

**IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FIRST DISTRICT**

NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,

Appellant,

Case No.: 1D09-4385
L.T. No.: 09-CA-2298

v.

THE ASSOCIATED PRESS,
et al.,

Appellees.

**ATTORNEY GENERAL'S MOTION TO INTERVENE
AS AMICUS CURIAE AND OBJECTION TO STAY**

Pursuant to Rule 9.370, Florida Rules of Appellate Procedure, and sections 16.01(4) and (5), Florida Statutes, Attorney General Bill McCollum moves for leave to intervene as an amicus curiae in this matter in support of the Appellees and leave to appear in opposition to the stay. In support of this motion, the Attorney General states:

1. Under sections 16.01(4) and (5), Florida Statutes, the Attorney General is authorized to appear in all suits in which the State may have an interest.
2. The issues in this case are of great public importance statewide and relate to the interpretation of Florida's public records laws, specifically section 119.011(12), Florida Statutes. The Attorney General previously intervened and

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filed an amicus curiae brief in the trial court, and wishes to file a similar amicus brief in this Court on the merits of the public records issues in this case.

3. The Attorney General has an interest in providing assistance to the court as to the applicability of the Public Records Act, as well as in upholding Florida's 100-year-old tradition of openness and transparency in government.

4. The Attorney General supports Appellees' opposition to the motion to stay and concurs that the documents provided to Florida State University in the conduct of its official business are public records. The Attorney General also agrees that the Appellant's Emergency Motion for Stay is untimely, and that the grounds for a stay have not been demonstrated. The NCAA will not be harmed by the release of the records; rather, the Florida Public Records Act will be harmed by continuing to deny the public access to documents which are not exempt from disclosure under Florida law.

5. The Office of the Attorney General has conferred with counsel for the Appellant, who has no objection to the filing of an amicus brief, but does object to the filing in opposition to the stay. The remaining parties from the court below have no objection to the filing of an amicus brief and have no position on the opposition to the stay.

Respectfully Submitted,

BILL MCCOLLUM
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this ___ day of September, 2009 to the following:

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