

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

CIVIL DIVISION

CASE NO.: 502006CA014101XXXXMB AA

DAWN PARDO,

Petitioner,

vs.

JIM JACKSON, NORMA DUNCOMBE  
VANESSA LEE, ELIZABETH WADE,  
ANN ILES, CARRIE WARD AND  
THE CITY OF RIVIERA BEACH,

Respondents.

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**RESPONDENTS' RESPONSE TO MOTION FOR SANCTIONS/MOTION TO STRIKE  
AFFIDAVIT**

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Respondents JIM JACKSON, NORMA DUNCOMBE, VANESSA LEE, ELIZABETH  
WADE, ANN ILES, CARRIE WARD AND THE CITY OF RIVIERA BEACH (collectively  
the "City") files this Response to the Motion for Sanctions and in support states as follows:

1. On or about December 18, 2006 the City became aware of some inconsistencies in the signature gathering procedures by the Petitioner with regard to the three petitions that are the subject matter of this action.
2. On or about December 18, 2006 when the City became aware of the irregularities of the signature gathering, the matter was discussed at the City Council meeting and formed the basis of one of the reasons for determining insufficiency of the petitions.
3. At no time did the City knowingly aid, abet or advise the violation of any code in violation of §104.091, Florida Statutes.
4. In fact, the City did not speak with Richell Breakwell prior to receiving the information on or about December 18, 2006; did not hire Richell Breakwell; was not consulted in the hiring of Richell Breakwell; did not hire CTC investigators; was not consulted in the hiring

of CTC; did not direct anyone to hire CTC; was not aware of the hiring of CTC; did not direct anyone to do anything concerning CTC and/or Richell Breakwell and had nothing whatsoever to do with any of the actions of CTC and/or Richell Breakwell as it related to the gathering of the information attested to.

5. As evidenced above, the information was provided to the City on or about December 18, 2006, approximately two months after Richell Breakwell made her observations as stated in the affidavit.

6. As the City had no involvement with the investigation, and was only provided the results of the investigation, there is absolutely no basis for sanctions and/or the striking of the affidavit itself.

7. As to the allegations concerning the City Clerk, the deficiency in the signature collection is not apparent on its face, and the Clerk have no prior knowledge as to the existence of any deficiencies in the signature collections process. In addition, it was the Supervisor of Elections and not the City Clerk who verified the signatures.

8. It is also irrelevant that Richell Breakwell is not a resident of Riviera Beach, so long as she was in Riviera Beach and made the observations as stated in her affidavit.

9. Furthermore, the Petitioner has made no inquiry or conducted no discovery with regard to Richell Breakwell herself to determine the basis for any of its accusations concerning her conduct. In spite of their lack of inquiry, Petitioner's Motion tarnishes the City in an attempt to contaminate this Court in its deliberations on the issues. Such accusations of bad faith, conspiracy or violations of any statute should be stricken as scandalous under Rule 1.140 (f) Fla. R. Civ. P.

10. Sanctions are completely inappropriate as Ms. Breakwell swore to the Affidavit, under penalty of perjury, and the City has absolutely no knowledge as to any falsity contained therein.

WHEREFORE, Respondents seek an Order denying the Petitioner's Motion to Strike Affidavit, Motion for Sanctions and further issue and Order striking any reference to any purported bad faith or conspiracy by the City concerning the actions of Richell Breakwell. Quashing the Alternative Writ of Mandamus and the Striking of the individual Councilmembers.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via facsimile to John M. Jorgensen, Esq., Scott Harris Bryan et. al., 4400 PGA Blvd., Suite 800, Palm Beach Gardens Fl, 33410, this 31<sup>st</sup> day of January, 2007.

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