

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-cv-60168-ALTMAN/Hunt

MARK MESSINA *et al.*,

*Plaintiffs,*

*v.*

CITY OF FORT LAUDERDALE, FLORIDA

*a Florida municipal corporation,*

*Defendant.*

---

**FINAL JUDGMENT**

On January 25, 2024, we entered our Findings of Fact and Conclusions of Law [ECF No. 123] in this case. In accordance with that Order, and pursuant to Federal Rule of Civil Procedure 58, we hereby **ORDER AND ADJUDGE** as follows:

1. Count I of the Plaintiffs' Complaint is **DISMISSED** for lack of standing.
2. As to Count II:
  - a. Final Judgment is **ENTERED** in favor of the Plaintiffs, Bernard McDonald and Mark Messina, and against the Defendant, the City of Fort Lauderdale.
  - b. The Hand-to-Hand Transmission Cause, the Selling and Advertising or Requesting Donations Provision, and the Sign Provision of the Right-of-Way Ordinance (§ 25-267) are **DECLARED** unconstitutional.
  - c. The Defendant, the City of Fort Lauderdale, is permanently **ENJOINED** from enforcing the Hand-to-Hand Transmission Clause, the Selling and Advertising or Requesting Donations Provision, and the Sign Provision of the Right-of-Way Ordinance.
  - d. The Plaintiffs are each awarded nominal damages in the amount of \$1.00.

3. All other pending motions are **DENIED** as moot, all other deadlines are **TERMINATED**, and any remaining hearings are **CANCELLED**. This case shall remain **CLOSED**.

**DONE AND ORDERED** in the Southern District of Florida on January 26, 2024.

A handwritten signature in black ink, appearing to be 'Roy K. Altman', written over a horizontal line.

**ROY K. ALTMAN**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record