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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

LAKE COUNTY,	)	
	)	
Petitioner	)	
	)	
	)	
vs.	)	Case No. 11-2448
	)	
DONALD P. AND CHRISTINE H.,	)	
WATSON	)	
	)	
Respondents	)	
_____	)	

RESPONDENTS' MOTION FOR CLARIFICATION OF ORDERS

Respondents Donald P. and Christine H. Watson move for entry of orders clarifying the following Special Master¹ orders:

1. The June 21, 2011 Special Master order denying Respondent's motion for entry of an order invoking the doctrine of judicial estoppel (to bar Petitioner's from taking positions in this proceeding that are totally inconsistent with positions it took in other judicial forums), and:
2. The June 21, 2011 order on the admissibility of evidence in this proceeding.

Part 1: Order Denying Respondent's Motion for Entry of an Order Invoking the Doctrine of Judicial Estoppel:

The Special Master's order referenced only the portion of the motion seeking to bar Petitioner from taking a totally inconsistent position (from its position in other judicial forums) on the meaning of the term "proper permit".

¹ The DOAH ALJ is acting as a Code Enforcement Special Master, pursuant to Chapter 8 of the Codification of Lake County, in this proceeding.

The Special Master's Order, however, was completely silent on the portions of the motion seeking to bar Petitioner from taking positions totally inconsistent with positions it took in other judicial forums regarding:

1. The existence of a development order that authorized the grading of Lot 13, and;
2. Its basis for citing Watsons for violation of §14.00.02, and;
3. The order of enforcement requirement to remove all imported dirt from Lot 13.

Consequently, Respondents are unclear as to whether or not the Special Master Order bars Petitioner from taking positions in this proceeding that totally inconsistent with positions it took in other judicial forums regarding each of these issues.

WHEREFORE, Respondents move for entry of an order clarifying the previous Special Master order by definitively ruling whether or not Petitioner is barred from taking positions in this proceeding that are totally inconsistent from positions it took in other judicial forums in regards to each of the three issues identified above.

Part 2: Order on Admissible Evidence

The Special Master's order did not definitively exclude from this proceeding any of the evidence identified in Respondents' May 27, 2011 Memorandum. Although the Special Master's order referenced evidence relating to the impossibility of obtaining a development order, the Special Master's order did not definitively exclude that evidence from this proceeding.

The Special Master's order was totally silent on the admissibility of the following evidence that was previously identified in Respondents' Memorandum:

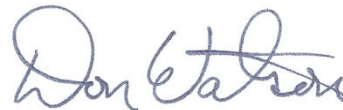
1. Evidence showing that Respondents could not legally comply with the Special Master's Order of Enforcement requirement to remove all dirt on the basis that doing so would cause them to violate §14.00.10 of the Lake County Land Development Regulations, and;
2. Evidence showing that Petitioner failed to comply with mandatory conditions precedent for entry of the order of fine, and;
3. Evidence showing that Petitioner had no factual basis for the dollar amount of the Order of Fine.

Consequently, Respondents are unclear as to whether the Special Master's order excluded any evidence from this proceeding.

WHEREFORE, Respondents move for entry of an order clarifying the Special Master's previous order by definitively ruling whether or not the evidence identified in Respondents' Memorandum is admissible in this proceeding.

CERTIFICATE OF SERVICE

I CERTIFY that on June 22, 2011, I mailed a copy of the forgoing via U.S. Postal service to Joshua Frick, counsel for Lake County, at Rissman, Barrett, Hurt, Donahue & McLain, 201 E. Pine Street, 15th Floor, Orlando, FL, 32802.



Don Watson, Respondent, pro se
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