

**IN THE SUPREME COURT OF FLORIDA**

HONORABLE GERALDINE F. THOMPSON,  
in her Official Capacity as a  
Representative for District 44  
in the Florida House of  
Representatives, and as an  
Individual,

CASE NO. SC20-985

Petitioner,

vs.

HONORABLE RON DESANTIS, in his  
Official Capacity of Governor  
of Florida, and DANIEL E. NORDBY,  
in his Official Capacity as Chair  
of the Florida Supreme Court  
Nominating Commission,

Respondents.

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**PETITIONER'S RESPONSE AND OBJECTION TO COMMISSIONER  
JESSE PANUCCIO'S MOTION FOR LEAVE TO FILE  
AMICUS BRIEF IN SUPPORT OF RESPONDENTS**

The Petitioner, the HONORABLE GERALDINE F. THOMPSON, through her undersigned attorneys, files this Response and objects to Commissioner Jessie Panuccio's Motion for Leave to File Amicus Brief in Support of Respondents.

Commissioner Panuccio's brief is not an appropriate amicus brief and will not assist the Court in reaching a decision in this case. Commissioner Panuccio is not acting as "a friend of the court," but is seeking to provide the Respondents with an additional opportunity to make the same arguments.

Commissioner Panuccio is a member of the Supreme Court Judicial Nominating Commission ("the JNC"), one of the Respondents in this case. Thus, Commissioner Panuccio is one of the parties in

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this case.

It is axiomatic that a party does not get to file multiple briefs. Commissioner Panuccio is not entitled to file his own brief based on his "individual interest in answering" the arguments raised by the Petitioner. Any interest he has as a member of the JNC was ably addressed in the Response filed by Daniel Nordby on behalf of the entire Supreme Court JNC.

"Amicus briefs are supposed to assist the court in resolving cases of general public interest or aid in resolving difficult issues that have an impact beyond th parties to the litigation. They should not be used to simply give one side more exposure than the rules contemplate." *Liberty Counsel v. Florida Bar. Bd. of Governors*, 12 So.3d 183, 186 n.9 (Fla. 2009) (citing Sylvia H. Walbolt & Joseph H. Lang, Jr., *Amicus Briefs: Friend or Foe of Florida Courts?*, 32 Stetson L.Rev. 269 (2003)).

Thus, amicus briefs which do not provide the Court with additional information, but merely make the same arguments previously made by the parties should not be considered. See *Ciba-Geigy Ltd. V. Fish Peddler, Inc.*, 683 So.2d 522 (Fla. 4th DCA 1996)

The substantive portions of Commissioner Panuccio's brief (pages 11-20) simply rehash the exact same arguments and rely on the same caselaw cited by the Governor and the JNC in their respective responses. No additional information that could assist the Court is offered.

On pages 1 and 2 of the brief, Commissioner Panuccio violates Fla. R. App. P. 9.370(b) by including factual statements.\*

Finally, on pages 2-11 of his brief, Commissioner Panuccio protests what he believes to be "unfounded political attacks" made by the Petitioner outside the confines of the pleadings filed in this case. While Commissioner Panuccio is certainly entitled to his opinion on the Petitioner's public statements, an amicus brief is certainly not the proper forum for him to "air his grievances." Since this portion of the brief has absolutely no connection to the merits of the arguments raised by the parties, it would be impossible to conclude it would assist the Court in reaching a decision.

For all of the aforementioned reasons, this Court should deny Commissioner Panuccio's Motion for Leave to File an Amicus Brief in Support of the Respondents.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of this motion has been furnished by e-service to Joseph W. Jacquot, General Counsel, Executive Office of the Governor, [joe.jacquot@eog.myflorida.com](mailto:joe.jacquot@eog.myflorida.com), counsel for

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\*For purposes of clarification, the Petitioner, Representative Thompson, did not sign, agree to the contents of, or authorize the Florida Legislative Black Caucus to include her name on the letter dated January 31, 2020. (Respondent's Appendix at 23). The manner in which the Florida Legislative Black Caucus made the decision to send this letter on behalf of the entire organization is currently the subject of a public records demand initiated by counsel for Representative Thompson.

Respondent Ron DeSantis, and to Respondent Daniel Nordby, in his official capacity as Chair of Respondent Florida Supreme Court Judicial Nominating Commission, [dnordby@shutts.com](mailto:dnordby@shutts.com), and Commissioner Jesse Panuccio, [jpanuccio@bsfllp.com](mailto:jpanuccio@bsfllp.com), on this 13th day of August, 2020.

/s/ William R. Ponall

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