

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

Reverend Cynthia Cotto GRIMES,
Art YOUNG, and Dennis MCFATTEN,
Plaintiffs,

v.

CASE NO.: 2020-CA-000908

FLORIDA DEPARTMENT OF STATE,
FLORIDA DIVISION OF ELECTIONS,
and Laurel M. LEE, Secretary of State of Florida,
and MARK EARLEY, Supervisor of Elections,
Leon County, Florida,

Defendants.

**ORDER GRANTING DEFENDANT MARK EARLEY'S MOTION TO DISMISS WITH
PREJUDICE PLAINTIFFS' VERIFIED SECOND AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

THIS CAUSE came before the Court for telephonic hearing on July 14, 2020, on the Motion to Dismiss with Prejudice Plaintiffs' Verified Second Amended Complaint for Declaratory and Injunctive Relief filed July 7, 2020, by Defendant Mark Earley, Supervisor of Elections. Having considered the Motion, Plaintiffs' Response filed July 10, 2020, arguments of counsel, the Court file, and applicable law, the Court **GRANTS** Defendant Mark Earley's Motion to Dismiss Plaintiffs' Verified Second Amended Complaint, with prejudice.


The Court **FINDS** that Plaintiffs' Verified Second Amended Complaint fails to allege a justiciable controversy between the Plaintiffs and Supervisor Earley. As a consequence, Plaintiffs' Verified Second Amended Complaint fails to state a cause of action against Supervisor Earley, seeks an advisory opinion as to Supervisor Earley, and this Court lacks jurisdiction under Chapter 86 to render a declaratory judgment as to Supervisor Earley.

WHEREFORE it is **ORDERED** and **ADJUDGED** that:

1. The Motion to Dismiss Plaintiffs' Second Amended Verified Complaint filed by Defendant Mark Earley, Leon County Supervisor of Elections, is **GRANTED**; and

2. Plaintiffs' Second Amended Verified Complaint is **DISMISSED WITH PREJUDICE** as to Defendant Mark Earley, Leon County Supervisor of Elections.

DONE and ORDERED in Tallahassee, Leon County, Florida on this 15th day of July, 2020.



CHARLES W. DODSON
CIRCUIT JUDGE

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