

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 COUNTY OF PALM BEACH, FLORIDA
AND PLAINTIFFS' REQUEST FOR CLERK'S ENTRY OF FINAL 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, County of Palm Beach, Florida ("County"), which is attached hereto as **Exhibit A**, and requests the Clerk to enter Judgment against the County 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 County, which is attached hereto as **Exhibit B**, and requests the Clerk to enter Judgment against the County as required by Rule 68(a).

The foregoing Offers of Judgment resolve the County'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.

Because Plaintiffs have now accepted offers of judgment from all Defendants (*see also* dkt. 196), there are no longer any substantive claims pending against any party (other than Plaintiffs' forthcoming motion for fees and costs, to be filed after Judgment in accordance with Local Rule 7.3). Accordingly, the Court and/or Clerk is requested to enter Final Judgment in favor of Plaintiffs, and against Defendants, on each of Plaintiffs' claims, pursuant to the Offers of Judgment accepted by Plaintiffs and Fed. R. Civ. P. 54.

Respectfully submitted,

Dated: March 3, 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

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 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
WEST PALM BEACH DIVISION**

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,

v.

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

Defendants.

**DEFENDANT, PALM BEACH COUNTY'S
OFFER OF JUDGMENT TO PLAINTIFF, ROBERT W. OTTO**

Pursuant to Federal Rule of Civil Procedure 68, Defendant, Palm Beach County (“County”), makes the following offer of judgment (“Offer”) to Plaintiff, Robert Otto (“Otto”):

1. The County makes this Offer more than 14 days before the date set for trial.
2. The County hereby offers to allow entry of judgment against it as to Otto in the amount of fifty thousand dollars (\$50,000.00), plus the County’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 County’s Offer is unconditional and is made to fully and finally resolve Otto’s claims against the County in this action, including costs and attorney’s fees.

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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 County'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 February 22, 2023 on all counsel of record on the attached Service List.

/s/ Marianna Sarkisyan
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**UNITED STATES DISTRICT COURT
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ROBERT W. OTTO, PH.D., LMFT,
individually ,and on behalf of his patients,
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COUNTY OF PALM BEACH, FLORIDA,

Defendants.

**DEFENDANT, PALM BEACH COUNTY'S
OFFER OF JUDGMENT TO PLAINTIFF, JULIE H. HAMILTON**

Pursuant to Federal Rule of Civil Procedure 68, Defendant, Palm Beach County (“County”), makes the following offer of judgment (“Offer”) to Plaintiff, Julie H. Hamilton (“Hamilton”):

1. The County makes this Offer more than 14 days before the date set for trial.
2. The County hereby offers to allow entry of judgment against it as to Hamilton in the amount of fifty-thousand dollars (\$50,000.00), plus the County’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 County’s Offer is unconditional and is made to fully and finally resolve Hamilton’s claims against the County in this action, including costs and attorney’s fees.

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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 County's Offer of Judgment will remain open and irrevocable for 14 days after being served.

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