

IN THE CIRCUIT COURT OF THE
6TH JUDICIAL CIRCUIT IN AND FOR
PINELLAS COUNTY, FLORIDA

GENERAL CIVIL DIVISION

CASE NO.

ELIJAH DURHAM;
ASHLEY DURHAM; and
DURHAM PRODUCTS AND SERVICES,
LLC, d/b/a SOL BURGER;

Plaintiffs,

vs.

CITY OF TARPON SPRINGS, FLORIDA;
CHRIS ALAHOZOS, Mayor of
Tarpon Springs, in his official capacity;
JACOB KARR, Vice-Mayor of
Tarpon Springs, in his official capacity;
TOWNSEND TARAPANI, Tarpon Springs
Commissioner, in his official capacity;
CONNOR DONOVAN, Tarpon Springs
Commissioner, in his official capacity; and
COSTA VATIKIOTIS, Tarpon Springs
Commissioner, in his official capacity,

Defendants.

PLAINTIFFS' COMPLAINT

Plaintiffs are Tarpon Springs food-truck owners who wish to accept invitations from private property owners in Tarpon Springs to operate on their property. They are barred from doing so because Tarpon Springs's government has enacted a rule prohibiting food trucks from operating almost anywhere in Tarpon Springs (the "Food Truck Ban"), unless that food truck is owned by a local brick-and-mortar "food or drink" business. This ban exists for only one,

unconstitutional, purpose: to protect established brick-and-mortar restaurants in Tarpon Springs from competition.

Therefore, Plaintiffs Elijah Durham, Ashley Durham, and Durham Products and Services, LLC, d/b/a SOL Burger, by and through their undersigned counsel, hereby file this Complaint to vindicate their right to economic liberty under Article I, Sections 2 and 9 of the Florida Constitution and sue the City of Tarpon Springs, Florida; Chris Alahouzos, in his official capacity as the Mayor of Tarpon Springs; Jacob Karr, in his official capacity as the Vice-Mayor of Tarpon Springs; Townsend Tarapani, in his official capacity as a Tarpon Springs Commissioner; Connor Donovan, in his official capacity as a Tarpon Springs Commissioner; and Costa Vatikiotis, in his official capacity as a Tarpon Springs Commissioner, as follows:

PARTIES

1. Plaintiff Elijah Durham is a Florida citizen and resident of Pinellas County, Florida. He is a co-owner of SOL Burger, which is a food-truck business operating in Pinellas County, Florida.

2. Plaintiff Ashley Durham is a Florida citizen and resident of Pinellas County, Florida. She is a co-owner of SOL Burger, which is a food-truck business operating in Pinellas County, Florida.

3. Plaintiff Durham Products and Services, LLC, d/b/a SOL Burger is a Florida limited liability company operating in Pinellas County, Florida. It is completely owned by Plaintiffs Elijah Durham and Ashley Durham.

4. Defendant City of Tarpon Springs, Florida (the “City”) is a municipality incorporated pursuant to Chapter 165 of the Florida Statutes and located in Pinellas County, Florida.

5. Defendant Chris Alahouzos is the Mayor of Tarpon Springs. Defendant Alahouzos is sued in his official capacity.

6. Defendant Jacob Karr is the Vice-Mayor of Tarpon Springs. Defendant Karr is sued in his official capacity.

7. Defendant Townsend Tarapani is a Tarpon Springs City Commissioner. Defendant Tarapani is sued in his official capacity.

8. Defendant Connor Donovan is a Tarpon Springs City Commissioner. Defendant Donovan is sued in his official capacity.

9. Defendant Costa Vatikiotis is a Tarpon Springs City Commissioner. Defendant Vatikiotis is sued in his official capacity.

JURISDICTION AND VENUE

10. At all times pertinent to this action, the acts complained of have occurred in, or are currently occurring in, Pinellas County, Florida.

11. This action arises under Article I, Sections 2 (Basic Rights and Equal Protection) and 9 (Due Process) of the Florida Constitution. Accordingly, this Court has subject-matter jurisdiction over this action.

12. This Court has jurisdiction over declaratory judgment actions pursuant to Section 86.011 of the Florida Statutes.

13. Venue is proper in this circuit, as the parties are all located in this circuit, and the dispute arose in this circuit.

FACTUAL ALLEGATIONS

The Food Truck Industry in the United States

14. Mobile food establishments, including Elijah and Ashley's SOL Burger, are commercial vehicles that enable entrepreneurs to travel from place to place, or remain in a fixed location, in order to sell and serve food to customers.

15. Food trucks can take many different forms. Some only serve food that is prepared and prepackaged. Other food trucks, like SOL Burger, are self-sufficient mobile kitchens where people prepare and serve food directly from the food truck.

16. Historically, food trucks served simple products such as sandwiches and tacos, often to construction workers and manual laborers.

17. Today, food trucks serve a wide variety of cuisines to diverse clientele. The general public now benefits from food options that can range from Korean fusion, to cupcakes, to barbecue.

18. Food trucks provide many benefits to their communities, including both convenience and a greater number of food choices for consumers.

19. Food trucks enliven communities. The popularity of food trucks often makes them a destination for loyal and prospective customers alike. Food trucks can help bring new energy and tourists to communities.

20. Food trucks also serve as complements to brick-and-mortar restaurants. Many food-truck entrepreneurs go on to open restaurants, and restaurant entrepreneurs may later open food trucks. Moreover, the customers who follow food trucks into a community often also spend money at brick-and-mortar restaurants that otherwise would not have happened, either during the initial visit or during subsequent visits.

21. In addition, property owners who do not operate full-service restaurants tend to love food trucks because food trucks attract customers to the location, which benefits the property owners. These property owners include craft breweries, as well as other types of property owners.

22. Food trucks are also job creators. In addition to the jobs created by and for the entrepreneurs who open the food trucks, food trucks often hire additional staff. Food trucks also provide jobs to those who build, equip, and maintain the trucks.

23. For these and other reasons, countless communities around the nation, as well as countless communities in Florida, welcome food trucks and do not impose any barriers to competition.

24. By preventing the citizens of Tarpon Springs from enjoying these benefits, the Food Truck Ban has irreparably harmed the public interest and will continue to do so each day the Food Truck Ban exists.

Elijah and Ashley's Food Truck Business, SOL Burger

25. Elijah and Ashley Durham, through their business Durham Products and Services, LLC, own and operate the SOL Burger food truck.

26. Elijah is trained in the culinary arts, with a degree in culinary management from Valencia Community College.

27. Like many restaurant employees, Elijah was laid off from his job during the pandemic.

28. Taking matters into their own hands, Elijah and Ashley began working to launch their SOL Burger food truck.

29. They started planning their food truck in June 2020, just after the Florida Legislature passed the Occupational Freedom and Opportunity Act. Among other things, the Act made it illegal for cities to impose city-wide bans on food trucks.

30. Tarpon Springs formerly had a city-wide ban on food trucks, but Elijah and Ashley knew that ban was invalidated by the Occupational Freedom and Opportunity Act. As a result, they understood that their food truck would be free to operate throughout Tarpon Springs. This was confirmed by Tarpon Springs officials.

31. In August 2020, Elijah and Ashley bought a truck for their food truck business, then leased and picked up a trailer.

32. On August 7, 2020, Elijah and Ashley entered into a verbal agreement with a local Tarpon Springs craft brewery, Brighter Days Brewing Company, to operate SOL Burger on Brighter Days's property three to four days a week, beginning in early September.

33. SOL Burger began operating at Brighter Days Brewing Company on September 5, 2020.

34. SOL Burger is a full-service kitchen food truck offering a build-your-own-burger menu and a selection of custom-made specialty burgers. The burgers are made from all local ingredients: buns from a local bakery, lettuce grown on Florida farms, and beef from cattle raised in-state. Elijah and Ashley's goal was to spend their money on local food products so that the money they spent on food stuffs would, in turn, feed the local economy.

35. The brewery's customers loved the options provided by SOL Burger.

36. The brewery's owners, their customers, and Elijah and Ashley were all happy with the arrangement.

37. But Elijah and Ashley's arrangement with Brighter Days Brewing was short lived. That is because on September 22, 2020, Defendants enacted the Food Truck Ban, making it illegal for Elijah and Ashley to operate their food truck at Brighter Days Brewing.

38. Elijah and Ashley would like to resume operating their food truck at Brighter Days Brewing, but they cannot solely because of the Food Truck Ban. And Brighter Days would like to resume inviting Elijah and Ashley to operate their food truck at Brighter Days, but it cannot solely because of the Food Truck Ban.

39. There are numerous other private property owners in Tarpon Springs that would like SOL Burger to operate on their property. Elijah and Ashley would like to do so but cannot because of the Food Truck Ban.

40. These other private property owners include Sylvia Joanow, who has expressly informed Elijah and Ashley that she would invite them to operate their food truck on her commercial property in Tarpon Springs if the Food Truck Ban did not bar her from doing so.

41. But for Tarpon Springs's Food Truck Ban, Elijah and Ashley could have and would have accepted these invitations, including the invitations to operate their SOL Burger food truck at Brighter Days and on Sylvia's property.

42. The Food Truck Ban has destroyed SOL Burger's mutually beneficial agreement with Brighter Days Brewing Company and prevents SOL Burger from resuming the agreement with Brighter Days Brewing Company.

43. Because of the Food Truck Ban, Elijah, Ashley, and SOL Burger cannot establish new mutually beneficial working agreements with property owners in Tarpon Springs.

44. Contrary to Elijah and Ashley's business plan, the Food Truck Ban has forced SOL Burger to travel outside their hometown of Tarpon Springs six to eight times a week.

**Tarpon Springs Bans Food Trucks, Unless the Food Truck is Owned by a
Local Brick-and-Mortar Restaurant**

45. Tarpon Springs enacted the Food Truck Ban on September 22, 2020. It is found in Tarpon Springs Comprehensive Zoning and Land Development Code (the “Tarpon Springs Code”) § 56.05.

46. The Food Truck Ban states that “[m]obile food dispensing shall only be authorized on a parcel of land consistent with this section.” For food trucks not owned by local restaurants, the only available parcels of land “consistent this section” were intentionally chosen by Defendants to be far away from downtown Tarpon Springs, far away from restaurants, far away from craft breweries, and far away from customers.

47. Protectionism is the sole reason the Food Truck Ban exists.

48. Protectionism is not a constitutionally legitimate reason for a law under the Florida Constitution.

49. Tarpon Springs’s government officials have publicly stated that the purpose of the Food Truck Ban is to protect incumbent restaurants in Tarpon Springs from competition.

50. When Tarpon Springs created the Food Truck Ban, it was in response to concerns from Tarpon Springs’s restaurant owners that they did not want to compete with food trucks operating in the downtown area.

51. Tarpon Springs’s officials have publicly admitted that these concerns from Tarpon Springs’s restaurant owners were what led Defendants to enact the Food Truck Ban.

52. At the Board of Commissioners’ meeting on September 8, 2020, Renea Vincent, Head of the Planning and Zoning Department, said the “major concern [from] the Planning and Zoning Board” was that “existing restaurants obviously had to expend considerable money on a brick-and-mortar restaurant and putting improvements into those and basically it is not

inexpensive to open a restaurant from the investment standpoint and so I believe the consensus was that by bringing in a mobile food truck you're kind of circumventing that investment" by the brick-and-mortar restaurants.

53. In response to a question from Defendant Tarapani, a City Commissioner, Mrs. Vincent explained that the reason for the ordinance's distinction between restaurant-owned food trucks and independently owned food trucks was that: "I would not be comfortable with a third-party vendor or you know an outside vendor bringing a separate [food truck], something that the restaurant does not have that investment in, they don't own it and they don't operate it, they have someone else bringing it on site and operating it. To me that's a distinction between the existing code and what 56.06 would do."

54. Defendant Tarapani agreed with Mrs. Vincent's statement and responded: "I'm not in favor of a third party."

55. Defendant Donovan, a City Commissioner, said: "I think I'm kinda picking up on the vibe of the commission and I think we're all kinda pulling in the same direction here. We want to do what we can to enable restaurants to be empowered to make creative decisions, especially in a time like this, and you also don't want to introduce unfair competition to maybe some of your neighboring restaurants or something like that."

56. Defendant Vatikiotis, a City Commissioner, speaking about the reason for the Food Truck Ban stated: "It was pretty cut and dry, no food trucks in the sponge docks and the downtown districts and for the reasons that were cited as far as the investment and protecting existing restaurants and things."

57. On September 22, 2020, Defendant Alahouzos, Mayor of Tarpon Springs, stated: "Honestly, we do not want to have someone to put a trailer in the back of their business and

become a restaurant in a matter of days. It's unfair competition. We have 55 existing restaurants in Tarpon Springs and they spend hundreds of thousands of dollars to operate the restaurants and I think that's going to be a big mistake if we're allowed to do that. I've received many phone calls from many restaurant owners, from cooks, from waitresses to go ahead and vote against that."

58. At the Board of Commissioners' meeting on September 22, 2020, Defendant Donovan confirmed that he supported the Food Truck Ban because "it is a great balance between protecting the already existing business owners while also giving those businesses that want the flexibility of trying to make more money the opportunity to do so if they want to."

59. Mrs. Vincent noted "specific opposition" from existing restaurants for allowing food trucks downtown and in the sponge-docks area of town.

60. Defendant Tarapani stated that although he is not a restaurant owner, "putting myself in that position [as a restaurant owner] I don't see a big area of concern given that [food trucks] are limited to an existing operation." He went on to state that he supports the Food Truck Ban because it "protects existing businesses enough."

61. The fact that the Food Truck Ban is not motivated by any legitimate government interests is also shown by the exceptions to the Ban.

62. One exception allows local brick-and-mortar "food or drink" establishments to operate their own food trucks. This exception is found in Tarpon Springs Code § 56.06.

63. This means that Brighter Days Brewing could operate its own food truck on its property but cannot invite SOL Burger onto its property to do the same thing.

64. Another exception is for special events. The special-event exception (otherwise known as the special-permit exception) is located in Tarpon Springs Code § 56.05 and in Tarpon Springs Code of Ordinances §§ 12.5-7 to 12.5-15.

65. Tarpon Springs’s government hosts food-truck events in Tarpon Springs from time to time. The Food Truck Ban does not apply to these city-run events, and SOL Burger has participated in them.

66. The lack of a constitutionally legitimate reason for the Food Truck Ban is also shown by the fact that Tarpon Springs allows non-restaurant-owned food trucks like SOL Burger “to operate in areas of the City of Tarpon Springs where property is zoned HB Highway Business, CPD Commercial Planned Development (non-residential property only), IR Industrial Restricted, and IH Industrial Heavy.” Tarpon Springs Code § 56.05.

67. These zones include a strip of highway and an industrial sector where there are no restaurants, no craft breweries, no tourists, and few, if any, customers.

68. Tarpon Springs created this particular exception merely to comply with state law prohibiting city-wide food truck bans.

69. Operating in the zones covered by this exception is not an option for Elijah and Ashley because it is not profitable enough for their business to survive.

70. Food truck owners that do not own a brick-and-mortar “food and drink” establishment cannot operate downtown or nearly anywhere in Tarpon Springs, except for on the rare occasions when there is a special event.

71. Tarpon Springs actively enforces the Food Truck Ban.

72. Under Tarpon Springs Code of Ordinances § 1-8, the general penalty for violating any provision of the Tarpon Springs Code that does not list its own penalty is “a misdemeanor of

the second degree” with a penalty up to 60 days in jail and/or up to a \$500 fine, unless the penalty is covered by Pinellas County’s uniform fine schedule.

73. The Food Truck Ban in Tarpon Springs Code § 56.05 does not list its own penalties for violating the Ban.

74. Violations of the Food Truck Ban are not covered by Pinellas County’s uniform fine schedule.

75. Violations of the Food Truck Ban are, therefore, subject to the general penalty: a second-degree misdemeanor punishable by up to 60 days in jail and/or up to a fine of \$500.

76. If Plaintiffs were to violate the Food Truck Ban, they could face up to 60 days in jail and up to a fine of \$500 per violation.

INJURIES TO PLAINTIFFS

77. The Food Truck Ban has irreparably harmed Elijah and Ashley’s business and will continue to do so every day that the Food Truck Ban exists.

78. Elijah and Ashley do not own a local brick-and-mortar “food or drink” business.

79. The Food Truck Ban means that Elijah and Ashley cannot lawfully operate their SOL Burger food truck in downtown Tarpon Springs or in most other parts of Tarpon Springs, except for when there is a special event.

80. If Elijah and Ashley were to operate their SOL Burger food truck at Brighter Days Brewing, they would be violating the Food Truck Ban and would face enforcement from Tarpon Springs’s officials.

81. If Elijah and Ashley were to violate the Food Truck Ban, they could be criminally prosecuted.

82. But for the Food Truck Ban, Elijah and Ashley would resume operating their SOL Burger food truck at Brighter Days Brewing.

83. If Elijah and Ashley were to operate their SOL Burger food truck on Sylvia's property, they would be violating the Food Truck Ban and would face enforcement from Tarpon Springs's officials.

84. But for the Food Truck Ban, Elijah and Ashley would operate their SOL Burger food truck on Sylvia's property.

85. But for the Food Truck Ban, Elijah and Ashley would accept invitations from other breweries, restaurants, and commercial property owners to serve customers on their properties in downtown Tarpon Springs.

86. The Food Truck Ban also prevents Elijah and Ashley from reaching new customer bases.

87. There is no constitutionally legitimate reason to inflict this harm on Elijah, Ashley, and their SOL Burger business.

COUNT I – DUE PROCESS

88. Plaintiffs reassert and reallege paragraphs 1 through 87 as if fully stated herein.

89. On its face and as applied, the Food Truck Ban violates Elijah and Ashley's due process rights because it arbitrarily prohibits them from operating in downtown Tarpon Springs and prohibits them from operating almost anywhere in Tarpon Springs only to protect local brick-and-mortar restaurants from competition.

90. There is neither a rational nor reasonable relationship between the Food Truck Ban and any legitimate government interest.

91. The Food Truck Ban is unconstitutionally arbitrary.

92. The express purpose of the Food Truck Ban, as repeatedly confirmed by Tarpon Springs's officials, is to protect local brick-and-mortar businesses from competition.

93. Economic protectionism is not a legitimate government interest under the Florida Constitution.

94. The Florida Constitution does not allow Defendants to harm Plaintiffs for no other reason than to prevent competition with local brick-and-mortar "food or drink" establishments.

95. Unless the Defendants are enjoined from committing the above-described violations of the Due Process Clause of Article 1, Section 9 of the Florida Constitution, Plaintiffs will continue to suffer substantial irreparable harm.

96. Plaintiffs respectfully ask the Court to enter a judgment declaring the Food Truck Ban unconstitutional, both on its face and as applied to Plaintiffs, as a violation of the Due Process Clause of Article I, Section 9 of the Florida Constitution, and to enjoin the Food Truck Ban's enforcement.

97. As Plaintiffs reasonably believe the Food Truck Ban is unconstitutional, Plaintiffs seek declaratory relief to resolve the extent of their rights.

98. Plaintiffs have incurred costs related to this lawsuit and seek an award of reasonable costs pursuant to Florida Statutes Section 86.081.

99. Plaintiffs have suffered harm, including irreparable harm, caused by the Food Truck Ban.

100. Plaintiffs have an inadequate remedy at law for the substantial irreparable harm being caused by the Food Truck Ban.

101. The Food Truck Ban will continue to cause substantial irreparable harm to Plaintiffs unless ruled unenforceable by this Court.

102. The public interest would be served by enjoining enforcement of the Food Truck Ban.

COUNT II – EQUAL PROTECTION

103. Plaintiffs reassert and reallege paragraphs 1 through 87 as if fully stated herein.

104. On its face and as applied, the Food Truck Ban violates the Florida Constitution's equal-protection guarantee because it arbitrarily prohibits Elijah and Ashley from operating their SOL Burger food truck in locations where local brick-and-mortar restaurants are allowed to operate food trucks.

105. On its face and as applied, the Food Truck Ban violates the Florida Constitution's equal-protection guarantee because it arbitrarily prohibits Plaintiffs from operating on private property at the invitation of the property owner in ways that do not apply to food truck owners who also own local brick-and-mortar restaurants.

106. The Food Truck Ban also irrationally, unreasonably, and arbitrarily distinguishes between food trucks and brick-and-mortar restaurants in situations where they are similarly situated.

107. There is neither a rational nor reasonable relationship between the Food Truck Ban and any legitimate government interest.

108. The Food Truck Ban imposes unfair and illogical burdens on Elijah, Ashley, and SOL Burger by excluding them from viable locations simply to protect local brick-and-mortar restaurants from competition.

109. The express purpose of the Food Truck Ban, as repeatedly confirmed by Tarpon Springs officials, is to protect local brick-and-mortar businesses from competition.

110. Economic protectionism is not a constitutionally legitimate government interest under the Florida Constitution.

111. The Florida Constitution does not allow Defendants to harm Plaintiffs for no other reason than to prevent competition with local brick-and-mortar establishments.

112. Unless Defendants are enjoined from committing the above-described violations of the Equal Protection Clause of Article I, Section 2 of the Florida Constitution, Plaintiffs will continue to suffer substantial irreparable injury.

113. Plaintiffs respectfully ask the Court to enter a judgment declaring the Food Truck Ban unconstitutional, both on its face and as applied to Plaintiffs, as a violation of the Equal Protection Clause of Article I, Section 2 of the Florida Constitution, and to enjoin the Food Truck Ban's enforcement.

114. As Plaintiffs reasonably believe the Food Truck Ban is unconstitutional, Plaintiffs seek declaratory relief to resolve the extent of their rights.

115. Plaintiffs have incurred costs related to this lawsuit and seek award of reasonable costs pursuant to Florida Statutes Section 86.081.

116. Plaintiffs have suffered harm, including irreparable harm, as a result of the Food Truck Ban.

117. Plaintiffs have an inadequate remedy at law for the substantial irreparable harm being caused by the Food Truck Ban.

118. The Food Truck Ban will continue to cause substantial injury to the Plaintiffs unless ruled unenforceable by this Court.

119. The public interest would be served by enjoining enforcement of the Food Truck Ban.

COUNT III – BASIC RIGHTS

120. Plaintiffs reassert and reallege paragraphs 1 through 87 as if fully stated herein.

121. On its face and as applied, the Food Truck Ban violates the enumerated basic rights guarantees found in Article I, Section 2 of the Florida Constitution.

122. Article I, Section 2 of the Florida Constitution guarantees all Floridians their “inalienable rights, among which [is] the right . . . to be rewarded for industry.”

123. The Food Truck Ban violates Elijah and Ashley’s right to be rewarded for industry.

124. The Food Truck Ban infringes Elijah and Ashley’s basic and inalienable rights without a substantial, compelling, important, or even rational or legitimate government interest.

125. The Food Truck Ban is not narrowly tailored and there is not even a rational or reasonable relationship between the Food Truck Ban and any legitimate government interest.

126. The Food Truck Ban imposes unfair and illogical burdens on Elijah and Ashley’s basic rights by preventing them from operating their SOL Burger food truck on private properties where the owners have invited them simply to protect local brick-and-mortar restaurants from competition.

127. The express purpose of the Food Truck Ban, as repeatedly confirmed by Tarpon Springs officials, is to protect local brick-and-mortar businesses from competition.

128. The Florida Constitution does not allow Defendants to harm Plaintiffs for no reason other than to protect local brick-and-mortar businesses from competition.

129. The Food Truck Ban has harmed Plaintiffs, including but not limited to irreparable harm.

130. Unless Defendants are enjoined from committing the above-described violations of the Basic Rights Clause of Article I, Section 2 of the Florida Constitution, Plaintiffs will continue to suffer substantial irreparable harm.

131. Plaintiffs respectfully ask the Court to enter a judgment declaring the Food Truck Ban unconstitutional, both on its face and as applied to Plaintiffs, as a violation of the Basic Rights Clause of Article I, Section 2 of the Florida Constitution, and to enjoin the Food Truck Ban's enforcement.

132. As Plaintiffs reasonably believe that the Food Truck Ban is unconstitutional, Plaintiffs seek declaratory relief to resolve the extent of their rights.

133. Plaintiffs have incurred costs related to this lawsuit and seeks an award of reasonable costs pursuant to Florida Statutes Section 86.081.

134. Plaintiffs have an inadequate remedy at law for the substantial irreparable harm being caused by the Food Truck Ban.

135. The Food Truck Ban will continue to cause substantial injury to Plaintiffs unless ruled unenforceable by this Court.

136. The public interest would be served by enjoining enforcement of the Food Truck Ban.

WHEREFORE Plaintiffs respectfully request relief as follows:

- i. A declaratory judgment that the Food Truck Ban violates the due process, equal protection, and basic rights guarantees located in Article I, Sections 2 and 9 of the Florida Constitution;
- ii. A preliminary injunction against Defendants to prohibit enforcement of the Food Truck Ban;

iii. A permanent injunction against Defendants to prohibit enforcement of the Food Truck Ban;

iv. An award of nominal damages of one dollar;

v. An award of costs; and

vi. Any further relief as this Court deems just and proper.

DATED this 18th day of May 2021.

Respectfully submitted,

By: /s/ Justin Pearson

Justin Pearson (FL Bar No. 597791)
INSTITUTE FOR JUSTICE
2 South Biscayne Boulevard, Suite 3180
Miami, FL 33131
Tel: (305) 721-1600
Fax: (305) 721-1601
Email: jpearson@ij.org

Katrin Marquez (FL Bar No. 1024765)
Adam Griffin (NC Bar No. 055075)*
INSTITUTE FOR JUSTICE
901 N. Glebe Road, Suite 900
Arlington, VA 22203
Email: kmarquez@ij.org; agriffin@ij.org

*Admission *pro hac vice* pending.

Counsel for Plaintiffs