

UNITED STATES DISTRICT COURT

MIDDLE District of FLORIDA

Victor DiMaio

SUMMONS IN A CIVIL CASE

v.

Democratic National Committee  
And Florida Democratic Party

CASE NO: 8:07cv1552-JDM/AF

TO: (Name and address of Defendant)

Florida Democratic Party  
C/O Karen Thurman, Chairperson  
214 South Bronough Street  
Tallahassee, FL 32301

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael Steinberg, Esquire  
1000 N Ashley Drive  
#520  
Tampa, FL 33602

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SHERYL L. LOESCH

AUG 30 2007

CLERK

DATE

(By) DEPUTY CLERK

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint _____ _____		
<input type="checkbox"/> Returned _____ _____ _____		
<input type="checkbox"/> Other _____ _____ _____		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed _____  <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>             _____  <div style="text-align: center;">Address of Server</div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

# UNITED STATES DISTRICT COURT

MIDDLE District of FLORIDA

Victor DiMaio

## SUMMONS IN A CIVIL CASE

v.

Democratic National Committee  
And Florida Democratic Party

CASE NO:

RECEIVED  
07 AUG 30 PM 2:08  
CLERK'S OFFICE  
MIDDLE DISTRICT OF FLORIDA  
TALLAHASSEE, FLORIDA

TO: (Name and address of Defendant)

Florida Democratic Party  
C/O Karen Thurman, Chairperson  
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Tallahassee, FL 32301

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UNITED STATES DISTRICT COURT

MIDDLE District of FLORIDA

Victor DiMaio

SUMMONS IN A CIVIL CASE

v.

Democratic National Committee  
And Florida Democratic Party

CASE NO: 8'07 CV 1552-T26MAP

TO: (Name and address of Defendant)

Democratic National Committee  
C/O Howard Dean, Chairman  
430 S. Capitol Street SE  
Washington, D.C. 20003

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

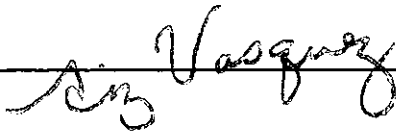
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Tampa, FL 33602

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AUG 30 2007

CLERK



DATE

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MIDDLE District of FLORIDA

Victor DiMaio

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v.

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And Florida Democratic Party

CASE NO:

TO: (Name and address of Defendant)

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#520  
Tampa, FL 33602

CLERK OF DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

07 AUG 30 PM 2: 08

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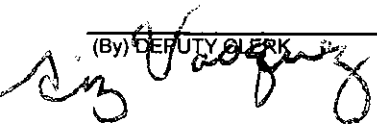
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AUG 8 2007

CLERK

DATE

(By) DEPUTY CLERK



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(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

VICTOR DIMAIO,

8:07 CV 1552-T 26 MAR

PLAINTIFF,

CASE NO.:  
COMPLAINT FOR  
DECLARATORY RELIEF

vs.

DEMOCRATIC NATIONAL COMMITTEE  
AND FLORIDA DEMOCRATIC PARTY,

DEFENDANTS.

07 AUG 30 PM 2:05  
CLERK OF DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

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PLAINTIFF'S COMPLAINT FOR DECLARATORY RELIEF

1. This is an action for declaratory relief pursuant to 28 U.S.C. §§ 1331, 1332 and 2201.
2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the real and immediate harm faced by the Plaintiff is threatened in this judicial district .
3. Defendant, Democratic National Committee (hereinafter National Party) is the official representative entity of the Democratic Party, and is responsible for, among other things, promulgating delegate selection rules for the 2008 Democratic National Convention.
4. Defendant, Florida Democratic Party (hereinafter State Party) is the official representative entity of the Democratic Party in the state of Florida, and is responsible for, among other things, ensuring compliance with the rules of the

National Party regarding the delegate selection process for the 2008 Democratic National Convention.

5. Plaintiff is an adult citizen of Hillsborough County, Florida, a registered voter, and has selected the Democratic Party as the political party with whom he chooses to be affiliated
6. Rules of the National Party provide that no state presidential preference primary election may be held prior to the first Tuesday in February or after the second Tuesday in June, in the calendar year of the national convention, except for the states of New Hampshire, Iowa, Nevada, and South Carolina. Attached hereto is a copy of said rules, marked exhibit "A" and made a part hereof by reference.
7. The aforesaid rules further provide that the National Party may impose sanctions for violations by a state of these rules, including the reduction or elimination of the number of delegates to the national convention.
8. In 2007, the State of Florida, enacted a law (now titled F.S. 103.101), which provided for, among other things, that " Each political party other than a minor political party shall, on the last Tuesday in January in each year the number of which is a multiple of 4, elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating convention, as provided by party rule"
9. On or about August 25, 2008, the Defendant's national committee members voted not to allow Florida to seat delegates at the national convention, because

of the enactment of the law moving Florida's primary to a date which violates the national rules, unless within 30 days the State Democratic Party moves its contest back at least seven days from the current Jan. 29, 2008 date.

10. Plaintiff posits that by imposing sanctions of refusing to recognize the results of Florida's primary election, pursuant to Florida Statute 103.101, and by refusing to seat the Florida delegation so elected, the Defendant may be violating his rights under Article II and the 14<sup>th</sup> Amendment of the United States Constitution.
11. Plaintiff further posits the State Party has an obligation to its members in the state of Florida, to ensure that its members are represented at the national convention and are allowed to participate in selecting the Democratic nominee for president
12. While the Defendant, National Party, is a private organization, and may, speaking through their rules, choose to define their associational rights by limiting who can participate in any binding process leading to the selection of their delegates to their National Convention, they may or may not refuse to seat delegates who are members of their party and were elected according to their rules, because the state in which the electors of the delegates resided, scheduled its primary election earlier than as provided for in the National Party's rules.
13. The rules of the National Party provide that a state party may be required by a vote of the DNC Executive Committee upon recommendation of the DNC

Rules and Bylaws Committee to adopt and implement an alternative Party-run delegate selection system which does not conflict with their rules. These rules may or may not violate the Plaintiff's right to vote in a Presidential primary election as provided for in the laws of the state where he resides.

14. If the decision of the National Party violates the Plaintiff's constitutional rights, it would be appropriate for this court to make such a finding.
15. If the decision of the National Party does not violate the Plaintiff's constitutional rights, it would be appropriate for this court to make such a finding and to further determine whether the National Party and State Party may implement an alternative Party-run delegate selection system which does not conflict with the National Party rules, without running afoul of the laws of the state of Florida.

Wherefore, the Plaintiff, Victor DiMaio, requests that this court assume jurisdiction and enter a declaratory judgment determining the rights and obligations of the parties herein.

Respectfully Submitted,

s/Michael A. Steinberg  
Michael A. Steinberg, Esquire  
Florida Bar No.: 340065  
1000 N. Ashley Drive, Suite 520  
Tampa, Florida 33602  
Telephone: (813) 221-1300  
Facsimile: (813) 221-1702  
Frosty28@aol.com  
Attorney for Plaintiff

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

VICTOR DIMAIO,

PLAINTIFF,

vs.

CASE NO.:  
COMPLAINT FOR  
DECLARATORY RELIEF

DEMOCRATIC NATIONAL COMMITTEE  
AND FLORIDA DEMOCRATIC PARTY,

DEFENDANTS.

CLERK OF THE COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

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**PLAINTIFF'S COMPLAINT FOR DECLARATORY RELIEF**

1. This is an action for declaratory relief pursuant to 28 U.S.C. §§ 1331,1343 and 2201.
2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the real and immediate harm faced by the Plaintiff is threatened in this judicial district .
3. Defendant, Democratic National Committee (hereinafter National Party) is the official representative entity of the Democratic Party, and is responsible for, among other things, promulgating delegate selection rules for the 2008 Democratic National Convention.
4. Defendant, Florida Democratic Party (hereinafter State Party) is the official representative entity of the Democratic Party in the state of Florida, and is responsible for, among other things, ensuring compliance with the rules of the

National Party regarding the delegate selection process for the 2008 Democratic National Convention.

5. Plaintiff is an adult citizen of Hillsborough County, Florida, a registered voter, and has selected the Democratic Party as the political party with whom he chooses to be affiliated
6. Rules of the National Party provide that no state presidential preference primary election may be held prior to the first Tuesday in February or after the second Tuesday in June, in the calendar year of the national convention, except for the states of New Hampshire, Iowa, Nevada, and South Carolina. Attached hereto is a copy of said rules, marked exhibit "A" and made a part hereof by reference.
7. The aforesaid rules further provide that the National Party may impose sanctions for violations by a state of these rules, including the reduction or elimination of the number of delegates to the national convention.
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9. On or about August 25, 2008, the Defendant's national committee members voted not to allow Florida to seat delegates at the national convention, because

of the enactment of the law moving Florida's primary to a date which violates the national rules, unless within 30 days the State Democratic Party moves its contest back at least seven days from the current Jan. 29, 2008 date.

10. Plaintiff posits that by imposing sanctions of refusing to recognize the results of Florida's primary election, pursuant to Florida Statute 103.101, and by refusing to seat the Florida delegation so elected, the Defendant may be violating his rights under Article II and the 14<sup>th</sup> Amendment of the United States Constitution.
11. Plaintiff further posits the State Party has an obligation to its members in the state of Florida, to ensure that its members are represented at the national convention and are allowed to participate in selecting the Democratic nominee for president
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Attorney for Plaintiff



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CLERK OF DISTRICT COURT  
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National Party regarding the delegate selection process for the 2008 Democratic National Convention.

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7. The aforesaid rules further provide that the National Party may impose sanctions for violations by a state of these rules, including the reduction or elimination of the number of delegates to the national convention.
8. In 2007, the State of Florida, enacted a law (now titled F.S. 103.101), which provided for, among other things, that " Each political party other than a minor political party shall, on the last Tuesday in January in each year the number of which is a multiple of 4, elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating convention, as provided by party rule"
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Tampa, Florida 33602  
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Facsimile: (813) 221-1702  
Frosty28@aol.com  
Attorney for Plaintiff