

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION AO  
CASE NO. 50-2021-CA-006615-XXXX-MB

JAN TYLER,  
Plaintiff/Petitioner

vs.

WENDY S LINK,  
Defendant/Respondent.

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**ORDER DENYING AMENDED COMPLAINT FOR WRIT OF MANDAMUS**

THIS CAUSE came before the Court upon the ex-parte submission of an Amended Complaint for Writ of Mandamus. Upon review, it is

**ORDERED and ADJUDGED** that the complaint is denied.

While the public interests advanced by counsel for the Petitioner are laudable and to be commended, the sufficiency of a petition for any extraordinary writ must be evaluated with an understanding that it seeks a remedy that is indeed extraordinary and to be sparingly used, particularly when invoked to coerce a Constitutional Officer to act upon a contractual duty.

In that light, the Complaint does not meet standards in several ways. It fails to demonstrate the absence of alternative remedies at law. Numerous causes of action exist to enforce compliance with Section 92.0291 and the grant should either be violated.

Also, the complaint does not establish, indeed the Court doubts, that refunding the grant money would be a mere ministerial act under these circumstances.

That, in turn, leads to the whether CTCL has a clear legal right to the immediate return of the funds. A question that requires interpretation of the grant documents in light of the Statute and is subject to the intent of the parties to the grant and the State. Nothing is said of CTCL's position. Plaintiff's counsel does not appear to represent them. From what is stated, CTCL retains the right to extend deadlines for use of the funds and modify the grant to allow uses consistent with the Statute. From what is plead, whether and when the funds must ultimately be returned to CTCL remains unclear.

While paragraph 15 of the amended complaint expresses concern the Respondent obeys the law and adheres to Section 97.0291, there is no allegation that the statute is presently being violated. Two inferences can be made from what is plead: Future use of the funds may (1) violate the statute; or (2) may breach the grant. It is not alleged that the parties to the grant cannot negotiate a way to avoid those potential problems. They may arrange the funds to go elsewhere or for another legal use. Again, failing to refund the monies does not, itself, violate Section 97, and only may violate the grant.

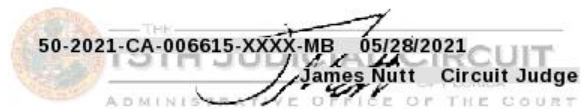
That leads to the question of petitioner's standing. She seeks to enforce a duty arising, if at all, through a contract with a private party, not an official duty under the Constitution or statute. Her interest in the funds being returned remains undisclosed. As noted, her aim to force the Respondent "to obey the law adhere to Section 97.0291" is premature and not supported by any alleged present violation of the statute. Whether the grant and statute can be harmonized is a

matter to be worked out by the parties to the grant. What injury, if any, the Petitioner is currently suffering has not been clearly stated.

Petitioner may have good answers to the questions raised by this order, but they are not apparent from the complaint to which the Court's review is limited. At bottom, for these and other reasons, the complaint is unsustainable and must be denied.

Petitioner's counsel is directed to provide an email copy of this order and, if not already provided, a copy of the amended complaint to counsel for the Respondent, who is identified in footnote one of the amended complaint. The parties are directed to confer before further filings are submitted.

**DONE AND ORDERED**, in West Palm Beach, Palm Beach County, Florida this 28th day of May, 2021.



50-2021-CA-006615-XXXX-MB 05/28/2021  
James Nutt  
Circuit Judge

**COPIES TO:**

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