

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION

CHRISTOPHER GLEASON, a Florida Citizen, Elector  
and Candidate for Supervisor of Elections, Pinellas County

Plaintiff,

v.

Case No.: 24-003717-CI  
UCN: 522024CA003717XXCICI

JULIE MARCUS, in her official capacity  
as Pinellas County Supervisor of Elections, et al.,

Defendants.

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**SUPERVISOR DEFENDANTS' RESPONSE IN OPPOSITION TO MOTION FOR  
RECONSIDERATION**

All defendants sued in their official capacities as the Supervisor of Elections or employees thereof ("hereinafter Supervisor Defendants"), by and through the undersigned counsel, file this Response in Opposition to Plaintiff's Motion for Reconsideration dated August 30, 2024, as follows:

1. Plaintiff falsely alleges the Court required him to "complete a form that is not specified in Florida Statutes Chapter 101.62 or Chapter 119 as a condition for obtaining public records."

2. In fact, Plaintiff voluntarily stated he would complete the form, has already completed a substantially similar form to obtain records from the State of Florida, and there was no order from the Court requiring him to do so. The pertinent parts of the Transcript of Hearing, attached hereto as Exhibit "A," read as follows:

**THE COURT:** Is it your intention to provide and Oath of Acquisition back?

**MR. GLEASON:** I mean, I'll do it. I have no problem with that.

Tr. 18:6-9., 08/29/2024.

**MR. GLEASON:** So this form that they are referring to, I believe, is a form to get the Vote by Mail Ballot list that shows certain information in it. I already have that. I obtained that vote – statewide Vote By Mail Early Voting list directly from the State of Florida.

Tr. 16:22-17:3.

**THE COURT:** Defendants are willing to extend that 30 days they put in that email to give you 30 days to respond back with an email. Does that work for you at this point?

**MR. GLEASON:** I'll have it to them today.

**THE COURT:** Okay, but within 30 days. So is that an agreement?

**MR. GLEASON:** That's fine your honor.

Tr. 25:23-26:5.

Despite telling the Court “I'll have it to them today,” and acknowledging that Plaintiff is still within the 30 days to respond to Defendants' email, to date he has not done so.

3. Plaintiff did not challenge the form at the hearing and should be barred from bringing forth new arguments in a Motion for Reconsideration. “A trial court does not abuse its discretion in denying a motion for reconsideration or rehearing which raises an issue that could have been, but wasn't, raised in the initial motion or at the initial hearing.” *Chris Thompson, P.A. v. GEICO Indemnity Co.*, 349 So. 3d 447 (Fla. 4th DCA 2022).

4. Notwithstanding the foregoing, the requirement for a form, to be submitted by those entities and individuals who are statutorily entitled to confidential and exempt information, is found in Florida Administrative Code Rule 1S-2.043(3)(d)(1).

5. Pursuant to Rule 1S-2.043(3)(d)(1), any person or entity authorized under Section 101.62, F.S., may access online daily county files of vote-by-mail ballot request information as directly received from the Supervisor and posted on the Division’s website. In order to access the information, the person or entitled authorized under Section 101.62, F.S., must first submit an online request application – Form DS-DE 146.

6. Authorized persons or entities are required to provide the same identifying information on the form utilized by the Pinellas County Supervisor of Elections.

7. Regardless, the form is now moot because Plaintiff is no longer statutorily authorized to this confidential and exempt information pursuant to Fla. Stat. § 101.62(2). Plaintiff is not “a candidate who has filed qualification papers and is opposed in an upcoming election.” He is not entitled the specific confidential and exempt information identified in Fla. Stat. § 101.62. Pursuant to Administrative Rule 1S-2.043(3)(d)(1)(a), “Authorization for access is only valid through the earlier of the end of the general election year in which authorization was initially granted or until the person or entity is no longer statutorily entitled to the information, whichever is applicable.”

8. As he did in the hearing, Plaintiff in his Motion for Reconsideration asks this Court to “grant immediate access to the requested public records,” stating *without any basis* in his Motion that “[t]he records requested in their original, unaltered format as generated, transmitted and stored format would take less than 10 minutes to provide.”

9. Plaintiff presented no evidence at the hearing to substantiate his time estimate nor made any issue of how long he believes it should take Defendants to produce public records. This Court should decline to “reconsider” an issue that was never brought up at the hearing. *Chris Thompson, P.A. v. GEICO Indemnity Co.*, 349 So. 3d 447 (Fla. 4th DCA 2022).

10. In fact, the legitimate position of the Supervisor Defendants that it would take approximately 18,000 hours to provide the records was presented by the undersigned to the Court by reference to Plaintiff's own Exhibits attached to the [un]Verified Complaint at the expedited non-evidentiary Chapter 119 hearing on August 29, 2024.

11. The Supervisor Defendants have not had the opportunity to, nor been required to, present evidence in support of the time estimate and form to date. See, however, Fla. Stat. § 101.62(2) and Administrative Rule 1S-2.043(2).

**WHEREFORE**, the Supervisor Defendants respectfully request the Court deny Plaintiff's Motion for Reconsideration, and for any other and further relief the Court may deem just and proper.

*[REMINDER OF PAGE INTENTIONALLY LEFT BLANK]*

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that the foregoing document was filed with the Clerk of the Circuit Court by using the Florida E-Filing Portal and simultaneously emailed to **CHRISTOPHER GLEASON**, Plaintiff at [gleasonforpinellas@gmail.com](mailto:gleasonforpinellas@gmail.com), [cpgleason72@gmail.com](mailto:cpgleason72@gmail.com) and [immutabletruth@protonmail.com](mailto:immutabletruth@protonmail.com) on the 11<sup>th</sup> day of September 2024.

*/s/ Kelly L. Vicari*

KELLY L. VICARI

FBN: 88704

Assistant County Attorney

Pinellas County Attorney's Office

315 Court Street, Sixth Floor

Clearwater, FL 33756

Phone: (727) 464-3354 / Fax: (727) 464-4147

Primary e-mail address: [kvicari@pinellas.gov](mailto:kvicari@pinellas.gov)

Secondary e-mail address: [eservice@pinellas.gov](mailto:eservice@pinellas.gov)

*/s/ Jared D. Kahn*

JARED D. KAHN

FBN: 105276

Assistant County Attorney

Primary e-mail address: [jkahn@pinellas.gov](mailto:jkahn@pinellas.gov)

Attorneys for Defendants, JULIE MARCUS, in her official capacity as Pinellas County Supervisor of Elections; and Pinellas County Supervisor of Elections employees acting in their Official capacity.