

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

JAMES LARRY MCLAUGHLIN,
an individual,

Case No.: 05-2023-CA-041603-XXXX-XX

Plaintiff,

v.

SANDPIPER TOWERS CONDOMINIUM
ASSOCIATION, INC., a Florida Not for
Profit Corporation,

Defendant.

**ORDER GRANTING JOINT MOTION SEEKING A PRELIMINARY ORDER
APPROVING SETTLEMENT AGREEMENT AND MUTUAL RELEASE**

This cause came before the Court on a Motion Seeking a Preliminary Order Approving Settlement Agreement and Mutual Release (“Motion”). The Court having reviewed the Motion and otherwise being fully advised in the premises, it is hereby ORDERED and ADJUDGED as follows:

1. The Motion is granted.
2. The Court finds that the Settlement Agreement and Mutual Release (“Settlement Agreement”) entered into between the parties is fair, reasonable and in the best interests of the Association and resolution of this matter is in the best interest of the members of the Association. Pursuant to Section 718.111, Florida Statutes, and Rule 1.221, Florida Rules of Civil Procedure, the Defendant, Sandpiper Towers Condominium Association, Inc. (“Association”), Association has the authority to settle this action as provided in the Settlement Agreement.

PROCEDURE

3. The Association has proposed the following Notice Program, and while the Notice Program is not a requirement for the Association to settle this matter on behalf of its members

under its governing documents, Section 718.111, Florida Statutes, or Rule 1.221, Florida Rules of Civil Procedure, the Court finds that the Notice Program is fair, reasonable, and reasonably calculated, under the circumstance, to apprise all members:

- (a) of the pendency of this lawsuit and the essential terms of the Settlement Agreement;
- (b) that any final order relating to the Settlement Agreement will bind all members;
- (c) that any member may object to the Settlement Agreement and if he or she desires, may enter an appearance personally or through counsel; and
- (d) the time and place of the final approval hearing.

NOTICE PROGRAM

4. No later than ten (10) days after the entry of this order, the Association shall:

(a) If not already done, publish the fully executed Settlement Agreement and all attachments on its website available to its members along with a copy of this order and advise all of its members, using its ordinary means of communication to its members, which may include email or other forms or electronic communications to which owners have consented, that the Settlement Agreement and this order have been posted to its website.

(b) The Association shall keep and maintain detailed records documenting the Notice Program for a period of not less than six (6) years from the date of this order.

(c) The Association shall file with this Court an Affidavit of Compliance with the Notice Program not later than two (2) days prior to the final approval hearing.

(d) The Association shall maintain the Settlement Agreement on its website for not less than ninety (90) days after the final approval order, is entered, if at all.

OBJECTIONS

5. Any member wishing to object to the Settlement Agreement, or this order, must file

with the Court and serve on counsel for all parties a "Notice of Objection" not later than ten (10) days prior to the final approval hearing, which has been duly noticed and scheduled for

March 7, ²⁰²⁴~~2023~~ at 9:30 A.m. via Zoom as follows: In person, Remote
not Allowed.

~~Zoom Meeting ID:~~



~~Zoom Dial In Number:~~

~~Zoom Link:~~

6. Such Notice of Objection shall be signed by the member, and notarized, containing all of the following information:

- (a) Name, address and email address of the member;
- (b) A detailed statement of the member's objection, including all legal authority relied upon, if any.

7. Any objecting member is permitted to attend the final hearing, or rely on their filing to be determined by the Court.

8. No "Notice of Objection" which does not strictly comply with the terms of this order shall be entitled to consideration by the Court.

STAY OF LITIGATION, BINDING EFFECT

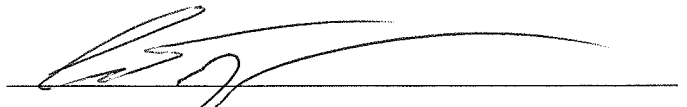
9. Pending the final hearing, and the Effective Date (as defined in the Settlement Agreement), this action shall be stayed. In the event that this Court should grant final approval of the Settlement Agreement, it shall be deemed on behalf of and therefore binding not only on the Parties thereto, but on all members of the Association. If, however, the Court does not grant final approval of the Settlement Agreement, then in that event, the Settlement Agreement shall become null and void, of no force or effect, and the Parties shall resume the litigation as if no settlement had occurred, including setting this matter for jury trial on the first available docket.

2023-CA-41603

DONE and ORDERED in Chambers at Brevard County, Florida this 10 day of January

~~2023.~~

2024



Circuit Judge

cc: All Counsel of Record

James Lewis McLaughlin v. Sandpiper Towers Condo. Assn.

05-2023-CA-41603-XXXX-XY 4