

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

ED DODD, Individually and as Mayor of the
City of Sebastian, Florida;
PAUL CARLISLE, Individually and as City Manager of the
City of Sebastian, Florida; and
MANNY ANON, JR., Individually and as City Attorney of the
City of Sebastian, Florida;

CASE NO: 31-2020-CA-000269
JUDGE: JANET C. CROOM

Plaintiff(s),

vs.

CHARLES M. MAUTI;
DAMIEN H. GILLIAMS; and
PAMELA PARRIS;

Defendant(s).

AMENDED MOTION TO POSTPONE MEDIATION

Plaintiffs, Ed Dodd, Individually and as Mayor of the City of Sebastian, Florida, Paul Carlisle, Individually and as City Manager of the City of Sebastian, Florida, and Manny Anon, Jr., Individually and as City Attorney of the City of Sebastian, Florida by and through their undersigned counsel, file this Amended Motion to Postpone Mediation, and state the following in support:

1. At the hearing held April 27, 2020 on Plaintiffs' request for emergency motion for injunction, the Court entered an agreed Order whereby the Parties' were required to mediate this case and a subsequent companion case on April 30, 2020.
2. Following the entry of the Order, and the scheduling of the Mediation, concerns were raised about the legality of holding a confidential mediation session due to the provisions of Florida's sunshine law.
3. Demand has been made to the counsel and parties involved by counsel for at least one local newspaper, and by certain civil rights activists, including two who have advised that they will be intervening in the first case, that mediation be postponed until public access can be provided.

4. Justice requires that the counsel and parties have more time to review whether there is a way to accomplish a meaningful negotiation of the subject matter involved in the lawsuits without violating responsibility to public transparency and adherence to the law.

5. Serious issues have been raised regarding the juxtaposition of the confidential nature of mediation and the requirements of Chapter 286, Florida Statutes that meetings of city council members must be open to the public.

6. Plaintiffs are requesting guidance and clarification from the Court to ensure that rights of the public and the Parties are preserved.

7. Further, Plaintiffs' counsel has conferred with the mediator, who would also like to receive guidance and clarification from the Court on the issues referenced herein.

8. The mediator has also expressed concern over whether or not his current platform for virtual mediation can accommodate the number of individuals from the public that may have the right to attend the mediation.

WHEREFORE, Plaintiffs respectfully request that the Court postpone the mediation until the matter can be heard by the Court and ruled upon.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 30, 2020, I electronically filed the foregoing with the Clerk of the Circuit Court by using the ECF system, which will send a notice of electronic filing to the following: **Craig Marc Rappel, Esq.**, cmr@rappelhealthlaw.com; **Michael Jeffrey Kessler, Esq.**, michaelfreakinkessler@gmail.com, admin@kesslerlawfirm.com, swood@kesslerlawfirm.com; **Pamela Parris**, pparris@cityofsebastian.org, pamelaparris516@gmail.com; **Michael Barfield**, michael@denovolawfl.com, mbar62@gmail.com, and **Barbara Petersen**, baplaw1@icloud.com.

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