



# Palmer Trinity School Litigation

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# Pending Civil Rights Claims

- Palmer Trinity alleges that ***delay*** caused by various ***civil rights violations*** (due process, equal protection, etc.) in the course of the School's ***land use applications*** (e.g., especially zoning, number of students, and 30-year prohibition on further development) resulted in ***monetary damages***

# Pending Civil Rights Claims (continued)

- Pending civil rights litigation ***does not involve*** any pending ***land use applications***
- Pending civil rights litigation ***involves only monetary claims***
- Monetary claims ***cannot be fulfilled*** (paid by the government) by providing ***land uses*** which are ***not otherwise justified*** on the specific merits of the land use issue

# Pending Civil Rights Claims Lawsuit Counts

Fifth Amended Complaint consists of ***fourteen (14) counts***, as follows:

- Five (5) not involving the Village or dismissed
  - 4 not involving Village (2 dismissed also)  
(#4, #11, #12, #13)
  - 1 involving Village dismissed (#3)

# Pending Civil Rights Claims Lawsuit Counts (continued)

- Five (5) involving federal claims (clearly or potentially)
  - Three (3) clearly alleging federal claims (#5, #8, #9)
  - Two (2) possibly alleging federal claims (#1, #10)

Note: federal claims are covered by Village insurance for defense and liability (\$5 million per occurrence)

# Pending Civil Rights Claims Lawsuit Counts (continued)

- Two (2) involving state claims without monetary remedies (#6, #14)
- Two (2) involving state claims with monetary damages (#2, #7) (include also #1 and #10 if no federal claims therein)

# Pending Civil Rights Claims Lawsuit Counts (continued)

Note – Regarding State claims, Village is protected by sovereign immunity: (a) completely with respect to non-personal injury or non-property damage torts; and (b) above \$100,000 for personal injury and property damage torts

# Pending Civil Rights Claims Lawsuit Counts (continued)

Note – Village is not insured against state claims, due to sovereign immunity protection; state claims will be defended by insurance coverage as long as any federal claim exists

# Pending Civil Rights Claims Lawsuit Counts List

1. Ex Parte/Constitutionality/Fed & State
2. Ex Parte Hidden/State
3. Spoliation of evidence – DISMISSED
4. Spoliation of evidence – DISMISSED/  
NOT VILLAGE
5. Public/private school class/Equal  
protection/Fed & State

# Pending Civil Rights Claims Lawsuit Counts List (cont)

6. Citizens' Bill of Rights/State/Clearly no monetary damages
7. Public records/State/statutory attorney fees
8. Civil Rights/US Sec. 1983/due process/equal protection/Fed & State
9. Abuse of process/civil rights/Fed & State

# Pending Civil Rights Claims Lawsuit Counts List (cont)

10. Conspiracy/unclear/Fed&State
11. Conspiracy – NOT VILLAGE
12. Punitive damages – NOT VILLAGE/  
DISMISSED
13. Defamation – NOT VILLAGE
14. Temporary Injunction/no monetary  
damages

# Summary

## Pending Civil Rights Claims

- *Federal (US) Claims*
  - Substantive law – In general, land use disputes involving delay in governmental issuance of permits or development orders do not give rise to US constitutional claims
  - Insurance covers federal claims/\$5 million each occurrence and defense fees

# Summary

## Pending Civil Rights Claims (cont)

- *State (Florida) claims*
  - Sovereign immunity protects Village against State claims, either completely or above \$100,000 liability
  - Insurance covers defense fees for State claims only if federal claims also exist

# Summary

## Pending Civil Rights Claims (cont)

- *Damages*
  - Damages are not cumulative; that is, a single operative set of facts, which may hypothetically give rise to several legal claims, allows only one measure of damages

# Summary

## Pending Civil Rights Claims (cont)

- *Damages (cont)*
  - Damages from delay would be premised upon immediate building upon receiving approval of land uses; yet no action to build taken since final approval to land uses issued in 2012

# Summary

## Pending Civil Rights Claims (cont)

- *Complaint*
  - Repetitive, confusing, rambling
  - Rhetorical: “**Simply put, Enough is enough**” (allegation #142)

# Summary

## Pending Civil Rights Claims (cont)

- *Complaint (cont)*
  - Not conform to Fla Rule of Civil Procedure 1.110(b)(2): “a short and plain statement of the ultimate facts showing that the pleader is entitled to relief.”

# Summary

## Pending Civil Rights Claims (cont)

- *Complaint (cont)*
  - Case identification: Palmer Trinity Private School v. Village of Palmetto Bay, et. al., 08-28977 CA 30, Eleventh Judicial Circuit of Florida

# Completed Land Use Litigation

- All Village action and litigation regarding the permitted *land uses* by Palmer Trinity School was *completed on August 29, 2012*
- Palmer Trinity School is entitled to develop its property based upon the approved site plan and development agreement

# Completed Land Use Litigation (continued)

- *Re-zoning* was approved on *May 4, 2010* (after Council denial on April 14, 2008 was reversed by the Florida Third District Court of Appeal)

# Completed Land Use Litigation (continued)

- The *school size* (1150 students) and elimination of the 30 year prohibition on new applications was approved on *August 29, 2012* (after Council action on May 4, 1010 limited student size to 900 with the 30 year prohibition, followed by various appeals and final ruling for Palmer Trinity by the Third District Court of Appeal)

# Completed Land Use Litigation (continued)

- With these actions, the land use disputes and litigation ended; *land use* issues are *no longer in dispute and are no longer in litigation*
- Any application for a site plan or development agreement change after August 2012 is to be considered on its *own merits*, without regard to litigation