IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

CASE NO. 03-CA 2195

LEON COUNTY, FLORIDA, a political
subdivision of the State of Florida, Plaintiff,

v.

CITY OF TALLAHASSEE, a Florida Municipal
Corporation, Defendant.
_____/

MOTION TO ABATE

COMES NOW, the Plaintiff, LEON COUNTY, FLORIDA, a Florida Charter County and political subdivision of the State of Florida, by and through its undersigned Attorneys, and files this, its MOTION TO ABATE, pursuant to Chapter 164, Florida Statutes, and as grounds therefore, states as follows:

1) That the Plaintiff, LEON COUNTY, FLORIDA, has filed an action for Declaratory and Injunctive Relief against the City of Tallahassee, a Florida municipal corporation, on September 26, 2003.

2) That Chapter 164 at Section 164.1041 requires that local governments who engage in litigation must pursue the Intergovernmental Cooperation Procedures as set forth in Chapter 164.

3) That pursuant to Chapter 164.1041, the Plaintiff herein is required to move this Court to abate the proceedings in this case until such time as the parties hereto have completed the procedures required under Chapter 164, Florida Statutes. At such time, the Plaintiff will so advise the Court to unabate these proceedings if the Chapter 164 conflict resolution procedures are unsuccessful.

4) That the Plaintiffs herein represent to the Court that they have contacted counsel for the Defendants and that they have no objection to the entry of an Order of Abatement in this case under these terms and conditions.

Dated this 26th day of September, 2003.

LEON COUNTY, FLORIDA

By: _____

Herbert W.A. Thiele, Esq.
County Attorney
Suite 202, 301 South Monroe Street
Tallahassee, Florida 32301
(850) 487-1008
Florida Bar No. 261327
Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been furnished to James E. English, Esq., City Attorney, 300 S. Adams Street, Tallahassee, Florida, 32301, by ~~First Class United States Mail~~ hand delivery, this 26th day of September, 2003.

LEON COUNTY, FLORIDA

BY: _____

Herbert W.A. Thiele, Esq.
County Attorney

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