

IN THE CIRCUIT COURT OF THE 11<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

BUSINESS COMPLEX LITIGATION  
DIVISION

CASE NO.: 2017-023511-CA-43

ANDREW CHESNICK,  
an individual,

Plaintiff,

v.

DEZER DEVELOPMENT, LLC, a Florida Limited Liability Company, GIL DEZER, an individual, MICHAEL DEZER, an individual, 18555 DEVELOPERS, LLC, a Florida Limited Liability Company, DEZER FAMILY HOLDINGS, INC., a Florida Corporation, 18555 COLLINS AVENUE CONDOMINIUM ASSOCIATION, INC., a Florida Corporation, DEZER SEASHORE HOLDINGS, LLC, a Florida Limited Liability Company, NEOMI DEZERTZOV, in her representative capacity as the trustee of the Estee Dezertzov STAR Trust, the Gil Dezertzov STAR Trust, and the Leslie Dezertzov STAR Trust, DEZER LAROCHE HOLDINGS, LLC, a Florida Limited Liability Company, TRUSTEE OF THE MICHAEL DEZER REVOCABLE TRUST U/A/D JANUARY 8, 2004, in his or her representative capacity, TRUSTEE OF THE NEOMI DEZERTZOV REVOCABLE TRUST U/A/D JANUARY 8, 2004, in his or her representative capacity, DEZER INTRACOASTAL MALL, LLC, a Florida Limited Liability Company, and DEZER PROPERTIES, LLC, is a New York Limited Liability Company,

Defendants.

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**ORDER ON DEFENDANTS MOTION TO DISMISS THE FIRST  
AMENDED COMPLAINT AND PLAINTIFF'S MOTION FOR ENTRY OF  
DEFAULT AGAINST CERTAIN DEFENDANTS**

**THESE MATTERS** having come before the Court, and the Court having reviewed the file, heard argument of the parties on August 15, 2018, and being otherwise advised of the premise of each matter, it is hereby:

**ORDERED AND ADJUDGED** that:

1. Defendants Motion to Dismiss the First Amended Complaint is **GRANTED IN PART** and **DENIED IN PART**. Counts II and III of the First Amended Complaint are dismissed with prejudice, as the Court finds that further amendments would be futile. Accordingly, Defendants Gil Dezer and Michael Dezer are no longer parties to this suit as of the date of this order. The Court denies the Motion to Dismiss the remaining counts.

2. Plaintiff's Motion for Entry of Default against Certain Defendants is **DENIED**.

3. The remaining Defendants shall answer Plaintiff's Complaint on or before September 7, 2018.

**DONE AND ORDERED** in Chambers at Miami-Dade County, Florida, on 09/06/18.

  
BEATRICE BUTCHKO  
CIRCUIT COURT JUDGE

**No Further Judicial Action Required on THIS  
MOTION  
CLERK TO RECLOSE CASE IF POST  
JUDGMENT**

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall **IMMEDIATELY** serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed original order sent electronically to the Clerk of Courts for filing in the Court file.

Copies furnished to:  
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