

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR FLAGLER COUNTY, FLORIDA

DOTTYE BENTON,

Petitioner,

vs.

CASE NO.: 2018-CA-000292

CITY OF PALM COAST,

Respondent.

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STIPULATED MOTION TO EXPEDITE

Petitioner, Dottie Benton, and Respondent, the City of Palm Coast, Florida (“City”), by and through their undersigned counsel, hereby file this Stipulated Motion to Expedite, and state as follows:

1. On May 21, 2018, Benton instituted this action by filing her Petition for Writ of Certiorari in which she seeks certiorari review of an order rendered by the Hearing Officer for the City of Palm Coast that: (1) upheld City Staff's determination that Benton's dog named “Cooper,” which was previously declared dangerous by the City of Port Orange on February 21, 2018, again without provocation attacked and caused severe injury to a human, named Mr. Terry Sandt, on February 24, 2018, this time within the City of Palm Coast; and (2) in accordance with the requirements of section 767.13(2), Florida Statutes, ordered that said dog must be destroyed in an expeditious and humane manner.

2. Cooper has been maintained at the Flagler Humane Society since February 27, 2018.

3. On August 22, 2018, this Court issued its Order to Show Cause, directing the City to file a Response to the Petition for Writ of Certiorari.

4. The City filed its Response on September 6, 2018.

5. All briefing is, therefore, completed, and this case is perfected and ready for the Court's attention.

6. In light of the length of time that Cooper has remained at the Flagler Humane Society pending resolution of this matter, Benton and the City hereby jointly request that this Honorable Court expedite its review of this matter.

CONCLUSION

WHEREFORE, based upon the foregoing, Petitioner, Dottye Benton, and Respondent, the City of Palm Coast, respectfully requests that this Honorable Court expedite its review of this matter.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of October, 2018, this document was filed with the Clerk of this Court via the Florida Courts E-Filing Portal, and that a true and correct copy of the foregoing was served via electronic mail on: **Marcy LaHart, Esq.**, marcy@floridaanimallawyer.com, Marcy I. LaHart, P.A., 207 SE Tusawilla Rd., Micanopy, FL 32667-4222, counsel for Petitioner.

/s/ Erin J. O'Leary

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