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September 7, 2007
FILED

2007 SEP 10 A 11:46

DIVISION OF
ADMINISTRATIVE
HEARINGS

Division of Administrative Hearings
The Desoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399

ATT: Honorable Daniel M. Kilbride
Administrative Law Judge

James Wergeles
3985 MacEachen Blvd. #223
Sarasota, FL 34233
(941) 921-0955

Certified Mail Return Receipt
Receipt Number: 7006 2760 0005 2173 3069

James Wergeles,
Petitioner

vs.

Tregate East Condominium Association
Respondent

FCHR No: 27-92131H
HUD No: 04-07-0717-8
DOAH Case No: 07-3428

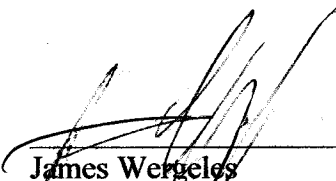
PETITIONERS MOTION TO SUPPRESS EVIDENCE AND WITNESSES

1. ORDER OF PRE-HEARING INSTRUCTIONS state:
No later than 21 days prior to the final hearing Petitioner and Respondent shall provide each other with a list of the names and addresses of those persons that party intends to call as witnesses during the final hearing in this cause and shall provide to each other copies of the documents which that party intends to offer as exhibits during the final hearing. Failure to do so may result in the exclusion at the final hearing of witnesses or exhibits not previously disclosed.
Only witness list should be filed with the Division of Administrative Hearings.
2. The Respondent has not provided copies of documents to the Petitioner 21 days prior to the final hearing, which the Respondent intends to offer, as exhibits not previously disclosed as ordered on the 8th day of August, 2007 by the Honorable DANIEL M. KILBRIDE, Administrative Law Judge.

3. The only documents that have been previously or currently disclosed to the Petitioner in this cause as of September 7, 2007 9:00 A.M. are listed in Docket Sheet 07-3428.
4. The Respondent has not provided a witness list or the names and addresses of those persons that the Respondent intends to call as witnesses during the final hearing in this cause to the Petitioner 21 days prior to the final hearing as ordered on the 8th day of August, 2007 by the Honorable DANIEL M. KILBRIDE, Administrative Law Judge.
5. The Respondent has not previously or currently disclosed any list of which the Respondent intends to call as witnesses during the final hearing in this cause as of September 7, 2007 9:A.M. and the names and addresses of those persons.
6. Petitioner requests all copies of the documents that Respondent intends to offer as exhibits at the final hearing be suppressed in this cause for not providing documents no later then 21 days prior to the final hearing.
7. The Order of Pre-Hearing Instructions states failure to do so may result in exclusion at the final hearing of witnesses and exhibits not previously disclosed.
8. Petitioner requests all persons that the Respondent intends to call as witnesses during the final hearing be suppressed in this cause for not providing a witness list no later then 21 days prior to the final hearing.
9. The Order of Pre-Hearing Instructions states failure to do so may result in exclusion at the final hearing of witnesses and exhibits not previously disclosed.

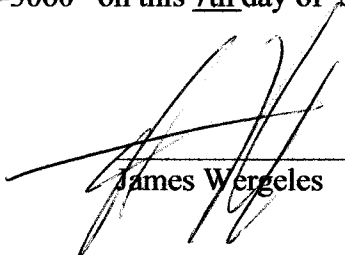
The Respondents Counsel of Record DOAH Case No. 07-3428 on September 7, 2007 at 9:00 A.M. is Stephen A Smith, Esquire

Boyd Munstelier Smith & Parker, P.L.
Bank of America Tower at International Place
100 Southeast Second Street, 36th Floor
Miami, Florida 33131
(786) 425-1045


James Wergeles
Attorney Pro Se
(941) 921-0955

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the forgoing has been furnished by U.S. Mail Certified Return Receipt # 7006 2760 0005 2173 3069 to the STATE OF FLORIDA DEPARTMENT OF ADMINISTRATIVE HEARINGS 1230 Apalachee Parkway, DeSoto Building, Tallahassee, FL 32399-3060 on this 7th day of September 2007.


James Wergeles

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