

**U.S. District Court  
Middle District of Florida (Ft. Myers)  
CIVIL DOCKET FOR CASE #: 2:11-cv-00608-JES-DNF**

Occupy Fort Myers et al v. City of Fort Myers  
Assigned to: Judge John E. Steele  
Referred to: Magistrate Judge Douglas N. Frazier  
Cause: 42:1983 Civil Rights Act

Date Filed: 10/25/2011  
Date Terminated: 10/19/2012  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Occupy Fort Myers**

represented by **Jennifer Lucas Keesler**  
Jennifer L. Keesler  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
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Bonita Springs, FL 34135  
Email: [rob@rosslawfla.net](mailto:rob@rosslawfla.net)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Cindy Banyai**

represented by **Jennifer Lucas Keesler**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Stephanie Darst**

represented by **Jennifer Lucas Keesler**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Christopher Faulkner**

represented by **Jennifer Lucas Keesler**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**F. Frank Gubasta**

represented by **Jennifer Lucas Keesler**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Zachary Kuhn**

represented by **Jennifer Lucas Keesler**  
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*LEAD ATTORNEY*  
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**Robert W. Ross**  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Hilary Mains**

represented by **Jennifer Lucas Keesler**  
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*LEAD ATTORNEY*  
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**Robert W. Ross**  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Matt McDowell**

represented by **Jennifer Lucas Keesler**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Michelle Meyer**

represented by **Jennifer Lucas Keesler**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Luis Ospina**

represented by **Jennifer Lucas Keesler**  
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*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Ryan Pogue**

represented by **Jennifer Lucas Keesler**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Frank Pratt**

represented by **Jennifer Lucas Keesler**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
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**Plaintiff**

**Marlene Robinson**

represented by **Jennifer Lucas Keesler**  
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**Robert W. Ross**  
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**Plaintiff**

**Justin Valo**

represented by **Jennifer Lucas Keesler**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert W. Ross**  
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V.

**Defendant**

**City of Fort Myers**

represented by **David C. Potter**  
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**Mark C.S. Moriarty**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/25/2011	<u>1</u>	VERIFIED COMPLAINT (with Injunction Relief Sought) against City of Fort Myers (Filing fee \$ 350 receipt number FTM002037) filed by Justin Valo, Marlene Robinson, Zachary Kuhn, Ryan Pogue, Cindy Banyai, Christopher Faulkner, F. Frank Gubasta, Michelle Meyer, Matt McDowell, Occupy Fort Myers, Frank Pratt, Luis Ospina, Hilary Mains, Stephanie Darst. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(SPB) (Entered: 10/25/2011)
10/25/2011	<u>2</u>	DECLARATION of Jennifer Lucas Keesler. (SPB) (Entered: 10/25/2011)
10/25/2011	<u>3</u>	EMERGENCY MOTION for temporary restraining order by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. (Attachments: # <u>1</u> Text of Proposed Order)(SPB) (Entered: 10/25/2011)
10/25/2011	<u>4</u>	MOTION for preliminary injunction, MOTION for Hearing by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. (SPB) (Entered: 10/25/2011)
10/25/2011	<u>5</u>	MEMORANDUM in support re <u>4</u> Motion for preliminary injunction Motion for Hearing, <u>3</u> Motion for temporary restraining order filed by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. (SPB) (Entered: 10/25/2011)
10/25/2011		Summons issued as to City of Fort Myers. (SPB) (Entered: 10/25/2011)

10/25/2011	<u>6</u>	STANDING ORDER: Filing of documents that exceed twenty-five pages. Signed by All Divisional Judges on 12/7/09. (SPB) (Entered: 10/25/2011)
10/26/2011	<u>7</u>	ORDER denying <u>3</u> Motion for temporary restraining order; taking under advisement <u>4</u> Motion for preliminary injunction and for hearing pending proper service of process. Signed by Judge John E. Steele on 10/26/2011. (SVC) (Entered: 10/26/2011)
10/26/2011	<u>8</u>	PROOF of service by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo (Attachments: # <u>1</u> Exhibit 1 – Proof of Service)(Keesler, Jennifer) (Entered: 10/26/2011)
10/26/2011	<u>9</u>	ORDER that the <u>4</u> MOTION for preliminary injunction and Hearing remain under advisement until such time that proof of service has been filed. Signed by Judge John E. Steele on 10/26/2011. (SVC) (Entered: 10/26/2011)
10/26/2011	<u>10</u>	Amended MOTION for preliminary injunction <i>Emergency, and incorporated memo of law</i> by All Plaintiffs. (Keesler, Jennifer) (Entered: 10/26/2011)
10/26/2011	<u>11</u>	ORDER denying as moot <u>4</u> Motion for preliminary injunction and for hearing based on Amended filing. The Court will hear oral argument on Monday, October 31, 2011, and each party shall have 30 minutes to present their arguments. A separate notice will issue. Counsel for plaintiffs shall serve a copy of this Order and the Notice on opposing counsel by noon on October 27, 2011. Signed by Judge John E. Steele on 10/26/2011. (RKR) (Entered: 10/26/2011)
10/26/2011	<u>12</u>	NOTICE of Hearing on <u>10</u> Amended MOTION for preliminary injunction: Motion Hearing set for 10/31/2011 at 1:30 PM in Ft. Myers Courtroom 6 A before Judge John E. Steele. (RKR) (Entered: 10/26/2011)
10/27/2011	<u>13</u>	NOTICE by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo <i>of Service of Court's Order</i> (Keesler, Jennifer) (Entered: 10/27/2011)
10/27/2011	<u>14</u>	NOTICE of Appearance by Grant W. Alley on behalf of City of Fort Myers (Alley, Grant) (Entered: 10/27/2011)
10/27/2011	<u>15</u>	NOTICE of <i>Appearance of Co-Counsel</i> Appearance by Mark C.S. Moriarty on behalf of City of Fort Myers (Moriarty, Mark) (Entered: 10/27/2011)
10/27/2011	<u>16</u>	MOTION to allow electronic equipment, specifically Cellular Telephone by City of Fort Myers. (Alley, Grant) (Entered: 10/27/2011)
10/27/2011	<u>17</u>	Second MOTION to allow electronic equipment, specifically Laptop/Notebook Computer by City of Fort Myers. (Alley, Grant) (Entered: 10/27/2011)
10/27/2011	<u>18</u>	ORDER granting <u>16</u> Motion to allow electronic equipment, specifically cellular telephone; granting <u>17</u> Motion to allow electronic equipment, specifically laptop. Extending courtesy to counsel for plaintiffs. Both subject to security considerations as set forth in the Order. Signed by Judge John E. Steele on 10/27/2011. (RKR) (Entered: 10/27/2011)
10/27/2011	<u>19</u>	MOTION to extend time to 10/31/11 <i>to File Partial Response to Plaintiffs' Amended Emergency Motion</i> by City of Fort Myers. (Alley, Grant) (Entered: 10/27/2011)
10/28/2011	<u>20</u>	RESPONSE to motion re <u>19</u> MOTION to extend time to 10/31/11 <i>to File Partial Response to Plaintiffs' Amended Emergency Motion In Support of Defendant's Motion</i> filed by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. (Keesler, Jennifer) (Entered: 10/28/2011)
10/28/2011	<u>21</u>	ORDER granting <u>19</u> Motion for Leave to File Partial Response to Plaintiffs' Amended Emergency Motion for Preliminary Injunction. The requirements of Local Rule 6.06(b)(3) are hereby waived as to the 7-day requirement. Counsel for

		the Defendant shall file its response by October 30, 2011. Signed by Magistrate Judge Douglas N. Frazier on 10/28/2011. (brh) (Entered: 10/28/2011)
10/28/2011	<u>22</u>	AMENDED ORDER granting <u>19</u> Motion for Leave to File Partial Response to Plaintiffs' Amended Emergency Motion for Preliminary Injunction. The requirements of Local Rule 4.06(b)(3) are hereby waived as to the 7-day requirement. Counsel for the Defendant shall file its response by October 30, 2011. Signed by Magistrate Judge Douglas N. Frazier on 10/28/2011. (brh) (Entered: 10/28/2011)
10/28/2011	<u>23</u>	AFFIDAVIT of Chief Douglas Baker by City of Fort Myers. (Alley, Grant) (Entered: 10/28/2011)
10/28/2011	<u>24</u>	AFFIDAVIT of Saeed Kazemi by City of Fort Myers. (Alley, Grant) (Entered: 10/28/2011)
10/29/2011	<u>25</u>	AFFIDAVIT of Saeed Kazemi <i>Second Affidavit</i> by City of Fort Myers. (Alley, Grant) (Entered: 10/29/2011)
10/30/2011	<u>26</u>	NOTICE of supplemental authority re <u>10</u> Amended MOTION for preliminary injunction <i>Emergency, and incorporated memo of law</i> by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo (Keesler, Jennifer) (Entered: 10/30/2011)
10/30/2011	<u>27</u>	NOTICE by City of Fort Myers <i>Notice of Filing Documents</i> (Attachments: # <u>1</u> Exhibit)(Alley, Grant) (Entered: 10/30/2011)
10/30/2011	<u>28</u>	NOTICE by City of Fort Myers <i>Amended Notice of Filing Documents</i> (Alley, Grant) (Entered: 10/30/2011)
10/30/2011	<u>29</u>	RESPONSE re <u>10</u> Amended MOTION for preliminary injunction <i>Emergency, and incorporated memo of law</i> filed by City of Fort Myers. (Alley, Grant) (Entered: 10/30/2011)
10/31/2011	<u>30</u>	NOTICE by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo <i>of filing exhibit</i> (Attachments: # <u>1</u> Exhibit 1 – Special Events Pamphlet)(Keesler, Jennifer) (Entered: 10/31/2011)
10/31/2011	<u>31</u>	AFFIDAVIT of Douglas Baker <i>Amended Affidavit</i> by City of Fort Myers. (Alley, Grant) (Entered: 10/31/2011)
10/31/2011	<u>32</u>	Minute Entry. Proceedings held before Judge John E. Steele: Motion Hearing held on 10/31/2011 re <u>10</u> Amended MOTION for preliminary injunction <i>Emergency, and incorporated memo of law</i> filed by Stephanie Darst, Frank Pratt, Matt McDowell, Cindy Banyai, Ryan Pogue, Hilary Mains, Christopher Faulkner, Marlene Robinson, F. Frank Gubasta, Luis Ospina, Justin Valo, Occupy Fort Myers, Zachary Kuhn, Michelle Meyer. Court Reporter: Jeffrey G. Thomas (BMA) (Entered: 10/31/2011)
10/31/2011	<u>33</u>	INTERESTED PERSONS ORDER. Certificate of interested persons and corporate disclosure statement due by 11/14/2011. Signed by All Divisional Judges on 10/31/2011. (BJH) (Entered: 10/31/2011)
10/31/2011	<u>34</u>	RELATED CASE ORDER AND NOTICE of designation under Local Rule 3.05 – track 2. Notice of pendency of other actions due by 11/14/2011. Signed by All Divisional Judges on 10/31/2011. (BJH) (Entered: 10/31/2011)
11/04/2011	<u>35</u>	NOTICE by City of Fort Myers <i>Notice of Filing</i> (Alley, Grant) (Entered: 11/04/2011)
11/04/2011	<u>36</u>	NOTICE by City of Fort Myers <i>Notice of Filing Authority</i> (Attachments: # <u>1</u> Exhibit Affidavit of Kelly MacDonald)(Alley, Grant) (Entered: 11/04/2011)
11/04/2011	<u>37</u>	NOTICE by City of Fort Myers <i>Notice of Filing</i> (Alley, Grant) (Entered: 11/04/2011)

11/08/2011	<u>38</u>	RESPONSE re <u>35</u> Notice (Other), <u>36</u> Notice (Other) filed by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. (Attachments: # <u>1</u> Exhibit McDowell Declaration, # <u>2</u> Exhibit Permit)(Keesler, Jennifer) (Entered: 11/08/2011)
11/08/2011	<u>39</u>	ORDER re <u>10</u> Amended MOTION for preliminary injunction; Defendants may provide a written response to plaintiffs' request to enjoin City of Fort Myers, FL Ordinance 58-154(6) no later than Friday, November 11, 2011, at 5:00 P.M. Signed by Judge John E. Steele on 11/8/2011. (SVC) (Entered: 11/08/2011)
11/10/2011	<u>40</u>	MOTION to extend time to December 4, 2011 <i>Defendants' Motion to Extend Time in Which to Respond to Plaintiff's Complaint</i> by City of Fort Myers. (Moriarty, Mark) (Entered: 11/10/2011)
11/10/2011	41	ENDORSED ORDER granting <u>40</u> Unopposed Motion to Extend Time in Which to Respond to Plaintiff's Complaint. The City of Fort Myers shall have until December 5, 2011 in which to file a response. Signed by Magistrate Judge Douglas N. Frazier on 11/10/2011. (brh) (Entered: 11/10/2011)
11/11/2011	<u>42</u>	RESPONSE re <u>39</u> Order <i>Defendant's Response to Plaintiff's Oral Request at Emergency Hearing to Enjoin City Code Section 58-154(6)</i> filed by City of Fort Myers. (Attachments: # <u>1</u> Exhibit Affidavit of Captain Mike Viola)(Moriarty, Mark) (Entered: 11/11/2011)
11/14/2011	<u>43</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>33</u> Interested persons order by City of Fort Myers. (Alley, Grant) (Entered: 11/14/2011)
11/14/2011	<u>44</u>	NOTICE of pendency of related cases re <u>34</u> Related case order and notice of designation of track 2 per Local Rule 1.04(d) by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. Related case(s): No (Keesler, Jennifer) (Entered: 11/14/2011)
11/14/2011	<u>45</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>33</u> Interested persons order by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. (Keesler, Jennifer) (Entered: 11/14/2011)
11/15/2011	<u>46</u>	NOTICE of pendency of related cases re <u>34</u> Related case order and notice of designation of track 2 per Local Rule 1.04(d) by City of Fort Myers. Related case(s): n (Moriarty, Mark) (Entered: 11/15/2011)
11/15/2011	<u>47</u>	OPINION AND ORDER granting in part and denying in part <u>10</u> Motion for preliminary injunction as set forth in the opinion. A separate preliminary injunction will be entered. Signed by Judge John E. Steele on 11/15/2011. (SVC) (Entered: 11/15/2011)
11/15/2011	<u>48</u>	PRELIMINARY INJUNCTION pursuant to <u>47</u> Opinion and Order on motion for preliminary injunction enjoining and restraining the enforcement of City of Fort Myers Ordinance 86-153(a) and portions of Ordinances 58-156(a) and 58-154(6) as specified in the preliminary injunction. Plaintiffs shall post a cash or surety bond with the Clerk of Court of \$100 within five (5) days of this preliminary injunction. Signed by Judge John E. Steele on 11/15/2011. (SVC) (Entered: 11/15/2011)
11/18/2011	50	REGISTRY MONIES received by Plaintiffs. \$100.00 FTM002151 (SPB) (Entered: 11/21/2011)
11/21/2011	<u>49</u>	AMENDED COMPLAINT ( <i>First</i> ) against City of Fort Myers filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 - Faulkner Declaration, # <u>2</u> Exhibit 2 - Ordinances, # <u>3</u> Affidavit Keesler)(Keesler, Jennifer) (Entered: 11/21/2011)
11/28/2011	<u>51</u>	TRANSCRIPT of Oral Argument held on 10/31/11 before Judge John E. Steele. Court Reporter/Transcriber Jeffrey G. Thomas, Telephone number (239) 461-2033.

		Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 12/19/2011, Redacted Transcript Deadline set for 12/29/2011, Release of Transcript Restriction set for 2/27/2012. (JGT) (Entered: 11/28/2011)
11/28/2011	<u>52</u>	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal. Court Reporter: Jeffrey G. Thomas (JGT) (Entered: 11/28/2011)
12/05/2011	<u>53</u>	<i>Defendant City of Fort Myers'</i> ANSWER and affirmative defenses to Complaint <i>Plaintiffs' First Amended Complaint</i> by City of Fort Myers.(Alley, Grant) (Entered: 12/05/2011)
12/30/2011	<u>54</u>	MOTION to strike <u>53</u> Answer to complaint <i>affirmative defenses</i> by All Plaintiffs. (Keesler, Jennifer) (Entered: 12/30/2011)
12/30/2011	<u>55</u>	NOTICE by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo re <u>54</u> MOTION to strike <u>53</u> Answer to complaint <i>affirmative defenses of Striking</i> (Keesler, Jennifer) (Entered: 12/30/2011)
12/30/2011	<u>56</u>	MOTION to strike <u>53</u> Answer to complaint <i>Affirmative Defenses</i> by All Plaintiffs. (Keesler, Jennifer) (Entered: 12/30/2011)
01/04/2012	<u>57</u>	CASE MANAGEMENT REPORT. (Keesler, Jennifer) (Entered: 01/04/2012)
01/04/2012	<u>58</u>	ORDER deeming withdrawn <u>54</u> Motion to strike; granting <u>55</u> Notice of striking. Signed by Judge John E. Steele on 1/4/2012. (RKR) (Entered: 01/04/2012)
01/10/2012	<u>59</u>	MOTION to amend/correct <u>53</u> Answer to complaint <i>Motion Seeking Leave to Amend Answer and Affirmative Defenses and Memorandum of Law</i> by City of Fort Myers. (Alley, Grant) (Entered: 01/10/2012)
01/11/2012	<u>60</u>	ORDER denying as moot <u>56</u> Motion to Strike Defendant City of Fort Myers' Affirmative Defenses; and, granting <u>59</u> Motion Seeking Leave to Amend Answer and Affirmative Defenses. Within 14 days from the date of this Order, the City of Fort Myers shall file its Amended Answer and Affirmative Defenses. Signed by Magistrate Judge Douglas N. Frazier on 1/11/2012. (brh) (Entered: 01/11/2012)
01/20/2012	<u>61</u>	CASE MANAGEMENT AND SCHEDULING ORDER: Final Pretrial Conference set for 2/19/2013 at 09:00 AM in Ft. Myers Courtroom 6 A before Judge John E. Steele, Bench Trial set for trial term commencing 3/4/2013 before Judge John E. Steele. Signed by Judge John E. Steele on 1/20/2012. (BMA) (Entered: 01/20/2012)
01/25/2012	<u>62</u>	<i>Amended</i> ANSWER and affirmative defenses with Jury Demand to <u>49</u> Amended complaint by City of Fort Myers.(Alley, Grant) (Entered: 01/25/2012)
03/01/2012	<u>63</u>	NOTICE of Appearance by Robert W. Ross on behalf of Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo (Ross, Robert) (Entered: 03/01/2012)
04/15/2012	<u>64</u>	MOTION for partial summary judgment by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Certified Code, # <u>2</u> Exhibit Faulkner Declaration 12/29, # <u>3</u> Exhibit Surf & Song Permit, # <u>4</u> Exhibit Advertisement, # <u>5</u> Exhibit Special Events Handbook, # <u>6</u> Exhibit Webpage, # <u>7</u> Exhibit Certified Ordinance)(Keesler, Jennifer) (Entered: 04/15/2012)
04/18/2012	<u>65</u>	SUMMARY JUDGMENT NOTICE re <u>64</u> MOTION for partial summary judgment (SPB) (Entered: 04/18/2012)

04/19/2012	<u>66</u>	MOTION to extend time to November 5, 2012 <i>Defendant City of Fort Myers' Motion to Extend Time to Respond to Plaintiffs' Final Partial Motion for Summary Judgment and Memorandum of Law</i> by City of Fort Myers. (Alley, Grant) (Entered: 04/19/2012)
04/29/2012	<u>67</u>	RESPONSE in opposition re <u>66</u> MOTION to extend time to November 5, 2012 <i>Defendant City of Fort Myers' Motion to Extend Time to Respond to Plaintiffs' Final Partial Motion for Summary Judgment and Memorandum of Law</i> filed by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. (Keesler, Jennifer) (Entered: 04/29/2012)
05/03/2012	<u>68</u>	OPINION AND ORDER granting <u>66</u> Motion to extend time to respond to Plaintiffs' Motion for Final Partial Summary Judgment and Memorandum of Law <u>64</u> . The City of Fort Myers shall file a response to the Plaintiffs' Motion for Final Partial Summary Judgment <u>64</u> NO LATER THAN NOVEMBER 5, 2012. Signed by Judge John E. Steele on 5/3/2012. (SVC) (Entered: 05/03/2012)
08/08/2012	<u>69</u>	MOTION for protective order by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Interrogatories to Plaintiff Occupy Fort Myers, # <u>2</u> Exhibit 2 – Interrogatories to Individual Plaintiff, # <u>3</u> Exhibit 3 – Declaration of J. Walker, # <u>4</u> Exhibit 4 – Declaration of C. Faulkner)(Keesler, Jennifer) Motions referred to Magistrate Judge Douglas N. Frazier. (Entered: 08/08/2012)
09/05/2012	<u>70</u>	ORDER granting <u>69</u> Motion for Protective Order as to Invocation of Their First Amendment Rights. See Order for details. Signed by Magistrate Judge Douglas N. Frazier on 9/5/2012. (brh) (Entered: 09/05/2012)
09/12/2012	<u>71</u>	Joint MOTION for referral to mediation <i>before US Magistrate Judge</i> by All Parties. (Keesler, Jennifer) (Entered: 09/12/2012)
09/12/2012	<u>72</u>	ORDER granting <u>71</u> Motion for referral to mediation and the case is referred to the Honorable Sheri Polster Chappell to conduct a settlement conference and to enter any related Orders as deemed appropriate. Signed by Judge John E. Steele on 9/12/2012. (RKR) (Entered: 09/12/2012)
09/18/2012	<u>73</u>	NOTICE of Appearance by David C. Potter on behalf of City of Fort Myers (Potter, David) (Entered: 09/18/2012)
09/24/2012	74	NOTICE of Hearing: Settlement Conference set for 10/15/2012 at 09:00 AM in Ft. Myers Courtroom 5 D before Magistrate Judge Sheri Polster Chappell (LMF) (Entered: 09/24/2012)
09/24/2012	<u>75</u>	ORDER Setting Hearing. Settlement Conference set for 10/15/2012 at 09:00 AM in Ft. Myers Courtroom 5 D before Magistrate Judge Sheri Polster Chappell Signed by Magistrate Judge Sheri Polster Chappell on 9/24/2012. (LMF) (Entered: 09/24/2012)
09/26/2012	<u>76</u>	MOTION for miscellaneous relief, specifically Voluntary Dismissal as to Plaintiffs Darst, Kuhn, Meyer, Ospina, Pogue and Pratt by Stephanie Darst, Zachary Kuhn, Michelle Meyer, Luis Ospina, Ryan Pogue, Frank Pratt. (Keesler, Jennifer) (Entered: 09/26/2012)
09/26/2012	<u>77</u>	MOTION for extension of time to complete discovery by City of Fort Myers. (Potter, David) Motions referred to Magistrate Judge Douglas N. Frazier. (Entered: 09/26/2012)
09/27/2012	<u>78</u>	RESPONSE in opposition re <u>77</u> MOTION for extension of time to complete discovery filed by Cindy Banyai, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. (Attachments: # <u>1</u> Exhibit 1 – Email, # <u>2</u> Exhibit 2 – Email Response, # <u>3</u> Exhibit 3 – Robinson Declaration, # <u>4</u> Exhibit 4 – Ps Deposition Dates, # <u>5</u> Exhibit 5 – Request for Admissions to Def, # <u>6</u> Exhibit 6 – Defs Response to Admissions)(Keesler, Jennifer) (Entered: 09/27/2012)

10/05/2012	<u>79</u>	ORDER granting <u>77</u> Motion to Enlarge Discovery Deadline. The discovery deadline is extended to November 2, 2012, for the sole purpose of allowing the Defendant to take the Plaintiffs depositions. The parties shall cooperate in the scheduling of the Plaintiffs' depositions. Signed by Magistrate Judge Douglas N. Frazier on 10/5/2012. (brh) (Entered: 10/05/2012)
10/07/2012	<u>80</u>	MOTION to compel <i>Discovery Responses</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – 9/7 letter, # <u>2</u> Exhibit 2 – 10/4 email, # <u>3</u> Exhibit 3 – 9/17 email, # <u>4</u> Exhibit 4 – 9/19 email, # <u>5</u> Exhibit 5 – Plaintiffs Req for Admissions, # <u>6</u> Exhibit 6 – Defs Response to Admissions, # <u>7</u> Exhibit 7 – 9/25 memo, # <u>8</u> Exhibit 8 – Defs Response to Req for Production, # <u>9</u> Exhibit 9 – 9/28 email, # <u>10</u> Exhibit 10 – 10/3 email, # <u>11</u> Exhibit 11 – 10/4 letter, # <u>12</u> Exhibit 12 – 10/4 email, # <u>13</u> Exhibit 13 – Kazemi Memo, # <u>14</u> Exhibit 14 – 10/4 email, # <u>15</u> Exhibit 15 – 10/5 email, # <u>16</u> Exhibit 16 – 10/5 email, # <u>17</u> Exhibit 17 – Response Cover)(Keesler, Jennifer) Motions referred to Magistrate Judge Douglas N. Frazier. (Entered: 10/07/2012)
10/07/2012	<u>81</u>	APPEAL of Magistrate Judge ruling to District Court re <u>79</u> Order on motion for extension of time to complete discovery (Keesler, Jennifer) (Entered: 10/07/2012)
10/10/2012	<u>82</u>	RESPONSE to motion re <u>76</u> MOTION for miscellaneous relief, specifically Voluntary Dismissal as to Plaintiffs Darst, Kuhn, Meyer, Ospina, Pogue and Pratt filed by City of Fort Myers. (Potter, David) (Entered: 10/10/2012)
10/10/2012	<u>83</u>	RESPONSE re <u>81</u> APPEAL of Magistrate Judge ruling to District Court re <u>79</u> Order on motion for extension of time to complete discovery filed by City of Fort Myers. (Attachments: # <u>1</u> Exhibit 1 — E-Mail Dated 9.18.12 from David Potter, # <u>2</u> Exhibit 2 — 9.19.12 E-Mail from Jennifer Keesler, # <u>3</u> Exhibit 3 — E-Mail Dated 9.19.12 from Grant Alley, # <u>4</u> Exhibit 4 — E-Mail Dated 9.19.12 from Robert Ross, # <u>5</u> Exhibit 5 — E-Mail Dated 9.19.12 from David Potter, # <u>6</u> Exhibit 6 — E-Mail Dated 9.19.12 from David Potter, # <u>7</u> Exhibit 7 — E-Mail Dated 9.20.12 from Robert Ross, # <u>8</u> Exhibit 8 — E-Mail Dated 9.20.12 from David Potter, # <u>9</u> Exhibit 9 — E-Mail Dated 9.24.12 from Robert Ross, # <u>10</u> Exhibit 10 — E-Mail Dated 9.25.12 from Robert Ross, # <u>11</u> Exhibit 11 — Letter Dated 9.25.12 from David Potter, # <u>12</u> Exhibit 12 — E-Mail Dated 9.25.12 from Robert Ross, # <u>13</u> Exhibit 13 — Deposition Transcript of Cindy Banyai)(Potter, David) (Entered: 10/10/2012)
10/12/2012	<u>84</u>	ORDER overruling objections and denying <u>81</u> APPEAL of Magistrate Judge ruling to District Court. Signed by Judge John E. Steele on 10/12/2012. (RKR) (Entered: 10/12/2012)
10/12/2012	<u>85</u>	MOTION to Appear Telephonically <i>to Mediation as to Plaintiff Mains</i> by All Plaintiffs. (Keesler, Jennifer) Motions referred to Magistrate Judge Douglas N. Frazier. (Entered: 10/12/2012)
10/12/2012	<u>86</u>	ENDORSED ORDER granting <u>85</u> Plaintiff Hilary Mains' Motion to Appear Telephonically at Mediation. Plaintiff Mains may give full settlement authority to his counsel who may appear on his behalf at the settlement conference. Accordingly, Plaintiff Mains is excused from attending the settlement conference in-person, but Mr. Mains needs to be available by phone throughout the entirety of the settlement conference in case circumstances would require counsel to communicate with Mr. Mains. Signed by Magistrate Judge Sheri Polster Chappell on 10/12/2012. (BLW) (Entered: 10/12/2012)
10/12/2012	<u>87</u>	NOTICE of Appearance by Cody B. Vaughan-Birch on behalf of City of Fort Myers (Vaughan-Birch, Cody) (Entered: 10/12/2012)
10/12/2012	<u>88</u>	RESPONSE to motion re <u>80</u> MOTION to compel <i>Discovery Responses and Incorporated Memorandum of Law In Support</i> filed by City of Fort Myers. (Attachments: # <u>1</u> Exhibit Exhibits 1 through 10)(Vaughan-Birch, Cody) (Entered: 10/12/2012)
10/15/2012	<u>89</u>	Minute Entry. Proceedings held before Magistrate Judge Sheri Polster Chappell: Settlement Conference held on 10/15/2012. The parties convened to participate in settlement negotiations. Outcome: Settlement reached. (LMF) (Entered: 10/15/2012)
10/17/2012	<u>90</u>	Joint MOTION to stay this Action and for an Enlargement of All Remaining Deadlines <i>for Sixty (60) days</i> by All Parties. (Potter, David) (Entered: 10/17/2012)

10/18/2012	<u>91</u>	ORDER granting <u>90</u> Motion to stay and directing administrative closure for a period of 60 days. The Clerk shall terminate all pending motions and deadlines in light of the administrative closure. Signed by Judge John E. Steele on 10/18/2012. (RKR) (Entered: 10/18/2012)
12/14/2012	<u>92</u>	Joint MOTION for extension of time to file document ( <i>Stipulation of Dismissal</i> ) by Cindy Banyai, City of Fort Myers, Christopher Faulkner, F. Frank Gubasta, Hilary Mains, Matt McDowell, Occupy Fort Myers, Marlene Robinson, Justin Valo. (Keesler, Jennifer) (Entered: 12/14/2012)
12/17/2012	<u>93</u>	ORDER granting <u>92</u> Motion for extension of time to file stipulation of dismissal and the administrative closure is extended for 60 days from this Order. Signed by Judge John E. Steele on 12/17/2012. (RKR) (Entered: 12/17/2012)
02/14/2013	<u>94</u>	MOTION for Extension of Time to File <i>to File a Stipulation of Dismissal and Motion for Continuation of Settlement Conference</i> by City of Fort Myers. (Attachments: # <u>1</u> Exhibit 1 — Settlement Agreement, # <u>2</u> Exhibit 2 — Proposed Amendments, # <u>3</u> Exhibit 3 — Memo from Plaintiffs, # <u>4</u> Exhibit 4 — E-Mail from Plaintiffs Counsel, # <u>5</u> Exhibit 5 — E-Mail Regarding Requested Relief)(Potter, David) (Entered: 02/14/2013)
02/15/2013	<u>95</u>	RESPONSE in Opposition re <u>94</u> MOTION for Extension of Time to File <i>to File a Stipulation of Dismissal and Motion for Continuation of Settlement Conference</i> filed by Cindy Banyai, Christopher Faulkner, F. Frank Gubasta, Hilary Mains, Matt McDowell, Occupy Fort Myers, Marlene Robinson, Justin Valo. (Attachments: # <u>1</u> Exhibit 1 – Fully Executed Settlement Agreement, # <u>2</u> Exhibit 2 – Email Exchange 01/10/13, # <u>3</u> Exhibit 3 – Alley Correspondence 01/17/13, # <u>4</u> Exhibit 4 – Potter Email 01/25/13)(Keesler, Jennifer) (Entered: 02/15/2013)
02/15/2013	<u>96</u>	ORDER denying <u>94</u> Motion for Extension of Time to File and Motion for continuation of settlement conference. Signed by Judge John E. Steele on 2/15/2013. (RKR) (Entered: 02/15/2013)
02/22/2013	<u>97</u>	STIPULATION of Dismissal by Cindy Banyai, City of Fort Myers, Stephanie Darst, Christopher Faulkner, F. Frank Gubasta, Zachary Kuhn, Hilary Mains, Matt McDowell, Michelle Meyer, Occupy Fort Myers, Luis Ospina, Ryan Pogue, Frank Pratt, Marlene Robinson, Justin Valo. (Keesler, Jennifer) (Entered: 02/22/2013)
03/04/2013	<u>98</u>	ORDER dismissing case with prejudice, dissolving <u>48</u> Preliminary Injunction; and releasing and discharging Bond (FTM 002151) to counsel for plaintiffs. The Clerk shall enter judgment accordingly and close the file. Signed by Judge John E. Steele on 3/4/2013. (RKR) (Entered: 03/04/2013)
03/06/2013	<u>99</u>	JUDGMENT. Signed by Deputy Clerk on 3/6/2013. (SPB) (Entered: 03/06/2013)