

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:18-CV-80771-ROSENBERG/REINHART

ROBERT W. OTTO, et al.,

Plaintiffs,

v.

CITY OF BOCA RATON, FLA., and
COUNTY OF PALM BEACH, FLA.,

Defendants.

**PLAINTIFFS' NOTICE OF ACCEPTANCE OF THE OFFERS OF JUDGMENT OF
DEFENDANT CITY OF BOCA RATON, FLORIDA
AND PLAINTIFFS' REQUEST FOR CLERK'S ENTRY OF JUDGMENT**

Pursuant to Fed. R. Civ. P. 68(a), Plaintiff, Robert W. Otto ("Otto") hereby accepts the Offer of Judgment served upon him by Defendant, City of Boca Raton, Florida ("City"), which is attached hereto as **Exhibit A**, and requests the Clerk to enter Judgment against the City as required by Rule 68(a).

Pursuant to Fed. R. Civ. P. 68(a), Plaintiff, Julie H. Hamilton ("Hamilton") hereby accepts the Offer of Judgment served upon her by the City, which is attached hereto as **Exhibit B**, and requests the Clerk to enter Judgment against the City as required by Rule 68(a).

The foregoing offers of judgment resolve the City's liability for Plaintiffs' costs and attorney's fees (Exh. A at ¶ 2; Exh. B at ¶ 2), the amount of which shall be established in separate proceedings following entry of final judgment in this action.

By accepting the foregoing offers of judgment, Otto and Hamilton do not relinquish, discharge or in any way compromise any of their claims against Defendant County of Palm Beach, Florida, which Plaintiffs will continue to prosecute in this action.

Respectfully submitted,

Dated: February 9, 2023

/s/ Horatio G. Mihet

Mathew D. Staver (FL Bar 0701092)

Horatio G. Mihet (FL Bar 026581)

Roger K. Gannam (FL Bar 240450)

LIBERTY COUNSEL

P.O. Box 540774

Orlando, FL 32854

Phone: (407) 875-1776

Email: court@lc.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2023, I caused a true and correct copy of the foregoing to be filed electronically with this Court. Service will be effectuated on all counsel of record via this Court's ECF/electronic notification system.

/s/ Horatio G. Mihet

Horatio G. Mihet

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:18-CV-80771-RLR

ROBERT W. OTTO, PH.D. LMFT,
individually and on behalf of his patients,
JULIE H. HAMILTON, PH.D., LMFT.
individually and on behalf of her patients,

Plaintiffs,

vs.

CITY OF BOCA RATON, FLORIDA,
and COUNTY OF PALM BEACH,
FLORIDA,

Defendants.

_____ /

DEFENDANT, CITY OF BOCA RATON'S OFFER OF JUDGMENT

Pursuant to Federal Rule of Civil Procedure 68, Defendant, City of Boca Raton ("City"), makes the following offer of judgment ("Offer") to Plaintiff, Robert Otto:

1. The City makes this Offer more than 14 days before the date set for trial.
2. The City hereby offers to allow entry of judgment against it as to Otto in the amount of fifty-thousand dollars (\$50,000.00), plus the City's pro rata share of Otto's costs (including reasonable statutory attorney's fees when deemed to be a component of costs such as under 42 U.S.C. § 1988, as determined by the Court) accrued to date for all of Otto's claims for relief.
3. The City's Offer is unconditional and is made to fully and finally resolve Otto's claims against the City in this action, including costs and attorneys fees.

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.

4. In accordance with Rule 68, this Offer is not being filed with the Court at this time, but will be filed at such time as the Offer is accepted or if necessary to enforce the provisions of Rule 68.

5. In accordance with Rule 68, the City's Offer of Judgment will remain open and irrevocable for 14 days after being served.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail on January 27, 2023 on all counsel of record on the attached Service List.

Respectfully submitted,

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Counsel for Defendant City of Boca Raton
200 East Broward Boulevard, Suite 1900
Fort Lauderdale, FL 33301
Telephone: (954) 763-4242
Telecopier: (954) 764-7770

By: /s/ Daniel L. Abbott
JAMIE A. COLE
Florida Bar No. 767573
Primary email: jcole@wsh-law.com
Secondary email: msarraff@wsh-law.com
DANIEL L. ABBOTT
Florida Bar No. 767115
Primary email: dabbott@wsh-law.com
Secondary email: pgrotto@wsh-law.com

SERVICE LIST

CASE NO.: 9:18-CV-80771-RLR

Mathew D. Staver, Esq.
Horatio G. Mihet, Esq.
Roger K. Gannam, Esq.
Daniel J. Schmid (*pro hac vice* pending)
LIBERTY COUNSEL
P.O. Box 540774
Orlando, FL 32854
Telephone: 407-875-1776
Facsimile: 407-875-0770
Email: court@lc.org

Attorneys for Plaintiffs

Jamie A. Cole, Esq.
Daniel L. Abbott, Esq.
WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
200 E. Broward Blvd., Suite 1900
Fort Lauderdale, FL 33301
Telephone: (954) 763-4242
jcole@wsh-law.com
dabbott@wsh-law.com

*Attorneys for Defendant City of Boca
Raton*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:18-CV-80771-RLR

ROBERT W. OTTO, PH.D. LMFT,
individually and on behalf of his patients,
JULIE H. HAMILTON, PH.D., LMFT.
individually and on behalf of her patients,

Plaintiffs,

vs.

CITY OF BOCA RATON, FLORIDA,
and COUNTY OF PALM BEACH,
FLORIDA,

Defendants.

_____ /

DEFENDANT, CITY OF BOCA RATON'S OFFER OF JUDGMENT

Pursuant to Federal Rule of Civil Procedure 68, Defendant, City of Boca Raton ("City"), makes the following offer of judgment ("Offer") to Plaintiff, Julie H. Hamilton:

1. The City makes this Offer more than 14 days before the date set for trial.
2. The City hereby offers to allow entry of judgment against it as to Hamilton in the amount of twenty-five thousand dollars (\$25,000.00), plus the City's pro rata share of Hamilton's costs (including reasonable statutory attorney's fees when deemed to be a component of costs such as under 42 U.S.C. § 1988, as determined by the Court) accrued to date for all of Hamilton's claims for relief.
3. The City's Offer is unconditional and is made to fully and finally resolve Hamilton's claims against the City in this action, including costs and attorney's fees.

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.

4. In accordance with Rule 68, this Offer is not being filed with the Court at this time, but will be filed at such time as the Offer is accepted or if necessary to enforce the provisions of Rule 68.

5. In accordance with Rule 68, the City's Offer of Judgment will remain open and irrevocable for 14 days after being served.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail on January 27, 2023 on all counsel of record on the attached Service List.

Respectfully submitted,

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Counsel for Defendant City of Boca Raton
200 East Broward Boulevard, Suite 1900
Fort Lauderdale, FL 33301
Telephone: (954) 763-4242
Telecopier: (954) 764-7770

By: /s/ Daniel L. Abbott
JAMIE A. COLE
Florida Bar No. 767573
Primary email: jcole@wsh-law.com
Secondary email: msarraff@wsh-law.com
DANIEL L. ABBOTT
Florida Bar No. 767115
Primary email: dabbott@wsh-law.com
Secondary email: pgrotto@wsh-law.com

SERVICE LIST

CASE NO.: 9:18-CV-80771-RLR

Mathew D. Staver, Esq.
Horatio G. Mihet, Esq.
Roger K. Gannam, Esq.
Daniel J. Schmid (*pro hac vice* pending)
LIBERTY COUNSEL
P.O. Box 540774
Orlando, FL 32854
Telephone: 407-875-1776
Facsimile: 407-875-0770
Email: court@lc.org

Attorneys for Plaintiffs

Jamie A. Cole, Esq.
Daniel L. Abbott, Esq.
WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
200 E. Broward Blvd., Suite 1900
Fort Lauderdale, FL 33301
Telephone: (954) 763-4242
jcole@wsh-law.com
dabbott@wsh-law.com

*Attorneys for Defendant City of Boca
Raton*