

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION

MARCELLUS M. MASON,

Plaintiff,

CASE NO.: 99-14027-CIV-GRAHAM/LYNCH

CONSOLIDATED WITH

v.

CASE NOS.: 99-14042 and 99-14257

HEARTLAND LIBRARY COOPERATIVE, *et al.*,

Defendants.

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**DEFENDANTS' RENEWED MOTION FOR**  
**PRELIMINARY INJUNCTION**

COME NOW the Defendants, Highlands County Board of County Commissioners, Heartland Library Cooperative, Fred Carino, and Mary Myers, by and through their undersigned counsel, and regrettably renew their Motion to the Court for entry of a Preliminary Injunction against the Plaintiff in this matter, preventing the Plaintiff from contacting supervisory employees of the Defendants, who have already indicated they do not wish to be contacted by Plaintiff as part of Plaintiff's many lawsuits against some or all of the Defendants in this matter.

This Court generously entered an Order on June 19, 2000, directing that Plaintiff contact supervisory employees of the Defendants as well as the individual Defendants through their counsel. Said Motion was necessitated by Plaintiff's frequent and abusive e-mail transmissions directed to the various supervisors and individual Defendants.

Subsequent to receipt of the Court's Order, Defendants' counsel and notably many of the Defendants whom Plaintiff had been directed not to contact about Case No. 99-14027, received a number of e-mail transmissions from Plaintiff.

In one such transmission, Plaintiff noted that the Court's Order "specifically said not to contact the supervisors about the case 99-14027, the Court Order did not seem to say as you suggest that no contact under any contest [sic] would be allowed." (Exhibit 1 attached hereto.)

This was in response to Defendants' counsel's suggestion that Plaintiff needed to direct public records requests to the undersigned counsel, the public records custodian, Lisa Burley (whose address the Plaintiff has), or to Mr. Carl Cool, County Manager for Highlands County. Neither Mary Myers, nor Fred Carino, nor any of the other individuals copied on Plaintiff's request have any formal role in the public records process.

Similarly, on June 23, 2000 at 3:06:49 a.m., Plaintiff authored an e-mail transmission and copied Fred Carino, Mary Myers (at two locations), and the Public Information Officer for Highlands County, reiterating that he would "obey the Court's [99-14207-GRAHAM/LYNCH] not to contact you regarding that case, but hey, there are plenty of other lawsuits and stuff we can talk about." (Exhibit 2 attached hereto.)

At 2:30:45 a.m., Plaintiff e-mailed counsel for the Defendants and stated, "I will not quit communicating with said people regarding other matters. For instance, I am not precluded from talking about the lawsuit I now have in Appellate Court. I am not precluded from talking about the new and separate lawsuit I will be filing in federal court. I am not precluded from making public records requests and 'threatening' to make a criminal complaint when these bigots don't reply in a timely manner. Counselor, the pressure will continue to be own [sic]. The court only has

jurisdiction on matters before it. ... You see, counselor, you [sic] little victory does not stop me from petitioning the government. There is no court order that forbids me from talking about Nina St. Germain lawsuit or Herman Fellin lawsuit. I guess you better whine about them to [sic] and request another injunction.” (Exhibit 3 attached hereto.)

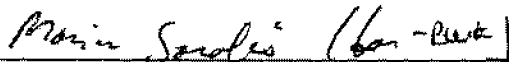
The purpose of Plaintiff’s e-mail transmissions is to intimidate and undermine witness testimony in the hope that he will frighten witnesses into saying what he wants them to say. Although in Plaintiff’s memorandum he states that he is after the destruction of the “credibility of Mary Myers” (Exhibit 4 attached hereto, dated June 21, 2000 at 6:46:08 a.m.), the truth is what Plaintiff is after is trying to undermine Ms. Myers’ ability to testify truthfully for fear of Plaintiff’s virulent tactics against her.

In addition, Plaintiff’s other matters which he has before this Court (before Judges Moore and Middlebrooks) and before the state courts, are inextricably intertwined with the present case. Indeed, Plaintiff’s recently-filed Petition for Writ of Mandamus, Case No. 00-CIV-14202, seeks the same relief as is sought by Plaintiff in case number 99-CIV-14027. As such, permitting Plaintiff to contact Defendants regarding case number 00-CIV-14202 while prohibiting from making such contact in case number 99-CIV-14027 would be anomalous. Accordingly, Defendants request that this Court enter an Order prohibiting Plaintiff from directly contacting them for any matter.

WHEREFORE, Defendants respectfully renew their Motion for a Preliminary Injunction prohibiting the Plaintiff from contacting the supervisory employees of the Defendants or the individual Defendants directly, and directing Plaintiff to make all public records requests through the undersigned counsel.

DATED: July 6, 2000

Respectfully submitted,



MARIA N. SOROLIS

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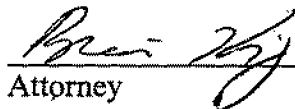
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished

Via U.S. Mail, postage prepaid, on July 6, 2000 to the following:

Marcellus Mason, Jr.  
218 Florida Drive  
Sebring, FL 33870

Summer Barranco, Esquire  
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