

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 08-21243-CIV-ALTONAGA/Brown

LEAGUE OF WOMEN VOTERS OF FLORIDA, et al.
Plaintiffs,

v.

KURT S. BROWNING, et al.
Defendants.

DECLARATION OF GALE DICK

I, GALE DICK, declare:

1. I am an associate at Debevoise & Plimpton LLP, counsel for plaintiff League of Women Voters of Florida in this case. I am admitted to practice before the courts of the State of New York and am admitted to appear *pro hac vice* in this Court.
2. I submit this declaration upon personal knowledge in support of Plaintiffs' Memorandum of Law In Opposition to Defendants' Motion to Dismiss for Improper Venue or, in the Alternative, to Transfer Action to the Northern District of Florida.
3. In the event the Court and the parties agree that the Preliminary Injunction hearing scheduled for June 19, 2008 will include live testimony, Plaintiffs currently anticipate calling at least one non-party fact witnesses who has not previously been identified. She is Carol Smith, a member of the Broward County chapter of the League of Women Voters and serves on the chapter's Voter Service Committee. Ms. Smith is

also the Off Board Candidate Forum Liaison for the League of Women Voters of Florida. She has extensive experience with the League's voter registration activities and in interacting with offices of Supervisors of Elections with respect to submission and processing of voter registration applications. If she is called as a witness, we anticipate that her testimony will cover the voter registration activities of the state League and the Broward County chapter; the relationships between the Broward County chapter and the state League; the practical and financial impact of the Amended Law on those activities and on her own volunteer registration activities; and her experience in working with the Broward County Supervisor in processing registration applications.

4. Plaintiffs also currently anticipate calling two expert witnesses. The first is Prof. Donald P. Green, a political scientist at Yale University. Prof. Green testified in the preliminary injunction hearing in *League of Women Voters of Florida v. Cobb* (hereinafter "*LWVF*"). A summary of the topics on which he might testify can be found in the expert declaration he submitted in support of Plaintiffs' Motion for Preliminary Injunction in this case. Prof. Green is a resident of New Haven, Connecticut.

5. Plaintiffs' second prospective expert witness is Prof. Michael P. McDonald, an Associate Professor of Government and Politics in the Department of Public and International Affairs at George Mason University and a Non-Resident Senior Fellow at the Brookings Institution. He is a resident of Fairfax, Virginia. Prof. McDonald's testimony would be largely based on an analysis of the Florida Voter Central Database File and other information sources concerning voter registration patterns in Florida. Among other things, we anticipate that Prof. McDonald will offer

testimony concerning the number and timing of voter registration applications filed during recent election cycles, including applications gathered and submitted by third-party voter rights organizations. He will also offer testimony explaining why there are significant increases in the number of applications filed in the days and weeks immediately before and after the book-closing deadlines. Testimony concerning these issues was elicited during the preliminary injunction hearing in *LWVF*.

6. We have informed counsel for Defendants that we intend to pursue third-party depositions from several persons who are or were associated with local Supervisor of Elections offices in Florida. Our initial list of such potential deponents was as follows (with the county and judicial district in which the relevant Supervisors' offices are located in parentheses):

Ivy Korman (Miami-Dade County, Southern District)
Buddy Johnson (Hillsborough County, Middle District)
Robert Sweat (Manatee County, Middle District)
Evan Kolodny (Broward County)
Linda Tanko (Orange County, Middle District)
Brenda Snipes (Broward County, Southern District)

Counsel for the parties are still in negotiations over the number and scope of pre-hearing depositions. I also do not yet know whether any of these deponents would be called as witnesses if the Preliminary Injunction hearing were to include live testimony.

7. In *LWVF*, evidence from Supervisors of Elections, including hearing testimony, was considered in relation to instances of late submissions of voter registration applications, including allegations that third-party voter registration organizations are responsible for large numbers of late-filed applications. (Judge Seitz found that the

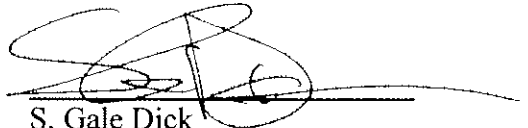
evidence presented at that hearing “does not demonstrate a significant problem with voter registration applications stemming from third party voter registration organizations.” *League of Women Voters of Fla. v. Cobb*, 447 F. Supp. 2d 1314, 1337 (2006).) We anticipate that the depositions and hearing testimony, if any, of these individuals will concentrate on the same issues.

8. We also informed Defendants that we intend to seek depositions of Sarah Jane Bradshaw and Donna Miller, who are employees of the Division of Elections, and of Secretary of State Kurt S. Browning. We believe they are residents of Tallahassee.

9. Counsel for the parties held a telephone conference in compliance with Fed. R. Civ. P. 26(f) on May 13, 2008, during which counsel discussed the number, scope, and timing of possible depositions. In the course of that conversation, Allen C. Winsor, Esq., counsel to Defendants, stated that he did not currently believe Defendants would agree to make Secretary Browning available for a deposition prior to the Preliminary Injunction hearing, nor, perhaps, at any other time during this litigation.

10. Mr. Winsor also stated during the Rule 26(f) conference that he did not know whether Defendants were likely to call any witnesses to appear at the hearing, assuming it were to include live testimony. He further stated that, if they did decide to call witnesses, he did not know the identity or title of any prospective witnesses nor could he make any representations concerning the subject matter of any testimony Defendants might seek to elicit.

Executed on May 16, 2008



S. Gale Dick