

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

MICHAEL JOSEPH, and
JEWISH LEADERSHIP COALITION,

GENERAL JURISDICTION DIVISION

CASE NO. 2015-012209 CA 01

Plaintiffs

vs.

PHYLLIS SMITH, PAMELA L. LATIMORE, in
her official capacity as the North Miami Beach
City Clerk and in her capacity as a member of the
North Miami Beach municipal Canvassing Board,
JOSE J. SMITH in his capacity as a member of the
North Miami Beach municipal Canvassing Board,
and ANA M. GARCIA in her capacity as a
member of the North Miami Beach municipal
Canvassing Board,

Defendants.

NOTICE OF MANDATORY CONTINUANCE

Comes now the Defendant, PHYLLIS SMITH, by and through her undersigned attorney, and hereby files the following Notice of Mandatory Continuance, and as grounds therefore would state as follows:

1). Undersigned counsel, Joseph S. Geller, is an elected member of the Florida Legislature.

2). Florida Statute 11.111 provides in pertinent part as follows:

“**Any proceeding** before any court, municipality, or agency of government of this state **shall stand continued**, without the continuance being charged against any party, during any session of the Legislature and for a period of time 15 days prior to any session of the Legislature and 15 days subsequent to the conclusion of any session of the Legislature, and during any period of required committee work and for a period of time 1 day prior and 1 day subsequent thereto when either attorney representing the litigants is a legislator or when a Member of the legislature is a party or witness or is scheduled to appear before any municipal government, administrative board, or agency, when notice to that effect is given to the convening authority by such member.” (emphasis added.)

3) The above statute is self executing, non-discretionary, and requires no hearing. Upon filing of this notice, the Continuance is automatically granted as a matter of law.

4). Special session of the Florida Legislature has been called beginning June 1, 2015 and ending June 20, 2015. Accordingly, no hearings may be held within 15 days prior, or 15 days subsequent, to the Special Session.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been efiled to Miami-Dade County Court and Electronic Mail on this the **12th** day of **June, 2015** to:

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By /s/Joseph S. Geller
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