

IN THE SUPREME COURT OF FLORIDA
CASE NO. SC002376

JULIUS AND LILIAN KATZ, et al.
both individually and on behalf
of others similarly situated electors in
Palm Beach County, Florida

v. THE ELECTIONS CANVASSING
COMMISSION OF THE STATE
OF FLORIDA, et al.

Respondents/Appellees

Petitioners/Appellants

4th DCA CASE NOS. 4D00-4187

FROM THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. CL 00-11302 AV

MOTION FOR CONSOLIDATION

COMES NOW the Petitioners, through undersigned counsel, and moves to consolidate this case with two (2) related cases already consolidated, pursuant to an Order of the 4th District Court of Appeals for the State of Florida and for the following reasons stated:

1. The instant case is before this court on appeal from a decision of the Circuit Court for Palm Beach County and via Emergency Suggestion for Immediate Resolution to the 4th District Court of Appeals for the State of Florida.
2. Pending before this Honorable Court is the question of exercising discretion, under Article V, section 3(b)(5) of the Florida Constitution.
3. In two (2) related cases already consolidated by the 4th District Court of Appeals for The State of Florida, *Rogers, et al. V. The Elections Canvassing Commission, et al.*, Case No. SC00-2373 (DCA Nos. 4D-00-4153) and *Fladell, et al. V. The Elections Canvassing Commission, et al.*, Case Nos. SC00-2373 (DCA Nos. 4D00-4145,6),

the same order of the Circuit Court for Palm Beach County, rendered by the Honorable Jorge Labarga on November 20, 2000 is at issue. That decision was on the question of a constitutionality of a revote. While the underlying complaints differ somewhat slightly, the Order on appeal is the same, as is the context of the Presidential Election in Palm Beach County on November 7, 2000.

WHEREFORE, the Petitioners request that the cases be consolidated and ruled upon in the same Opinion.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion was sent via overnite mail, postage prepaid to each of the Defendants, or any counsel of record, along with copies of the Brief and Appendix, on the Service List attached to those documents this 29th day of November, 2000. A copy is being emailed to other counsel for Petitioners.

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