

IN THE SUPREME COURT OF FLORIDA
CASE NOS.: SC00-2346, SC00-2348 & SC00-2349

**PALM BEACH COUNTY
CANVASSING BOARD**

**vs. KATHERINE HARRIS, ET
AL.**

**VOLUSIA COUNTY
CANVASSING BOARD**

**vs. MICHAEL MCDERMOTT,
ET AL.**

FLORIDA DEMOCRATIC PARTY

**vs. MICHAEL MCDERMOTT,
ET AL.**

FROM THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

**MOTION FOR LEAVE TO FILE
RESPONSE IN OPPOSITION TO REPLY BRIEF**

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Intervenor, George W. Bush, seeks leave to file a response in opposition to the Joint Reply Brief of Petitioners/Appellants Al Gore, Jr. and Florida Democratic Party upon the following grounds:

1. For the first time, the Joint Reply Brief of Petitioners/Appellants Al Gore, Jr. and Florida Democratic Party raised issues concerning the manner in which Canvassing Boards should determine the intent of voters upon their examination of individual ballots (the so-called “dimpled-ballots” issue). This issue is not presented in this case. The issue was not raised, argued, or decided in the lower court in Leon County or in the Emergency Petition filed by the Palm Beach County Canvassing Board in Case No. SC 00-2346.

2. By raising this issue for the first time in the Reply Brief, Petitioners/Appellants have foreclosed all of the parties from submitting a written response addressing this issue. By means of this motion, Intervenor seeks to remedy that inequity.

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CERTIFICATE OF SERVICE

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