

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

NORTHWOOD ASSOCIATES, LLC.,

Plaintiff,

v.

Case No. 2016 CA 823

FLORIDA SECRETARY OF STATE,
et al.,

Defendants.

**ORDER ON MAY 23, 2016 MOTION OF CERTAIN DEFENDANTS TO
DISMISS THE CASE WITH PREJUDICE**

THIS CAUSE came before the Court on October 6, 2016 for hearing on the May 23, 2016 motion to dismiss with prejudice, and the motion to dismiss individual defendants Cissy Proctor and Jason Allister, and their respective agencies, Agency for State Technology and Department of Economic Opportunity. Counsel were present for both sides.

The Court having heard argument of counsel and being otherwise fully advised in the premises, it is hereby

FOUND AND ORDERED as follows:

1. The four corners of the complaint state causes of action for the counts asserted [declaratory and injunctive relief, and breach]. In their motions to dismiss, the vast majority of defense arguments were predicated on the factual matters in the General Appropriations Act, facts which contradicted those pleaded in the pending complaint.

2. The movant defendants shall submit their answers and affirmative defenses within 20 days of the date of this order.

3. There are other motions to dismiss pending that were not set for today. The Court will defer ruling on the remaining motions to dismiss until the time of trial or other resolution, in accordance with Rule 1.140(d). The defendants whose motions were not set for hearing today shall submit their answers and affirmative defenses within 20 days of the date of this order.

4. Given the nature of the case and the issues raised, it appears that the parties should submit cross motions for summary judgement following discovery, which should be able to be completed within the next three months.

ORDERED this 17th day of October, 2016 in Tallahassee, Leon County, Florida.



KAREN GIEVERS
Circuit Judge

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