

IN THE CIRCUIT COURT FOR THE 15th JUDICIAL CIRCUIT,
PALM BEACH COUNTY, FLORIDA, CIVIL DIVISION

Allen West,
Plaintiff

v.

Defendants

)
)
)
)
)
)
)

2012 CA 0204 99 XXXX MB

Case No. _____

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL 3

2012 NOV -7 AM 11:59

FILED

AG

06

**MOTION FOR INJUNCTIVE RELIEF TO COUNT PAPER
BALLOTS AND TO IMPOUND VOTING MACHINES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Plaintiff, Allen West, and respectfully represent and contend as follows:

1. The Plaintiff is a citizen and registered voter of Palm Beach County, Florida of the State of Florida.
2. Plaintiff seeks immediate mandatory injunctive relief requiring Palm Beach County Election Board ("Election Board"), and its chief election officer, to impound all paper ballots cast and voting machines used in Palm Beach County as a consequence of the potential for a recount pursuant to Fl. Stat. 102.141.
3. Plaintiffs also seek that the Voting Machine[s] and any associated equipment or documentary or record evidence, used in connection with the Election in this Election District be impounded to prevent further voting and/or to declare the intent of voters for votes cast on the Voting Machines.

WHEREFORE, Petitioners pray that this Honorable Court:

i. Issue immediately a mandatory injunction ordering the County Board of Elections for Palm Beach County to impound all of the Voting Machines and any associated equipment or documentary or record evidence, used in connection with the Election in the Election District forthwith at a secure location within the County until further order of this Court; and granting such other and further relief as is necessary and just.

Respectfully submitted,



P. Christopher Winkelman (Bar. 00744387)
Holtzman Vogel Josefiak PLLC 007 4437
45 North Hill Drive, Suite 100
Warrenton, VA 20186
(540) 341-8808 (Phone)
(540) 341-8809 (Fax)
cwinkelman@hvjlaw.com

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions for completion.)

I. CASE STYLE

(Name of Court)

2012 CA 020499XXXX MB

Plaintiff Allen West

Case #: _____

Judge: AG

vs.

Defendant Palm Beach County Election Board

II. TYPE OF CASE

(If the case fits more than one type of case, select the most definitive category.)
If the most descriptive label is a subcategory (is indented under a broader category), place an x in both the main category and subcategory boxes.

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence—other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability—commercial
 - Premises liability—residential
- Products liability
- Real property/Mortgage foreclosure
 - Commercial foreclosure \$0 - \$50,000
 - Commercial foreclosure \$50,001 - \$249,999
 - Commercial foreclosure \$250,000 or more
- Homestead residential foreclosure \$0 - \$50,000
- Homestead residential foreclosure \$50,001 - \$249,999
- Homestead residential foreclosure \$250,000 or more
- Nonhomestead residential foreclosure \$0 - \$50,000
- Nonhomestead residential foreclosure \$50,001 - \$249,999
- Nonhomestead residential foreclosure \$250,000 or more
- Other real property actions \$0 - \$50,000
- Other real property actions \$50,001 - \$249,999
- Other real property actions \$250,000 or more
- Professional malpractice
 - Malpractice—business
 - Malpractice—medical
 - Malpractice—other professional
- Other
 - Antitrust/Trade regulation
 - Business transactions
 - Constitutional challenge—statute or ordinance

FILED
2012 NOV -7 AM 11:58
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL 3

- Constitutional challenge—proposed amendment
- Corporate trusts
- Discrimination—employment or other
- Insurance claims
- Intellectual property

- Libel/Slander
- Shareholder derivative action
- Securities litigation
- Trade secrets
- Trust litigation

III. REMEDIES SOUGHT (check all that apply):

- monetary;
- nonmonetary declaratory or injunctive relief;
- punitive

IV. NUMBER OF CAUSES OF ACTION: []

(specify) 1 (one)

V. IS THIS CASE A CLASS ACTION LAWSUIT?

- yes
- no

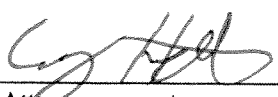
VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- no
- yes If "yes," list all related cases by name, case number, and court.

VII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- yes
- no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature 
Attorney or party

Cory Hebert
(type or print name)

Fla. Bar # _____
(Bar # if attorney)

11/7/12
Date

IN THE CIRCUIT COURT FOR THE 15th JUDICIAL CIRCUIT,
PALM BEACH COUNTY, FLORIDA, CIVIL DIVISION

Allen West,
Plaintiff

v.

Defendants

)
)
)
)
)
)
)

2012 CA 020499 XXXX NB

Case No. _____

AG

ORDER

It is hereby **ORDERED** that Plaintiff's Motion for to Impound Ballots and Voting Machines is **GRANTED**. Defendant is directed to secure the ballots and voting machines immediately, and to provide a report to this Court forthwith a report as to where and how the ballots and machines have been secured. This Court shall retain jurisdiction.

SO ORDERED.

Dated: _____

Judge

IN THE CIRCUIT COURT FOR THE 15th JUDICIAL CIRCUIT,
PALM BEACH COUNTY, FLORIDA, CIVIL DIVISION

Allen West,
Plaintiff

v.

Defendants

)
)
)
)
)
)
)

Case No. 2012 CA 020499 XXXX NB

AG

ORDER

It is hereby **ORDERED** that Plaintiff's Motion for to Impound Ballots and Voting Machines is **GRANTED**. Defendant is directed to secure the ballots and voting machines immediately, and to provide a report to this Court forthwith a report as to where and how the ballots and machines have been secured. This Court shall retain jurisdiction.

SO ORDERED.

Dated: _____

Judge