

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

GEORGE WILLIAMS, MEGAN ALLEN,  
KEVIN DOYLE, LORI GOODWIN,  
ADAM TEICHNER, BRIAN ENGLAND,  
MARTHA BAKER, MAGALIE VANCOL PENA,  
ROLANDO TABARES, ALLEN JONES,  
and JUAN BASO, individually and  
on behalf of all other individuals similarly situated,

CLASS REPRESENTATION

Plaintiffs,

vs.

CASE NO.: 2011CA 1584  
Judge Jackie Fulford

RICK SCOTT, JEFF ATWATER, and  
PAM BONDI, in their capacities as  
the STATE BOARD OF ADMINISTRATION,  
JEFF ATWATER, as Chief Financial Officer  
of Florida, and JOHN P. MILES, Secretary  
of the Department of Management Services and  
Administrator of the Florida Retirement  
System,

Defendants.

2011 JUN 20 A 8:04  
C-01  
JOB INZER  
CLERK CIRCUIT COURT  
LEON COUNTY, FLORIDA

FILED

COPY - not verified against original

PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION

Pursuant to Florida Rule of Civil Procedure 1.610, Plaintiffs, by and through their undersigned counsel, move this Court for a temporary injunction prohibiting the Defendants from implementing provisions of Chapter 2011-68, Laws of Florida (2011) to the extent detailed below. Specifically, the Plaintiffs move for a temporary injunction to prohibit the implementation (in the manner expressed below) of the following provisions of Chapter 2011-68: Ch. 2011-68, §§5, 7, 11, 13, 24, 26, 29, 33, 40, Laws of Fla. (2011) that mandate the deduction of three percent (3%) of the gross compensation of employees in the Florida Retirement System to serve as "contributions" toward the benefits which members are

contractually entitled to receive under the Florida Retirement System. In support of this Motion, the Plaintiffs submit the attached Memorandum of Law and state as follows:

1. On May 26, 2011, the Governor of Florida signed Senate Bill 2100, "An act relating to retirement." The provisions challenged in the Complaint for declaratory and injunctive relief, which is incorporated herein by reference, will take effect on July 1, 2011 and are codified in Chapter 2011-68, Laws of Florida.

2. Since 1974, when the FRS was converted to a mandatory, noncontributory pension plan, the rights of FRS members established by Chapter 121, Florida Statutes have been declared "of a contractual nature, entered into between the member and the state, and such rights shall be legally enforceable as valid contract rights and shall not be abridged in any way." §121.011(3)(d), Fla. Stat. (2011). The provisions of Chapter 2011-68 which require existing FRS members, as of July 1, 2011, to contribute 3% of their salary to the pension plan and which reduce the COLA percentages of members who retire after July 1, 2011, unconstitutionally impair the contract rights of the Class members. Additionally, the 3% salary deduction constitutes an unconstitutional taking of the Class members' property without full compensation and unconstitutionally abridges their collective bargaining rights.

3. The Class members will suffer immediate and irreparable harm if the challenged provisions of Chapter 2011-68 are implemented. The Class members have no adequate remedy at law, and it is in the public interest to ensure that the contract between the State of Florida and the Class members is not impaired, that the property rights of the Class members are not taken without just compensation and that the Class members' collective bargaining rights are not abridged.

4. The Plaintiffs move for a temporary injunction to prohibit the Defendants from placing the 3% salary deduction into the FRS trust fund. However, the Plaintiffs are not seeking to have the funds paid to the Class members. Instead, the Plaintiffs request that the funds be placed either in an interest bearing account or a short term investment fund until final disposition of the Complaint.

The grounds for this Motion are more fully set forth in the accompanying Memorandum of Law, which is incorporated herein by reference.

WHEREFORE, the Plaintiffs respectfully request that this Court enter a temporary injunction directing the Defendants, specifically the State Board of Administration, to segregate the 3% salary deductions from the Class members and place such funds either in an interest bearing account or a short term investment fund until final disposition of the Complaint.

Respectfully submitted,

  
RONALD G. MEYER, ESQUIRE

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*\* Motion to Appear Pro Hac Vice to  
be filed*

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the foregoing is being served with  
the Plaintiffs' Complaint on this 20<sup>th</sup> day of June, 2011.

  
RONALD G. MEYER