

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,  
IN AND FOR LEON COUNTY, FLORIDA  
CIVIL DIVISION

MICHAEL MCDERMOTT, ANN MCFALL  
and PATRICIA NORTHEY, as the  
CANVASSING BOARD OF VOLUSIA  
COUNTY, FLORIDA

Plaintiff,

vs.

Case No.: 00-2700

HONORABLE KATHERINE HARRIS,  
as SECRETARY OF STATE, STATE OF  
FLORIDA, and HONORABLE KATHERINE  
HARRIS, HONORABLE BOB CRAWFORD  
and HONORABLE LAURENCE C. ROBERTS  
as the ELECTIONS CANVASSING  
COMMISSION,

Defendants.

ALBERT A. GORE,  
Nominee of the Democratic Party  
for President of the United States,

Plaintiff,

vs.

Case No.: 00-2717

ELECTIONS CANVASSING COMMISSION  
OF FLORIDA and FLORIDA SECRETARY  
OF STATE KATHERINE HARRIS,

Defendants.

CYNTHIA McCAULEY,

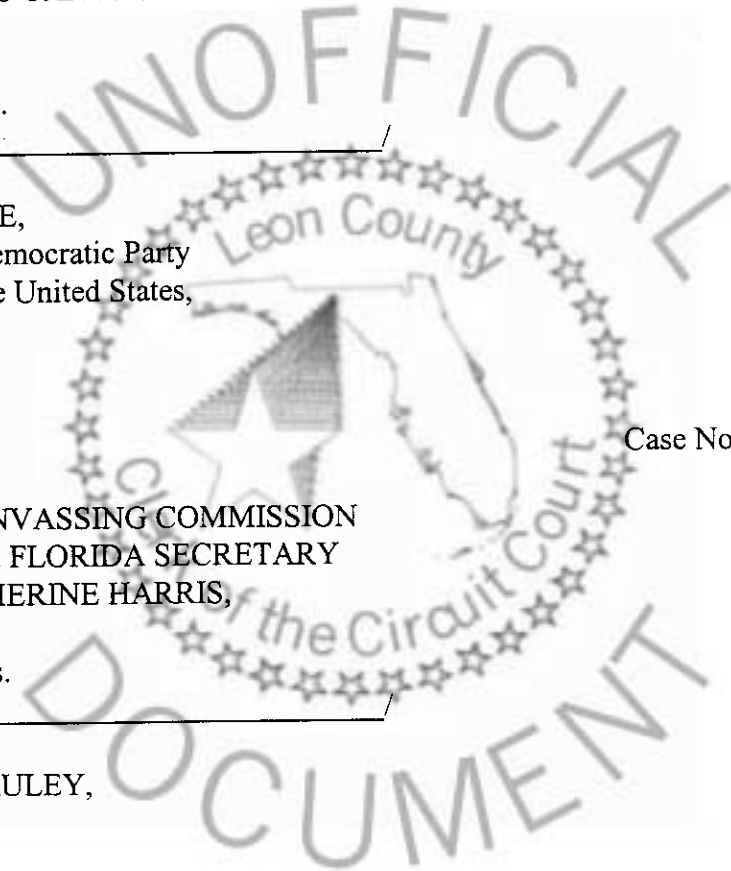
Plaintiff,

vs.

Case No.: 00-2810

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DAVE LANG  
CLERK CIRCUIT COURT  
LEON COUNTY, FLORIDA

FILED



MARC NOLEN, et. al.

Defendants.

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CYNTHIA McCAULEY,

Plaintiff,

vs.

Case No.: 00-2802

MARC NOLEN, et. al.

Defendants.

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ALBERT GORE, JR., Nominee of the  
Democratic Party of the United States for  
President of the United States, and  
JOSEPH I. LIEBERMAN, Nominee of  
the Democratic Party of the United States  
for Vice President of the United States,

Plaintiffs,

vs.

Case No.: 00-2808

KATHERINE HARRIS, as SECRETARY OF  
STATE, STATE OF FLORIDA, and SECRETARY  
OF AGRICULTURE BOB CRAWFORD, SECRETARY  
OF STATE KATHERINE HARRIS AND L. CLAYTON  
ROBERTS, DIRECTOR, DIVISION OF  
ELECTIONS, individually and as members of and as  
THE FLORIDA ELECTIONS  
CANVASSING COMMISSION,

and

THE MIAMI-DADE COUNTY CANVASSING  
BOARD, LAWRENCE D. KING, MYRIAM  
LEHR and DAVID C. LEAHY as  
members of and as THE MIAMI-DADE COUNTY  
CANVASSING BOARD, and DAVID C. LEATHY,  
individually and as Supervisor of Elections,

and

THE NASSAU COUNTY CANVASSING BOARD,  
ROBERT E. WILLIAMS, SHIRLEY N. KING,  
AND DAVID HOWARD (or, in the alternative,  
MARIANNE P. MARSHALL), as  
members of and as the NASSAU COUNTY  
CANVASSING BOARD, and SHIRLEY N. KING,  
individually and as Supervisor of Elections,

and

THE PALM BEACH COUNTY CANVASSING BOARD,  
THERESA LEPORE, CHARLES E. BURTON  
AND CAROL ROBERTS, as members  
of and as the PALM BEACH COUNTY CANVASSING BOARD,  
and THERESA LEPORE, individually and as Supervisor  
of Elections,

and

GEORGE W. BUSH, Nominee of  
the Republican Party of the United States  
for President of the United States and  
RICHARD CHENEY, Nominee of the  
Republican Party of the United States for  
Vice President of the United States,

Defendants.

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DEFENDANT, BAY COUNTY CANVASSING BOARD'S  
OBJECTION TO CONSOLIDATION OF ACTIONS

The Defendant, BAY COUNTY CANVASSING BOARD, objects to the PLAINTIFFS' MOTION TO CONSOLIDATE ("Motion to Consolidate") filed by counsel for Albert Gore, Jr. and Joseph I. Liberman and as grounds therefore states:

1. The Defendant, BAY COUNTY CANVASSING BOARD ("Bay County"), has been sued by the Plaintiff, CYNTHIA McCAULEY ("McCauley") pursuant to section 102.168, Florida Statutes, contesting the election results certified by Bay County in the Presidential election.

2. Counsel for Albert Gore, Jr. and Joseph I. Liberman, (collectively "Gore") filed a motion to consolidate the following cases:

McDermott, et al v. Harris, Case No. 00-2700 (2<sup>nd</sup> Judicial Circuit of Florida);  
\* McCauley v. Bay County Canvassing Board, Case No. 00-2802 (2<sup>nd</sup> Judicial Circuit of Florida);  
\* McCauley v. Bay County Canvassing Board, Case No. 00-2810 (2<sup>nd</sup> Judicial Circuit of Florida); and,  
Gore v. Harris, Case No. 00-2808 (2<sup>nd</sup> Judicial Circuit of Florida).

\*These cases are the same, but it appears that some confusion may have been created when the case was transferred from Bay County Circuit Court to Leon County Circuit Court.

3. Fla.R.Civ.P. 1.270 states that actions may be consolidated when common questions of law or fact are pending before the court. .

4. Gore's Motion to Consolidate does not state which questions of law or fact are common to all three cases and is therefore deficient.

5. In fact, it appears from the captions of the cases that Gore moves to consolidate that McDermott, et al v. Harris, Case No. 00-2700, is not a contest of election and Gore is not a party. Furthermore, in McCauley Gore is an improper party Defendant and is not otherwise a party to the lawsuit.

6. Therefore, based on the foregoing, Bay County objects to the consolidation of the cases cited in paragraph 2 above.

WHEREFORE, the Defendant, Bay County, requests that the Court deny the Motion to Consolidate.

**BURKE & BLUE, P.A.**



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ATTORNEYS FOR BAY COUNTY  
CANVASSING BOARD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by United States mail, hand delivery or facsimile transmission this 25<sup>th</sup> day of November, 2000 to the following:

Barry Richard  
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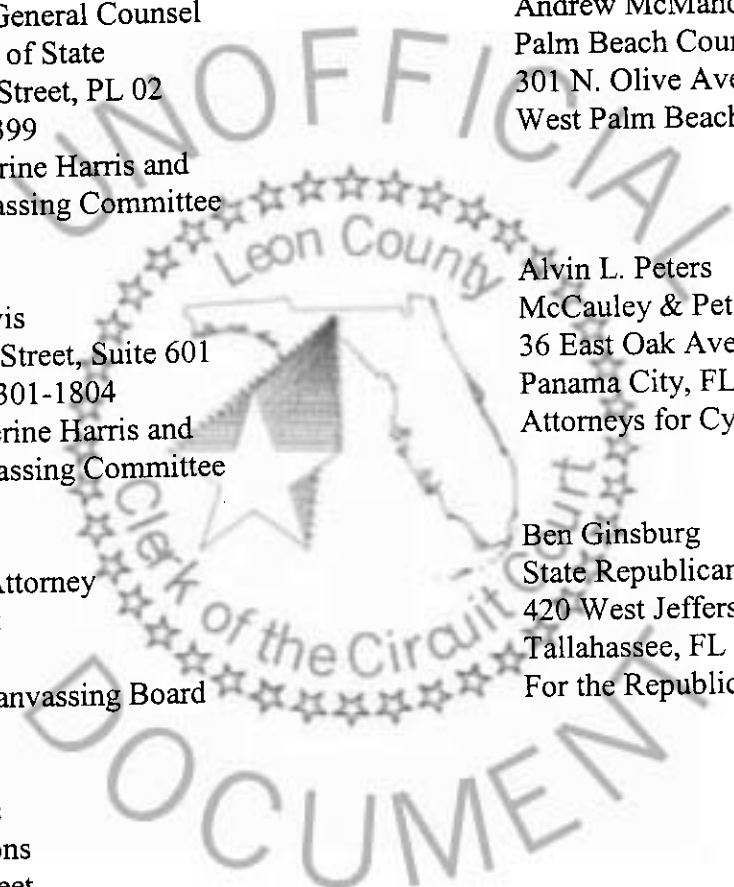
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Assistant County Attorney  
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Miami, FL 33130  
for Miami-Dade Canvassing Board

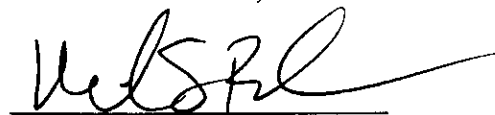
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