IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR COUNTY, FLORIDA
CIVIL CASE NO.:

COPPER RIDGE/BRANDON
HOMEOWNERS' ASSOCIATION, INC.,

Plaintiff,

vs.

TELISHA CATCHINGS and CARMEN GAY and
KEVIN JEFFRIES,

Defendant(s).
_____/

REQUEST FOR DIVISION ASSIGNMENT

This is a request based on Administrative Order(s) for the Clerk of Courts to assign the above styled case in the:

x Tampa Division

□ East Division

□ Prior Division

I understand that the actual division assignment will be in accordance with the Hillsborough County Administrative Orders. If there is no supported request for specific division assignment, this action will be assigned a division based on a random and equitable distribution system.

Nathan A. Frazier
FRAZIER & BOWLES, ATTORNEYS AT LAW
pleadings@frazierbowles.com
(877) 251-3476
Attorney for Plaintiff,
Copper Ridge/Brandon Homeowners'
Association, Inc.

APPENDIX

Form 1.997 Civil Cover Sheet

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions for completion).

I. CASE STYLE
IN THE CIRCUIT COURT IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Plaintiff: Copper Ridge/Brandon Homeowners' Association, Inc.

Case #: Judge:

vs.

Defendants: Telisha Catchings and Carmen Gay and Kevin Jeffries

---

II. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x in both the main category and subcategory boxes.

- Condominium
- ☒ Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence - other
  - Business governance
  - Business torts
  - Environmental/Toxic tort
  - Third party indemnification
  - Construction defect
  - Mass tort
  - Negligent security
  - Nursing home negligence
  - Premises liability - commercial
  - Premises liability - residential
- Products liability
- Real property/Mortgage foreclosure
  - Commercial foreclosure $0 - $50,000
  - Commercial foreclosure $50,001 - $249,999
  - Commercial foreclosure $250,000 or more
  - Homestead residential foreclosure $0 - $50,000
  - Homestead residential foreclosure $50,001 - $249,999
  - Homestead residential foreclosure $250,000 or more
  - Nonhomestead residential foreclosure $0 - $50,000
  - Nonhomestead residential foreclosure $50,001 - $249,999
  - Nonhomestead residential foreclosure $250,000 or more
  - Other real property actions $0 - $50,000
  - ☒ Other real property actions $50,001 - $249,999
  - Other real property actions $250,000 or more
- Professional malpractice
  - Malpractice - business
  - Malpractice - medical
  - Malpractice - other professional
- Other
  - Antitrust/Trade regulation
  - Business transactions
  - Constitutional challenge - statute or ordinance
  - Constitutional challenge - proposed amendment
  - Corporate trusts
  - Discrimination - employment or other
  - Insurance claims
  - Intellectual property
  - Libel/Slander
  - Shareholder derivative/action
  - Securities litigation
  - Trade secrets
  - Trust litigation

III. REMEDIES SOUGHT (check all that apply):

☒ monetary;
nonmonetary declaratory or injunctive relief;
punitive

IV. NUMBER OF CAUSES OF ACTION: [3]
Specify: Declaratory Action, Declaration as to Validity, Injunction

V. IS THIS CASE A CLASS ACTION LAWSUIT?

Yes
☒ No

VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

☒ No
Yes If "yes", list all related cases by name, case number, and court.

VII. IS JURY TRIAL DEMANDED ON COMPLAINT?

Yes
☒ No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

/s/Gregory S. Grossman, Esq.
NATHAN A. FRAZIER, Esq., For the Firm
FBN: 92385
GREGORY S. GROSSMAN, Esq., For the Firm
FBN: 0044068
FRAZIER & BOWLES, ATTORNEYS AT LAW
pleadings@frazierbowles.com
(877) 251-3476
Attorney for Plaintiff

IN THE CIRCUIT COURT IN AND FOR
HILLSBOROGH COUNTY, FLORIDA CIVIL DIVISION

Case No:

COPPER RIDGE/BRANDON
HOMEOWNERS ASSOCIATION, INC.,
Plaintiff,

Division: ____

vs

TELSIHA CATCHINGS and
CARMEN GAY and
KEVIN JEFFRIES,
Defendant(s).

DIFFERENTIATED CASE MANAGEMENT ORDER ESTABLISHING DEADLINES (COUNTY CIVIL CASES FILEDPRIOR TO APRIL30,2021 AT11:59PM)

THIS CAUSE comes before the Court on review of Amendment 2 to Florida Supreme Court Administrative Order AOSC21-17 (the "**Supreme Court Order**"). The Supreme Court Order directs that the chief judge of each circuit issue an administrative order requiring the presiding judge for each civil case to actively manage civil cases pursuant to a differentiated case management process. Consistent with this requirement, the Chief Judge of the Thirteenth Judicial Circuit issued Administrative Order S-2021-024 (the "**Case Management Plan**") on April 26, 2021.

Accordingly, it is ORDERED and ADJUDGED:

1. **Designation of Case.** This case is designated as either a *Streamlined* civil case or a *General* civil case, as defined by the Supreme Court Order and the Case Management Plan. The initial designation, based on the case type indicated at filing, can be found in section 1. of the Case Management Plan.

2. **Inapplicability.** If this matter is currently set for final hearing or trial, or judgment has been entered as to all parties, the below deadlines do not apply.

3. **Plaintiff's Obligation to Serve DCM Order on All Defendants.** If service of the complaint has not yet been made on any named Defendant, then Plaintiff is **ORDERED** to serve a copy of this Differentiated Case Management Order Establishing Deadlines (the "**DCM Order**") on each and every named Defendant in the same manner and at the same time as the complaint itself is served.

4. **Procedure for Modification of Deadlines.** Counsel or any self-represented parties, or both, may seek to modify the deadlines set forth in this order by filing a motion and requesting it be set for hearing. The Court will either rule on the motion or schedule it for a hearing.

5. **Firm Trial Date.** Consistent with the Supreme Court Order's mandate, the deadlines set forth in this DCM Order contemplate a projected trial date depending on the designation of the case and the date the case was filed. A firm pretrial conference and trial date will be set through entry of a separate order by the presiding judge for each civil case.

6. **Failure to Comply.** The failure to comply with any part of this DCM Order may result in dismissal of the complaint without prejudice; entry of a judicial default; monetary sanctions against counsel or any self-represented parties, or both; or any other sanctions deemed appropriate by the Court.

7. **Requirement to Review and Comply with Administrative Order for County Civil Division.** Counsel and any self-represented parties are directed to review and comply with all provisions of the Thirteenth Circuit's

7/8/2022 2:28 PM Electronically Filed: Hillsborough County/13th Judicial Circuit Page 6

Administrative Order S-2021-057 (*County Civil Division*), and any superseding or successive administrative order, as well as the presiding judge's

7/8/2022 2:28 PM Electronically Filed: Hillsborough County/13th Judicial Circuit Page 7

procedures and preferences available under the "Procedures/Preferences" of the undersigned's page at http://www.fljud13.org.

1. **Deadlines.** The deadlines set forth herein are established and will govern this case and will be enforced by the Court. Counsel and any self-represented parties are directed to review, calendar, and abide by them.

a. **Case designated as *Streamlined* civil case**

Action or Event
Deadline for service of complaint. • 120 days after entry of this DCM Order [*See* Rule 1.070(j), Fla. R. Civ. P.]
Deadline for adding parties. • 150 days after entry of this DCM Order [Subject to Rule 1.210, Fla. R. Civ. P.]
Deadline for service under extensions. • 180 days after entry of this DCM Order [See Rule 1.420(e), Fla. R. Civ. P.]
Deadline for completion of fact and expert discovery. • 240 days after entry of this DCM Order [NOTE: All discovery must be served in time for a timely response to be received prior to the deadline for completion of fact discovery. All non-expert witness depositions must occur prior to the completion of fact discovery. Failure to timely complete discovery by the deadline may result in, among other things, exclusion of evidence or other sanctions, or both.]
Deadline for filing motion to compel discovery. • 254 days after entry of this DCM Order
Deadline for filing stipulated Notice for Trial or a Motion to Set Case for Trial. • 260 days after entry of this DCM Order
Deadline for completion of mediation or non-binding arbitration. • 300 days after entry of this DCM Order
Deadline for filing any dispositive motions, objections to pleadings, or pretrial motions. • 315 days after entry of this DCM Order
Month and Year of the projected trial term. • 360 days after entry of this DCM Order [The trial week will be set by an Order Setting Case for Trial & Pretrial at a later date; *see* Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B).]

b. **Case designated as *General* civil case**

Action or Event

Deadline for service of complaint. For cases filed before January 1, 2019: • 45 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 60 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 120 days after entry of this DCM Order [*See* Rule 1.070(j), Fla. R. Civ. P.]
Deadline for adding parties. For cases filed before January 1, 2019: • 45 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019:

7/8/2022 2:28 PM Electronically Filed: Hillsborough County/13th Judicial Circuit Page 9

• 60 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 150 days after entry of this DCM Order [subject to Rule 1.210, Fla. R. Civ. P.]
Deadline for service under extensions. For cases filed before January 1, 2019: • 60 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 90 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 180 days after entry of this DCM Order [See Rule 1.070(j), Fla. R. Civ. P.]
Deadline for completion of fact discovery. For cases filed before January 1, 2019: • 90 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 180 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 270 days after entry of this DCM Order [NOTE: All discovery must be served in time for a timely response to be received prior to the deadline for completion of fact discovery. All non-expert witness depositions must occur prior to the completion of fact discovery. Failure to timely complete discovery by the deadline may result in, among other things, exclusion of evidence and/or sanctions.]
Deadline for filing motion to compel discovery. For cases filed before January 1, 2019: • 104 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 194 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 284 days after entry of this DCM Order
Plaintiff's expert disclosure deadline. For cases filed before January 1, 2019: • 120 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 210 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 300 days after entry of this DCM Order
Defendant's expert disclosure deadline. For cases filed before January 1, 2019: • 150 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 240 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 330 days after entry of this DCM Order

Rebuttal expert disclosure deadline. For cases filed before January 1, 2019: • 164 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 254 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 344 days after entry of this DCM Order
Deadline for filing stipulated Notice for Trial or a Motion to Set Case for Trial. For cases filed before January 1, 2019:

• 180 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 270 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 360 days after entry of this DCM Order
Deadline for completion of compulsory medical exam, if applicable and requested ("CME"). For cases filed before January 1, 2019: • 210 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 300 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 390 days after entry of this DCM Order [subject to Rule 1.360(a)(1)(A), Fla. R. Civ. P.]
Deadline for completion of expert discovery. For cases filed before January 1, 2019: • 240 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 330 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 420 days after entry of this DCM Order
Deadline for filing any dispositive motion, *Daubert* motion or objection to pleadings. For cases filed before January 1, 2019: • 240 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 330 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 420 days after entry of this DCM Order
Deadline for completion of mediation or non-binding arbitration. For cases filed before January 1, 2019: • 247 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 337 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 427 days after entry of this DCM Order
Date of the pretrial meeting between counsel and any self-represented parties. For cases filed before January 1, 2019: • 270 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 360 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 450 days after entry of this DCM Order

Deadline for filing the joint final pretrial statement, any motion in limine, proposed jury instructions, and verdict form. For cases filed before January 1, 2019: • 300 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 390 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 480 days after entry of this DCM Order
Date of the final pretrial conference. For cases filed before January 1, 2019: • 330 days after entry of this DCM Order

7/8/2022 2:28 PM Electronically Filed: Hillsborough County/13th Judicial Circuit Page 13

For cases filed January 1, 2019–December 31, 2019: • 420 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 510 days after entry of this DCM Order
Month and Year of the projected trial term. For cases filed before January 1, 2019: • 360 days after entry of this DCM Order For cases filed January 1, 2019–December 31, 2019: • 450 days after entry of this DCM Order For cases filed January 1, 2020–April 30, 2021: • 540 days after entry of this DCM Order [The trial week will be set by an Order Setting Case for Trial & Pretrial at a later date; see Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B).]

Done and Ordered in Hillsborough County, Florida this Friday, July 8, 2022.

ELECTRONICALLY CONFORMED
7/8/22

Honorable Judge

Copies Furnished to

Plaintiff
COPPER RIDGE/BRANDON HOMEOWNER'S ASSOCIATION, INC.
202 S. Rome Ave., Ste 125
Tampa, FL 33606

Defendant(s)

Telisha Catchings
4441 Horeshoe Pick Lane
Valrico, FL 33594

Carmen Gay
4412 Horeshoe Pick Lane
Valrico, FL 33594

Kevin Jeffries
821 Rocky Mountain Court
Valrico, FL 33594

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

COPPER RIDGE/BRANDON
HOMEOWNERS' ASSOCIATION, INC.

Plaintiff,

CASE NO.:

v.

DIVISION:

TELISHA CATCHINGS and
CARMEN GAY, and
KEVIN JEFFRIES

Defendants.
_____/

COMPLAINT

COMES NOW, Plaintiff, COPPER RIDGE/BRANDON HOMEOWNERS' ASSOCIATION, INC., by and through the undersigned counsel, and hereby sues Defendants TELISHA CATCHINGS, and states as follows:

JURISDICTION, VENUE, and PARTIES

1. This is an action for equitable relief for which this Honorable Court has concurrent jurisdiction.

2. Plaintiff, Copper Ridge/Brandon Homeowners' Association, Inc., is a Florida not-for-profit corporation and homeowners' association organized pursuant to Fla. Stat. 617.01011, *et. seq.,* and Fla. Stat. 720.301, *et. seq.* (herein **"Copper Ridge"**).

3. Defendant Telisha Catchings is a natural person who resides within Hillsborough County, Florida. Ms. Catchings is a member of the Copper Ridge Board of Directors as of the date of this writing (herein **"Catchings"** or part of **"Defendants"** when referred to collectively with Co-Defendants).

4. Defendant Carmen Gay is a natural person and a member of Copper Ridge who resides within Hillsborough County, Florida. (herein **"Gay"** or part of **"Defendants"** when referred to collectively with Co-Defendants).

5. Defendant Kevin Jeffries is a is a natural person and a member of Copper Ridge who resides within Hillsborough County, Florida. (herein "Jeffries" or part of "Defendants" when referred to collectively with Co-Defendants).

6. All acts or omissions complained of herein occurred within Hillsborough County, thus venue is proper in this Honorable Court.

FACTS

7. Plaintiff reasserts and re-alleges the allegations set forth in paragraphs 1 through 6 above as if same was fully set forth herein, and additionally states as follows.

Background.

As to Ms. Catchings' and Ms. Gay's Participation in the Drafting, Approval and Recordation of an Amendment to the Association's By-Laws, Approved on January 18, 2022, Recorded on March 22, 2022.

8. Ms. Catchings has been a member of the Board since at least a year prior to the filing of the instant Complaint. Upon information and belief, Ms. Gay is a former board member.

9. During that time, Ms. Catchings participated in board meetings, conferred with Association counsel when appropriate, and otherwise kept herself informed along with the other directors in her management of the Association.

10. Pertinent to this case, is the January 18, 2022, noticed open meeting of the Board of Directors, when the Copper Ridge Board of Directors, including at that time Telisha Catchings, reviewed and unanimously approved amendments to the Copper Ridge Bylaws, which included revisions to the election processes, to wit:

10.1 The establishment of staggered three (3) year board terms.

10.2 The establishment of a Candidate Filing Period during which eligible members can nominate themselves or others for office and candidates can participate in Town Hall Meetings prior to the election.

10.3 Utilization of secret written ballots to process votes, with a requirement that twenty (20%) percent of eligible votes to be cast in order to have a valid election.

10.4 The provision of sixty (60) days' notice to membership prior to any annual meeting where an election will take place.

11. The January 18, 2022 meeting was the culmination of debate and consideration by the Board of Directors as to potential changes to the Association's Bylaws. The initial Bylaws set quorum at 10%, discussion was had as to the benefits or draw backs of increasing the quorum threshold to 30%, as set forth in the default provision of Fla. Stat. s. 720.306(1), as well as other issues concerning the efficient conduct of the Association annual meetings and elections.

12. Ultimately after considerable discussion and debate the Board of Directors, and membership *including* Defendants Gay and Cummings; the Board unanimously approved the amendment was recorded was recorded in Hillsborough County Official Records at Instrument #2022148207, on March 21, 2022. Exhibit 1 (**"the Amendment"**). The initial Bylaws are attached hereto as Exhibit 2, (Initial Bylaws).

As to the Effectiveness of the Amendment.

13. Once recorded, the amendment is effective as a matter of law. *Winkelman v. Toll*, 661 So. 2d 102 (Fla. 4th DCA 1995).

14. Governing documents, such as the Amendment are presumed valid and are subject to enforcement unless they are arbitrary, capricious, unreasonable, or contain discriminatory provisions. *Id.*

15. In order to successfully challenge an amendment or other provision of a declaration in a court of law the challenger "must show that the declaration's provisions are wholly arbitrary in their application, in violation of public policy, or that they abrogate some fundamental constitutional right." *Grove Isle Ass'n, Inc. v. Grove Isle Assocs., LLLP*, 137 So. 3d 1081 (Fla. 4th DCA 2014).

16. Therefore, unless and until the Amendment was challenged and deemed by a Court of law arbitrary, violative of public policy, or compromising of some fundamental constitutional right, it was enforceable as of recordation.

17. Even if there is an error in the process, this does not invalidate an otherwise properly adopted amendment. *Fla. Stat.* s. 720.306(1)(f)("An immaterial error or omission in the amendment process does not invalidate an otherwise properly adopted amendment.").

As to the June 7, 2022 Annual Meeting.

18. On June 7, 2022, Copper Ridge's annual meeting was held wherein two seats were up for election by the membership.

19. Per the Bylaws as reflected in the Official Records at the time of the election, and consistent with the unanimously approved amendment the election was conducted via secret written ballot, and a threshold of twenty (20%) percent of the voting interests of the membership was required to be met prior to opening the ballots.

20. At the annual meeting, only one-hundred and one (101) out of nine-hundred and three (903), or eleven (11%) percent of Copper Ridge's membership voted. As such, the terms of those in office rolled over to the next term.

21. Defendants, apparently unahppey with the result provided the Association a document titled **Advanced Written Notice of Specific Nature of Election Dispute** based solely upon defendants' own self-serving accusations regarding the result of the election that they did not like. Unfortunately, Defendants are refusing to follow the recorded governing documents and amendments, are defaming other board members, vendors, managers, and association officers. This appears to be in an effort to perpetuate a narrative that a valid enforceable amendment is somehow invalid and ineffective without asserting a proper challenge with the proper basis in the proper forum, presuit mediation and/or a Court of competent jurisdiction.

22. As a result, in an effort to protect the Association's corporate form, to stop the personal attacks and harassment, and to put an end to the defamation of board members, vendors, and officers of the association, the Association is forced to proceed with the instant action to protect its interests and ensure the rights and obligations provided to it, its directors and members are properly enforced.

As to Defendant's "Advanced Written Notice of Specific Nature of Election Dispute.

23. On June 26, 2022, Copper Ridge received a document entitled *"Advanced Written Notice of Specific Nature of Election Dispute"* which is attached hereto as Exhibit 3 (**"Defendants' Notice"**).

24. Defendant's Notice concedes that the "Amendment to the bylaws was recorded on March 22, 2022."

25. Defendant's Notice takes issue with manner in which the Amendment (that they voted on) was noticed to the community, stating:

> According to Copperridge/Brandon bylaws and CCR's bylaws cannot be amended, altered or rescinded without proper notice. The Copperridge CCR's state the following: "The Board of Directors of this corporation shall provide such Bylaws for the conduct of its business and carrying out its purposes as they may deem necessary from time to time. **Upon proper notice,** By-Laws may be amended, altered or rescinded by a majority vote of those members of the Board of Directors present at any regular meeting, or any special meeting called for that purpose. "

Exhibit 1.

26. The Demand for Relief, is that the Association ignore the properly voted upon and adopted amendment; and rely on a By-Law provision that is no longer the state of the Public Record or law as it governs the Association:

> The demand for relief is for the election to be held at the minimum requirement of 10% and for the election monitor to return and hold the election with the unopened stamped ballots. The homeowners also demand the Election Monitor demonstrate the ballots have not been altered, are all present, and then count the ballots before the members to ensure the election was proper.

Exhibit 2.

27. There is no dispute in Defendants' Notice that as of the date of the election the Amendment was of public record and required twenty (20%) percent ballots to be submitted prior to opening same, as stated above. The Defendants' Notice concedes that "[t]his amendment to the bylaws was recorded on March 22, 2022."

As to the Statutory Treatment of Election Disputes Versus Amendment Disputes.

28. The applicable statute, 720.301, et. seq., treats different types of homeowner association disputes in very different manners, so that the nature of the "dispute" is critical.

29. The statute provides for differing rights and obligations between the parties to different types of disputes; as well as differing procedural requirements and differing remedies; all depending on what the "dispute" is pertaining to.

As to the procedural requirements for election disputes pursuant to Fla. Stat. 720.311.

30. Pursuant to 720.311(1) election disputes, i.e., disputes regarding whether or not the ballots were properly cast and counted, are not eligible for presuit mediation, and can be arbitrated by the Department of Business and Professional Regulation, via binding arbitration, *or* can be filed in a court of competent jurisdiction, to wit:

> [T]he department shall conduct binding arbitration of election disputes between a member and an association in accordance with s. 718.1255 and rules adopted by the division. Election disputes and recall disputes are not eligible for presuit mediation; these disputes must be arbitrated by the department ***or*** filed in a court of competent jurisdiction. (Emphasis added).

31. If a party desires to initiate binding arbitration, then they must provide advance written notice of: (i) the specific nature of the dispute; (ii) A demand for relief, and a reasonable opportunity to comply or to provide the relief; and (iii) Notice of the intention to file an arbitration petition or other legal action in the absence of a resolution of the dispute. *Fla. Stat.* s. 718.1255(4)(b).

As to the procedural requirements for disputes regarding amendments to the association documents, per Fla. Stat. 720.311(2).

32. With disputes regarding amendments to association documents, *Fla. Stat.* 720.311(2) provides that they shall be subject to pre-suit mediation before they may be filed in court, to wit:

> Disputes between an association and a parcel owner regarding… amendments to the association documents… shall be the subject

of a demand for presuit mediation served by an aggrieved party before the dispute is filed in court. *Fla. Stat.* 720.311(2)(a).

33. As stated above, per Fla. Stat. 720.311(1), "election disputes are not subject to per-suit mediation."

As to the Relief Sought in the Instant Case.

34. As set forth further below, a Declaration from this Honorable Court is needed to confirm the state of and enforceability of the Amendment as of the date of the June 7, 2022 meeting.

35. Defendants are attempting to end-run around their obligations by shoe-horning and conflating their issues with the Amendment into binding arbitration.

36. In the event the Court determines that the Defendant's Notice does not articulate an election dispute, and that the Association followed an effective enforceable governing document, then Defendants should be enjoined from filing a Petition for Binding Arbitration with the Department of Business and Professional Regulation.

37. Alternatively; in the event the Court determines that the Defendant's Notice does articulate an election dispute, then Plaintiff, Copper Ridge, is entitled to exercise its right to have the dispute adjudicated by this Honorable Court. *Fla. Stat.* 720.311(1)(" ***Election disputes*** and recall disputes are not eligible for presuit mediation; these disputes must be arbitrated by the department ***or filed in a court of competent jurisdiction***.").

COUNT I
DECLARATORY ACTION AGAINST ALL DEFENDANTS
REGARDING THE EFFECTIVENESS AND ENFORCEABILITY OF THE
AMENDMENT AS OF THE JUNE 7, 2022 ANNUAL MEETING

38. Plaintiff re-asserts and reincorporates the allegations set forth in paragraphs 1 through 33, as if same were fully set forth herein:

39. There is a bona fide, actual, present practical need for a declaration as to the parties' rights and obligations the dispute set forth in Defendants' Notice.

40. Should Defendants have an issue with an Amendment or other governing document; they are required to submit to presuit mediation and should mediation not result in a resolution they have the burden to prove that the amendment was wholly arbitrary in its application, is in violation of public policy, or that it abrogates some fundamental constitutional right.

41. Defendants are attempting to litigate their issue with an amendment through an improper mechanism that violates the Association's due process rights as well as the rights granted to it specifically in the statute.

42. There is a present, ascertained or ascertainable state of facts or present controversy as to a state of facts. Defendant's Notice and posturing of their dispute as an election dispute demonstrates the parties have a present controversy between them that needs to be resolved by the Court.

43. Some immunity, power, privilege or right of complaining party is dependent upon the facts or law applicable to facts. That is to say, the effectiveness of the Amendment and its application to the June 7, 2022 annual meeting is dependent on the Court's application of the law regarding governing documents placed in the public record and their effectiveness.

44. Some person or persons who have, or reasonably may have an actual present, adverse and antagonistic interest in the subject matter, either in fact or law.

45. Antagonistic and adverse interests are all before the court by proper process or class representation.

46. The relief sought is not merely giving of legal advice by courts or answer to questions propounded from curiosity.

COUNT II
ADDITIONALLY OR IN THE ALTERNATIVE, DECLARATION AS TO VALIDITY OF JUNE 7, 2022 ELECTION

47. Plaintiff re-asserts and reincorporates the allegations set forth in paragraphs 1 through 33, as if same were fully set forth herein:

48. In the alternative to Count I, above, should the Court determine the dispute set forth in Defendants' Notice does constitute an election dispute, then Copper Ridge hereby submits same to this Honorable Court for adjudication pursuant to Fla. Stat. 720.311(1).

49. There is a bona fide, actual, present practical need for a declaration as to the validity of the election.

50. There is a present, ascertained or ascertainable state of facts or present controversy as to a state of facts.

51. Some immunity, power, privilege or right of complaining party is dependent upon the facts or law applicable to facts.

52. Some person or persons who have, or reasonably may have an actual present, adverse and antagonistic interest in the subject matter, either in fact or law.

53 Antagonistic and adverse interests are all before the court by proper process or class representation.

54. The relief sought is not merely giving of legal advice by courts or answer to questions propounded from curiosity.

COUNT III
INJUNCTION AGAINST ALL DEFENDANTS FROM FILING ARBITRATION PETITION

. 55. Plaintiff re-asserts and reincorporates the allegations set forth in paragraphs 1 through 33, as if same were fully set forth herein:

56. Irreparable harm to Copper Ridge will result if a Petition is filed as pursuant to statute and the Constitution of the State of Florida, Copper Ridge's right to access the courts will be eviscerated, no matter the Court's determination as to the nature of the dispute.

57. There is no adequate remedy at law to remedy this harm.

58. There is a substantial likelihood of success on the merits based on the plain language of the statute and Florida Constitution. It is important to note that the option of filing an action in a Court of competent jurisdiction was only recently added to the statute on July of 2021, thus indicative of the legislature's intent at ensuring litigant's have access to courts in election disputes.

59. The entry of the injunction will serve the public interest as it will at the very least preserve Copper Ridge's right to access the courts, and additionally will obviate the incurring of additional legal fees and costs to the parties and the Association membership as a whole.

WHEREFORE, based on the above, COPPER RIDGE/BRANDON HOMEOWNERS' ASSOCIATION, INC., by and through the undersigned respectfully requests the Court grant the following relief:

I. Declare that the Amendment was valid, effective and enforceable as of the June 7, 2022 annual meeting.

II. In the alternative, declare that the election that occurred on June 7, 2022 was properly conducted per the Bylaws and that the seats of directors up for election thus rolled over to the next term.

III. Enjoin the Defendants from filing of an arbitration petition based upon the subject matter set forth in the Defendants' Notice.

IV. Award reasonable attorneys' fees costs incurred by Plaintiff in this matter.

Respectfully submitted this 8th day of July, 2022.

/s/Gregory S. Grossman
Nathan A. Frazier, Esq.
FBN: 92385
Gregory S. Grossman, Esq,
FBN: 0044068
FRAZIER & BOWLES, PLLC
202 S. Rome Ave., Suite 125
Tampa, Florida 33606
T: 813-603-8600
E: pleadings@frazierbowles.com
Ggrossman@frazierbowles.com
tres@frazierbowles.com