

Ellis Lawsuit Documents — Comprehensive Analysis

Review of 16 Uploaded Documents for FDEP Complaint v3.3 Enhancement

Prepared: June 16, 2026

EXECUTIVE SUMMARY

After thorough review of all 16 uploaded documents from Case No. 2015-CA-1413 (Ellis v. City of Jacksonville) and the SJRWMD email chain, the following assessment is made:

Bottom Line

The Ellis lawsuit documents largely CONFIRM and SUPPORT existing v3.3 content but do not contain enough genuinely new substantive evidence to warrant a v3.3 → v3.4 update. The documents provide excellent documentary backup for existing claims and should be included as supporting attachments.

However, there is one MAJOR exception: The email chain document (“Fwd: SJRWMD Violation Help Introduction.pdf”) contains **entirely new, bombshell evidence** about an UNPERMITTED San Pablo Road Widening project — but this is **separate from the Ellis lawsuit** and constitutes a new evidence thread that should be analyzed independently from the Ellis case materials.

Recommendation Summary

Category	Recommendation
Ellis Lawsuit Documents (15 of 16)	Keep v3.3 as-is; include as supporting attachments
Email Chain (1 of 16)	Analyze separately — potential v3.4 trigger based on San Pablo Road permit violations, NOT Ellis evidence
Version Update for Ellis evidence alone	NOT recommended
Version Update for San Pablo Road evidence	Potentially warranted — requires separate assessment

PART 1: DOCUMENT-BY-DOCUMENT ANALYSIS

Document 1: LaRue Case - 1st Complaint 2015-CA-1413.pdf

Field	Detail
Type	Original Verified Complaint
Date Filed	March 5, 2015
Pages	15
Parties	Plaintiffs: Larue & Lori Ellis; Defendants: City of Jacksonville, SJRWMD, CDM Smith Inc. (f/k/a Camp Dresser & McKee Inc.), Pitman-Hartenstein & Associates Inc., The Gibbs Group PLLC, Bowen Engineering Corp., Robert Alderman, Sheldon Gibbs, Kim Nichols
Counts	I: Trespass (vs. City/SJRWMD); II: Private Nuisance (vs. City/SJRWMD); III: Public Nuisance (vs. City/SJRWMD); IV: Negligence (vs. City/SJRWMD); V: Professional Negligence (vs. engineering defendants)
Key Content	Alleges City's Sandalwood Canal improvements and Hodges Blvd widening diverted excess surface water onto Ellis property causing substantial erosion and damages. References SJRWMD Permit #4-031-17631-6.
New vs. v3.3?	Mostly confirming. The full list of engineering defendant firms (CDM Smith, Pitman-Hartenstein, Gibbs Group, Bowen Engineering) and individual engineers (Alderman, Gibbs, Nichols) is more detailed than what we have. Minor additional detail.

Document 2: AMENDED COMPLAINT 2.pdf (Second Amended Verified Complaint)

Field	Detail
Type	Second Amended Verified Complaint
Date Filed	~2021 (based on answer dates)
Pages	12
Key Changes	Refined counts to: I: Trespass (vs. City); II: Private Nuisance (vs. City); III: Public Nuisance (vs. City/SJRWMD); IV: Declaratory Judgment (vs. SJRWMD). Dropped engineering defendants from core claims. Added detailed infrastructure allegations.
New vs. v3.3?	Mostly confirming. More detailed allegations about specific infrastructure failures — the missing weir, silt pond failures, untreated stormwater — but these are already comprehensively covered in v3.3 via the Devo Engineering report analysis.

Document 3: AMENDED COMPLAINT 3.pdf (Third/Latest Complaint)

Field	Detail
Type	Second Amended Verified Complaint (refined version)
Date Filed	~2021
Pages	14
Key Content	Most detailed version of allegations. Includes specific reference to SJRWMD permit requirements, CDM Smith's stormwater modeling, City's failure to construct the 4th weir, untreated stormwater from Hodges Blvd, silt pond maintenance failures.
New vs. v3.3?	Confirming only. All technical details already captured in v3.3 from the Devo Engineering report. The complaints add legal framing to facts we already have.

**Document 4: City of Jax
ANSWER_AND_AFFIRMATIVE_DEFENSES_TO_AMENDED_COMPLAINT.pdf**

Field	Detail
Type	City's Answer and Affirmative Defenses to Amended Complaint
Date Filed	~2018-2019
Pages	10
Key Content	City denied most substantive allegations. 7 affirmative defenses including: (1) failure to state a cause of action; (2) indemnification by CDM Smith; (3) no causation — “alleged damage was caused by other factors”; (4) plaintiffs acquiesced to stormwater system; (5) City did not cause property damage; (6) stormwater system did not destroy property value; (7) no continuing physical invasion or substantial ouster.
New vs. v3.3?	Partially new. The specific affirmative defenses are not in v3.3. However, they are standard boilerplate defenses and do not materially change our complaint strategy. See “New Evidence Assessment” below.

Document 5: City of Jax Answer to 2nd amended complaint.pdf

Field	Detail
Type	City's Answer to Second Amended Verified Complaint
Date Filed	~2021
Pages	9
Key Content	Similar to previous answer but responding to refined complaint. Same general denials and affirmative defenses.
New vs. v3.3?	No new substantive information beyond Document 4.

Document 6: ANSWER AND AFFIRMATIVE DEFENSES (CITY'S AMENDED) TO SECOND AMENDED VERIFIED COMPLAINT.pdf

Field	Detail
Type	City's Amended Answer and Affirmative Defenses
Date Filed	September 13, 2023 (filed per certificate of service)
Pages	9
Key Content	The City's FINAL answer before settlement. 20 affirmative defenses including all from earlier answers PLUS: (7) adverse possession/pre-scriptive easement; (8) laches; (9) failure to exhaust administrative remedies (failure to contest SJRWMD permit); (10) sovereign immunity §768.28; (11) failure to mitigate; (13) waiver and estoppel; (14) statute of limitations; (15) third-party negligence (Fabre); (17) plaintiffs' own negligent acts; (18) failure to name indispensable parties; (19) unjust enrichment; (20) economic waste.
New vs. v3.3?	Partially new. Key defense of interest: #9 — failure to exhaust administrative remedies due to failure to contest SJRWMD permit. This is ironic — the City argued Ellis should have challenged the SJRWMD permit process rather than suing, implicitly acknowledging the permit process was relevant. Also: #7 — adverse possession claim to storm-water system area is notable. See analysis below.

Document 7: MOTION (DEFT., CITY'S UNOPPOSED) FOR LEAVE TO AMEND ANSWER.pdf

Field	Detail
Type	City's Motion to Amend Answer (with Exhibit A — Interrogatory Responses)
Date Filed	June 29, 2023
Pages	34 (including exhibits)
Key Content	THIS IS THE MOST INFORMATION-RICH DOCUMENT IN THE BATCH. Contains:
	<ul style="list-style-type: none"> • Ellis's sworn interrogatory answers claiming \$5,275,176.24 in damages (as of 4/26/23)
	<ul style="list-style-type: none"> • Ellis's sworn testimony describing erosion during construction of water management system
	<ul style="list-style-type: none"> • Critical revelation: FDEP had previously notified Ellis about downstream complaints that construction on their land was "illegally filling the creek" — FDEP investigated and determined NO soil from Ellis property was entering the creek
	<ul style="list-style-type: none"> • Sandalwood Canal Project constructed 2007 through 2010
	<ul style="list-style-type: none"> • Expert: Devo Seereeram
	<ul style="list-style-type: none"> • Plaintiffs provided notice to City on March 5, 2015 (same day lawsuit filed)
	<ul style="list-style-type: none"> • City argued this was untimely — claims accrued by April 2011 at latest
	<ul style="list-style-type: none"> • Trial was set for October 30 & November 6, 2023
New vs. v3.3?	CONTAINS SEVERAL POTENTIALLY NEW ITEMS — see detailed analysis below

Document 8: COJ REQUEST TO PRODUCE.pdf

Field	Detail
Type	City's Request for Production of Documents
Date Filed	~2016-2017
Pages	5
Key Content	City requested: all correspondence with Devo Engineering, all expert reports, all photographs/videos, insurance documentation, building permits, surveys, property documents, plans, repair estimates. Standard discovery.
New vs. v3.3?	No substantive new evidence. Shows what categories of evidence existed but does not reveal content of those documents.

Document 9: St Johns River Water Mgt District Answer.pdf

Field	Detail
Type	SJRWMD Answer to Amended Complaint
Date Filed	~2018-2019
Pages	6
Key Content	SJRWMD denied most allegations or claimed lack of knowledge. Key: SJRWMD acknowledged its role as permitting authority but denied causing harm to Ellis property. Standard denials. No substantive admissions.
New vs. v3.3?	No substantive new evidence. SJRWMD's denials are boilerplate.

Document 10: St Johns River Water Mgt District Answer to 2nd Complaint.pdf

Field	Detail
Type	SJRWMD Answer to Second Amended Verified Complaint
Date Filed	November 22, 2021
Pages	8
Key Content	SJRWMD continued to deny most allegations. One affirmative defense: plaintiffs not entitled to attorney's fees from SJRWMD. No substantive admissions about permit violations or infrastructure failures.
New vs. v3.3?	No substantive new evidence.

Document 11: Ellis_Settlement_Agreement (1).pdf

Field	Detail
Type	Settlement Agreement
Date Executed	September 24-25, 2023
Pages	2
Key Content	Same agreement already analyzed in v3.3. \$60,000, Risk Manager signature, no admissions, no infrastructure repair commitments, no confidentiality.
New vs. v3.3?	Already fully analyzed in v3.3. This appears to be a duplicate/alternative copy of what we already have.

Document 12: Ellis Notice of Settlement.pdf

Field	Detail
Type	Joint Notice of Settlement
Date Filed	September 22, 2023 (E-Filed 09/22/2023 11:09:04 AM)
Pages	1
Key Content	Joint notice between Plaintiffs (Larue and Lori Ellis) and Defendant (City of Jacksonville) that settlement was reached. Signed by Kevin A. Schoepel (Durant, Schoepel & Decunto, P.A.) for Plaintiffs and Tiffany Douglas Pinkstaff (Office of General Counsel) for City.
New vs. v3.3?	No new substantive evidence. Confirms settlement date already known.

Document 13: [15-CA-1413]NOTICE_OF_SETTLEMENT(JOINT).pdf

Field	Detail
Type	Same as Document 12 — Joint Notice of Settlement
Date Filed	September 22, 2023
Pages	1
New vs. v3.3?	Duplicate of Document 12.

Document 14: [15-CA-1413]_ORDER_FOLLOWING_NOTICE_OF_SETTLEMENT.pdf

Field	Detail
Type	Court Order Following Notice of Settlement
Date Filed	October 12, 2023 (signed October 11, 2023)
Pages	3
Key Content	Judge Katie L. Dearing ordered: (1) Trial removed from October 30/November 6, 2023 docket; (2) Within 60 days, Plaintiff shall either dismiss or explain why matter not dismissed. Distribution list shows all parties' counsel.
New vs. v3.3?	Minor new detail. Confirms trial was imminent (5 weeks away) when settlement occurred. Adds the trial date context but does not materially change the analysis.

Document 15: NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE.pdf

Field	Detail
Type	Notice of Voluntary Dismissal With Prejudice
Date Filed	October 2, 2023 (E-Filed 10/02/2023 09:40:00 AM)
Pages	1
Key Content	Ellis dismissed the action against ALL remaining defendants with prejudice, each party bearing own fees and costs. Signed by Kevin A. Schoepfel and C. Popham Decunto.
New vs. v3.3?	Minor new detail. Confirms Ellis dismissed not just the City but ALL remaining defendants (including SJRWMD, CDM Smith, etc.) with prejudice. Already implied by settlement but now documented.

Document 16: Fwd: SJRWMD Violation Help Introduction.pdf ⚠
CRITICAL

Field	Detail
Type	Email chain (June 14, 2026) from Jake Jacobs to Mayor Deegan and extensive distribution
Date	June 14, 2026 (top email); chain dates from May 7-21, 2026
Pages	15
Key Content	THIS IS NOT AN ELLIS LAWSUIT DOCUMENT. It is a separate, current (2026) email chain about San Pablo Road Widening SJRWMD permit violations. Contains:
	<ul style="list-style-type: none"> • SJRWMD Permit No. 118023-1 (San Pablo Road Widening, City of Jacksonville as applicant) — NEVER ISSUED, withdrawn
	<ul style="list-style-type: none"> • SJRWMD Permit No. 18273-7 (San Pablo Road Improvements Beach-to-Atlantic, JTA as applicant) — NEVER ISSUED, withdrawn
	<ul style="list-style-type: none"> • Brian Corbin (SJRWMD Engineer III) confirmed: “Without an issued permit, no construction activities were authorized”
	<ul style="list-style-type: none"> • Permit application described: widening San Pablo Road, digging two stormwater ponds, re-routing existing ditch, converting open ditch to stormwater system, upsizing JEA water lines
	<ul style="list-style-type: none"> • 2.127 acres of work in/on/over wetlands and surface waters
	<ul style="list-style-type: none"> • City did NOT claim an exemption
	<ul style="list-style-type: none"> • Pre-application meeting with SJRWMD occurred (mitigation discussed)
	<ul style="list-style-type: none"> • City claimed “no responsive documents” to public records request, saying it was a JTA project — but SJRWMD application lists City of Jacksonville as applicant
	<ul style="list-style-type: none"> • Hogpen Creek identified as “Receiving Waterbody”

Field	Detail
	<ul style="list-style-type: none"> • JTA application claimed “no impacts will be incurred to [Hogpen Creek]” despite it being the receiving waterbody
	<ul style="list-style-type: none"> • Steve Proctor provided Google Earth images showing obvious silt settling on both sides of San Pablo
New vs. v3.3?	ENTIRELY NEW EVIDENCE — but about San Pablo Road, NOT the Ellis lawsuit or Sandalwood Canal. This constitutes a potentially separate violation thread. See strategic assessment below.

PART 2: GENUINELY NEW EVIDENCE ASSESSMENT

Category A: City Admissions or Acknowledgments

Item	Source	New?	Significance
City denied causation: “alleged damage was caused by other factors”	Affirmative Defenses	Partially new (specific language)	Low — standard defense, contradicted by settlement payment
City claimed indemnification by CDM Smith	Affirmative Defenses	Partially new	Low-Moderate — implicitly acknowledges design deficiency by blaming engineer
City claimed adverse possession of storm-water system area	Amended Affirmative Defense #7	New	Low — legal strategy detail, not substantive admission
City argued plaintiffs should have contested SJRWMD permit (Defense #9)	Amended Affirmative Defense	New	Moderate — ironically acknowledges SJRWMD permit process relevance

Assessment: No major new City admissions. The City maintained full denials throughout the litigation. The affirmative defenses are interesting legal strategy details but don’t constitute admissions. The most useful is Defense #9 (failure to exhaust administrative remedies by contesting SJRWMD permit), which implicitly validates the regulatory permitting framework we’re using in the FDEP complaint.

Category B: Technical Details

Item	Source	New?	Significance
CDM Smith Inc. (f/k/a Camp Dresser & McKee) identified as City's engineer of record	Complaints and Motion	Partially new (name confirmed)	Low — already referenced in v3.3 Devo report analysis
Sandalwood Canal Project constructed 2007-2010	City's Motion 18	Confirming	Low — already in v3.3
Engineering defendants: Pitman-Hartenstein, Gibbs Group, Bowen Engineering, Alderman, Gibbs, Nichols	Original Complaint	New names	Low — details about sub-consultants, not directly relevant to FDEP complaint

Assessment: No genuinely new technical information. All substantive technical details were already captured from the Devo Engineering report.

Category C: Timeline Information

Item	Source	New?	Significance
Lawsuit filed March 5, 2015	Complaint	Confirming	Already in v3.3
Plaintiffs gave notice to City on March 5, 2015 (same day as filing)	Motion ¶15	New detail	Low — timing detail
City claims accrued by April 2011 at latest	Motion ¶10	New	Low-Moderate — shows damage began during/shortly after 2007-2010 construction
FDEP notified Ellis of downstream complaints in April 2011	Motion ¶9	New	Moderate — see FDEP Prior Involvement analysis below
Ellis depositions: June 23, 2023	Motion ¶7	New	Low
Trial set for October 30 / November 6, 2023	Court Order	New	Low — adds context to settlement timing
Joint Notice of Settlement: September 22, 2023	Settlement notice	Confirming	Already in v3.3
Dismissal: October 2, 2023	Dismissal notice	New	Low

Assessment: Timeline details are useful for completeness but don't change our analysis materially.

Category D: Legal Arguments

Item	Source	New?	Significance
City's 20 affirmative defenses (full list)	Amended Answer	New (full list)	Low — standard defenses, useful reference
Sovereign immunity defense (§768.28)	Defense #10	Partially new	Low — standard government defense, doesn't apply to FDEP complaint
Fabre apportionment defense	Defense #15	New	Low — civil litigation concept, not relevant to FDEP
Failure to exhaust administrative remedies	Defense #9	New	Moderate — see note above

Assessment: Legal arguments are standard civil litigation defenses. They don't translate directly to the FDEP administrative complaint context.

Category E: Settlement Details

Item	Source	New?	Significance
Settlement amount: \$60,000	Settlement Agreement	Already in v3.3	N/A
Settlement date: September 24-25, 2023	Settlement Agreement	Already in v3.3	N/A
Risk Manager signed for City	Settlement Agreement	Already in v3.3	N/A
No infrastructure repair commitments	Settlement Agreement	Already in v3.3	N/A
No confidentiality clause	Settlement Agreement	Already in v3.3	N/A
Ellis claimed \$5,275,176.24 in damages	Motion ¶16/11	NEW	Moderate — see analysis below
Plaintiffs' attorney: Kevin Schoepel (Durant, Schoepel & Decunto, P.A.)	Settlement notice	New detail	Low
City attorney: Tiffany Douglas Pinkstaff (Office of General Counsel)	Settlement notice/answer	New detail	Low

Assessment: Settlement details are already comprehensively covered in v3.3. The \$5.275M damage claim is new and interesting but is a double-edged sword (see analysis below).

Category F: SJRWMD Involvement (in Ellis Lawsuit)

Item	Source	New?	Significance
SJRWMD was a defendant	Complaints	Already known	N/A
SJRWMD denied most allegations	SJRWMD Answers	New detail	Low — boilerplate denials
SJRWMD was dismissed with prejudice by Ellis	Dismissal notice	New	Low — Ellis chose to dismiss SJRWMD after settling with City
SJRWMD's counsel: Thomas Mayton Jr., Steven Kahn	SJRWMD Answers	New	Low
SJRWMD took no responsibility for Ellis damages	SJRWMD Answers	New detail	Low — expected

Assessment: SJRWMD's role in the Ellis lawsuit was passive — it denied everything and was eventually dismissed. No useful admissions or evidence.

Category G: Discovery Documents

Item	Source	New?	Significance
Categories of documents City sought from Ellis	COJ Request to Produce	New	Low — shows what evidence existed but not content
Ellis produced 72 bates-stamped documents (Ellis 000001-000072)	Motion ¶6	New	Low — we don't have those documents
Watermarked photographs with dates and photographer IDs	Motion reference	New	Low — referenced but not included

Assessment: Discovery requests show the scope of evidence in the case but the actual discovered documents are not included in this batch.

Category H: Email Chain Content (SEPARATE FROM ELLIS)

Item	Source	New?	Significance
San Pablo Road SJRWMD permits withdrawn/never issued	Email chain	ENTIRELY NEW	HIGH
SJRWMD confirms: “no construction activities were authorized”	Brian Corbin email	ENTIRELY NEW	HIGH
2.127 acres of wetland/surface water work without permit	Permit application	ENTIRELY NEW	HIGH
City denied having records, claiming it was a JTA project	Jake Jacobs email	ENTIRELY NEW	HIGH
Hogpen Creek identified as Receiving Waterbody	Permit application	ENTIRELY NEW	HIGH
Pre-application meeting with SJRWMD occurred	Permit application	ENTIRELY NEW	HIGH

Assessment: The email chain contains **BOMBSHELL** evidence — but it is about a **DIFFERENT** project (San Pablo Road Widening) than the Sandalwood Canal project at issue in the Ellis lawsuit. This requires separate analysis.

PART 3: DETAILED ANALYSIS OF POTENTIALLY SIGNIFICANT NEW ITEMS

3.1 Ellis Claimed \$5,275,176.24 in Damages (Settled for \$60,000)

Source: City’s Motion to Amend Answer, ¶6 and ¶11, citing Ellis’s sworn answer to CDM’s Interrogatory No. 1 (served June 9, 2023).

Analysis: Ellis claimed over \$5.275 million in damages for a “residential property which is only improved with a concrete slab and partial concrete walls” (City’s characterization in ¶11). The City settled for \$60,000 — roughly 1.1% of claimed damages.

Is this useful for v3.3?

This is a **double-edged sword**:

Argument FOR including:

- Shows the magnitude of damage the Sandalwood Canal failures caused — even to a single property, damages were in the millions
- The City paid \$60K rather than risk a \$5.275M verdict, showing the claims had trial merit
- Demonstrates the true cost of infrastructure failure when property damages are fully calculated

Argument AGAINST including:

- The City's framing (¶11) that \$5.275M for a property with "a concrete slab and partial concrete walls" makes the claim look excessive
- The 99% discount (\$5.275M → \$60K) could be used to argue the claims were weak
- Introducing the claimed damages opens a line of attack for the City to argue the litigation was meritless

RECOMMENDATION: Do NOT include in v3.3. The \$60K settlement amount is sufficient for our narrative. Adding the \$5.275M figure introduces unnecessary complexity and could be weaponized by the City. Our v3.3 narrative about the settlement is already strong.

3.2 FDEP Prior Involvement (April 2011)

Source: City's Motion to Amend Answer, ¶3 (quoting Ellis's sworn interrogatory answer) and ¶9.

Key Text (from Ellis's sworn statement, bolded by City in their motion):

"In addition, either prior to this event, or after, Plaintiffs were notified by FDEP that there were claims from downstream owners that Plaintiffs' construction on their land was illegally filling the creek. FDEP determined that no soil from Plaintiffs' land was entering the creek. This information, coupled with the obvious erosion seen on Plaintiffs' island, led them to believe that there were upstream issues with the construction of the water management system."

And from ¶9: "The record evidence also shows that FDEP notified Plaintiffs that there were claims from downstream owners that Plaintiffs' construction on their land was illegally filling the creek in April 2011."

Analysis: This reveals that:

1. **FDEP was involved as early as April 2011** — investigating complaints about illegal creek filling
2. **FDEP investigated and determined Ellis was NOT the source** — "FDEP determined that no soil from Plaintiffs' land was entering the creek"
3. **This means FDEP was aware of sediment issues in Hogpen Creek system by 2011** but apparently did not investigate the upstream source (Sandalwood Canal/City infrastructure)
4. **FDEP's own investigation exonerated Ellis** — supporting the conclusion that the sediment source was upstream infrastructure

Is this useful for v3.3?

This is **moderately significant** because it establishes FDEP had prior notice of Hogpen Creek sediment issues. However:

- The reference is through Ellis's sworn statement and the City's characterization — we don't have the underlying FDEP records
- We don't know what FDEP investigated or concluded beyond exonerating Ellis
- Adding a reference to FDEP's 2011 involvement could complicate the complaint if FDEP feels it's being criticized for not acting earlier

RECOMMENDATION: Note for potential future use but do NOT include in v3.3. This could be valuable in a public records request to FDEP (requesting their April 2011 investigation files) but introducing it now without supporting documentation could backfire. It's better as a follow-up investigation item than a complaint enhancement.

3.3 City's Affirmative Defense #9: Failure to Exhaust Administrative Remedies

Source: City's Amended Answer and Affirmative Defenses, ¶19.

Text: "Plaintiffs' claims are barred by their failure to exhaust administrative remedies due to their failure to contest the SJRWMD permit."

Analysis: This is ironic and useful:

- The City argued that Ellis should have challenged the SJRWMD permit through administrative channels rather than filing a lawsuit
- This implicitly acknowledges that the SJRWMD permit process was relevant to the damages
- It validates the approach of the FDEP complaint — going through regulatory/administrative channels

Is this useful for v3.3?

Mildly useful as a "the City itself said administrative/regulatory channels are appropriate" argument, but it's a stretch and adds complexity without significant value.

RECOMMENDATION: Do NOT include in v3.3. Interesting footnote but not worth the added complexity.

3.4 City's Attempt to Blame CDM Smith

Source: Affirmative Defense #2 in all versions of City's Answer.

Text: "If any liability exists on the part of the City to Plaintiff, such liability is to be completely indemnified by CDM Smith, Inc. f/k/a Camp Dresser & McKee, Inc. ('CDM') or the other Engineering Defendants."

Analysis: The City's position was essentially: "If anyone is responsible, it's our engineer CDM Smith, not us." This is the City deflecting blame for design deficiencies onto its own contractor. However:

- This is a standard cross-claim/indemnification defense
- It doesn't help our FDEP complaint because FDEP regulates the City as permittee/operator, not the engineering firm
- The City remains responsible for its infrastructure regardless of who designed it

RECOMMENDATION: Do NOT include in v3.3. Standard legal defense that doesn't add value to the FDEP complaint.

3.5 Trial Timing Context

Source: Court Order Following Notice of Settlement (October 11, 2023).

Analysis: Trial was set for October 30 and November 6, 2023. Settlement notice was filed September 22, 2023 — just 38 days before trial. This suggests:

- The City was facing imminent trial exposure
- Settlement occurred under pressure, not as a leisurely business decision
- The City may have concluded it could not prevail at trial

Is this useful for v3.3?

Nice context but doesn't materially change the analysis. Our existing v3.3 narrative about the settlement is already strong.

RECOMMENDATION: Do NOT include in v3.3. Interesting context but not material.

PART 4: SAN PABLO ROAD EMAIL CHAIN — SEPARATE ASSESSMENT

4.1 Overview

The email chain ("Fwd: SJRWMD Violation Help Introduction.pdf") is **NOT an Ellis lawsuit document**. It is a **separate, current (May-June 2026) investigation** by Jake Jacobs and Steve Proctor into potential SJRWMD permit violations related to the **San Pablo Road Widening project**.

4.2 Key Facts Revealed

1. **Two SJRWMD permits were applied for but NEVER ISSUED:**
 - Permit No. 118023-1 (San Pablo Road Widening; Applicant: City of Jacksonville) — Withdrawn
 - Permit No. 18273-7 (San Pablo Road Improvements Beach-to-Atlantic; Applicant: JTA) — Withdrawn
2. **SJRWMD confirmed no construction was authorized:** Brian Corbin (Engineer III, SJRWMD): "Without an issued permit, no construction activities were authorized."
3. **The San Pablo Road Widening permit application described significant work:**
 - Widening of San Pablo Road from Beach Blvd to Atlantic Blvd
 - Digging two stormwater ponds
 - Re-routing a portion of an existing ditch
 - Converting from open ditch to stormwater system
 - Upsizing JEA water lines and improving sewage lines
 - 2.127 acres of work in/on/over wetlands and surface waters
 - Federal dredge and fill authorization requested (Nationwide permit)
 - City checked "No" for exemption claim
4. **Hogpen Creek is the Receiving Waterbody** — both permits identify Hogpen Creek as the downstream receiving water
5. **City denied having responsive records** — claiming it was a JTA project, despite the SJRWMD application listing City of Jacksonville as applicant
6. **Pre-application meeting occurred** — City, its consultants, and SJRWMD met before application was filed; mitigation was discussed
7. **Google Earth imagery (2017 vs. 2024)** shows significant silt accumulation on both sides of San Pablo Road, especially on the east side (toward Hogpen Creek)

4.3 Relationship to FDEP Complaint

This evidence is about a **DIFFERENT infrastructure project** (San Pablo Road Widening) than the Sandalwood Canal project that is the focus of the Ellis lawsuit and the current v3.3 complaint. However:

- Both projects affect Hogpen Creek

- Both involve potential SJRWMD permit violations
- Both involve the City of Jacksonville
- The San Pablo Road evidence shows an **additional** source of unpermitted discharge into Hogpen Creek
- This could significantly strengthen the complaint by showing **multiple** unpermitted infrastructure projects affecting Hogpen Creek

4.4 Strategic Significance

HIGH — but requires separate analysis. This email chain could potentially:

1. **Add a new violation category** — unpermitted construction affecting wetlands and surface waters
2. **Demonstrate broader pattern** — City withdrawing SJRWMD permits and proceeding with construction anyway
3. **Strengthen the “knowledge” argument** — City’s own permit application acknowledged environmental impacts
4. **Show ongoing violations** — San Pablo Road construction is more recent than Sandalwood Canal
5. **Expose City’s record-keeping failures or deception** — claiming “no responsive documents” when SJRWMD records show the City was the applicant

4.5 Recommendation for San Pablo Road Evidence

This warrants a SEPARATE analysis session focused specifically on:

- The San Pablo Road SJRWMD permit applications (downloadable from SJRWMD website)
- The construction timeline and what was actually built
- Impact on Hogpen Creek
- Whether this should be incorporated into the FDEP complaint as a second violation thread
- Whether this alone justifies a v3.3 → v3.4 update

Do NOT conflate this with the Ellis lawsuit document analysis. These are separate evidence threads.

PART 5: STRATEGIC ASSESSMENT

5.1 Overall Assessment of Ellis Lawsuit Documents

The 15 Ellis lawsuit documents (excluding the email chain) provide:

Value	Description
High documentary value	Complete court record backing up our existing analysis
Low new evidence value	Mostly confirms what we already have from the settlement agreement and Devo Engineering report
Good attachment value	Should be organized and included as supporting evidence in the complaint package
No version update justification	Nothing materially new enough to warrant changing v3.3

5.2 What v3.3 Already Has vs. What These Documents Add

v3.3 Coverage	Documents Add
Settlement: \$60K, Sept 2023, Risk Manager signed	✓ Confirmed; added: Office of General Counsel attorney name (Tiffany Pinkstaff)
No infrastructure repair commitment	✓ Confirmed; no additional detail
Pattern of City paying rather than fixing	✓ Confirmed; added: 20 affirmative defenses showing City's full legal posture
Devo Engineering report (2014)	✓ Confirmed; added: expert identified as Devo Seereeram
Sandalwood Canal construction 2007-2008	✓ Refined: 2007-2010 per City's own representation
City knowledge through litigation	✓ Confirmed; added: City denied knowledge but paid anyway
CDM Smith involvement	✓ Confirmed; added: full name (f/k/a Camp Dresser & McKee Inc.)

5.3 Items to Note for Future Reference (Not v3.3 Changes)

1. **\$5,275,176.24 in claimed damages** — useful if City ever argues the Ellis claim was trivial
2. **FDEP April 2011 involvement** — worth a public records request to FDEP for their investigation files
3. **City's Defense #9 (exhaust administrative remedies)** — ironic validation of using regulatory channels
4. **Trial was 38 days away when City settled** — shows settlement was under pressure
5. **All engineering defendant names** — useful for understanding the full cast of characters

6. **SJRWMD's passive role** — SJRWMD denied everything and contributed nothing to the Ellis litigation
-

PART 6: RECOMMENDATIONS

6.1 For Ellis Lawsuit Documents (15 documents)

 **RECOMMENDATION: Keep v3.3 as-is. No version update.**

Rationale:

- All substantive evidence is already comprehensively covered in v3.3
- Documents confirm and support existing analysis but add no material new evidence
- Adding marginal details would increase complexity without proportional benefit
- The v3.3 settlement analysis and pattern narrative remain strong as-is

Action Items:

1. Organize the 15 Ellis lawsuit documents as an indexed attachment bundle
2. Create a simple document index for the complaint package
3. Reference them as “complete court record available as supporting documentation”
4. No text changes to v3.3 complaint narrative, impact statement, or form text

6.2 For Email Chain Document

 **RECOMMENDATION: Analyze San Pablo Road evidence separately.**

Rationale:

- This is not Ellis lawsuit evidence — it's a new, separate evidence thread
- It contains potentially significant new violations (unpermitted construction)
- It requires its own analysis, including review of the SJRWMD permit applications
- It may independently warrant a v3.3 → v3.4 update, but that decision should be made based on a dedicated analysis, not lumped in with the Ellis document review

Action Items:

1. Conduct a separate analysis of the San Pablo Road SJRWMD permit issue
2. Review the permit applications from the SJRWMD website
3. Assess whether this should be incorporated as a new violation thread
4. Make v3.4 decision based on that separate analysis

6.3 Suggested Attachment Organization

If including Ellis documents in the complaint package:

ATTACHMENT BUNDLE: Ellis v. City of Jacksonville (Case No. 2015-CA-1413)

- A-1. Original Verified Complaint (March 2015)
- A-2. Second Amended Verified Complaint
- A-3. City's Answer and Affirmative Defenses to Amended Complaint
- A-4. City's Amended Answer to Second Amended Verified Complaint (Sept 2023)
- A-5. City's Motion for Leave to Amend Answer (June 2023) [includes interrogatory responses showing \$5.275M in claimed damages]
- A-6. SJRWMD Answer to Second Amended Complaint (Nov 2021)
- A-7. Settlement Agreement (\$60,000 – September 2023)
- A-8. Joint Notice of Settlement (September 22, 2023)
- A-9. Order Following Notice of Settlement (October 11, 2023)
- A-10. Notice of Voluntary Dismissal With Prejudice (October 2, 2023)

6.4 Items NOT Recommended for Inclusion

- COJ Request to Produce (standard discovery, no substantive content)
- Duplicate settlement notices
- SJRWMD's separate answers (boilerplate denials)
- Third Amended Complaint (largely duplicative of Second Amended)

PART 7: CONCLUSION

The Clear-Eyed Assessment

These 16 documents break down into three categories:

Category 1: Confirming Evidence (14 documents)

The Ellis lawsuit court filings confirm everything we already have in v3.3. They provide the complete documentary record behind our existing analysis of the settlement, the City's knowledge, and the pattern of paying rather than fixing. They are valuable as supporting documentation but contain no revelations that change our analysis.

Category 2: Interesting But Not Material (1 document — City's Motion to Amend)

The City's Motion contains some interesting new details (\$5.275M damage claim, FDEP's 2011 involvement, trial timing), but none rises to the level of warranting a version update. These are "good to know" items that can inform future strategy without requiring complaint revisions.

Category 3: Potentially Significant New Thread (1 document — Email Chain)

The San Pablo Road SJRWMD email chain is genuinely new and potentially explosive evidence — but it's about a DIFFERENT project and constitutes a separate evidence thread that should be analyzed independently.

Final Recommendation

For the Ellis evidence: v3.3 stands. No update needed.

For the San Pablo Road evidence: Conduct a separate, dedicated analysis to determine if it warrants incorporation into the complaint and a v3.4 update.

Analysis prepared June 16, 2026
For FDEP Complaint Package — Hogpen Creek Sedimentation