

FACEBOOK POST BY BILL NEAL on 10/1/25

A NICE SUMMARY OF RECENT LITIGATION ACTIVITIES: Dot Theriault, who is one of Country Club's delegates to our joint litigation committee, has written a rather nice summary of recent events in our lawsuit. It is important that we all are kept current and knowledgeable about what's been happening. With her kind permission, her summary is reprinted here.

LEGAL UPDATE September 24, 2025

After many meetings reporting that nothing happened regarding the lawsuit and that the wheels of justice turn slowly, tonight we have a substantive update. This lawsuit is still far from over and we are putting some legal hurdles behind us, we are also finding new ones before us.

1. **June 2**, there was a hearing via ZOOM on Defendants (park owners) Motion for Class Determination. As you may recall this was to determine if the 2 HOAs, us and Golf Village, had to certify the class, which is a lengthy, costly process, aimed at wearing us out and shutting us down. Legal Committee Members were able to watch. Bobo, Wynne's attorney, was long winded, pontificating, fabricating and twisting facts like a real pro. Jacob was disappointed the Judge allowed him to monopolize the time. But fortunately, that strategy didn't help Bobo.

2. **June 25**, Judge Levin DENIED that motion. This ruling was a huge victory for us, and we hoped it might encourage the park owners to consider discussions to find some common ground to end this suit. Their case is not strong based on facts and legal arguments. We have the edge here. Their strengths lie in their ability to outspend us and out last us, as residents grow weary and frustrated with retaliatory conduct.

3. **August 21**, there was a hearing on our Motion for Partial Summary Judgment in which we, via our attorney, Jacob Enser, petitioned the court to reaffirm the ruling made 2 years ago by now retired Judge Belanger that determined revolving increase percentages was illegal and that our park owners, Wynne Corporation, must use one measuring CPI for 12 consecutive months, which is the heart of our case.

At the hearing Bobo talked and talked and talked. He talked so much that the Judge requested he wrap it up, get to the point and allow our attorney a chance to speak several times, which Bobo ignored. When Jacob finally got a chance to speak, he made concise, pertinent statements that were more impactful than all of Bobo's bologna.

The judge let both attorneys know that he had no intention of overturning what the prior judge had ruled but of course Bobo asked him to overturn the ruling anyway. Judge Levin said it was not his place to act as an appeal court by coming to a different decision. No ruling yet on this Motion. There is no telling how the judge will rule but based on his comments it sounds like he will grant us our Partial Summary Judgment. If he does our next steps will include hiring a forensic accountant to review all illegal rent increases and determine how much each homeowner has been over charged. This will be no small task, but necessary.

4. **August 25**, the Park Owners filed a brief with the Florida 4th District Court of Appeals to appeal Judge Levin's ruling on Class determination. True to form Bobo's brief was 380 pages long, filled with things that can't be considered in an appeal case as well as stuff that doesn't pertain. He is just slinging mud around trying to confuse and trick the appellate judges. His brief heavily focuses on his opinion that the 2 HOAs should not be joined as co-plaintiffs and that all residents don't have enough in common to be a true "class". In contrast, Jacob, in his brief filed yesterday, uses less than 30 pages to demonstrate all the flaws in Bobo's brief while using case law and proven legal procedures to support Judge Levin's ruling. The fact that the 2 parks are

joined has already been adjudicated and it was ruled that if we dropped the maintenance issues we could be joined. Jacob's 30 pages also include a request for the park owner to reimburse us legal fees we incur regarding Class Determination. Some hopeful news is that in appeals cases such as this one where the appeals is based on the merits of the case rather than a technical issue, the appeals court overturns the trial court's ruling only 19% of the time. That means we have an 81% chance of winning this appeal.

5. **October 23**, at 10:30 AM a Special hearing is scheduled to decide our Motion to Compel the Park Owner to Respond to Discovery. You might recall that last fall I reported Jacob had submitted interrogatories and other discovery requests as is common in litigation, but that Wynne declined to answer. In December Bobo filed his Motion for Class Determination and used that as an excuse to not respond to our discovery requests. Once Judge Levin ruled on Class determination, we once again sought responses to Discovery. And although the Class Determination is now with the appellate court, regular trial proceedings can continue thus we are seeking Discovery responses.

This hearing is scheduled for only 15 minutes and will probably be via ZOOM.

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