

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

ROSA WILLIAMS. GARY FRASHAW,
And THOMAS HYLAND

Case No. 9:21-cv-81537

Plaintiffs,

v.

CITY OF WEST PALM BEACH,

Defendant.

_____ /

JOINT STATUS REPORT

COMES NOW, the Defendant, the City of West Palm Beach (the “City”), and Plaintiffs, Rosa Williams, Gary Frashaw, and Thomas Hyland (the “Plaintiffs”), by and through undersigned counsel, and pursuant to this Court’s Order Granting Motion for Extension of Time and Requiring a Status Report (D.E. 14), hereby file this Joint Status Report, and states:

1. The Plaintiffs filed their Complaint (D.E. 1) in the above-captioned action on August 30, 2021, claiming that a City panhandling ordinance is an unconstitutional, content-based regulation. On the same day, the Plaintiffs filed their Motion for Preliminary Injunction (“Motion”) (D.E. 4) in which they requested that this Court enjoin the enforcement of the City’s panhandling ordinance.

2. The parties have negotiated, in good faith, the terms of a settlement between the parties. This settlement, however, has many “moving parts,” as it involves the repeal of two City ordinances and a monetary amount—\$83,600, inclusive of damages, attorneys’ fees, and costs—that requires City Commission approval, as it exceeds \$30,000. *See* § 2-268(g)(4), Code of Ordinances, City of West Palm Beach (“The authorization for settlement of all claims in excess of \$30,000.00 shall require approval of the city

Williams, Frashaw, Hyland vs CWPB
Case No. 9:21-cv-81537
Joint Status Report
Page 2 of 3

commission by formal resolution.”). The repeal of the City Ordinances also requires two “readings”, i.e., it must be approved at two of the biweekly meetings of the City Commission.

3. On November 15, 2021, the City Commission held a public meeting, at which time it considered and approved the repeal of the City Ordinances at issue. The City has also received from the Plaintiffs a signed Settlement Agreement and a signed General Release of all claims.

4. A “second reading” for the final approval of the repeal of the City Ordinances at issue is scheduled for the City Commission meeting on November 29, 2021. At that meeting, the City Commission will consider for approval the final repeal of the City Ordinances at issue, as well as the formal approval of the settlement’s monetary component. If the repeal and monetary component are approved, the Mayor will sign and execute the Settlement Agreement already signed by the Plaintiffs (the General Release is only signed by the Plaintiffs), formally resolving this matter.

5. The undersigned has conferred with counsel for the Plaintiffs and Plaintiffs’ counsel is in agreement with the content of this Joint Status Report.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was furnished via CM/ECF on this 22nd day of November, 2021 to:

Jodi Siegel, Esq.
Jodi.Siegel@southernlegal.org
Simone Chriss, Esq.
Simone.Chriss@couthernlegal.org
Samantha Howell, Esq.
Samantha.howell@southernlegal.org
Southern Legal Counsel, Inc.
1229 NW 12th Avenue
Gainesville, FL 32601-4113

Williams, Frashaw, Hyland vs CWPB
Case No. 9:21-cv-81537
Joint Status Report
Page 3 of 3

James K. Green, Esq.
James K. Green, P.A.
222 Lakeview Ave.
West Palm Beach, FL 33401
jkg@jameskgreenlaw.com

Jacqueline Nicole Azis, Esq.
ACLU Foundation of Florida
4023 N. Armenia, Suite 450
Tampa, FL 33607
jazis@aclufl.org

Daniel Tilley, Esq.
ACLU Foundation of Florida
4343 W. Flagler St., Suite 400
Miami, FL 33134
dtilley@aclufl.org

Dante P. Trevisani, Esq.
dtrevisani@floridajusticeinstitute.org
Ray Taseff, Esq.
rtaseff@floridajusticeinstitute.org
Florida Justice Institute, Inc.
P.O. Box 370747
Miami, FL 33137

CITY ATTORNEY OFFICE
CITY OF WEST PALM BEACH
By: /s/ Anthony M. Stella
Anthony M. Stella
Assistant City Attorney II
Fla. Bar No. 57449
401 Clematis Street, 5th Floor (33401)
P. O. Box 3366
West Palm Beach, FL 33402
Telephone: (561) 822-1353
Facsimile: (561) 822-1373
Email: astella@wpb.org
Secondary email: svegas-catinella@wpb.org

Kimberly L. Rothenburg, Esq.
City Attorney
krothenburg@wpb.org

Doug Yeargin, Esq.
Deputy City Attorney
Dyeargin@wpb.org