UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

JAMES TRACY, Plaintiff, v. FLORIDA ATLANTIC UNIVERSITY BOARD OF TRUSTEES, a/k/a FLORIDA ATLANTIC UNIVERSITY, et al. Defendants.	Case No. 9:16-cv-80655-RLR-JMH **PLAINTIFF'S SECOND MOTION TO STRIKEDEFENDANTS' AFFIRMATIVE DEFENSES AND INCORPORATED MEMORANDUM OF LAW** ***ORAL ARGUMENT REQUESTED***

Plaintiff , JAMES TRACY, by and through the undersigned, hereby respectfully submits this Second Motion to Strike the Affirmative Defenses filed by Defendants Florida Atlantic University Board of Trustees a/k/a Florida Atlantic University, John Kelly, Diane Alperin and Heather Coltman (collectively hereinafter the "FAU Defendants"), and Defendants Florida Education Association, United Faculty of Florida, Michael Moats and Robert Zoeller, Jr. (collectively hereinafter the "Union Defendants"). In support of his motion, Plaintiff states as follows:

1. Defendants filed seventeen (17) frivolous, boilerplate, shotgun, redundant, impertinent, insufficient, and legally baseless affirmative defenses in response to Plaintiff's Second Amended Complaint on February 28, 2017. D.E. 106, p. 11 & D.E. 107, pp. 73-76.

2. On March 21, 2017, Plaintiff filed his First Motion to Strike the Defendants' Affirmative Defenses. D.E. 119.

3. On March 31, 2017, the Court denied Plaintiff's First Motion to Strike Without Prejudice. D.E. 121.

4. Counsel for Plaintiff has attempted to meet and confer with counsel for the Defendants to avoid the need for continued judicial intervention, however, the FAU Defendants have indicated they will not remove or amend any affirmative defenses, despite having previously agreed on March 15, 2017 to remove and/or amend many of the improper defenses prior to the Court's ruling. *See* Exhibits "A" & "B".

5. Accordingly, pursuant to Federal Rule of Civil Procedure 12(f), and in the interest of justice, Plaintiff hereby respectfully moves to strike the Defendants' Affirmative Defenses, as outlined below.

MEMORANDUM OF LAW

I. INTRODUCTION

Plaintiff's Second Amended Complaint [D.E. 93] contains six (6) counts, five of which are federal claims brought against the Defendants under 42 U.S. Code § 1983 for the deprivation of Plaintiff's First Amendment right to freedom of speech guaranteed by the U.S. Constitution: Count I, First Amendment Retaliation [*see* Sec. Am. Compl. ¶¶ 122-137]; Count II, Conspiracy to Interfere With Civil Rights [*id.* ¶¶ 138-167]; Count III Facial Challenge to FAU's "Conflict of Interest/Outside Activities" Policy (hereinafter sometimes "the Policy") [*id.* ¶¶ 168-190]; Count IV "As-Applied" Violation of Plaintiff's Rights to Free Speech Under the First and Fourteenth Amendments [*id.* ¶¶ 191-213]; Count V, Declaratory Judgment & Injunction [*id.* ¶¶ 214-221]; and Count VI, Breach of Contract [*id.* ¶¶ 222-232].

In response to Plaintiff's allegations, Union Defendants have pled two affirmative defenses [D.E. 106, p. 11] and FAU Defendants have pled fifteen (15) affirmative defenses [D.E. 107, pp. 73-76] devoid of any factual or legal bases.

II. LEGAL STANDARD

Under the Federal Rules of Civil Procedure, the Court may strike "an insufficient or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). An affirmative defense admits the facts of the complaint and asserts additional facts in justification or avoidance of a claim. *See Morrison v. Executive Aircraft Refinishing, Inc.*, 434 F. Supp. 2d 1314, 1318 (S.D. Fla. 2005)(citation omitted). A defense which points out a defect in the Plaintiff's prima facie case is not an affirmative defense but rather a specific denial. *See Pujals ex rel. El Rey De Los Habanos, Inc. v. Garcia*, 777 F. Supp. 2d 1322, 1328 (S.D. Fla. 2011). Affirmative defenses fall under the general pleading requirements of Rule 8 of the Federal Rule of Civil Procedure and should be stricken if they fail to recite more than bare-bones conclusory allegations. *Home Mgmt. Solutions, Inc. v. Prescient, Inc.*, No 07-20608-CIV, 2007 WL 2412834, at *2 (S.D. Fla. Aug. 21, 2007). They should also be stricken when they are insufficient as a matter of law. *Id.* (citing *Microsoft Corp. v. Jesse's Computers and Repairs, Inc.*, 211 F.R.D. 681, 683 (M.D. Fla. 2002)). A defense is insufficient as a matter of law if the pleading on its face is patently frivolous, or its clearly invalid as a matter of law, such as boilerplate, conclusory and shotgun allegations, which improperly address the complaint as a whole, as if each count was like every other count. *see id.* at *3 (holding that "[a]lthough Fed.R.Civ.P. 8 clearly requires only notice pleading, a defendant must nevertheless plead an affirmative defense with enough specificity or factual support to give the plaintiff 'fair notice' of the defense that is being asserted."); *see also Byrne v. Nezhat*, 261 F.3d 1075, 1129 (11th Cir. 2001); *Paylor v. Hartford Fire Ins. Co.*, 748 F.3d 1117, 1127 (11th Cir. 2014); *Ledford v. Peeples*, 657 F.3d 1222, 1242 n.63 (11th Cir. 2011).

Even though the action of striking a pleading is sparingly used by the courts, it should be used when required for the purposes of justice. *See Augustus v. Board of Public Instruction of Escambia County, Fla.*, 306 F. 2d 862, 868 (5th Cir. 1962). Under such circumstances, the court may defer action on the motion and leave the sufficiency of the allegations for determination on the merits. *Id.*

III. ARGUMENT

As outlined below, Defendants' purported affirmative defenses are not lawful affirmative defenses, but rather frivolous, scandalous, redundant and impertinent, bearing no relation whatsoever to this action and are intended to cause prejudicial harm to the Plaintiff and his First Amendment claims. *See Augustus*, 306 F.2d at 868. This is evidenced by Defendants' use of conclusory, shotgun and legally baseless boilerplate, devoid of any factual support whatsoever.

The Defendants' Affirmative Defenses

FAU Defendants' Affirmative Defense No. 1 & Union Defendants' Affirmative Defense No. 2
Failure to State A Claim/Cause of Action

FAU's First Affirmative Defense asserts, "Plaintiff's claim fails to state a cause of action upon which relief can be granted." D.E. 107, p. 73. FAU Defendants originally agreed to remove their First Affirmative Defense because, in addition to addressing Plaintiff's complaint as a whole, it is clearly not an affirmative defense. *See* Exhibits "A" & "B". However, FAU Defendants now seek to use the Court's denial of Plaintiff's first motion to strike as a basis to maintain this improper defense. Union Defendants' Second Affirmative Defense similarly contains only the conclusory assertion, "Plaintiff fails to state a cause of action for conspiracy to violate his constitutionally protected rights." D.E. 106, p. 11.

Because the Court already made a legal determination that Plaintiff has stated claims against all named Defendants, the Defendants should not be permitted to reassert this argument,

which the Court has already deemed insufficient, in the guise of an affirmative defense. *See* D.E. 105. Due to the Defendants' refusal to withdraw this improper defense, Plaintiff hereby requests that the Court strike FAU Defendants' First Affirmative Defense and Union Defendants' Second Affirmative Defenses with prejudice.

FAU Defendants' Affirmative Defense No. 2
Sovereign Immunity and the Eleventh Amendment

FAU Defendants' Second Affirmative Defense contains only the conclusory assertion, directed at the complaint as a whole, "Plaintiff's claim against the Defendant University is barred by sovereign immunity and the Eleventh Amendment to the U.S. Constitution." D.E. 107, p. 73. Here, FAU Defendants improperly attempt to assert two separate defenses as one, and fail to indicate which claim of the Plaintiff such defenses are being directed at. *See Byrne,* 261 F.3d at 1129.

It is well settled that sovereign immunity, which is separate and distinct from Eleventh Amendment immunity, does not bar Plaintiff's claims against the Defendant University in the above-referenced federal action. *See Alden v. Maine*, 527 U.S. 706 (1999). Moreover, the doctrine of Eleventh Amendment immunity cannot bar Plaintiff's claims in the above-referenced action because Plaintiff is expressly seeking only relief which is *not* barred by the Eleventh Amendment. *See Ex Parte Young*, 209 U.S. 123 (1908)*; Wu v. Thomas*, 863 F.2d 1543 (11th Cir. 1989)(holding Eleventh Amendment does not bar suits for equitable relief against state and/or state officers in their official capacities, nor damages against state officials in their individual capacities).

Because FAU Defendants refuse to amend or remove this improper defense, justice requires that it be stricken with prejudice as it is patently frivolous and inapplicable to any of the relief sought by Plaintiff in the above-referenced action and has no relation to the present

controversy. *See Augustus*, 306 F. 2d at 868; *see also Patsy v. Board of Regents of the State of Florida*, 457 U.S. 496 (1982); *see also Home Mgmt. Solutions, Inc.,* 2007 WL 2412834, at *2.

FAU Defendants' Affirmative Defense No. 3
Qualified Immunity

FAU Defendants' Third Affirmative Defense contains only the conclusory assertion, "Plaintiff's claim against the individual FAU Defendants is barred by the doctrine of qualified immunity." D.E. 107, p. 73. Even if FAU Defendants amend this affirmative defense to limit its application to Defendants Kelly, Alperin, and Coltman, on Counts I and II of the Second Amended Complaint, the affirmative defense would remain deficient under the *Twombly* and *Iqbal* standards, depriving Plaintiff of proper notice of the basis for the individual FAU Defendants' purported defenses. Accordingly, it should be stricken, or alternatively FAU Defendants should be required to amend this defense to provide sufficient factual basis as so required as a matter of law. *See Morrison*, 434 F. Supp. 2d at 1318.

FAU Defendants' Affirmative Defense No. 4 & Union Defendants' Affirmative Defense No. 1
Failure to Exhaust Administrative Remedies or "Grieve"

FAU Defendants' Fourth Affirmative Defense contains only boilerplate, immaterial and impertinent allegations addressing the Second Amended Complaint as a whole, as if each count was like every other count, asserting, "Plaintiff's claim is barred, in whole or in part, because he failed to exhaust administrative remedies under the applicable collective bargaining agreement." D.E. 107, p. 74. Union Defendants' First Affirmative Defense, in similar fashion asserts, "Any damages Plaintiff claims to have suffered are the result of the Plaintiff's failure to file a grievance challenging his termination and not the result of any action or failure to act on the part of the Union Defendants." D.E. 106, p. 11.

Even if Plaintiff failed to exhaust available administrative remedies, this *could never* be a

legitimate defense to any of the First Amendment claims asserted by Plaintiff against any of the Defendants, as a matter of law. It is well established that plaintiffs pursuing civil rights claims under 42 U.S.C. § 1983 need not exhaust administrative remedies before filing suit in court. *Patsy v. Board of Regents of Fla.*, 457 U.S. 496, 516 (1982)(holding "Based on the legislative histories of § 1983 . . . we conclude that exhaustion of state administrative remedies should not be required as a prerequisite to bringing an action pursuant to § 1983"). Defendants fail to plead and cannot amend to plead any statute or authority requiring exhaustion of administration remedies prior to the assertion of any of the § 1983 claims asserted by Plaintiff.

It should be noted that the evidence and factual record obtained thus far has only confirmed Plaintiff was unlawfully deceived by union officials who conspired with employees of the Defendant University to end Plaintiff's tenured employment. Moreover, witness[1] testimony and email records evidence unlawful efforts by Plaintiff's union representatives to prevent Plaintiff from using any available administrative remedies or challenging FAU Defendants' unlawful directives or disciplinary action. Nevertheless, absent consideration of the factual record, and even if these purported defenses were amended and/or re-labeled, Defendants' claim that Plaintiff failed to exhaust state administrative remedies would *still* be a frivolous and impertinent defense which has no relation to this controversy for the reasons set forth above, and as a matter of law must be stricken with prejudice. *Id.* It would be miscarriage of justice to permit the Defendants, who conspired to, and in fact prevented Plaintiff from using any available administrative remedies, to now assert as a defense that Plaintiff's inability to grieve, or use

[1] During an emotional videotaped deposition conducted on Monday, April 3, 2017, one FAU employee/whistleblower testified not only that Defendant Zoeller admitted to unethically plotting with FAU's General Counsel to end Plaintiff's employment, but that Zoeller also instructed the witness not to speak to Plaintiff. This witness also expressed fear that his employer, the Defendant University, would retaliate against him for his testimony. The undersigned has ordered the video and transcript, should the Court be inclined to inquire further into what appears to be clear evidence of witness tampering by a party after the commencement of this action.

administrative remedies he was prevented from using, somehow precludes Plaintiff's claims or recovery for violations of Plaintiff's constitutional right to freedom of speech.

FAU Defendants' Affirmative Defense No. 5
"Non-Conformist" Behavior

FAU Defendants initially agreed to amend this frivolous[2] defense to limit its application to Count I (First Amendment Retaliation), hoping to avoid striking by the Court. However now, in light of the Court's ruling on Plaintiff's First Motion to Strike FAU Defendants' Affirmative Defenses, FAU Defendants now refuse to even amend this defense. FAU Defendants' Fifth Affirmative Defense, scandalously and without any basis in fact, alleges:

> Plaintiff's claims fail because any actions or decisions in connection with Plaintiff's employment were based on legitimate, non-retaliatory reasons, and would have been taken even in the absence of any alleged protected speech. Plaintiff was repeatedly warned that his failure to follow policy would result in disciplinary action, including possible termination. Plaintiff flaunted Defendant University's policy by refusing to comply. Plaintiff's belligerent, rebellious conduct was deliberate and intentional. While Plaintiff appeared to embrace his nonconformist behavior thinking it would publicize his interests in the light he deemed helpful, the Defendant University's policy and intent were unrelated to such interests and were intended to provide Defendant University with necessary information for various legitimate and proper reasons. While Defendant University embraces and endorses free-speech, Defendant University maintains policies applicable to all employees (not just to Plaintiff), which do not inhibit free speech and are designed to ensure that the Defendant University is able to address and anticipate in a reasonable manner potential conflicting circumstances which include, among other things, business and personal interests outside of the Defendant University that create conflicts of interest or commitment on the part of Defendant University's personnel. D.E. 107, p. 74.

The assertion of this defense is an attempt to cause prejudicial harm to the Plaintiff by improperly injecting into the present controversy an inapplicable defense and legal standard from

[2] It should be noted for the record that all FAU personnel who have testified thus far have confirmed that the Defendant University's "Outside Activities/Policy" was inconsistently applied and used as a "pre-text" to target and "muzzle" constitutionally protected speech. No FAU faculty member who has testified has ever been required to report personal blogging or any other form of constitutionally protected online speech, such as social media activity, pursuant to the Policy.

a Title VII case, *Goldsmith v. Babgy Elevator Co., Inc*., 513 F.3d 1261, 1277 (11th Cir. 2008). No amendment or re-labeling could render the above allegations a *lawful* defense to violations of Plaintiff's First Amendment right to freedom of speech. *See Pickering v. Board of Ed. of Township High School Dist. 205, Will Cty.*, 391 U.S. 563, 568 (1968); *see also Mt. Healthy City School District Board of Education v. Doyle*, 429 U.S. 274 (1977); *see also Garcetti v. Ceballos*, 547 U.S. 410 (2006). The mere presence of this frivolous defense, regardless of amendment or re-labeling, would undoubtedly cause prejudicial harm to Plaintiff. Because this purported defense has no relation to the present controversy or any of Plaintiff's First Amendment claims, it should be stricken with prejudice, as a matter of law.

FAU Defendants' Affirmative Defense No. 6
"Non-Conformist" Behavior / Failure to "Grieve" / Duplicative of Nos. 4 and 5

FAU Defendants' Sixth Affirmative Defense also improperly interweaves several of the impertinent and frivolous allegations already pled by FAU Defendants. Like them, this purported defense is devoid of any factual support whatsoever, improperly addressing each claim of the Second Amended Complaint as a whole. In shotgun fashion, it alleges, "Plaintiff's claims are barred or otherwise fail because at all relevant times the FAU Defendants (i) published, disseminated, and enforced an internal and neutral policy requiring disclosure of outside activities and conflicts of interest, (ii) Plaintiff unreasonably failed to follow the FAU Defendants' policy, and (iii) Plaintiff unreasonably failed to take advantage of the due process rights afforded to him by the FAU Defendants or to otherwise avoid harm." D.E. 107, p. 74.

Through this legally insufficient affirmative defense, FAU Defendants attempt to re-cast and intertwine FAU Defendants' Fourth and Fifth Affirmative Defenses together, again falsely claiming that Plaintiff is barred from relief because the Policy used to target Plaintiff for his constitutionally protected speech was somehow "neutral"; that Plaintiff was "unreasonable" by

not complying with Defendant University's unconstitutional directives; or that FAU Defendants are somehow protected from liability and judicial intervention if Plaintiff was unable to contest the loss of his employment due to a conspiracy to prevent him from doing so.

Like FAU Defendants' Affirmative Defenses No. 4 and 5, No. 6 should be stricken with prejudice because, even if true, this could never be a defense to violations of Plaintiff's constitutional right to freedom of speech. The mere presence of such frivolous claims by the Defendant, even if amended or re-labeled, would undoubtedly cause prejudicial harm to Plaintiff because it has no relation to the present controversy or any of Plaintiff's First Amendment claims.

FAU Defendants' Affirmative Defense No. 7
Failure to Mitigate

FAU Defendants' Seventh Affirmative Defense contains only the conclusory, shotgun assertion, "Plaintiff's claims fail or are limited to the extent Plaintiff has failed in any respect to mitigate or minimize his alleged damages. Any earnings by Plaintiff and any amounts earnable with reasonable diligence by Plaintiff will reduce damages otherwise allowable to Plaintiff." D.E. 107, p. 75. Nothing in this boilerplate assertion indicates how Plaintiff failed to make reasonable efforts to alleviate the effects of any injury claimed. *See Century 21 Real Estate LLC v. Perfect Gulf Props., Inc.*, No. 608CV1890ORL28KR, 2010 WL 598696, at *5 (M.D. Fla. Feb. 17, 2010).

There is no way for Plaintiff to mitigate FAU Defendants' past and ongoing deprivation of his First Amendment right to freedom of speech, and loss of his federally protected tenured employment. FAU Defendants have indicated they will not amend this purported defense, and thus it should be stricken because this defense is immaterial and frivolous, and bears no relation to the present controversy.

FAU Defendants' Affirmative Defense No. 8
Plaintiff Fired Himself

FAU Defendants' Eighth Affirmative Defense contains only the conclusory, shotgun assertion, "Plaintiff's claims are barred or are limited to the extent Plaintiff's damages resulted from his own actions." D.E. 107, p. 75. The FAU Defendants fail to provide any specificity or factual support whatsoever, as required in law to give the plaintiff fair notice of the defense that is being asserted, or what claim(s) it is directed at. The FAU Defendants initially indicated they would amend this affirmative defense to add factual support, however, FAU Defendants now refuse to amend (because there is no factual support) necessitating its striking, or alternatively an order directing FAU Defendants to amend this purported defense to plead sufficient factual support detailing exactly how FAU Defendants believe Plaintiff's damages were self-inflicted.

FAU Defendants' Affirmative Defense No. 9
Intra-Corporate Conspiracy Doctrine

For their ninth affirmative defense, FAU Defendants assert, "Plaintiff's conspiracy claim fails against the individual FAU Defendants on the grounds of the intra-corporate conspiracy doctrine." D.E. 107, p. 75. The intra-corporate conspiracy doctrine is not applicable to Plaintiff's claim of Conspiracy to Interfere with Civil Rights, which alleges a conspiracy between FAU Defendants and third parties. The Court has already rejected this defense previously mounted by FAU Defendants. *See* D.E. 105. Accordingly, this affirmative defense should be stricken with prejudice, since it bears no relation to the present controversy.

FAU Defendants' Affirmative Defense No. 10
Sovereign Immunity and Eleventh Amendment / Duplicative of No. 2

FAU Defendants' Tenth Affirmative Defense contains only the conclusory, shotgun and legally baseless allegation, "Plaintiff's claims for punitive damages are barred by sovereign immunity and the Eleventh Amendment to the U.S. Constitution." D.E. 107, p. 75. This is

redundant and duplicative of FAU Defendants' Second Affirmative Defense, which, as explained above, has no relation to the present action since Plaintiff's claims against FAU officials in their official capacities are not barred by sovereign or Eleventh Amendment immunity, as a matter of law. *See Alden*, 527 U.S. at 710 ("A State's constitutional privilege to assert its sovereign immunity in its own courts does not confer upon the State a concomitant right to disregard the Constitution…"). FAU Defendants have refused to remove this inapplicable defense, necessitating its striking with prejudice.

FAU Defendants' Affirmative Defense Nos. 11, 12, 13 and 14
Qualified Immunity / Duplicative of No. 3

FAU Defendants' Eleventh, Twelfth, Thirteenth and Fourteenth Affirmative Defense contain only the following conclusory and shotgun allegations:

> 11. Plaintiff's claims for punitive damages are barred or limited because the FAU Defendants did not have knowledge that they may be acting in violation of federal or state law (which conduct the FAU Defendants deny)."
>
> 12. Plaintiff's claims for punitive damages are barred or limited because any alleged retaliation (which the FAU Defendants deny) was contrary to the FAU Defendants' good faith efforts to comply with the requirements of applicable law."
>
> 13. Plaintiff's claims for punitive damages are barred or limited because the FAU Defendants did not act with malice or reckless indifference to Plaintiff's protected rights. Further, the FAU Defendants did not act in a manner that was willful, wanton, or intentional with regard to Plaintiff's protected rights.
>
> 14. Plaintiff cannot recover punitive damages because a managing agent of the Defendant University did not act with willful, reckless indifferences, or malicious intent with regard to the Plaintiff's protected rights.
>
> D.E. 107, p. 75.

FAU Defendants initially agreed to amend to remove all of these duplicative defenses, but now refuse. *See* Exhibits "A" & "B". FAU Defendants' already asserted qualified immunity

as their third affirmative defense. Because FAU Defendants' Affirmative Defense Nos. 11, 12, 13 and 14 are all redundant and duplicative of FAU Defendants' Third Affirmative Defense, justice requires that these defenses be stricken by the Court.

FAU Defendants' Affirmative Defense 15
Estoppel / Waiver

FAU Defendants' Fifteenth Affirmative Defense contains only the conclusory, shogtun allegation, "Plaintiff's claims are barred by the doctrine of estoppel and waiver." D.E. 107, p. 76. Such boilerplate assertion is void of any factual support and is clearly insufficient as a matter of law. FAU Defendants initially agreed they would amend to add factual support, however, FAU Defendants now refuse to amend, necessitating the striking of this defense, or alternatively, an order compelling FAU Defendants to amend this defense to provide sufficient factual support to provide Plaintiff with fair notice of the defense that is being asserted.

IV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court enter an Order striking and/or compelling amendment of the Defendants' Affirmative Defenses, as set forth above, and granting any and all further relief as is just and proper. Alternatively, should the Court not deem justice requires striking of Defendants' frivolous defenses at this time, Plaintiff respectfully requests that the Court reserve ruling on Plaintiff's Second Motion to Strike Defendants' Affirmative Defenses until the Court has obtained a sufficient factual record for determination on the merits.

LOCAL RULE 7.1 (A)(3) CERTIFICATION

Pursuant to Local Rule 7.1 (A)(3), undersigned counsel certifies that counsel for Plaintiff has conferred with Defendants' counsel in a good faith effort to resolve the issues raised in this

motion, by both telephone and email, and Defendants will not agree to remove or amend any of their affirmative defenses.

Dated: April 7, 2017

/s/ Louis Leo IV .
Louis Leo IV, Esq
Florida Bar No. 83837
Joel Medgebow, Esq.
Florida Bar No. 84483
Matthew Benzion, Esq.
Florida Bar No. 84024
Florida Civil Rights Coalition, P.L.L.C.
4171 W. Hillsboro Blvd. Suite 9
Coconut Creek, FL 33073
Telephone: 954-478-4223
Fax: 954-239-7771
louis@floridacivilrights.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of April, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF to be served this day per the attached Service List.

/s/ Louis Leo IV .
Louis Leo IV, Esq.

SERVICE LIST

Louis Leo IV, Esq. (louis@floridacivilrights.org)
Joel Medgebow, Esq. (Joel@medgebowlaw.com)
Matthew Benzion, Esq. (mab@benzionlaw.com)
Florida Civil Rights Coalition, P.L.L.C., Medgebow Law, P.A. & Benzion Law, P.A.
4171 W. Hillsboro Blvd. Suite 9
Coconut Creek, Florida 33073
Counsel for Plaintiff

Gerard J. Curely, Jr., Esq. (jcurley@gunster.com)
Keith E. Sonderling, Esq. (ksonderling@gunster.com)
Holly Griffin, Esq. (hgriffin@gunster.com)
Sara Huff, Esq. (shuff@gunster.com)
Gunster, Yoakley & Stewart, P.A.
777 South Flagler Dr. Suite 500 East
West Palm Beach, FL 33401
Counsel for FAU Defendants

Robert F. McKee, Esq. (yborlaw@gmail.com)
Melissa Mihok, Esq. (melissa@melissacmihokpa.com)
Robert F. McKee, P.A. & Melissa C. Mihok, P.A.
1718 E. Seventh Ave. Ste. 301
Tampa, FL 33605
Counsel for Union Defendants