

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
DIVISION 19

JOHN WILLIAM LICCIONE,

Plaintiff,

v.

Case No.: 24-003939-CI

UCN: 522024CA003939XXCICI

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

Defendants.

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**DEFENDANT JULIE MARCUS'S MEMORANDUM IN OPPOSITION TO MOTION TO
COMPEL DISCOVERY AND TO RESCHEDULE CURRENTLY SCHEDULED
MOTION TO DISMISS HEARING**

The Defendant, Julie Marcus (herein "Supervisor"), by and through undersigned counsel, moves to oppose to Plaintiff's Motion to Compel Discovery (the "Complaint"), and as ground states as follows:

1. Plaintiff seeks expedited treatment of a discovery motion and asks to cancel motion hearings without any valid basis.
2. The case is currently scheduled for multiple Motions to Dismiss on November 12, 2024, as a result of the coordination and agreement of the parties.
3. Each Motion to Dismiss is non-evidentiary in nature.
4. Defendant Marcus's Motion to Dismiss points to deficiencies such as a lack of subject matter jurisdiction and failure to state a claim for which relief can be granted.
5. Hearings on Motions to Dismiss are rarely held as evidentiary hearings. A Motion to Dismiss is a purely technical motion dealing with issues of law in which generally only

evidence contained within the four corners of Plaintiff's Amended Complaint may be considered. *Steiner Transocean Ltd. v. Efremova*, 109 So.3d 871, 873 (Fla.3d DCA2013).

6. Plaintiff's Request for Production in no way impacts the issues raised in Marcus's to Motion to Dismiss and therefore Plaintiff's argument that he is prejudiced and needs the hearing on the Motions to Dismiss argument is without merit.
7. Discovery issues are premature at this juncture given the pending Motion to Dismiss, and the objections to the Request for Production which were made in good faith. Counsel conferred with the Plaintiff prior to the filing of the objections but was not able to reach a resolution.
8. In Paragraph 6 of his Motion, Plaintiff sets forth his believe that the burden would be minimal. Plaintiff's assumptions are incorrect.
9. The discovery requests are overly burdensome even under ordinary circumstances. The burdensome nature of the requests is exacerbated by the impact of recent Hurricanes Helene and Milton.
10. The impacts were so severe that Governor Ron DeSantis issued Executive Order Number 24-212 and 24-234 affecting the implementation of certain provisions of the Florida Election Code.
11. The Pinellas County Supervisor's Office efforts and resources are dedicated to the current election.
12. In Paragraph 7 of Plaintiff's Motion to Compel Discovery and Request for an Expedited Hearing to Show Cause, Plaintiff continues to ignore that it is well settled that voter information is confidential.

13. Plaintiff has not demonstrated a basis for expedited treatment of the motion to compel, nor any reason to cancel hearing time on motions directed at the pleadings.

WHEREFORE, Defendant, Marcus requests that this Honorable Court deny Plaintiff's Motion to Compel Discovery.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through the E-Portal to **JOHN WILLIAM LICCIONE, PRO SE**, Plaintiff at jliccione@gmail.com, **GEORGE A.D. THURLOW, ESQ.**, Attorney for Defendant **JENNIFER GRIFFITH**, at gthurlow@rahdertlaw.com, tmccreary@rahdertlaw.com and service@rahdertlaw.com, and **JAMES B. LAKE, ESQ.**, Attorney for Defendant **CATHY SALUSTRI LOPER**, at jlake@tlolawfirm.com and tgilley@tlolawfirm.com on the 4th day of November 2024.

/s/ Kirby Z. Kreider _____

KIRBY Z. KREIDER

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