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May 26, 2022

**Via E-mail**

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Re: *Citizens for Preservation of Admiral Mason Park, Inc. v. Grover C. Robinson, IV in his capacity as Mayor of the City of Pensacola, et al.*  
Escambia County Case No. 2021 CA 000956  
Our File No.: EPF-21-0019

Dear Charlie and Rob,

The City Council's Thursday night agenda contains an item seeking to extend the presence of the toilet trailer in Admiral Mason Park another year. You are, of course, aware of our clients' position that the City has violated its own development ordinances by allowing the toilet trailer development in the Park. You may not, however, be aware of the extensive cost of continuing to litigate this matter.

The City, through counsel, had made clear it intends to engage in extensive discovery, including taking the depositions of all Plaintiffs. Based on the most recent rounds of extensive written discovery we have received, the focus appears to be on the

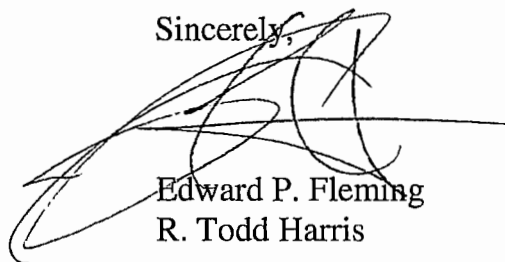
technical issue of standing. We believe this is an issue the City will lose, just as it has lost its main argument that it has the right to do “whatever it wants, whenever it wants” in City parks. (In fact, the City has already lost the “standing” argument once, when its motion to dismiss was denied).

Nevertheless, the City has the right (up to a point) to pursue its argument and try to develop a factual record to support it. But, the cost will be high. Based on years of litigation experience, we are confident that the discovery phase of this litigation alone will cost the Plaintiffs and the Defendant over \$50,000 (more) per side. Should expert witnesses get involved, that cost will be higher. The summary judgment phase of the litigation will likely cost be between \$10,000 and \$15,000 per side. Then, of course, there is the cost of trial. At the demand of the Veterans Memorial Park Foundation (VMP), and with the City’s concurrence, that trial will be a 3-day jury trial. As you know, jury trials are *always* more costly than judge-only trials. We anticipate the cost of the 3-day trial to be a minimum of \$30,000 per side. In the end, the total costs per side will easily approach (if not exceed) \$100,000 – in addition to what has been spent to date.

With that in mind, we want to assure you that our clients have both the will and the means to see this matter to conclusion. They will not be deterred by expensive and unnecessary discovery. This is true even though they are actually paying the costs on *both sides* of the litigation because they are tax payers. While we believe the City and VMP will ultimately have a judgment entered against them, it is the tax payers who will be the real losers after a \$100,000 of their money is spent for no good reason.

We urge you to urge your client to help end this unfortunate episode by voting “no” to the requested extension.

Sincerely,

A handwritten signature in black ink, appearing to be a combination of Edward P. Fleming and R. Todd Harris, written over a horizontal line.

Edward P. Fleming  
R. Todd Harris

Cc: Client