

IN THE SUPREME COURT OF FLORIDA

KATHERINE HARRIS, as
SECRETARY OF STATE, STATE OF
FLORIDA, and as CHAIRPERSON OF THE
FLORIDA ELECTIONS CANVASSING
COMMISSION,

Petitioner,

v.

CASE NO. 00-2345

THE CIRCUIT JUDGES OF THE ELEVENTH,
FIFTEENTH, AND SEVENTEENTH
JUDICIAL CIRCUITS OF FLORIDA,
PALM BEACH COUNTY CANVASSING
BOARD, MIAMI-DADE COUNTY CANVASSING
BOARD, AND BROWARD COUNTY
CANVASSING BOARD,

Respondents,

MOTION OF ALBERT A. GORE AND THE
FLORIDA DEMOCRATIC PARTY TO INTERVENE

Albert A. Gore, Presidential Nominee of the Florida Democratic Party and the Florida Democratic Party Executive Committee, move, pursuant to Florida Rule of Procedure 9.300, to intervene in this proceeding. In support of this Motion, Movants show:

1. This is an original proceeding under the original jurisdiction of the Florida Supreme Court, Article V, Section 3(b)(7), Florida Constitution, and Florida Rule of Appellate Procedure 9.100.
2. At this time the Secretary of State reports that Republican Party Presidential Candidate George W. Bush leads Democratic Party Presidential Candidate Al Gore in Florida by 300 votes. The recount of ballots in Palm beach County by Petitioner will affect that difference. At this point it appears that the candidate who wins Florida's electoral college votes will become the next President of the United States. These facts give Albert Gore and the Florida Democratic Party a real and substantial interest in the outcome of this proceeding.
3. Since this is an original proceeding, analogous to a circuit court declaratory statement proceeding, the standard for permitting intervention should be the same as in those proceedings. If a party has a direct interest and will gain or lose by effect of the decision it should be granted leave to intervene. Intervention should be liberally granted. *Heatherwood Community Homeowners Assoc., Inc. v. Florida Rock Industries, Inc.*, 629 So. 2d 928 (Fla. 5th DCA 1993); *Grimes v. Walton County*, 591 So 2d 1091 (Fla. 1st DCA, 1992). See also, *Florida*

Department of Business and Professional Regulation v Investment Corp. of Palm Beach, 747 So. 2d 374 (Fla. 1999). Your movants will gain or lose by the decision in this case. It will determine whether the manual recount of ballots in Palm Beach continues. That recount will determine the number of votes cast for Albert Gore, Presidential candidate of the Florida Democratic Party.

4. This intervention will not delay this proceeding.
5. Counsel for Movants has asked Counsel for Petitioner if she opposes intervention. Counsel will promptly advise the Court of the response.

WHEREFORE, Albert A. Gore, Nominee of the Democratic Party for President of the United States and the Florida Democratic Executive Committee, move this Court to grant them leave to intervene with full party status in this proceeding.

Respectfully submitted this _____ day of November, 2000.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original of foregoing has been furnished by hand delivery to Deborah Kearney, General Counsel, Florida Department of State, 400 South Monroe Street, PL 02, Tallahassee, Florida 32399, Barry Richard, Greenberg Traurig, 101 East College Avenue, Tallahassee, Florida 32302, and Joseph P. Klock, Jr. and Donna E. Blanton, Steel Hector & Davis, 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301-1804; and by facsimile to Bruce Rogow, Bruce S. Rogow, P.A., 500 East Broward Blvd., Suite 1930, Fort Lauderdale, Florida 33394 and Robert A. Butterworth, Office of the Attorney General, Plaza Level 1, The Capitol, Tallahassee, Florida 32399-1050 on this _____ day of November, 2000.

Attorney