

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL  
CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR  
HILLSBOROUGH COUNTY

CIRCUIT CIVIL DIVISION

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR  
CERTIFICATE HOLDERS OF SOUNDVIEW  
HOME LOAN TRUST SERIES 2006-OPT4,  
ASSET-BACKED CERTIFICATES,  
SERIES 2006-OPT4,

vs.

CASE NO.: 08-13651-CI-15

DIVISION: "K"

GEOFFREY B. STEINER, ET AL,

Defendants.

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TRANSCRIPT OF PROCEEDINGS

BEFORE: HONORABLE WILLIAM P. LEVENS  
Circuit Judge

TAKEN AT: In Chambers  
Hillsborough County Courthouse  
Tampa, Florida

DATE: October 28, 2010

TIME: Commencing at 11:30 a.m.

REPORTED BY: SONJA BONANNO  
Court Reporter  
Notary Public  
State of Florida at Large

DEMPSTER - BERRYHILL COURT REPORTERS  
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1 APPEARANCES:

2 On behalf of the Plaintiff:

3 MINDY ELLEN DATZ, ESQUIRE  
4 Gladstone Law Group, P.A.  
5 1499 W. Palmetto Park, P.A.  
6 Boca Raton, FL 33486

7 On behalf of the Defendant:

8 JOHN MICHAEL SHEA, ESQUIRE  
9 6301 Bayshore Blvd.  
Tampa, FL 33611

10 Also present:

11 GEOFFREY STEINER, PRO SE  
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1 P R O C E E D I N G S

2 THE COURT: Good morning. This is Judge  
3 Levens. Who is on the line, please?

4 MS. DATZ: Good morning, Judge Levens. My  
5 name is Mindy Datz, D-A-T-Z. I am with the  
6 Gladstone Law Group.

7 THE COURT: All right.

8 MS. DATZ: I represent the plaintiff, Deutsche  
9 Bank.

10 THE COURT: Good. We have present several  
11 folks in the hearing room. First of all, there is  
12 a court reporter. We also have Mr. Steiner who is  
13 present in the hearing room, and Michael Shae, an  
14 attorney.

15 Mr. Shae, are you representing him, or --

16 MR. SHAE: Your Honor, I would like to make a  
17 short statement. I am representing Mrs. Steiner.  
18 And I wanted the record to reflect that Mr. Steiner  
19 is, as you know, a former member of the Florida Bar  
20 who resigned a few years ago, he's had cancer, and  
21 he is here pro se.

22 THE COURT: All right.

23 MR. SHAE: But I also wanted to put something  
24 on the record just because it needs to be. I have  
25 a suit pending in federal court against all of the

1 judges in the Thirteenth Judicial Circuit for  
2 violation of due process and equal protection in  
3 foreclosure cases. And I wanted to point out that  
4 the case that I have chosen to appeal was one of  
5 yours. It was the Beverly --

6 THE COURT: That was the one where you wanted  
7 me to appoint an attorney to represent them?

8 MR. SHAE: Exactly. And that is the issue.  
9 And that is now before the Honorable Judge Moody in  
10 federal court and working its way through there.

11 I am quite sure that you and I are still good  
12 friends, and would surely -- my opinion is that  
13 this is an academic matter and by no stretch of the  
14 imagination would it be prejudicial. But I  
15 certainly would be dilatory if I didn't point that  
16 out for the record.

17 THE COURT: Okay.

18 MS. DATZ: Your Honor, if I may? Can I have  
19 the name of the court reporter and a way to contact  
20 the court reporter. I had no idea that one was  
21 requested or that this hearing was going to be  
22 transcribed in any way.

23 THE COURT: Sure. Sonja, do you want to  
24 identify yourself.

25 (The court reporter complied.)

1 THE COURT: All right. So, Mr. Shae, are you  
2 requesting to file a motion to disqualify me?

3 MR. SHAE: No, sir. I am not. And unless you  
4 felt that you should -- I simply bring that up.

5 THE COURT: Okay.

6 MR. SHAE: I would be, I think, crazy to  
7 disqualify every judge in this County.

8 THE COURT: All right. Well, there was no  
9 motion for disqualification filed?

10 MR. SHAE: No, Judge. I just made that  
11 statement.

12 THE COURT: All right. So, with that, we are  
13 here today on Mr. Steiner's -- a couple of matters.

14 First of all, the request that I take judicial  
15 notice -- we don't take judicial notice of cases.  
16 I will be happy to take notice of them. "Judicial  
17 notice" is a special creature that is  
18 inappropriate. But if that is the authority that  
19 you are relying upon, I have no difficulty in that  
20 regard.

21 MR. STEINER: I did ask Your Honor to take  
22 judicial notice of AmJur 2nd, a specific section;  
23 is that appropriate?

24 THE COURT: No, sir.

25 MR. STEINER: All right.

1           THE COURT: But what we do have for  
2           consideration this morning is your motion to  
3           dismiss for lack of capacity or the failure to aver  
4           sufficient standing in a body of the plaintiff's  
5           foreclosure Complaint. And then, your motion --  
6           well, I guess it's a single motion to dismiss for  
7           lack of capacity, right?

8           MR. STEINER: Yes, Judge.

9           MS. DATZ: Yes, Your Honor. If I may? I do  
10          not believe that standing is mentioned.

11          THE COURT: Well, lack of capacity, which  
12          basically gives rise to standing.

13          MS. DATZ: Oh, okay.

14          THE COURT: I mean, that is the way I  
15          understood it. I read it, but I will be happy for  
16          you to highlight for me what you would like me to  
17          consider.

18          MR. STEINER: Yes, Your Honor. First, I would  
19          like to ask the Court to consider the fact that  
20          lack of capacity differs from lack of standing.

21          There is a case that came from Pinellas County  
22          December 16th, 2009 signed by the Honorable Anthony  
23          Rondolino from the Sixth Circuit. And I am giving  
24          that to the Court now.

25          In that case, the Court held that there was no

1 capacity and granted the motion to dismiss for lack  
2 of capacity. There were two other cases from the  
3 Sixth Circuit identically.

4 And, basically, the Complaint is deficient as  
5 filed because nowhere in the Complaint is it  
6 mentioned who the plaintiff is, or their capacity  
7 to bring the lawsuit.

8 And if you look at the Complaint carefully,  
9 you'll notice it's devoid of any of the information  
10 that is normally in a Complaint.

11 I have a pending case from Pinellas County.  
12 It's Whisperwood Townhomes Condominium Association,  
13 Incorporated, a Florida not for profit corporation,  
14 Plaintiff, versus Jesse J. Rodas, Case Number  
15 10-14814-CI.

16 And I bring this to show the Court merely for  
17 the fact that -- they start out in Paragraph 1 and  
18 they say:

19 "This is an action to foreclose in accordance  
20 with Florida Statute blah, blah, blah. Plaintiff  
21 is a condominium association and a Florida  
22 corporation not for profit operating under  
23 provisions of Florida Statute 718. Defendant is  
24 the owner of the following described real estate."  
25 And it gives the description.

1           "Owners are members of the plaintiff's  
2 condominium association. Under Florida Statute  
3 718, plaintiff is entitled to make and collect  
4 assessments for common expenses, et cetera.  
5 Plaintiff has levied assessments, et cetera. Since  
6 February of 2010, owners failed to pay these  
7 assessments as they became due and payable.

8           As a result, under Florida Statute 718.116, a  
9 record claim of lien against subject condominium  
10 was filed. The plaintiff's claim of lien was  
11 recorded on such and such a date." Et cetera.

12           And it lists very specifically who they are,  
13 how they got there, what they are doing, and why  
14 they are coming to invoke the jurisdiction of the  
15 Court.

16           Judge, if you look at the Complaint in this  
17 case --

18           THE COURT: Which I did.

19           MR. STEINER: None of that information is  
20 there. None of it. And basically --

21           THE COURT: It simply says that they are the  
22 owners and holders of the note and mortgage.

23           MR. STEINER: Well, they attached to the  
24 Complaint information that is different than that.  
25 And they also said that they don't have the note.

1           They lost it.  However --

2           THE COURT:  They identified an assignment.  
3           They gave an OR Book and page number for an  
4           assignment, but they -- you are right.

5           MR. STEINER:  At any rate, Judge, basically  
6           summarizing:  Who are the parties?  Is the proper  
7           corporate name in the Complaint?  It is not.  And  
8           the law that I have cited requires that they name  
9           in the Complaint, not just in the caption or the  
10          style, who they are.

11          The Complaint does not indicate if they are a  
12          Florida corporation, for profit or not for profit,  
13          under what statute they are authorized to do  
14          business.  Is the corporation a foreign corporation  
15          authorized to do business, et cetera.  Is the  
16          entity a trust?  Is the plaintiff a trustee of the  
17          trust?  It is not indicated in the Complaint, and  
18          it must be, according to the law and the cases that  
19          I've cited.  And there is many.

20          The problems associated with lack of  
21          identification of the plaintiff in spelling out  
22          capacity are multi-fold.

23          First, it denies due process of law to the  
24          defendants because we don't know who we are dealing  
25          with and we don't know if there are real defenses

1 that can be raised because of the inability or the  
2 lack of setting forth who they are, how they are  
3 there, and under what authority they proceed.

4 For example, if they are an out-of-state  
5 corporation not registered with the Secretary of  
6 State, I can move to abate or dismiss until they  
7 comply. And under law, you would be obligated to  
8 follow it.

9 The same if they are a resident corporation.  
10 They must set forth who, what, where, and how,  
11 basically.

12 And if they are a trust, there are statutes  
13 that show what a trust must do. If they are an  
14 association, they must, under 665.012, indicate who  
15 they are and why they are doing it.

16 "Trust business" means the business of acting  
17 as a fiduciary when such business is conducted by a  
18 bank, state or federal association, or a trust  
19 company, and also when it's conducted by any other  
20 business organization as its sole or principal  
21 business.

22 "Trust company" means any business  
23 organization, other than a bank or state or federal  
24 association, which is authorized by lawful  
25 authority to engage in trust business.

1 Under the Business Corporation Act, if the  
2 plaintiff does not plead and establish that it is,  
3 in fact, one of the entities defined under the  
4 statutes, for example, a corporation, a trust, a  
5 resident corporation or a non-resident corporation,  
6 an unincorporated entity -- unless they do that and  
7 the Florida Trust Statute makes it clear that such  
8 entities are not exempt the requirements of the  
9 Florida Corporation Business Act, Florida Statutes  
10 Chapter 658.30, which provides:

11 "When not in direct conflict with or  
12 superseded by specific provisions of the financial  
13 institutions codes, the provisions of the Florida  
14 Business Corporation Act, Chapter 607, shall extend  
15 to state banks and trust companies formed under the  
16 financial institutions codes. This section shall  
17 be liberally construed to accomplish the purposes  
18 stated herein."

19 "A person may not engage in business under a  
20 fictitious name unless the person first registers  
21 the name with the division by filing a sworn  
22 statement listing --" And there is a laundry list,  
23 "A", "B", "C", "D", "E", "F", and then -- and there  
24 are penalties for doing it, which are \$500, or \$50  
25 a day, whichever is greater.

1           For these reasons, there is an issue of due  
2 process of law with respect to raising defenses  
3 that might be appropriate.

4           Additionally, Judge, under Florida law, as  
5 I've laid out in the motion itself, pleadings in  
6 federal court only require notice pleadings. But  
7 in Florida, there must be fact pleading. It must  
8 be specific.

9           And I would show the Court this Complaint from  
10 Pinellas County. It starts here (indicating). And  
11 you can see specifically what I am talking about  
12 when they say they are a corporation, not for  
13 profit, the statute authorizes them to do that.

14           It says exactly who they are, how they got to  
15 be here, and what their purpose in doing this is,  
16 et cetera.

17           So, these ultimate facts have not been  
18 delineated by the plaintiff in this case. In order  
19 to state a cause of action, the Complaint must  
20 allege sufficient facts to show that they are  
21 entitled to relief. And that's a Fifth District  
22 case.

23           At the outset, the litigants must state in  
24 their pleadings with sufficient particularity the  
25 facts that gives them the capacity to move forward,

1 or else, I am denied the ability to file a defense  
2 and prepare a defense should one be --

3 THE COURT: Available.

4 MR. STEINER: -- appropriate. And it is a  
5 threshold matter. It's unclear who the plaintiff  
6 is because they don't state or identify who they  
7 are or what their capacity is in the body of the  
8 Complaint. They are sui juris. How did they get  
9 here? Why are they here? Under what authority do  
10 they proceed?

11 They don't explain if they are a corporation  
12 or a trust or a trustee. They don't explain any of  
13 that.

14 And the mere -- and the cases that I've  
15 attached in the memorandum and in the motion itself  
16 set forth that they can't just say in the style who  
17 they are and not mention it in the pleadings  
18 themselves. It must be set forth according to  
19 Florida law.

20 And then it explains what "capacity" is in the  
21 Florida Rules of Civil Procedure 1.120(a).

22 "Capacity. It is not necessary to aver the  
23 capacity of a party to sue or be sued, the  
24 authority of a party to sue or be sued in a  
25 representative capacity, or the legal existence of

1 an organized association of persons that is made a  
2 party; except to the extent required to show the  
3 jurisdiction of the court.

4 And when a party desires to raise an issue as  
5 to the legal existence of any party, the capacity  
6 of any party to sue or be sued, or the authority of  
7 a party to sue or be sued in a representative  
8 capacity, that party shall do so by specific  
9 negative averment which shall include such  
10 supporting particulars as are peculiarly within the  
11 pleader's knowledge."

12 We are stating that we disaver the fact of  
13 knowing who they are or what they doing. And Rule  
14 1.120(b) requires the Complaint to have a short and  
15 plain statement of the grounds upon which the  
16 Court's jurisdiction depends by failing to allege  
17 those grounds, and by failing to plead or specify  
18 in what capacity the plaintiff brings suit, to  
19 define or identify in any way the nature, it's  
20 standing is sui juris. The Plaintiff has not pled  
21 the basis of the grounds upon which the Court's  
22 jurisdiction depends. And in this case, nor has it  
23 pled its legal capacity to maintain this suit.

24 It is unknown from the allegations what their  
25 legal status is. Are they are corporation? Are

1           they a Florida corporation? A foreign corporation?  
2           A trust? A fictitious entity? Et cetera.

3           And if you'll notice from the pleadings, we  
4           are not dealing with Deutsche Bank National Bank.  
5           This says "Deutsche Bank National Trust Company as  
6           Trustee". We don't know who, what, when, where,  
7           where they are from, et cetera, at this point.

8           My failure to raise the issue of capacity by  
9           specific negative averment is waived if it's not  
10          raised at the earliest instance. And there are  
11          several cases that hold that, one being a Second  
12          District case. In the motion, I cite Sun Valley  
13          Homeowners versus American Land Lease, 927 So.2d  
14          259, a Florida 2nd District Court of Appeal case  
15          from 2006.

16          Florida courts have recognized the legitimacy  
17          of the capacity argument and are routinely granting  
18          these motions; especially, in the Sixth Circuit.  
19          And I have set those forth in Paragraph 16. There  
20          are three cases, and I have shown the Court one of  
21          them.

22          The plaintiff doesn't allege that it's a  
23          natural person, a foreign or resident corporation  
24          authorized to do business, a proprietorship  
25          authorized or licensed to do business, nor a trust

1           that's registered with the State of Florida  
2           authorized to do business, nor if the trustee is  
3           suing on behalf of a particular trust, or any  
4           particular beneficiary or beneficiaries.

5           And they don't state in the Complaint that  
6           it's prosecuting the cause on behalf of any  
7           particular trust or beneficiaries. So,  
8           ostensively, it looks like they are a trustee, but  
9           they don't say that.

10          So, nothing in the body of the Complaint is  
11          telling us what's really going on. And if you look  
12          at the Complaint and compare it to the one that I  
13          provided to the Court -- the Complaint in our cause  
14          versus that one, it's a world of difference. It's  
15          like a colored picture versus a black and white  
16          picture, for example.

17          And then, there is a letter from the  
18          comptroller of the currency in Washington D.C. that  
19          addresses the issue of whether or not the bank is  
20          required to register. And this was considered by  
21          Judge Padget recently in a similar kind of motion.

22          THE COURT: Well, I am not interested in that.  
23          I mean, that is outside of the four corners. If  
24          you are attacking the four corners, that's where we  
25          are headed with this.

1           MR. STEINER: Well, the point of it is, if  
2           opposing counsel is not going to argue that they  
3           don't have to register, this letter says that they  
4           do. That's all.

5           THE COURT: Oh, okay. And Mr. Hicks argued  
6           that before Judge Padgett recently. That was in  
7           September of this year.

8           The Wachovia Mortgage case, Number 08-16936, a  
9           Florida Sixth Circuit from December 15th, 2009, has  
10          been published in Florida Law Weekly Supplement,  
11          but it says that the defendant, the homeowner, in  
12          this mortgage foreclosure case prevailed on a  
13          motion to dismiss based on Rule 1.120(a), Florida  
14          Rules of Civil Procedure arguing that the plaintiff  
15          had not adequately pled that it had the capacity to  
16          sue.

17          THE COURT: Mr. Steiner, your time to argue is  
18          up. We've only got thirty minutes and you already  
19          used twenty of them, so --

20          MR. STEINER: Well, I think five minutes was  
21          used by the other side, Judge, for asking who the  
22          court reporter is with and what her name was. And  
23          I've never seen that happen since 1982 in the  
24          Thirteen Circuit.

25          THE COURT: Okay.

1 MR. STEINER: Thank you, Your Honor.

2 THE COURT: Anyway, I get the drift.

3 Ms. Datz, your turn, please.

4 MS. DATZ: Thank you. I would like to start  
5 with Rule 1.120, Pleading Special Matters, (a)  
6 Capacity. It expressly states that it is not  
7 necessary to aver the capacity of a party to sue or  
8 be sued.

9 And I am just going to go down. I don't want  
10 to be repetitive because I know it was already read  
11 into the record. "Except to the extent required to  
12 show the jurisdiction of the Court." That is the  
13 only circumstance at which time it is even allowed  
14 to be considered.

15 If you'll look at our Complaint, the first  
16 paragraph says:

17 "This is an action to foreclose a mortgage of  
18 real property in Hillsborough County and the Court  
19 has jurisdiction over the subject matter of this  
20 action.

21 This complies with both Rules 1.120 and 1.130  
22 of the Florida Rules of Civil Procedure which  
23 expressly state it's to have a clear and precise  
24 statement of what is going on in the case, attach  
25 copies of documents that back up what you are

1 saying or copies of the portions that are material  
2 to the pleadings and attach them.

3 In this case, we state that we own the note,  
4 the defendant is in default. We talk about the  
5 promissory note, the mortgage, the assignment and  
6 how we own it now -- excuse me, how we own the note  
7 and mortgage, who the property is owned by, and  
8 that the defendant has defaulted by failing to make  
9 payments due, and that we are now declaring the  
10 payment payable.

11 That is all that is necessary in a Complaint.  
12 In ruling on a motion to dismiss, the trial court  
13 has to make its decision solely on the four  
14 corners, as you referred to before.

15 That's Citron v. Osmos Wood Preserving, 681  
16 So.2d 859. That's a Florida case.

17 "A motion to dismiss should not be used to  
18 determine issues of ultimate fact, and may not be  
19 used as a substitute for summary judgment."

20 "Plaintiff need only allege it's ownership  
21 interest, the proof of which is waived by defendant  
22 if properly brought in a motion for summary  
23 judgment, not in a motion to dismiss."

24 That is the WM Specialty v. Solomon case at  
25 874 So.2d 680 backed up by the Johns v. Gillian

1 case which is a Florida Supreme Court case.

2 Basically, a mortgage foreclosure action  
3 requires only that the claimant be the owner and  
4 holder, and that the mortgage and the mortgagor  
5 have defaulted on the note and mortgage. See  
6 Chemical Residential v. Rector, 742 So.2d 300.

7 This case also stands for another one of the  
8 defendant's arguments. I believe he was referring  
9 that we may have failed to attach the assignment to  
10 the Complaint that we do refer to, and the Chemical  
11 case expressly states that it is not necessary.  
12 That is backed up by the WM Specialty case I cited  
13 a few moments ago, as well as the Supreme Court  
14 case that I referred to as well, Johns v. Gillian.

15 I just want to refer quickly to defendant's  
16 references to -- anything at all having to do with  
17 trustee, trust -- any reference to that whatsoever  
18 is absolutely not necessary to be proven or  
19 discussed at this point of the proceedings. It is  
20 completely improper and should be completely  
21 disregarded.

22 Not only is it not a timely argument at this  
23 point, but there is no privity between defendant  
24 and any trust agreements, trustees, depositors,  
25 certificate holders. There is absolutely no rights

1           that can be asserted at this level.

2           This is a mortgage foreclosure action. If the  
3           FCC doesn't like the way the trust is being  
4           regulated, it is for them to look at it. It is not  
5           for the defendant to allege.

6           So, anything having do with the trust, the  
7           trustee -- anything whatsoever should be  
8           disregarded completely.

9           As far as -- I believe there was reference to  
10          Section 660.27 of the Florida Statutes having to do  
11          with plaintiff being a trust and not filing  
12          something or registering properly, that is  
13          preempted by the National Bank Act, which  
14          specifically authorizes banks to engage in mortgage  
15          lending. And that is at 12 USC 371.

16          "State law may not burden a national bank's  
17          own exercise of its real estate lending power."  
18          That's the Watters case at 127 S. Ct. 1559. It's  
19          also backed up by DeWitt v. Taylor, which is a  
20          Florida Supreme Court case which expressly stated:

21          "We do not think that the maintaining of a  
22          suit to foreclose a mortgage under the conditions  
23          existing in this case constitute the exercise of  
24          any of the trust functions prescribed by the laws  
25          of the State of Florida."

1           And the trust company in this case is not  
2 attempting to perform trust company in Florida  
3 (sic). It its simply attempting, through the  
4 practice of law, to enforce the payment of an  
5 obligation which it holds as trustee.

6           And so, any reference to any alleged  
7 obligation under 660 should also be completely  
8 disregarded by this Court.

9           I don't want to be repetitive. I just want to  
10 maintain that, at this point, we should absolutely  
11 be allowed to go forward. We have alleged the  
12 very, very minor aspect of capacity which is  
13 mentioned in Rule 1.120. And anything else is way  
14 beyond the purview of the proceeding at this point  
15 and we would respectfully request that defendant's  
16 motion be denied in its entirety and that he be  
17 ordered to answer the Complaint within the next ten  
18 days, or whatever this Court deems proper.

19           THE COURT: All right. Thank you both. This  
20 is a very, very simple pleading matter that can be  
21 easily corrected, but which must be correct because  
22 I am convinced that 1.120(a) the pleading of  
23 capacity and the identification in the body of the  
24 Complaint itself is a jurisdictional requisite to  
25 this matter going forward.

1           The assignment issue about whether it was  
2 attached or not attached is not the basis for my  
3 decision. None of the other matters argued are a  
4 basis for my decision. I am simply granting the  
5 motion with leave to amend to more fully and  
6 appropriately comply with 1.120(a) with an  
7 explanation in the body of the Complaint that there  
8 be a basis. Because capacity is required to show  
9 the jurisdiction of the Court, and that needs to be  
10 specifically pled in my judgment.

11           So, that is the ruling of the Court. Any  
12 questions for clarification? Mr. Steiner?

13           MR. STEINER: No, Your Honor.

14           THE COURT: Ms. Datz, how about you?

15           MS. DATZ: And how long do we have to do this,  
16 please?

17           THE COURT: Would twenty days be sufficient?

18           MS. DATZ: Yes, it would. Thank you.

19           THE COURT: Okay. So let it be written, so  
20 let it be done.

21           MS. DATZ: Okay.

22           THE COURT: And who wants to do the order?

23           MR. STEINER: Mr. Shae has volunteered, Your  
24 Honor.

25           THE COURT: All right. Mr. Shae, the order is

1 due in five days.

2 MR. SHAE: Yes, Sir. I will circulate it  
3 before.

4 THE COURT: All right. Do you have contact  
5 information for Ms. Datz?

6 MR. SHAE: Yes, sir.

7 THE COURT: Her e-mail address or whatever?

8 MS. DATZ: I can give it to you.

9 MR. SHAE: Go ahead.

10 THE COURT: Tell me your e-mail address,  
11 please.

12 MS. DATZ: Okay. It is MDATZ@LGLAW.NET.

13 THE COURT: LGLAW?

14 MS. DATZ: That is correct.

15 THE COURT: .NET.

16 MS. DATZ: Yes.

17 THE COURT: Not COM but NET.

18 MS. DATZ: That is correct.

19 THE COURT: All right. I see notes being  
20 taken so I assume that you got it down, Mr. Shae.

21 MR. SHAE: Yes.

22 THE COURT: All right. Very good. We'll  
23 conclude the hearing. Thank you everybody.

24 (Proceedings concluded.)

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CERTIFICATE OF COURT REPORTER

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STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, SONJA BONANNO, COURT REPORTER for the  
Circuit Court of the Thirteenth Judicial Circuit of the  
State of Florida,

DO HEREBY CERTIFY that I was authorized to,  
and did report the proceedings and evidence in this  
hereinbefore-styled cause, as stated in the caption  
attached, and that the preceding transcript attached  
hereto is a true, accurate and correct computerized  
transcription of my report of the proceedings had at  
said session.

I FURTHER CERTIFY that I am not employed by or  
related to the parties to this matter nor interested in  
the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my  
hand and seal in Tampa, Hillsborough County, Florida,  
this 18th day of November, 2010.

\_\_\_\_\_  
SONJA BONANNO, Court Reporter