

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 88-2406-CIV-MORENO**

MICHAEL POTTINGER, PETER CARTER,  
BERRY YOUNG, CAROLE PATMAN, and  
DAVID PEERY,

Plaintiffs,

vs.

CITY OF MIAMI,

Defendant.

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**ORDER GRANTING JOINT MOTION TO APPROVE SETTLEMENT**

THIS CAUSE came before the Court upon the parties' Joint Motion to Approve Settlement (D.E. No. 525), filed on **December 12, 2013**.

THE COURT has considered the motion, oral argument, and the pertinent portions of the record, and being otherwise fully advised in the premises, it is


**ADJUDGED** that the motion is GRANTED for the reasons stated in Open Court on February 28, 2014. The Court finds that the proposed modification of the prior settlement agreement obtained under the direction of the mediator, former Judge Angel Cortiñas, is fair, adequate, reasonable, and not the product of collusion. The modifications take into consideration the changed circumstances of the City of Miami, the drastic reduction of the City's homeless population, the availability of beds in shelters, and public restrooms. The homeless, who are registered sex offenders, will no longer be part of the protected class. Urinating and defecating in public will no longer be protected life sustaining activities, provided that there is an available restroom within a 1/4 mile. Temporary

structures in parks and lighting fires in parks will no longer be permitted.

The Court has considered submissions from the class members and concludes that they do not constitute objections. The Court also heard from interested parties, including Miami-Dade County Mayor Carlos Gimenez, former Miami Mayor Maurice Ferre, homeless benefactor and stellar citizen Robert Dickinson, and others.

The Court finds that all the requirements of Federal Rule of Civil Procedure 23 have been met and incorporates the addendum to the original settlement agreement. All other pending motions are DENIED as moot.

DONE AND ORDERED in Open Court on February 28, 2014 and signed in Chambers at Miami, Florida, this 10 day of March, 2014.



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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
Counsel of Record