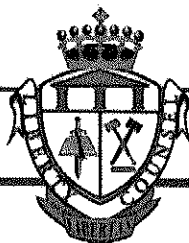


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Reply to: Florida

November 03, 2008

Via Hand Delivery and Electronic Mail

Benedict P. Kuehne, Esq.
Law Offices of Benedict P. Kuehne, P.A.
Bank of America Tower #3550
100 Southeast 2 Street
Miami, FL 33131-2154

Re: Demand for Withdrawal of Complaint and Motion
Florida Red & Blue, Inc. v. Florida4Marriage.org, et al;
(Eleventh Circuit Case No. 08-65948 CA 21); Ref. No: 4-56

Dear Mr. Kuehne:

I write on behalf of Florida4Marriage.org, Florida Family Action, Inc., Florida Family Policy Council, Inc., and John Stemberger to demand, pursuant to Section 57.105 of the Florida Statutes, that you immediately withdraw your Complaint and Emergency Motion for Injunctive Relief filed and served in the above-captioned case. As further explained in the enclosed motion for sanctions, the lawsuit is objectively and subjectively frivolous and eminently sanctionable. Your failure to comply with the demand in this letter within 21 days shall result in the filing of the enclosed motion for sanctions against you and your client.

Please govern yourself accordingly.

Sincerely,

LIBERTY COUNSEL

Horatio G. Mihet

Enclosure

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR MIAMI-DADE COUNTY
GENERAL JURISDICTION DIVISION

FLORIDA RED & BLUE, INC.,)
)
Plaintiff,)
)
v.)
) CASE NO: 08-65948 CA 21
FLORIDA4MARRIAGE.ORG, *et al.*,)
)
Defendants.)
_____)

**DEFENDANTS' MOTION FOR SANCTIONS
AGAINST PLAINTIFF, FLORIDA RED & BLUE**

Defendants, Florida4Marriage.org, Florida Family Action, Inc., Florida Family Policy Council, Inc. and John Stemberger, by and through their undersigned counsel and pursuant to Section 57.105 of the Florida Statutes, hereby moves for an award of sanctions against Plaintiff, Florida Red & Blue, Inc., and in support thereof, state:

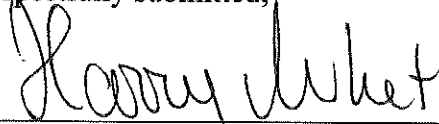
1. First, Florida Red & Blue has no right to bring a private cause of action under the Campaign Finance Law, because that law vests enforcement authority exclusively in the Florida Elections Commission and other government bodies.
2. That precept is universally established and not subject to reasonable dispute.
3. By filing this campaign finance action as a private litigant, Florida Red & Blue willfully violated the clear language of Chapter 106 of the Florida Statutes and the overwhelming weight of Florida law, including binding precedent that its own counsel helped to establish.

4. Second, Florida Red & Blue has no standing to bring this cause of action because it cannot show any particularized injury separate and distinct from the general public.
5. Third, the particular provisions of the Campaign Finance Law which Plaintiff seeks to enforce have been declared unconstitutional.
6. Fourth, Florida Red & Blue neither has nor adduced admissible evidence which could show that Defendants have violated the Campaign Finance Law, relying instead upon inadmissible, unsworn, unverified words of counsel contained in the Complaint and Emergency Motion. If "proof" clearly falls beneath the "manifestly overwhelming" standard required for the imposition of the drastic injunctive relief it seeks.
7. Fifth, Florida Red & Blue has failed to exhaust the administrative remedies afforded by the Campaign Finance Law. Binding precedent holds that when it comes to the constitutionally-guaranteed freedom of political speech, the imminence of an election is no excuse for supplanting the extensive and exclusive enforcement mechanism provided within the Campaign Finance Law for use only by the Florida Election Commission.
8. Sixth, the sweeping injunctive relief sought by Plaintiff, that is, freezing Defendants' political speech on the eve of an election, has likewise been declared an unconstitutional prior restraint of free speech under binding Florida and federal precedent.
9. Any one of these deficiencies or acts alone should rightfully subject Florida Red & Blue and its counsel to litigation sanctions. Taken together, they leave no doubt that Florida Red & Blue's lawsuit is objectively meritless and frivolous.

10. Moreover, the particular familiarity of Florida Red & Blue's attorneys and representative agents with the relevant and controlling election law in this matter leaves no doubt that subjectively Plaintiffs could not have possibly anticipated that its allegations would actually be heard and decided in this Court. After all, in just the last election, Plaintiff's own counsel helped to create binding precedent establishing that Plaintiff has no cause of action. The real intent behind Florida Red & Blue's election eve stunt was to obtain widespread media coverage of its unsupported allegations, while deferring adjudication of the "merits" of those allegations until after the ballots are cast.
11. Such a brazen attempt to use the judicial process and this Court to sway public opinion in a hotly contested election has no place in a constitutional democracy, and deserves the harshest sanctions.
12. The Court should not countenance Florida Red & Blue's thinly veiled attempt to exploit the judicial process for a political stunt.
13. Instead, the Court should sanction Florida Red & Blue harshly for its conduct.

WHEREFORE, Defendants respectfully request that this Court enter an order under its inherent authority to sanction attorney and party misconduct, and pursuant to Section 57.105(1) of the Florida Statutes, that sanctions Plaintiff, Florida Red & Blue, Inc. and its counsel for the filing of this action and the resulting wrongs visited upon Defendants.

Respectfully submitted,



Mathew D. Staver

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Anita L. Staver

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Action, Inc., Florida Family Policy Council,

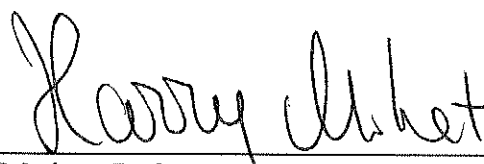
Inc., and John Stemberger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served via electronic mail and hand delivery this 3rd day of November, 2008 upon:

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*Attorneys for Defendants
Florida4Marriage.org, Florida Family
Action, Inc., Florida Family Policy
Council, Inc., and John Stemberger*