

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

CASE NO. 2016-CA-000712

SUMTER ELECTRIC COOPERATIVE, INC.,  
a Florida not for profit corporation,

Plaintiff,

vs.

NEIL J. GILLESPIE,

Defendant.

FILED  
CIVIL DIVISION  
2016 APR 18 PM 2:04  
DAVID R. ELLSPERMAN  
CLERK CIRCUIT COURT  
MARION COUNTY, FL.

**EMERGENCY PRELIMINARY INJUNCTION**

THIS CAUSE came on before the Court upon the Plaintiff's Emergency Motion for Entry of Preliminary Injunction ("the Motion"). With the Court having reviewed the Motion and the affidavits and other attachments to the Emergency Motion, and with the Court otherwise being duly advised in the premises, the Court finds and orders at 1:29 AM/PM on this 18 day of April, 2016:

A. The Plaintiff, Sumter Electric Cooperative, Inc., ("SECO") owns a possessory interest in facilities where it carries out business operations (the "Facilities") at the addresses set forth in the Notice of Trespass (the "Notice") attached to Plaintiff's Motion.

B. As a matter of law, SECO has the right to exclude any person from the Facilities.

C. Defendant has announced, in writing, his intention to act with incivility and declared "war" on the Plaintiff. The affidavits of SECO employees establish that Gillespie's statements and behavior have created a reasonable fear that Gillespie is a danger to the safety and wellbeing of SECO employees, customers and property as well as to SECO's ability to orderly conduct its business at the Facilities. Defendant's openly hostile and threatening conduct at the SECO Facility is detrimental to public safety, as well as to the safety and security of SECO employees and property. Under these circumstances, the requested injunction is in the public interest.

D. SECO has issued the Notice to Defendant, which constitutes a valid warning against trespass.

E. A violation of the Notice would result in further interruption to SECO's orderly business operations, and a security guard has been obtained by SECO to intercept Defendant, should he return. There is no remedy for an interruption to SECO's orderly business operation.

F. SECO is without an adequate remedy at law to protect SECO's employees, customers and properties from Defendant without the issuance of an injunction preventing Gillespie from entering the Facilities.

G. The underlying claim in this matter seeks an injunction against trespass. SECO's right to exclude others from property in which it holds an exclusive possessory interest is fundamental. Therefore, it appears likely that SECO will prevail on the merits of the underlying claim. Furthermore, Gillespie is presently without the right to enter the Facilities, so the potential injury to SECO outweighs any possible harm to Gillespie. This injunction is designed to maintain the status quo.

H. SECO has offered sufficient reasons that this order should be granted on an emergency basis and without formal notice to the Defendant. SECO requires immediate relief to protect the safety of persons and property as alleged in its motion, and because there is no harm to Defendant presuming that he does not violate SECO's right to exclude him from the Facilities. He may conduct any and all necessary business with SECO telephonically, electronically, and through the mail. Having been furnished with the Notice of trespass, the entry of the requested injunction does not alter Defendant's right of entry to the Facilities, because he is already without such a right. Where the acts to be enjoined are detrimental to public safety, as they are here, they may be enjoined.

I. Pursuant to Rule 1.610(b), no bond is required for issuance of a temporary injunction issued for preventing physical injury or abuse of a natural person. SECO has alleged a threat to the safety of natural persons, and this threat is a factor in the court's issuance of this injunction.

**ORDERED AND ADJUDGED:**

1. Absent the entry of an injunction, it appears from the specific facts shown by affidavit that immediate and irreparable injury, loss, or damage will result to SECO before Defendant can be heard in opposition.

2. The Defendant shall not, at any time prior to the dissolution of this Temporary Injunction, enter into any structure, or upon the curtilage thereof, at the facilities possessed by SECO at the following addresses:

**Ocala, Florida:**  
4872 Southwest 60<sup>th</sup> Avenue  
Ocala, FL 34474

**Sumterville, Florida:**  
330 U.S. 301  
Sumterville, FL 33585

**Sumterville, Florida:**  
293 U.S. 301  
Sumterville, FL 33585

**Eustis, Florida:**  
50 West Ardice Avenue  
Eustis, FL 32726

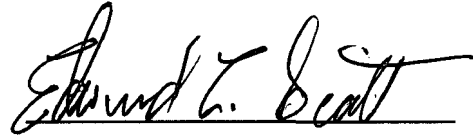
**Groveland, Florida:**  
850 Howey Road  
Groveland, FL 34736

**Inverness, Florida:**  
610 U.S. Highway 41 South  
Inverness, FL 34450

3. No bond is required. The petitioners shall cause this Emergency Temporary Injunction to be served on the defendants in accordance with Florida law.

4. The Court retains jurisdiction of this cause.

DONE AND ORDERED in Ocala, Marion County, Florida, this 18<sup>th</sup> day of April, 2016.



Circuit Court Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail to this 18<sup>th</sup> day of April, 2016.



Judicial Assistant/Clerk

I CERTIFY THAT AN ORIGINAL COPY  
HEREOF HAS BEEN FURNISHED BY U.S.P.S.

MAIL TO: Stone & Gerken PA

4850 North Hwy 19A

Int. Dora, FL 32757

THIS 18<sup>th</sup> DAY OF April, 20 16  
M. Tucker D.C.