

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.: 16-2014-CA-4578-XXXX-MA

DIVISION: CV-C

**SWEETWATER BY DEL WEBB
MASTER HOMEOWNERS' ASSOCIATION, INC.,**
a Florida not-for-profit corporation,

Plaintiff,

vs.

LARRY MURPHREE,

Defendant.

ORDER DENYING
REQUEST FOR EMERGENCY INJUNCTIVE RELIEF

This matter came before the Court by presentation of documents from the Plaintiff, Sweetwater by Del Webb Master Homeowners' Association, Inc., in the form of an email to the undersigned Judge's judicial assistant. The email states, "Ms. Kelley, (the judicial assistant) As discussed, attached is the complaint for emergency injunctive relief. Please let me know if you need anything further. Thank you, Michelle P. Haines, Attorney at Law." Attached to the email is the Verified Complaint filed by the Plaintiff on July 1, 2014. Attached to that document are a Mutual Settlement and Release of Present Claims Agreement between the Plaintiff and Defendant, a 36 page Order from the United States District Court, Middle District of Florida, concerning a lawsuit in that Court between the Plaintiff and Defendant; an Amended Claim of Lien by the Plaintiff against the Defendant's condominium dated June 26, 2014 and a March 5, 2013, February 8, 2013 and October 1, 2012 Notices of Violation to the Defendant from the Plaintiff. The Verified Complaint is signed

FILED 07/08/14 PM 12:42 R. RUSSELL

by the attorney, Michelle P. Haynes, stating that she is a representative of the Plaintiff.

The Court declines to take any emergency action on the submission for the following reasons:

A. The verification by the attorney does not indicate how that attorney is somehow authorized to act on behalf of the Plaintiff. In other words, is the attorney an officer of the Plaintiff corporation or merely the attorney who has been told information by the Plaintiff corporation.

B. More importantly, however, the Verified Complaint does not state specific facts showing that immediate and irreparable injury, loss or damage will result to the movant before the adverse party can be heard in opposition and it also fails to certify in writing any efforts that have been made to give notice to the Defendant and the reasons why notice should not be required.

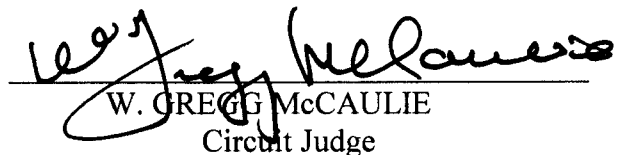
C. The Verified Complaint does not set forth any basis for the Court to consider this matter as an "emergency".

It is, therefore

ORDERED AND ADJUDGED:

1. The Court declines to take any action at this time on the submission which the Court considers to be a request for an emergency injunction or for a temporary injunction without notice to the adverse party. This submission does not comply with 1.610(a)(1)(a)(b), Fla. R. Civ. P..

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 7
day of July, 2014.


W. GREGG McCAULIE
Circuit Judge

Copies furnished to:

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