

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY, CIVIL DIVISION

NEIL J. GILLESPIE, PLAINTIFF,

CASE NUMBER ~~05-CA-72105~~

vs.

DIVISION " F "

BARKER, RODEMS & COOK, P.A., a Florida Corporation; and WILLIAM J. COOK,

FILED  
CLERK OF CIRCUIT COURT  
2006 JAN 13 AM 11:03  
HILLSBOROUGH CNTY. FL  
CIRCUIT CIVIL  
am

DEFENDANTS.

ORDER ON DEFENDANTS' MOTION TO DISMISS AND STRIKE

THIS CAUSE came on for hearing on September 26, 2005, upon Defendant's Motion to Dismiss and Strike, and counsel for the parties being present and having made arguments and the court having considered the Plaintiff's Rebuttal to Defendant's Motion to Dismiss and Strike. Defendant's Reply to Plaintiff's Rebuttal to Defendant's Motion to Dismiss and Strike and the Plaintiff's Second Rebuttal to Defendant's Motion to Dismiss and Strike, and the court being advised fully in the premises, it is thereupon,

ADJUDGED as follows:

1. Defendant's Motion to Dismiss and Strike is granted in part and denied in part.
2. Those portions of Defendant's Motion to Dismiss and Strike seeking to dismiss the Complaint are denied. Defendant shall have fifteen days from the date of this order within which to file responsive pleadings.




3. Those portions of Defendant's Motion to Dismiss and Strike seeking to strike portions of the Complaint is granted in the following particulars:

- a. Paragraphs 47, 48, 49 and 50 of the Complaint are stricken.
- b. Exhibit 8 to the Complaint is stricken.
- c. All references to or demands for punitive damages are stricken or failure to comply with §768.72 of the Florida Statutes.

**ORDERED** in Chambers, at Tampa, Hillsborough County, Florida, this

\_\_\_\_\_ day of JAN 13 2006, 20\_\_\_\_\_.



RICHARD A. NIELSEN  
CIRCUIT JUDGE

Copies furnished to:

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300 West Platt Street, Suite 150  
Tampa, Florida 33606

Neil J. Gillespie  
8092 SW 115<sup>th</sup> Loop  
Ocala, Florida 34481

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH)  
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE DOCUMENT ON FILE IN  
MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL  
THIS 31<sup>st</sup> DAY OF August 2010



PAT FRANK  
CLERK OF CIRCUIT COURT  
BY Donna Healy D.C.