

SUPREME COURT OF FLORIDA IS NOW
IN SESSION, CHIEF JUSTICE
CHARLES KENNEDY PRESIDING.
>> THE COURT WILL TAKE THE PLACE
OF AMENDMENTS TO THE FLORIDA
RULE OF APPELLATE PROCEDURE
9.130.

MISS WALTER IS RECOGNIZED.
>> MAY IT PLEASE THE COURT, GOOD
MORNING, JUSTICE CANNADY.
I AM ACADA ON BEHALF OF THE
COMMITTEE, THIS REFERRAL
ORIGINATED WITH THE LETTER FROM
THE CLERK OF COURT THOMAS ANDOH,
WE PROPOSED RULE AMENDMENTS FOR
THE INTO LIKE IT OR APPEAL OF
NONFINAL ORDERS GRANTING OR
DENYING LEAVE TO AMEND THE
COMPLAINT TO A CERTAIN PUNITIVE
DAMAGE.

THIS REQUEST WAS MADE FOR TWO
REASONS.

PURSUANT TO THAT, THE COMPANY
VERSUS CAMP, THE APPELLATE
COURT'S JURISDICTION IS LIMITED
TO REVIEWING THE TRIAL COURT
FOLLOWED THE PROCEDURAL
REQUIREMENTS OF PUNITIVE DAMAGES
AND NO DISCOVERY WILL PROCEED
UNTIL AFTER PUNITIVE DAMAGES IS
PERMITTED.

THEY STATUTORILY REQUIRED
DETERMINATION OF REASONABLE
EVIDENCE IN THE RECORD FOR AN
APPOINTMENT THAT WOULD PROVIDE
REASONABLE BASIS FOR RECOVERY
AND PUNITIVE DAMAGES.

THE COMMITTEE SUBMITTED A
PROPOSED AMENDMENT TO RULE 9.130
TO AUTHORIZE APPEALS OF NONFINAL
ORDERS THE GRANT OR DENY THE
LEAVE TO AMENDING COMPLAINTS FOR
PUNITIVE DAMAGES WHICH A
PROPOSED THE RULE APPROVED BY
THE UNANIMOUS VOTE OF THE
COMMITTEE AND APPROVED BY THE
BOARD OF GOVERNORS BY A VOTE OF
33-2.

ADDITIONALLY IN AN EFFORT TO
ASSIST THE COURT THE COMMUNITY
OFFERED INDEPENDENT EVALUATION
WHETHER THEY WERE INTERLOCUTORS
OR A REVIEW TO BE CREATED AND

RECOMMENDED AGAINST SUCH ACTION.
I WOULD LIKE TO EXPLAIN THE
PROCESS.

THE COMMITTEE TREATED THIS
REFERRAL ON TWO BASES, THE FIRST
WITH OUR OWN INTERNAL OPERATING
PROCEDURES AND THE SECOND WAS
JUDICIAL ADMINISTRATION 2.140 F
2.

BOTH PROVISION STATE THE COURT
REFERS TO THE RULES COMMITTEE
FOR CONSIDERATION ONLY AND DOES
NOT DIRECT THE COMMITTEE TO
PROPOSE A CHANGE.

AFTER CONSIDERING THE MATTER
REFERRED THE COMMITTEE
DETERMINES IF NO CHANGE IS
WARRANTED IT SHALL SUBMIT A NO
ACTION REPORT TO THE COURT
EXPLAINING ITS RECOMMENDATION
THAT NO COOL CHANGES NEEDED BUT
THAT'S NOT WHAT WE HAVE HERE.

WE WERE ASKED TO PROMOTE IT SO
IT WAS SENT FOR CONSIDERATION.
THE PROPOSED AMENDMENT IS
CONSISTENT WITH WHAT THE BOARD
REQUESTED AND CAN BE FOUND IN
WHAT IS RULE 9.30 SUB CHAIN AND
IT READS EXACTLY AS PROPOSED IN
THE LETTER.

WE DID A FURTHER REVIEW, CERTAIN
MEMBERS WERE CONCERNED ABOUT
CONSEQUENCES FOR THE PROPOSED
RULE CHANGE THAT WAS TWICE
CONSIDERED AND REJECTED.
THE FIRST TIME IT WAS LOOKED AT
WAS IN 2016 AND THAT REFERRAL
WAS MADE BASED ON ROYAL FLOWERS
INCORPORATED.

THE COMMITTEE DECIDED ORDERS
GRANTING OR DENYING LEAVE FOR
PUNITIVE DAMAGES WOULD BE THE
BEST WAY TO GO AND THAT WAS THE
INITIAL RECOMMENDATION BY THE
SUBCOMMITTEE BUT THE FULL
COMMITTEE VOTED IT DOWN BASED ON
THIS COURT RATIONALE IN MARGARET
JOHNSON VERSUS SAVAGE AND THAT
RATIONALE WAS LITIGATION WILL
ALWAYS BE WITH CONSIDERABLE
EXPENSE OF TIME AND MONEY FOR
ALL PARTIES IN THE CASE.

FOR EXAMPLE PARTY ENTERED BY AN
ERRONEOUS INTERLOCUTORS OR HE

ORDER WHEN THE CASE ON THE ISSUE THAT IS LESS HARMFUL IN LIGHT OF THE DEVELOPMENT OF THE CASE AFTER THE ORDER SO THAT PROPOSED AMENDMENT DID NOT PASS. IT ALSO DIDN'T PASS THE 2018 REFERRAL THAT WAS BASED ON THIS REFERRAL.

THE COMMITTEE CONDUCTED A 50 STATE SURVEY TO SEE HOW THIS ISSUE IS HANDLED ELSEWHERE. WE FOUND SOME STATES THAT COURTS DETERMINE IF THEY TAKE AN INTERLOCUTOR APPEAL. SOME PROHIBIT PUNITIVE DAMAGES ALTOGETHER AND SOME DON'T REQUIRE COURT PERMISSION TO ALLEGE PUNITIVE DAMAGES BUT NO OTHER STATE HASN'T LIKE THE ONE THE COMMITTEE PROPOSED. THAT REFERRAL WAS ALSO IN THE SUBCOMMITTEE AND WAS NOT REVIEWED BY THE FULL COMMITTEE. IN THAT REFERRAL WITH THE COURT, IF THEY WOULD LIKE TO SUPPLEMENT THE RECORD.

THE PROCESS OF THIS REFERRAL RELATED TO THE COMMITTEE REVIEWING THE LETTER, WE DIDN'T DO SENSITIVE RESEARCH. WHAT WE DID DO. AND TO SEE IF THERE IS DATA WITH THE LEAVE TO AMEND AND ASSERT PUNITIVE DAMAGES WHEN THEY WERE GRANTED. AND THE CLERK'S ASSOCIATION, THE TRIAL COURTS, THERE IS NO INFORMATION AVAILABLE FOR MANY SORT.

THERE FOR THE COMMITTEE WANTED TO PROVIDE A VOTE WHETHER IT RECOMMENDED PROPOSED WILL CHANGE FOR THE COURT'S DIRECTIVES. IT WOULD NOT HAVE PROPOSED THAT AMENDMENT.

THE OVERALL POSITION AGAINST THE AMENDMENT WITHOUT PROCESS THEY CONSIDER THIS TWICE AND VOTED IT DOWN.

THERE WERE NO STATISTICS AVAILABLE TO DETERMINE THE IMPACT OF THE PROPOSED AMENDMENT.

THE JURISDICTIONAL CHANGE

CREATED A MUCH LARGER CASELOAD WITH DCAs, THE COURTS ARE ALREADY ADDRESSING CASES, THE CURRENT REVIEW PROCEDURE IS ADEQUATE AND CONNECTS RIGHTS AND POSITIONS, A FULL INTERLOCUTOR REVIEW WOULD SLOWDOWN THE CASE AND THERE ARE OTHER CONCERNS I AM SURE ENGLE -- MARK CARAMANICA WILL ADDRESS BASED ON THE 40 JUSTICE ASSOCIATION AND THE COMMENT HE FILED.

THE OVERALL POSITION, THE COURT'S DIRECTIVE WAS CLEAR AND WELL SUPPORTED BY THE CASE LAW PROGRESSING THIS AMENDMENT.

THERE HAVE BEEN 11 OPINIONS, OCCURRENCES IN THE LAST FIVE YEARS ASKING THIS AMENDMENT TO HAPPEN FROM THE DCAs.

IT WILL PREVENT THE RIGHT TO BE FREE FROM FINANCIAL DISCOVERY UNTIL APPELLATE REVIEW.

THE LIMITATIONS AS DESCRIBED AT A DCH OPINION FOR THOSE OPINIONS, INTERLOCUTOR TORI REVIEW ALIGNS WITH THE STATUTE, THE FACT THAT PUNITIVE DAMAGES ARE GAME CHANGER WHICH WAS ALSO IN THOSE OPINIONS AND OTHER CONCERNS PRESENTED BY THE PROPONENTS.

>> THE STANDARD MIGHT NOT GIVE RELIEF IN A CASE OF ABUSE OF DISCRETION, BECAUSE THERE MIGHT NOT REACH THE DEPARTURE OF THE STANDARD.

ISN'T THAT YOU COULD HAVE A WRONG DECISION THAT ALLOWS IT TO GO FORWARD AND TAKE ALL THIS TIME TO HAVE AN APPEAL FOR THE ASSERT MECHANISM AND GET A BETTER RESULT BECAUSE THE STANDARD IS WRONG.

IT IS BAFFLING TO ME WHY IT WOULDN'T MAKE SENSE IF IT DOES MAKE MORE TIME, TAKE A LITTLE TIME TO GET IT RIGHT THAN IT WOULD TO RECOGNIZE KEEPING IN PLACE A STANDARD THAT COULD GET IT WRONG ON APPEAL.

CAN YOU ADDRESS THAT?

>> YES I CAN.

THE CONCERN OF THE COMMITTEE,

THEY WANT TO MAKE SURE IT IS A
LEVEL PLAYING FIELD AND PUNITIVE
DAMAGES LEVEL THE PLAYING FIELD
WITH AN AWARD AND EVEN THOUGH
THE STANDARD THERE ARE STILL
REVIEW IN SOME WAY OF THAT
DECISION.

>> HOW TO SET LEVEL PLAYING
FIELD IF THERE'S ONE -- BUT
DOESN'T GET RELIEF.

WHAT LEVELS THE PLAYING FIELD IS
IF BOTH SIDES HAVE AN
OPPORTUNITY TO GET THE RELIEF
THEY ARE ENTITLED TO AND THAT IS
CORRECTION OF ERRONEOUS TRIAL
COURT AND PREVENT THE HARM ON
THE STATUTES.

>> THE DISCUSSION IN THE
COMMITTEE FOCUSED ON THE SAME
COULD HAPPEN WITH SUMMARY
JUDGMENT OR OTHERS WITH
INTERLOCUTOR ORDERS AND THE CASE
CONTINUES ALL THE WAY THROUGH
TRIAL SO IT SEEMED PROTECTIONS
TO SOME COMMITTEE MEMBERS DID
NOT NEED TO BE AFFORDED ON THE
MOTION OF PUNITIVE DAMAGES.

>> UNDERSTAND HOW THAT POINT
RELATES TO THE LEVELING OF THE
PLAYING FIELD.

>> Reporter: I MISSPOKE, I AM
SORRY.

THE LEVELING THE PLAYING FIELD,
I PUT IT OUT OF CONTEXT.

WHEN WE PROPOSE THE RULE ACROSS
THE BOARD, THIS SHOULD BE IF THE
COMMITTEE IS DONE, IT SHOULD BE
DONE FOR MOTIONS FOR LEAVE AND
NOT ONE OR THE OTHER.

IF THAT --

>> PROPOSED -- SOMETHING THAT IS
PERFECTLY EAGER.

>> I MISSPOKE THERE.

>> COULD I ASK YOU TO DISCUSS
SOME OF THE REACTIONS THE
COMMITTEE MEMBERS MIGHT HAVE HAD
TO THE ARGUMENTS THAT THERE ARE
OTHER WAYS TO PREVENT THE
DISCLOSURE OF FINANCIAL
INFORMATION OR GENERALLY RINGING
THE BELL.

SO THAT THE HARM THIS RULE IS
DESIGNED TO IMPRESS WOULD NOT
MATERIALIZ.

TALK ABOUT THE CONSIDERATION OF THOSE FACTORS AND WHERE YOU LANDED.

>> AS FAR AS THE BOARD OF GOVERNORS I DON'T KNOW. I WAS NOT AT THE MEETING. WE GOT A REPORT FROM THEM. I CAN'T ADDRESS THE PROCESS. AS FAR AS THE COMMITTEE, THE BROAD-BASED SENTIMENT FOR PEOPLE, THEY HAVE NOT VOTED FOR THIS AMENDMENT BUT FOR THE DIRECTION OF THE COURT, WAS THAT THE -- THE TRIAL COURT, THEY ARE WEIGHING IT.

IT DOESN'T NEED TO BE TAKEN ON AN INTERLOCUTOR.

NOT SURE IF THAT ANSWERS YOUR QUESTION.

>> SOME OF THE COMMENTS WE RECEIVED, TO TAKE OTHER STEPS TO PREVENT THE DISCLOSURE OF CONFIDENTIAL FINANCIAL INFORMATION, THE DEGREE TO WHICH THE COMMITTEE CONSIDERED THAT AN ALTERNATIVE AND WAS ADOPTED.

>> NOT SURE THEY THOUGHT THEY COULD ADOPT THAT BUT THE PARAMETERS OF WHAT THE COURT ASKED US TO DO, WHEN WE LOOKED AT IT, WE DIDN'T THINK THAT WAS PART FOR LACK OF A BETTER WORD THE DIRECTIVE.

>> IN LIGHT OF THE FACT THEY RECENTLY CHANGED SUMMARY JUDGMENT, FAR MORE DISCRETION, FOLLOWING THAT AFFECT THE SITUATION OF THE STAYED THE WAY IT IS AND AMENDMENT ALLOWED AND LATER ON SUMMARY JUDGMENT WILL WITH THE SUGGESTION OF THE DAMAGE TO BE ALLOWED, WOULDN'T THAT -- A FEDERAL DISTRICT IN FLORIDA THAT FOLLOWS THAT PROCEEDING, MOTIONS FOR IT, THE MOTION FOR SUMMARY JUDGMENT. SOMETHING LIKE THAT.

WHY CAN'T THAT BE DISMISSED TO THINK THAT ONCE YOU HAVE SUMMARY JUDGMENT, WAS DENIED AND IT APPARENTLY DOESN'T EXIST IN THE PRESENT SITUATION.

>> MY ANSWERS TWOFOLD, IF THE MAJORITY OF THE COMMITTEE WOULD

BELIEVE THAT IS APPROPRIATE,
THAT CAN BE ADDRESSED ON SUMMARY
JUDGMENT ON PUNITIVE DAMAGES TO
THE JURY.

THAT DISCOVERY, THE FINANCIAL
DISCOVERY UNTIL IT IS
DETERMINED.

>> WHATEVER IT WAS AND IT WAS
DISCOVERED.

FOR SUMMARY JUDGMENT, SOMEONE
HAD TO DO IT AND IT DOESN'T HAVE
TO BE THAT WAY.

THAT IS NOT THE CASE.

TO STATE THAT, TO ALLOW IT.

I THINK IT IS ON SUMMARY
JUDGMENT, THAT'S NOT THE
PROCEDURE WE HAVE IN PLACE, THE
SOLUTION TO AMEND THE REVIEW
PROCEDURE AND LOOKING AT THE
PROCEDURAL RAMIFICATIONS SO --

>> HOW WOULD SUMMARY JUDGMENT,
THAT MOTION, DAMAGE WOULD BE
DONE AFTER THAT AND THE STATUTE
THAT TOOK PLACE DESIGNED TO
PREVENT THE DISCOVERY THAT HIS
HEAD BECAUSE THERE'S A BASIS FOR
PUNITIVE DAMAGES.

TRYING TO COME UP WITH A
PROCEDURE THAT EFFECTUATES SUCH
INTO LAW AND ONE THAT DOESN'T
ALLOW REVIEW DOESN'T AFFECT
SUBSTANTIVE LAW OR PROCEDURE
BATTLE SO THIS PROCEDURE WOULD
GET A REVIEW BEFORE THE
DISCOVERY WHICH IS THE POINT OF
THE STATUTE.

STARTLING TO SEE SUMMARY
JUDGMENT.

>> PART OF THE POSITION WAS THIS
PARTICULAR TYPE OF REVIEW AFTER
THE MOTION TO AMEND WOULD ENABLE
THE COURTS TO LOOK AT THE
ARTWORK, TO SEE IF IT WAS
PUNITIVE DAMAGES.

THAT WAS THE CONCERN.

AS FAR AS THE SUMMARY JUDGMENT
BEING THE VEHICLE FOR BRINGING
PUNITIVE DAMAGES MOTION, NOT
SURE HOW THAT WOULD WORK, THE
DISTRICT COURT IS DOING THAT, AS
FAR AS REVIEW AFTER SUMMARY
JUDGMENT IT COULD BE LOOKED AT,
THE DISCOVERY IS STILL OUT THERE
BUT SEEMS LIKE THE STATUTE WOULD

TO PREVENT THAT.
I'M VERY OVER MY TIME.
>> TWO MINUTES FOR REBUTTAL OR
MORE IF YOU WANTED.
WE ARE GOING TO MOVE ON NOW.
THANK YOU.
I NOW RECOGNIZE MISS GOODEN.
>> ENGLE ON BEHALF OF THE
FLORIDA DEFENSE ORGANIZATION.
FDA SUPPORTS THIS AMENDMENT, TO
PROCEED WITH THE PUNITIVE
DAMAGES DURING LITIGATION.
IT IS A SUBSTANTIALLY HIGHER
JUDGMENT WITH SETTLEMENT VALUES
AS THEY ARE NOT COVERED BY THEIR
LIABILITY INSURANCE POLICIES.
IT IS THE FINANCIAL DISCOVERY
THAT WOULD BE OFF-LIMITS.
DEFENDANTS WHO ARE NATURAL
PERSONS HAVE A CONSTITUTIONAL
RIGHT OF PRIVACY FOR THEIR
FINANCIAL INFORMATION.
THERE IS A LEGITIMATE
EXPECTATION OF PRIVACY.
DEFENDANTS HAVE A SUBSTANTIVE
RIGHT UNDER SECTION 768, UNTIL A
CERTAIN SHOWING IS MADE.
PRESENTLY, FOR PUNITIVE DAMAGES
REVIEWED UNDER THE CONDITION FOR
RESEARCH STORY.
THIS REVIEW IS LIMITED TO THE
STATUTORY PROCEDURE WAS
FOLLOWED.
THE SUFFICIENCY OF THE EVIDENCE
IS NOT REVIEWED.
WHETHER HIS LACK OF APPELLATE
REMEDY DOES NOT SUFFICIENTLY
PROTECT THE DEFENDANT'S
CONSTITUTIONAL OR SUBSTANTIVE
RIGHTS.
THERE'S AN APPELLATE REMEDY TO
REVIEW AND PROTECT PRIVATE
INFORMATION FOR THE AMENDMENT
FOR PUNITIVE DAMAGES IS NOT
WARRANTED.
19 JUDGES FROM 3 DIFFERENT DCAs
RECOMMENDED THIS AMENDMENT.
I WANT TO ADDRESS THE COMMENTERS
ABOUT OVERBURDENING THE COURT
SYSTEM.
CONSTITUTIONAL RIGHTS OF THE
PARTIES MUST BE FRONT AND
CENTER.
IT IS DELEGATED BECAUSE AN

APPEAL MAY RESULT.
THE CONCERN THE AMENDMENT MAY
RESULT IN TOO MANY APPEALS
HIGHLIGHTS THE IMPORTANCE OF
THIS RULE AMENDMENT.
PUNITIVE DAMAGES TEND TO BE THE
EXCEPTION, NOT THE STANDARD.
LIMITATION TO CERTAIN THINGS,
THE TAX ONLY ALLOWS THEM A
NARROW SET OF CIRCUMSTANCES.
PUNITIVE DAMAGES, NARROWLY
TAILORED STATUTE IS NOT AS
WRITTEN.
THE COURT WILL NOT BE
OVERBURDENED.
LITIGANTS WERE ALLOWED TO SPEAK
REVIEW ON THIS ISSUE.
THE TRIAL COURT AND PARTIES HAVE
LEADER CLARITY AND DON'T KNOW
WHAT LED TO AN AMENDMENT, THIS
LEAD TO LESS APPEALS AND PROMOTE
SETTLEMENT IN THESE CASES.
THE FDL A REPORT THE AMENDMENT
TO PULL 9.130.
IF NOBODY HAS ANY QUESTIONS FOR
ME I WILL SAVE THE REST OF MY
TIME.
>> MARK CARAMANICA.
THERE YOU ARE.
>> SORRY IF I DIDN'T HEAR WHAT
YOU SAID.
MAY IT PLEASE THE COURT.
THANK YOU FOR GIVING ME THE
OPPORTUNITY TO SPEAK TO YOU AND
ALSO FLORIDA JUSTICE ASSOCIATION
FOLLOWING THE SEPARATE COMMENTS.
URGING THE COURT TO TAKE OFF A
LIST OF PROPOSED RULES FROM 9.30
AND CONSIDER EFFECTIVE CASE
MANAGEMENT SIMILAR TO IMPROVED
RESOLUTION OF CIVIL CASES.
NUMBER 2, THE GAME CHANGER
RATIONALE IS NOT SUFFICIENT AND
CAN'T BE A BASIS FOR FINAL
APPEAL AND WERE GOING TO START
AND HOPE TO END, WITH
CONFIDENTIAL FINANCIAL AND
UNINSURED LOSSES.
THE WAY THEY DID THAT.
THE DISCOVERY ON THE
CONFIDENTIAL FINANCIAL
INFORMATION, THE TRIAL IS A
PLAINTIFF.
AND ISOLATED IT IN MY COMMENT,

THEY RATCHET BACK A LITTLE AND WAIT UNTIL THERE'S BEEN A RULING ON THE SUMMARY JUDGMENT SO IT IS NOT JUST AS LAWSON, THE DISCOVERY DOESN'T GO FORWARD ON THAT PARTICULAR INFORMATION SO YOUR GRANTED LEAVE TO AMEND THE WAY THE TRIAL COURT DEALT WITH THAT.

I HAVE DISCRETION ON HOW TO ORDER THE DISCOVERY BUT NOT UNTIL LATER.

IT IS NOT UNNECESSARY TO LOSE PUNITIVE DAMAGES.

>> FROM WHAT QUESTION AT ISSUE, WITH THAT, IS IT RELEVANT TO ABSOLUTELY ANYTHING?

>> THE PROBLEM IS LOGISTICS.

IF YOU GET THE DISCOVERY AFTER THE LIABILITY FINDING.

A LOT OF THE CASES I DEAL WITH, THEY DON'T REQUEST THIS INFORMATION AND IF THEY DON'T REQUEST THIS INFORMATION.

THERE ARE TWO CASES WHERE THEY DON'T NEED OR WANT IT.

ONE IS YOUR DEALING WITH PUBLIC COMPANY BUT THE INFORMATION YOU GET WITH THE SEC, AND PLAYED AGAINST INDIVIDUAL DEFENDANTS, THE CONSTITUTIONAL RIGHT. THE TRIAL STRATEGY NOT FOR THAT JUDGMENT AGAINST IT.

IT IS NOT OVERLY INTRUSIVE.

A LOT OF CASES WHERE IN THE LAST 15 YEARS, WHERE THEY ARE NOT ASKING FOR THIS INFORMATION, WITH FEDERAL AND CIVIL PROCEDURE.

WITH THE GAME CHANGER RATIONALE, AND NONFINAL ORDERS THAT ARE GAME CHANGERS THAT AFFECT STATUTORY RIGHTS.

TO DENY MOTION FOR SUMMARY JUDGMENT BASED ON THE STATUTE OF LIMITATIONS THERE IS NOT AN APPEAL, THEY WANT TO APPEAL, YOU CAN'T.

YOU CAN'T APPEAL AND IN OUR CONSTITUTION WE HAVE A RIGHT TO APPEAL A FINAL JUDGMENT OR A RIGHT TO APPEAL THE ORDER BUT A RIGHT TO HAVE JUDICIAL REVIEW IS A TRIAL JUDGE AND THAT'S THE

ONLY WAY THE SYSTEM CAN SUSTAIN ITSELF.

IN A FEDERAL COURT, THE WAY TO DEAL WITH THIS, TO WHAT KIND OF FINAL ORDERS ARE TO BE REVIEWED.

THEY HAVE THREE ELEMENTS CONCLUSIVELY DETERMINING THE DISPUTED QUESTION, SO PUNITIVE DAMAGES, THEY DON'T DO THAT.

THE CASES I HANDLE, THE DEFENDANT WILL FOLLOW UP WITH A MOTION FOR FAILURES FOR CAUSE OF ACTION WITH PUNITIVE DAMAGES AND FOLLOW THAT UP WITH SUMMARY JUDGMENT AND THAT IS A FIRST TIME THEY PUT IN THEIR OWN EVIDENCE.

THE MOTION TO DISMISS.

THEY USUALLY SEE THEM FILE A MOTION FOR RECONSIDERATION AND MOTION FOR DIRECTED VERDICT SO YOU FAIL UNDER THE COLLATERAL ORDER.

THE SECOND ELEMENT IS RESOLVING THE COURT ISSUE SEPARATE FROM THE MERITS OF THE ACTION.

THE NONFINAL ORDERS FALL INTO THAT VENUE, PERSONAL

JURISDICTION SO THERE IS AN IMPORTANT ISSUE TO GET RESOLVED.

PUNITIVE DAMAGES ARE INTERTWINED WITH THE MERITS, SO FEDERAL COURT IN ORDER TO KEEP IT EFFICIENT AND RECOGNIZE THAT SHOULDN'T BE ALLOWED.

MY BRIEF REMAINING TIME TO TALK ABOUT A LIST OF APPROACH, TO GET COMMENTS ON THE IMPROVED RESOLUTION OF CIVIL CASES OF ENCOURAGING YOU TO READ THAT REPORT.

THEY DID NOT LOOK AT APPELLATE PROCEDURES.

THIS YEAR THE LEGISLATURE INCREASED THE WORKLOAD BY TRANSFERRING APPEALS FOR THE DCAs, WE DON'T HAVE THAT IN COMMITTEE OR STATISTICS ON WHAT THE IMPACT IS GOING TO BE.

AND TRIMMING 9.30 AND THE MORE EFFICIENT COURT SYSTEM.

>> YOU GO AHEAD.

>> THE PRACTITIONER, THE APPEALS, IT'S NOT IN THE BEST

INTERESTS OF FLORIDIANS TO HAVE
SO MANY APPELLATE OPTIONS IN THE
TRIAL PROCESS.

EVERY TIME AN APPEAL GOES UP THE
TRIAL JUDGE WILL NOT SET THE
CASE FOR TRIAL AND WE ALREADY
HAVE WRITS THAT ARE
CONSTITUTIONALLY BASED AND YOU
CAN'T CHANGE THOSE.

IF ANYTHING, LOOKING BACK IN
TIME AND SEEING WHETHER ALL
THOSE DO THAT ANYMORE.

THANK YOU FOR THE OPPORTUNITY
AND THE ADDITIONAL TIME.

IF THERE ARE ANY QUESTIONS.

>> TO FIGURE OUT PROCEDURES, YOU
WOULD BE FINE.

>> WE ARE VERY CONCERNED.

>> CONSTITUTIONALLY THEY CAN GET
TO THE APPELLATE COURTS SO YOUR
PROBLEM WITH IT IS COULDN'T SLOW
DOWN MORE.

>> DON'T KNOW WHY IT IS
NECESSARY FOR THIS TO BE
REVIEWED.

>> IT IS VALID BUT WE DON'T WANT
TO DO THINGS THAT UNNECESSARILY
DELAY TRIAL COURT PROCEEDINGS.

>> THERE IS A SOLUTION.

THE UNINSURED LOSSES IF THAT IS
THE CONCERN CHANGE RULE 9.310
ABOUT THE BOND FOR DAMAGES.
BUT JUST AS LAWSON, THE MAIN
CONCERN IS SLOWING DOWN TRIAL
PROCEEDINGS WHICH IS CONTRARY TO
WHAT YOUR WORKFORCE IS TRYING TO
SOLVE BECAUSE YOU ALLOW THAT.
AFTER YOU DO THE WORKFORCE
REVIEW.

>> THE POINT JUST AS LAWSON IS
MAKING, TO CHANGE THE SCOPE OF
IT FROM THE CERT REVIEW TO FINAL
APPEAL.

>> FINAL APPEALS, AS MANY AS YOU
SEE, THERE IS MORE THAN ENOUGH
TIME THAT APPELLATE LAWYERS WILL
TELL SOMEONE, THE NARROW SCOPE
OF REVIEW SO YOU HAVE MORE
APPEALS.

I GUARANTEE YOU THAT.

WE DON'T KNOW.

THOSE, UNLIKE THE COLLATERAL
ORDER, TO AMEND, THAT'S NOT THE
FINAL SAY.

THERE ARE USUALLY 2 OR 3 MORE
POINTS FOR DAMAGES.
WHAT FEDERAL COURT SAID IS NOT
GIVING YOU THE DISCOVERY UNTIL
WE HAVE MORE ROLLINGS WITH
PUNITIVE DAMAGE CAUSE OF ACTION
AND THAT SEEMS TO BE MORE
EFFICIENT WAY TO DEAL WITH THE
HARM YOU'RE TALKING ABOUT TO NOT
CAUSE THE SIDE EFFECT OF SLOWING
DOWN THE COURT SYSTEM.

>> I THANK YOU AND RECOGNIZE
MISS WALTER FOR REBUTTAL.

>> AT THIS POINT IF THERE ARE
ANY MORE QUESTIONS I WILL BE
HAPPY TO TAKE THEM.

OTHERWISE I'M HAPPY TO NOT.
NOT SURE THERE'S MUCH ELSE I CAN
SAY THAT WILL HELP YOU.

>> I DON'T SEE ANYONE LOOKING
LIKE THEY ARE GOING TO ASK A
QUESTION.

I THANK ALL THREE OF YOU, THANK
YOU FOR YOUR ARGUMENTS TODAY
WITH THE COMMITTEE AND PEOPLE
INVOLVED IN THE PROCESS.
THAT CONCLUDES OUR CONSIDERATION
TODAY AND THIS SESSION