

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA
CIVIL DIVISION**

**JONATHAN G. GREEN,
Plaintiff,**

v.

**CASE NO.: 2024 CA 000223
DIVISION: N**

**D.C. REEVES, MAYOR OF THE CITY
OF PENSACOLA, FL, THE PENSACOLA COUNCIL,
PENSACOLA CITY COUNCIL, ALSO ACTING AS COMMUNITY
REDEVELOPMENT AGENCY, and JOBE'S DIRT WORKS LLC,
Defendants.**

**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS AND ORDER ON
PLAINTIFF'S MOTION TO WITHDRAW NECESSARY PARTY**

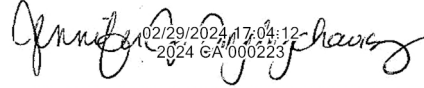
THIS MATTER is before the Court on Defendants D.C. Reeves, Mayor of the City of Pensacola, FL, the Pensacola Council, and Pensacola City Council also acting as Community Redevelopment Agency's Motion to Dismiss, e-filed on today's date, and Plaintiff's Motion to Withdraw Necessary Party, e-filed on February 22, 2024. The Court has reviewed the pleadings and applicable law, and being otherwise advised in the premises, the Court finds as follows:

As properly argued by Defendants, there are procedural deficiencies with Plaintiff's "Amended Emergency Temporary Restraining Order" and "Supplemental Emergency Temporary Restraining Order," some of which have previously been identified by the Court. For purposes of the instant Motion, the Court focuses its analysis on Defendants' arguments outlined in Subsection II(C). There are substantive deficiencies with Plaintiff's request for a "restraining order." Injunctions, such as the one requested here, do not exist in a vacuum, and Plaintiff has failed to state a cause of action. The Court finds this is fatal and cannot be remedied through an evidentiary hearing. Therefore, it is hereby

ORDERED AND ADJUDGED that Defendants' Motion to Dismiss is GRANTED without prejudice. If Plaintiff is able to file an appropriate pleading in accordance with applicable law, he must do so within the next fourteen (14) days. Failure to do so shall result in dismissal with prejudice and without further order of the Court.

As to "Plaintiff's Motion to Withdraw Necessary Party," Plaintiff has requested an order. The Court cites to Fla. R. Civ. P. 1.420(a) and finds the matter moot.

DONE AND ORDERED at Pensacola, Escambia County, Florida.



signed by CIRCUIT COURT JUDGE JENNIFER J FRYDRYCHOWICZ 02/29/2024 05:04:12 Kh2v5Zu

**JENNIFER J. FRYDRYCHOWICZ
CIRCUIT JUDGE**

DUE TO THE NUMBER OF CASES THIS DIVISION HANDLES, IT IS THE RESPONSIBILITY OF THE PLAINTIFF TO NOTIFY MY JUDICIAL ASSISTANT IMMEDIATELY IF THE CASE SHOULD SETTLE.

Parties will receive service from the Courts at the e-mail designations on the service list of the e-Portal. The attorney/movant shall effectuate service upon any party not registered on the service list of the e-Portal and file a Certificate of Compliance within five (5) business days.

Copies to:
Jonathan G. Green, Plaintiff
JOHN ZOESCH and ADAM COBB, Attorneys for Defendant

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. please contact:

**Court Administration, ADA Liaison
Escambia County
190 Governmental Center, 5th Floor
Pensacola, FL 32502
Phone (850) 595-4400 Fax (850) 595-0369
ADA.Escambia@flcourts1.gov**

at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.