

**IN THE SUPREME COURT OF FLORIDA**

LEAGUE OF WOMEN VOTERS OF  
FLORIDA, INC., COMMON CAUSE,  
PATRICIA M. BRIGHAM, JOANNE  
LYNCH AYE, and ELIZA  
McCLENAGHAN,  
**Petitioners,**

v.

SC Case No.: SC18-1573

HON. RICK SCOTT, in His official  
Capacity as Governor of Florida,  
FLORIDA SUPREME COURT  
JUDICIAL NOMINATING COMMISSION,  
And JASON L. UNGER, in His official  
Capacity as Chair of the Florida Supreme  
Court Judicial Nominating Commission,  
**Respondents,**

and

JEFFREY LEONARD BURNS,  
**Intervenor.**

\_\_\_\_\_ /

**MOTION TO CONSOLIDATE**

COMES NOW, Intervenor, Jeffrey Leonard Burns (“Intervenor”), by and  
through undersigned counsel and files this Motion to Consolidate and as grounds  
therefore states:

**Background and Procedural History**

1. On September 20, 2018, the above-captioned original proceeding was  
initiated by Petitioners by their filing of an Emergency Petition for Writ of Quo  
Warranto.

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2. Intervenor, Jeffrey Leonard Burns (“Intervenor”), is an applicant to replace Justices Barbara Pariente, R. Fred Lewis, or Peggy Quince (the “Retiring Justices”), when each of the Retiring Justices’ terms end.

3. On October 15, 2018, Intervenor filed his original Motion to Intervene for Limited Purpose, or Alternatively for Leave to File Intervenor Petition (the “Original Motion to Intervene”).

4. On October 16, 2018, this Court denied Intervenor’s Original Motion to Intervene without prejudice. The Order Denying Intervenor’s Original Motion to Intervene did not set forth the reason(s) the Original Motion to Intervene was denied.

5. On October 18, 2018, Intervenor filed his Verified Amended Motion to Intervene, or in the Alternative, Verified Writ of Certiorari to Intervene and Request Disqualification of Certain Justices (the “Amended Motion to Intervene”).

### **Legal Basis for Consolidation**

6. The Amended Motion to Intervene sets forth Intervenor’s “[b]asis for [i]nvoking [j]urisdiction” on pages 3 and 4. In that subsection, Intervenor requests that this Court enter an order allowing Intervenor to intervene in this matter.

7. *City of Clearwater v. City of Auburndale v. State ex rel. Landis*, 184 So. 787, 789 (Fla. 1938), recognizes that private citizens with an interest in original Quo Warranto proceedings have a right to intervene in the Quo Warranto proceeding.

8. If this Court follows the precedent established in *City of Clearwater*, and allows Intervenor to intervene in this action then this Motion to Consolidate is mooted.

9. However, there is authority holding that, “[i]ntervention is not authorized at the appellate level[.]” *Tallahassee Democrat, Inc. v. O’Grady*, 421 So. 2d 58, 58 (Fla. 1<sup>st</sup> DCA 1982). Thus, in case this Court denies Intervenor’s Amended Motion to Intervene on the basis set forth in *Tallahassee Democrat*, Intervenor has alternatively pleaded his Amended Motion to Intervene as an independent Writ of Certiorari. The Amended Motion to Intervene simultaneously requests that this Writ of Certiorari be consolidated with the above-captioned case.

10. *Tallahassee Democrat* recognizes that this method of pleading is sufficient to clear all possible jurisdictional hurdles preventing Intervenor from seeking relief in this matter. *See id.*

11. In an abundance of caution, and even though Intervenor requested consolidation in the Amended Motion to Intervene, Intervenor also files this independent Motion to Consolidate requesting this Court enter an order consolidating Intervenor’s Writ of Certiorari with the above-captioned case and directing the Clerk of the Supreme Court to assign the Writ of Certiorari the same case number as the underlying Petition for Writ of Quo Warranto filed by Petitioners.

**Prayer for Relief**

12. Wherefore, if this Court does not allow Intervenor to intervene in the above-captioned proceeding, then Intervenor respectfully requests that this Court enter an order consolidating Intervenor's Writ of Certiorari with the above-captioned case and directing the Clerk of the Supreme Court to assign the Writ of Certiorari the same case number as the underlying Petition for Writ of Quo Warranto filed by Petitioners.

### **CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that this Notice was computer generated using Times New Roman 14 point font and otherwise complies with the Florida Rules of Appellate Procedure.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically with the Clerk of the Florida Supreme Court on October 18, 2018, and has been furnished by E-mail to Raoul G. Cantero, White & Case, LLP, Southeast Financial Center, 200 South Biscayne Boulevard, Suite 4900, Miami, Florida 33131-2352, [Raoul.cantero@whitecase.com](mailto:Raoul.cantero@whitecase.com); George T. Levesque, Gray Robinson, P.A., 301 South Bronough Street, Suite 600, Post office Box 11189, Tallahassee, Florida 32302-3109, [George.levesque@gray-robinson.com](mailto:George.levesque@gray-robinson.com) [mari-jo.lewis-wilkinson@gray-robinson.com](mailto:mari-jo.lewis-wilkinson@gray-robinson.com) [Teresa.barreiro@gray-robinson.com](mailto:Teresa.barreiro@gray-robinson.com); Daniel Nordby, General Counsel, Meredith L. Sasso, Chief Deputy General Counsel, John MacIver, Alexis Lambert, Executive Office of the Governor, 400 South Monroe Street, Suite 209, Tallahassee, Florida 32399, [Daniel.Nordby@eog.myflorida.com](mailto:Daniel.Nordby@eog.myflorida.com) [Meredith.Sasso@eog.myflorida.com](mailto:Meredith.Sasso@eog.myflorida.com) [John.MacIver@eog.myflorida.com](mailto:John.MacIver@eog.myflorida.com) [Alexis.Lambert@eog.myflorida.com](mailto:Alexis.Lambert@eog.myflorida.com); John S. Mills, Thomas D. Hall, Courtney Brewer, Jonathan Martin, The Mills Firm, P.A., The Bowen House, 325 North Calhoun Street, Tallahassee, Florida 32301,

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Respectfully submitted,

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