

IN THE CIRCUIT COURT, FOR THE
FOURTH JUDICIAL CIRCUIT, IN AND
FOR DUVAL COUNTY, FLORIDA

CASE NO.: 2011-CA-08012
DIVISION: CV-G

FLORIDA CARRY, INC., and
ALEXANDRIA LAINEZ

Plaintiffs,

v.

UNIVERSITY OF NORTH FLORIDA,
JOHN DELANEY.

Defendants.

_____ /

NOTICE OF PRIORITY CASE AND REQUEST FOR RULING

COMES NOW Plaintiff, Alexandria Lainez, and through her undersigned attorneys and gives notice to the Court pursuant to Rule 2.545, Fla. R. Jud. Admin., that this case should be treated as a priority case and requests a ruling on the pending Motion for Temporary Injunction and as grounds therefore states:

1. Plaintiffs filed suit against Defendants on October 3, 2011, to enforce Fla. Stat. 790.33, and seeking an injunction against Defendants from enforcing rules and regulation enacted contrary to the laws of the State of Florida.
2. A hearing was held by the Court on January 30, 2012 on Plaintiffs' Motion for Temporary Injunction.
3. Since the hearing on the temporary injunction there have been numerous cases statewide of students being assaulted in college campus parking lots and just off

campus. (See Attached).

4. Plaintiffs have a right to bear arms for self-defense in their vehicles pursuant to Art. I Sec. 8, Florida Constitution, Sec. 790.25, and Sec. 790.06, Fla. Stat. *Davis v. State*, 146 So.2d 892, 893 (Fla. 1962)(holding that the Florida constitutional guarantee was intended to secure to the people the right to carry weapons for their protection).

5. When there is a deprivation of a constitutional right, irreparable injury is presumed. *Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir. 2011)(holding that an ordinance substantially impairing range training, an important corollary right to the right to bear arms, was a violation of the Second Amendment to the United States Constitution).

6. The Florida Constitution's right to keep and bear arms, is interpreted similarly to the United States Constitution. *Brook v. State*, 999 So.2d 1093, 1094 (Fla. 5th DCA 2009).

7. To date an order or ruling on Plaintiffs' Motion for Temporary Injunction has not been issued.

8. This case involves a deprivation of a protected and legislatively recognized fundamental constitutional right as well as the authority of the legislature to preempt regulation or legislation in an area of law by subordinate agencies and entities.

9. The ongoing deprivation of this right is irreparably harming the Plaintiffs in this case.

10. Whether the Court rules for or against Plaintiffs, there would be an entitlement to an immediate appeal of a denial of Plaintiffs' attempt to enforce a

fundamental constitutional right.

11. Additionally a ruling on the pending injunction request, would almost necessarily resolve the issues raised in the motion to dismiss as well, which is set for hearing on March 27, 2012

12. Plaintiffs respectfully requests the Court immediately rule on Plaintiffs' Motion for Temporary Injunction so that the case may move forward.

13. Plaintiff's further request the Court designate this case as a priority case and advance it on the docket, based on the claim that a fundamental constitutional right is being impaired and the wide ranging effect this case has on the nearly 900,000 holders of Florida concealed weapon firearms license holders as well as other gun owners, and the cases impact on the various institutions of higher learning around the state.

14. Any additional delay would only increase the harm to Plaintiffs and those they represent.

15. The Court has authority pursuant to Rule 2.545, Fla. R. Jud. Admin. to determine that a case is a priority case by a variety of methods including case law and authorizes the filing of a motion to notify the Court if an attorney believes the case should be given priority consideration.

16. Case law is clear that a deprivation of constitutional rights causes irreparable injury. *Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir. 2011).

17. Plaintiffs have been denied their rights for over 5 months, the filing of this case, and for over a month since the hearing on their Motion for Temporary Injunction.

18. Plaintiffs have retained the undersigned law firm to represent them in this

matter and have paid or become obligated to pay a fee for the services of the firm.

WHEREFORE, Plaintiff request an order:

- a. Designating this case as a priority case and advancing it on the calendar.
- b. The immediate issuance of an order on Plaintiffs' Motion for Temporary Injunction.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via email and US

Mail this _____ day of March, 2012 to:

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