

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR SUMTER COUNTY, FLORIDA

LORI WEST, individually, and as Class
Representative of a Class of all similarly
situated others and ROSALIND WEAVER,
individually and as Class Representative
of a Class of all similarly situated others,

CASE NO. 2013 CA 000268

Class Representation

Plaintiffs,

v.

CITY OF WILDWOOD, FLORIDA,
a political subdivision of the State of
Florida,

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

On May 29, 2014, the Court conducted a hearing on Plaintiff's Motion for Class Certification. After conducting a rigorous analysis of the issues and facts, reviewing the depositions, Affidavits, other court filings, and after thorough consideration of the arguments of counsel, the Court hereby grants Plaintiff's Motion for Class Certification.

I. Facts

On March 28, 2005, Defendant passed Ordinance 426 (the "Ordinance") establishing a Police Fee ("Police Fee").¹ Defendant's attorney was aware that Defendant's "new funding mechanism would be subject to legal challenge" and reported to Defendant the questionable legal basis for enacting the Police Fee.² Defendant's attorney repeated her concerns regarding the questionable basis for enacting the Police Fee to Defendant "several times hoping [Defendant] would put an end to the use of [the

¹ WILDWOOD, FLA., Ordinance 426 dated March 28, 2005, Plaintiff's Evidence Exhibit "4."

² *Id.*; Wolf Aff. [See Notice of Filing Multiple Affidavits docketed 8/22/2013] Blair Memo to the City Commission - Plaintiff Evidence Exhibit "1."

Police Fee] because it ultimately has a very, very high probability of being stricken.”³ Further, Defendant’s attorney conveyed to Defendant her “very strong concerns” that if the Police Fee is declared unenforceable, there is a risk that Defendant “would have to repay the money.”⁴ In an effort to avoid liability, Defendant’s attorney included language to try to limit Defendant’s liability in case Defendant is “ordered to return all funds received as Police Fees.”⁵

Defendant charged the Police Fee as part of its utility billing statement.⁶ Defendant did not charge the Police Fee to anyone who was not one of its utility customers.⁷ The amount of the Police Fee was \$5.00 per month.⁸ All revenue generated by the Police Fee was deposited into Defendant’s General Fund.⁹ The police services funded by the Police Fee are identical to those police services Defendant provides to the general public.¹⁰ Payers of Defendant’s Police Fee were not provided unique or different police services, as compared to the police services Defendant provided to citizens who were not also Defendant’s utility customers.¹¹

³ Mem. of Jerri A. Blair, City Attorney, dated September 23, 2011, Plaintiff’s Evidence Exhibit Exhibit “1.”

⁴ Mem. of Jerri A. Blair, City Attorney, dated September 23, 2011, Plaintiff’s Evidence Exhibit Exhibit “1.” See also Defendant’s Response to Request for Admissions #13 docketed as Plaintiff’s Notice of Filing In Support of Motion for Class Certification with Exhibits A-B dated 9/17/2013.

⁵ Mem. of Jerri A. Blair, City Attorney, dated September 23, 2011, attached as Plaintiff’s Evidence Exhibit “1.” WILDWOOD, FLA., Ordinance 426, § 9 (March, 28, 2005).

⁶ See Defendant’s Response to Request for Admissions #2 docketed as Plaintiff’s Notice of Filing In Support of Motion for Class Certification with Exhibits A-B dated 9/17/2013; Certified Public Records of Plaintiff’s Utility Bills and Payments, Plaintiff Evidence Exhibit “3.”

⁷ See Defendant’s Response to Request for Admissions #20 docketed as Plaintiff’s Notice of Filing In Support of Motion for Class Certification with Exhibits A-B dated 9/17/2013;

⁸ WILDWOOD, FLA., Ordinance 912 (May 9, 2005), Plaintiff Evidence Exhibit Exhibit “4.” Defendant’s Response to Request for Admissions #3 docketed as Plaintiff’s Notice of Filing In Support of Motion for Class Certification with Exhibits A-B dated 9/17/2013.

⁹ See Defendant’s Response to Request for Admissions #18 docketed as Plaintiff’s Notice of Filing In Support of Motion for Class Certification with Exhibits A-B dated 9/17/2013; Certified Public Records of Plaintiff’s Utility Bills and Payments, Plaintiff Evidence Exhibit “3.”

¹⁰ Def.’s Answer & Affirmative Defenses docketed on April 1, 2013 at ¶ 9; Blair Aff. at ¶ 8 (stating “additional police services was a universal need throughout the City” and the Police Fee provided “a means of raising funds to provide the necessary services”).

¹¹ Blair Aff. at ¶ 9 (stating “the use of such a fee to fund additional officers would benefit all citizens”).

Defendant charged the Police Fee from March 28, 2005 to October 24, 2011, at which time Defendant repealed Ordinance 426.¹² While the Ordinance remained in effect, Defendant collected at least \$975,959.67 in Police Fee revenue.¹³ Defendant has well over \$900,000.00 in reserves.¹⁴ Defendant has not yet refunded any of the Police Fee revenue.

Defendant Admits the following¹⁵:

1. Admit Plaintiffs were charged by and paid to the City of Wildwood police fees.

City's Response

As to request number 1, as it applies to Lori West and Rosalind Weaver, the City admits that Police Fees were charged to plaintiffs at some time during the time that the ordinance providing Police Fees was in effect.

2. Admit that the City of Wildwood charged over 4000 water customers police fees.

City's Response

The City admits its charge Police Fees to residents of the City of Wildwood and utilized billing statements as a means of billing and collection of Police Fees.

3. Admit that the City charged over \$900,000.00 in police fees.

City's Response

As to request number 3, the City admits it charged over \$900,000.00 in Police Fees over the period between 2005 and 2011 when the ordinance was in effect and affirmatively asserts that the Police Fees were charged at a rate of \$5.00 per month.

4. Admit each City water customer who paid the police fee was charged \$5.00 a month for police fees.

¹² WILDWOOD, FLA., Ordinance O2011-17 (October 24, 2011) Plaintiff's Evidence Exhibit "4."

¹³ Certified Public Records of Plaintiff's Utility Bills and Payments, Plaintiff Evidence Exhibit "3."

¹⁴ See Deposition of City Manager Bill Cannon, dated April 2, 2014 pg.39, line 9.

¹⁵ See Defendant's Response to Request for Admissions docketed as Plaintiff's Notice of Filing in Support of Motion for Class Certification with Exhibits A-B dated 9/17/2013.

City's Response

As to request number 4, the City admits that the residents of the City of Wildwood were charged a Police Fee of \$5.00. per month and that the Police Fees were charged on utility bills.

6. Admit Section 4 of Ordinance No. 426, states, in part, the funding need for police service shall be determined in each subsequent year based upon the law enforcement budgetary needs of the City at the time of the budget for each subsequent year.

City's Response

The City admits request number 6.

7. Admit the City charged police fees during each of the following years: 2005, 2006, 2007, 2008, 2009, 2010 and 2011.

City's Response

With regard to request number 7, the City admits that Police Fees were charged during 2006, 2007, 2008, 2009, 2010 and were charged during a portion of 2005 and a portion of 2011.

10. Admit City water customers who were charged police fees by the City were charged the same monthly amount for police fees.

City's Response

With regard to paragraph 10, the City admits that the residents of the City who were charged Police Fees by the City were charged the same monthly amount for Police Fees.

13. Admit the letter from City of Wildwood Attorney Jeri Blair attached hereto as Exhibit "A" is a genuine and correct copy of the letter submitted by Attorney Jeri Blair to the City of Wildwood Commission on or about September 23, 2011.

City's Response

The City admits request number 13.

18. Admit all police fees collected by the City went to the City's general fund.

City's Response

The City admits request number 18.

20. Admit the City did not charge police fees to City property owners who were not City utility customers.

City's Response

The City admits request number 20.

II. Prerequisites for Class Certification Under 1.220 (a)

Under Florida law, "a trial court must make its determination as to class certification at an earlier stage in the cause of action..."¹⁶ In deciding a Motion for Class Certification, "a trial court should resolve doubts with regard to certification in favor of certification, especially in the early stages of litigation."¹⁷ "When determining whether to certify a class a trial court should focus on the prerequisites for class certification and not on the merits of the cause of action."¹⁸

"However, if consequential to its consideration of whether to certify a class, a trial court may consider evidence on the merits of the case as it applies to the class certification requirements."¹⁹ In this case, the Court did consider evidence on the merits of the case as it applies to the class certification requirements.

In this case, Ms. Weaver carries the burden of proving the prerequisites required under 1.220 (numerosity, typicality, commonality and adequacy). Ms. Weaver has satisfied all prerequisites.

a. Numerosity. As to numerosity, Ms. Weaver proved there are at least 2,800 utility customers who paid police fees to the City of Wildwood. Plaintiff's Exhibit 4 reveals that the City collected \$173,632.00 from its utility

¹⁶ *Sosa v. Safeway Premium Finance Co.*, 73 So.3d 91 (Fla. 2011) at pg. 7.

¹⁷ *Id.* pg. 7.

¹⁸ *Id.* pg. 7.

¹⁹ *Id.* pg. 7.

customers in 2011 by charging a \$5.00 monthly fee for police services. "No specific number and no precise count are needed to sustain the numerosity requirement."²⁰ 2,800 potential class members are "...so numerous making joinder impractical."²¹ Accordingly, Ms. Weaver has satisfied the numerosity requirement.

b. Typicality. "The key inquiry for a trial court when it determines whether a proposed class satisfied the typicality requirement is whether the class representative possesses the same legal interest and has endured the same legal injuries as the class members."²² In this case, Ms. Weaver has the same legal interest as all of the class members. The City imposed upon her and the class members a \$5.00 monthly fee for police services on their utility bills and they each have the same theory for recovery; the Defendant's \$5.00 monthly police fee is an unlawful tax unauthorized by the Florida legislature. Accordingly, Ms. Weaver satisfies the typicality requirement.

c. Commonality. The standard for proving commonality is not a high one.²³ Courts will generally find commonality "where a question of law refers to standardized conduct by defendants towards members of the proposed class."²⁴ In order for the commonality requirement to be satisfied, "it is usually required that there be at least one issue affecting either all or a significant number of the class members."²⁵ Consequently, when a plaintiff alleges there is a common scheme of conduct towards the class members and the issue affects all of the class members in a similar way, the

²⁰ *Id.* pg. 13

²¹ *Id.* pg. 13 *Maner Props, Inc. v. Siksay*, 489 So.2d 842, 844 (Fla. 4th DCA 1986) (determining numerosity requirement was satisfied because evidence there were potentially over 350 plaintiffs in the class was sufficient...).

²² *Sosa v. Safeway Premium Finance Co.*, 73 So.3d 91 (Fla. 2011) at pg. 13.

²³ *Broin v. Phillip Morris Companies, Inc.*, 641 So.2d 888, 890 (Fla. 3d DCA 1994).

²⁴ *In re Amerifirst Securities Litigation*, 139 F.R.D. 423 (S. D. Fla. 1991).

²⁵ *Cheney v. Cybergaurd Corporation*, 213 F.R. D. 484, 490 (S.D. Fla. 2003).

commonality requirement is satisfied.²⁶ The issue of commonality is primarily concerned with whether "the same course of conduct"²⁷ and "whether the same legal theory"²⁸ are involved in connection with the claims asserted by the proposed class representatives. Ms. Weaver and the class she seeks to represent have the same causes of action arising from Defendant's imposition of \$5.00 monthly fee on City water utility customers. Furthermore, all putative class members have the same legal theory as Ms. Weaver arising from Defendant's same course of conduct. Accordingly, Ms. Weaver satisfies the commonality requirement.

d. Adequacy of Representation. Ms. Weaver's interest is the same as all class members in the proposed class and there is nothing in the record to reflect antagonistic interests between any of them. Accordingly, Ms. Weaver is an adequate class representative. The Court must also consider whether the law firm hired by the individual named plaintiffs is qualified, experienced and generally able to conduct litigation. Proposed Class counsel, Derek A. Schroth, is experienced in class action litigation, is Florida Bar Board Certified in local government law and is an expert on local government matters. Class counsel has successfully defended and prosecuted class action cases and complex litigation cases in State and Federal court including a case involving a municipality charging police fees to its water customers. Accordingly, the court hereby appoints Derek A. Schroth as class counsel. Ms. Weaver satisfies the Adequacy of Representation requirement.

²⁶ *Walco Investments, Inc. v. Thenen*, 168 F.R.D. 315, 325 (S.D. Fla. 1996).

²⁷ *Broin v. Phillip Morris Companies, Inc.*, 641 So.2d 888, 890 (Fla. 3d DCA 1994).

²⁸ *Id.*

III. Class Certification Under Rule 1.220 (b)

After finding that Ms. Weaver meets all four prerequisites under Rule 1.220 (a), the Court must then determine whether class certification is appropriate under 1.220 (b). The Court certifies the following defined class: Those who paid the City Police Fees from February 12, 2009. The Court limits the Class definition to those who paid from February 12, 2009 forward because Defendant is correct; the Statute of Limitations does provide a partial bar to Plaintiff's claims. Plaintiff acknowledges that if a refund were ordered, such refund would only apply to payments of the Police Fee made within four years of the date of filing this lawsuit (February 12, 2013).²⁹

Certification is appropriate under 1.220 (b)(1)(a) because prosecution of separate claims by individual class members would create a risk of inconsistent or varying adjudications concerning individual members of the class which would establish incompatible standards of conduct for the Defendant. Certification is also appropriate under 1.220 (b)(1)(b) because prosecution of separate claims by individual class members would create a risk of adjudications concerning individual members of the class which would, as a practical matter, be dispositive of the interests of the other members of the class who are not parties to the adjudications and substantially impair and impede the ability of other members of the class who are not parties to the adjudications for protect their interests. If the court did not certify the class in this case, many class members' rights would be substantially impaired and impeded by virtue of the Statute of Limitations.

²⁹ *Spring Lake Improvement District v. Tyrrell*, 814 So.2d 1077 (2nd DCA 2002). (Refund of unlawful taxes limited to four years prior to lawsuit); *Ves Carpenter Contractors, Inc. v. City of Dania*, 422 So.2d 342 (4th DCA 1982) (Restitution of unlawful fees limited to four years prior to initiation of lawsuit).

Certification is also appropriate under 1.220 (b) (2) because Defendant acted on grounds generally applicable to all the class members making Plaintiff's request for declaratory relief concerning the class as whole appropriate. Defendant charged the class representative and each class member the same \$5.00 monthly fee each month on their water bills.

Defendant submitted numerous Affidavits to the Court at the hearing to which Plaintiff objected on several grounds. Plaintiff's objections are overruled and the Court has considered all the evidence presented by Defendant in conducting its rigorous analysis and making its determination on class certification. Defendant also raised several arguments in opposition to class certification which the Court respectfully rejects. One of Defendant's arguments is that the ordinance which enacted the Police Fee contains language which attempts to insulate the City from liability regarding the fees it charged. The Court has already struck this defense raised by the City in the Court's August 29, 2013 Order. Furthermore, Ordinance 2011-17 (Plaintiff's Exhibit 4) repealed Ordinance 426 in its entirety. Thus, any language in Ordinance 426 which established the police fees is no longer valid as the City repealed it. Defendant's other arguments go towards the merits and do not defeat class certification.

The Court hereby **ORDERS** and **ADJUDGES** that:

1. Plaintiff's Motion for Class Certification is **GRANTED**.
2. Plaintiff, Rosalind Weaver, is Class Representative of the Class defined as: Those who paid the City Police Fees from February 12, 2009.
3. The Court confirms Derek A. Schroth of Bowen & Schroth, P.A. as Class Counsel in this case.

4. Within thirty (30) days from the date of this Order, Defendant shall provide Plaintiff with the names and last known addresses of every class member reasonably ascertainable by Defendant.

5. Within thirty (30) days after Defendant's submittal to Plaintiff of the names and last known addresses of the class members, Plaintiff shall, at Plaintiff's expense, mail the notice attached hereto as Exhibit "A" to each of the class members. Copies of any and all exclusion (opt out) notices received by Plaintiff shall, within ten (10) days of receipt, be remitted to Defendant.

6. The case style shall be amended to reflect that Lori West, individually, and as Class Representative of all similarly situated others has been dropped as a party. The clerk shall change the style of this case to:

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR SUMTER COUNTY, FLORIDA

ROSALIND WEAVER, individually,
and as Class Representative of a
Class of all similarly situated others,

Plaintiff,

v.

CITY OF WILDWOOD, FLORIDA,
a political subdivision of the State of
Florida,

Defendant.

CASE NO. 2013 CA 000268

Class Representation

DONE AND ORDERED in Chambers at Bushnell, Sumter County, Florida this
25 day of June, 2014.


WILLIAM H. HALLMAN, III
Circuit Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent via e-mail service to Ashley S. Hunt, Esq, Hunt Law Firm, P.A. Ashley@huntlawpa.com, crystal@huntlawpa.com 601 S. 9th Street, Leesburg, FL 34748, George E. Carr, Esq., Law Offices of George E. Carr, P.A., 301 East Pine Street, Suite 790, Orlando, FL 32801 gcarr6052@gmail.com and Derek A. Schroth, Esq., dschroth@brslegal.com, James A. Myers, Esq., jmyers@brslegal.com, Bowen & Schroth, P.A., 600 Jennings Avenue, Eustis, FL 32726 this 25 day of June, 2014.


Mabel Hughes, Judicial Assistant

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR SUMTER COUNTY, FLORIDA

ROSALIND WEAVER, individually, and
as Class Representative of a Class of all
similarly situated others,

Case No.: 2013 CA 268

Plaintiff,

v.

CITY OF WILDWOOD, FLORIDA,
a political subdivision of the State of
Florida,

Defendant.

NOTICE OF PENDENCY OF CLASS ACTION

To All Potential Members of the Following Class: Those who paid the City police user Fees from February 12, 2009 (the "Class").

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.

YOU HAVE NOT BEEN SUED.

Those who paid police user fees from February 12, 2009 to the City of Wildwood have sued alleging that the City of Wildwood levied unlawful taxes in the form of police fees to the City's water utility customers on their water bills (the "Lawsuit").

The Circuit Court of Sumter County (the "Court") has allowed the lawsuit to be a class action on behalf of all those who paid the City police user fees from February 12, 2009.

The Court has not decided whether the City of Wildwood did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you must decide now whether to remain a member of the Class or opt out of the Class.

Your options are explained in this notice. To opt out, you must act before November 10, 2014.

Unless this case is resolved by settlement or otherwise dismissed, Class Counsel must prove the claims against the City of Wildwood before the Court. If money or benefits are obtained from the City of Wildwood, you will be notified about how to ask for a share of the recovery.

Any questions not answered by this Notice of Pendency of Class Action (the "Notice") should be directed to Class Counsel and not the Court.

WHY THIS NOTICE WAS SENT TO YOU

The City of Wildwood has indicated that you are someone who paid the police user fee from February 12, 2009 and are, therefore, a member of the Class. This notice is being sent to you pursuant to Florida Rule 1.220(d)(2) of Civil Procedure, which requires that, upon the certification of a Class, all members of the Class who can be identified and located be provided with certain information regarding the Lawsuit and their rights.

BACKGROUND OF THE LAWSUIT

Plaintiff, Rosalind Weaver, sued the City of Wildwood. The Plaintiff alleges that the City of Wildwood's enactment of Ordinance 426 (the "Ordinance"), which imposed police user fees on its water utility customers, was an unlawful attempt to levy non-ad valorem taxes in violation of the Florida Constitution. The Plaintiff requests the Court declare the City's retention of the collected police user fees unlawful and order the City of Wildwood to refund all of the police user fees it has collected since February 12, 2009.

No money or benefits are available now because the Court has not yet decided whether the City of Wildwood is required to return the collected fees, and the two sides have not settled the Lawsuit. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share of the recovery.

CLASS CERTIFICATION

The Court ruled that this Lawsuit may be maintained as a class action on behalf of the following Class:

Those who paid the City police user Fees from February 12, 2009 (the "Class Members").

The estimated number of Class Members exceeds 2,800. The Court certified as Class Representative, Rosalind Weaver (the "Class Representative"). The Class Representative seeks relief on behalf of herself and all Class Members. Bowen & Schroth, P.A. is Class Counsel.

RIGHT TO SEPARATE COUNSEL

You have the right to hire your own attorney and unless you retain your own counsel to enter an appearance on your behalf, you will be represented by Class Counsel. If you choose to hire your own attorney, you will have to pay that attorney.

ATTORNEY FEES

As a Class Member, you will not be directly charged by Class Counsel to represent you in this Lawsuit. In the event of a judgment in favor of the Class in this Lawsuit, Class Counsel will apply to the Court for payment of reasonable attorneys' fees and costs which will either be deducted from the funds recovered before net proceeds are distributed to the Class Members or paid directly by the City of Wildwood.

YOUR OPTIONS

The Court has not decided the merits of the Lawsuit. The purpose of this Notice is to advise you of the existence of this Lawsuit and how it may affect your rights. You have to decide whether to stay in the Class or ask to be excluded before the Court enters judgment, and you have to decide this before November 10, 2014. Your options regarding this lawsuit are as follows:

| | |
|-------------------|---|
| Do Nothing | <p>By doing nothing, you will remain a member of the Class. Your interests will be represented by Class Counsel and you will be bound by the outcome of this Lawsuit. In the event of a favorable judgment, you will share in the recovery. In the event of an unfavorable judgment, you will be precluded from bringing the same or similar claims against the City of Wildwood on your own behalf. You will be entitled to notice of and an opportunity to be heard regarding any proposed settlement or dismissal of this Lawsuit. You will be entitled to share in settlement proceeds obtained on behalf of the Class.</p> <p>If you want to remain a member of the Class, you should NOT sign the "Request for Exclusion From Class" form.</p> |
| Opt Out | <p>By opting out of the Class, your interests will not be represented by Class Counsel and you will not be bound by the outcome of this Lawsuit unless you seek to intervene in this Lawsuit. In the event of a favorable judgment, you will not share in the recovery. In the event of an unfavorable judgment, you may still assert the same or similar claims you have against the City of Wildwood. You will not be entitled to notice of or an opportunity to be heard regarding any proposed settlement or dismissal of the Lawsuit. You will not be entitled to share in any settlement proceeds obtained on behalf of the Class.</p> <p>If you want to be excluded from the Class, you must complete the enclosed form ("Request for Exclusion From Class") and return it by mail, postmarked no later than November 10, 2014, to:</p> <p style="padding-left: 40px;">Derek A. Schroth Bowen & Schroth, P.A. 600 Jennings Avenue Eustis, Florida 32726</p> <p>If you request exclusion on behalf of any person or entity other than yourself, you must state your legal authority to execute the request on behalf of that other person or entity.</p> |

FURTHER COURT PROCEEDINGS

This Lawsuit is not presently set for trial. The City of Wildwood denies the Plaintiffs' allegations and denies that Plaintiffs are entitled to any recovery. You may communicate with Class Counsel if you have any evidence you believe would be helpful to establish the Class claims, and you may be asked by the parties to provide information relevant to the case.

If it becomes necessary to hold a hearing or trial in order to resolve this class action, there is no guarantee that the Plaintiffs will win, or that they will get any money for the Class. You do not need to attend the hearing or trial. Class Counsel will present the case for the Plaintiffs, and the City of Wildwood will present its defenses. You or your own attorney are welcome to attend at your own expense.

ADDITIONAL INFORMATION

If the Plaintiffs obtain any money or benefits as a result of this class action, you will be notified about how to participate in the recovery. We do not know how long this will take.

Any questions you have concerning the matters contained in this Notice should NOT be made to the Court, but should be directed to:

Derek A. Schroth
Bowen & Schroth, P.A.
600 Jennings Avenue
Eustis, Florida 32726
(352) 589-1414

REMINDER AS TO TIME LIMIT

If you wish to be excluded from the Class, you must return a completed "Request for Exclusion From Class" form to Class Counsel by mail **postmarked no later than November 10, 2014**.

Dated: June ____, 2014.

BY ORDER OF THE COURT
FIFTH JUDICIAL CIRCUIT IN AND FOR
SUMTER COUNTY, FLORIDA

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA**

**ROSALIND WEAVER, individually, and
As Class Representative of a Class of all
similarly situated others,**

Case No.: 2013 CA 268

Plaintiff,

v.

**CITY OF WILDWOOD PARK, FLORIDA,
a political subdivision of the State of Florida,**

Defendant.

_____ /

**REQUEST FOR EXCLUSION FROM CLASS
(ONLY FILL OUT IF YOU WISH TO BE EXCLUDED FROM THE CLASS)**

THIS DOCUMENT MUST BE POSTMARKED BY NO LATER THAN **November 10, 2014**.
IT MUST BE SENT BY U.S. REGULAR MAIL.
PLEASE MAIL TO:

Derek A. Schroth
Bowen & Schroth, P.A.
600 Jennings Avenue
Eustis, Florida 32726

IT IS MY DECISION TO EXCLUDE MYSELF FROM THE CLASS IN THIS CLASS ACTION CASE. I confirm that I was someone who paid the police user fees from February 12, 2009 to the City of Wildwood. I confirm that I have received notice of this class action, I have decided to be excluded from the class, and I have decided not to participate in this class action.

Signature Date Current Mailing Address

Print Name Address Where City of Wildwood
Provided Water Utility Service