

Supreme Court of Florida

THURSDAY, NOVEMBER 20, 2014

CASE NO.: SC14-1200

Lower Tribunal No(s): 1D14-2163;

2012-CA-00412;

2012-CA-00490;

2012-CA-2842

PAT BAINTER, ET AL., AS NON-
PARTIES

vs.

LEAGUE OF WOMEN VOTERS
OF FLORIDA, ET AL.

Appellant(s)

Appellee(s)

The Appellants' Motion for Stay of Mandate Pending Filing and Resolution of a Petition for Writ of Certiorari is granted in part. The Court hereby stays the issuance of its mandate for 10 days from the date of this order to allow the Appellants to seek review in the Supreme Court of the United States and obtain any further stay from that Court.

The Appellants having not filed a motion for rehearing, the Court's November 13, 2014, opinion is hereby final. No further stay will be granted by the Court.

Unless a stay is issued by the Supreme Court of the United States, the sealed documents and record shall be unsealed at 3 p.m. on Monday, December 1, 2014.

LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, POLSTON, and PERRY, JJ., concur.

PARIENTE, J., concurs with an opinion, in which LEWIS and PERRY, JJ., concur.

PARIENTE, J., concurring.

I agree with granting a limited stay of this Court's mandate to provide the Appellants with an opportunity to seek a stay from the United States Supreme Court. I note, however, that the Appellants' motion to stay strikes me as consistent with the entire way they have litigated this case, including the belated assertion of a qualified First Amendment privilege almost as an afterthought in their months-long efforts to avoid production of the subject documents. Even their assertion that

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waiver of a qualified First Amendment privilege is governed by federal law was itself waived by the Appellants' failure to even raise that issue until oral argument in this case and, for that reason, was summarily rejected.

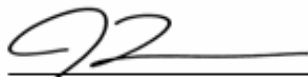
A week ago, this Court ruled that, through the Appellants' actions during the entire course of the discovery dispute, they have waived any First Amendment privilege. I fail to see any federal question as a basis for obtaining certiorari review in the Supreme Court. This Court clearly held that the Appellants' objections to producing the documents were waived and that this holding "constitutes an adequate and independent basis under Florida law to reject [their] First Amendment challenge to the trial court's rulings requiring production of the documents." Bainter v. League of Women Voters of Fla., No. SC14-1200, 2014 WL 5856169, at *16 (Fla. Nov. 13, 2014).

It is only out of deference to the United States Supreme Court that I concur in granting a limited stay of an additional 10 days before this Court unseals the documents and the trial testimony of Pat Bainter. This Court has unanimously concluded that the documents and testimony must be unsealed, and the public's right to view these materials that the trial court relied on in rendering its final judgment has been delayed long enough.

LEWIS and PERRY, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



eg

Served:

MOHAMMAD OMAR JAZIL

J. ANDREW ATKINSON

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