

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

JAHN BARNER, ET AL,  
Plaintiffs,

v.

Case Number 2010 CA 005791 NC  
Circuit Civil - Division C

THE LANDINGS MANAGEMENT  
ASSOCIATION, INC., a Florida  
corporation,  
Defendant.

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**ORDER DENYING  
PLAINTIFF'S MOTION FOR FINAL SUMMARY JUDGMENT  
and  
ORDER DENYING  
DEFENDANT/COUNTER-PLAINTIFF'S CROSS MOTION FOR SUMMARY JUDGMENT**

THIS CASE came before the Court for a hearing on June 1, 2011, upon the following motions: Plaintiffs' Motion for Summary Judgment and Incorporated Memorandum of Law (filed January 28, 2011), Plaintiffs' Notice of Filing of Supplemental Authority (filed June 1, 2011), and Defendant/Counter-Plaintiff's Cross Motion for Summary Judgment as to the Complaint and Counterclaim [and] Memorandum in Support Thereof and in Opposition to Plaintiff's Motion for Summary Judgment (filed February 23, 2011).

The Court, having reviewed the record, considered the extensive oral and written arguments presented by both sides and being otherwise duly advised in the premises, finds as follows: genuine issues of material fact exist making inappropriate for the Court to grant summary judgment as a matter of law.

Accordingly, it is **ORDERED AND ADJUDGED** that:


- A. Plaintiff's Motion for Final Summary Judgment is **denied**.
- B. Defendant/Counter Plaintiff's Cross Motion for Summary Judgment is **denied**.



KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA

FILED FOR RECORD  
2011 JUN -3 PM 1:56

**DONE AND ORDERED** in Chambers in Sarasota County, Florida, this June 2, 2011.



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**DONNA PADAR BERLIN**  
Circuit Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 3<sup>rd</sup>, 2011, a true and conformed copy of the foregoing has been furnished as follows to the following parties by US MAIL:

*Counsel for Plaintiffs*

✓ Charles J. Bartlett, Esquire

*Counsel for Defendant*

✓ DAVID S. DAVIS, Esquire



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JENNIFER PETERS

Judicial Assistant to Judge Andrew Owens