

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

_____ /

JOINT STATUS REPORT

Plaintiffs, GRACE, Inc., Engage Miami, Inc., South Dade Branch of the NAACP, Miami-Dade Branch of the NAACP, Clarice Cooper, Yanelis Valdes, Jared Johnson, Alexandra Contreras and Steven Miro, and Defendant, City of Miami, (collectively, the “Parties”), and by and through the Parties’ undersigned counsel, hereby file this joint status report in accordance with this Court’s May 14, 2024 Order (ECF No. 191).

1. The Parties have been negotiating in good faith toward a mutually agreeable resolution to this case and related litigation and believe they may have reached that resolution.

2. On May 13, 2024, the Parties filed a Joint Status Report (ECF No. 190) informing the Court that a settlement agreement was drafted between counsel for the Plaintiffs and the City, and the City Commission was briefed. The Parties also informed the Court that a Resolution to approve the settlement (the “Resolution”) was set on the City Commission agenda for the May 9, 2024. City Commission meeting; however, the City Commission deferred the item to the next meeting, on May 23, 2024, based upon the absence of Commissioner Damian Pardo.

3. The Parties further informed the Court that they anticipated the settlement would be approved at the May 23, 2024, City Commission meeting and can be executed by the Parties after the veto period expires or until after signed by the Mayor; and that they would be able to provide the Court a status report on May 24, 2024, following the May 23, 2024, Commission meeting (ECF No. 190).

4. The Parties also informed the Court that the City filed a notice of appeal on May 10, 2024 (ECF No. 189), but the filing of the appeal did not indicate that it does not intend to go forward the settlement as described above. The City believes this appeal was necessary to preserve its appellate rights. Plaintiffs believe the City did not need to notice this appeal to preserve its right to appeal the interlocutory orders appealed in the notice of appeal, and that an appeal from a final judgment, which the Court has not yet entered, would encompass those interlocutory orders. The Parties agree that this appeal can be addressed by the settlement agreement.

5. In that same Joint Status Report (ECF No. 190), the Parties requested the Court to stay the briefing and hearing proceedings set forth in its April 15, 2024 Order (ECF No. 186).

6. On May 14, 2024, the Court entered an order staying and continuing the deadlines and hearing set forth in (ECF No. 186) until after the May 23, 2024 Commission meeting. (ECF No. 191) The Court further ordered the Parties to file a joint status report with the Court on or before May 24, 2024. (ECF No. 191)

9. On May 23, 2024, the City Commission met and approved the Resolution by a four to one vote. The Mayor's ten-day veto period will expire on June 2, 2024. If not vetoed, or if approved by the Mayor earlier, then the Resolution will go into effect. If vetoed, that veto may be overridden by a vote of four of the Commissioners. When the Resolution is effective, the parties can execute the settlement agreement. The parties therefore request that this Court continue to

abate this case until the parties can submit the settlement to this Court for approval and execution of a proposed consent judgment.

WHEREFORE, the Parties, Plaintiffs, GRACE, Inc., Engage Miami, Inc., South Dade Branch of the NAACP, Miami-Dade Branch of the NAACP, Clarice Cooper, Yanelis Valdes, Jared Johnson, Alexandra Contreras and Steven Miro, and Defendant, City of Miami, respectfully provide this status report and request the Court continue the stay in this action.

Respectfully submitted this 24th day of May 2024.

/s/ Caroline A. McNamara

Nicholas L.V. Warren (FBN 1019018)
ACLU Foundation of Florida, Inc.
1809 Art Museum Drive, Suite 203
Jacksonville, FL 32205
(786) 363-1769
nwarren@aclufl.org

Daniel B. Tilley (FBN 102882)
Caroline A. McNamara (FBN 1038312)
ACLU Foundation of Florida, Inc.
4343 West Flagler Street, Suite 400
Miami, FL 33134
(786) 363-2714
dtilley@aclufl.org
cmcnamara@aclufl.org

Neil A. Steiner*
Julia Markham-Cameron*
Dechert LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
(212) 698-3822
neil.steiner@dechert.com

Christopher J. Merken*
Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104
(215) 994-2380

/s/ George T. Levesque

Jason L. Unger, Esquire
Florida Bar No. 991562
Jason.Unger@gray-robinson.com
George T. Levesque
Florida Bar No. 55551
George.Levesque@gray-robinson.com
Andy Bardos
Florida Bar No. 822671
Andy.Bardos@gray-robinson.com
GRAYROBINSON, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, Florida 32301
Telephone: (850) 577-9090
Facsimile: (850) 577-3311

Christopher N. Johnson
Florida Bar No. 69329
Christopher.Johnson@gray-robinson.com
Marlene Quintana, B.C.S.
Florida Bar No. 88358
Marlene.Quintana@gray-robinson.com
Fabian A. Ruiz
Florida Bar No. 117928
Fabian.Ruiz@gray-robinson.com
Jessica D. Santos
Florida Bar No. 1038776
Jessica.Santos@gray-robinson.com
GRAYROBINSON, P.A.
333 S.E. 2nd Avenue, Suite 3200
Miami, Florida 33131

christopher.merken@dechert.com

Gregory P. Luib*

Dechert LLP

1900 K Street NW

Washington, DC 20006

(202) 261-3413

Gregory.luib@dechert.com

** Admitted pro hac vice*

Counsel for Plaintiffs

Telephone: (305) 416-6880

Facsimile: (305) 416-6887

CITY OF MIAMI

GEORGE K. WYSONG, III, City Attorney

Florida Bar No. 989010

JOHN A. GRECO, Chief Deputy City Attorney

Florida Bar No. 991236

KEVIN R. JONES, Deputy City Attorney

Florida Bar No. 119067

Office of the City Attorney

444 S.W. 2nd Avenue

Miami, FL 33130

Telephone: (305) 416-1800

Facsimile: (305) 416-1801

Counsel for Defendant