

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**BARBARA ORBAN,**

**Plaintiff,**

**v.**

**CASE NO.: 8:04-CV-1904-T-23MA**

**CITY OF TAMPA, FLORIDA,**

**Defendant.**

\_\_\_\_\_ /

**AFFIDAVIT OF CAPTAIN JOHN BENNETT**

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, this day personally appeared CAPTAIN JOHN BENNETT, who was sworn and says:

1. This Affidavit is made upon my personal knowledge.
2. I am currently employed as the law enforcement Officer of the CITY OF TAMPA Police Department, with the rank of "Captain" and oversee the Special Operations section, which includes: the Traffic and DUI Units. I have spent over nineteen (19) years as a City of Tampa Police Officer.
3. I have read the Plaintiff's COMPLAINT and am generally familiar with the events, which are the subject of the instant lawsuit, to wit: that on or about March 27, 2000, the Plaintiff, Dr. ORBAN was involved in a traffic accident/crash, which was investigated by Officer David Duncan, who was an FTO Trainee Officer at the time. He



found the Plaintiff, Dr. ORBAN at fault and issued her a State of Florida Uniform Traffic Citation for "Careless Driving", a violation of Chapter 316.1925, *Florida Statutes*. Dr. ORBAN then challenged the traffic citation at hearing on or about August 30, 2000, and was found guilty, adjudication was withheld, and she was assessed \$100.00 in court fees. Dr. ORBAN then filed a Motion for Reconsideration sometime in August of 2001 and on January 9, 2002, another hearing was held where the case was dismissed.

4. I am also familiar with the complaints and allegations of Dr. ORBAN contained in her COMPLAINT, specifically at paragraphs 37, 43, 45, 66. As a Sergeant assigned to the Chief of Police's Office I attempted to look into Dr. ORBAN's various complaints and to resolve same to the best of my abilities. Further, at no time did I nor could I direct former Mayor Dick Greco to answer or not answer any letters from citizens, including by not limited to those of Dr. ORBAN.

5. As the Captain in charge of the Traffic and DUI Divisions of the CITY OF TAMPA Police Department, I can state categorically that the CITY OF TAMPA Police Department has no "Quota" system with regards to the issuance of Traffic Citations as alleged in Dr. ORBAN's COMPLAINT (specifically at paragraphs 20 and 113), nor does the CITY OF TAMPA or its Police Department direct any plan or scheme that intentionally and artificially attempts to increase the issuance of Uniform Traffic Citations for the purpose of in someway augmenting or otherwise benefiting the members of the Police Pension system. Traffic Citations are issued, at the discretion of the Officers, for violations of Florida Statutes.

6. At no time, including the time of the issuance of the Traffic Citation to the Plaintiff, has the Tampa Police Department had any written policy or unwritten custom or practice of falsely accusing individuals of violating Florida Statutes.

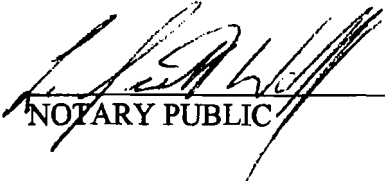
7. Further Affiant sayeth not.

  
CAPTAIN JOHN BENNETT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

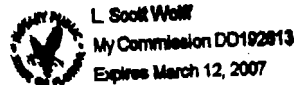
BEFORE ME personally appeared CAPTAIN JOHN BENNETT, to me well known and known to me to be the person described in and who executed the foregoing instrument, and who is personally known to me, or has produced Robert, as identification and who did take an Oath, and swears that the foregoing is true and correct.

WITNESS my hand and official seal, this 12<sup>th</sup> day of OCTOBER, 2004.

  
NOTARY PUBLIC

L. SCOTT WOLFF

\_\_\_\_\_  
Print Name  
My Commission Expires:



**Joe Magri**

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**Sent:** Friday, October 14, 2005 9:17 PM  
**To:** cmecf\_flmd\_notices@flmd.uscourts.gov  
**Subject:** Activity in Case 8:04-cv-01904-SDM-MAP Orban v. City of Tampa, Florida "Memorandum in support"

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**U.S. District Court**

**Middle District of Florida**

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**Case Name:** Orban v. City of Tampa, Florida  
**Case Number:** 8:04-cv-1904  
**Filer:** City of Tampa, Florida  
**Document Number:** 53

**Docket Text:**

MEMORANDUM in support re [52] Motion to dismiss filed by City of Tampa, Florida. (Attachments: # (1) # (2) # (3) # (4) # (5) # (6) # (7) # (8))(Makhholm, John)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1069447731 [Date=10/14/2005] [FileNumber=2499671-0] [6683ecaceac9c5268f612baf512603ae52d52b71ae7cda49b085adf630195272681efe74bceb6777932a0189f37c450d05b4a6729c757f67b950b22e66f877e1]]

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