

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,

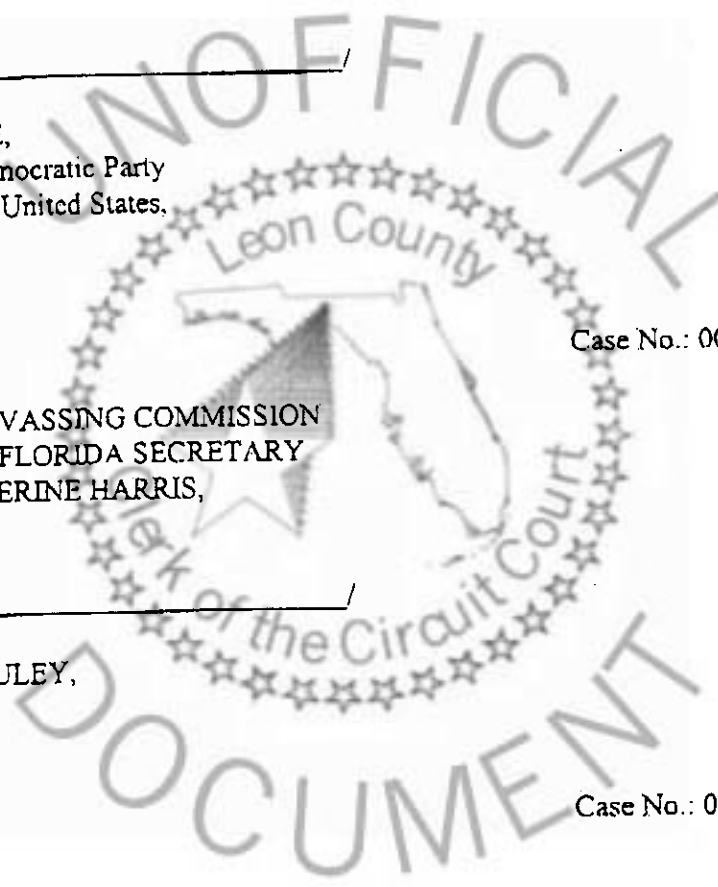
vs.

Case No.: 00-2810

DAVE LANG
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

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FILED



MARC NOLEN, et. al.

Defendants.

CYNTHIA McCAULEY,

Plaintiff,

vs.

Case No.: 00-2802

MARC NOLEN, et. al.

Defendants.

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.

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.

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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 (2nd Judicial Circuit of Florida);
* McCauley v. Bay County Canvassing Board, Case No. 00-2802 (2nd Judicial Circuit of Florida);
* McCauley v. Bay County Canvassing Board, Case No. 00-2810 (2nd Judicial Circuit of Florida); and,
Gore v. Harris, Case No. 00-2808 (2nd 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.

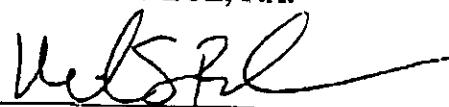
WHEREFORE, the Defendant, Bay County, requests that the Court deny the Motion to Consolidate.

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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 2nd day of November, 2000 to the following:

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