

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 08-03787 CA 15

NORMAN BRAMAN, *et al.*,

Plaintiffs,

vs.

MIAMI-DADE COUNTY, *et al.*,

Defendants.

FINAL JUDGMENT

Plaintiffs Norman Braman and Braman-Liebowitz Associates #2 filed this action seeking a declaration invalidating local governmental actions and agreements concerning the construction of a Miami-Dade County-owned baseball stadium for use by the Florida Marlins, L.P., a privately owned major league baseball team. Pursuant to Plaintiffs' request, the case was expedited and proceeded to trial on the basis of the Second Amended Complaint and amendments thereto.

Several of the eight counts alleged by Plaintiffs were disposed of prior to trial. On March 28, 2008, the Court granted the County Defendants' Motion to Dismiss the specific performance claim in Count III of Plaintiffs' First Amended Complaint, which alleged that the County breached the terms of the 1997 bond documents. By order dated May 15, 2008, the Court entered summary judgment in favor of the County Defendants as to Counts I and II of the Second Amended Complaint, which alleged violations of the Florida Sunshine Law. By order dated June 5, 2008, the Court entered summary

judgment in favor of the City of Miami as to Count III of the Second Amended Complaint, which alleged the City violated notice provisions of the City Code and County Charter. With leave of the Court, the Plaintiffs filed Count VIII of the Second Amended Complaint which again alleged that the City violated notice provisions of the City Code and County Charter. On July 2, 2008, the Court entered summary judgment in favor of the City on Count VIII. On July 16, 2008, the Court entered summary judgment in favor of the City, the Omni Community Redevelopment Agency ("CRA"), and the County as to the violations of the Community Redevelopment Act, Fla. Stat., 163.330 *et seq.*, alleged in Plaintiffs' subsequent amendment to Count V of the Second Amended Complaint.

The remaining counts were tried before the Court without a jury from July 14-23, 2008. At the close of Plaintiffs' case, this Court denied Plaintiff Braman's request for declaratory relief on Count VI of the Second Amended Complaint, which alleged that the County breached the terms of the 1997 bond documents. The Court also denied Plaintiffs' request, at the close of Plaintiffs' case, for declaratory relief on Count VII of the Second Amended Complaint, which alleged that the County violated the terms of Resolution No. R-913-04 when it decided to reallocate 2004 bond proceeds to help build the baseball stadium.

At the close of all the evidence, this Court found that the County's decision to construct a publicly owned baseball stadium serves a paramount public purpose within the meaning of Article VII, Section 10 of the Florida Constitution, and by order dated September 9, 2008 denied all relief as to Count IV. Finally, on October 2, 2008, this Court denied Plaintiffs' application for declaratory and injunctive relief as to the

constitutional claim in the subsequent amendment to Count V of the Second Amended Complaint, which alleged that the County's receipt and use of Tax Increment Financing revenues from the Omni CRA without a voter referendum violated Article VII, section 12 of the Florida Constitution. To the contrary, the Court declares that the County's receipt and use of such revenues in the absence of a voter referendum is constitutional.

In light of the foregoing,

IT IS ADJUDGED and declared that Plaintiffs' application for declaratory and injunctive relief is resolved in favor of Defendants, Miami-Dade County, George M. Burgess, the City of Miami, the Omni CRA, the Southeast Overtown/Parkwest CRA, and the Florida Marlins, L.P. Judgment is entered in favor of all Defendants and against Plaintiffs, and Defendants shall go hence without day. Any remaining motions unresolved by this judgment are denied as moot. The Court retains jurisdiction to hear motions to recover costs and attorney's fees incurred in this matter.

ORDERED this 20th day of ~~October~~ ^{November}, 2008 at Miami, Florida.

SIGNED AND DATED
NOV 20 2008



JUDGE JERI B. COHEN Jeri Beth Cohen
Circuit Court Judge

Copies furnished to all counsel