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Weeks' case moves to federal court

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BRONSON – In the ongoing saga of plaintiff Tony Berlon Weeks versus defendants Beatrice Roberts, Jason Hunt, Robert Partin, Aaron Edmondson, Melisa Thompson and Steven Warm, according to documents in the Eighth Judicial Circuit, that case has been moved to the United States District Court for the Northern District of Florida, Gainesville Division.

The Gainesville Division of this federal court serves Alachua, Dixie, Gilchrist, Lafayette and Levy counties. The United States District Court for the Northern District of Florida serves 23 counties and has three other divisions in addition to the one in Gainesville.

Bronson Mayor Roberts, Vice Mayor Hunt, and councilmen Partin and Edmondson, and former Town Clerk Thompson and Bronson Town Attorney Warm are being forced to respond in court to Weeks' contention that while they think he resigned from the Bronson Town Council and have taken action based on that belief, he has not resigned. A judge or jury will decide how the facts and evidence match with the law to decide the answer as to whether Weeks or the defendants are correct.

That action on Feb. 19 means that unless or until the federal court remands the case (sends the case back) to the Eighth Judicial Circuit, this matter is a federal civil action.

The complaint by Weeks against Mayor Roberts and the others brings three counts against those defendants by that plaintiff, according to records.

Weeks seeks declarative and injunctive relief for deprivation of property and liberty interests, which he is asserting is in violation of his state and federal constitutional right to due process.

In count two, the plaintiff asserts declarative and injunctive relief regarding the status of the plaintiff's office holding and the lack of resignation, which the other Bronson interests are said to have accepted his resignation as fact (in a 3-1 vote, with Hunt dissenting) – despite Weeks' immediate and continuous contention contrary to the majority belief of the Bronson Town Council.

In count three, Weeks is seeking declarative and injunctive relief regarding what he is asserting are violation of the Florida Sunshine Law (open government laws).

Attorney Susan S Erdelyi of Jacksonville is representing the mayor and others in this suit. Attorney Woodroe Blake Fugate of Williston is representing Weeks, according to records.

Since the Feb. 19 move to the case being in federal civil court, the single method for a journalist to obtain information about this case is to physically visit the Gainesville location of the clerk for the United States District Court for the Northern District of Florida, according to a deputy clerk in that office.

As for either Erdelyi or Fugate speaking with the press about this case, as noted on page 37 of the most recent set of rules for that federal court:

“Release of Information by Attorneys in Civil Cases.

“An attorney associated with a civil action shall not during its investigation or litigation make or participate in making an extrajudicial statement, other than a quotation from or reference to public records, which a reasonable person would expect to be disseminated by means of public communication if there is a substantial likelihood that such dissemination will cause material prejudice to a fair trial and which relates to: (1) Evidence regarding the occurrence or transaction involved; (2) The character, credibility, or criminal record of a party, witness, or prospective witness; (3) The performance of results or any examinations or tests or the refusal or failure of a party to submit to such; (4) An opinion as to the merits of the claims or defenses of a party, except as 38 required by law or administrative rule; or (5) Any other matter

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reasonably likely to interfere with a fair trial of the action.”

With the case having been moved from a civil circuit case to a federal civil case, covering this process and possible trial became more difficult for Levy County journalists, including the required travel to Gainesville just to see records.