

IN THE COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

JAMES J. KONISH, Individually,  
and JAMES J. KONISH, as Personal  
Guarantor, President and Manager  
of 625 Northeast First Street LLC,  
619 Northeast First Street LLC, and  
120 Southeast 7<sup>th</sup> Street, LLC  
Plaintiff,

v.

CASE NO.: 2014-SC-4051  
DIVISION: IV

CITY OF GAINESVILLE and  
GAINESVILLE REGIONAL UTILITIES (GRU),  
Defendants.

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ONE STOP CHEVRON #5  
1024 W. University Avenue  
Gainesville, FL 32601  
Plaintiff,

v.

CASE NO.: 2014-SC-4234  
DIVISION: IV

CITY OF GAINESVILLE and  
GAINESVILLE REGIONAL UTILITIES (GRU),  
Defendants.

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WILLIAM A. NEWSOM, MD d/b/a  
EYE ASSOCIATES OF GAINESVILLE, LLC  
2521 NW 41<sup>st</sup> Street  
Gainesville, FL 32606  
Plaintiff,

v.

CASE NO.: 2014-SC-4285  
DIVISION: IV

CITY OF GAINESVILLE and  
GAINESVILLE REGIONAL UTILITIES (GRU),  
Defendants.

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## STIPULATION AS TO MATERIAL FACTS

The parties agree and stipulate as follows:

1. This is now a consolidated action comprised of three (3) claims each in the amount of less than \$5,000.00.

2. In each claim, and each Gainesville Regional Utility (GRU) account involved in each claim, Defendants provide any electric, natural gas (hereinafter referred to as gas) and water utility service at the addresses of each GRU account.

3. The City of Gainesville, by and through its municipally-owned utility GRU, imposed a municipal utility tax on Plaintiffs' GRU electric, gas and water services pursuant to §166.231, Fla. Stat., and Section 25.17(a) of the Gainesville Code of Ordinances.

4. GRU prepares and makes available to the public, and made available to Plaintiffs' attorney, handouts accurately explaining the calculation of Plaintiff's GRU electric, gas and water bills (See Exhibit 1).

5. The City of Gainesville, by and through GRU, imposed its §166.231 utility tax as follows:

(a) 10% on the "Customer Charges" for electric, gas and water.

(b) 10% on the State of Florida §203.01 GROSS RECEIPTS Tax on GRU electric but not gas service.

6. Plaintiffs have properly exhausted their administrative remedies pursuant to §166.235(2), Fla. Stat. prior to the filing of these actions.