

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO. 14-1661 CA (24)

CATHERINA PARETO, *et al.*,

Plaintiffs,

v.

HARVEY RUVIN, as Clerk of the Courts of
Miami-Dade County, Florida, in his official
capacity,

Defendant.

**UNOPPOSED MOTION OF CHARLES J. “CHARLIE” CRIST FOR LEAVE TO FILE
NOTICE IN SUPPORT OF BRIEF OF THE CITY OF MIAMI BEACH AND THE CITY
OF ORLANDO AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS**

Charles J. “Charlie” Crist respectfully moves, unopposed, by and through undersigned counsel, for leave to file the attached Notice in Support of the Brief of the City of Miami Beach and the City of Orlando as *Amici Curiae* in Support of Plaintiffs. The grounds supporting this motion are set forth below.

1. Charlie Crist is a former Governor, Attorney General and Commissioner of Education for the State of Florida. This State’s constitutional amendment banning recognition of same-sex marriages was enacted during his term as Governor.

2. In light of the foregoing, Charlie Crist has a substantial interest and a unique perspective as to the issues before this Court.

3. Therefore, Charlie Crist respectfully requests that this Court grant him leave to file the attached Notice in support of the brief submitted by the City of Miami Beach and the City of Orlando.

4. The proposed Notice is attached as Exhibit A.
5. A proposed Order granting this motion is attached as Exhibit B.
6. Charlie Crist's counsel has conferred with all counsel in this case regarding the requested relief. Defendant takes no position with respect to this motion. Plaintiffs have no objection.

WHEREFORE, Charlie Crist respectfully requests that the Court grant this motion, permit the filing of the attached Notice, and grant any other appropriate relief.

Dated: June 27, 2014

Respectfully Submitted,

/s/Adam M. Schachter
ADAM M. SCHACHTER
Florida Bar No. 647101
aschachter@gsgpa.com
GERALD E. GREENBERG
Florida Bar No. 440094
ggreenberg@gsgpa.com
GELBER SCHACHTER & GREENBERG, P.A.
1441 Brickell Avenue, Suite 1420
Miami, Florida 33131
Telephone: (305) 728-0950
Facsimile: (305) 728-0951
efilings@gsgpa.com

Counsel for Charles J. "Charlie" Crist

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2014 I filed the foregoing using the State of Florida's ePortal Filing System. I further certify that a copy of the foregoing has been served via email through the State of Florida's ePortal Filing System on all counsel of record listed on the Service List below.

/s/Adam M. Schachter
ADAM M. SCHACHTER

SERVICE LIST

<p>SYLVIA H. WALBOLT, ESQ. E-mail: swalbolt@CFJBlaw.com E-mail: rosborne@CFJBlaw.com E-mail: tpaecf@cfdom.net LUIS PRATS, ESQ. E-mail: lprats@CFJBlaw.com E-mail: lcoffey@CFJBlaw.com NANCY J. FAGGIANELLI, ESQ. E-mail: nfaggianelli@CFJBlaw.com E-mail: pparrey@CFJBlaw.com CARLTON FIELDS JORDEN BURT, P.A. Corporate Center Three at International Plaza 4221 W. Boy Scout Boulevard Tampa, Florida 33607-5780 Telephone: (813) 223-7000 Facsimile: (813) 229-4133</p>	<p>LUIS G. MONTALDO, ESQ. General Counsel to the Clerk of Courts P.O. Box 13267 Miami, FL 33101 E-mail: cocgencounsel@miamidade.gov E-mail: larruza@miamidade.gov <i>Counsel for Defendant</i></p>
<p>JEFFREY MICHAEL COHEN ESQ. E-mail: jmcohen@CFJBlaw.com E-mail: pwatson@CFJBlaw.com E-mail: miaecf@cfdom.net CRISTINA ALONSO, ESQ. E-mail: calonso@CFJBlaw.com E-mail: cschmidle@CFJBlaw.com CARLTON FIELDS JORDEN BURT, P.A. Miami Tower 100 Southeast Second Street Suite 4200 Miami, Florida 33131 Telephone: (305) 530-0050 Facsimile: (305) 530-0055</p>	<p>EILEEN BALL MEHTA, ESQ. E-mail: emehta@bilzin.com E-mail: eservice@bilzin.com BILZIN SUMBERG BAENA PRICE & AXELROD LLP 1450 Brickell Avenue Suite 2300 Miami, FL 33131 <i>Counsel for Defendant</i></p>

<p>SHANNON P. MINTER, ESQ. E-mail: sminter@nclrights.org CHRISTOPHER F. STOLL, ESQ. E-mail: cstoll@nclrights.org DAVID C. CODELL, ESQ. E-mail: dcodell@nclrights.org ASAF ORR, ESQ. E-mail: aorr@nclrights.org NATIONAL CENTER FOR LESBIAN RIGHTS 870 Market Street, Suite 370 San Francisco, CA 94102 <i>Counsel for Plaintiffs</i></p>	<p>RAUL J. AGUILA ESQ. E-mail: raulaguila@miamibeachfl.gov CITY ATTORNEY CITY OF MIAMI BEACH 1700 Convention Center Drive, 4th Floor Miami Beach, Florida 33139 Telephone: (305) 673-7470 Facsimile: (305) 673-7002 ROBERT F. ROSENWALD, JR., ESQ. E-mail: robertrosenwald@miamibeachfl.gov NICHOLAS E. KALLERGIS, ESQ. E-mail: nickkallergis@miamibeachfl.gov <i>Counsel for Amici Curiae City of Miami Beach and City of Orlando</i></p>
<p>ELIZABETH F. SCHWARTZ, ESQ. E-mail: eschwartz@sobelaw.com ELIZABETH F. SCHWARTZ, P.A. 690 Lincoln Road, Suite 304 Miami Beach, FL 33139 <i>Counsel for Plaintiffs</i></p>	<p>AMY T. IENNACO, ESQ. Email: amy.iennaco@cityoforlando.net CHIEF ASSISTANT CITY ATTORNEY CITY OF ORLANDO 400 South Orange Avenue, 3rd Floor Orlando, Florida 32801 Telephone: (407) 246-2295 Florida Bar No. 772054 <i>Counsel for Amicus Curiae</i></p>
<p>MARY B. MEEKS, ESQ. E-mail: marybmeeks@aol.com MARY MEEKS, P.A. P.O. Box 536758 Orlando, FL 32853 <i>Counsel for Plaintiffs</i></p>	<p>HORATIO G. MIHET, ESQ. E-mail: hmihet@lc.org LIBERTY COUNSEL P.O. Box 540774 Orlando, Florida 32854 Telephone: (800) 671-1776 Facsimile: (407) 875-0770 <i>Counsel for Amici Curiae</i></p>

EXHIBIT A

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
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CASE NO. 14-1661 CA (24)

CATHERINA PARETO, *et al.*,

Plaintiffs,

v.

HARVEY RUVIN, as Clerk of the Courts of
Miami-Dade County, Florida, in his official
capacity,

Defendant.

**CHARLES J. “CHARLIE” CRIST’S NOTICE
IN SUPPORT OF THE BRIEF OF THE CITY OF MIAMI BEACH AND THE CITY OF
ORLANDO AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS**

CHARLES J. “CHARLIE” CRIST, Governor of the State of Florida at the time of passage of this State’s constitutional amendment banning recognition of same-sex marriages, respectfully gives notice of his adoption of the arguments advanced by the City of Miami Beach and the City of Orlando as *Amici Curiae* in support of the Plaintiff families in this case.

This Court should strike down Florida’s discriminatory marriage ban for the reasons set forth in the Cities’ brief, as well as for the reasons set forth below.

As a former Governor, Attorney General and Commissioner of Education for the State of Florida who has opposed extending full marriage equality to gay and lesbian families in the past, and, in fact, supported the constitutional amendment challenged here, Charlie Crist is in a unique position to provide this Court with argument as to why the political process that produced Florida’s discriminatory marriage laws is not due the normal deference that Courts should apply to actions of the people in enacting amendments to the Florida constitution and to their

representatives in enacting Florida law. The simple reason is that Florida's same-sex marriage law was grounded in unlawful discrimination when it was enacted in 1977, and the purported evidence and arguments that seemed to support the similar constitutional amendment in 2008 have been discredited both by science and experience. The evidence now known to be true is that discriminatory marriage laws – like discrimination by government in any form – undermine effective governance. Such laws produce a discrimination that is incompatible with the constitutional commitment to equal treatment under the law.

In 1997, the legislature enacted section 741.212, Florida Statutes, to create a statutory exception, only for the marriages of same-sex couples, to Florida's otherwise general rule of marriage equality. The law provided that out-of-state "relationships between persons of the same sex which are treated as marriages in any jurisdiction . . . are not recognized for any purpose in this state." *Id.* Florida's 1997 statutory amendment was followed by a 2008 constitutional amendment that also prohibits state recognition of same-sex couples' marriages. *See* art. I, § 27, Fla. Const.

The chronology and context of the adoption of Florida's anti-recognition law and its related ban on marriage by same-sex couples make plain that these measures were intended to single out gay and lesbian couples in order to treat them unequally. In 1977, when same-sex marriage was not even an issue of great debate, Florida passed a statute prohibiting the issuance of marriage licenses to same-sex couples. That law was passed during a national climate in which gay and lesbian persons were vilified in highly charged political campaigns. Senator Curtis Peterson, who sponsored both the 1977 marriage and adoption bans, said his bills were a message to homosexuals that "we're really tired of you. . . we wish you would go back in the closet."

In 2008, Charlie Crist supported a constitutional amendment at a time when public sentiment was still unfriendly to marriage equality. Some mistakenly believed that recognizing gay families might infringe upon the sanctity of heterosexual marriages in Florida and in society in general. Others believed children raised in gay and lesbian families would somehow suffer harm if their families were offered the dignity of marriage. Indeed, certain *Amici Curiae* supporting the ban in this case have cited “science” that they claim supports this conclusion.

In just the last six years, however, our society has evolved and moved past the prejudices rooted in our past. Further, science has uniformly reached the conclusion that heterosexual marriages are just as valued and revered as they have ever been; and children raised by gay and lesbian parents fare just as well as kids raised in straight families. Thus, with the arc of history now, in fact, bending toward justice, this issue of marriage equality will almost certainly not even be an issue for the children and grandchildren of this State. But it is still the duty of those in the present to recognize that the legitimacy of government depends upon its willingness to fairly, transparently, and equitably administer the law. That goal is frustrated by denying an entire class of citizens equality in the institution of marriage simply because of who they are and whom they love.

Thus, with no cognizable justification to support unequal treatment, Florida’s marriage ban places state and local governments in the untenable position of enforcing discrimination that serves no purpose but to disadvantage one group of citizens over another. When the government fails to meet this essential standard of legitimacy, the courts must step in and exercise their constitutional duty. A classification that discriminates must be “based on a *real* difference which is reasonably related to the subject and purpose of the regulation.” *Florida Dept. of Children & Families v. Adoption of X.X.G.*, 45 So. 3d 79, 91 (Fla. 3d DCA 2010)

(emphasis in original). “The reason for the equal protection clause was to assure that there would be no second class citizens.” *Id.* (citation omitted).

This Court should do its constitutional duty and declare Florida’s discriminatory ban on same-sex marriages to be unconstitutional.

Dated: June 27, 2014

Respectfully Submitted,

/s/Adam M. Schachter
ADAM M. SCHACHTER
Florida Bar No. 647101
aschachter@gsgpa.com
GERALD E. GREENBERG
Florida Bar No. 440094
ggreenberg@gsgpa.com
GELBER SCHACHTER & GREENBERG, P.A.
1441 Brickell Avenue, Suite 1420
Miami, Florida 33131
Telephone: (305) 728-0950
Facsimile: (305) 728-0951
efilings@gsgpa.com

Counsel for Charles J. “Charlie” Crist

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/s/Adam M. Schachter
ADAM M. SCHACHTER

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<p>SYLVIA H. WALBOLT, ESQ. E-mail: swalbolt@CFJBlaw.com E-mail: rosborne@CFJBlaw.com E-mail: tpaecf@cfdom.net LUIS PRATS, ESQ. E-mail: lprats@CFJBlaw.com E-mail: lcoffey@CFJBlaw.com NANCY J. FAGGIANELLI, ESQ. E-mail: nfaggianelli@CFJBlaw.com E-mail: pparrey@CFJBlaw.com CARLTON FIELDS JORDEN BURT, P.A. Corporate Center Three at International Plaza 4221 W. Boy Scout Boulevard Tampa, Florida 33607-5780 Telephone: (813) 223-7000 Facsimile: (813) 229-4133 <i>Counsel for Plaintiffs</i></p>	<p>LUIS G. MONTALDO, ESQ. General Counsel to the Clerk of Courts P.O. Box 13267 Miami, FL 33101 E-mail: cocgencounsel@miamidade.gov E-mail: larruza@miamidade.gov <i>Counsel for Defendant</i></p>
<p>JEFFREY MICHAEL COHEN ESQ. E-mail: jmcohen@CFJBlaw.com E-mail: pwatson@CFJBlaw.com E-mail: miaecf@cfdom.net CRISTINA ALONSO, ESQ. E-mail: calonso@CFJBlaw.com E-mail: cschmidle@CFJBlaw.com CARLTON FIELDS JORDEN BURT, P.A. Miami Tower 100 Southeast Second Street Suite 4200 Miami, Florida 33131 Telephone: (305) 530-0050 Facsimile: (305) 530-0055 <i>Counsel for Plaintiffs</i></p>	<p>EILEEN BALL MEHTA, ESQ. E-mail: emehta@bilzin.com E-mail: eservice@bilzin.com BILZIN SUMBERG BAENA PRICE & AXELROD LLP 1450 Brickell Avenue Suite 2300 Miami, FL 33131 <i>Counsel for Defendant</i></p>

<p>SHANNON P. MINTER, ESQ. E-mail: sminter@nclrights.org CHRISTOPHER F. STOLL, ESQ. E-mail: cstoll@nclrights.org DAVID C. CODELL, ESQ. E-mail: dcodell@nclrights.org ASAF ORR, ESQ. E-mail: aorr@nclrights.org NATIONAL CENTER FOR LESBIAN RIGHTS 870 Market Street, Suite 370 San Francisco, CA 94102 <i>Counsel for Plaintiffs</i></p>	<p>RAUL J. AGUILA E-mail: raulaguila@miamibeachfl.gov CITY ATTORNEY CITY OF MIAMI BEACH 1700 Convention Center Drive, 4th Floor Miami Beach, Florida 33139 Telephone: (305) 673-7470 Facsimile: (305) 673-7002 ROBERT F. ROSENWALD, JR., ESQ. E-mail: robertrosenwald@miamibeachfl.gov NICHOLAS E. KALLERGIS, ESQ. E-mail: nickkallergis@miamibeachfl.gov <i>Counsel for Amici Curiae City of Miami Beach and City of Orlando</i></p>
<p>ELIZABETH F. SCHWARTZ, ESQ. E-mail: eschwartz@sobelaw.com ELIZABETH F. SCHWARTZ, P.A. 690 Lincoln Road, Suite 304 Miami Beach, FL 33139 <i>Counsel for Plaintiffs</i></p>	<p>AMY T. IENNACO Email: amy.iennaco@cityoforlando.net CHIEF ASSISTANT CITY ATTORNEY CITY OF ORLANDO 400 South Orange Avenue, 3rd Floor Orlando, Florida 32801 Telephone: (407) 246-2295 Florida Bar No. 772054 <i>Counsel for Amicus Curiae</i></p>
<p>MARY B. MEEKS, ESQ. E-mail: marybmeeks@aol.com MARY MEEKS, P.A. P.O. Box 536758 Orlando, FL 32853 <i>Counsel for Plaintiffs</i></p>	<p>HORATIO G. MIHET E-mail: hmihet@lc.org LIBERTY COUNSEL P.O. Box 540774 Orlando, Florida 32854 Telephone: (800) 671-1776 Facsimile: (407) 875-0770 <i>Counsel for Amici Curiae</i></p>

EXHIBIT B

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 14-1661 CA (24)

CATHERINA PARETO, *et al.*,

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v.

HARVEY RUVIN, as Clerk of the Courts of
Miami-Dade County, Florida, in his official
capacity,

Defendant.

**ORDER GRANTING MOTION OF CHARLES J. “CHARLIE” CRIST FOR LEAVE TO
FILE NOTICE IN SUPPORT OF BRIEF OF THE CITY OF MIAMI BEACH AND THE
CITY OF ORLANDO AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS**

THIS CAUSE having come before the Court on the Motion of Charles J. “Charlie” Crist for Leave to File Notice In Support of Brief of the City of Miami Beach and the City of Orlando as *Amici Curiae* in Support of Plaintiffs, and the Court having considered the motion and all other relevant factors, it is hereby:

ORDERED AND ADJUDGED as follows:

1. The Motion of Charles J. “Charlie” Crist for Leave to File Notice in Support of Brief of the City of Miami of the City of Miami Beach and the City of Orlando as *Amici Curiae* in Support of Plaintiffs is hereby GRANTED.

2. Charles J. "Charlie" Crist's Notice in Support of the Brief of the City of Miami Beach
And The City Of Orlando As Amici Curiae In Support Of Plaintiffs is deemed filed
as of this date.

DONE AND ORDERED in Chambers at Miami, Florida, this _____ day of _____,
2014.

SARAH I. ZABEL
CIRCUIT COURT JUDGE

Copies furnished to:
All counsel of record