

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. 312020CA000269
JUDGE: JANET C. CROOM

Plaintiff(s),

vs.

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

Defendant(s).

EMERGENCY MOTION TO INTERVENE

MICHAEL BARFIELD, and BARBARA PETERSEN, Intervenors, pursuant to rule 1.230, Fla. R. Civ. P., move to intervene in this action. In support, Intervenors would show as follows:

1. This is an action brought alleging violations of the Sunshine Law stemming from a meeting held on April 22, 2020. Intervenors are citizens of the State of Florida and have standing to obtain redress for violations of the Sunshine Law under § 286.011, Fla. Stat. *See Godheim v. City of Tampa*, 426 So. 2d 1084, 1088 (Fla. 2d DCA 1983) (“This statute, on its face, gives the appellant standing without regard to whether he suffered a special injury.”).

2. Intervenors agree that the actions set forth in the Complaint relating to a meeting held on April 22, 2020, violated the Sunshine Law. For the purposes of this motion, Intervenors adopt the allegations of the Complaint insofar as it asserts that the meeting held on April 22, 2020 violated the Sunshine Law.

3. To avoid piecemeal adjudication of identical claims and to preserve judicial economy, Intervenor Barfield seeks to intervene in this action with full party status. The merits in the pending litigation would reach the same question and dispute between Intervenor Barfield and the parties as to whether actions taken at a meeting on April 22, 2020, violated the Sunshine Law.¹

4. Intervenor Barfield contacted counsel for the parties in this action to ascertain their position on this motion. Counsel for Plaintiffs, Jonathan Barkett, has no objection to the proposed intervention. At this writing, counsel for the Defendants is considering the request and Ms. Parris has not yet responded.

5. A mediation is currently scheduled between the parties for today, April 30, 2020, starting at 1:00 p.m., which necessitates movant seeking emergency relief. The mediation is currently scheduled to occur in a closed-door session, which itself would violate the Sunshine Law. *See Brown v. Denton*, 152 So. 3d 8, 12 (Fla. 1st DCA 2014) (“We cannot condone hiding behind federal mediation, whether intentionally or unintentionally, in an effort to thwart the requirements of the Sunshine Law. Caution should be taken to comply with the Sunshine Law, and compliance should be the default rather than the exception.”) (citation omitted).

WHEREFORE, Intervenor Barfield respectfully request to intervene in this action.

Respectfully submitted,

/s/ Michael Barfield
MICHAEL BARFIELD
1668 Oak Street, #1
Sarasota, FL 34236
(941) 228-1575
michael@denovolawfl.com

¹ The Court has already determined that the meeting held on April 22, 2020 is void *ab initio*. *See* Agreed Order Re: Plaintiffs’ Request for Injunctive Relief Against Defendants, April 28, 2020 (DIN #33).

/s/ Barbara Petersen
534 Williams Street
Tallahassee, FL
(850) 212-8665
Baplaw1@icloud.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 30, 2020, a copy of the foregoing was electronically served on the Clerk of the Court via the e-Portal, which shall cause a copy of same to be sent via e-mail to: **Jonathan Douglas Barkett, Esq.**, jbarkett@verolaw.com, mlee@verolaw.com; **C. Douglas Vitunac, Esq.**, dvitunacpleadings@verolaw.com; dhaidary@verolaw.com; **Michael Jeffrey Kessler, Esq.**, michaelfreakinkessler@gmail.com, admin@kesslerlawfirm.com, swood@kesslerlawfirm.com; **Craig Marc Rappel, Esq.**, cmr@rappelhealthlaw.com; and **Pamela Parris**, pparris@cityofsebastian.org, pamelaparris516@gmail.com.

/s/ Michael Barfield
MICHAEL BARFIELD