

## **HOTLINE CASE**

**2008-13**

**February, 2009**

This was an anonymous call to the Hotline. The caller alleged that Council Member Kevin Hyde's law firm was involved in litigation against the city which was a conflict of interest.

This was researched and it was found that Mr. Hyde's law firm, Foley and Lardner had a pending lawsuit against the city (Higbee v. City of Jacksonville).

Steve Rohan, General Counsel's office contacted the council member and the managing partner of Foley and Lardner. The firm withdrew from the case. (See attached letter.)

January 7, 2009

Mr. Steven E. Rohan, Esq.  
Managing Deputy General Counsel  
Legislative Affairs Department  
Office of General Counsel  
117 W. Duval Street, Suite 480  
Jacksonville, Florida 32202

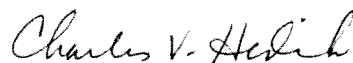
Re: Higbee v. City of Jacksonville

Dear Mr. Rohan:

As the Office Managing Partner I write to advise you that Foley & Lardner LLP has moved to withdraw as counsel to the Plaintiff in the above matter. Because of Kevin Hyde's service on the City Council our firm has a policy of not being adverse to the City of Jacksonville. Unbeknownst to Councilman Hyde, an attorney in our office undertook this matter on behalf of the Plaintiff. Upon becoming aware of this representation I requested that the attorneys involved in this action notify our client of our policy of not being adverse to the City of Jacksonville, seek her consent for our withdrawal, and file the appropriate motion for withdrawal with the Court. A copy of our Motion to Withdraw is enclosed.

We trust this resolves any questions about our firm's involvement in the matter. Please call me if you have any questions.

Sincerely,



Charles V. Hedrick

IN THE CIRCUIT COURT OF THE  
FOURTH JUDICIAL CIRCUIT, IN AND  
FOR DUVAL COUNTY, FLORIDA

DIANNE S. HIGBEE,

Plaintiff,

v.

Case No.: 06-008449

CITY OF JACKSONVILLE, a municipal  
corporation of the State of Florida,

Division: CV-E

Defendant.

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**MOTION TO WITHDRAW**

Pursuant to Rule 2.060(i), Florida Rules of Judicial Administration, the undersigned counsel for Plaintiff, Dianne S. Higbee ("Plaintiff") hereby moves the Court to enter an order permitting it to withdraw as Plaintiff's counsel and allowing Plaintiff thirty (30) days to obtain replacement counsel. In support of this Motion, counsel would show the Court the following:

1. A conflict has arisen which prevents counsel's continued representation of Plaintiff in this matter.

2. Plaintiff consents to the undersigned's requested withdrawal as counsel, and a copy of such consent is attached hereto as Exhibit "A".

3. Plaintiff's present addresses is:

Dianne S. Higbee  
3589 Beauclerc Circle North  
Jacksonville, FL 32257

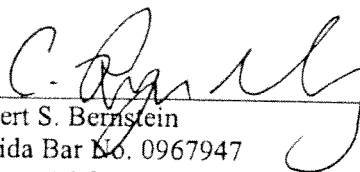
4. Plaintiff requires a reasonable time, not to exceed thirty (30) days, in which to obtain replacement counsel.

5. Counsel for Defendant has indicated that Defendant does not object to the relief requested by this Motion.

6. A proposed order granting this Motion is attached hereto as Exhibit "B" for the Court's convenience.

WHEREFORE, the undersigned counsel and Foley & Lardner LLP respectfully move this Court to enter an Order authorizing them to withdraw as counsel for Plaintiff, and allowing Plaintiff thirty (30) days to obtain replacement counsel, together with such other and further relief as the Court deems just and proper.

FOLEY & LARDNER LLP



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Attorneys for Plaintiff