

No. 00-836

---

IN THE

Supreme Court of the United States

---

GEORGE W. BUSH,

Petitioner,

v.

PALM BEACH COUNTY CANVASSING BOARD, *ET AL.*,

Respondents.

---

Response of Matt Butler to Petition for Writ of Certiorari

---

Terrell C. Madigan  
Harold R. Mardenborough, Jr.  
Counsel of Record  
McFarlain, Wiley, Cassedy & Jones, P.A.  
215 South Monroe Street  
Suite 600  
Tallahassee, Florida 32301  
850.222.2107

**RESPONSE OF MATT BUTLER TO PETITION  
FOR WRIT OF CERTIORARI**

**I.**

**STATEMENT OF THE CASE AND FACTS AND  
PROCEDURAL HISTORY**

Matt Butler is a Respondent in this action, having been allowed to intervene as a party in the Florida Court proceedings below, which are now under the scrutiny of this Court and for which the Writ of Certiorari has been granted upon the Petition of George W. Bush. Matt Butler hereby adopts the "Statement of the Case and Facts and Procedural History," as set forth by Katherine Harris, Florida Secretary of State, Katherine Harris, Laurence C. Roberts, and Bob Crawford, as Members of the Florida Elections Canvassing Commission ("Harris"), in their Response to the Petition for Writ of Certiorari filed herein.

**II.**

**QUESTIONS PRESENTED**

Matt Butler adopts, as if set forth herein, the analysis in the aforesaid Response of Harris as set forth in Part II of that Response and entitled "The Florida Election Code Prior To and After the Supreme Court of Florida's Decision Below."

As to questions 1 and 2 presented by the Petition for Writ of Certiorari filed by George W. Bush and granted by this Court, Matt Butler adopts, for the purposes of these proceedings, the positions enunciated by Petitioner George W. Bush.

For purposes of these proceedings, Matt Butler adopts the analysis of put forth by Petitioner George W. Bush as to the

consequences of this Court's finding that the decision of the Supreme Court of Florida does not comply with 3 U.S.C. § 5.

**III.**

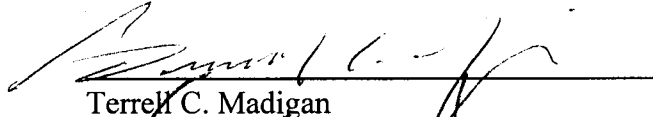
**ADOPTION AND WAIVER**

Matt Butler further adopts the positions to be hereafter advocated by Petitioner George W. Bush, particularly as to the measure of review by this Court of the actions of the Florida Supreme Court, and the appropriate relief to be granted. Matt Butler waives the right or opportunity to file further briefs herein, or to participate in oral argument before this Court.


Dated this 27<sup>th</sup> day of November, 2000.

Respectfully submitted,

McFarlain, Wiley, Cassidy & Jones, P.A.  
215 South Monroe Street, Suite 600  
Tallahassee, Florida 32301  
850.222.2107



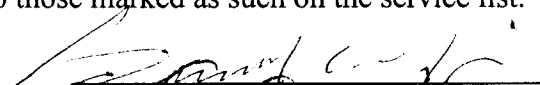
Terrell C. Madigan



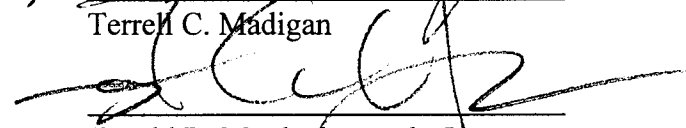
Harold R. Mardenborough, Jr.

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that a true and correct copy of the foregoing Response of Matt Butler to Petition for Writ of Certiorari has been sent by U.S. Mail this 27<sup>th</sup> day of November, 2000, to those persons on the attached service list, and/or by hand delivery or by facsimile transmission to those marked as such on the service list.



\_\_\_\_\_  
Terrell C. Madigan



\_\_\_\_\_  
Harold R. Mardenborough, Jr.

Mitchell W. Berger  
John D.C. Newton, II  
Berger, Davis & Singerman  
215 S. Monroe Street, Ste 705  
Tallahassee, Florida 32301

*Hand delivery*

W. Dexter Douglass  
Douglass Law Firm  
211 East Call Street  
Tallahassee, Florida 32302

*Fax*

Robert F. Bauer  
Perkins Coie LLP  
607 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20005

*Fax*

Ronald G. Meyer  
Meyer and Brooks, P.A.  
2544 Blairstone Pines Drive  
Tallahassee, Florida 32302

*Fax*

Karen A. Gievers  
Karen A. Geivers, P.A.  
524 East College Avenue  
Tallahassee, Florida 32301

*Fax*

Frank B. Gummey, III  
Assistant County Attorney  
123 West Indiana Avenue  
Deland, Florida 32720-4613

*Fax*

Joseph P. Klock  
Jonathan Sjostrom  
Steel, Hector & Davis  
215 S. Monroe Street, Suite 610  
Tallahassee, Florida 32301

*Hand delivery*

Tura Schnebly  
Assistant County Attorney  
123 West Indiana Avenue  
Deland, Florida 32720-4613

*Fax*

Deborah Kearney, General Counsel  
Florida Department of State  
400 South Monroe Street, PL 02  
Tallahassee, Florida 32399

*Fax*

Michael D. Crotty  
Crotty & Bartlett, P.A.  
1800 W. International Speedway Blvd.  
Building 2, Suite 201  
Daytona Beach, Florida 32314

*Fax*

Daniel D. Eckert  
Volusia County Attorney  
123 West Indiana Avenue  
Deland, Florida 32720-4613

*Fax*

Barry Richard  
Michael Carvin  
Greenberg Trauig  
101 East College Avenue  
Tallahassee, Florida 32302

*Fax*

Mark Herron, P.A.  
301 South Bronough Street  
Suite 200  
Tallahassee, Florida 32301

*Fax*

Bill L. Bryant  
Harry O. Thomas  
Post Office Box 1877  
Tallahassee, Florida 32302

*Fax*

Douglas A. Daniels  
523 North Halifax Avenue  
Daytona Beach, Florida 32118

*Fax*

Craig Meyer, Office of the General Counsel  
Florida Dept. of Agriculture & Consumer  
Services  
515 Mayo Building  
407 South Calhoun Street  
Tallahassee, Florida 32399

*Fax*

George Waas  
Assistant Attorney General  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050

*Fax*

David Boies  
Boies, Schiller & Flexner, L.L.P.  
80 Business Park Drive, Suite 110  
Armonk, New York 10504

*Mail*