

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

MICHAEL JOSEPH,  
JEWISH LEADERSHIP COALITION

Plaintiffs,

Case No. 2015 012209 CA (01)

v.

PHYLLIS SMITH, et. al.

Defendants,

\_\_\_\_\_ /

**MOTION TO COMPEL DISCOVERY**

COME NOW the Plaintiffs, MICHAEL JOSEPH and the JEWISH LEADERSHIP COALITION, by and through undersigned counsel hereby move to compel the production of discovery and responses to the Interrogatories and Request for Production that was served on Defendant, Phyllis Smith, and in support thereof states as follows:

1. On June 1, 2015, the Plaintiffs filed a Complaint in the Circuit Court pursuant to F.S. §102.168 seeking to contest the certified results of the May 19, 2015 runoff election in North Miami Beach, Florida.
2. Plaintiff's alleged that Defendant, Phyliss Smith received a large number of illegal votes sufficient to change the result of the election.
3. On June 2, 2015, Smith was served with both the original and amended Complaints, as well as with Interrogatories and a Request for Production. As per the Florida Rules of Civil Procedure, Ms. Smith had forty five (45) days, until July 17, 2015, to respond to the Interrogatories and the Request for production.

4. On June 12, 2015, Counsel for Smith filed a Notice of Appearance and a Notice of Mandatory Continuance based on F.S. § 11.111.
5. While F.S. § 11.111 may prevent an attorney or litigant who is a member of the Florida Senate or House of Representatives from being brought into a court appearance 15 days before or after any regular or special session of the Florida Legislature, the law does not create an exception for the timeliness of a response to a properly served discovery request.
6. Additionally and most importantly, not only does F.S. § 102.168 mandate an expedited proceeding for election contests, the Florida Rules of Judicial Administration specify that election matters should be expedited.
7. As of the filing of this Motion, Ms. Smith has yet to respond to the discovery requests propounded and served on her on June 2, 2015.
8. The Plaintiffs can not continue with their discovery of the casting of illegal votes in the election without the responses to the Interrogatories and Request for Production propounded on Ms. Smith.

**WHEREFORE**, Plaintiffs request this Honorable Court enter an Order compelling the Defendant, Ms. Smith, to respond the Interrogatories and Request for Production. Additionally, the Plaintiffs request that the Court issue sanctions, the extent to be determined at a later date, against Ms. Smith for the delay in producing the responses requested.

Respectfully submitted this 23<sup>rd</sup> day of July, 2015 by,

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By:           s./ J.C. Planas            
JUAN-CARLOS PLANAS, ESQ.  
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**CERTIFICATE OF SERVICE**

**WE HEREBY CERTIFY** that a true and correct copy of the foregoing Motion to Compel was served by electronic filing and service on the Service List below this 23<sup>rd</sup> day of July, 2015.

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