



PERSSON, COHEN, MOONEY, FERNANDEZ & JACKSON, P.A.
ATTORNEYS AND COUNSELORS AT LAW

M E M O R A N D U M

To: Mayor Schneier and Town Commission
CC: Tom Harmer, Town Manager
From: Maggie D. Mooney, Esq., Town Attorney
Date: September 19, 2022
Subject: **Special Litigation Counsel Services Authorization (*Schweitzer, et al v. Town of Longboat Key, Case No. 2022CA1402*)**

On April 8, 2022, a Petition for Writ of Certiorari (“Writ”) was filed by Town property owners Jane Schweitzer, Denise Andersen, Cynthia Brady, Jeffrey Stimson, and Scott Stimson naming the Town a Respondent in Manatee County Circuit Court in the matter of *Schweitzer, et al v. Town of Longboat Key, Case No. 2022CA1402* (hereinafter the “*Schweitzer* litigation”). The Writ challenges a code enforcement fee reduction order entered into by the Town’s Special Magistrate that reduced an imposed fine of \$21,600 to \$10,800. A copy of the Writ was previously transmitted to the Town Commission via email. Service was accepted on the Town’s behalf and Petitioners’ Counsel agreed to an initial extension of time for the Town to file a Response Brief. A subsequent extension of time was later filed to facilitate settlement discussions while the Town Commission was on summer recess. A negotiated settlement was not reached. Accordingly, a Response Brief will need to be prepared and filed in the *Schweitzer* litigation on the Town’s behalf.

I am seeking authorization from the Town Commission to engage the law firm of Garcia Dell to serve as special litigation counsel to represent the Town’s interest in this litigation. Attorneys Martin Garcia and Josh Dell have represented the Town’s interests on a number of other litigation matters relating to the Colony’s demolition, forfeiture action, short term rental litigation, and wastewater leak claims. Both of these lawyers have extensive litigation experience in the Twelfth Judicial Circuit and are familiar with local government litigation. Mr. Garcia and Mr. Dell have a governmental billable rate for their work at \$275/hour, and a paralegal rate of \$125/hour. A full copy of their firm’s engagement agreement is attached as Exhibit 1. It is my recommendation and the Town Manager’s recommendation that the Town Manager and Town Attorney be provided authorization to engage the services of Martin Garcia and Josh Dell with the law firm of Garcia Dell to provide special counsel litigation services in the *Schweitzer* litigation.

Recommended Motion: Authorize the Town Manager to execute an engagement agreement with the law firm of Garcia Dell to provide special litigation counsel in the *Schweitzer* litigation.

Exhibit 1: (1) Engagement Letter dated September 12, 2022 from the law firm of Garcia Dell. This exhibit is available and on file with the Town Clerk's Office.

End of Agenda Item