

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR MANATEE COUNTY

RICHARD HOLTOM GARRETT, INDIVIDUALLY
AND AS TRUSTEE OF THE RICHARD HOLTOM
GARRETT REVOCABLE TRUST DATED
JUNE 5, 2017,

Plaintiff,

No. 2019 CA 512

vs.

UNIVERSITY PARK RECREATION DISTRICT,

Defendant.

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EXCERPT OF PROCEEDINGS BEFORE
THE HONORABLE EDWARD NICHOLAS
(Ruling)

DATE: February 6, 2019
TIME: 3:00 p.m. to 6:15 p.m.
PLACE: Manatee County Courthouse
1051 Manatee Avenue West
Bradenton, Florida
BEFORE: Kathleen K. Ohman, RMR
Notary Public, State of
Florida

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APPEARANCES:

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Attorneys for Defendant

ALSO PRESENT: Richard Holtom Garrett
Nancy Tedeschi Kopnisky

Reporter's Certificate

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1 (Beginning of excerpt.)

2 THE COURT: Thank you, sir. You may step
3 down.

4 All right. Obviously my focus today is a
5 relatively narrow one, whether the plaintiff
6 has established a sufficient basis for the
7 entry of a temporary injunction, and I'll find
8 that the plaintiff has failed to establish a
9 basis for a temporary injunction here.

10 While the Court has heard a great bit, and
11 while I anticipate I'll hear a good bit more, I
12 heard little or no evidence of irreparable
13 injury that will attach to the plaintiff here
14 should the temporary injunction not be entered.

15 I will find that the plaintiff has failed
16 to establish a substantial likelihood of
17 success, "substantial" being the operative word
18 here.

19 Obviously we have a long way to go, but at
20 least at this stage there has been insufficient
21 evidence presented of a substantial likelihood
22 of prevailing here.

23 I will find that there is an adequate
24 remedy at law. Indeed, it appears that all of
25 the remedies available to the plaintiff remain

1 in the absence of a temporary injunction.

2 And, finally, the consideration of the
3 public interest favors -- also favors denial.
4 No doubt a great deal of time and effort and
5 money has been expended with regard to the
6 referendum set for tomorrow. Based upon that
7 which has been presented here this afternoon,
8 this is not a close call.

9 I should be specific. The issue as to
10 whether or not a temporary injunction should
11 issue is not a close call. Obviously we've got
12 a good bit to go going forward with regard to
13 the declaratory judgment, et cetera.

14 But as to the temporary injunction, this
15 is not a close call. The request is denied.
16 I'm not sure all that needs to be included in
17 the order, but I'll let the attorneys work on
18 that. We'll be in recess.

19 (End of excerpt.)
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COURT CERTIFICATE

State of Florida)
County of Manatee)

I, Kathleen K. Ohman, Registered Professional Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 8th day of February, 2019.



Kathleen K. Ohman

Notary Public - State of Florida

My Commission Expires: 3/28/21

Commission No. GG87866