

# Town Commission Workshop Agenda Item

**Section:**

**Meeting Date:** August 2, 2023

**Subject:** Request for Shade Meeting pursuant to Fla. Stat. Sec. 286.011(8), F.S.

**Submitted By:** Town Attorney Repperger

## **Background Information:**

The Town of Melbourne Beach (including Town Commissioners individually, Town Officials, and various other parties) are Defendants in Brevard County Circuit Court Case No. 05-2022-CA-053294-XXXX-XX filed by Petitioner Alison Dennington as an election contest suit.

On July 26, 2023, the Town Attorney received an email communication from Ms. Dennington proposing settlement terms and resolution of the above-referenced litigation. On July 28, 2023, the Town Attorney received a second email communication from Ms. Dennington clarifying and detailing a settlement proposal.

Fla. Stat. Sec. 286.011(8), F.S. permits the Town Commission to meet in private with its legal counsel to discuss settlement negotiations or strategy sessions related to litigation expenditures. The Section requires strict compliance with requirements for notice and recording of the session.

If approved, a meeting date will be selected (anticipating August 16, 2023), and the Town will provide notice of the session in accordance with the statutory section.

## **Recommendation:**

Approve noticing and holding pending litigation meeting/session in accordance with Fla. Stat. Sec. 286.011(8), F.S.

## **Attachments:**

- July 26, 2023 and July 28 2023 emails from Alison Dennington to Town Attorney Repperger.

## Cliff Repperger

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**From:** Alison Dennington <ali4sunshinepr@yahoo.com>  
**Sent:** Friday, July 28, 2023 6:46 PM  
**To:** Cliff Repperger  
**Cc:** W. Nathan Meloon; claudiapastorius@gmail.com; Melbourne Beach Town Manager; Cathie Cummings; Adam Bird; Wyatt Hoover; Joyce Barton; Corey Runte; Marivi Walker; Sherri Quarrie  
**Subject:** Re: CASE NUMBER 05-2022-CA-053294-XXXX-XX A DENNINGTON VS TOWN OF MELBOURNE BEACH, Et al.

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yes thank you so much

i want to let the shed case play out bc i have claudia and have gotten that far  
i really want to settle the elections case though and just dismiss it with a full release and let it die bc I dont have health or energy for it  
no one admits guilt  
in exchange  
i would let go of suing on a ton of public records cases

i want Nathan to proceed full steam as if i will (bc I will) prosure the public records particularly those related to election stuff  
but

if we can agree to terms of settlement where i get a realise, no fault admitted, no bad mouthing and victory dances but a release and dismissal of elections (and election related claims- sunshine meetings (alleged violations) and all outstanding public records as of now not directly related to shed case - maybe 1 or 2 - i might not sue those but i dont to be foreclosed from mentioning those- shed related only)  
i hope that made sense?

but 95% of public records lawsuits could go away and so election case

and  
yes i would oppose judgement on pleadings  
and  
yes schedule hearing  
with caveawe might postone hearing if we get close and if settlemt looks possible

im just not healthy enough to continue the energy required and i miss my kids  
and i think all the town officials are good people who (i do think didnt do things by book, but they are still good people, and I just dont want to carry the fight anymore). i just want to give up  
but  
i dont want give up and then be beaten up thereafter.

thank you  
ali

Sent from Ad14

On Jul 27, 2023, at 11:53 AM, Cliff Repperger <cliff@whitebirdlaw.com> wrote:

Ms. Dennington,

Thank you for your email. I wanted to take a moment to acknowledge my receipt. I feel that it is appropriate to extend you that courtesy given the cooperative tone and spirit of your email.

Unfortunately, I do not have the ability to unilaterally agree to any terms of settlement, but I am certainly willing to discuss the same with the Town Commission. I will likely request that the Town Commission publicly notice and schedule a shade meeting/executive session to consider your proposal.

I think my assistant Cathie was in the process of scheduling hearing time on our Motion for Judgment on the Pleadings for October 3, 2023 @ 10:00 a.m. with you. If you don't mind, I would like to reserve that date and prepare a Notice of Hearing so that we don't have to push the hearing date out further if a resolution is not reached. We will then have two (2) months prior to the hearing date to explore your proposal. You have my word that I will make a genuine attempt to explore settlement options with the Town Commission. In the meantime, I assume that you object to the content of our Motion for Judgment on the Pleadings and that there is no need to discuss the Motion in an attempt to resolve it prior to preparing the Notice of Hearing (as required by Judge Paulk's rule). If you would like to discuss the Motion prior to our preparation of the Notice of Hearing, let me know. Otherwise, please let me know if we may prepare and file a Notice of Hearing.

I understand that you are representing yourself pro se in the elections contest suit, but due to the fact that Mr. Meloon has informed me that he represents you on public records matters, I am copying him on this response for his awareness since you reference public records issues below. I am also copying Ms. Pastorius for her awareness in an abundance of caution (since you reference the Code Enforcement appeal case below). If either Mr. Meloon or Ms. Pastorius believe I should be communicating with them rather than Ms. Dennington directly, please let me know.

Thank you again for your communication.

Best regards,

Cliff Repperger  
Town Attorney,  
Town of Melbourne Beach

**Clifford R. Repperger, Jr., Esq.**  
**Partner**

p. 321.327.5580 | f. 321.327.5655

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cliff@whitebirdlaw.com  
whitebirdlaw.com



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**From:** Alison Dennington <ali4sunshinepr@yahoo.com>  
**Sent:** Wednesday, July 26, 2023 7:07 AM  
**To:** Cliff Repperger <cliff@whitebirdlaw.com>  
**Subject:** Fwd: Hearing time request - 09/12/23 at 2;15p - CASE NUMBER 052022CA053294XXXXXX A DENNINGTON VS TOWN OF MELBOU

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cliff  
I would like to talk about some kind of settlement  
Even though i believe im right in this case  
AND in my public records cases  
i lack the energy needed to keep going  
i suppose i will keep if i have to  
but i would like very much to just let it all go and give up  
if that is something you all might consider  
let me know  
Id like to negotiate something wherein  
i would drop my election lawsuit against everyone  
AND i dont file 50 public records suits  
And i just give up and admit defeat amd go back to having a life  
its very hard for me to do so  
but my kids are growing older everyday and Im missing things with no end in sight  
But  
in order to do that  
I dont want to give up and dismiss everything AND then be hounded by you all  
  
but if we could negotiate a truce and release  
where everyone releases each other and no admissions AND release of me as well  
i wpuld be amenable to that and to dismissing and stopping And not filing or continuing to pursue the election stuff nor  
the public records stuff  
and then ill just go back to having my life uncomplicated  
  
my shed case is on appeal and I do want that to play out bc Ive gotten it that far  
but i want to be dome with my involvement with all the other  
i want a clean break from it all  
  
think it over and i suppose let me know what all of yall think  
thanks  
Ali

Sent from Ad14

Begin forwarded message:

**From:** A D-14 <[a.dennington@icloud.com](mailto:a.dennington@icloud.com)>  
**Date:** July 21, 2023 at 9:03:47 AM EDT  
**To:** Cathie Cummings <[ccummings@whitebirdlaw.com](mailto:ccummings@whitebirdlaw.com)>

Cc: Lola Merrick <[lola.merrick@flcourts18.org](mailto:lola.merrick@flcourts18.org)>, [a.dennington@me.com](mailto:a.dennington@me.com), [Ali4sunshinepr@yahoo.com](mailto:Ali4sunshinepr@yahoo.com)  
Subject: Re: Hearing time request - 09/12/23 at 2;15p - CASE NUMBER 052022CA053294XXXXXX A  
DENNINGTON VS TOWN OF MELBOU

Im just curious

How is it you getca hearing. I sent several emails months ago to Judge Paulk's assistant but never got responses?

I guess bc im just pro se my emails get ignored??

Ill have to look at my schedule and get back to you

but I would really like my past emails That I sent asking questions about Judge Paulk's court rules and how to send an exhibit binder and how to to request a hearing answered

Sent from Ad14

On Jul 18, 2023, at 5:14 PM, Cathie Cummings <[ccummings@whitebirdlaw.com](mailto:ccummings@whitebirdlaw.com)> wrote:

Good afternoon, Lola,

We are attempting to schedule a hearing with the Plaintiff in this matter who is unrepresented. She is copied on this email. I haven't heard back from her as to my request for availability on 09/12/23. We would like to reserve the time as available hearing time is limited with Judge Paulk without hearing back from Ms. Dennington. Would you be okay with the reservation under the condition that we would need to cancel/reschedule the hearing if Ms. Dennington is unavailable on that date?

Please advise. Thanks.

## Cathie

### Cathie Cummings, FRP

Florida Registered Paralegal

p. 321.327.5580 | f. 321.327.5655

2101 Waverly Place, Suite 100

Melbourne, FL 32901

[whitebirdlaw.com](http://whitebirdlaw.com)



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**From:** Cathie Cummings

**Sent:** Tuesday, July 18, 2023 11:52 AM

**To:** [a.dennington@icloud.com](mailto:a.dennington@icloud.com); [alidfunoe@yahoo.com](mailto:alidfunoe@yahoo.com)

**Subject:** Hearing time request - 09/12/23 at 2;15p - CASE NUMBER 052022CA053294XXXXXX A DENNINGTON VS TOWN OF MELBOU

Good morning, Ms. Dennington,

Please let me know if you can attend a hearing 09/12/23, beginning at 2:15 p.m. on the Motion for Judgment on the Pleadings and Motion for Sanctions. These pleadings were filed on 07/14/23. The hearing will be in person before Judge Paulk, and we will be requesting 1 hour.

I await your response. Thank you.

## Cathie

**Cathie Cummings, FRP**

Florida Registered Paralegal

p. 321.327.5580 | f. 321.327.5655

2101 Waverly Place, Suite 100

Melbourne, FL 32901

[whitebirdlaw.com](http://whitebirdlaw.com)

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