



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

991340

TO: Mayor and City Commissioners

DATE: April 24, 2000

FROM: City Attorney

CONSENT


SUBJECT: James and Betty DeCoursey v. Paula DeLaney, Bruce Delaney, Edward Jennings, Pegeen Hanrahan, Wayne Bowers, and Tom Saunders;
Case No.: 1:00CV31SPM

Recommendation: The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled James and Betty DeCoursey v. Paula DeLaney, Bruce Delaney, Edward Jennings, Pegeen Hanrahan, Wayne Bowers, and Tom Saunders.

In 1995, the Code Enforcement Board found the DeCourseys to be in violation of the City's Code of Ordinances pertaining to the outdoor storage of non-operational vehicles and repair of vehicles in a residential area. The DeCourseys did not come into compliance within the time set by the Board. The Board imposed a \$25.00 per day fine and placed a lien on the property, which lien and fine were recently rescinded by the City.

On or about April 7, 2000, Mayor Paula DeLaney, Commissioners Pegeen Hanrahan, Ed Jennings, Bruce Delaney, City Manager Wayne Bowers, and Director of Community Development Tom Saunders were served with a complaint by Mr. and Mrs. James DeCoursey alleging that the placement of the lien on their property constituted a crime against them. The DeCourseys request \$5,000,000.00 in monetary damages, as well as other damages.

Prepared by:


Elizabeth A. Waratuke,
Litigation Attorney

Approved and
submitted by:


Marion J. Ratson,
City Attorney

CITY OF GAINESVILLE
CITY COMMISSION

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
DIVISION

2000 APR 10 PM 4:15

James W. DeCoursey

Betty Y DeCoursey

(Name of plaintiff or plaintiffs)

1:00ocv 31 8PM

V

Paula M. DeLaney

CIVIL ACTION NO. _____
(Case number supplied
by the clerk's office)

(Name of defendant or defendants)

COMPLAINT UNDER ARTICLE IV U.S.C.

1. This action is brought pursuant to Article IV U.S.C.
Jurisdiction is specifically conferred on the court by
42 U.S.C.s 2000e-5. Equitable and other relief are also
sought under 42 U.S.C. s2000e-5(g)

James & Betty DeCoursey
2. Plaintiff's _____ are

Citizens of the UNITED STATES and resides at _____ 1905 N.E.
(street)

3rd Ave

Gainesville

Alachua

address)
FLORIDA

((city)
32641

(county)
(352)377-6473

(state)

(Zip code)

(Telephone no)

OFFICE OF CLERK
U.S. DISTRICT CT.
NORTH DIST. FLA.
GAINESVILLE, FLA.

00 MAR 22 PM 3:38

RECEIVED

Paula M DeLaney.

3. Defendant _____ lives _____
200 E. University AV.
at, or its business is located at _____
(Street address)

Gaine ville Alachua Florida 32601

(City) (County) (State) (Zip Code)

4. Plaintiff's property was sized _____
200 East University Ave
by the defendant _____
(Street address)

Gainesville Alachua Florida 32601

(City) (County) State) (Zip Code)

5. Defendant violated against plaintiff in the manner indicated _____
21 09 95
in paragraph 8 of this complaint on or about _____
(day) (month) (year)

6. plaintiff filed no charges against the defendant with the Equal
Employment Opportunity Commission charging defendant with
the acts of discrimination indicated in paragraph 8 of this
complaint on or about _____
21 09 95
(day) (month) (year)

7. The Equal Employment Commission issued a Notice of Right to
N/A
Sue which was received by the plaintiff on _____
a copy of which is attached to this complaint.

8. Because of plaintiff's (1) race () (2) color
(3) sex () (4) religion () (5) national origin ()
defendant

(a) () failed to employ plaintiff.

(b) () terminated plaintiff's employment.

(c) () failed to promote plaintiff.

(d) (x) committed a crime against plaintiff Pursuant

Article IV and V U.S. C.

9. The Circumstances under which defendant violated plaintiff's right are as follows: By having a lien and fine's of approximately Eighteen Thousand dollars placed on plaintiff's property after only (2) weeks of purchase

10. The acts set forth in paragraph 8 of this complaint

- (a) () are still being committed by defendant.
- (b) (x) are no longer being committed by defendant
- (c) () may still be being committed

11. Plaintiff attaches to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission which charges are

submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) Defendant be directed to employ plaintiff, and
- (b) Defendant be directed to re-employ plaintiff, and
- (c) Defendant be directed to promote plaintiff, and
- (d) Defendant be directed to admitt to the court their
guilt, \$5,000,000.00 dollars in damages, rmoveal

from office, and loss of all Retirement benifits

and that the Court grant such other relief as may
be appropriate, including injunctive orders,
damages, costs and attorney's fees.

James W. DeLong - Betty DeLong
SIGNATURE OF PLAINTIFF'S
1905 N.E. 3rd AVE

ADDRESS OF PLAINTIFF'S

GAINESVILLE, FLORIDA 32641

CITY STATE ZIP CODE

(352) 377-6473

Telephone Number

