

IN THE CIRCUIT COURT OF
THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

CAPTAIN'S BAIT, TACKLE & BBQ, LLC,
a Florida limited liability company,

Case No. 2019-CA-000381

Plaintiff / Counter-Defendant,

v.

FLAGLER COUNTY, a political subdivision
of the State of Florida,

Defendant / Counter-Plaintiff.

JOINT MOTION TO CONTINUE TRIAL AND EXTEND PRETRIAL DEADLINES

The parties, pursuant to Florida Rule of Civil Procedure 1.460, jointly and respectfully move the Court to continue the trial scheduled in this action for the June 2023 trial docket, to the February 2024 trial docket, and commensurately extend the various pre-trial deadlines, as follows:

1. Trial in this matter is scheduled for the June 2023 trial docket (i.e., one-week period commencing June 26, 2023), as set by the Court's Amended Order Setting Jury Trial, Requiring Mediation and Directing Pre-Trial Procedure.¹ The Amended Order, etc., established (through reference to the Uniform Pre-Trial Procedures) pretrial deadlines, including: written discovery deadline, April 24, 2023; pretrial meeting deadline, May 26, 2023; and all motions deadline, June 26, 2023.

¹ The Amended Order Setting Jury Trial, etc., was issued by Circuit Judge Terence Perkins. This action is now pending before Circuit Judge Christopher A. France.

2. This joint motion is the first motion filed by the parties which seeks an adjustment of the case schedule, and/or the trial date.²

3. In terms of pending matters before the Court, on March 28, 2023, Flagler County filed a Renewed Motion for Summary Judgment, which is scheduled to be heard on May 31, 2023. On March 30, 2023, Captain's BBQ filed a Motion for Mediation, which is not yet scheduled for hearing, but based on the availability of the Court and the parties will likely be set for hearing in July 2023. And, on April 24, 2023, Flagler County filed a Motion for Compel Answer to Interrogatories, and for an Award of Expenses, which is not yet set for hearing.

4. The parties recently conferred as to the status of the case, preparatory actions needed before trial, and the upcoming trial date. While the parties' respective positions on the above motions may differ, they agree the rulings on the above motions (and other motions which may be filed in the near future) may fundamentally affect the issues in the case and the issues and matters to be tried (and, indeed, may impact whether trial is necessary). The parties candidly discussed their mutual desire to have the above motions decided before engaging in costly, time-consuming pretrial activities, so as to possibly save time, money, and effort for everyone involved. And, they discussed the potential need for considerable lay and possibly expert witness depositions before trial, as well as additional, and potentially considerable, "paper" discovery. The parties mutually anticipate considerable hardship in completing discovery before the current deadline and otherwise preparing the case for trial in June 2023.

² On August 2, 2022, the Court issued its initial Order Setting Jury Trial, etc., which set trial for the two-week trial period commencing June 12, 2023. On September 7, 2022, the Court issued the Amended Order, etc., which re-set trial for the one-week trial period commencing June 26, 2023. The Court issued the Amended Order, etc., sua sponte, and not at the request of the parties.

5. In light of the above considerations, and to allow the parties to proceed with discovery and trial preparation activities in as efficient and cost-effective manner as possible and without undue hardship, the parties jointly request that the Court continue trial in this action to the Court's February 2024 trial docket, and commensurately extend the various pre-trial deadlines.

6. The parties shall submit to the Court for consideration a draft, proposed order which grants this motion, and indicate the Court will issue a Second Amended Order Setting Jury Trial, etc., which will provide for trial during the February 2024 trial docket.

WHEREFORE, the parties, pursuant to rule 1.460, jointly and respectfully move the Court to continue the trial schedule in this action for the June 2023 trial docket, to the February 2024 trial docket, and commensurately extend the various pre-trial deadlines.

Jointly, respectfully submitted on this 5th day of May, 2023.

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/s/ Michael Goodman³
Signing as party representative for Captain's Bait, Tackle & BBQ, LLC

and

By: /s/ Dale A. Scott
Dale A. Scott, Esq.
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³ Mr. Goodman is Captain's BBQ's owner and operator. His electronic signature is affixed to this motion with his explicit consent, as provided to counsel for Captain's BBQ.

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/s/ Albert J. Hadeed⁴
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Unofficial Document

CERTIFICATE OF SERVICE

I certify that a copy of this document has been furnished via the F-Filing Portal on this 5th day of May, 2023, to:

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⁴ Mr. Hadeed is the County Attorney for Flagler County. His electronic signature is affixed to this motion with his explicit consent, as provided to counsel for the County.