 2018, upon the following:

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