

>> ALL RISE.

HEAR YE, HEAR YE, HEAR YE, THE SUPREME COURT OF FLORIDA IS NOW IN SESSION, ALL WHO HAVE CAUSE TO PLEAD, DRAW NEAR, GIVE ATTENTION AND YOU SHALL BE HEARD.

GOD SAVE THE UNITED STATES, THE GREAT STATE OF FLORIDA AND THIS HONORABLE COURT.

>> LADIES AND GENTLEMEN, THE SUPREME COURT OF FLORIDA, PLEASE BE SEATED.

>> WELCOME TO THE FLORIDA SUPREME COURT.

JUSTICE AGO A IS NOT ABLE TO BE HERE TODAY BUT SHE WILL PARTICIPATE IN THE DECISION OF TODAY'S CASES.

THE FIRST CASE ON THE DOCKET, FLORIDA HIGHWAY PATROL VERSUS JACKSON.

COUNSEL?

>> THANK YOU, MISTER CHIEF JUSTICE.

MAY IT PLEASE THE COURT.

RULE 9.1383C 11, THE AUTHORITATIVE INTERPRETATION OF BEACH COMMUNITY BANK AND SOUND POLICY, AND ORDER DENYING SOVEREIGN IMMUNITY IS IMMEDIATELY APPEALABLE EVEN ABSENT THE EXPRESS STATEMENT IN THE WORKERS COMPENSATION MEETING AND CONTEXT.

TO BEGIN WITH THE TEXT, THE RULE DOES NOT CONTAIN AN EXPRESS STATEMENT AND THIS COURT INTERPRETED THE RULE THE SAME DAY IT WAS PROMULGATED IN BEACH COMMUNITY BANK WHERE THE COURT LOOKED NOT TO THE TRIAL COURT'S ORDER BUT EXPRESSLY POINTED TO THE FIRST DISTRICT'S CONCLUSIONS THAT THE ISSUE RESTED ON A PURE QUESTION OF LAW.

>> WHAT SHOULD WE MAKE OF THE FACT THE COURT AND BEACH

COMMUNITY BANK DIDN'T CITE THE TEXT OF THE RULE?

>> THE COURT WAS AWARE OF THE TEXT OF THE RULE GIVEN IT WAS PROMULGATED THE SAME DAY BEACH COMMUNITY BANK WAS ISSUED SO I THINK THE COURT CONCLUDED RIGHTLY THAT THE ISSUE FELL WITHIN THE NEW RULES, THE NEW RULES AND THE COURT IN BEACH COMMUNITY BANK EXPRESSLY REACHED THE JURISDICTIONAL QUESTION BECAUSE THE COURT CALLED FOR THE PARTIES, WHETHER IT SHOULD -- AFTER RODRIGUEZ AND ONLY PARTIALLY QUASHED THE FIRST DISTRICT'S DECISION BECAUSE IT CONCLUDED FELL WITHIN THE BOUNDS OF THE NEW RULE.

>> THE COURT DID THAT ON ITS OWN AND THERE WAS NO OPPORTUNITY FOR PARTIES TO DISCUSS THE TAX RULE AND CASES INTERPRETING THE LANGUAGE AND ALL THAT.

FOR BETTER OR WORSE THE COURT SAID WE ADOPTED THIS RULE TODAY AND THERE WAS NO OPPORTUNITY TO COMMIT THE ISSUES PRESENTED IN THIS CASE.

>> THAT IS FAIR TO SAY BUT THE COURT POINTED TO THE FIRST DISTRICT'S CONCLUSION THAT IT WAS A PURE QUESTION OF LAW. THERE ARE GOOD REASONS INCLUDING THAT A DENIAL OF SOVEREIGN IMMUNITY IS DIFFERENT IN CHARACTER THAN A DENIAL OF WORKER'S COMPENSATION SO IN THE WORKER'S COMPENSATION CONTEXT A DENIAL CAN BE OF TWO CHARACTERS, THAT THERE IS A DISPUTE OF FACT IN WHICH CASE THE MOVEMENT IS PRESENTED TO THE JURY AND IS NOT PREJUDICED OR THE TRIAL COURT CAN DETERMINE THE PARTY IS NOT ALLOWED TO PRESENT THAT DEFENSE TO THE JURY WHEREAS DENIAL OF

SOVEREIGN IMMUNITY IS A DIFFERENT CHARACTER, WHICHEVER CHARACTER IT IS IT DENIES THE PARTY ENTITLED TO SOVEREIGN IMMUNITY OF THE CUTICLE BENEFIT OF NOT HAVING TO GO TO TRIAL IN THE FIRST PLACE SO COURT AND BEACH COMMUNITY BANK DECIDED WHETHER THERE WAS AN EXPRESS STATEMENT BY THE TRIAL COURT THE DENIAL OF SOVEREIGN IMMUNITY IS LIKE THAT.

>> THE COURT DIDN'T ADDRESS THE STATEMENT ISSUE.

>> CORRECT BUT IT DID ADDRESS THE JURISDICTIONAL QUESTION. AND THERE ARE STRONG REASONS FOR TREATING SOVEREIGN IMMUNITY DIFFERENTLY FROM WORKERS COMPENSATION IMMUNITY. TO BEGIN WITH IT IS IMMUNITY FROM THE SUED TO DEFENSE RELIABILITY AND THIS COURT HAS EXPLAINED SOVEREIGN IMMUNITY DISSEMINATION SHOULD BE DECIDED AS EARLY IN THE LITIGATION AS POSSIBLE.

>> ASSUME I AGREE WITH YOU ABOUT THE ARGUMENTS YOU'RE MAKING WHY THE RULES SHOULD BE DIFFERENT THAN WORKER'S COMP.. ISN'T THAT AN ARGUMENT FOR CHANGING THE RULE RATHER THAN READING IT DIFFERENTLY THAN THE SAME LANGUAGE IN THE WORKER'S COMPENSATION RULE?

>> POTENTIALLY. THAT IS SOMETHING THE COURT COULD CALL FOR BUT IT HAS ARTIE BEEN INTERPRETED IN BEACH COMMUNITY BANK.

IT WOULD BE CONSISTENT WITH BEACH COMMUNITY BANK TO APPLY THE DIFFERENTIAL. A DETERMINATION IN THIS CONTEXT IS DIFFERENT THAN A DETERMINATION WORKERS COMPENSATION IMMUNITY CONTEXT. WHEN YOU HAVE JUDICIAL INTERPRETATION OF THE RULE,

THAT OVERRIDES THE USUAL PRESUMPTION THE RULE SHOULD BE READ.

IN THE SOVEREIGN IMMUNITY CONTEXT, NOT ALLOWING INTERLOCUTORY ORDERS TO BE APPEALED DEPRIVES WASTE OF PARTY RESOURCES, REQUIRES SOVEREIGN IMMUNITY DEFENDANTS TO GO TO TRIAL AND THAT WASTE EVERYBODY'S TIME AND EXEMPT IT IS DECISION-MAKERS TO THE DISTRACTIONS OF TRIAL OR DISCOVERY.

FOR ALL THOSE REASONS, THESE DECISIONS SHOULD BE IMMEDIATELY APPEALABLE AND RESOLVED AS EARLY AS POSSIBLE.

>> IF WE WERE TO DO ANYTHING IN THIS CASE BASED ON THE RATIONALE OF SOVEREIGN IMMUNITY RATHER THAN LIABILITY WOULD BE RECEIVING FROM THE ROYAL CASE TO SAY THAT?

>> I DON'T THINK SO. AND MORE RECENT CASES THE COURT HAS EXPLAINED SOVEREIGN IMMUNITY IS AN IMMUNITY IN-LAWS VERSUS DEAN, THE COURT EXPLAINED IMMUNITY IS BASED, DERIVES FROM SEPARATION OF POWERS AND STRUCTURAL IN NATURE AND THAT GOES BACK TO COMMERCIAL CARRIER WHERE THE COURT DISTINGUISHED BETWEEN ABSENCE OF DUTY AND THE IMMUNITY FROM SUIT FROM SOVEREIGN IMMUNITY.

>> HOW DO YOU SQUARE THAT WITH CASES WHERE WE SIT IN THE POSITION FOR CONTEXT THERE WASN'T IRREPARABLE HARM?

>> IT IS A DIFFERENT MISSION. THE COURT HAS CONCLUDED IT IS NOT IRREPARABLE HARM FOR AN ENTITY TO BE SUBJECT TO CONTINUING SUIT EVEN THOUGH IT IS ENTITLED TO SOVEREIGN IMMUNITY THE QUESTION IN THIS CONTEXT IS DIFFERENT, NOT

WHETHER IT IS IMMUNE FROM HARM  
OR THE STRONG POLICY  
CONSIDERATIONS WITH THOSE  
CONSIDERATIONS IN MIND THE  
COURT SHOULD ALLOW THOSE ORDERS

--

>> THE CONCLUSION THERE WASN'T  
IRREPARABLE HARM DEPEND ON THE  
IMMUNITY AS AN IMMUNITY AGENT  
FOR LIABILITY?

OTHERWISE IT WOULD BE  
IRREPARABLE HARM.

>> POTENTIALLY.

IF YOUR HONOR WANTED TO  
RECONSIDER THAT, THOSE  
DECISIONS THERE WOULDN'T BE  
IRREPARABLE HARM BUT I DON'T  
THINK THE COURT WOULD CONCLUDE  
NECESSARILY IT WOULD BE  
IRREPARABLE HARM OR IMMUNITY  
FROM SUIT BECAUSE EVEN IF IT  
WERE IMMUNITY FROM LIABILITY  
ONLY THE SAME CONSIDERATIONS  
APPLY AND THERE ARE GOOD  
REASONS FOR THESE ORDERS TO BE  
APPEALABLE INCLUDING THE  
INEQUITY OF TWO TRIAL COURT'S  
CONFRONTED WITH THE SAME MOTION  
BASED ON SOVEREIGN IMMUNITY AND  
ONE OF THEM SIMPLY EXERCISING  
ITS DESTRUCTION NOT TO DO SO  
AND ONE OF THOSE DEFENDANTS  
COULD APPEAL AND THE OTHER  
WOULD NOT.

THAT IS THE TYPE OF INEQUITY  
THAT IS OCCURRING AND THAT  
ALLOWS TRIAL COURTS RATHER THAN  
APPELLATE COURTS TO DETERMINE  
APPELLATE JURISDICTION AND  
ALLOWS TRIAL COURTS TO INSULATE  
THEIR RULINGS FROM APPELLATE  
VIEW OFTEN BY REFUSING TO  
INCLUDE THE EXPRESS STATEMENT  
IN THEIR ORDERS DENYING  
SOVEREIGN IMMUNITY.

I THINK IT WOULD ELEVATE FORM  
OVER SUBSTANCE TO REQUIRE THE  
EXPRESS STATEMENT IN THIS  
CONTEXT AND I WOULD LIKE TO  
ADDRESS WHETHER IT WOULD BE

DIFFERENT IF THIS WERE A MOTION TO DISMISS RATHER THAN A MOTION FOR SUMMARY JUDGMENT.

THE TEXT OF THE RULE DOES NOT DISTINGUISH BETWEEN MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT DENIAL AND THIS COURT HAS NEVER TREATED THE CONTEXT OF RULE 5.130 THE DENIAL AS DIFFERENT CHARACTER, MOTION TO DISMISS OR MOTION FOR SUMMARY JUDGMENT AND THAT IS WITH GOOD REASON BECAUSE EITHER WAY THE QUESTION PRESENTS A PURE QUESTION OF LAW, IN THE MOTION TO DISMISS CONTEXT IT IS WHETHER THE PLAINTIFF HAS ALLEGED FACTS TAKE IT IS TRUE, THE DEFENDANT IS ENTITLED TO SOVEREIGN IMMUNITY AND IN MOTION FOR SUMMARY JUDGMENT CONTEXT THE SAME QUESTION OF LAW APPLIED TO A DIFFERENT SET OF FACTS AND THAT IS THE UNDISPUTED FACT.

>> YOU REVIEW WITHOUT YOUR BRIEF, YOU CHARACTERIZE THE ISSUE OF UNDISPUTED FACTS AND THEREFORE WE CAN MAKE INFERENCE ON WHAT THE COURT DECIDED BUT IN THIS CASE, RIGHT OR WRONG THE COURT EXPRESSLY SAID SUMMARY JUDGMENT IS BEING DENIED BECAUSE OF THE EXISTENCE OF DISPUTED FACTS AND INCLUDING A COUPLE OF EXAMPLES THAT ON THEIR FACE MIGHT BE RELATED MORE TO THE DUTY QUESTION BUT AT THE END OF THE DAY THE ORDER EXPLICITLY SAID DISPUTED FACTS EXIST.

THIS ISN'T A SITUATION OF PURELY ON ELABORATED DENIAL AND YOU WORK AND SEE THE ARGUMENTS AND WHAT YOU THINK OF THAT. IN THIS CASE YOU ARE ASKING US, THE ORDER SPECIFICALLY SAID THERE ARE DISPUTED FACTS AND WE SHOULD CONSTRUE THAT AS AN ORDER DETERMINING THE BASIS OF

UNDISPUTED FACTS FOR SOVEREIGN IMMUNITY.

HOW ARE WE SUPPOSED TO SQUARE THOSE THINGS?

>> A COUPLE RESPONSES.

FIRST THIS CASE WOULD BE DIFFERENT IF THE TRIAL COURT EXPRESSLY CONCLUDED THERE WERE DISPUTES OF FACT GERMANE TO SOVEREIGN IMMUNITY QUESTION AND THAT IS NOT WHAT THE COURT DID. THAT MIGHT PRESENT A MORE DIFFICULT CASE BUT THAT'S NOT WHAT WE HAVE HERE.

THE SECOND RESPONSE IS THE DISTRICT COURT CAN LOOK AT THE RECORD AND THE PARTY'S ARGUMENT AND DETERMINE WHETHER THE TRIAL COURT CORRECTLY CONCLUDED THAT ANY DISPUTED FACT WENT TO SOVEREIGN IMMUNITY.

THAT IS THE QUESTION OF LAW, TAKING THE UNDISPUTED FACTS AND LINING THEM UP WITH SOVEREIGN IMMUNITY.

EVEN THOUGH THE TRIAL COURT SAID THERE MIGHT BE SOME DISTRICT COURT TO LOOK AT THE RECORD TO SAY I NEED DISPUTES OF FACTS THAT ARE NOT GERMANE TO THE SOVEREIGN IMMUNITY QUESTION.

THAT IS FOR THE COURT TO DETERMINE.

OTHER TYPES OF IMMUNITY SUCH AS THAT INCLUDED IN 728.6 -- QUALIFIED IMMUNITY.

THOSE DENIALS OF IMMUNITY MIGHT BENEFIT FROM -- THIS SHOULD NOT EXTEND THE EXPRESSED STATEMENT REQUIREMENT IN THOSE CONTEXTS THOUGH THE COURT NEED NOT ADDRESS THAT QUESTION TO RESOLVE THIS CASE BUT JUST IN THIS CONTEXT THE COURT HAS NEVER EXTENDED THE EXPRESS STATEMENT REQUIREMENT TO THOSE CONTEXTS.

>> IN JUSTICE WALLACE'S OPINION, DID HE MAKE THE SAME

CRITIQUE OF THE EXPRESS  
STATEMENT IN THE CONTEXT OF  
WORKER'S COMP. IMMUNITY?

>> IT IS SLIGHTLY DIFFERENT.  
IT MAKES SENSE BECAUSE THE  
WORKERS COMPENSATION IMMUNITY  
IS NOT PREJUDICED IF IT HAS TO  
GO TO TRIAL BECAUSE OF DISPUTE  
OF FACTS.

AND THAT WOULD PRECLUDE THE  
PARTY FROM THE DEFENSE.

>> CRITICISMS ARE THE SAME WAY,  
THE COURT IS THE EXPRESSWAY  
INTO THE TEXT AND THAT  
CRITICISM IS APPLICABLE IN  
CONTEXTS.

>> THE COURT COULD PLAUSIBLY  
REACH THE CONCLUSION THE  
WORKER'S COMP. CASES, ON THE  
WALL.

THE OTHER APPELLATE RULES DO  
INCLUDE THE WORD EXPRESSLY IN  
938 TO REGARDING THIS  
JURISDICTION.

THE DISTRICT COURT EXPRESSLY  
CONSTRUED AND EXPRESSLY  
CERTIFIED THAT.

AND DIDN'T IN THIS CONTEXT.

>> I UNDERSTAND YOU HAD THE  
QUESTION CERTIFIED IN A  
PARTICULAR WAY.

IT MIXES THE QUESTION AND  
ESSENTIALLY SAYS IF YOU SHOULD  
HAVE WON YOU CAN APPEAL SO IT  
DOESN'T PEG IT TO THE NATURE OF  
THE QUESTION.

THE FIRST DCA.

AND IS THERE A BETTER WAY THAT  
FOCUSES ON WHAT IS PRESENTED TO  
THE COURT.

>> I THINK THE COURT CAN  
DISENTANGLE THE MERITS FROM  
JURISDICTION.

THE JURISDICTIONAL QUESTION IS  
THE DISTRICT COURT SHOULD  
DETERMINE FROM THE RECORDS  
WHERE THE SENATE GENUINE  
DISPUTE OF FACT GERMANE TO  
SOVEREIGN IMMUNITY.

THE DISTRICT COURT HAS

JURISDICTION, DOESN'T MEAN THE DEFENDANT IS ENTITLED TO SOVEREIGN IMMUNITY.

THAT IS THE LEGAL QUESTION THE COURT WOULD BE ADDRESSING ONCE A DETERMINED IT HAD JURISDICTION.

FOR THOSE REASONS THE COURT SHOULD DEMAND TO THE FIRST DISTRICT FOR THE FIRST DISTRICT TO DETERMINE IN THE FIRST INSTANCE WHETHER BASED ON THE RECORD THERE ARE GENUINE DISPUTES OF FACT GERMANE TO SOVEREIGN IMMUNITY.

>> THAT SEEMS TO BE REALLY ODD JURISDICTIONAL QUESTION, USUALLY LOOKING AT CONFLICT ON THE FACE OF THE OPINION, THINGS THAT ARE EASILY DECIDED AS A MATTER OF LAW, YOU SEEM TO BE SUGGESTING WE NEED TO DECIDE PART OF THE APPEAL TO DETERMINE IF WE HAVE JURISDICTION, HOW DO WE HAVE JURISDICTION, IT IS AN ODD --

>> THEY ARE DISTINCT QUESTIONS. IN THE MOST DISMISSIVE CONTEXT, BASED SOLELY ON SOVEREIGN IMMUNITY AND THE COURT DENIED THAT THE COURT COULD LOOK AT THAT AND SAY THAT PRESENTS A QUESTION OF LAW.

BASED ON THOSE ALLEGED FACTS IS MOVEMENT ENTITLED TO SOVEREIGN IMMUNITY.

>> IT SEEMED MORE PROBLEMATIC THAN THAT.

WHAT IS THE RECORD, 9.3 STRUCTURALLY.

TALK TO ME ABOUT 9.130 STRUCTURALLY.

HOW DOES THE CASE COME TO THE COURT?

>> THE MOVEMENT DENIED SOVEREIGN IMMUNITY TO APPEAL.

>> WHAT IS ATTACHED?

>> THE ORDER.

>> AT THAT POINT DOES THE APPELLATE COURT HAVE ANYTHING

ELSE?

HOW IS THE APPELLATE COURT  
GOING TO DECIDE DIFFICULT  
FACTUAL ISSUES?

HOW DOES THE APPELLATE COURT  
NOT ONLY LOOK THROUGH THE ORDER  
IF IT EVEN SAYS THERE'S A  
GENUINE ISSUE, GOING BACK TO  
SUMMARY JUDGMENT AND MAKE THAT  
DETERMINATION WHETHER IT IS  
THERE OR NOT?

>> IT ADDRESSES THE BRIEFS  
PRESENTED TO THE COURT.

>> A COURT WILL NOT RELY ON  
BRIEFS FOR THESE COMPLICATED  
JURISDICTIONAL ISSUES.

>> I THINK --

>> HOW DO YOU DO THAT?

WHAT IS THE NEXT STEP?

>> IT -- APPEAL WOULD PROGRESS  
THE APPEAL.

>> THAT IS NOT TRUE.

50130, THE COURT PUTS TOGETHER  
THE RECORD.

DOESN'T HAPPEN?

IT PUTS TOGETHER THE RECORD.

WHEN DOES THAT HAPPEN?

WHAT IF THE PARTY DOESN'T GIVE  
YOU A TRANSCRIPT TO KNOW WHAT  
THE TRIAL COURT RATIONALE WAS  
WHICH IS OFTEN THE CASE?

THE MOTION TO DISMISS OR  
SUMMARY JUDGMENT?

>> THE COURT CAN CALL FOR THOSE  
MATERIALS AND REQUIRE  
ADDITIONAL MATERIALS.

>> WHAT IS THE POINT OF 9.130?  
TO GO THROUGH THIS EXTENSIVE  
INQUIRY OR EXPEDITE  
DECISION-MAKING?

>> THAT IS CORRECT.

>> THIS ISN'T WHAT YOU'RE  
ASKING US TO DO COMPLETE THE  
COUNTRY TO TEXT AND STRUCTURE  
OF 5.130.

>> I THINK CONSIDERATIONS  
PRESENT SOVEREIGN IMMUNITY  
CONTEXT CALL A DIFFERENT  
TREATMENT.

>> YOU ARE SAYING WE SHOULD NOT

ONLY INTERPRET THE RULES YOU  
SUGGEST THE TICKET INSIDE AND  
TURN IT DIFFERENTLY?

>> NOT NECESSARILY.

IF IT REQUIRED ADDITIONAL  
MATERIALS IT COULD CALL FOR IN  
THOSE CIRCUMSTANCES.

>> WHAT ARE YOU ASKING IN TERMS  
OF JURISDICTION?

ANY OTHER APPEAL YOU KNOW OF  
WHERE WE DO THE SAME THING?

>> NOT THAT I AM AWARE OF.

>> THANK YOU.

>> THERE ARE POWERFUL REASONS  
FOR DOING SO IN THIS CONTEXT.  
I EXPLAINED IT INCLUDES TRIAL  
COURT'S INSULATING RULINGS ON  
SOVEREIGN IMMUNITY AND THAT  
RUNS COUNTER TO THIS COURT'S  
GOAL, 9.130 WHICH IS TO VOTE  
THE EFFICIENCY OF RESOLVING THE  
SOVEREIGN IMMUNITY QUESTION AND  
PREVENT SOVEREIGN DEFENDANTS  
FROM HAVING TO GO TO TRIAL,  
DEPRIVING THEM OF THEIR BENEFIT  
ALTOGETHER.

>> YOU ARE INTO YOUR REBUTTAL.

>> THANK YOU.

>> MAY IT PLEASE THE COURT,  
GOOD MORNING.

MY NAME IS JULIE FINE,  
PRESENTING JACK FINE, WE  
REPRESENT LASHONTA JACKSON ON  
BEHALF OF VONTAVIA ROBINSON.  
WE ASK THE COURT TO ANSWER THE  
CERTIFIED QUESTION IN THE  
NEGATIVE, CONFIRM THE FIRST DCA  
DISMISSAL AND RE-MANNED THE  
TRIAL COURT.

APPELLATE JURISDICTION TO  
REVIEW NONFINAL ORDERS IS  
LIMITED TO THOSE ORDERS  
SPECIFICALLY LISTED IN RULE  
9.13083 AND RULE 9.13083  
9.13083C 11 PROVIDES APPELLATE  
REVIEW OF TRIAL COURT IF IT  
DETERMINES AS A MATTER OF LAW  
THAT THE PARTY IS NOT ENTITLED  
TO SOVEREIGN IMMUNITY.  
THE TRIAL COURT MADE NO SUCH

DETERMINATION.

SHE DENIED PETITIONER'S MOTION FOR SUMMARY JUDGMENT BASED ON DISPUTED ISSUES OF MATERIAL FACT, NUMEROUS.

SHE DID SITE WHEN IN PARTICULAR BUT THERE WERE NUMEROUS ISSUES OF MATERIAL FACT THAT PREVENTED HER FROM MAKING A DETERMINATION AS A MATTER OF LAW.

>> WHY DOESN'T THE BEACH COMMUNITY BANK DO THIS?

>> BEACH COMMUNITY BANK DID NOT DECIDE A JURISDICTIONAL ISSUE. THE COURT NEVER DISCUSSED OR MENTIONED THE TRIAL COURT ORDER SO I BELIEVE THE JURISDICTIONAL ISSUE IN FRONT OF THIS COURT TODAY IS NOT THE SAME AS IT WAS IN BEACH.

IN BEACH THE FIRST DCA TOOK THE CASE AND DECIDED THE SOVEREIGN IMMUNITY ISSUE WITHIN THAT CONTEXT AND THIS COURT TOOK BEACH TO REVIEW THE FINDINGS FROM THERE.

IT DID EXPLAIN THEY HAD BEEN ASKING, THIS COURT HAD ASKED AT THE TIME TO SUPPORT A NARROW RULE.

>> WHAT ABOUT THE LANGUAGE AND OPINION THAT 9.30 COVERS THIS NONFINAL ORDER?

DENYING SOVEREIGN IMMUNITY?

>> THAT IS TAKEN OUT OF CONTEXT WHEN APPLYING IT TO THIS SITUATION.

WHAT THIS COURSE WAS CONCERNED WITH WAS WHETHER THERE WERE ANY DISPUTED ISSUES OR WAS THIS A QUESTION OF LAW AND THEY WERE SAYING THIS IS JUST PURELY A QUESTION OF LAW, SO THIS IS THE TYPE OF ORDER, NOT THE ORDER BUT THE TYPE OF CASE WE SHOULD BE TAKING.

>> IF YOU READ THE FACE OF THE OPINION ON THE FOUR CORNERS OF THE OPINION FROM THE TRIAL COURT WOULD YOU KNOW IT WAS NOT

AN ELABORATE ORDER?

>> KNOW.

>> WHAT ABOUT THE FIRST DCA'S  
OPINION?

YOU KNOW WHAT THAT?

HOW COULD YOU POSSIBLY KNOW IT  
IS THE ISSUE HERE?

>> YOU WOULD HAVE TO SEARCH THE  
DOCKET OF THE TRIAL COURT.

>> DO WE DO THAT IN ANY OTHER  
CONTEXT THROUGH THE RECORD TO  
DETERMINE WHAT THE OPINION  
MENTOR DID NOT MEAN?

>> ABSOLUTELY NOT AND I BELIEVE  
THAT YOU AND YOUR OPINION DID  
SPECIFICALLY STATE ONCE AN  
APPEAL IS DECIDED AND THE COURT  
DOES NOT MENTION ITS  
JURISDICTION WE CANNOT USE THAT  
SILENCE AS PRESIDENT FOR THE  
UNMENTIONED JURISDICTIONAL  
ISSUE IN ANOTHER APPEAL.

>> NOT SURE THAT IS PRESIDENT  
FOR ANYONE ELSE, BUT THE POINT  
I'M TRYING TO RAISE IS HOW CAN  
WE USE THAT IS PRESIDENT FOR  
JURISDICTION WHEN THAT VERY  
FACT WENT SILENT IN THE  
OPINION?

>> THIS ISN'T LIKE A CASE WHERE  
THE COURT ASSUMES JURISDICTION,  
THE COURT EXPLICITLY SAID THE  
POINT OF THE WE ADOPTED COVERS  
THIS SO WHAT WAS NOT DISCUSSED  
AND WHAT WAS ASSUMED WAS A  
CLEAR STATEMENT, WHEN THE COURT  
EXPLICITLY INVOKES THE RULE AND  
SAYS THIS APPLIES OR TAKE THE  
APPEAL HOW IS THAT A CASE WHERE  
THE COURT ASSUMES JURISDICTION  
AND DISCUSSION OF THE ISSUE?

>> I THINK THERE IS SOME  
CONFUSION AMONG THE DISTRICT  
COURTS ABOUT WHAT THE PURPOSE  
OF BEACH WAS.

IT SEEMS FROM MY REVIEW OF THE  
CASES WHERE THERE IS A NEW RULE  
THIS COURT HAS ADDED A NEW RULE  
SIMULTANEOUS WITH THE DECISION,  
SOMETIMES THE DISTRICT COURTS

WANT TO INTERPRET POLICY  
CONSIDERATIONS IN THAT CASE FOR  
REASONS TO EXTEND THE RULE TO  
THEIR SITUATION TO A DIFFERENT  
TYPE OF IMMUNITY.

THIS COURT, THAT IS NOT  
APPROPRIATE.

IN BEACH SPECIFICALLY THE  
JURISDICTION, HOW IT GOT TO  
THIS COURT WAS NOT THROUGH --  
IT IS UNKNOWN THAT IT WAS  
BROUGHT HERE THROUGH AN  
UN-ELABORATED ORDER BECAUSE IT  
WASN'T DISCUSSED.

I DON'T BELIEVE IT IS  
APPROPRIATE TO USE THAT AS A  
BASIS TO SAY THAT THIS IS THE  
TYPE OF ORDER THAT SHOULD BE  
BROUGHT IN FRONT OF DISTRICT  
COURT.

>> WHEN YOU ASK US TO PROCEED  
FROM THIS?

>> I DON'T THINK IT IS IN  
CONFLICT WITH THIS COURT OR THE  
NEW RULE BUT IT WAS RELATED --

>> HAD NO APPLICATION  
WHATSOEVER?

>> NOW APPLICATION?

>> NOW APPLICATION IN THIS CASE  
WHATSOEVER, NO LANGUAGE IN  
HERE, NOTHING TO DO WITH THE  
RULE OR THE APPEAL OF THE FINAL  
ORDER?

>> THE POLICY CONSIDERATION THE  
COURT WAS DISCUSSING WAS TRYING  
TO HAVE A NEW RULE OR ADOPTING  
A NEW RULE.

THOSE CONSIDERATIONS ARE  
ADDRESSED BY THIS COURT AND ARE  
FAIR AND I BELIEVE EACH, ALL OF  
THAT DISCUSSION, THERE IS NO  
DISCUSSION ABOUT THE ORDER  
ITSELF AND WHAT IT REQUIRES.

>> BEACH AT LEAST IMPLIES,  
DOESN'T MATTER WHAT THE ORDER  
SAYS.

THE COURT CONCLUDES BECAUSE OF  
WHAT CAME BEFORE WE CONCLUDE WE  
HAD JURISDICTION ESSENTIALLY.  
THAT IS PRECEDED BY THE

SENTENCE THAT THE DISTRICT COURT OF APPEAL DETERMINED THIS WAS SOLELY A QUESTION OF LAW SO THE ANALYSIS IN BEACH IS EXACTLY WHAT COUNSEL IS JUST WE SHOULD BE DOING.

THEY SAID THE DISTRICT COURT OF APPEAL PROPERLY DETERMINED THIS WAS AN ISSUE OF LAW AND BECAUSE OF THAT WE HAVE JURISDICTION OVER THE NEW RULE.

DOESN'T THAT ANNOUNCE A RULE YOU CAN SEE FROM AN OPINION THAT IS THE RULE THAT SEEMS STRANGE TO ME THAT OPPOSING COUNSEL SUGGESTS SHOULD BE APPLIED?

>> RULE 9.130 IS THE ONLY METHOD WE ASSERT WHICH 9.030, DISTRICT COURTS HAVE JURISDICTION TO REVIEW NONFINAL ORDERS.

THE RULE ISN'T ESTABLISHED FROM CASE LAW.

IT IS ESTABLISHED FROM WHAT THIS COURT DETERMINES THE JURISDICTION IS.

>> IF I UNDERSTAND, YOU ARE SAYING BEACH IMPROPERLY APPLIED THE RULE SO THAT WE WOULD NEED PERHAPS TO EXPLAIN THE ERROR IN IT?

>> THE RULE WASN'T IN PLACE WHEN THE TRIAL COURT DISMISSED, DENIED THE MOTION TO DISMISS. TO TAKE THAT, TO TRY TO SAY THEY DIDN'T FOLLOW THIS PROCEDURE IS APPLYING THE RULE ITSELF THAT WASN'T IN EXISTENCE.

>> I AGREE, THE WAY YOU ARE SAYING -- THE OPINION CLEARLY SAID AT LEAST TO ME AND YOU CAN ARGUE WHETHER YOU LIKE IT OR NOT, THEY INTERPRETED THE RULE TO APPLY IN THE SAME CIRCUMSTANCES, ACCOMPLISHED EXACTLY, TO HAVE AN INTERLOCUTORY REVIEW.

I UNDERSTAND YOU THINK THE TEXT

OF THE RULE DOESN'T DO THAT.  
THE MAJORITY SEEMED TO INDICATE  
OTHERWISE.

MAYBE THERE IS A DICHOTOMY  
BETWEEN WHAT YOU THINK THE  
COURT DID HERE.

AT LEAST TO ME IT SEEMED THEY  
ADOPTED THE LANGUAGE OF THE  
RULE TO MEAN THE APPEAL IS  
PROPER, DID NOT?

>> I THINK IT IS WORDED IN A  
WAY THAT SEEMS TO MEAN THIS IS  
THE TYPE OF NONFINAL ORDER THAT  
NEEDS TO BE IN FRONT OF US BUT  
THEY WERE NOT CONSIDERING THE  
NONFINAL ORDER.

THEY WERE PRESUMING THIS WAS  
JUST A QUESTION OF LAW.

>> ARE YOU QUARRELING WITH THE  
OPINION ITSELF?

IT SEEMS LIKE YOU ARE.

THAT IS OKAY, BUT --

>> I DON'T BELIEVE BEACH IS IN  
CONFLICT BUT I DO THINK IT  
CREATED CONFUSION.

THAT IS WHY THIS IS IN FRONT OF  
THIS COURT BECAUSE THERE'S  
LANGUAGE WITHIN BEACH WHICH CAN  
BE TAKEN TO MEAN A CERTAIN  
THING HOWEVER I BELIEVE 9.130  
ESTABLISHES THE RULE FOR ONE TO  
FOLLOW AND BEACH DOES NOT  
ESTABLISH HOW TO INTERPRET THAT  
RULE.

>> IT DIDN'T INTERPRET THE RULE  
AT ALL?

>> I DON'T BELIEVE IT DID  
INTERPRET THE RULE.

I BELIEVE THE RULE DOESN'T NEED  
TO BE INTERPRETED.

THE RULE SETS OUT --

>> THE APPELLATE PROCEDURE  
9.130, SUPREME COURT 13-1493  
COVERS THIS EXACT SCENARIO  
PERTAINING TO NONFINAL ORDER  
FOR SOVEREIGN IMMUNITY.

WHAT DOES THAT MEAN?

>> MENTIONING THE RULE, NOT  
INTERPRETING THE RULE.

WE ARE NOT TALKING ABOUT THE

SPECIFIC ORDER.

THAT IS MY POSITION.

>> APPLYING THE RULE WITHOUT EXPLAINING WHAT?

>> I DON'T BELIEVE IT APPLIED THE RULE BECAUSE THAT IS NOT HOW IT GOT TO THIS COURT.

I BELIEVE THIS COURT TOOK IT UPON ITSELF TO SAY THIS IS THE SITUATION WE WANT TO HEAR SO WE ARE PUTTING THIS RULE INTO PLACE.

>> HOW WOULD YOU KNOW WHAT KIND OF ORDER -- I AM NOT SURE YOU COULD SAY IT DIDN'T APPLY THE RULE.

HOW COULD ANY READER NOW OR ANY DISTRICT TRIAL COURT KNOW WHAT KIND OF ORDER WAS INTERPRETED BASED ON THE FACE OF THE FOUR CORNERS OF THE OPINION?

>> THE LANGUAGE OF THE RULE?

>> THE ORDER THAT WAS UNDER REVIEW.

>> THERE WAS NO DISCUSSION OF THE ORDER.

>> IF YOU READ IT YOU THINK THE ORDER THE JUSTICE PAULSON JUST READ WHICH AS A MATTER OF LAW WE DENY SOVEREIGN IMMUNITY. THAT'S WHAT THE LANGUAGE IS.

THE ORDER SAID AS A MATTER OF LAW IT SHOULD BE THERE.

YOU WOULDN'T REALIZE THE ORDER JUST SAID DENIED, NO WAY YOU COULD KNOW THAT.

>> THERE IS NO WAY EXCEPT FOR THE DISCUSSION THAT OCCURRED IN THE THIRD DCA.

>> IF I AM A DCA TRYING TO INTERPRET THIS, HOW CAN YOU READ THAT AS PRECEDENTS FOR WHEN YOU HAVE AN ORDER THAT SAYS DENIED?

>> I DON'T THINK YOU COULD.

>> ASSUMING WE WERE BOUND BY WHAT BEACH SAID DOES THAT BIND US IN THIS CASE WHERE NOT ONLY DO WE HAVE AN ORDER THAT SAYS DENIED BUT ONE THAT SAYS IT IS

DONE AS A MATTER OF FACT?

>> I DON'T THINK THAT WOULD BE APPROPRIATE, YOU ARE EXACTLY RIGHT.

ESPECIALLY IN THIS SITUATION WITH DISPUTED ISSUES OF MATERIAL FACT STATED BY THE TRIAL COURT.

I THINK THAT ADDITIONALLY WE HAVE CLARIFICATION THROUGH THIS COURT, THROUGH CASES LIKE HASTINGS AND REESE WHERE THE COURT SPECIFICALLY ADDRESSES DETERMINED AS A MATTER OF LAW REQUIRES THE COURT TO COME TO THIS DETERMINATION AND ESPECIALLY STATE THEY ARE NOT ENTITLED TO THIS DEFENSE.

THIS IS THE CASE --

>> Reporter: IN YOUR VIEW IF THIS ORDER WERE ENTERED TODAY AS IT WAS IN BEACH COMMUNITY BANK, WOULD THAT BE APPEALABLE UNDER THE RULE IN YOUR VIEW?

>> KNOW, YOUR HONOR.

>> YOU RECOGNIZE THIS COURT DETERMINED IT WAS UNDER THE RULE.

>> THE BEACH WAS APPEALABLE.

>> YES, THE DENIAL WAS APPEALABLE UNDER THE RULE.

>> I RECOGNIZE THE WAY BEACH GOT TO THIS -- I DON'T KNOW WHAT THIS COURT CONSIDERED. I WASN'T BACK THERE.

>> IT SAYS BECAUSE THIS CASE FALLS SQUARELY IN THE NEW RULE AMENDMENT WE DETERMINED THE CITY SHOULD BE ENTITLED TO THE BENEFIT OF THE NEW RULE.

IT CLEARLY WASN'T APPEALABLE BUT THEY ARE SAYING IT IS APPEALABLE UNDER THE NEW SO WE WILL HEAR THE CASE.

>> I THINK THIS COURT TOOK THE DETERMINATION THERE IS ONLY A QUESTION OF LAW AND SAID BECAUSE THERE IS ONLY A QUESTION OF LAW, WHICH IS WHAT WE ARE REQUIRING, WE ARE TAKING

THIS CASE.

>> WHERE THE DISTRICT COURT DETERMINED THE QUESTION OF LAW THE NEW RULE APPLIES AND WE ARE GOING TO TAKE THE CASE.

THAT'S WHAT THEY SAID.

IN THIS CASE THE FIRST DISTRICT CONCLUDED THE CITY'S CLAIM TO SOVEREIGN IMMUNITY RESTAURANT QUESTION OF LAW.

BASED ON THAT DETERMINATION WE AGREE AND BECAUSE THIS CASE FALLS SQUARELY WITHIN THE NEW AMENDMENT, THAT IS HOW THEY SAID THE RULE WORKS.

>> THE FIRST DCA DIDN'T REVIEW BEACH THROUGH THE NONFINAL ORDER RULE, THEY REVIEWED IT THROUGH A RIFT SO WHAT THEY WERE CONSIDERING WASN'T JUST THE ORDER.

THEY WERE NOT JUST CONSIDERING FOUR CORNERS OF THE ORDER BUT THEY WERE CONSIDERING EVERYTHING AND MADE THAT DETERMINATION AND THEN THE COURT SAID THEY MADE THAT DETERMINATION AND THAT IS WHY WE BELIEVE -- THAT'S MY INTERPRETATION OF WHAT HAPPENED AND OBVIOUSLY THAT CAN BE DISAGREED WITH.

>> THE FIRST DCA OPINION REFERENCES THE INTERLOCUTORY APPEAL.

>> THE FIRST DCA MENTIONS --

>> IT CAME TO THE FIRST INTERLOCUTORY APPEAL, DID IT NOT?

>> I BELIEVE THEY RECOGNIZED IT AS A WRIT OF SERVE.

>> CAN YOU DEFEND, IT SEEMS THE EXPRESS STATEMENT RESOLVE THE EFFICIENCY OVER THE SUBSTANCE OF ARGUABLY THE REASON THE COURT HAS MADE ORDERS DENYING SOVEREIGN IMMUNITY WITH OR WITHOUT WAS BECAUSE OF THE IMPORTANCE OF THE ISSUE AND THE NEED TO GET RESOLVED EARLY.

IF YOU ARE LOOKING AT IS ON A BLANK SLATE, WHY SHOULD THE EFFICIENCY BENEFIT OF HAVING THE EXPRESS STATEMENT OF THE SUBSTANCE WHERE THE ISSUES REALLY ARE LETTING THE COURTS REVIEW THEM?

>> IT IS DIFFICULT TO SAY THAT THE DISTRICT COURT SHOULD MAKE THESE DETERMINATIONS BY REVIEWING A RECORD WHICH COULD BE VERY LARGE WHICH IN OUR CASE IT IS.

>> BUT THE EXPRESS STATEMENT RULE IS NOT AS IF THE CASE LAW SAYS THERE HAS TO BE AN EXPRESS STATEMENT IN DETAILED ANALYSIS. IF YOU GET A NUMBER THAT SAYS IT IS A MATTER OF LAW AND THERE IS NO EXPLANATION, ALL THAT THE EXPRESS STATEMENT DOES IS MAKE IT EASY TO DETERMINE ON ITS FACE -- AS FAR AS THE ACTUAL WORK IN DISTRICT COURT TO SEE IF THAT IS CORRECT, IT IS NOT AS IF IT GIVES YOU A HEAD START ON THE ANALYSIS.

>> I AGREE WITH THAT. THIS COURT CONSIDERS POLICY CONSIDERATIONS OF INCREASED WORKLOAD.

IT TAKES FROM THE FLORIDA BAR RULES COMMITTEE AND GET THIS INFORMATION ABOUT WHAT LANGUAGE IT SHOULD USE, HOW MUCH THIS WOULD BURDEN THE APPELLATE COURTS AND THIS COURT IS MUCH MORE KNOWLEDGEABLE THAN I AM FOR LIMITED NONFINAL ORDERS, WHY THAT SHOULD BE THE RULE AND THE THRUST OF 9.30 IS TO RESTRICT THE NUMBER OF APPEALABLE ORDERS SO INCREASING THAT IS A DETERMINATION THE COURT CAN MAKE IF IT WANTS. THERE IS LANGUAGE WHERE THE COURT HAS CERTAIN CASES WHERE THE GRANTS OR DENIES AN ORDER AND THOSE CIRCUMSTANCES IT IS AUTOMATICALLY APPEALABLE BUT IN

THIS INSTANCE IT IS RELYING ON TRIAL COURT'S TO MAKE A DETERMINATION AS A MATTER OF LAW AND I THINK THAT IS PROPER AND CASES LIKE WORKERS COMP AND SOVEREIGN IMMUNITY, THERE IS ALWAYS A CHANCE THE DISTRICT COURT SAYS TRIAL COURT IS RIGHT, THEY CAN BRING IT UP AS AFFIRMATIVE, FILE ANOTHER SUMMARY JUDGMENT MOTION. THIS IS NOT GOING TO STOP THEM FROM DOING THOSE THINGS. IF IT WASN'T THE WAY IT IS THEY COULD APPEAL IT IF IT IS DENIED AGAIN SO IT IS GOING BACK AND BACK UP TO THE APPELLATE COURT AND THERE'S NOT A FINAL JUDGMENT AND THAT SEEMS LIKE A WASTE OF JUDICIAL RESOURCES WHEN THE RIGHTS OF THE PARTIES ARE BEING INFRINGED.

>> LET ME ASK YOU A QUESTION. I MIGHT BE MISSING SOMETHING. SAY IT WAS IN A DIFFERENT WAY, YOU HAVE MOVED FOR SUMMARY JUDGMENT ON THE ISSUE OF SOVEREIGN IMMUNITY AND IT HAS BEEN GRANTED, WHAT WOULD BE THE STATUS OF THAT?

>> IF THE PLAINTIFF MOVED --  
>> IT WAS A SOVEREIGN IMMUNITY DEFENSE BRINGING SUMMARY JUDGMENT, SEEKING A DETERMINATION AS A MATTER OF LAW THAT THEY ARE NOT ENTITLED TO SOVEREIGN IMMUNITY DEFENSE AND YOU WON.

THAT'S NOT WHAT HAPPENED HERE BUT I ASSUME THAT COULD HAPPEN IN SOME CASE, HOW WOULD THAT --

>> AND THAT SITUATION IF THE ORDER STATED THAT --  
>> SAY IT DIDN'T, SAY IT STATED THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT?

>> I THINK --  
>> THE FORMALITY, THE INSUFFICIENCY WOULD BE AN IMPEDIMENT TO THAT?

>> I DON'T KNOW, I DON'T KNOW  
WHAT EFFICIENCY -- THIS COURT  
CONSIDERS SPECIFICALLY BUT I DO  
KNOW THIS COURT HAS INTERPRETED  
9..130, SUBSECTIONS WHICH  
HANDLING WHICH DETERMINED AS A  
MATTER OF LAW TO MEAN THERE'S  
AN EXPRESS STATEMENT, IT IS  
CREATING A RULE HELPFUL FOR  
DISTRICT COURT SO THEY KNOW  
WHEN THEY HAVE JURISDICTION AND  
IF THE ORDER DIDN'T STATE IT IN  
THAT SITUATION THEN I DON'T  
BELIEVE THE DISTRICT COURT  
WOULD HAVE JURISDICTION UNDER  
THAT RULE.

I AM NOT SURE IT WOULD BE  
APPROPRIATE, BUT I THINK --

>> YOU HAVE ANSWERED IN YOUR  
TIME.

>> THANK YOU.

>> TO YOUR QUESTION, I THINK IN  
THAT CONTEXT IT WOULD SIMILARLY  
BE IMMEDIATELY APPEALABLE  
BECAUSE OF THE DETERMINATION  
THE DEFENDANT IS NOT ENTITLED  
TO SOVEREIGN IMMUNITY.

>> CAN I JUMP IN?

WHY ARE WE ASSUMING IT IS  
GRANTED OR DENIED IN OTHER  
EXAMPLES?

WHY ARE WE ASSUMING JUST  
BECAUSE THE MOTION WAS BASED ON  
SOVEREIGN IMMUNITY, THE  
RESPONSE WAS BASED ON SOVEREIGN  
IMMUNITY THAT THE DETERMINATION  
OF THE COURT WAS AS A MATTER OF  
LAW?

WHAT IF THE COURT ASSUMED  
WRONGLY THEY HAVE DISCRETION TO  
DENY MOTIONS TO DISMISS AND  
ALLOW MOTIONS TO GO TO SUMMARY  
JUDGMENT TO MAKE OF THESE  
DETERMINATIONS?

>> ALL THE MORE REASON THESE  
SHOULD BE APPEALABLE BECAUSE IT  
IS ACTING OUTSIDE.

>> I DON'T DISAGREE, MAY NEED  
TO CHANGE THE RULE TO ALLOW FOR  
THESE THINGS SO I DON'T

DISAGREE WITH THE PREMISE BUT MY POINT IS WE SEEM TO BE OPERATING UNDER THE ASSUMPTION IT IS ALWAYS A MATTER OF LAW BECAUSE THE MOTION FRAMES IT THAT WAY.

SOMETIMES COURTS GET IT COMPLETELY WRONG.

WE HAVE SOME EXAMPLES OF THEM GETTING IT COMPLETELY WRONG. WHY GIVEN THAT RECORD WOULD WE MAKE THE ASSUMPTION IT IS DETERMINATION AS A MATTER OF LAW?

>> IT IS A FAIR ASSUMPTION WHEN ACCORD IS ASKED TO MAKE A DETERMINATION THE COURT MAKES A DETERMINATION ONE WAY OR THE OTHER THAT DETERMINATION IS BASED ON WHAT THE PARTY WAS ASKING FOR.

>> YOU DON'T DO A LOT OF TRIAL WORK, DO YOU?

>> I DON'T THINK THE COURT SHOULD EXTEND THE EXPRESS STATEMENT RULE IN THIS CONTEXT AND THAT BRINGS US BACK TO WHICH COMMUNITY BANK.

THE COURT SAID THIS IS A NEW RULE AND HOW WE WILL APPLY IT, WE LOOK TO THE FIRST DISTRICT, A PURE QUESTION OF LAW AND THE COURT DIDN'T CONSIDER WHETHER THERE WAS AN EXPRESS STATEMENT BECAUSE THE COURT NEVER EXTENDED TO THIS CONTEXT SO THERE WOULD BE NO REASON FOR THE COURT TO LOOK TO WHETHER THE ORDER --

>> YOUR TIME IS UP.

>> FOR ALL THE REASONS THE PETITIONER REQUESTED THIS COURT REVERSE AND REMAND THE FIRST DISTRICT, THANK YOU.

>> THANK YOU FOR YOUR ARGUMENTS.