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January 28, 2020

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: *Williamson v. Brevard County*
Case No.: M.D. Fla. 6:15-cv-1098-Orl-28DCI
Our File No.: 027-043

Dear Brevard County Commissioners:

The *Williamson* lawsuit relates to the prior policies and practices of the Board of County Commissioners for selection of invocation speakers at Board of County Commissioners meetings. After the opinion of the United States Court of Appeals for the Eleventh Circuit became the final ruling on the merits of the plaintiffs' claims, a remaining issue was the plaintiffs' entitlement to attorney's fees, costs, and litigation expenses. The plaintiffs contended that they are the prevailing parties and are therefore entitled to a significant award for their attorney's fees, costs, and litigation expenses.

After exchanging many settlement offers and demands, we reached an agreement (subject to final approval by the Board of County Commissioners) on January 17, 2020 to settle the plaintiffs' claims for attorney's fees, costs, and litigation expenses for four hundred thirty thousand dollars (\$430,000.00). This sum would be paid by the insurance trust with which Brevard County has a coverage agreement. Under the proposed settlement agreement, the plaintiffs would remain entitled to a sixty-thousand-dollar (\$60,000.00) payment for settlement of their damages claims, as agreed at mediation held on April 6, 2016.

Since the United States Court of Appeals for the Eleventh Circuit vacated in part the Final Judgment previously entered by the district court on November 29, 2017, the parties have agreed to the form of a Consent Amended Final Judgment. If the Board approves the settlement and the district court enters the Consent Amended Final Judgment, Brevard County would be permanently enjoined "from continuing the invocation-speaker-selection practices and procedures as explained by the Commissioners in their testimony taken in this action and as embodied in Resolution 2015-101, insofar as such practices and procedures resulted in discrimination in favor of certain monotheistic religions." This proposed final injunction tracks the ruling of the United States Court of Appeals for the Eleventh Circuit. The Consent Amended Final Judgment would explicitly state:

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“nothing in this Consent Judgment shall be construed as resolving or having preclusive effect with respect to the issue of whether the County must permit nontheists to deliver opening invocations.”

Please do not hesitate to contact me if any additional information regarding the proposed settlement of the *Williamson* lawsuit would be helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'FM Mari', with a stylized flourish at the end.

Frank M. Mari