



City of Pensacola

City Council Special Meeting

Agenda - Final

Monday, May 17, 2021, 5:30 PM

Council Chambers, 1st Floor

Private Meeting with Its Attorneys to Discuss Pending Litigation - Case of Ladies Memorial Association, Inc., et al., v. City of Pensacola, et al., Case No. 21-11072-D, United States Eleventh Circuit Court of Appeals, in accordance with Section 286.011(8)

ROLL CALL

ACTION ITEMS

DISCUSSION ITEMS

1. [21-00454](#) ATTORNEY-CLIENT PRIVATE SESSION TO DISCUSS PENDING LITIGATION IN THE CASE OF LADIES MEMORIAL ASSOCIATION, INC., ET AL., V. CITY OF PENSACOLA, ET AL., CASE NO. 21-11072-D.

Sponsors: Jared Moore

ADJOURNMENT

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00454

City Council Special Meeting

5/17/2021

DISCUSSION ITEM

SPONSOR: City Council President Jared Moore

SUBJECT:

ATTORNEY-CLIENT PRIVATE SESSION TO DISCUSS PENDING LITIGATION IN THE CASE OF *Ladies Memorial Association, Inc., et al., v. City of Pensacola, et al.*, CASE NO. 21-11072-D.

SUMMARY:

On July 14, 2020, Ladies Memorial Association, Inc. ("LMA"), et al., file a Complaint for Declaratory and Injunctive Relief in state court. The City removed the case to federal court and on September 2, 2020, the court dismissed the seven counts against the City and dissolved the temporary restraining order that had been issued by the state court. LMA subsequently filed an appeal in the Eleventh Circuit Court of Appeals, which originally was dismissed. Thereafter, LMA filed a motion to reinstate its appeal, which the Eleventh Circuit granted and is currently pending.

The Eleventh Circuit Court of Appeals has scheduled a mediation to explore possibilities for settlement of the case. The mediation is currently scheduled for May 26, 2021. It is therefore the recommendation of the City Attorney that an attorney-client session be scheduled for City Council and its attorneys to discuss settlement options in accordance with Section 286.011(8), Florida Statutes. In compliance with the statute requirements, reasonable public notice was given.

This will be a private meeting with Council's attorneys to discuss this pending litigation.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive
Susan Woolf, City Attorney

ATTACHMENTS:

None.

PRESENTATION: No