

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CLASS REPRESENTATION

IN RE: CITRUS CANCKER LITIGATION

CASE NO: 00-18394
CIVIL DIVISION 08
JUDGE: RONALD J. ROTHSCHILD

**ORDER ON THE DEPARTMENT'S MOTION TO DISMISS THE THIRD AMENDED
CLASS ACTION COMPLAINT AND THE DEPARTMENT'S MOTION TO RECONSIDER
AND VACATE ORDER GRANTING PARTIAL SUMMARY JUDGMENT FOR SETOFF
BASED ON SHADE FLORIDA CARDS IN LIGHT OF *PATCHEN V. DEPT. OF
AGRICULTURE***

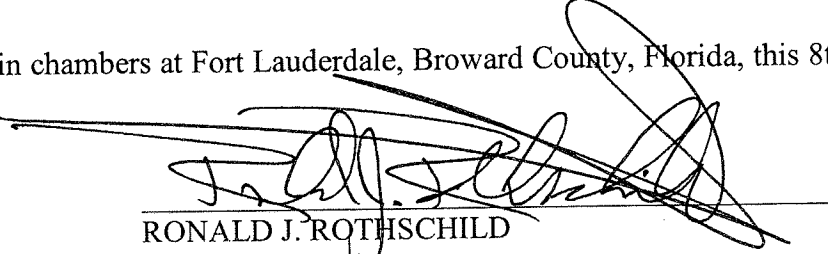
THIS CAUSE having come on to be heard on The Department's Motion to Dismiss the Third Amended Class Action Complaint and the Department's Motion to Reconsider and Vacate Order Granting Partial Summary Judgment for Setoff Based on Shade Florida Cards in Light of *Patchen v. Dept. of Agriculture*, and the Court having, heard arguments of counsel and being otherwise advised in the premises, it is hereupon,

ORDERED and ADJUDGED that:

1. The Department's Motion to Dismiss the Third Amended Class Action Complaint is DENIED.
2. The Court relies on the authority of *Patchen v. Florida Department of Agriculture and Consumer Services*, 906 So.2d 1005 (Fla. 2005). As provided by the *Patchen* case, the plaintiffs and the certified class are entitled to proceed before this Court for a determination of what is fair and just compensation.
3. The Department's Motion to Reconsider and Vacate Order Granting Partial Summary Judgment for Setoff Based on Shade Florida Cards in Light of *Patchen v. Dept. of Agriculture* is DENIED.
4. The Court stands on the ruling of November 3, 2004. The Department correctly points out that the November 3, 2004 Order Granting *Cox Class'* Motion for Partial Summary Judgment is pre *Patchen*. However, *Patchen* does not alter the law with regard to setoff and the effect of the Shade Florida cards.

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DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida, this 8th day of March, 2006.



RONALD J. ROTHSCHILD
Circuit Court Judge

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