UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 14 **—Civ—(** 14278 **)**

Jane Doe,

Plaintiff,

CIV - MARRA

vs.

William D. Snyder, in his official capacity as

Sheriff of Martin County, Florida

Defendant.
_____/

PLAINTIFF'S MOTION AND INCORPORATED MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY MOTION FOR EXPEDITED TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTIVE RELIEF

[REDACTED]

Introduction

Plaintiff, an inmate in the Martin County Jail, seeks a temporary restraining order and injunctive relief under Fed.R.Civ.P. 65, and emergency relief pursuant to S.D. Fla. Local Rule 7.1(e). Plaintiff meets all of the elements for a TRO and injunctive relief. As set forth in her Verified Complaint, which is contemporaneously filed, Plaintiff has been and continues to be denied the ability to exercise her constitutional right to a safe and legal abortion. Emergency relief is appropriate and necessary, as because of the delay occasioned by Defendant, [redacted] Defendant's continued refusal to allow Plaintiff access to a timely, legal, and safe abortion violates her rights under the Eighth and

Fourteenth Amendment to the U.S. Constitution. A redacted version of this motion will be e-filed.

As the United States Supreme Court has made clear, a woman has a fundamental right to decide whether or not to bear a child. This right survives incarceration. A county jail may not, therefore, deny an inmate the right to terminate her pregnancy. Additionally, denying an inmate access to medical care for the purpose of terminating her pregnancy constitutes deliberate indifference to her serious medical needs in violation of the Eighth Amendment's prohibition on cruel and unusual punishment as applied to the States through the Fourteenth Amendment.

FACTS

1. Plaintiff is an adult inmate in the Martin County Jail in Stuart, Florida. Ex. 1 at ¶ 1.

2. She is a "trusty" (or "trustee") and presents a low flight risk, if there is a risk at all. *Id.* at ¶ 4.

3. Plaintiff learned she was pregnant [redacted], four days before her sentencing hearing [redacted]. *Id.* at ¶ 5. Her birth control had failed. *Id.*

4. Before her sentencing hearing [redacted], she went to [redacted] Clinic in West Palm Beach ("Clinic") for an early first trimester abortion. However, the clinic told her it was too early in the pregnancy for a surgical abortion. *Id.* at ¶ 6.

5. Plaintiff was confident, based on the assurances of her criminal defense attorney, that she would be sentenced to house arrest and be able to obtain an abortion as a routine medical procedure that complied with the terms of house arrest. *Id.* at ¶ 7.

6. During her sentencing hearing, at which she was present, her criminal defense attorney asked the sentencing court to delay her surrender date so that she could obtain an abortion. The judge denied that request. *Id.* at ¶ 8.

7. Instead of house arrest, she was sentenced to [redacted] at the Martin County Jail, and her release date is [redacted]. Her due date is [redacted]. *Id.* at ¶ 9.

8. When she entered the Martin County Jail the day of her sentencing, she was, as best as she can calculate, [redacted] pregnant. *Id.* at ¶ 10.

9. After the sentencing, her criminal defense attorney assured her that she would be able to obtain a medical furlough in order to have an [redacted] abortion. *Id.* at ¶ 11.

10. On May 18, 2014, while she was in the Martin County Jail, she requested, in writing, a medical furlough to obtain an abortion. [redacted]. *Id.* at ¶ 12.

11. Defendant denied the request on the ground that she had to hire an attorney to seek a court order for a medical furlough from the judge who had sentenced her. *See* Ex. 1 at ¶¶ 12, 13 and Ex. A. to that Declaration.

12. Plaintiff's prior criminal defense attorney (who had represented her in the criminal proceedings) wanted to charge her more than she could afford, and it took her time to secure private counsel she could afford, in order to seek a court order granting her a furlough. Ex. 1 at ¶ 14.

13. Her newly-retained counsel filed a motion for a medical furlough to seek an abortion in early June, 2013. Plaintiff accompanied him to court for the hearing before the sentencing judge, who denied the motion on the ground that she had previously denied a delayed surrender date so that Plaintiff could obtain an abortion. *Id.* at ¶ 15. Prior counsel has not

provided a copy of that order, despite repeated requests, and upon information and belief, there is no transcript of that first hearing.

14. Plaintiff retained the ACLU of Florida and undersigned counsel on July 1. On July 2, Plaintiff renewed her request to the jail for a medical furlough to obtain an abortion, [redacted]. *Id.* at ¶ 16, and Exhibit B to that Declaration.

15. Plaintiff's request was denied again, on the ground that "Medical does not have authority to grant you a furlough. This must be done by the judge. Medical is here to support you in your decision & give you any counseling you may need." *Id.* at ¶ 17 and Exhibit B to that Declaration.

16. On July 7, 2014, the lawyer who filed her first motion for furlough filed a second "emergency" motion for furlough, Ex. 1 at ¶ 18, that raised no constitutional arguments even though undersigned counsel had provided him with a memorandum of law briefing the constitutional issues.

17. Instead, the motion merely alleged that "this counsel has been contacted by the ACLU, Sheriff William Schneider [*sic*], and counsel for the jail, Glenn Theobald, Esq., and asked to re-do this emergency motion." The court denied the motion without a hearing on July 9, 2014. *See id.* and Exhibit C to declaration.

18. As a result of this delay, [redacted]. Ex. 1 at ¶ 19.

19. Each time that Plaintiff receives a check-up at the medical facility in the jail, and even though the medical staff is aware that she is seeking to terminate her pregnancy, she is

given a trans-vaginal ultrasound and ordered to watch the monitor as the medical personnel describes, in great detail, the fetus. *Id.* at ¶ 20. There is no medical or penological interest in subjecting Plaintiff to forced observation and hearing of the ultrasound against her will, and to do so is simply cruel.

20. The Clinic is licensed to perform second-trimester abortions and has secured private financing for the procedure, and Plaintiff has secured private transportation. *Id.* at ¶¶ 21-22.

21. Plaintiff wants to terminate her pregnancy. *Id.* at ¶ 23.

22. On July 1 and July 3, 2014, undersigned counsel sent demand letters to Sheriff Snyder and the Martin County Attorney, attempting to resolve this matter without litigation. Redacted copies of those letters and exhibits thereto are attached as Exhibit 1 to the Verified Complaint. In addition, undersigned counsel has attempted to work with Plaintiff's other/former counsel who filed the motions for furlough.

23. Defendant did not respond until his legal counsel contacted the undersigned on July 1, 2013. Since then, undersigned counsel has continued to attempt to resolve this matter amicably but expeditiously, without litigation, through counsel for Sheriff Snyder, specifically, Chief Glenn Theobald, Esq.

24. Defendant did not oppose the Plaintiff's second motion for a furlough, but continues to assert that section 951.24, Fla. Stat., either as a matter of law or policy, precludes the jail from permitting Plaintiff to obtain an abortion absent a court order from the sentencing judge. However, the statute is devoid of any language relating to medical furloughs in general or abortion in particular.

25. Specifically, the statute that the Sheriff is improperly relying on provides, in pertinent part, as follows:

> (2)(a) Whenever punishment by imprisonment in the county jail is prescribed, the sentencing court, in its discretion, may at any time during the sentence consider granting the privilege to the prisoner to leave the confines of the jail or county facility during necessary and reasonable hours, subject to the rules and regulations prescribed by the court, to work at paid employment, conduct his or her own business or profession, or participate in an educational or vocational training program, while continuing as an inmate of the county facility in which he or she shall be confined except during the period of his or her authorized release.

§ 951.24, Fla. Stat. (emphasis added).

26. In contrast to Defendant, the Florida Department of Corrections ("DOC") has a longstanding practice of granting "Type A" Medical Furloughs for inmates who are serving sentences longer than one year, and for more serious crimes, yet no court order has been required. *See* Ex. 1 to Complaint at Exs. A and B.

ARGUMENT

I. Plaintiff Meets the Standard for Granting a Temporary Restraining Order and Preliminary Relief.

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008). In this case, the facts clearly show that Plaintiff will be irreparably harmed by the Defendant's actions; that her likelihood of success on her constitutional claims is substantial; and that the balance of hardships as well as the public interest strongly favors the issuance of the injunction. Further, the facts show that [redacted] Defendant's repeated refusal to authorize a medical furlough without a court order, Plaintiff is suffering and will continue to suffer immediate and

irreparable injury if a temporary restraining order is not granted. Plaintiff has notified Defendant of her intention to seek a temporary restraining order and contemporaneously has filed the certification of emergency required by Local Rule 7.1(e).

A. **Plaintiff is Likely to Succeed on the Merits as Defendant's Actions Impose an Undue Burden on Plaintiff's Right to Choose and Defendant is Acting with Deliberate Indifference to Her Serious Medical Needs.**

1. Defendant's Conduct Violates Plaintiff's Fourteenth Amendment Rights.

In 1992, the Supreme Court in *Planned Parenthood v. Casey* reaffirmed what it characterized as the "central holding" of *Roe v. Wade*:

> Regardless of whether exceptions are made for particular circumstances, a State may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability.

505 U.S. 833 (1992). In *Casey*, the Supreme Court adopted the "undue burden" standard for assessing state laws or regulations that restrict abortion. The Court explained:

> A finding of an undue burden is shorthand for the conclusion that a state regulation has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus. A statute with this purpose is invalid because the means chosen by the State to further the interest in potential life must be calculated to inform the woman's free choice, not hinder it. And a statute which, while furthering the interest in potential life or some other valid state interest, has the effect of placing a substantial obstacle in the path of a woman's choice cannot be considered a permissible means of serving its legitimate ends.

Id. at 877.

Subsequent Supreme Court decisions reaffirm this principle. *See Stenberg v. Carhart*, 530 U.S. 914, 920 (2000) (declining to "revisit" the legal principles reaffirmed in *Casey* that "before 'viability . . . the woman has a right to choose to terminate her pregnancy.'") (quoting *Casey*, 505 U.S. at 870); *Gonzales v. Carhart*, 550 U.S. 124, 146 (2007) ("assuming" the principle that, "[b]efore viability, a State 'may not prohibit any woman from making the ultimate decision to terminate her pregnancy.'") (quoting *Casey* at 505 U.S. 878-79).

Plaintiff's pregnancy [redacted] well before viability, defined by state statute as "the stage of fetal development when the life of a fetus is sustainable outside the womb through standard medical measures." § 390.011(12), Fla. Stat. (2014). There is no question that by preventing Plaintiff from obtaining medical services to terminate her pregnancy, Defendant, who is a state actor, is permanently depriving Plaintiff of her constitutional rights guaranteed under the Eighth and Fourteenth Amendments of the U.S. Constitution. Her continued requests for furlough have been denied, and unless she is granted the emergency relief sought by this motion, [redacted] even though she has, since April 24, 2014, continuously asserted her intention and desire to terminate that pregnancy.

To the extent Defendant continues to rely on section 951.24, Fla. Stat. to justify obstructing Plaintiff's constitutional right to abortion, that reliance is misplaced. The plain language of that statute does not purport to limit or restrict medical furloughs, let alone to limit or restrict the constitutional right to abortion. Yet the statute has been the Sheriff's sole ground for refusing the furlough, even though Defendant himself supported the second motion for furlough, which was denied without even a hearing. *See* Exhibit 1at Exhibit C.

However, it is important to note that Plaintiff does not here appeal the sentencing court's denials of medical furlough, which did not even mention that statute. *See* Exhibit 1 and Exhibit C to that Declaration. Rather, Plaintiff brings this original action under the federal constitution to vindicate her federal constitutional right to abortion regardless of whatever justification Defendant may assert here for blocking that right. 28 U.S.C.A. § 1331. ("The district courts shall have original jurisdiction of all civil actions arising under the Constitution . . . of the United

States.").

The right to privacy in general, and the right to choose to terminate a pregnancy in particular, survive incarceration. *Monmouth Cnty. Corr. Inst. Inmates v. Lanzaro*, 834 F.2d 326, 334 n.11 (3d Cir. 1987), *cert. denied*, 486. U.S. 1006 (1988); *Doe v. Arpaio*, No. CV 2004-009286, 2005 WL 2173988, *1 (Ariz. Super. Aug. 25, 2005), *aff'd*, 150 P.3d 1258 (Ariz. App. 2007). In *Lanzaro*, the defendants, the warden and medical staff at a correctional facility, refused to provide access to medical services to terminate pregnancy to pregnant females without an order from a state court. 834 F.2d at 328-29. The Third Circuit found the *Lanzaro* defendants' actions impermissibly infringed on the inmates' constitutional rights under the Fourteenth Amendment. *Id.* at 336-44 ("[D]ue to the inherent delays in the court-order procedure, . . . the probability that low security risk offenders will also be effectively denied a reasonable opportunity safety to terminate their pregnancies far outweighs the County's asserted economic and administrative justifications for its policy."). Thus the Third Circuit directed the defendants to end the court order policy and ordered defendants to arrange transportation and funding for inmates seeking medical services to terminate their pregnancies. *Id.* at 351-52. *See also Doe v. Barron*, 92 F. Supp. 2d 694, 697 (S.D. Ohio 1999).

Here, the purported court-order requirement is entirely of Defendant's own imagination.[1] Moreover, unlike in *Lanzaro*, Plaintiff here does not require transportation or funding for the abortion; there is simply no legal, administrative or penological justification for Defendant's

[1] Indeed, the Florida Department of Corrections has in place a longstanding policy of granting "Type A" medical furloughs to inmates in state prisons with no need for a medical furlough. Exhibit 1 to Verified Complaint at Exhibits A, B. If the State prison system, which houses individuals convicted of more serious crimes, and who are serving sentences longer than one year, grants medical furloughs to inmates obtain abortions, that is strong evidence that the Defendant's mistaken reliance on section 951.24, which is silent on the issue of medical furloughs or abortions, is misplaced and unnecessary.

continued refusals to temporarily release Plaintiff so that she can terminate her pregnancy. *Lanzaro* is directly on point. By creating irrational, unnecessary and unsupported procedural requirement, Defendant is outright obstructing and preventing Plaintiff's ability to terminate her pregnancy.[2]

2. Defendant's Conduct Violates Plaintiff's Eighth Amendment Rights.

Defendant's conduct also violates Plaintiff's Eighth Amendment rights, as applied to the States through the Fourteenth Amendment. A prison official's deliberate indifference to a serious medical need violates the Eighth Amendment. *See Estelle v. Gamble*, 429 U.S. 97, 104 (1976). Deliberate indifference occurs when prison officials "intentionally deny[] or delay[] access to medical care or intentionally interfe[] with prescribed treatment." *Meloy v. Bachmeier*, 302 F.3d 845, 849 (8th Cir. 2002); *see also Estelle*, 429 U.S. at 104 (the State is obligated "to provide medical care for those whom it is punishing by incarceration").

Procedures to terminate pregnancy are a serious medical need. *See Lanzaro*, 834 F.2d at 348-49; *accord Doe v. Arpaio*, No. CV 2004-009286, 2005 WL 2173988, *1 (Ariz. Super. Aug. 25, 2005). Prison officials display deliberate indifference when they prevent an inmate from obtaining medical services to terminate her pregnancy. *See Lanzaro,* 834 F.2d at 347. Indeed, even delaying such a procedure amounts to deliberate indifference. *See id.* at 347 (noting that "[t]he *failure of [prison] officials even to attempt to minimize the delay* in access to abortion services constitutes deliberate indifference to the medical needs of inmates electing to terminate their pregnancies") (emphasis added). Thus, there can be no doubt that wholly denying an

[2] Further, Defendant's extreme action in this case is not part of a general policy reasonably related to prison security; in fact, Defendant supported Plaintiff's second request for a furlough. See Ex. 1 at ¶ 19, Exhibit D to that Declaration (Motion at ¶ 11); *see also Lanzaro*, 834 F.2d at 334 ((quoting *Turner v. Safley*, 482 U.S. 78, 89 (1987)).

inmate the ability to obtain this medical care constitutes deliberate indifference.

The right to choose to terminate a pregnancy is, by its nature, of limited duration. A pregnant woman who is blocked in her effort to terminate her pregnancy will not be able to exercise her choice if too much time passes. In addition, while medical services to terminate a pregnancy remain safe throughout pregnancy, delay significantly increases the risks. *See id.* at 339. For all these reasons, a prison is obliged not only to provide an inmate with access to medical services to terminate a pregnancy, but also that access must be timely if it is to be meaningful. *See id.*; *Roe v. Leis*, No. C-1-00-651, 2001 WL 1842459, at *2 (S.D. Ohio Jan. 10, 2001) (court issued injunction requiring county sheriff to provide inmate with access to medical services to terminate her pregnancy and held that "Defendants require that a woman in their custody seeking a non-therapeutically indicated abortion commence litigation and obtain a court order before they will provide abortion services. Without question, that policy places a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus; therefore, it constitutes an undue burden."); *Doe v. Barron*, 92 F. Supp. 2d 694 (S.D. Ohio 1999) (ordering director of correctional center to provide pregnant inmate with access to medical services to terminate her pregnancy); *Ptaschnick v. Luzerne County Prison Bd.*, No. 3 CV-98-1887 (M.D. Penn. Nov. 20 1998) (enjoining defendants from preventing inmate from obtaining medical services to terminate her pregnancy).

B. Plaintiff Will Suffer Immediate Irreparable Injury if She is Not Allowed Access to Medical Services to Terminate Her Pregnancy.

Plaintiff will suffer immediate and irreparable harm if the defendant does not provide her with immediate access to medical services to terminate her pregnancy. The Eleventh Circuit has recognized that the violation of a fundamental constitutional right, such as the right to abortion, supports a finding of irreparable harm. *See, e.g.*, *Touchston v. McDermott*, 234 F.3d 1133, 1159

n.4 (11th Cir. 2000) (noting "we have presumed irreparable harm to a plaintiff when certain core rights are violated" and "cannot be undone through monetary remedies"); *Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville*, 896 F.2d 1283, 1285 (11th Cir. 1990), *overturned on other grounds*, 508 U.S. 656 (1993) (recognizing Eleventh Circuit holding that "an on-going violation [of the constitutional right to privacy] constitutes irreparable harm" because "invasions of privacy, because of their intangible nature, could not be compensated for by monetary damages; in other words, plaintiffs could not be made whole") (internal citations omitted); *see also Deerfield Med. Ctr. v. City of Deerfield Beach*, 661 F.2d 328, 338 (5th Cir. 1981) (finding of irreparable injury is mandated where constitutional right to privacy is being threatened or impaired). Indeed, the right to choose to terminate a pregnancy is, by its nature, of limited duration. Thus, a woman who is blocked or seriously delayed in her effort to obtain such services cannot later exercise her choice even if the impediment to doing so is later removed.

Moreover, [redacted] with each passing week, the procedure, although safe and legal becomes more complex and expensive, and subjects her to medical complications which, although rare, do occur. *See, e.g.*, *Harris v. Bd. of Supervisors*, 366 F.3d 754, 766 (9th Cir. 2004) (plaintiffs established likelihood of irreparable harm where evidence showed they would experience pain, complications, and other adverse effects due to delayed medical treatment); *Women's Med. Prof'l Corp. v. Voinovich*, 911 F. Supp. 1051, 1091-92 (S.D. Ohio 1995) (enjoining abortion restrictions in Ohio HB 135), *aff'd*, 130 F.3d 187 (6th Cir. 1997) (increased medical risks constitute irreparable harm).

C. The Balance of Harms Strongly Favors the Grant of Emergency Injunctive Relief.

As discussed *supra*, the harm to Plaintiff in the absence of relief from this Court will be irreparable and permanent. In contrast, the injunction would impose no measurable harm on

Defendant, who in fact supported Plaintiff's second request for a furlough. No public expense is necessary. Defendant will *not* have to arrange for an appointment at an appropriate facility, or transport Plaintiff to that facility. The Clinic stands ready to provide Plaintiff with the appropriate appointments as soon as her release is ordered.

Defendant will, in short, have to do nothing other than temporarily release Plaintiff—a step that they effectively support (although only with a court order). Providing such a ministerial service would be *de minimis* compared to the injury Plaintiff has suffered, and continues to suffer from by delay in obtaining medical services to terminate her pregnancy or being forced to carry an unwanted pregnancy to term. Moreover, Defendant's conduct has had the effect of delaying the procedure until even later in her pregnancy. As discussed *supra*, further delay threatens to make the procedure more burdensome and dangerous to Plaintiff.

D. The Public Interest Favors Emergency Preliminary Relief.

The interests of Plaintiff and the general public are aligned in favor of a preliminary injunction in this case. The public interest benefits from protecting the constitutional rights of its citizens. "Surely, upholding constitutional rights serves the public interest." *Newsom v. Albemarle Cnty. Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003). *See also Planned Parenthood Ass'n v. City of Cincinnati*, 822 F.2d 1390, 1400 (6th Cir. 1987) ("the public is certainly interested in the prevention of enforcement of ordinances which may be unconstitutional"); *Carey v. Klutznick*, 637 F.2d 834, 839 (2d Cir. 1980). ("the public interest … requires obedience to the Constitution"); *Reinert v. Haas*, 585 F. Supp. 477, 481 (S.D. Iowa 1984) (the public is "always well served by protecting the constitutional rights of all of its members").

E. Plaintiff Should Not be Required to Post a Bond.

This Court has the discretion to issue a preliminary injunction without requiring Plaintiff to post bond. *Bell South Telecomm., Inc. v. MCIMetro Access Transmission Servs., LLC*, 425 F.3d 964, 971 (11th Cir. 2005) ("[I]t is well-established that 'the amount of security required by the rule is a matter within the discretion of the trial court ...[, and] the court may elect to require no security at all.'") (citing *City of Atlanta v. Metro. Atlanta Rapid Transit Auth.*, 636 F.2d 1084, 1094 (5th Cir. 1981)); *see also AFC Enters., Inc. v. THG Rest. Grp., LLC*, 416 F. App'x 898, at *1 (11th Cir. 2011) (affirming that the court does not have to require a bond).

Exercise of that discretion is particularly appropriate where, as here, issues of public concern or important federal rights are involved. *See Cont'l Oil Co. v. Frontier Ref. Co.*, 338 F.2d 780, 782 (10th Cir. 1964). Accordingly, if this Court enters a preliminary injunction, no bond should be required. *See Lebron v. Wilkins*, 820 F.Supp. 2d 1273 (M.D. Fla. 2011); *Complete Angler,* 607 F. Supp. 2d 1293, 1335-36 (M.D. Fla. 2009) ("Waiving the bond requirement is particularly appropriate where a plaintiff alleges the infringement of a fundamental constitutional right.").

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

CONCLUSION

Since Plaintiff will succeed on her Section 1983 claim because Defendant's actions place an undue burden on her right to reproductive choice guaranteed by the Fourteenth Amendment and violate the Eighth Amendment; since Plaintiff will suffer irreparable injury if Defendant continues to deny her requests for a medical furlough to terminate her pregnancy; since the public interest will not be violated; and since Defendant will not be harmed by permitting Plaintiff to terminate her pregnancy, she is entitled to an emergency TRO or preliminary injunction.

Respectfully submitted,

Dated July 11, 2014

Respectfully submitted,

/s/ Shalini Goel Agarwal Fla. Bar 90843 sagarwal@aclufl.org /s/ Maria Kayanan mkayanan@aclufl.org Fla. Bar 305601 ACLU Foundation of Florida, Inc. 4500 Biscayne Blvd., Suite 340 Miami, FL 33137 Tel: 786-363-2700 Fax: 786-363-1448	James K. Green, Esq. Fla. Bar 229466 James K. Green, P.A. jkg@jameskgreenlaw.com Cooperating Counsel, ACLU of Florida Suite 1650, Esperanté 222 Lakeview Avenue West Palm Beach, FL 33401 Tel: 561-659-2029 Fax: 561-655-1357

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that today, July 11, 2014, I filed the foregoing with the Clerk of the Court, and will serve the filing by the end of today on Defendant via fax, and his Legal Advisor via fax and email, and both by registered mail. Formal Service of Process will be effected as soon as the summons issues and Defendant can be formally served.

/s/ Shalini Goel Agarwal

SERVICE LIST

Sheriff William D. Snyder
800 SE Monterey Road
Stuart, FL 34994-4507
Fax: 772-220-7043

Chief Glenn Theobald, Esq.
Legal Counsel to Sheriff Snyder
800 SE Monterey Road
Stuart, FL 34994-4507
Fax: 772-220-7043
grtheobald@sheriff.martin.fl.us