

**IN THE DISTRICT COURT OF APPEAL,  
FIRST DISTRICT, STATE OF FLORIDA**

JEFF ATWATER, in his  
capacity, etc.

Petitioner,

v.

PETER R. BROWN  
CONSTRUCTION, INC.  
Respondent.

Case No. 1D12-5264

\_\_\_\_\_ /

**JOINT MOTION TO ABATE PROCEEDINGS**

The Parties to the above proceedings jointly move the court for an abatement of such proceedings, and in support thereof state as follows:

1. The parties have entered into a Mediated Settlement Agreement that requires action by the Legislative Budget Commission at its January 14, 2013, meeting. A copy of the Agreement is attached as Exhibit A.
2. If the Legislative Budget Commission takes the action requested at its January meeting, the disputes between the Parties will be resolved, and the Parties will stipulate to dismissal of the underlying actions, as well as the above-referenced proceedings.
3. Accordingly, abatement of these proceedings will prevent likely unnecessary use of resources of this Court and the Parties.

4. If the Legislative Budget Commission fails to take the requested action at its January meeting, the Parties will jointly move to lift the abatement of the above-referenced cases.

5. This motion does not apply to *Department of Financial Services v. Peter R. Brown Construction, Inc.*, Case No. 1D12-3426.

6. Counsel for the Department of Financial Services has been authorized to file this motion on behalf of all parties.

WHEREFORE, the Parties request the entry of an order abating the above-referenced cases pending action by the Legislative Budget Commission, and requests such other relief as is just and proper.

Respectfully submitted,

/s/ Clifford A. Taylor  
Clifford A. Taylor, Esq.  
[clifford.taylor@dms.myflorida.com](mailto:clifford.taylor@dms.myflorida.com)  
Matthew Minno, Esq.  
[Matthew.minno@dms.myflorida.com](mailto:Matthew.minno@dms.myflorida.com)  
Office of General Counsel  
Department of Management Services  
5060 Esplanade Way, Suite 160D  
Tallahassee, FL 32399-0950

**Counsel for the State of Florida,  
Department of Management Services**

/s/ Robert H. Buesing  
Robert H. Buesing, Esq.  
[rbuesing@trenam.com](mailto:rbuesing@trenam.com)  
Gregg E. Hutt, Esq.  
[ghutt@trenam.com](mailto:ghutt@trenam.com)  
Trenam, Kemker  
101 East Kennedy Blvd., Suite 2700,  
Tampa, FL 33602

**Counsel for Peter R. Brown  
Construction, Inc.**



Michael Davidson, Esq.  
[michael.davidson@myfloridacfo.com](mailto:michael.davidson@myfloridacfo.com)

Jacek Stramski, Esq.,  
[jacek.stramski@myfloridacfo.com](mailto:jacek.stramski@myfloridacfo.com))

Merribeth Bohanan, Esq.  
[merribeth.bohanan@myfloridacfo.com](mailto:merribeth.bohanan@myfloridacfo.com)

Bruce Alexander Minnick, Esq.  
[Bruce.Minnick@myfloridacfo.com](mailto:Bruce.Minnick@myfloridacfo.com)

Department of Financial Services  
200 East Gaines Street  
Tallahassee, FL 32399

**Counsel for the State of Florida,  
Department of Financial Services**

/s/ James A. McKee

Thomas J. Maida  
[tmaida@foley.com](mailto:tmaida@foley.com)

Melissa B. Coffey  
[mcoffey@foley.com](mailto:mcoffey@foley.com)

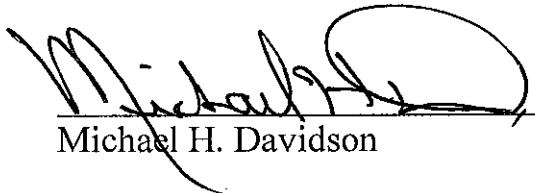
James A. McKee  
[jmckee@foley.com](mailto:jmckee@foley.com)

Foley & Lardner LLP  
106 East College Avenue, Suite 900  
Tallahassee, FL 32301  
Telephone: 850.222.6100  
Facsimile: 850.561.6475

**Counsel for Plaintiff Signature  
Gallery Art Gallery, Inc**

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing abatement motion was forwarded by electronic transmission and regular U.S. mail to Thomas J. Maida, Melissa B. Coffey, and James McKee at Foley & Lardner 106 E. College Avenue Suite 900 Tallahassee, Fl. 32301-7732, to Clifford Taylor, counsel for the Department of Management Services 4050 Esplanade Way Suite 160, Tallahassee, Fl. 32399 and to Robert H. Buesing and Gregg Hutt at Trepan, Kemker, et al, 101 E. Kennedy Blvd. Suite 2700 Tampa, Fl. 33601-1102 this 6th day of December, 2012.



Michael H. Davidson