IN THE DISTRICT COURT OF APPEAL
FOR THE FIRST DISTRICT,
STATE OF FLORIDA

KEVIN M. MCCARTY, in his official capacity as the Commissioner of the FLORIDA OFFICE OF INSURANCE REGULATION,

Appellant,

vs.

Case No. 1D13-1355
L.T. No. 2013-CA-0073

ROBIN A. MYERS, D.C., et al.

Appellees.
_____/

MOTION FOR REVIEW OF ORDER VACATING AUTOMATIC STAY, AND REQUEST FOR EXPEDITED TREATMENT

Pursuant to Florida Rule of Appellate Procedure 9.310(f), Appellant Kevin M. McCarty, as Commissioner of the Florida Office of Insurance Regulation (the "Office"), respectfully seeks expedited review of the trial court's April 17, 2013, order vacating the automatic stay of the temporary injunction on appeal. [Appendix 1 (Stay Order)][1] The trial court took the extraordinary step of vacating an automatic stay, while acknowledging "that the reason for doing so is not the potential harm to Plaintiff medical providers," but to hypothetical claimants who are not before the court. [Appendix 1, at 1] This is a dramatic departure from

[1] Although the Stay Order is dated April 17, it did not appear on the circuit court's online docket (and the Office did not receive a copy) until today, April 19.

settled law requiring that an automatic stay prevail except under the most compelling circumstances. This Court should reverse the Stay Order, thereby reinstating the automatic stay to maintain the status quo pending appeal and to avoid continued disruption and uncertainty in Florida's insurance market.

INTRODUCTION, BACKGROUND, AND COURSE OF PROCEEDINGS

During its 2012 session, the Florida Legislature amended the Florida Motor Vehicle No-Fault Law, which has been in place since 1971. "The No-Fault Law is a comprehensive statutory scheme, the purpose of which is to provide for medical, surgical, funeral, and disability insurance benefits without regard to fault, and to require motor vehicle insurance securing such benefits." *Allstate Ins. Co. v. Holy Cross Hosp., Inc*., 961 So. 2d 328, 331-32 (Fla. 2007) (internal quotation marks omitted). The "Personal Injury Protection" provision, also known as the "PIP" provision, "is an integral part of the no-fault statutory scheme," requiring automobile insurance policies to provide certain PIP benefits. *Id.* (citations omitted); *see also* § 627.736(1), Fla. Stat. (2012).

Faced with reports of escalating fraud and abuse among those seeking PIP benefits,[2] the Legislature amended PIP (the "Amendments"). Relevant to this appeal, the Amendments limited the scope of PIP benefits that insurance policies

[2] *See, e.g.*, Office of the Ins. Consumer Advocate, *Report on Fla. Motor Vehicle No-fault Insurance (Personal Injury Protection)* 4 (Dec. 2011), *available at* http://www.myfloridacfo.com/ICA/docs/PIP%20Working%20Group%20Report%2012.14.2011.pdf.

must provide for nonemergency medical care, and they generally eliminated benefits for massage therapy and acupuncture from PIP coverage. Ch. 2012-197, § 10, at 14, 16, Laws of Fla.

Appellees initiated the action below by filing a seven-count complaint challenging the Amendments' constitutionality.[3] Shortly thereafter, Appellees filed a Motion for Temporary Injunction, in which they asked for "a Temporary Injunction enjoining Defendant[] from enforcing the provisions of the 2012 PIP Act." [Appendix 3, at 22] The trial court found portions of the Amendments inconsistent with the constitutional right of access to courts, and it granted the Motion "as to those sections of the law which require a finding of emergency medical condition as a prerequisite for payment of PIP benefits or that prohibit payment of benefits for services provided by acupuncturists, chiropractors and massage therapists." [Appendix 4, at 7 (Injunction Order)] Although the Injunction Order granted Appellees' motion in part, the Order included no specific directions regarding the enjoined conduct. Nor did it make specific findings of fact. Nor did it

[3] Appellees include an Acupuncture Physician, a Chiropractic Physician, two Licensed Massage Therapists, "John Doe" (purportedly on behalf of all similarly situated providers) and "Jane Doe" (purportedly on behalf of all individuals injured by motor vehicle collisions). They assert various claims under the Florida Constitution, including impairment of contracts and violations of the single-subject rule, the separation of powers, equal protection, the right to be rewarded for industry, due process, the right to work regardless of union membership, and access to courts. *See* Appendix 2, at 1, 25-26, 27, 28, 29-30.

require any bond. Nor did it suggest what impact (if any) it was to have on existing insurance policies providing coverage based on the enjoined law.

The Office promptly filed a notice of appeal and invoked the automatic stay provided by Florida Rule of Appellate Procedure 9.310(b)(2). [Appendix 5] Appellees responded with an emergency motion to vacate the automatic stay. [Appendix 6] The trial court granted Appellees' motion on April 17, 2013, emphasizing that its reason for lifting the stay was based not on the potential harm to Appellee medical providers, but rather to protect the constitutional rights of non-party citizens who potentially would be injured and denied necessary medical care. [Appendix 1, at 1-2] The Office now seeks review of that order vacating the automatic stay (Stay Order).

ARGUMENT

Rule 9.310 provides public bodies and officers an automatic stay because "planning-level decisions are made in the public interest and should be accorded a commensurate degree of deference and [because] any adverse consequences realized from proceeding under an erroneous judgment harm the public generally." *St. Lucie Cnty. v. N. Palm Dev. Corp.*, 444 So. 2d 1133, 1135 (Fla. 4th DCA 1984). Although the Rule allows a trial court to vacate the automatic stay, the court may do so "only under the most compelling circumstances," precisely because of "the rationale for staying such judgments in the first instance." *Id.* Under this rigorous

standard, any party seeking to vacate the automatic stay must demonstrate an evidentiary basis supporting such compelling circumstances. *Dep't of Envtl. Protection v. Pringle*, 707 So. 2d 387, 390 (Fla. 1st DCA 1998), *underlying injunction subsequently quashed*, 743 So. 2d 1189 (Fla. 1st DCA 1999); *see also St. Lucie Cnty.*, 444 So. 2d at 1135.

Two principal considerations govern whether to vacate an automatic stay: (1) the government's likelihood of success on appeal, and (2) the likelihood of irreparable harm. *Tampa Bay Sports Auth. v. Johnston*, 914 So. 2d 1076, 1079 (Fla. 2d DCA 2005) (citing *Mitchell v. State*, 911 So. 2d 1211, 1219 (Fla. 2005)). In this case, both considerations weigh in favor of reinstating the stay.

A. THE OFFICE IS LIKELY TO SUCCEED ON APPEAL.

The government may establish a likelihood of success on the merits by demonstrating that the injunction "resulted from an incorrect application of law, or that the circuit court abused its discretion when entering it." *Id.* at 1079. The Office is likely to succeed on appeal because (i) the trial court ignored the presumption of constitutionality afforded all statutes; (ii) the Injunction Order is devoid of pertinent factual findings, a bond requirement, or any explanation regarding the specific conduct enjoined; and (iii) the trial court misapplied relevant legal principles regarding standing and access to courts.

1. The Court Ignored the Presumption of Constitutionality Afforded All Statutes.

For decades, the Florida Supreme Court has recognized that no statute should be invalidated "unless it clearly appears beyond all reasonable doubt that, *under any rational view* that may be taken of the statute, it *is in positive conflict* with some identified or designated provision of constitutional law." *In re Apportionment–1972*, 263 So. 2d 797, 805-06 (Fla. 1972) (quoting *City of Jacksonville v. Bowden*, 64 So. 769 (1914)). Rather than apply this deference, the trial court temporarily enjoined the statute while concluding that the statute's validity was a close call, about which "reasonable people may disagree."[4] If a reasonable judge would view the statute as valid, it cannot be that "under any rational view" the statute is "in positive conflict" with the Florida Constitution. By striking down a law the court conceded reasonable people would uphold, the court demonstrated its misapprehension of the strong presumption of constitutionality afforded all statutes.

---

[4] The Injunction Order includes this discussion:

> Is the no-fault law still a good deal? Is it still a reasonable alternative to the rights guaranteed to citizens under [] the Florida State Constitution? The answer to those questions is probably, like beauty, in the eye of the beholder, and reasonable people may disagree. From my perspective, however, the revisions to the law make it no longer to "reasonable alternative" that the Supreme Court found it to be in *Lasky* and *Chapman*.

[Appendix 4, at 6-7]

Even if this error stood alone, this Court should reverse. But the Injunction Order is replete with additional errors, both procedural and substantive.

2. The Order Suffers Numerous Facial Defects.

The Injunction Order suffers numerous facial defects, each of which is independently sufficient to invalidate it:

The Circuit Court Did Not Specifically Direct the Office to Do (Or Not Do) Anything.

Generally, an injunction is binding on the parties and their agents and employees. *See* Fla. R. Civ. P. 1.610(c). Yet the Office and its employees have no guidance as to what they must do (or not do) to comply with the Injunction Order. An injunction is invalid if "the acts enjoined by the injunction are not specified with such reasonable definiteness and certainty that the defendants bound by the decree would know what they must refrain from doing without the matter being left to speculation and conjecture." *F. V. Invs., N. V. v. Sicma Corp*., 415 So. 2d 755, 755 (Fla. 3d DCA 1982); *accord Pizio v. Babcock*, 76 So. 2d 654, 655 (Fla. 1954) ("The one against whom it is directed should not be left in doubt about what he is to do."); *Moore v. City Dry Cleaners & Laundry*, 41 So. 2d 865, 871 (Fla. 1949).

Under the "Ordered and Adjudged" heading, the Injunction Order says only this: "The Plaintiffs' motion is granted as to those sections of the law which require a finding of emergency medical condition as a prerequisite for payment of

PIP benefits or that prohibit payment of benefits for services provided by acupuncturists, chiropractors and massage therapists. In all other respects, the motion is denied." [Appendix 4, at 7] This violates Rule 1.610(c), which provides that all injunction orders "shall describe in reasonable detail the act or acts restrained *without reference to a pleading or another document*." Fla. R. Civ. P. 1.610(c). (emphasis added); *see also Randolph v. Antioch Farms Feed & Grain Corp*., 903 So. 2d 384, 385 (Fla. 2d DCA 2005) ("An order granting a temporary injunction must strictly comply with Florida Rule of Civil Procedure 1.610.").

Even the Motion—to the extent it was incorporated into the Injunction Order—was ambiguous about the precise relief sought. The Motion sought an order prohibiting "enforcement" of the Act, but the portions enjoined—"those sections of the law" described above—are not directly enforced by the Office.[5] Instead, those sections specify the levels of coverage "an insurance policy complying with the security requirements of § 627.733 must provide." § 627.736(1), Fla. Stat. Section 627.733, in turn, requires that "[e]very owner or registrant of a motor vehicle . . . shall maintain security" as required by PIP, which

[5] That is not to say the Office has no authority at all relating to these provisions. The Office must, for example, approve insurers' contract forms, which must comply with law. *See* § 627.410, Fla. Stat. And the Office has authority to impose penalties on insurers not complying with law. *See*, *e.g.*, *id*. § 624.307. But it is hopelessly unclear exactly how the Office would comply with an order to stop "enforcing" the challenged provisions.

requirement is satisfied by carrying an insurance policy providing all required PIP coverage. *Id.* § 627.733(1), (3).

Therefore, if "those sections of the law" were suddenly inapplicable, countless existing policies might no longer provide sufficient coverage.[6] But the Injunction Order did not suddenly remove the provisions from law: it sought to enjoin the Office from enforcing them. How that will affect millions of motorists and their existing policies is, to say the least, unclear. At any rate, the Injunction Order is invalid because it fails to specify the enjoined conduct.

The Circuit Court Did Not Make Specific Factual Findings.

Next, a temporary injunction must be supported by specific factual findings. "Clear, definite, and unequivocally sufficient factual findings must support each of the four conclusions necessary to justify entry of a preliminary injunction," *Milin v. N.W. Fla. Land, L.C.*, 870 So. 2d 135, 136 (Fla. 1st DCA 2003), and those "findings must do more than parrot each tine of the four-prong test," *Hadi v. Liberty Behavioral Health Corp*., 927 So. 2d 34, 38 (Fla. 1st DCA 2006) (quoting *Santos v. Tampa Med. Supply*, 857 So. 2d 315, 316 (Fla. 2d DCA 2003)). In this case, the court made no such clear and definite fact findings. Therefore, the Injunction Order is facially defective and must be reversed. *See id.*

[6] For example, a PIP policy that excluded massage treatments consistent with the enjoined provision would not provide adequate PIP coverage if state law suddenly *required* PIP coverage for massage treatments.

The Circuit Court Did Not Require a Bond.

Yet another reason the Injunction Order is facially invalid is because it did not require a bond. The Order does not even mention a bond, even though Rule 1.610(b) unequivocally requires that "[n]o temporary injunction shall be entered unless a bond is given."[7] The Office "is entitled to a bond *as a matter of right* in order to cover costs and damages which may result from the injunction if it later turns out to have been wrongfully entered." *Med. Facilities Dev., Inc. v. Little Arch Creek*, 656 So. 2d 1300 (Fla. 1st DCA 1995) (emphasis added), *quashed in part on other grounds*, 675 So.2d 915 (Fla. 1996); *accord Pinder v. Pinder*, 817 So. 2d 1104, 1105 (Fla. 2d DCA 2002) ("Under the compulsory language of the rule, the trial court has no discretion to dispense with the requirement of a bond."). The costs and damages include, among other things, appellate attorney's fees. *See Merrett v. Nagel*, 564 So. 2d 229, 231 (Fla. 5th DCA 1990). Therefore, the bond requirement cannot be satisfied by establishing only a nominal bond. *See Fla. High School Activities Ass'n v. Mander*, 932 So. 2d 314, 316 (Fla. 2d DCA 2006). Here, the trial court required no bond at all, so the Injunction Order is again invalid.

Although the trial court stated in its Stay Order that that it "will reserve as to the amount of bond, if any, that should be required of [Appellees]," Appendix 1, at

[7] The Rule includes exceptions for injunctions entered in favor of government parties or "issued solely to prevent physical injury or abuse of a natural person," neither of which is implicated here. Fla. R. Civ. P. 1.610(b).

2, the Injunction Order remains defective. The Stay Order has not cured that defect because the trial court has yet to require a bond. *See Randolph*, 903 So. 2d at 385 (citing *East v. Aqua Gaming, Inc.*, 805 So. 2d 932, 935 (Fla. 2d DCA 2001)) ("It is error for a court to enter a temporary injunction without setting an appropriate bond.")

3. The Circuit Court Misapplied Applicable Legal Principles.

Because of the Injunction Order's numerous other flaws, this Court need not even examine the merits of the underlying constitutional claim. But even putting aside the trial court's disregard for the presumption of constitutionality and the Injunction Order's numerous facial defects, the Office is still likely to prevail on appeal. This is because the Injunction Order rests on the trial court's misapplication of established legal principles regarding standing and access to courts.

The only constitutional claim on which the trial court found Appellees likely to succeed was their access-to-courts claim. But notably, no Appellee asserted a violation of his or her own right of access to courts. Rather, Appellees allege a blanket violation of the right of injured Floridians to seek redress in the courts.[8] [Appendix 2, at 29-30; Appendix 4, at 2] Without addressing representational

[8] Appellees also purported to sue on behalf of "Jane Doe," a fictional plaintiff representing all injured Floridians. The trial court did not address standing as to the fictional plaintiff, finding instead that the providers had independent standing. [Appendix 4, at 1-2]

standing, the trial court found that Appellees had direct standing because their purported economic harm—in the form of lost billings for PIP services—constituted a "special injury." [Appendix 4, at 1-2] But this economic loss, even if real, does not confer standing, and if some hypothetical claimant (whom Appellees did not present) suffered an access-to-courts violation, it would be his claim to pursue. *See, e.g., Alachua Cnty. v. Scharps*, 855 So. 2d 195, 200 (Fla. 1st DCA 2003) ("Because the appellee here is only claiming that there is potential for violating someone's (not even his own) freedom to speech, he does not have standing."); *Sancho v. Smith*, 830 So. 2d 856, 864 (Fla. 1st DCA 2002) ("Constitutional rights are personal.").[9] Because no Appellee (other than "Jane Doe") alleged a violation of a *personal* right of access to courts provision, Appellees lack standing.

Turning to the merits of the access-to-courts claim, the trial court again misapplied relevant legal principles. Florida's access-to-courts provision has been construed to mean that the Legislature may not abolish a right of access to the courts that existed in 1968 without either providing a reasonable alternative *or* demonstrating an overpowering public necessity that cannot otherwise be

[9] Courts have provided exceptions in some cases if the person bringing the claim seeks to protect the rights of those who are unable to sue on their own behalves. *See Sancho*, 830 So. 2d at 864. This exception is inapplicable here. Floridians whose access-to-courts rights are violated can bring their own claims, and PIP litigation is not uncommon.

addressed. *Kluger v. White*, 281 So. 2d 1, 4 (Fla. 1973); *see also Eller v. Shova*, 630 So. 2d 537, 542 n.4 (Fla. 1993). In setting forth the *Kluger* test in its injunction order, the trial court misapplied the first prong of the *Kluger* test and then wholly omitted the second independent prong.

Under *Lasky* and *Chapman*, the two main cases cited by the trial court, the Florida Supreme Court found the No-Fault Law provided a reasonable alternative to traditional tort remedies. *See Chapman v. Dillon*, 415 So. 2d 12, 17 (Fla. 1982); *Lasky v. State Farm Ins. Co.*, 296 So. 2d 9, 15 (Fla. 1974). As amended, PIP remains a reasonable alternative to the common-law tort system. PIP requires vehicle owners to purchase no-fault insurance, and it exempts drivers who carry appropriate insurance from tort liability "to the extent that the benefits described in s. 627.736(1) are payable for such injury, or would be payable but for any exclusion authorized by ss. 627.730-627.7405." § 627.737(1), Fla. Stat.

After the Supreme Court upheld the original No-Fault Law in *Lasky*, the Legislature altered the benefit structure. The challengers in *Chapman*—like Appellees here—argued that following the changes, the No-Fault Law was no longer a reasonable alternative to tort. The Supreme Court rejected that argument, finding that "the legislative changes . . . are reasonable attempts by the legislature to correct some of the practical problems which the no-fault law had posed." *Chapman*, 415 So. 2d at 16. The fact that the amendments reduced certain benefits

did not undermine the law's constititonality: "[I]t was the fact that injured parties were assured prompt recovery of their major and salient economic losses, *not all of their economic losses*, which [the] Court found dispositve in *Lasky*." *Id.* at 17 (emphasis added). Even if the nonparty injured motorists at issue in this case are unable to be reimbursed for their massages and acupuncture, they can hardly be said to have lost the ability to recover "their major and salient economic losses." Thus, as with the amendments in *Chapman*, the amendments challenged here "have not fundamentally changed this essential characteristic of the no-fault law." *Chapman*, 415 So. 2d at 17.

Finally, in granting the injunction, the trial court erred in its evaluation of irreparable harm. The court erroneously accepted Appellees' assertions that they were suffering economic harm. Appellees presented no financial documents supporting this claim, nor did they present any evidence that they had been denied PIP payments. Tellingly, Appellee Myers, an acupuncturist and Appellees' sole witness at the injunction hearing, testified that he had closed his business because he was not receiving sufficient referrals to treat PIP patients. [Appendix 7, at 56-57] But because his business already closed as of January 1, 2013 (the Amendments' effective date), the temporary injunction is not preventing irreparable harm. *See Genchi v. Lower Florida Keys Hosp. Dist*., 45 So. 3d 915, 919 (Fla. 3d DCA 2010) (concluding there is no irreparable injury where the harm

pre-dates the alleged violation). The evidence was therefore insufficient to support a finding that Appellees would suffer *future* irreparable harm absent an injunction. Moreover, as reflected in its Stay Order, the trial court was less concerned about the parties' irreparable harm that the purported harm of non-parties.

B. THE BALANCE OF HARMS FAVORS THE STATE.

Appellees argued in their motion to vacate the stay that compelling circumstances existed that justified the requested relief, namely that the irreparable harm they would suffer with the stay outweighed any potential harm to Appellant if the stay were lifted. [Appendix 6, at 3, 5, 6] But as explained above, Appellees have failed to provide a sufficient evidentiary basis to support a finding of irreparable harm. The challenged provisions do not prohibit Appellee Chiropractors, Acupuncturists, and Massage Therapists from practicing (and receiving payment for) their professional services.[10] And no Appellee (other than "Jane Doe") alleges that he was injured in an automobile accident and unable to secure care. In short, Appellees have presented no evidence of any definite, irreparable, and irremediable harm should the stay remain in effect. And although the trial court's reason for lifting the stay was based on the constitutional rights

[10] Appellees' apparent concession that no self-paying patient, no non-PIP insurer, no HMO, no hospital, and no government program (such as Medicare or Medicaid) will actually pay for their services—and that they rely entirely on PIP claims for business—demonstrates the special demands on the PIP program and the Legislature's decision to reform it.

of—and potential harm to—citizens injured in automobile accidents, such a focus is on speculative harms to non-parties with no evidentiary basis.

Moreover, even if Appellees were suffering harm, their own delays are to blame. In considering the balance of equities, this Court should weigh Appellees' timing and missteps in bringing their Motion. The Governor signed the challenged legislation on May 4, 2012, yet Appellees waited until January 8, 2013—*after* the challenged provisions were effective—to initiate the case below. *See* Appendix 2; *see also* Ch. 2012-197, § 10, at 14, § 18, at 37, Laws of Fla. (establishing January 1, 2013 as effective date for challenged provisions). Before filing this case, Plaintiffs filed an action in federal court, which included the claims asserted here as well as various federal claims. *See Myers v. McCarty*, No. 12-cv-2660 (M.D. Fla.). The Court dismissed all federal claims with prejudice and deferred to the state courts for resolution of the state-law claims. [Appendix 8, at 1-2, 6-7] And before that case, Appellees' counsel filed a "substantially similar" suit in state court, styled *Mooneyham v. McCarty*, No. 2012-CA-003060 (Fla. 2d Cir.). [Appendix 9, at 2 n.1] As the federal court recognized, they filed that case "only to dismiss [it] without prejudice for some reason unexplained in the record." [Appendix 8, at 6-7] Only then did they file the action below.

While Appellees were delaying, others were not. Instead, the Office was readying itself for the January 1, 2013 effective date. The Office developed certain

revised forms and processed of filings from insurers relating to the Amendments. [Appendix 10] Insurers have issued tens of thousands of new policies since January 1, 2013, which reflect the new coverage limits authorized by the Amendments. *Id.* Although it is unclear how these existing policies would be affected by a temporary injunction prohibiting the Office from enforcing the law, there is little doubt that the uncertainty and confusion caused by the Order would disrupt the insurance market to the detriment of policyholders and insurers alike.

The confusion would be exacerbated by repeated changes. Already the injunction was in place, then stayed, then in place again when the stay was lifted. If the Office is successful on appeal, the Injunction Order will again be ineffective. This Court should reduce the effects of this disturbance by ensuring that the stay remains in place during the pendency of this appeal.

CONCLUSION

The Office respectfully asks that this Court immediately enter an order reversing the Stay Order, thereby reinstating the stay and providing that the Injunction Order on appeal will be stayed until the conclusion of this appeal.

Respectfully submitted,

/s/ Rachel E. Nordby

PAMELA JO BONDI
Attorney General
Timothy Osterhaus (FBN 133728)
Solicitor General
Allen Winsor (FBN 016295)

C. Timothy Gray (FBN 602345)
Assistant General Counsel
J. Bruce Culpepper (FBN 898252)
Assistant General Counsel
Office of Insurance Regulation

Larson Building, Room 647-B
200 E. Gaines Street
Tallahassee, Florida 32399
(850) 413-2122; (850) 922-2543
tim.gray@floir.com
bruce.culpepper@floir.com

Chief Deputy Solicitor General
Rachel E. Nordby (FBN 056606)
Deputy Solicitor General
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-1050
(850) 414-3681; (850)410-2672 (fax)
allen.winsor@myfloridalegal.com
rachel.nordby@myfloridalegal.com

Attorneys for Appellant, Kevin M McCarty, in his official capacity as the Commissioner of the Florida Office of Insurance Regulation

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing has been furnished by e-mail this 19th day of April 2013, to:

Luke Charles Lirot
2240 Belleair Road, Suite 190
Clearwater, Florida 33764
Luke2@lirotloaw.com
jimmy@lirotlaw.com

Adam S. Levine
11180 Gulf Boulevard, Suite 303
Clearwater, Florida 33767
aslevine@msn.com
alevine@law.stetson.edu

Theodore E. Karatinos
Holliday, Bomhoff & Karatinos, PL
18920 North Dale Mabry Hwy,
Ste. 101
Lutz, Florida 33548
tedkaratinos@hbklawfirm.com

Katherine E. Giddings
Nancy M. Wallace
Marcy L. Aldrich
Akerman Senterfitt
106 E. College Street, #1200
Tallahassee, Florida 32301
katherine.giddings@akerman.com
nancy.wallace@akerman.com
elisa.miller@akerman.com
martha.parramore@akerman.com
marcy.aldrich@akerman.com
debra.atkinson@akerman.com

/s/ Rachel E. Nordby
Attorney