

IN THE JUDICIAL CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO: 2012-10167-CIDL
DIVISION: 02 – Judge Rouse

RICHARD S. GARDNER,

Plaintiff,

v.

VOLUSIA COUNTY, FLORIDA a political
subdivision of the State of Florida; and
GEORGE RECKTENWALD, Interim
Director Department of Public Protection,

Defendants.

COUNTY OF VOLUSIA’S MOTION FOR PROTECTIVE ORDER
RE: PLAINTIFF GARDNER’S PETITION FOR TEMPORARY AND PERMANENT
INJUNCTION AND NOTICE OF EMERGENCY HEARING

THE COUNTY OF VOLUSIA (hereinafter the “County”) on behalf of itself and GEORGE RECKTENWALD, Interim Director of the Volusia County Department of Public Protection, moves this Honorable Court for a protective order regarding Plaintiff’s Petition for Temporary and Permanent Injunction and Notice of Emergency Hearing and requests that Plaintiff’s demand for emergency hearing on his Petition for Temporary and Permanent Injunction and temporary and permanent injunctive relief be **denied** for the following reasons:

1. Rights Preserved

a. The County appears for the purposes of defending its rights to adequate notice and service under the law and to protect its procedural and substantive due process rights under

the Florida Rules of Civil Procedure. To this end, the County specifically reserves its right to be served with process as required by rule and statute and to challenge any jurisdictional defects that may arise with respect to this action.

2. Emergency Hearing was Improperly Requested Pursuant to Local Rule.

a. The Civil Division Procedures (“Procedures”) for the Seventh Judicial Circuit¹ note that “‘Emergency’ hearings are rarely granted, and must be requested in writing, giving reasons.”² A true and correct copy of such Procedures are attached hereto and incorporated herein as **Exhibit “A.”**

b. The Procedures also provide that any “[e]videntiary hearings should be noticed as such.”³

c. The County is unaware of and has not been copied on any correspondence between the Plaintiff and the court suggesting that the matter being called up for hearing warrants “emergency” review. Absent any such correspondence, the County challenges the grounds upon which Plaintiff has procured an emergency hearing scheduled a mere three (3) days after Plaintiff filed its petition with the court, and requests that any hearing on this matter be rescheduled to a date and time certain that would allow the County a meaningful opportunity to prepare and to defend against the allegations of the petition.⁴

d. Plaintiff filed his petition on Tuesday, January 17, 2011, and the County became aware of the lawsuit through press accounts in the mid-morning of Wednesday, January 18, 2011. Upon

¹ See Civil Division Procedures, Seventh Circuit @ <http://www.circuit7.org/Circuit%20Judges/RKRprocedures.pdf>.

² See ¶ 1, Hearings, Civil Division Procedures, Seventh Circuit.

³ See n.2 *supra*.

⁴ See *Pecora v. Pecora*, 697 So. 2d 1267, 1268 (Fla. 5th DCA 1997) (Holding that in the context of requesting a temporary injunction, “[n]otice means reasonable notice, including a meaningful opportunity to prepare and to defend against the allegations of the motion or complaint. It means the ability to offer evidence and to secure a record of the proceedings.”)

becoming aware of the existence of the lawsuit, County staff contacted the circuit court and obtained a copy of the suit without exhibits later in the day.

e. Furthermore, the County received Plaintiff's Notice of Emergency Hearing only upon its arrival via email at 4:29 PM on January 18, 2012, allowing the County less than 48 hours to prepare for the hearing, which has been scheduled for Friday, January 20, 2012 at 10:30 AM. A true and correct copy of such email is attached hereto and incorporated herein as **Exhibit "B."**

f. Review of the Notice of Emergency Hearing reveals that the Plaintiff failed to notice the hearing as an evidentiary hearing in accordance with the Seventh Circuit Civil Division Procedures. Given Plaintiff's failure to notice this as an evidentiary hearing or otherwise provide the County with timely notice thereof, the County respectfully requests that the court restrict the Plaintiff from presenting any evidence on the merits and further requests that the court reject any effort on the part of Plaintiffs to do so during such hearing.

3. Notice of Hearing provided to the County violates County's due process rights and requires Plaintiff to comply with the ex parte requirements of Rule 1.610, Florida Rules of Civil Procedure.

a. Failure to provide a defendant with adequate notice of a hearing on a temporary injunction requires the person seeking the injunction to comply with the ex parte rules of Rule 1.610, Fla. R. Civ. P.⁵ In the context of hearings on temporary injunctions, notice means reasonable notice, including a meaningful opportunity to prepare and to defend against the allegations of the motion or complaint. It means the ability to offer evidence and to secure a record of the proceedings.⁶

⁵ *Pecora*, 697 So. 2d at 1268-69 (concluding that a mere telephone call by judge to both parties was not sufficient to satisfy requirement of reasonable notice of motion for temporary injunction, absent meaningful opportunity to prepare and to defend against allegations of motion, to offer evidence, and to secure record of proceedings).

⁶ *Pecora*, 697 So. 2d at 1268.

b. Given that the Petition was filed on Tuesday, January 17, 2012, and the County only became aware of the lawsuit on Wednesday, January 18, 2012, the County has not had adequate time to conduct a meaningful review of the record or opportunity to prepare and defend itself from the allegations contained in the Petition, or to marshal and present evidence in its defense.⁷

c. Rule 1.610(a)(1) allows a temporary injunction to be granted without written or oral notice to the adverse party “only if it appears by the specific facts *shown by affidavit or verified pleading* that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition” (emphasis added).

d. Upon preliminary examination of the materials available to it, the County notes that neither Plaintiff’s Petition nor its Exhibits appear to be verified. The County is further unaware of whether Plaintiff intends to proffer or file a supporting affidavit and objects to the Court’s consideration of any such affidavit due to lack of proper notice.

e. The County further notes that Plaintiff has, to the County’s knowledge at the time of this filing, posted no bond as required by Rule 1.610(b).

f. Given the foregoing, the County requests that the court continue or reschedule the hearing to a time and date certain that will provide the County with a meaningful opportunity to provide a response to the Petition and deny Plaintiff’s request for a temporary injunction if Plaintiff has not fully and completely complied with Rule 1.610, Fla. R. Civ. P.

4. Plaintiff’s request for injunctive relief is moot.

a. The County continues to object to a hearing on the merits for the foregoing reasons; however, should the court overrule or otherwise invalidate the County’s objections to the

⁷ See *Pecora*, 697 So. 2d at 1268.

hearing, the County notes that Plaintiff's Petition is mooted by the cessation of the County's investigation and dismissal of Plaintiff from his position of employment.

b. The primary purpose of Part VI, Chapter 112, Florida Statutes, applies only to intradepartmental interrogation and investigation and is primarily intended to protect subordinate officers from "third degree" tactics by superior officers.⁸ Section 112.534, Fla. Stat., is designed to address and cure defects as they occur during the investigative process and does not otherwise provide for after-the-fact relief.⁹

c. As stated in County Attorney Daniel D. Eckert's December 23, 2011 correspondence addressed to opposing counsel, the County opted not to subject Gardner to further interviews prior to the imposition of disciplinary action, thus terminating investigative activity with respect to the Petitioner.

d. Furthermore, Defendant Recktenwald issued a notice of dismissal to Gardner on January 13, 2012, thereby undertaking final disciplinary action against Gardner.

e. Plaintiff seeks injunctive relief that, if granted, would require the County to assemble a compliance review panel and conduct a compliance review hearing pursuant to § 112.534(1)(c)

⁸ AGO 2001-61.

⁹ See *Migliore v. City of Lauderhill*, 415 So. 2d 62, 65 (Fla. 4th DCA 1982), approved by 431 So. 2d 986 (Fla. 1983) (noting that § 112.534 "operates only to *immediately* restrain violation of the rights of police officers by compelling performance of the duties imposed by §§ 112.531 to 112.533, Fla. Stat., and does not otherwise create a right to injunctive relief in the form of reinstatement after discharge"); see also *Sylvester v. City of Delray Beach*, 584 So. 2d 214, 216 (Fla. 4th DCA 1991) (§ 112.534, Fla. Stat., was enacted solely for the purpose of enforcing § 112.532, Fla. Stat); *City of Miami v. Cosgrove*, 516 So. 2d 1125, 1127 (Fla. 3d DCA 1987) (Section 112.534 is no more than a vehicle for enforcing the procedures established in Part VI, Chapter 112, Florida Statutes and is not intended to be used for the restoration of substantive rights, whether the restoration is sought by mandamus, injunction, or an action for damages).

& (d). Plaintiff further requests that compliance review occur prior to proceeding further with their investigation and/or discipline of the Plaintiff.¹⁰

f. Section 112.532(1)(j), Fla. Stat., unequivocally states that “[n]otwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.” Thus, nothing in Part VI of Chapter 112, Florida Statutes, including § 112.534 thereof, authorizes the court to issue an injunction to reinstate or otherwise restrain the Petitioner’s dismissal from employment.¹¹

g. Furthermore, courts have concluded that compliance review under § 112.534 does not afford an officer a right to injunctive relief in the form of reinstatement.¹² Rather, compliance review is expressly limited to determining whether the Plaintiff’s investigator intentionally violated Part VI, Chapter 112, Florida Statutes, and whether such investigator should be removed from further involvement in the investigation of the Plaintiff and be referred to the agency head for further investigation.¹³

h. Because the County concluded its investigation into the Plaintiff and dismissed him from employment, all investigators have been effectively removed from further involvement in the investigation of the Petitioner, thus rendering the Petitioner’s request for injunctive relief moot.

¹⁰ See generally Plaintiff’s Petition.

¹¹ See also *Migliore v. City of Lauderhill*, 415 So. 2d 62, 65 (Fla. 4th DCA 1982), approved by 431 So. 2d 986 (Fla. 1983) (noting that § 112.534 “operates only to *immediately* restrain violation of the rights of police officers by compelling performance of the duties imposed by §§ 112.531 to 112.533, Fla. Stat., and does not otherwise create a right to injunctive relief in the form of reinstatement after discharge”); *Sylvester v. City of Delray Beach*, 584 So. 2d 214, 216 (Fla. 4th DCA 1991) (§ 112.534, Fla. Stat., does not create a new substantive right to injunctive relief, but was enacted solely for the purpose of enforcing § 112.532, Fla. Stat.).

¹² *Migliore*, 415 So. 2d at 65.

¹³ § 112.534(1)(e), Fla. Stat.

5. Injunctive relief under § 112.534, Fla. Stat., would provide Defendant with no remedy.

a. The County continues to object to a hearing on the merits for those reasons stated herein; however, should the court overrule or otherwise invalidate the County's objections to the hearing, the County notes that injunctive relief in this instance would be a futile act.

b. As noted, § 112.534 does not authorize reinstatement after discharge¹⁴ or otherwise "limit the right of an agency to discipline . . . an officer."¹⁵

c. Furthermore, § 112.534(1)(e) restricts the responsibility of a compliance review panel to determining whether an investigator or agency intentionally violated the requirements provided under Part VI, Florida Statutes.

d. In offering relief, a compliance review panel is statutorily limited to sustaining an alleged intentional violation of Part VI, Chapter 112, Florida Statute, by an investigator or investigating agency, and referring the matter to the agency head for removal of the investigator from any further involvement in the investigation of the officer subject thereto.¹⁶

e. Upon referral, the agency head must direct a separate investigation of the offending investigator, and, if such investigation is sustained, refer the offending investigator to the Criminal Justice Standards and Training Commission for additional review as an act of official misconduct or misuse of position.¹⁷ None of the foregoing inures to the personal benefit or any

¹⁴ See *Migliore v. City of Lauderdale*, 415 So. 2d 62, 65 (Fla. 4th DCA 1982).

¹⁵ Section 112.532(1)(j), Fla. Stat.

¹⁶ § 112.534(1)(e) and (g), Fla. Stat. It should be further noted that pursuant to the principle of *expressio unius est exclusio alterius*, the statutory limits of the compliance review panel's authority cannot be implied beyond what the statute provides. See *City of Miami v. Cosgove*, 516 So. 2d 1125, 1127-28 (Fla. 3^d DCA 1987) (noting that the rule is particularly applicable where a statute being construed creates a new right and prescribes a specific remedy for the enforcement of that right).

¹⁷ § 112.534(1)(g), Fla. Stat.

cognizable legal rights of the Petitioner once the investigation has concluded and disciplinary action has been taken (*e.g.*, dismissal of the employee).

6. Plaintiff has failed to exhaust his administrative remedies and has an adequate (*i.e.*, superior) remedy at law.

a. The County continues to object to a hearing on the merits for those reasons stated herein; however, should the court overrule or otherwise invalidate the County's objections to the hearing, the County notes that the Plaintiff has failed to exhaust his administrative remedies and has an adequate, if not far superior, remedy at law.

b. Petitioner alleges that urgency is required in issuing injunctive relief in this case, because failure to convene a compliance review panel would result in an "irreparable detriment" to Captain Gardner. *See* ¶¶ 65-66, Petition.

c. Despite the foregoing, Petitioner acknowledges that he "has ten (10) days from the date of this Petition to file a notice of appeal pursuant to the County's Merit System Rules and Regulations."¹⁸ ¶ 60, Petition.

d. An appeal before the County's personnel board opens the disciplinary action (*i.e.*, Petitioner's dismissal) to *de novo* review, whereupon "[e]ach party shall have the right to present his case by oral and/or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts."¹⁹

e. Thus, Petitioner's available administrative remedy is not only adequate, but is superior to the injunctive relief he currently seeks (*i.e.*, conduct of a compliance review hearing that may result in the removal of an investigator from an investigation that has already been concluded),

¹⁸ *Ref.* § 86-485(e)(2) ("*Time limit for appeal.* The appeal by an employee shall be made within ten working days after receipt of the notice of adverse action, or of the occurrence of the event giving rise to the appeal").

¹⁹ § 86-485(f)(3), Volusia County Code.

because an appeal would provide him with the opportunity to challenge, *de novo*, his dismissal before the County personnel review board.

WHEREFORE, the County of Volusia prays that this Honorable Court will enter an order providing that:

I. The emergency hearing scheduled for Friday, January 20, 2012 at 10:30 AM is either cancelled or continued to a time and date certain that would provide the County with a meaningful opportunity to respond to the allegations contained in Plaintiff's Petition.

II. If the court is not inclined to either cancel or continue the hearing to a time and date certain as requested, the County asks that the Court find that Plaintiff has provided the County with inadequate notice and require Plaintiff to fully comply with the *ex parte* requirements for obtaining a temporary injunction pursuant to Rule 1.610, Fla. Stat., including the bonding requirements of subsection (b) thereof.

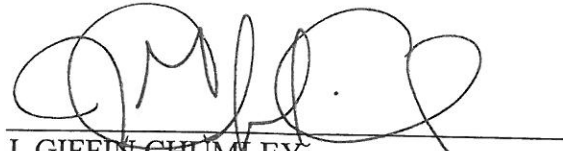
III. Should the court decline to cancel or determine the hearing or require Plaintiff to comply with the *ex parte* requirements of Rule 1.610, Fla. Stat., the County asks that the Court take note of its arguments contained herein and deny the Plaintiff's requests for temporary and injunctive relief.



J. GIFFIN CHUMLEY
Florida Bar No. 25830
Assistant County Attorney
County of Volusia
123 West Indiana Avenue
DeLand, Florida 32720
Tel.: (386)736-5950
Fax: (386)736-5990
Attorney for Defendants County of
Volusia and George Recktenwald

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing County of Volusia's Motion For Protective Order Re: Plaintiff Gardner's Petition For Temporary And Permanent Injunction And Notice of Emergency Hearing has been sent by electronic mail to Jonathan D. Kaney III at jake@kaneyolivari.com, and by facsimile to (386)672-7003, and by U.S. Mail to 55 Seton Trail, Ormond Beach, FL 32176; and to Abraham McKinnon by facsimile to (386)673-0748 and by U.S. Mail to 595 W. Granada Blvd., Suite A, Ormond Beach, FL 32174, on this 19th day of January, 2012.



J. GIFFIN CHUMLEY

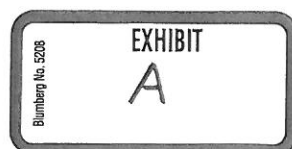
**CIVIL DIVISION PROCEDURES
SEVENTH CIRCUIT**

1. **Hearings:** Procedures regarding calendar call or "expedited" hearings differ; please contact the appropriate Judicial Assistant to obtain the procedures of each division regarding expedited hearings. "Regular" hearings are usually scheduled for 15, 30, 45 minutes, or one hour. Longer hearings must be requested in writing. Attendance by telephone is usually permitted (note: not at expedited hearings or open calendar hearings). A hearing may be cross-noticed, and if it is, can only be canceled with the concurrence of all who have noticed the matter for hearing. Do not notice additional matter(s) for hearing at the time reserved by another party, unless consent has been obtained from that other party and the J.A. is notified. The J.A. should be advised of any hearing cancellations **immediately**; if advised in advance, the J.A. can make the time available to other parties. Please send memoranda of law in advance, rather than serving at the hearing. "Emergency" hearings are rarely granted, and must be requested in writing, giving reasons. With regard to "regular" and "emergency" hearings, it should be noted that under the rules, testimony may not be presented via telephone unless all affected parties agree. Evidentiary hearings should be noticed as such.

2. **Proposed Orders:**
 - a) It is extremely helpful if proposed orders are accompanied by a letter or memo stating: the proposed order is agreed to by all affected parties; or, the proposed order is in accordance with the ruling announced by the court on _____ date; or, the proposed order is in accordance with the administrative order permitting orders compelling discovery to be entered when no response has been made to discovery initiatives; or, the proposed order is sent pursuant to rule ____ of the civil/family rules; or other basis on which the court should enter the proposed order.
 - b) An order granting a motion should grant the relief requested instead of merely reciting that the motion is granted (for example, an order granting a motion to dismiss does not, without more, dismiss the complaint). Similarly, an order approving a stipulation should also, at a minimum, order the parties to comply with its terms. An order denying a motion may merely recite that the motion is denied, unless other orders/directives are necessary because of the denial.
 - c) Place a title on all proposed orders: i.e., Order Dismissing Complaint, Order Compelling Discovery, Judgment in Favor of Defendant Doe; not simply "Order".
 - d) Please **do not** send proposed orders accompanied by a request that the court hold them for some specified time to see if objections materialize; mail or fax to opposing attorneys/parties before sending to the court.
 - e) Please do not forget to send sufficient copies and addressed, stamped envelopes for all parties listed in the certificate of service.

3. **Changing caption:** Unless a specific court order is entered mandating it, do **not** change the caption ("style") of the case. Even if a party (or even all parties) is dropped or added, or a third-party defendant is added, the caption should not be changed by counsel or the parties, absent court order.

4. **Motions:** Please do not move to "abate" or "stay" when actually seeking a continuance, or seeking removal from trial docket. Motions to abate are properly directed to defects such as lack of jurisdiction, improper venue, failure to join indispensable parties, or multiple pending actions, and should not only point out the defect, but also show the opponent how the defect may be remedied and furnish the information to correct the mistake. A stay order is rarely entered.



5. **Withdrawal/Substitution of counsel:** Withdrawal can only be accomplished by order, which will be entered only upon stipulation signed by client(s), or after a hearing. If after hearing: there must be notice of the hearing to the **client(s)** as well as all other parties; a copy of the motion to withdraw must be served on client(s) and this service should be reflected on the certificate of service. Fla. R. Jud. Admin. 2.505(f)(1). The address where the client can be served in the future should be in the motion **and** included in the proposed order. Unless the client is a corporation (which must be represented by counsel), the order should not require the client to obtain or retain a lawyer. Similarly, a substitution of counsel requires an order of court, upon either a **written consent** of the client(s) which shall be filed with the court, or a hearing. Fla. R. Jud. Admin. 2.505.(e)(2).

6. **Continuances:** The motion for continuance should state the date by which all parties believe the case will be ready to be tried. When moving for a continuance, the rule requires that the **party** (not just the attorney) requesting the continuance should sign the motion or stipulation. Fla.R.Civ.P. 1.460 and Fla. R. Jud. Admin. Rule 2.545(e). This is not always practicable, but when it is not, the motion should recite the reason. The proposed order should reflect the name of the party or parties who moved for the continuance. The proposed order shall state the newly established trial date. No continuance is granted as a matter of right, and no party or counsel should assume that a continuance will be granted. If a case is continued or “bumped”, the time periods and deadlines in the Uniform Pretrial Procedures shall be automatically deemed to coincide with the **new** docket sounding date and **new** trial date.

7. **Foreclosure proceedings:** Please ensure that the “foreclosure packet” is received by the Court **no later** than the date given by the Judicial Assistant at the time of scheduling. **Hearings will not be conducted if the foreclosure packet is not received in this office by that date.** This packet must include the proposed final judgment together with appropriate copies and self-addressed, stamped envelopes for all parties. **Please note that the motion for summary judgment, affidavits, original note and mortgage, and any applicable assignments must be filed before any hearing time is scheduled.** Testimony is not permitted at any summary judgment hearing, including foreclosure.

8. **Unsolicited Communication:** Unsolicited letters and communications of that type should not be sent to the court (for example, complaining of conduct of another party or attorney). Any motion or document filed with the clerk must be copied to all other parties. It is appropriate (but not absolutely required) to send a copy of any motion or legal memorandum which is filed with the clerk (and served on other parties) directly to the court, with brief cover letter noting date of hearing, so that the court can conveniently review same in advance. The court’s J.A. is not permitted to relate to the court the contents of any conversations which would be considered improper *ex parte* communication with the court.

9. **When a case is settled:** Any party who sought affirmative relief in the case has a duty to notify the court’s judicial assistant of the settlement as soon as practicable. This is independent of and in addition to any report to the court by a mediator. Similarly, any party who has requested and received hearing time has a duty to notify the court’s JA that the hearing(s) is canceled (our computers do not automatically cancel hearings when a case is settled). Stipulations and proposed orders of dismissal should be sent as soon as practicable (a mediation report does not close the file).

(Amended October, 2011)

From: Louise Sandrowicz <louise@kaneyolivari.com>
To: "deckert@co.volusia.fl.us" <deckert@co.volusia.fl.us>
CC: Jake Kaney <jake@kaneyolivari.com>, Randy Knight <randy@kaneyolivari.com>
Date: 1/18/2012 4:29 PM
Subject: Gardner v Volusia County
Attachments: NOH - P for Temporary & Permanent Injunction.pdf

Re: Case No. 2012-10167-CIDL-02

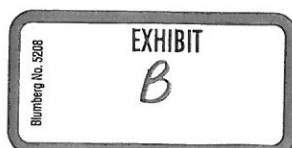
Mr. Eckert,

Attached is the Notice of Emergency Hearing on Petition for Temporary and Permanent Injunction scheduled before Judge Rouse on Friday, January 20th, at 10:30 a.m.

Louise Sandrowicz,
Paralegal to Jonathan D. Kaney Jr.
and Jonathan D. Kaney III
Kaney & Olivari, P.L.
55 Seton Trail
Ormond Beach, FL 32176
Phone (386) 675-0691
Fax (386) 672-7003
louise@kaneyolivari.com

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IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO: 2012-10167-CIDL
DIVISION: 02 – Judge Rouse

RICHARD S. GARDNER,

Plaintiff,

v.

VOLUSIA COUNTY, FLORIDA, a political
subdivision of the State of Florida; and
GEORGE RECKTENWALD, Interim
Director Department of Public Protection,

Defendants.

_____ /

NOTICE OF EMERGENCY HEARING

PLEASE TAKE NOTICE that the Plaintiff's Petition for Temporary and Permanent Injunction has been called up before the **Honorable Robert K. Rouse, Jr.** at the Volusia County Courthouse, Hearing Room #6, 101 N. Alabama Avenue, DeLand, Florida 32720 on **Friday, January 20, 2012 at 10:30 a.m.**, (1½ hours reserved) or as soon thereafter as counsel may be heard.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Counsel certifies that a bona fide effort to resolve the matters for which this Motion was set was made or will be made, but such effort was unsuccessful.



REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH

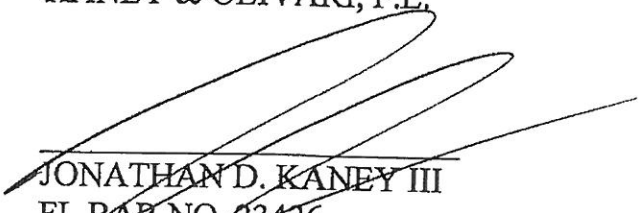
DISABILITIES If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 125 E. Orange Ave., Ste. 300, Daytona Beach, FL 32114, (386) 257-6096, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the appearance is less than 7 days; if you are hearing or voice impaired, call 711.

THESE ARE NOT COURT INFORMATION NUMBERS

KOREY SWEET McKINNON
SIMPSON & VUKELJA

KANEY & OLIVARI, P.L.

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ATTORNEY FOR PETITIONER


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55 Seton Trail
Ormond Beach, FL 32176
Telephone: (386) 675-0691
Facsimile: (386) 672-7003
ATTORNEY FOR PETITIONER

cc: Hon. Robert K. Rouse, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Email this 18th day of January, 2012 to:

Daniel D. Eckert, County Attorney
123 W. Indiana Ave., 3rd Floor
DeLand, FL 32720
Email: deckert@co.volusia.fl.us


Jonathan D. Kaney III