

IN THE DISTRICT COURT OF APPEAL, FIRST DISTRICT

MICHAEL C. VOELTZ,

Plaintiff,

vs.

BARACK HUSSEIN OBAMA, et. al.

Defendants.

Circuit Case No.: 2012CA00467

DCA Case No.: 1D12-3489

_____ /

**APPELLANT'S EMERGENCY MOTION TO EXPEDITE
DECISION CONCERNING APPELLANT'S APPEAL**

Plaintiff Michael Voeltz, by and through hereby moves this honorable Court on an expedited basis to issue a well reasoned written decision at this time, without further delay, and as grounds therefor would show:

- 1) Appellant previously asked this court for a suggestion for certification to the Florida Supreme Court, pursuant to Article V, section 3(b)(5) of the Florida Constitution and Rule 9.125 of the Florida Rules of Appellate Procedure, because this is an election issue and it needed to be fully appealed and the issues needed to be decided in time for both the general election and/or post election, since Florida Electors were to vote on December 17, 2012 and the Electoral College will be casting their votes on January 6, 2013. This Court denied that motion.

- 2) Appellant then asked this Court to expedite its decision for the same reasons in his Praecipe filed on November 9, 2012. This praecipe, which was treated as a Motion to Expedite by this court, was also denied
- 3) Five months and 10 days have passed since this appeal was filed. The date the electoral college will vote is January 6, 2013 and in order for Appellant not to lose his rights by virtue of delay by this court, the decision must issue at this time in order that all parties will have time to seek any appeal or other process to the Florida Supreme Court should they so choose and/or if necessary.
- 4) Election law is clear that election challenges must be litigated by Florida courts on an expedited basis to avoid vote nullification. *See Gore v. Harris*, 772 So. 2d 1243 (Fla. 2000).

WHEREFORE, Appellant Voeltz respectfully requests that this Court issue a well-reasoned written opinion at this time without further delay in order that the rights of the parties can be preserved and timely addressed by the Florida Supreme Court should they so choose and/or if necessary.

Appellant further respectfully requests that the response time to this motion, because of time constraints, be shortened to 48 hours or on or before close of business on Friday December 28, 2012.

Dated: December 26, 2012

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
F.L. Bar No. 246220
2020 Pennsylvania Ave. NW, Suite 800
Washington, DC 20006
Tel: (310) 595-0800
Email: leklayman@gmail.com

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Appellant's Emergency Motion To Expedite Decision Concerning Appellant's Appeal has been filed electronically and thus served via email this 26th day of December, 2012 to the following:

Daniel Nordy
Ashley E. Davis
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Mark Herron
Joseph Brennan Donnelly
Robert J. Telfer, III
Messer, Caparello & Self, P.A.
Post Office Box 15579
Tallahassee, FL 32317

Stephen F. Rosenthal
Podhurst Orseck, P.A.
25 West Flagler Street, Suite 800
Miami, FL 33130-1720

Richard B. Rosenthal
The Law Offices of Richard B. Rosenthal,
P.A.
169 East Flagler Street, Suite 1422
Miami, FL 33131

James A. Peters
Office of the Attorney General
FL-01, The Capital
Tallahassee, FL 32399-1050

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
Florida Bar No. 246220
2020 Pennsylvania Ave. NW, Suite 800
Washington, DC 20006
Tel: (310) 595-0800
Email: leklayman@gmail.com