

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CLASS REPRESENTATION

IN RE: CITRUS CANKER LITIGATION

CASE NO. 03-8255 CA 13

**ORDER DENYING DEFENDANTS' MOTION
TO DISMISS SECOND AMENDED CLASS ACTION COMPLAINT**

THIS CAUSE came before the Court on December 6, 2005, on Defendant's Motion to Dismiss Second Amended Class Action Complaint. Having reviewed the motion and opposing memorandum, having heard argument of counsel, and being otherwise fully advised in the premises, this Court hereby ORDERS AND ADJUDGES as follows:

1. Defendants' Motion to Dismiss Second Amended Class Action Complaint is denied.
2. This Court specifically is charged with the responsibility of providing access to the courts to the plaintiffs and the certified class on their claims as remanded, as stated in *Patchen v. Florida Department of Agriculture and Consumer Services*, 906 So. 2d 1005 (Fla. 2005), for a determination as to what is fair and just compensation. Therefore, as stated in *Patchen*, the plaintiffs and the certified class shall proceed in this Court for a determination of what is fair and just compensation.

3. Defendant shall file an answer to Plaintiffs' Second Amended Class Action Complaint within ten (10) days of this order.

DONE AND ORDERED in Chambers at Miami, Dade-County, Florida, this _____ day of December, 2005.

Conformed Copy

Jerald Bagley
Circuit Court Judge
DEC 18 2005
Jerald Bagley
Circuit Court Judge

Copies provided to:

- Robert C. Gilbert, Esq.
- Joseph H. Serota, Esq.
- William S. Williams, Esq.
- Ellis Rubin, Esq.
- Michael J. Pucillo, Esq.
- Wesley R. Parsons, Esq.
- Jerold I. Budney, Esq.

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