

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY,
FLORIDA.

CASE NO. 56-2012-CA-002369

JUSTINE G. GORDON

Plaintiff

vs.

GATLIN COMMONS PROPERTY OWNERS
ASSOCIATION, INC., NORTHSIDE
NURSERY, INC.

Defendants

DEFENDANT NORTHSIDE NURSERY, INC.'S MOTION FOR SANCTIONS

COMES NOW Defendants, NORTHSIDE NURSERY, INC., through counsel, and requests that this court assess sanctions against the Plaintiff for the following reasons:

1. The Plaintiff failed to comply with this court's trial order dated February 5, 2015 by not filing a fact witness disclosure, by not filing an expert witness disclosure, by not filing an exhibit list, by not filing a pretrial stipulation and by not coordinating a meeting of counsel to review exhibits, all actions which are required by the pretrial order. Moreover, the Plaintiff then failed to appear at the docket call which was held on March 23, 2015. After the Plaintiff failed to appear at docket call, this Defendant filed an amended suggestion of non-compliance and motion to strike on March 23, 2015.

2. A hearing on Defendant's amended motion to strike was held on April 6, 2015. Prior to this hearing, Plaintiff filed a notice of non-objection to the motion, agreeing that Defendant's amended motion to strike should be granted.

3. At the hearing on Defendant's amended motion to strike, which was held on April 6, 2015, Plaintiff's counsel again failed to appear and the court granted the motion, dismissing the case, and reserving jurisdiction to consider sanctions.

4. As a direct result of the Plaintiff's willful failures to comply with the trial order and the resulting dismissal, an IME examination of the Plaintiff which had been scheduled for April 7, 2015 was cancelled.¹

5. As a result of the late cancellation, the IME physician, Dr. Jordan Grabel, refused to refund the IME charge of \$1,950.00, terming this fee to be a cancellation/disruption charge.

6. Additionally, defense counsel has been forced to file two motions to strike/suggestions of non-compliance and has attended docket call and the hearing on the motion to strike, time which was needlessly incurred by defense counsel based on Plaintiff's failure to comply with the trial order.

7. Moreover, a mediation was held in this matter on March 26, 2015. That mediation was unsuccessful. Defendant, in addition to attorney's fees, incurred a mediation charge of \$321.66 for the failed mediation.

8. As a result of the above, this Defendant has incurred attorney's fees and costs directly as a result of Plaintiff's willful failure to comply with the terms of the trial order and this court should assess sanctions against the Plaintiff, including fees and costs.

I HEREBY CERTIFY that a true and correct copy of the above has been filed and served on:

¹ As a side note, Plaintiff's counsel contacted this Defendant on April 6, 2015 and advised that Ms. Gordon would not attend the IME in any event, due to a scheduling problem.

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via the Florida Courts E-Filing Portal, this 21st day of April, 2015.

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By /s/ H. Randal Brennan
H. Randal Brennan
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