

**IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY**

CASE NO: 2002-CA-595-K

**GALLEON BAY CORPORATION, a Florida
Corporation,**

Plaintiff

Vs.

**BOARD OF COMMISSIONERS OF MONROE
COUNTY, FLORIDA,**

Defendant

And

THE STATE OF FLORIDA,

Third-Party Defendant

ORDER VACATING SUMMARY JUDGMENT OF JANUARY 30, 2006

THIS MATTER came on to be heard upon the Defendants' Motions for Reconsideration of the Court's prior Order Granting Plaintiff's Motion for Partial Summary Judgment on Liability and upon Defendants' Motions for Summary Judgment. The Court, having considered the Motions, the Court's prior rulings, having reviewed the case file and having received argument of counsel, hereby finds and Orders as follows:

- 1. The Court finds that there are material issues of fact in dispute, and that accordingly, the Amended Order Granting Plaintiff's Motion for Partial**

Summary Judgment previously entered by this Court on January 30, 2006, should be, and hereby is VACATED.

2. In view of the fact that there are material facts in dispute, the Defendants' Motions for Summary Judgment are DENIED.
3. The parties and counsel are directed to prepare this case for trial upon the pleadings, as amended, pursuant to the Scheduling Order which is being entered contemporaneously with this Order.

DONE and ORDERED in Chambers at Key West, Monroe County, Florida,
this 15th day of January, 2008.

David J. Audlin, Jr.

DAVID J. AUDLIN, JR.
CIRCUIT JUDGE

cc: James S. Mattson, Esq.
Andrew M. Tobin, Esq.
Derek Howard, Esq.
Jon Glogau, Esq.
Robert Shillinger, Esq.