

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

LEON COUNTY, FLORIDA, a political
subdivision of the State of Florida,

Plaintiff,

vs.

CASE NO. 03-CA-1518

J-II INVESTMENTS, INC.,
JOHNNY PETRANDIS, II,

Defendants,

FILED
CIRCUIT CIVIL DIV.
06 JUN - 1 PM 3:34
BOB INZER
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

ORDER GRANTING CONTEMPT

This cause having come to be heard on the Plaintiff, Leon County's ~~Amended~~ *Motion for Contempt* filed pursuant to Rule 1.570 (c)(2) of the *Florida Rules of Civil Procedures* at a hearing before the Court on May 9, 2006. The Plaintiff and Defendants appearing by and through their attorneys of record; and the Court having examined the pleadings on file, considered the testimony of the witnesses, heard the arguments of counsel, presentation of other evidence and being fully advised in the premises, the Court hereby finds the Defendants, Johnny Petrandis, II and J-II Investments, Inc., in Contempt of Court for violation of the terms of Summary Judgment entered by the Court on June 28, 2004. The Court makes the following specific observations and findings:

1. A Summary Judgment Order was obtained in favor of the Plaintiff, Leon County and against the Defendants, Johnny Petrandis, II and J-II Investments, Inc., in the above-entitled action on June 28, 2004. The Summary Judgment Order, *inter alia*, directed the Defendants to submit a complete application for and obtain a Standard Form Environmental Management Permit no later than sixty (60) days from the date of the



Court's Order. The Order further required the Defendants to implement a plan for the remediation and correction of the violations on the subject property no later than thirty (30) days from the date of the Court's Order.

2. The Summary Judgment Order was affirmed by the First District Court of Appeal, and the Appellate Court issued its Mandate on October 3, 2005.

3. The Defendants have failed to comply with the Summary Judgment Order within the time prescribed by the Court.

It is therefore, ORDERED and ADJUDGED:

1. That the Defendants are in contempt of the Summary Judgment Order dated June 28, 2004.

2. That the Defendants shall purge themselves of contempt by submitting a complete application for a Standard Form Environmental Management Permit on or before **May 23, 2006**. If Defendants are unable to complete portions of the Standard Form application or submit any required attachments thereto, Defendants shall submit a Notice to the Court's file, in explicit detail, advising the Court of their inability to complete the Application Form. Plaintiff shall accept the application of the Defendants for the Standard Form Environmental Management Permit while the Natural Features Inventory (NFI) submitted by the Defendants is still pending.

3. All communication between the parties about any issues that may arise during the permitting process shall be documented in written form. Plaintiff shall provide Defendants with written feedback regarding deficiencies in, or supplemental information required for the Standard Form Environmental Management Permit application, the NFI

or for any other aspect of compliance. Leon County shall notify Defendants, through counsel, of same in writing. The parties may agree to communicate directly with each other. If the parties are unable to resolve any disputes during the permitting process, the Defendants shall promptly notify the Court of same.

4. Should the Defendants fail to purge themselves of contempt within the time prescribed herein, the Defendants shall pay a fine to Plaintiff, Leon County, Florida, in the total amount of \$1,000.00 per day accruing from May 24, 2006 until such date, as the Defendants shall purge themselves of contempt in accordance herewith.

5. On June 3, 2006, the daily fine accrual shall increase to \$5,000.00 per day, and the Defendants shall a pay a fine to Plaintiff, Leon County, Florida, in the total of amount of \$5,000.00 per day accruing from June 3, 2006 until such date as the Defendants shall purge themselves of contempt in accordance herewith.

6. The Court reserves the right to impose any additional sanctions against the Defendants for failure to comply with this Order.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 31st day of May, 2006, *nunc pro tunc*, May 9, 2006.


JANET E. FERRIS
Circuit Judge

Copies to:

Herbert W.A. Thiele, Esq.
Cherry A. Shaw, Esq.
Sean O'Connor, Esq.

Signed 6/1/06
Original to Clerk
Copies sent
dmc