The Florida State University Student Supreme Court

Blair v. COGS Executive Committee

Case Number: C-FA11-01

Published: December 4, 2011

MURRAY, C.J., delivers the *seriatim opinions* of the Court. The Court unanimously holds that the plaintiff is not entitled to any relief.

The jurisdiction of the Court to issue an opinion in this case is found in the Florida State University Constitution of the Student Body, which reads in part "the Supreme Court shall have jurisdiction: over cases and controversies involving questions of the constitutionality of actions by student governing groups, organizations and their representatives."[1]

The Court took Judicial Notice of the following in the available Congress of Graduate Students (hereinafter referred to as "COGS") Code "the budget will be presented to COGS at least two-weeks (10 school days) prior to a floor vote."[2]

The Plaintiff was seeking an injunction barring the Speaker of COGS, Defendant, from allowing the COGS membership from voting on the annual budget on or before Nov. 21, 2011.

On Monday, November 7, 2011, COGS held a general meeting. At the general meeting the 2012-2013 annual budget was presented to the Representatives. After the meeting, through text messages, the Plaintiff asked the Defendant, her superior, to change the date for the vote because it would have violated the COGS Code. The Defendant replied "it's on my radar" and no other relevant communication occurred between the two. Soon after, suit was filed.

Councils argued their cases brilliantly. The Plaintiff pursued the theory that the initial date was indeed unconstitutional and without any other notice stating that another course of action would be taken to make sure COGS was in compliance with its Code, the Plaintiff felt compelled to file suit and the Court should issue an injunction. The Defendant argued that this entire suit was brought not because of the "fierce urgency of now" but because of the Plaintiff's "big ego." While the line of questioning dealing with Amanda Blair's ego was unorthodox, I found that the Defendant was constitutionally allowed to pursue his theory of the case and to delve further into the credibility of the witness. The Defendant also argued that when case finally came before the Court there seemed to be no question that there was a new date in place of the old one.

In fact, both parties testified that there would indeed be a meeting held on Monday, Nov. 28, 2011 and that the sole purpose of that meeting was to bring the COGS in compliance with its Code. The two parties did not stipulate that the original meeting was cancelled, but the Court found that the preponderance of the evidence was in favor of the Defendant.

While Plaintiff was entitled to bring this suit before the Court, there were other manners in which this situation could have been handled in a more efficient manner. Each pot must sit on its own bottom; thus, the blame for this case proceeding the way that it did should fall squarely on both parties. As a matter of *social comity*, Plaintiff should have followed the chain of command and withdrew her suit upon learning that there was a new date. Also as a matter of executive communication, the Defendant could have stated in an unambiguous manner that he would make sure the COGS remained in compliance with the Code.

In conclusion, based on testimony in open court from both parties, since the document that stated the change was never introduced into evidence, the Court holds that the Plaintiff is not entitled to any relief. Verdict for the Defendant.

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[1] Article IV, Section 3 §(c)(1) (2009).

[2] The Administrative Code of The Congress of Graduate Students Florida State University Student Government Association, Title 1, Chapter 105 §105.1 (2011).

Bell, J., in a seriatim and concurring opinion writes, […] this case came before the Court on November 14, 2011, but two days prior to the judicial proceeding COGS re-scheduled its annual budget meeting to [insert date.] The new date comports with the ten day requirement, therefore no violation of the COGS Administrative Code is at issue. So the remaining question before the court is whether injunctory relief is necessary to ensure that COGS does not vote before Monday, November 21, 2011. The Court unanimously held that such action is unnecessary, inefficient and ill-advised.

The court took judicial notice of the new voting date, and Speaker Ard'is confirmed that the date was changed. Without a disputable date before the court, what injunctory relief may be given? No issue, no relief. The Court does not deny that Blair's initial complaint was made in good faith, but subsequently the complaint held no merit, served no compelling purpose and essentially wasted judicial resources.

Held for the defendant, the Congress of Graduate Students.

Gutierrez, J. in a seriatim and concurring opinion writes, […] the plaintiff, Amanda Blair, is not entitled to an injunction or a writ of mandamus because there is no relief necessary under these circumstances. The Speaker of the Congress of Graduate Students, Dominick Ard'is, testified that the floor vote for the annual budget was to occur, November 28, 2011. This date clearly verifies that there are at least ten full school days between the announcement regarding a vote and the actual floor vote. Under these facts, there is no need to grant an injunction to prevent the vote from taking place on November 21, 2011 because there will be no vote held on that date whatsoever. Again, the Speaker himself has confirmed this in open court. The granting of an injunction is therefore superfluous and unnecessary. Judgment for the defendant.

Macdonald, J. in a seriatim and concurring opinion writes, we were presented with what was a non-issue by most accounts. Mr. Ardis quickly cured the unintentional constitutional deficiency well in advance of the contested meeting date. On that note, Ms. Blair, I believe, too quickly filed suit thereby necessitating a three hour trial. Considering the prior working relationship between the parties, a resolution was more than possible without filing suit. As a matter of policy and efficiency, study body members and officials should seek to resolve disputes among themselves and at a minimum give notice to the opposing party that a suit will be filed in order for the opposition to address the issue. Both parties' counsels presented their cases wonderfully, but this was nonetheless an unnecessary exercise in trial practice. While a suit should never have arisen, I believe that as Justices we also needlessly perpetuated the dispute. I believe the constitutional issue became moot shortly after the suit was filed. Either way, this Court has reached the correct result and will not need to take any further action.

Miller, J. in a seriatim and concurring opinion writes, Blair came to this Court asking for an emergency injunction against the Congress of Graduate Students ("COGS") to prevent a vote on the budget at the COGS November 21st meeting. The proposed budget was presented on November 7 and the subsequent vote scheduled on November 21. The COGS statute stipulates there must be 10 "school days" between when the budget is presented and when the budget is voted on. Because of the Veterans Day Holiday, the proposal and the budget were only separated by 9 "school days."[3]

[…] between Blair filing suit and the trial Ard'is changed the date of the vote to November 28, 2011, which more than satisfied 10 school days requirement. Ard'is testified at trial to this point and was not rebutted by Blair.

Because Blair is asking for an emergency injunction to prevent a vote on the budget on November 21st and there is no vote on the budget scheduled for November 28th, the request for emergency injunction is denied.

In the end, this was a very trivial dispute treated rather seriously. Better communication

[3] Ard'is argued that"school days" in the [COGS] code is ambiguous. We did not reach this issue.

between *both* parties – a simple text message, for instance – would have prevented the need for trial.

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