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DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA
TALLAHASSEE
32399-0950

October 9, 2012

The Honorable Ricky Polston
Chief Justice of the Florida Supreme Court
500 South Duval Street
Tallahassee, Florida
32399-1925

Dear Chief Justice Polston:

Re: Peter R. Brown Construction, Inc. v. Chief Financial Officer, State of Florida & Department of Financial Services, Case No. 1D12-4495, Florida Department of Management Services v. Department of Financial Services & State of Florida Chief Financial Officer, Case No. 1D12-4594, Florida Department of Management Services v. Department of Financial Services & State of Florida Chief Financial Officer, Case No. 1D12-4596

Along with State, Department of Financial Services v. Peter R. Brown Construction, Inc., Case No. 1D12-3426, about which I wrote you on September 4, 2012, see Assignment Order No. 2013-23 (Sept. 6, 2012), the above-referenced appeals are now pending in the District Court of Appeal, First District. The docketing statements in Cases Nos. 1D12-4495, 1D12-4594 and 1D12-4596 all make reference to State, Dep't of Fin. Servs. v. Peter R. Brown Construction, Inc., Case No. 1D12-3426 as "involv[ing] the same or similar issues." They also identify as "related" or as "involv[ing] the same controversy or parties, or substantially similar issues" the pending circuit court case styled Signature Art Gallery, Inc. v. Dep't of Financial Services, et al., Case No. 2011CA-001706 (Fla. 2nd Cir. Ct Leon Co.).

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You will recall that counsel for the Department of Financial Services advised in State, Dep't of Fin. Servs. v. Peter R. Brown Construction, Inc., Case No. 1D12-3426 that No. 1D12-3426 resulted "directly from the litigation in Signature Art Gallery, Inc. v. Dep't of Financial Services, et al., Case No. 2011CA-001706 (Fla. 2nd Cir. Ct Leon Co.) . . . [involving] framed photographic reproductions to be hung in the First District Court pursuant to a subcontract entered into with the contractor during construction of the new courthouse."

In the circumstances, please cause Peter R. Brown Construction, Inc. v. Chief Financial Officer, State of Florida & Department of Financial Services, Case No. 1D12-4495, Florida Department of Management Services v. Department of Financial Services & State of Florida Chief Financial Officer, Case No. 1D12-4594, Florida Department of Management Services v. Department of Financial Services & State of Florida Chief Financial Officer, Case No. 1D12-4596, to be assigned to a panel of judges who do not have chambers in the First District Courthouse.

With kindest personal regards, I remain

Sincerely yours,



Robert T. Benton, II

RTB/hjh

cc: Robert H. Buesing, Esq.

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