

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT

2ND DCA #: 2D15-3412
LT #: 15-31538DR N

RANDY A. SCOTT

Appellant

v.

FREDERIC A. BLUM

Appellee

APPELLEE'S REPLY TO APPELLANT'S EMERGENCY
MOTION TO STAY OR WRIT OF PROHIBITION

COMES NOW the Appellee, FREDERIC A. BLUM, by and through undersigned counsel, and files this, his response in opposition to Appellant RANDY SCOTT'S "Emergency Motion to Stay or Writ of Prohibition" in this cause and says as follows in support:

1. As a brief factual history, an evidentiary hearing for an injunction against stalking was held in Lee County Circuit Court on July 27, 2015 and was subsequently granted by the Circuit Court Judge.

2. Mr. Scott filed a "Notice of Emergency Motion to Stay and Emergency Motion to Stay" on August 14, 2015 that was subsequently denied by the trial court.

3. Eventually, Mr. Scott filed the present appeal. All briefs have been filed with this Honorable Court for the appeal.

4. In response to Mr. Scott's continued violation of the July 27, 2015 Court Order, counsel for Mr. Blum – not undersigned counsel – had filed a Petition for

Rule to Show Cause with the Circuit Court in Lee County. The trial court has denied that Petition, obviating any need for a stay or Writ of Prohibition. See attached Exhibit, November 9, 2015 Court Order.

WHEREFORE, Respondent, Frederic Blum, respectfully asks this Honorable Court to deny Mr. Scott's Emergency Motion for Stay or Writ of Prohibition and further says not.

Respectfully submitted,

BOGENSCHUTZ, DUTKO & KROLL, P.A.
Attorneys for the Appellee
600 South Andrews Avenue, Suite 500
Fort Lauderdale, Florida 33301-2845
954-764-2500 // Fax: 954-764-5040
jeremykroll@bdkpa.com

/s/ Jeremy J. Kroll

BY:

JEREMY J. KROLL
Florida Bar No. 96466

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was filed with the Clerk of the 2nd District Court of Appeal via the Florida Courts E-Filing Portal, with a copy furnished to the Appellant, Randy Allen Scott via email to randy@randyscott.us on this 12th day of November, 2015.

/s/ Jeremy J. Kroll

BY:

JEREMY J. KROLL

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION

Case No. 15-031538DR N

Frederic A. Blum
70 Kent Road
Huntingdon Valley, PA 19006
Petitioner

vs.

Randy Allen Scott
343 Hazelwood Avenue S.
Lehigh Acres, FL 33936
Respondent

FILED

NOV 9 - 2015

Linda Doggett, Clerk Circuit
Court Lee County, Florida

ORDER DENYING ISSUANCE OF AN ORDER TO SHOW CAUSE

This matter came before the court following the filing of a Petition By Affidavit For Order To Show Cause For a Violation Of Final Judgment Of Injunction for Protection. The affidavit states,

Respondent has willfully violated the injunction by resurrecting many of these sites that were removed following the issuance of the injunction.

It is ordered:

The affidavit fails to state a legally sufficient factual basis for the issuance of an Order to Show Cause. Therefore, no Order to Show Cause will issue.

Ordered at Fort Myers, Lee County, Florida this 6th day of November, 2015.

*The court declines to Tax
begin a 3.840 proceeding.*

Circuit Judge RTC

CERTIFICATE OF SERVICE

2015 I CERTIFY a true and correct copy of this Order was furnished by regular U.S. mail this 10 day of Nov

to:

- Petitioner at the last known address
- Respondent at the last known address
- Counsel for Petitioner; if any reflected in the court file Andrew Banyai #151
- Counsel for Respondent, if any reflected in the court file
- State Attorney's Office
- Other:

LINDA DOGGETT, CLERK OF THE CIRCUIT COURT

By: M Conrad

Deputy Clerk