

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA

CASE NO.: 2010-CA-1959
Consolidated with 09-CA-1000

In re: CITY OF DUNELLON, FLORIDA
RAINBOW RIVER RANCH, LLC, and
CONSERVATION LAND GROUP, LLC,

Joint Petitioners,

FILED
CIVIL DIVISION
2015 JUN 16 AM 10:27
DAVID R. ELLSPERMANN
CLERK, CIRCUIT COURT
MARION COUNTY, FL.

ORDER DENYING INTERVENORS' MOTION FOR EVIDENTIARY HEARING

THIS CAUSE came before the Court on June 2, 2015, for consideration of Intervenor's, Rainbow River Conservation, Inc., and Johnston et al., Motion for Evidentiary Hearing, and the Court, having considered the court file and pleadings, and being otherwise fully advised of the premises, finds as follows:

1. Petitioners filed their Joint Petition to Affirm Settlement Agreement Under 70.001(4)d(20 Fla. Statutes on April 9, 2010.
2. On May 24, 2010, Intervenor, Rainbow River Conservation, Inc., and Johnston et al. filed their Motion to Intervene. The Court granted leave to intervene on December 23, 2010.
3. On June 14, 2010, The State of Florida Department of Economic Opportunity f/k/a The Department of Community Affairs filed their Motion for Leave to Intervene. The Court granted leave to intervene on October 14, 2010.
4. On January 29, 2013, Joint Petitioners, City of Dunnellon, Florida Rainbow River Ranch, LLC. and Conservation Land Group, LLC., and Intervenor, Department of Economic Opportunity, filed a Motion to Amend Joint Petition to Affirm Settlement Agreement. The Court granted the motion on February 14, 2013.
5. Judge Steven Rogers entered an Order to Set Evidentiary Hearing or, in the Alternative, Granting Leave to Amend Petition for Approval of Revised Settlement Agreement, on June 20, 2014.

STATE OF FLORIDA, COUNTY OF MARION
I HEREBY CERTIFY that the foregoing is a true and
correct copy of pages 1 through 3 of the
instrument filed in this office.
The original instrument filed contains 3 pages.
 This copy has no redactions.
 This copy has been redacted pursuant to law.
DAVID R. ELLSPERMANN, Clerk of Circuit & County Court
Dated 7/1/15 *David R. Ellspermann*



6. On July 21, 2014, Joint Petitioners and Intervenor, The Department of Economic opportunity, filed an Amendment to Amended Joint Petition to Affirm Settlement Agreement Under §70.001(4)d(2) Florida Statutes.

7. Intervenors, Rainbow River Conservation, Inc., and Johnston et al., filed their Motion for Evidentiary hearing on September 28, 2014.

8. On December 18, 2014, Judge Steven Rogers denied Intervenors' Motion for Evidentiary Hearing.

9. Following reassignment to Judge Lisa Herndon, a case management conference was held on May 4, 2015, wherein the parties outlined the procedural background, pending issues and relevant pleadings. Despite Judge Rogers' December 18, 2014, Order denying Intervenors' request for an evidentiary hearing, Intervenors contend that an evidentiary hearing is required in order for the Court to approve the Amended Joint Petition to Affirm Settlement Agreement. To the contrary, Joint Petitioners argued that there is no requirement that the Court conduct an evidentiary hearing in order to rule upon the Amended Joint Petition to Affirm Settlement Agreement. Joint Petitioners further argue that the extensive pleadings filed throughout the inception of the case in April 2010, are sufficient to apprise the Court of the issues and relative positions of the parties.

10. A case management conference was scheduled for June 2, 2015, to address the Motion for Evidentiary Hearing filed by Intervenors, Rainbow River Conservation, Inc. and Johnston et al., and the Amended Joint Petition to Affirm Settlement Agreement filed by Joint Petitioners and Intervenor, The Department of Economic opportunity.

11. After a thorough review of the extensive pleadings, prior court orders, transcripts, affidavits, and legal authority, the Court finds that the record is sufficient to render a ruling without an Evidentiary Hearing.

Based upon the foregoing,

It is **ORDERED AND ADJUDGED** as follows:

1. Intervenors' Motion for Evidentiary Hearing is **DENIED**.

2. The Joint Petition to Affirm Settlement Agreement is GRANTED, and addressed in a separate order.

DONE and ORDERED on this 12th day of June, 2015, in Ocala, Marion County, Florida.


LISA HERNDON
Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been furnished by electronic mail to the following this 15 day of June, 2015:

Virginia Cassady, Esq. via vcassady@shepardfirm.com
Aaron C. Dunlap, Esq., via Aaron.dunlap@deo.myflorida.com
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Stacey Waldron
Judicial Assistant