

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

CLASS REPRESENTATION

IN RE: CITRUS CANCKER LITIGATION

CASE NO. 00-18394 (08) CACE

This Document Relates to:
Cox Action

**ORDER ON PLAINTIFFS' AMENDED MOTION FOR PARTIAL
SUMMARY JUDGMENT OF LIABILITY AS TO COUNTS I AND III
OF THIRD AMENDED CLASS ACTION COMPLAINT**

THIS CAUSE came before this Court on September 12, 2006 upon the Amended Motion for Partial Summary Judgment of Liability as to Counts I and III of Third Amended Class Action Complaint ("Motion"). Having reviewed the Motion and the opposing memorandum served by the Florida Department of Agriculture and Consumer Services and its Commissioner (collectively, the "Department"), heard argument of counsel and being otherwise fully advised in the premises, this Court ORDERS and ADJUDGES the Motion is GRANTED IN PART and DENIED IN PART as follows:

1. The Motion is GRANTED as to liability pursuant to Count III, the statutory claim brought under § 581.1845, Florida Statutes. Plaintiffs and the certified class' claims under Count III shall proceed solely on the issue of damages.

2. The Motion is DENIED as to liability with respect to Count I, the common law claim for inverse condemnation, based on the Department's affirmative defenses of public

