

THE LAW OFFICE OF
ANDREA FLYNN MOGENSEN, P.A.
200 SOUTH WASHINGTON BOULEVARD • SUITE 5 • SARASOTA, FLORIDA 34236

TELEPHONE: 941-955-1066

ANDREA@SARASOTACRIMINALLAWYER.COM

FACSIMILE: 941-955-1008

January 19, 2010

VIA E-MAIL

Frederick Elbrecht, Esquire
Deputy County Attorney
1616 Ringling Boulevard
Sarasota, FL 34236

Re: Resolution of Baseball Litigation

Dear Rick:

In response to your call to me last week, I met with my clients to discuss the terms of a settlement of the pending litigation. My clients are willing to resolve the litigation upon the entry of a stipulated settlement agreement by both the County and City on the following terms:

1. The County would be required to hold a public referendum at the next regularly scheduled countywide election for the purpose of determining whether the public favors the expenditure of public funds to subsidize a professional sports team. All parties would have to agree to the ballot language of the referendum and the outcome of the referendum would be binding on all parties.
2. Prior to the referendum, on dates mutually agreeable to all parties, the County and City would hold no fewer than two (2) joint public meetings solely for the purpose of discussing the pros and cons of expending public funds to subsidize a professional sports team. Equal time would be allotted to those supporting and opposing a public subsidy.
3. Neither the County or City, or its administrative staff, would be permitted directly, indirectly, or through intermediaries, to advocate for or against the referendum.
4. The County would establish a permanent Sunshine Oversight Committee whose function and purpose would be to review County policies, practices and customs to ensure compliance with the spirit and letter of chapters 119 and 286 and make recommendations to the Board of County Commissioners as the committee deems necessary. The committee would be composed of five (5) members, at least two of which would be selected by the Plaintiffs, and one selected by the First Amendment Foundation of Florida, Inc.

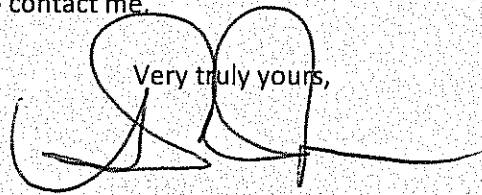
Rick Elbrecht, Esq.
January 19, 2010
Page Two

5. The County must pay all attorneys fees and costs incurred by plaintiffs up to the date a final judgment is entered in the pending litigation.

Because both the County and City are parties to this litigation, and because the City would have to agree to the proposed settlement, I have copied the City Attorney on this correspondence.

Given the timeframe, we would request that both parties respond as soon as is practical. If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Andrea Flynn Mogensen', with a long horizontal flourish extending to the right.

Andrea Flynn Mogensen

cc: Robert Fournier, Esq.