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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

Case No. 17-003578

DALK LAND, LP,

Petitioner,

vs.

MONROE COUNTY PLANNING
COMMISSION,

Respondent.

and

PETER G. GIAMPAOLI AND
ELIZABETH C. GIAMPAOLI,

Intervenors.

**MOTION FOR LEAVE TO FILE A REPLY TO PETITIONER'S RESPONSE IN
OPPOSITION TO INTERVENORS' MOTION FOR PARTIAL SUMMARY JUDGMENT
AND
REQUEST FOR ORAL ARGUMENT**

Intervenors, PETER G. GIAMPAOLI AND ELIZABETH C. GIAMPAOLI ("Giampaoli"), by and through undersigned counsel, pursuant to Fla. Admin. Code R. 28-106.204, hereby move this Court for leave to file a two page Reply to Petitioner's Response In Opposition to Intervenors' Motion for Partial Summary Judgment ("Response"). Whether leave is granted or not, Intervenors request oral argument on their Motion for Partial Summary Judgment ("Motion"). In support of this Motion, Intervenors state as follows:

Petitioner's assertion in opposition to the Motion that the August 6, 2019 LOMR, which conclusively determines that the single family residence ("SFR") is wholly within the VE 13 flood zone, is not final and not effective is demonstratively incorrect. The LOMR

is effective. No genuine issue of material fact exists. Petitioner's own attached hearsay letters confirm the LOMR remains effective.

This Court's Final Order is without prejudice to the Building Official's exercise of his power and duty to delineate the exact location of the VE-13/VE15 boundary based on his best, independent interpretation of the FIRM. The Building Official has done so. Intervenor and Monroe County jointly applied for a LOMR and it was resolved in Intervenor and the County's favor. Petitioner's appeal of the August 6, 2019 LOMR was denied. No material issue of fact remains to be determined by this Court on the issue that the SFR does not encroach into the VE 15 flood zone.

The Motion is limited and seeks only a partial judgment that resolves Petitioner's claim that the SFR encroaches into the VE 15 flood zone.

Respectfully Submitted,

<i>Co-Counsel for Intervenor</i> ANDREW M. TOBIN, P.A. P.O. Box 620 Tavernier, Florida Telephone: (305) 852-3388 By: <u>/s/ Andrew M. Tobin, Esq.</u> Andrew M. Tobin, Esq. Florida Bar No. 184825 Primary: tobinlaw@terranova.net Alternate: tobinlaw2@gmail.com	<i>Co- Counsel for Intervenor</i> JONES FOSTER P.A. 505 South Flagler Drive, Suite 1100 West Palm Beach FL 33402-3475 Telephone: (561) 659-3000 Fax: (561) 650-5300 By: <u>.../s/ Robert W. Wilkins</u> Robert W. Wilkins, Esq. Florida Bar No. 0578721 Primary: rwilkins@jonesfoster.com
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of April, 2020, the foregoing document was filed using the DOAH portal to **IRAIN J. GONZALEZ, ESQ.**, igonzalez@hinshawlaw.com; msinclair@hinshawlaw.com; dfors@hinshawlaw.com; **STEVEN WILLIAMS, ESQ.**, and **PETER MORRIS, ESQ.**, williams-steve@monroecounty-fl.gov, morris-peter@monroecounty-fl.gov, proffitt-maureen@monroecounty-fl.gov; and **F. PATTERSON WILLSEY, ESQ.**, fpwillsey@yahoo.com.

By: .../s/ Robert W. Wilkins
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