

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 50 2006 CA 014100 XXXX MB AA

CITY OF RIVIERA BEACH,

Plaintiff,

v.

DAWN PARDO; DIANA DIMEO; KATHY
GROOVER; DRAGA M. LINDBLOM; AND
GORDON ROWSE,

Defendants.

ANSWER AND COUNTERCLALIM

Defendants Dawn Pardo, Diana Dimeo, Kathy Groover, Draga M. Lindblom, and Gordon

Rowse answer Plaintiff's Complaint as follows:

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Admit.
6. Admit.
7. Admit.
8. Admit that the Defendants formed a committee for purposes of petitioning to repeal Ordinance No. 3016 and to petition for two charter amendments to the City Charter but deny that they are seeking initiative petitions.
9. Admit that the initiative and referendum process in the City of Riviera Beach is

controlled by the City Charter, subject to the Florida Constitution and case law but deny that the City Charter has any control over amendments to the City Charter.

10. Admit.
11. Admit that Defendants filed an affidavit establishing themselves as the petitioners committee for referendum but deny that they are a petitioners' committee for any initiative petition.
12. Deny that Defendants submitted any initiative petitions but admit the remaining allegations.
13. Admit but the term initiative petitions.
14. Admit but for the term initiative petition.
15. Deny. That the City Clerk had previously deferred to the Palm Beach County Supervisor of Elections for certification; the Clerk's alleged certification was nine (9) days after the required twenty (20) days period.
16. Admit.
17. Admit.
18. Denied.
19. Admit.
20. Admit.
21. Denied.

COUNTERCLAIM

Defendants, Dawn Pardo, Diana Dimeo, Kathy Groover, Draga M. Lindblom, and Gordon Rowse, sue the Plaintiff, City of Riviera Beach, and allege as follows:

1. This is an action pursuant to the Citizen Participation in Government Act found at

Section 768.295, Florida Statutes.

2. The purpose of the Act is to protect the right of Florida's citizens to exercise their rights to peacefully assemble, and instruct their representatives, and petition for redress of grievances before their government.
3. The Act specifically prohibits Strategic Lawsuits Against Public Participation (SLAPP) suits by governments.
4. Plaintiff is a governmental entity as defined by the Act.
5. Defendants are petition committee members who have petitioned the Plaintiff for referendum elections, to repeal an ordinance, and to amend the City's Charter as more fully set forth in Plaintiff's complaint.
6. Plaintiff's complaint filed in this action is a SLAPP suit without merit and filed solely because Defendants have exercised their right to petition their government as protected by the First Amendment to the United States Constitution, and Section 5, Article I of the State Constitution.
7. Pursuant to the Act, the Defendants have a right to an expeditious resolution of their claim that Plaintiff's complaint is in violation of the Act.
8. Defendants have retained the undersigned counsel to represent them in this action and are obligated to pay them a reasonable fee for their services, and pursuant to Section 768.295(5), Defendants are entitled to an award of attorney's fees and costs should they prevail in this action.

WHEREFORE, Defendants Dawn Pardo, Diana Dimeo, Kathy Groover, Draga M. Lindblom, and Gordon Rowse request the Court to:

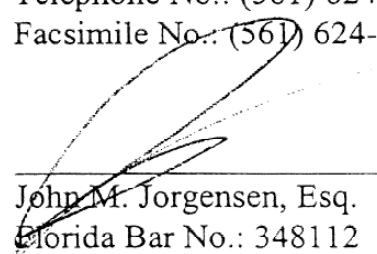
1. Enter judgment dismissing Plaintiff's complaint as a SLAPP suit in violation

- of the Act;
2. Award attorney's fees and costs to Defendants;
 3. Require Defendant City of Riviera Beach to report the Final Judgment finding them in violation to the Attorney General no later than 30 days after judgment so that the Attorney General shall report the violation of the Act to the Cabinet, the President of the Senate, and the Speaker of the House of Representatives;
 4. And to grant such other and further relief as the Court deems proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: Brian B. Joslyn, Esq., 515 North Flagler Drive, Suite 1900, West Palm Beach, FL 33401 and Richard A. Jarolem, Esq., Casey, Ciklin, Lubitz, Martens & O'Connell, 515 North Flagler Drive, 18th Floor, West Palm Beach, FL 33401 on this 11th day of January, 2007.

SCOTT, HARRIS, BRYAN, BARRA,
& JORGENSEN, P.A.
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