

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT, IN AND FOR LEE  
COUNTY, FLORIDA CIVIL ACTION

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RAYMOND A. DELLASELVA, et al.,

CASE NO. 03-1947 CA WCM

Plaintiffs,

vs.

FLORIDA DEPARTMENT OF  
AGRICULTURE AND CONSUMER  
SERVICES, et al.,

Defendants.

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**ORDER ON CLASS COUNSEL'S REQUEST FOR DETERMINATION  
OF APPROPRIATE METHOD FOR CALCULATING PAYMENTS  
TO ELIGIBLE LEE COUNTY HOMEOWNERS**

**THIS CAUSE** came before the Court on October 14, 2020, at 1:30 p.m., on Class Counsel's Request for Determination of Appropriate Method for Calculating Payments to Eligible Lee County Homeowners (the "Request for Determination"). Defendants filed a Response to Class Counsel's Request for Determination of Appropriate Method for Calculating Payments to Eligible Lee County Homeowners. Present before the Court were Robert C. Gilbert and William S. Williams, Class Counsel for Plaintiffs and the certified class, and Wesley R. Parsons, Counsel for Defendants. Also present before the Court were Lois Stroh and Joseph Dolliver, two of the Named Plaintiffs/Class Representatives. The hearing was conducted using Zoom video technology as a result of the ongoing COVID-19 pandemic. A court reporter was present to record the proceedings.

**Background**

1. This constitutional takings proceeding was commenced in 2003 by the Named Plaintiffs/Class Representatives, on behalf of themselves and the owners of 11,811 residential

properties in Lee County (collectively, the “Lee County Homeowners”), whose 33,957 healthy, uninfected residential citrus trees were taken and destroyed by the Florida Department of Agriculture and Consumer Services and the Florida Commissioner of Agriculture (collectively, “Defendants”) under the citrus canker eradication program (the “CCEP”). Request for Determination ¶ 1.

2. In 2013, this Court entered its Order on Plaintiffs’ Liability Claims and Defendants’ Defenses that found and concluded that Defendants were liable in inverse condemnation under Article X, section 6(a), Fla. Const. and section 581.1845, Fla. Stat. In 2014, the parties proceeded to trial before a 12-person jury to determine the amount of full compensation owed for the 33,957 trees taken and destroyed by Defendants. Following the presentation of evidence, the Lee County jury was instructed to return a verdict that determined the full amount of compensation owed for the taking and destruction of the 33,957 trees. *Id.* at ¶ 9. The verdict gave the jury a choice of four ways to award full compensation: (a) compensation based on the total amount of all 33,957 trees (lump sum); (b) compensation based on the average value of each of the 33,957 trees (average amount for each tree); (c) compensation based on the heights of all 33,957 trees (varying amounts based on the height of each tree); or (d) compensation based on the compounding cost of all 33,957 trees (based on yield). *Id.* The Lee County jury selected option (b), compensation based on the average value of each of the 33,957 trees and awarded “\$285.25 per tree.” *Id.* A copy of the jury’s verdict is attached to this Order as Exhibit A.

3. This Court subsequently entered three judgments in favor of the Lee County Homeowners and Class Counsel that awarded full compensation, attorneys’ fees, expert fees, costs and service awards.<sup>1</sup> *Id.* at ¶ 1. In relevant part, the 2014 Judgment stated:

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<sup>1</sup> The first judgment, entered August 18, 2014, awarded the Lee County Homeowners the total amount of \$13,625,249.09, plus post-judgment interest, as full compensation for the private

On July 3, 2014, the jury empaneled to determine the amount of compensation rendered its verdict, awarding compensation in the amount of \$285.25 per-tree for each of the 33,957 trees owned by Plaintiffs and the Class. Based on the \$285.25 per-tree amount multiplied by 33,957 trees, the total amount of compensation awarded to Plaintiffs and the Class is \$9,686,234.25.

A copy of the 2014 Judgment is attached to this Order as Exhibit B.

4. The Second District Court of Appeal affirmed the 2014 Judgment, *Dep't of Agriculture v. Dolliver*, 209 So. 3d 578 (Fla. 2d DCA 2016), and all three judgments became final in December 2016. *Id.* at ¶ 1.

5. In June 2017, the Lee County Homeowners and Class Counsel sought a writ of mandamus to compel Defendants to pay the judgments and to declare unconstitutional the state statute invoked by Defendants as the basis for nonpayment. *Id.* at ¶ 2. In 2018, this Court entered an Order Declaring Sections 11.066(3) and (4), Fla. Stat., Unconstitutional, *As Applied*, and Granting Writ of Mandamus (the “§ 11.066 Order”). *Id.* at ¶ 3. The § 11.066 Order and accompanying writ of mandamus ordered Defendants to immediately pay, or authorize payment of, the amounts due under the three judgments, and declared unconstitutional the statute invoked by Defendants as the basis for nonpayment. *Id.* The § 11.066 Order also granted Plaintiffs’ and Class Counsel’s entitlement to attorneys’ fees and costs associated with the post-judgment proceedings. *Id.*

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property taken and destroyed by Defendants (the “2014 Judgment”). The second judgment, entered March 18, 2015, awarded Class Counsel the total amount of \$988,583.68, plus post-judgment interest, as attorneys’ fees, expert fees and costs for services rendered and costs advanced in the prejudgment proceedings that culminated in the 2014 Judgment, and awarded the Named Plaintiffs/Class Representatives the total amount of \$92,000.00, plus post-judgment interest, as class representative service awards for their service and contribution to the prosecution of this proceeding (the “2015 Judgment”). The third judgment, entered December 22, 2016, awarded Class Counsel the total amount of \$70,892.50, plus post-judgment interest, as appellate attorneys’ fees for services rendered in connection with Defendants’ appeal of the 2014 Judgment (the “2016 Judgment”). *Id.* at n.1.

6. Defendants appealed the § 11.066 Order and writ of mandamus. *Id.* at ¶ 4. The Second District affirmed the § 11.066 Order and writ of mandamus and granted Plaintiffs' and Class Counsel's entitlement to appellate fees in an amount to be determined by this Court. *Id.* *Fla. Dep't of Agric. & Consumer Servs. v. Dolliver*, 283 So. 3d 953 (Fla. 2d DCA 2019).

7. Defendants appealed to the Supreme Court of Florida. While that appeal was pending, the 2020 Florida Legislature appropriated \$19,173,978.00 to pay and satisfy the three final judgments entered in favor of the Lee Homeowners and Class Counsel. *Id.* at ¶¶ 4-5.

8. In July 2020, the Supreme Court of Florida directed Defendants to show cause why the appeal should not be dismissed as moot based on the 2020 Legislature's appropriation of funds to pay the three judgments. *Id.* at ¶ 6. On August 13, 2020, after considering the parties' responses, the Supreme Court of Florida dismissed the appeal as moot and granted Plaintiffs' and Class Counsel's entitlement to appellate fees in an amount to be determined by this Court. *Id.* On September 17, 2020, the Supreme Court denied Defendants' motion for rehearing. *Id.*

**Determining the Appropriate Method for Calculating  
Payments to Eligible Lee County Homeowners**

9. In July 2020, Defendants delivered a State of Florida warrant in the amount of \$19,173,978.00 to Class Counsel. Request for Determination ¶ 7. Class Counsel and their experts are currently analyzing the voluminous electronic data and documents to prepare and distribute payments to eligible Lee County Homeowners. *Id.* at ¶¶ 7-8. As part of that process, Class Counsel request that this Court determine the appropriate method for calculating payments to eligible Lee County Homeowners under the 2014 Judgment. *Id.* at ¶ 8.

10. As noted above, the Lee County jury returned a verdict that determined the full amount of compensation owed for the taking and destruction of the 33,957 trees. *Id.* at ¶ 9. The verdict gave the jury a choice of four ways of awarding full compensation: (a) compensation

based on the total amount of all 33,957 trees (lump sum); (b) compensation based on the average value of each of the 33,957 trees (average amount for each tree); (c) compensation based on the heights of all 33,957 trees (varying amounts based on the height of each tree); or (d) compensation based on the compounding cost of all 33,957 trees (based on yield). *Id.* The Lee County jury selected option (b), compensation based on the average value of each of the 33,957 trees and awarded “\$285.25 per tree.” *Id.*

11. Based on the jury’s decision to award compensation based on the average value of each of the 33,957 trees, and its award of “\$285.25 per tree,” this Court must decide whether payments for each of the approximately 33,957 trees should be calculated based on the same amount per-tree (\$285.25), whether payments should be calculated based on the schedule of amounts assigned to differing heights of trees presented at the compensation trial, or whether payments should be calculated by some other method. Lead Counsel advised the Court that the Named Plaintiffs/Class Representatives support calculating payments based on \$285.25 per-tree as set forth in the jury verdict. Defendants’ Response to the Request for Distribution supports calculating payments based on \$285.25 per-tree as set forth in the jury verdict.

12. Courts in Broward and Palm Beach Counties confronted similar questions in approving the plans of allocation and distribution of judgment proceeds in those cases. *Id.* at ¶ 11. The Broward and Palm Beach County juries chose different ways of awarding full compensation to the certified classes in those counties. *Id.* The Broward County jury awarded lump sum compensation of \$11,531,463.00 for all 133,720 trees at issue. *Id.* The Palm Beach County jury awarded differing amounts of compensation based on the heights of all 66,493 trees at issue. *Id.*

13. The Broward court concluded that because the jury’s verdict did not award per-tree amounts based on the differing heights of the 133,720 trees, neither class counsel nor the court had the discretion to disregard the unambiguous verdict rendered by the jury. *Id.* at ¶ 12. Accordingly,

the Broward court directed that payments to eligible Broward County homeowners be calculated and allocated on a *pro rata* basis, by dividing the total amount available for distribution (after deducting from the common fund all non-taxable attorneys' fees, costs and expert fees, as well as fees and costs associated with the allocation and distribution process) by the total number of eligible uninfected trees, with the resulting per-tree amount multiplied by the number of trees owned by each of the eligible Broward County homeowners, with individual set-offs deducted from these amounts. *Id.* As a result, all eligible Broward County homeowners received \$175.36 per-tree, less any set-offs based on their individual usage of Shade Florida (Walmart) debit cards and/or negotiation of \$55 per-tree statutory payments. *Id.* By way of illustration, each Broward County homeowner who had two (2) trees destroyed received a gross payment award of \$350.73, less any individual set-off based on that homeowner's usage, if any, of the Shade Florida (Walmart) debit card and/or \$55 statutory tree payment. *Id.* If a Broward County homeowner who had two (2) trees destroyed did not apply for and/or use the Shade Florida (Walmart) debit card (for the first tree) and/or the \$55 statutory tree payment (for the second tree), no set-off was deducted and the homeowner received a net payment award of \$350.73. *Id.* Conversely, if the homeowner used the full \$100.00 of the Shade Florida (Walmart) debit card and cashed the \$55 statutory tree payment, the homeowner's gross payment award was reduced by \$155.00 and he or she received a net payment award of \$195.73. *Id.*

14. The Palm Beach court concluded that the jury's decision to award varying amounts of compensation based on the heights of the 66,493 trees mandated allocation and distribution of payments to eligible Palm Beach County homeowners consistent with the varying amounts awarded by the jury. *Id.* at ¶ 13. Therefore, the Palm Beach court directed that payments to eligible Palm Beach County homeowners for each of the 66,493 trees be calculated based on the recorded heights of the trees using the jury's per-tree award amounts (after deducting from the common

fund all non-taxable attorneys' fees, costs, expert fees, as well as fees and costs associated with the allocation and distribution process), less individual set-offs deducted from those amounts. *Id.* As a result, payments to all eligible Palm Beach County homeowners were calculated based on the jury-awarded amounts for the recorded height of tree(s), less any set-offs based on the homeowner's individual usage of Shade Florida (Walmart) debit cards and/or negotiation of \$55 per-tree statutory payments. *Id.* By way of illustration, the Palm Beach verdict awarded \$158.04 for all trees recorded as 6-feet and \$263.40 for all trees recorded as 10-feet. Therefore, for a Palm Beach County homeowner who had two (2) trees destroyed, one with a recorded height of 6-feet and the second with a recorded height of 10-feet, the gross payment award for the 6-foot tree was \$252.50 (\$158.04 per the verdict plus interest), and the gross payment award for the 10-foot tree was \$420.83 (\$263.40 per the verdict plus interest), less individual set-offs based on that homeowners' usage of the Shade Florida (Walmart) debit card for the first tree and/or \$55 statutory tree payment for the second tree. *Id.* If the same Palm Beach County homeowner did not apply for and/or use the Shade Florida (Walmart) debit card and/or the \$55 statutory tree payment, no set-off was deducted and that homeowner received a net payment award of \$673.33. *Id.* Conversely, if the same homeowner used \$100.00 of the Shade Florida (Walmart) debit card and the \$55 statutory tree payment, the gross payment award was reduced by \$155.00 and that homeowner received a net payment award of \$518.33. *Id.*

15. The Lee County jury chose a different way of awarding full compensation to the certified class of Lee County Homeowners. *Id.* at ¶ 14. Unlike the Broward County jury, the Lee County jury did not award lump sum compensation. *Id.* Unlike the Palm Beach County jury, the Lee County jury did not award different per-tree amounts based on the varying heights of all

33,957 trees. *Id.* Instead, the Lee County jury chose to award compensation based on the average value of each of the 33,957 trees and awarded “\$285.25 per tree.”<sup>2</sup> *Id.*

### Conclusion

16. The jury has the exclusive role to determine the amount of full compensation awarded in eminent domain and inverse condemnation proceedings. *See* § 73.071, Fla. Stat. Courts do not have discretion to disregard an unambiguous verdict rendered by a jury. *See, e.g., Treal Group, Inc. v. Custom Video Services, Inc.*, 682 So. 2d 1230, 1231 (Fla. 4th DCA 1996) (“The trial court could not look beyond the jury’s verdict and speculate it found the lease invalid.”); *McLeod v. Young*, 257 So. 2d 605, 606 (Fla. 4th DCA 1972) (“we cannot, of course, know the factors employed by the jurors in reaching their general verdict”); *Johnson v. LaSalle*, 774 So. 2d 760, 761 (Fla. 4th DCA 2000) (lump sum verdicts “prevent” a court “from discerning how much the jury had actually awarded for different kinds of economic damages,” citing *Odom v. Carney*, 625 So.2d 850, 851 (Fla. 4th DCA 1993)); *Honda Motor Co., Ltd. v. Marcus*, 440 So. 2d 373, 377 (Fla. 3d DCA 1983) (refusing to “assume that the jury’s undifferentiated verdict of three million dollars took into account” suggestion that damages award would be used for “research”). As one court explained in considering a request to apportion an undifferentiated jury verdict:

The verdict in this case does not provide detailed information regarding the jury’s apportionment of damages between the various claims brought by Fisk, such that I might possibly determine, as a matter of law, what portion of the damages awarded against Solo fall within the terms of the bond. Any effort to do so by me would be pure speculation . . .

*Fisk Elec. Co. v. Solo Constr. Corp.*, 07-22120-CIV, 2009 WL 10669552, at \*2 (S.D. Fla. Oct. 28, 2009).

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<sup>2</sup> The Orange County jury also chose option (b), compensation based on the average value of each of the 60,174 trees and awarded \$344.16 per tree. *Id.* at n. 10.



17. Based on the foregoing, this Court **ORDERS and ADJUDGES** that the appropriate method for calculating payments to eligible Lee County Homeowners shall be based on \$285.25 per tree, for each of the total number of eligible uninfected trees, with the resulting per-tree amount multiplied by the number of trees owned by each of the eligible Lee County Homeowners, with individual set-off amounts deducted from these amounts.

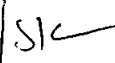
18. The Court directs Lead Counsel and his team of professionals to promptly complete the data analysis and calculate the payment amounts for all eligible uninfected trees in accordance with this Order, and determine the amounts of payments to be distributed to all eligible Lee County Homeowners, after deducting set-off amounts based on each homeowner's individual usage of Shade Florida (Walmart) debit cards and/or negotiation of \$55 per-tree statutory payments, after deducting from the common fund all non-taxable attorneys' fees, costs and expert fees, as well as fees and costs associated with the allocation and distribution process. Upon completion, the Court will convene another hearing to consider Class Counsel's final plan for distribution.

**DONE AND ORDERED** in Chambers, at Ft. Myers, Lee County, Florida this 19 day of October, 2020.

  
KEITH R. KYLE  
CIRCUIT COURT JUDGE

Copies furnished to:

Robert C. Gilbert, Esq.  
William S. Williams, Esq.  
Wesley R. Parsons, Esq.

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# **EXHIBIT A**

**VERDICT FORM**

We, the jury, return the following verdict:

1. By the greater weight of the evidence, what is the amount of full compensation due to Plaintiffs and members of the Class for their 33,957 trees, based on the replacement cost of the trees at the time they were taken by Defendants? Depending upon your findings, the amount may be based on: (a) the total amount for all 33,957 trees covered by this case; or (b) the average value of each of the 33,957 trees covered by this case; or (c) the heights of the 33,957 trees covered by this case; or (d) the compounding cost of the 33,957 trees covered by this case. You may choose only one of these options. Please read all of the options provided below before selecting the one you find appropriate. You should insert the amount of your award in the space provided under the option you choose.

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**FILED**

JUL 03 2014

LINDA DOGGETT, CLERK  
CIRCUIT/COUNTY COURTS  
BY \_\_\_\_\_ D.C.

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a) **Compensation Based on the Total Amount of all 33,957 Trees**

\$ \_\_\_\_\_

b) **Compensation Based on the Average Value of all 33,957 Trees**

\$ 285.25 per tree

c) **Compensation Based on Heights of all 33,957 Trees**

	2002 - 2003	2004 - 2006
1 - 2 feet	\$ _____	\$ _____
3 feet	\$ _____	\$ _____
4 feet	\$ _____	\$ _____
5 feet	\$ _____	\$ _____
6 feet	\$ _____	\$ _____
7 feet	\$ _____	\$ _____
8 feet	\$ _____	\$ _____
9 feet	\$ _____	\$ _____
10 feet	\$ _____	\$ _____
11 feet	\$ _____	\$ _____
12 feet	\$ _____	\$ _____

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	2002 - 2003	2004 - 2006
13 feet	\$ _____	\$ _____
14 feet	\$ _____	\$ _____
15 feet	\$ _____	\$ _____
16 feet	\$ _____	\$ _____
17 feet	\$ _____	\$ _____
18 feet	\$ _____	\$ _____
19 feet	\$ _____	\$ _____
20 feet	\$ _____	\$ _____
21 feet	\$ _____	\$ _____
22 feet	\$ _____	\$ _____
23 feet	\$ _____	\$ _____
24 feet	\$ _____	\$ _____
25 feet	\$ _____	\$ _____
26 feet and above	\$ _____	\$ _____

d) **Compensation Based on the Compounding Cost of all 33,957 Trees**

\$ \_\_\_\_\_

**After answering question 1, having filled in one of the four options above, please proceed to question 2 and answer it.**

**CONTINUED ON NEXT PAGE**

2. Do you find that the amount of \$724,087, representing the total amount used by those Plaintiffs and Class members who applied for and received Shade Florida (WalMart) Cards, constitutes compensation that should be deducted from the full amount of compensation awarded to Plaintiffs and the Class?

Yes YES No \_\_\_\_\_

**If your answer to question 2 is "yes," do NOT deduct the amount awarded in your answer to question 1. The Court will deduct the amount used by Plaintiffs and the Class on Shade Florida (WalMart) Cards from the total amount you award in question 1.**

**After answering question 2, please proceed to question 3 and answer it.**

3. Do you find that the amount of \$1,001,000, representing the total of all \$55 "Geller Bill" payments issued and used by Plaintiffs and Class members, constitutes compensation that should be deducted from the full amount of compensation awarded to Plaintiffs and the Class?

Yes YES No \_\_\_\_\_

**If your answer to question 3 above is "yes," do NOT deduct the amount awarded in your answer to question 1. The Court will deduct the amount used by Plaintiffs and the Class from the total amount you award in question 1.**

**CONTINUED ON NEXT PAGE**

After answering question 3, please verify that the answers to the abovementioned questions are the unanimous answers of the jury and, if so, please have the foreperson sign and date the verdict below.

SO SAY WE ALL this 3<sup>rd</sup> day of July, 2014.

Kevin M Thompson  
FOREPERSON  
Kevin M Thompson

# **EXHIBIT B**



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT, IN AND FOR LEE  
COUNTY, FLORIDA CIVIL ACTION

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RAYMOND A. DELLASELVA, et al.,

CASE NO. 03-1947 CA WCM

Plaintiffs,

vs.

FLORIDA DEPARTMENT OF  
AGRICULTURE AND CONSUMER  
SERVICES, et al.,

Defendants.

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**FINAL JUDGMENT**

On February 8, 2014, following a non-jury trial on liability, this Court found Defendants liable in inverse condemnation under Article X, section 6(a), Florida Constitution (Count I), and for additional compensation under section 581.1845, Florida Constitution (Count III).

On July 3, 2014, the jury empanelled to determine the amount of compensation rendered its verdict, awarding compensation in the amount of \$285.25 per-tree for each of the 33,957 trees owned by Plaintiffs and the Class.<sup>1</sup> Based on the \$285.25 per-tree amount multiplied by 33,957 trees, the total amount of compensation awarded to Plaintiffs and the Class is \$9,686,234.25. The jury also granted set-offs to the Defendants, representing the (i) total amount of \$55 statutory tree payments issued to and used by Plaintiffs and Class members (\$1,001,000.00), and (ii) total amount used by those Plaintiffs and Class members who applied for and received Shade Florida (Wal-Mart) Cards (\$724,087.00). These set-offs total One Million Seven Hundred Twenty Five Thousand Eighty

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<sup>1</sup> The Class is comprised of "[a]ll owners of citrus trees within Lee County, incorporated or otherwise, not used for commercial purposes, which were not determined by the Department to be infected with citrus canker and which were destroyed under the CCEP from January 1, 2000 to the present." All persons identified on the list previously filed with the Court who properly and timely submitted Requests for Exclusion in accordance with this Court's pretrial orders are hereby excluded from the Class and are not bound by this Final Judgment.



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Seven and 00/100 Dollars (\$1,725,087.00). After deducting these set-offs, the principal amount of the final judgment will be Seven Million Nine Hundred Sixty One Thousand One Hundred Forty Seven and 25/100 Dollars (\$7,961,147.25), before prejudgment interest.

On August 18, 2014, this Court denied Defendants' Motion to Set Aside Verdict and for Judgment in Accordance with Motions for Directed Verdict and Alternatively Motion for New Trial.

On August 18, 2014, this Court granted Plaintiffs' Motion for Prejudgment Interest, awarding prejudgment interest in the amount of Five Million Six Hundred Sixteen Thousand Four Hundred Forty Four and 00/100 Dollars (\$5,616,444.00), with a simple interest *per diem* of One Thousand Thirty Six and 04/100 Dollars (\$1,036.04) thereafter.

Based on the foregoing, Plaintiffs and the Class shall recover the following:

- a) Seven Million Nine Hundred Sixty One Thousand One Hundred Forty Seven and 25/100 Dollars (\$7,961,147.25) as compensation;
- b) Five Million Six Hundred Sixteen Thousand Four Hundred Forty Four and 00/100 Dollars (\$5,616,444.00) as prejudgment interest through July 3, 2014; and
- c) Forty Seven Thousand Six Hundred Fifty Seven and 84/100 Dollars (\$47,657.84) as prejudgment interest from July 4, 2014 through the date of this final judgment.

Based on the foregoing, it is **ORDERED** and **ADJUDGED** that Plaintiffs Joseph and Nancy Dolliver, John and Deanna Klockow, and Charles and Lois Stroh, as representatives of the Class, whose address is c/o Robert C. Gilbert, Esq., 2525 Ponce de Leon Boulevard, Suite 1150, Coral Gables, Florida 33134, shall recover from Defendants Florida Department of Agriculture and Consumer Services and the Florida Commissioner of Agriculture, in his official capacity, whose address is The Capitol, Tallahassee, Florida 32399, the total sum of Thirteen Million Six Hundred



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Twenty Five Thousand Two Hundred Forty Nine and 09/100 Dollars (\$13,625,249.09), inclusive of prejudgment interest, which shall bear interest from and after this date at the statutory rate.

Execution shall not issue on this final judgment without further order of this Court. This Court reserves jurisdiction for purposes of enforcement of and/or execution on this final judgment.

This Court also reserves jurisdiction to award attorney's fees and costs, to apportion the compensation awarded among Plaintiffs and the Class, to resolve any other matters arising from the taking of this property, as well as such other post-judgment matters as may be appropriate in this class action.

DONE and ORDERED in Chambers at Ft. Myers, Lee County, Florida this 18 day of August, 2014.

*Keith R. Kyle* 8/18/14  
Honorable Keith R. Kyle  
Circuit Court Judge

8/18/2014

Copies furnished to:

- 1/1 Robert C. Gilbert, Esq.
- William S. Williams, Esq.
- Wesley R. Parsons, Esq.



I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE  
LINDA DOGGETT, CLERK OF CIRCUIT COURT  
STATE OF FLORIDA, COUNTY OF LEE

REDACTED COPY PER F.S. 119.071

BY: *Clara R. Wrench*  
DATED: JUN 05 2015 Deputy Clerk