

## Richardson, Morris

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**From:** W. Nathan Meloon <nmeloon@uslegalteam.com>  
**Sent:** Thursday, March 20, 2025 3:16 PM  
**To:** Richardson, Morris; Dale Scott  
**Cc:** Ariana Tellone; Scott Knox; Julie S. Hochard; Maxwell Stork; Michael Ocasio; Bernath, Marc; Calkins, Tad; Esseesse, Alexander; Gerena, Rachel; Jackson, Susan G  
**Subject:** RE: Activity in Case 6:23-cv-02326-JSS-DCI Stewart v. Brevard County, Florida Order on Motion to Dismiss

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Mr. Richardson,

My client has not and will not receive the engineering plans that are not required by the County Code. As such, we look forward to appearing before the board at the April 22 hearing.



**W. Nathan Meloon, Attorney at Law**  
1990 W. New Haven Ave.  
Second Floor  
Melbourne, FL 32904  
(321) 255-2332 (321) 255-2351 fax



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**From:** Richardson, Morris <Morris.Richardson@brevardfl.gov>  
**Sent:** Tuesday, March 18, 2025 5:41 PM  
**To:** W. Nathan Meloon <nmeloon@uslegalteam.com>; Dale Scott <dscott@tessmari.com>  
**Cc:** Ariana Tellone <ATellone@uslegalteam.com>; Scott Knox <sknox@uslegalteam.com>; Julie S. Hochard <Julie@uslegalteam.com>; Maxwell Stork <mstork@uslegalteam.com>; Michael Ocasio <mocasio@uslegalteam.com>; Bernath, Marc <Marc.Bernath@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>; Esseesse, Alexander <Alexander.Esseesse@brevardfl.gov>; Gerena, Rachel <Rachel.Gerena@brevardfl.gov>; Jackson, Susan G

<Susan.Jackson@brevardfl.gov>

**Subject:** RE: Activity in Case 6:23-cv-02326-JSS-DCI Stewart v. Brevard County, Florida Order on Motion to Dismiss

Mr. Meloon,

As you know, when Mr. Stewart's waiver request was considered by the Board of County Commissioners on October 27, 2021, the Board tabled the matter to allow Mr. Stewart time "to provide County staff with engineering plans showing how the road can be constructed within the 30 foot right-of-way, with additional easements of the right-of-way including necessary improvements, road drainage, and utilities; and this will provide staff the administrative authority, at that time, to review and approve the plans, if appropriate, including a waiver of engineering standards."

To date, Mr. Stewart has not provided any engineering plans or otherwise addressed the Board direction. I will reiterate a proposal made in correspondence to Scott Knox on June 20, 2023:

"As we previously discussed, the County [staff] will consider road design guidelines that will provide a great degree of flexibility for the designer to exercise engineering judgment, and which can likely be met within the constrained 30' right of way, though much will depend on drainage design. I previously sent to you the Guidelines for Geometric Design of Low-Volume Roads. Since then, I obtained a copy of the Guidelines for Geometric Design of Very Low-Volume Roads, which I have attached hereto. If Mr. Stewart obtains engineering showing a design that meets the reduced design criteria in these guidelines, County staff will waive applicable technical standards where judgment indicates that this can be accomplished without substantially affecting safety or drainage."

Please advise whether Mr. Stewart will make any effort to follow through on the Board direction regarding his waiver request. If not, I will place this on the agenda for the April 22 BOCC meeting.

Kind regards,

**Morris Richardson**

**County Attorney**

Brevard County Attorney's Office

2725 Judge Fran Jamieson Way, Building C

Viera, Florida 32940

phone: 321.633.2090

e-mail: [morris.richardson@brevardfl.gov](mailto:morris.richardson@brevardfl.gov)

**From:** W. Nathan Meloon <[nmeloon@uslegalteam.com](mailto:nmeloon@uslegalteam.com)>

**Sent:** Monday, March 17, 2025 1:42 PM

**To:** Dale Scott <[dscott@tessmari.com](mailto:dscott@tessmari.com)>; Richardson, Morris <[Morris.Richardson@brevardfl.gov](mailto:Morris.Richardson@brevardfl.gov)>

**Cc:** Ariana Tellone <[ATellone@uslegalteam.com](mailto:ATellone@uslegalteam.com)>; Scott Knox <[sknox@uslegalteam.com](mailto:sknox@uslegalteam.com)>; Julie S. Hochard

<[Julie@uslegalteam.com](mailto:Julie@uslegalteam.com)>; Maxwell Stork <[mstork@uslegalteam.com](mailto:mstork@uslegalteam.com)>; Michael Ocasio <[mocasio@uslegalteam.com](mailto:mocasio@uslegalteam.com)>

**Subject:** RE: Activity in Case 6:23-cv-02326-JSS-DCI Stewart v. Brevard County, Florida Order on Motion to Dismiss

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Good afternoon,

I wanted to follow up on the below.



**W. Nathan Meloon, Attorney at Law**  
1990 W. New Haven Ave.  
Second Floor  
Melbourne, FL 32904  
(321) 255-2332 (321) 255-2351 fax



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**From:** W. Nathan Meloon  
**Sent:** Monday, March 10, 2025 9:09 AM  
**To:** Dale Scott <[dscott@tessmari.com](mailto:dscott@tessmari.com)>; [Morris.richardson@brevardfl.gov](mailto:Morris.richardson@brevardfl.gov)  
**Cc:** Ariana Tellone <[ATellone@uslegalteam.com](mailto:ATellone@uslegalteam.com)>; Scott Knox <[sknox@uslegalteam.com](mailto:sknox@uslegalteam.com)>; Julie S. Hochard <[Julie@uslegalteam.com](mailto:Julie@uslegalteam.com)>; Maxwell Stork <[mstork@uslegalteam.com](mailto:mstork@uslegalteam.com)>; Michael Ocasio <[mocasio@uslegalteam.com](mailto:mocasio@uslegalteam.com)>  
**Subject:** FW: Activity in Case 6:23-cv-02326-JSS-DCI Stewart v. Brevard County, Florida Order on Motion to Dismiss

Good morning,

Based on the below order granting the County's Motion to Dismiss without prejudice, we would like to call our waiver application up for a hearing in front of the Board. Alternatively, please advise if the Board of County Commissioners plans on not hearing the application for a waiver.

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**From:** [cmecf flmd notification@flmd.uscourts.gov](mailto:cmecf_flmd_notification@flmd.uscourts.gov) <[cmecf flmd notification@flmd.uscourts.gov](mailto:cmecf_flmd_notification@flmd.uscourts.gov)>  
**Sent:** Thursday, March 6, 2025 12:46 PM  
**To:** [cmecf flmd notices@flmd.uscourts.gov](mailto:cmecf_flmd_notices@flmd.uscourts.gov)  
**Subject:** Activity in Case 6:23-cv-02326-JSS-DCI Stewart v. Brevard County, Florida Order on Motion to Dismiss

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