

Town of Windermere, Florida
NEWS RELEASE

August 26, 2011

The Town of Windermere and its council member Richard Irwin won a swift and decisive victory today in a “Sunshine Law” court case filed by town resident Andrew McCarthy.

Orange County Circuit Court Judge Jose Rodriguez granted a summary judgment in the case today. McCarthy had filed the lawsuit on May 12th of this year, naming the town and Council Member Irwin as the defendants. McCarthy will have 30 days to decide whether to appeal the judge’s ruling.

McCarthy had alleged in the lawsuit that town council members had violated the Sunshine Law last May by engaging in an illegal “e-mail meeting” to discuss the issue of whether to fire then-town manager Cecilia Bernier. Within a few days after McCarthy filed the lawsuit, the town’s attorneys filed a motion for summary judgment, which is a motion that asks the court to rule in the town’s favor without requiring the case go to trial.

At the hearing today, Judge Rodriguez granted the town’s motion, which effectively ends the case unless McCarthy appeals.

“This case was yet another shameful and shameless waste of scarce public resources by Mr. McCarthy,” said town attorney and town resident Rick Mitchell. “Justice was done, and he should think long and hard before ever filing another frivolous case like that against our town.”

According to town attorneys, they will now request that the court order McCarthy to reimburse the town for its attorneys’ fees. A hearing on that request has not yet been scheduled.

Questions should be directed to Interim Town Manager Howard Tipton (407-876-2563).