

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

CIRCUIT CIVIL DIVISION
CASE NO.: 2024 CA 000488

ALAN LOWE,

Plaintiff,

vs.

CITY OF PALM COAST, a Florida
municipal corporation; and KAITI
LENHART, in her official capacity as
Supervisor of Elections of Flagler County;
and the Flagler County Canvassing Board;

Defendants.

_____ /

JOINT STIPULATION FOR FINAL JUDGMENT

It is stipulated by and between the undersigned parties, through their respective attorneys,
that:

1. The parties consent that a Stipulated Final Judgment in the form hereto attached may be filed and entered by the Court without further notice to any party or other proceedings.
2. Defendants waive any objection to venue or jurisdiction for purposes of the proposed Final Judgment.
3. This Joint Stipulation and the Stipulated Final Judgment to which it relates are for settlement purposes only and do not constitute an admission by Defendant, CITY OF PALM COAST, in this or any other proceeding that Section 101.161, Florida Statutes, or any other provision of law has been violated.
4. In the event the proposed Final Judgment is not entered pursuant to this Joint Stipulation, then this Joint Stipulation shall be of no effect whatsoever and the making of this Joint Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: _____, 2024

FOR THE PLAINTIFF:

FOR THE CITY OF PALM COAST

FOR KAITI LENHART

FOR THE FLAGLER COUNTY
CANVASSING BOARD

DRAFT

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_____ /

STIPULATED FINAL JUDGMENT

Plaintiff, ALAN LOWE, having commenced this action by filing a Complaint for violation of Section 101.161, Florida Statutes, and Plaintiff and Defendants, by and through their respective attorneys, having consented to the entry of this Stipulated Final Judgment without trial or adjudication of any issue of fact or law herein and without this Stipulated Final Judgment constituting any evidence against or an admission by any Defendant with respect to any allegation of the Complaint;

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim for which relief may be granted against the Defendants;

2. Judgment hereby is entered in favor of the Plaintiff, ALAN LOWE, and against the Defendants, CITY OF PALM COAST, KAITI LENHART, in her official capacity as Supervisor of Elections of Flagler County, and the FLAGLER COUNTY CANVASSING BOARD;
3. The Defendants shall remove the proposed amendment to remove Article VI 3(e) from the City Charter of the City of Palm Coast (“Charter Amendment”) from the November 5, 2024 City of Palm Coast election ballot; and
4. The Defendants shall acknowledge that even if the Charter Amendment has been printed on certain ballots, the Defendants may still take corrective action to disregard the Charter Amendment and effectively remove the Charter Amendment from the November 5, 2024 election; and
5. The Defendants shall provide notice at polling locations that the Charter Amendment on the November 5, 2024 City of Palm Coast election ballot is no longer under consideration and that no votes made toward it will be considered; and
6. The Defendants are prohibited from tabulating, counting, releasing or certifying the election results of the Charter Amendment vote.
7. The parties shall each bear their respective attorneys fees and costs.

ORDERED at Bunnell, Florida on _____, 2024

CIRCUIT JUDGE