



STETSON LAW

**2013
SIXTH ANNUAL
NATIONAL PRETRIAL COMPETITION**

The Competition will be held on October 10–13, 2013
at Stetson University College of Law,
Gulfport, Florida,
in cooperation
with

 *The Center for Excellence in*
ADVOCACY
STETSON UNIVERSITY COLLEGE OF LAW

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**THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, STATE OF LOYOLA
CIRCUIT CIVIL DIVISION**

TODD BRUNO,

Plaintiff,

v.

Case No. NPTC-PC-2013

CHARLES H. ROSE, III,

Defendant.

COMPLAINT

Plaintiff, TODD BRUNO, by and through his undersigned counsel, sues Defendant, CHARLES H. ROSE, III, and states:

JURISDICTION

1. This is an action for damages in excess of Fifteen Thousand and 00/100 Dollars (\$15,000.00), exclusive of interest and costs.
2. At all times material hereto, TODD BRUNO (hereinafter "Plaintiff"), a life-long resident of Loyola, resided at 1041 Park Street, in Hudson, Loyola.
3. The accident that is the subject matter of this lawsuit occurred in Pinellas County, Loyola.
4. On or about June 1, 2012, Plaintiff operated a motor vehicle traveling eastbound on Gandy Blvd, at or near the entrance ramp to Interstate 275, in the City of Hudson, Pinellas County, Loyola, when a crash occurred involving Defendant Charles H. Rose, III.
5. On or about June 1, 2012, Defendant CHARLES H. ROSE, III (hereinafter "Defendant") owned and operated a motor vehicle traveling eastbound on Gandy

Blvd, at or near the entrance ramp to Interstate 275, in the City of Hudson, Pinellas County, Loyola, when a crash occurred involving Plaintiff.

6. As a direct and proximate result of the crash that occurred on June 1, 2012, Plaintiff was seriously injured.

**COUNT I: NEGLIGENCE OPERATION OF A MOTOR VEHICLE
CAUSING PERSONAL INJURY**

7. Plaintiff repeats and realleges all allegations in paragraphs 1 through 6 as if each paragraph was fully repeated verbatim herein.
8. On the date and at the place described above, Plaintiff was operating his motor vehicle in a safe and legal manner, eastbound, in the right-hand lane of Gandy Boulevard in Hudson, Loyola.
9. On the date and at the place described above, Defendant was traveling eastbound on Gandy in the middle lane of Gandy Boulevard.
10. As both vehicles approached the exit ramp to Interstate 275, Defendant cut sharply and negligently from the middle lane across the right-hand lane in an apparent attempt to exit on said ramp to Interstate 275.
11. As a direct and proximate cause of Defendant's negligent operation of his motor vehicle, Plaintiff was forced off the roadway at which point his vehicle overturned and he was injured and has incurred to date medical costs of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00).

**COUNT II: NEGLIGENCE OPERATION OF A MOTOR VEHICLE
CAUSING PROPERTY DAMAGE**

12. Plaintiff repeats and realleges all allegations in paragraphs 1 through 6 as if each paragraph was fully repeated verbatim herein.

13. The motor vehicle driven by Plaintiff on June 1, 2012, a 2012 XJ8 Jaguar, was totally destroyed solely due to the negligence of Defendant's operation of his motor vehicle.

WHEREFORE, the Plaintiff, TODD BRUNO, demands judgment against the Defendant, CHARLES H. ROSE, III, in excess of Fifteen Thousand Dollars (\$15,000.000), exclusive of interest, costs, and any applicable attorneys' fees, and demands trial by jury on all issues so triable.

Respectfully submitted this 13th day of May, 2013.

Brandon Blake

Brandon Blake, Esq.
Loyola Bar No. 777000
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COUNSEL FOR PLAINTIFF
TODD BRUNO

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA**

TODD BRUNO,

Plaintiff,

v.

Case No.

CHARLES H. ROSE, III,

Defendant.

NOTICE OF REMOVAL

Defendant, CHARLES H. ROSE, III, by and through his undersigned counsel, hereby files this Notice of Removal of the state civil action entitled, Todd Bruno v. Charles H. Rose, III, Case No. NPTC-PC-2013, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, from the Circuit Court of the Twenty-First Judicial Circuit in and for Pinellas County, State of Loyola, Circuit Civil Division to the United States District Court for the Middle District of Loyola. The grounds for removal are as follows:

Procedural History and Plaintiff's Allegations

1. On May 13, 2013, Plaintiff TODD BRUNO (hereinafter "Plaintiff") filed a Complaint against Defendant CHARLES H. ROSE, III (hereinafter "Defendant") alleging, *inter alia*, negligence in the State of Loyola.
2. Service of Process for Plaintiff's Complaint on Defendant was perfected on or around May 18, 2013.

Grounds for Removal

3. Plaintiff's Complaint includes allegations of damages which clearly would be in excess of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), exclusive of interest and costs.
4. At the time that this action was filed in state court, the Plaintiff and the Defendant were domiciled in different States.

WHEREFORE, the Defendant hereby removes this Action to federal court.

The Procedural Requirements for Removal Have Been Satisfied

5. This action has been removed to the United States District Court for the Middle District of Florida as required by 28 U.S.C. § 1441(b).
6. After filing this Notice of Removal, Defendant will promptly serve written notice of this Notice of Removal on counsel for Plaintiff and file the same with the Clerk of the Circuit Court of the Twenty-First Judicial Circuit in and for Pinellas County, State of Florida, Circuit Civil Division, in accordance with 28 U.S.C. § 1446(d).
7. True and correct copies of all process, pleadings, and orders served on the Defendant in the Action pending in the State of Florida are attached hereto as Exhibit A.

WHEREFORE, Defendant CHARLES H. ROSE, III, removes the above-captioned action from the State of Loyola, to the United States District Court for the Middle District of Loyola.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **Brandon Blake, Esquire**, Bowman, Coppock & Assoc. LLC, 1000 Pasadena Avenue, Hudson, Loyola 88888, on this 17th day of June, 2013.

Respectfully submitted,

Anna L. Wireman

Anna L. Wireman, Esq.
Stetson Bar No. 311000
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COUNSEL FOR DEFENDANT
CHARLIE H. ROSE, III

[Exhibit A—the copies of process, pleadings and orders served on the Defendant in this action are omitted, except for the Complaint, which is provided previously.]

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA**

TODD BRUNO,

Plaintiff,

v.

Case No. 7:13-cv-01311-DAE-MJB

CHARLES H. ROSE, III,

Defendant.

PLAINTIFF'S MOTION TO REMAND TO STATE COURT

Pursuant to 28 U.S.C. § 1447, Plaintiff, TODD BRUNO (hereinafter "Plaintiff") moves this Court for an Order remanding this case to the Twenty-First Circuit Court in and for Pinellas County, Loyola, Circuit Civil Division, due to the lack of diversity of citizenship between the Plaintiff and Defendant, CHARLES H. ROSE, III (hereinafter "Defendant").

This Motion should be granted for two reasons: (1) Based on the information and belief at the time of the filing of the Complaint, the Defendant and the Plaintiff were both citizens of the State of Loyola. And (2) the Defendant improperly removed this action as his removal was not timely filed as required by 28 U.S.C. § 1446(c). Basically, this Court does not have jurisdiction over the subject matter in this case.

ACCORDINGLY, Plaintiff respectfully requests that this Court grant Plaintiff's Motion to Remand, and issue an Order remanding this action back to the Circuit Court of the Twenty-First Judicial Circuit in and for Pinellas County, Loyola, and award Plaintiff costs, attorneys' fees, and any other relief this Court deems proper.

MEMORANDUM OF LAW

[The Memorandum of Law has been omitted because the parties will submit both a Memorandum of Law in Support of this Motion and a Memorandum of Law in Opposition of this Motion to this Court by Friday, September 6, per the Competition Rules.]

RULE 3.01(g) CERTIFICATION

Pursuant to Rule 3.01(g), Local Rules, United States District Court, Middle District of Loyola, the undersigned has conferred with counsel for the Defendant requesting consent to the filing of Plaintiff's Motion to Remand. The parties have been unable to agree on the resolution of the motion.

DATED: July 1, 2013

Respectfully submitted,

Brandon Blake

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COUNSEL FOR PLAINTIFF
TODD BRUNO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **Anna L. Wireman, Esquire**, Wireman & Warrington, LLC, 10 N. Main St., Suite A, Indiantown, Stetson 99999, on 1st day of July, 2013.

Brandon Blake

Brandon Blake, Esq.

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA**

TODD BRUNO,

Plaintiff,

v.

Case No. 7:13-cv-01311-DAE-MJB

CHARLES H. ROSE, III,

Defendant.

**ORDER ON PLAINTIFF'S UNOPPOSED MOTION FOR LIMITED DISCOVERY ON
THE ISSUES RAISED IN PLAINTIFF'S MOTION TO REMAND**

Having considered Plaintiff's Unopposed Motion for Limited Discovery on Plaintiff's Motion to Remand, the Court hereby GRANTS said Motion.

DONE and **ORDERED** on August 1, 2013.

David A. Erickson

The Honorable David A. Erickson
United States District Judge

Copies furnished to:

Counsel/Parties of Record

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA**

TODD BRUNO,

Plaintiff,

v.

Case No. 7:13-cv-01311-DAE-MJB

CHARLES H. ROSE, III,

Defendant.

_____ /

Affidavit of Charles M. Rosenthal

STATE OF STETSON)
)
COUNTY OF INDIAN RIVER)

PERSONALLY APPEARED before the undersigned officer, duly authorized to administer oaths, Charles M. Rosenthal, who, after being duly sworn, deposed and testified as follows:

1. I am over the age of 18 and an inmate in the State of Stetson's prison located in Indian River County, Stetson.
2. My name is Charles M. Rosenthal and on occasion people—including me—shorten my last name to "Rose" for a variety of reasons.
3. In February of 2013, I was assigned to the same cell as Charles H. Rose, III.
4. Because of the similarity in our first names, my cellmate and I "went by" different first names; his being "Chuck" and mine being "Charlie."
5. One morning in mid-May, some woman came to our cell and said that she had some papers for "Charlie Rose" to sign.

6. At the time, Chuck Rose was out of our cell visiting the infirmary.
7. On that morning in May, I assumed the woman with the papers for “Charlie Rose” was intending those for me as I was under the impression that she was using the first name by which I was well-known in the prison and, as others frequently do—simply shortening my last name.
8. I accepted the papers that she passed through the opening in the cell and signed “Charles Rosenthal” to the document where she asked me to do so and handed it back.
9. After I gave her back the document, she left and I never saw her again.
10. By the time she left, it was “yard time” (when inmates get to go outside for some recreation), and I put the papers that I had just received under my mattress along with another stack of personal papers dealing with my appeal and I temporarily forgot about the papers.
11. Actually Chuck Rose did not return to our cell until the next morning.
12. Four or five days after Chuck returned from the infirmary, I pulled out the stack of papers—which included the ones left by the woman—and was working on my appeal when I realized that I had actually signed for documents meant for Chuck Rose.
13. I didn’t tell him about his papers at first as I was afraid he would be angry, but later that same day or maybe the next, I did give his documents to him.

FURTHER AFFIANT SAYETH NAUGHT.

Charles M. Rosenthal
Charles M. Rosenthal

[Properly notarized and dated August 5, 2013]

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA**

TODD BRUNO,

Plaintiff,

v.

Case No. 7:13-cv-01311-DAE-MJB

CHARLES H. ROSE, III,

Defendant.

_____ /

Affidavit of Robert T. Sherwin

STATE OF STETSON)
)
COUNTY OF INDIAN RIVER)

PERSONALLY APPEARED before the undersigned officer, duly authorized to administer oaths, Robert T. Sherwin, who, after being duly sworn, deposed and testified as follows:

1. I am over 18 years of age and a resident of Indian River County in the State of Stetson.
2. I was appointed as the Warden of the State of Stetson's prison in Indian River County in July 2003.
3. I am fully aware of the procedures in place for notifying one of our inmates when he has been served with legal documents. (See Exhibit "A.")
4. The aforementioned procedures have been in place since January of 2004—having been modified by me personally to insure that any inmate in this facility is timely notified of any Service of Process.
5. Each procedural step is date and time stamped and all hard copies are scanned into our facility's database.

6. Additionally a hard copy with computer-generated dates and times printed on it is placed in the inmate's file.
7. I recently reviewed our facility's records relative to the service of a lawsuit on one of our inmates—that being Inmate #007, Charlie H. Rose, III.
8. Inmate #007 has signed SDOC Form #1401, *Search of Inmate's Legal Mail*, waiving the in-person inspection of his legal mail. SDOC Form #1401 was scanned into our database and the original placed in Inmate #007's file.
9. According to those records, a civil suit, filed in the State of Loyola was served on Inmate #007 on May 13, 2013.
10. Referring to those same records, my assistant, Vicky Lowery, signed a document provided by the process server on that same date, May 13, 2013, at 3:55 p.m.
11. The records further reflect that the following morning, May 14, 2013 at 8:09 a.m., all documents presented to Ms. Lowery by the process server were delivered to Inmate #007 in his cell.
12. A hard copy of the receipt signed and dated by Inmate #007, as required by the process (referenced in paragraphs 3–4, above) was scanned into our database and the original placed in his file and I confirmed that prior to preparing and signing this affidavit.

FURTHER AFFIANT SAYETH NAUGHT.

Robert T. Sherwin

Robert T. Sherwin, Warden
State of Stetson Prison, Indian River County

[Properly notarized and dated August 5, 2013]

EXHIBIT A
Excerpts of Inmate Mail Policy

State of Stetson

Department of Corrections

Policy Number: #6.0613
Policy Title: Inmate Mail
Effective Date: March 9, 2013
Supersedes: Policy #05.0512
(12/1/11)

POLICY AND PROCEDURES

Approved for Distribution to Inmates

I. Purpose

- A. The Stetson Department of Corrections (SDOC) encourages correspondence that is directed to socially useful goals. The Warden shall establish correspondence procedures for inmates in each institution, as authorized and suggested in this policy.
- B. The SDOC encourages inmates to write to family, friends, and other community contacts to maintain these ties during incarceration. It is the policy of the SDOC to permit inmates to correspond with family, friends, and other significant community contacts consistent with the safety and security needs of each facility.
- C. The purpose of this policy is to describe the procedures that will be used by the SDOC staff to process inmate correspondence and packages.
- D. Policy and procedures will be renewed annually and updated as necessary.

II. Policy

Generally, in regards to inmate mail, it is the policy of the SDOC to:

- A. Implement methods whereby inmate mail (both incoming and outgoing) is processed without unnecessary delay, loss, or damage;
- B. Provide consistent documentation of mail processing within the correctional facility mail service to ensure mail is processed in accordance with this policy and procedures and to ensure that inmates, regardless of classification or custody assignment, are afforded the opportunity to write and receive letters on the same basis; and,
- C. Ensure that inmates shall not send, receive, transfer, or possess mail that violates the provisions of this policy and procedure, which contains inflammatory material

or which may otherwise present a threat to the safety and security of staff, inmates, and the public, or present a threat to the good order of the correctional facility.

* * *

III. Definitions

* * *

- b. Legal Mail: Incoming or outgoing mail to or from an attorney, court, or court official clearly addressed as "LEGAL MAIL" on the addressee side of the envelope, with the designation set apart from the return address and mailing address, and of sufficient size to permit easy recognition by mail room staff.

Legal mail includes mail that is addressed to or received from the following:

1. Attorney General of Stetson;
2. Attorney General of the United States;
3. United States Department of Justice;
4. County and prosecuting attorneys;
5. Federal, State, and Local Courts;
6. Attorney;
7. Legal aid clinic; or
8. American Civil Liberties Union.

* * *

IV. Procedure

A. General Guidelines for All Inmate Mail

1. **Inmate Access to Policy:** An initial copy of this inmate mail policy and procedure shall be provided to each inmate prior to its effective date and explained when necessary. All newly received inmates shall receive a copy for their personal use, and legal library holdings shall include at least five (5) copies of this policy and procedure for reference. It is the responsibility of the inmate to familiarize his/her correspondents with inmate mail regulations.
2. **Policy Training for Employees:** Correctional employees responsible for the mail processing of incoming and outgoing inmate mail shall be trained in this policy and procedure prior to assignment.

3. **Internal Delivery Process:** Each correctional facility shall develop an internal process to ensure timely delivery of mail while assuring accountability for valuables and detection of unauthorized communications or materials, contraband, or other items not allowed in living units or institutions.
4. **Prohibitions for Inmate Mail:** Inmates shall not send, transfer, or possess mail that violates the provision of this policy and procedure; that contains inflammatory material; that may otherwise present a threat to the safety or security of staff, inmates, or the public; or that may present a threat to the good order of the correctional facility.

* * *

D. **General Guidelines for Legal Mail**

1. **Mail More than Three (3) Inches Thick:** Legal mail that is more than three (3) inches in thickness, regardless of other dimensions, will be handled as a package and will be returned to the sender unless receipt has been pre-approved using SDOC Form #5301, *Package Authorization*.

* * *

5. **Legal Mail to be Logged:** All incoming and outgoing legal mail will be logged by the Warden or Warden's designee.
 - a. The log shall include the date, the name and address of the sender, the recipient, and logging staff member name and ID number.
 - b. The log will also reflect any accidental opening of legal mail.
 - c. The full name and initials of the staff member doing the logging must appear on each page of the log book to allow for identification of the staff member for future reference.

* * *

8. **Inspection:**
 - a. The Warden shall provide for the inspection of all incoming mail by a mailroom officer. The Warden may also provide for the inspection of outgoing mail. The inspection shall serve to prevent the inmate from receiving or sending through the mail any material that threatens to

undermine the security and order of the facility, or mail that contains contraband or other material that cannot be lawfully sent through the mail. The facility mailroom officer should inspect letters and packages to intercept money orders, cash, and checks.

* * *

- c. Legal mail addressed to an inmate must be opened by correctional staff in the presence of the inmate unless waived in writing by the inmate (using SDOC Form # 1401, *Search of Inmate's Legal Material*), or in circumstances that may indicate contamination. Correctional staff will ensure that the contents of letters from these persons (as referenced in section 8(a) above) are free from contraband and are, in fact, official or legal correspondence from the person whose name and return address appears on the outside of the envelope or package. The correspondence shall not be read beyond what is necessary to make this determination.

9. Record Keeping

- a. **Incoming Legal Mail:** The mail officer shall record in a separate legal mail logbook (SDOC-218) all incoming legal mail and packages.
 - i. The facility mailroom officer must record his/her name in the legal mail logbook at the beginning of each day. The officer must also record his/her initials beside each entry record for the day.
 - ii. The legal mail logbook must be completed for each piece of incoming legal mail. The information needed shall including the following: the name and address of each sender; a detailed description of the contents; the amount of postage; and the date of the receipt of each letter.
 - iii. The legal mail logbook will be subject to inspection on a semi-annual basis and must be retained according to Stetson Statute § 44.3301.

* * *

10. **Delivery of Legal Mail**

- a. Once the proper record-keeping procedures, as outlined above in 9(a), are completed, the facility mailroom officer gives the legal mail to the designated “unit team” member, who signs and initials the legal mail logbook.
- b. The unit team member delivers the mail to the inmate, during the institution’s mail call.
- c. The inmate signs the legal mail logbook to acknowledge the receipt of the legal mail.
- d. The Warden or Warden’s designee, in this case the unit team member, will ensure that except for weekends, holidays, and emergency situations, all incoming and outgoing mail is held no more than 24 hours and no more than 48 hours for packages.

* * *

PROCEDURAL STIPULATIONS

(Not filed with the Court)

1. All conditions precedent to the filing of a civil suit in the State of Loyola by Plaintiff, Todd Bruno, have been met or waived.
2. All arguments raised by Defendant Rose's failure to file a timely Answer to Plaintiff's Complaint in the State of Loyola have been considered and denied or waived.
3. All conditions required for Defendant's Notice of Removal have been met or waived EXCEPT for timeliness of the filing. (See Defendant's Notice of Removal)
4. Arguments relative to the timeliness of Defendant's Notice of Removal will be heard at a hearing to be held on or about October 11–13, 2013, in Gulfport, Florida.
5. In addition to the timeliness of Defendant's Notice of Removal, arguments will be made at the hearing referenced in #4 above, on Plaintiff's Motion to Remand. (See Plaintiff's Motion to Remand)
6. Any procedural requirements on Plaintiff's Motion to Remand have been met or waived.
7. All conditions precedent to the notice of this hearing have been met or waived.
8. The Federal Rules of Civil Procedure and the Federal Rules of Evidence will apply at the hearing.
9. Any Local Rules requirements for the Middle District of Loyola may be met by complying with the Local Rules of the Middle District of Florida.
10. The Court has agreed to consider Memoranda of Law filed by both parties in Support of, AND in Opposition to Plaintiff's Motion to Remand provided said memoranda are in compliance with Local Rules and are filed with the Court no later than September 6, 2013.
11. Subsequent to the filing of the Memoranda of Law, four deposition transcripts will be provided on or about September 9, 2013.
12. Two of these depositions will be aligned with each party.
13. If a direct question by the Court in the Motion Argument phase at the hearing requires a reference to one or more of the depositions, then and only then may the advocate being questioned respond by referring to deposition testimony in the following manner: "*If called to testify here today, I anticipate that the testimony would be . . .*".

14. If/When, after hearing the arguments of counsel, the court requests additional evidence be presented, the parties will each call two witnesses associated with that party's interest—and for whom the depositions have been provided.
15. Assuming the court asks for the live testimony, each witness will be examined on direct and cross examined. Re-direct is permitted, but limited to the scope of cross. **Re-cross will be permitted only if necessary to impeach a witness's re-direct testimony.**
16. Closing arguments, including rebuttal, will follow the testimony of the last witness.
17. For closing arguments, Plaintiff will go first and last.

All of the witnesses can be either male or female.

Witnesses for the Plaintiff:

- *Todd Bruno (Male) or Teddie Bruno (Female):* Plaintiff will testify regarding the accident that gave rise to the suit filed in Loyola and some limited testimony as to Defendant Rose's domicile.
- *Jean Rose (Female) or Gene Rose (Male):* Daughter/Son of Defendant Rose. Daughter/Son will testify regarding Defendant's domicile.

Witnesses for the Defendant:

- *Charlie/Charles H. Rose, III (Male) or Charlene H. Rose (Female):* Defendant will testify as to his/her domicile and the date service of process of Plaintiff's Complaint was perfected.
- *Michelle Rose (Female) or Michael Rose (Male):* Witness will testify regarding Defendant Rose's domicile.

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA**

TODD BRUNO,

Plaintiff,

v.

Case No. 7:13-cv-01311-DAE-MJB

CHARLES H. ROSE, III,

Defendant.

STIPULATIONS OF FACT

COMES NOW Plaintiff, TODD BRUNO (hereinafter “Plaintiff”) and Defendant, CHARLES H. ROSE, III (hereinafter “Defendant”), by and through their undersigned counsel and say: We agree and stipulate each of the following:

1. **The first of only two issues to be argued** at the Hearing held on October 11–13, 2013, is whether, at the time Plaintiff filed his claim against the Defendant in the State of Loyola, Defendant was a citizen of the State of Loyola or the State of Stetson.
2. **The second, and only other issue, to be argued** at the Hearing held on October 11–13, 2013, is whether Defendant’s removal to federal court was timely.
3. In response to Plaintiff’s Motion to Remand, which alleges lack of timeliness for Defendant’s Removal, Defendant Rose has filed with the Court two affidavits. (See the enclosed Affidavits.)
4. The Court has agreed to consider both Affidavits on the issue of timeliness at the Hearing held on October 11–13, 2013.
5. In response to Plaintiff’s Motion to Remand, which concerns the Defendant’s citizenship, the following facts are known.
 - a. The Defendant and his first wife, Nancy, were divorced in 2009.
 - b. The Defendant and Nancy have one daughter, Jean.
 - c. In 2009, Nancy and Jean moved from Georgia to Loyola.

- d. In September 2010, the Defendant moved from Georgia to Loyola, and soon thereafter purchased a home in the same town (Hudson, Loyola), as Nancy and Jean.
 - e. The Defendant has signed a five-year lease for a store in a strip mall in Hudson, Loyola.
 - f. The Defendant owns a Saab convertible that is registered in Loyola, which Jean drives.
 - g. The Defendant and Jean rent a mailbox in Hudson, Loyola.
 - h. The Defendant has savings, checking, and money market accounts—all at the Bank of America. He opened the accounts in Georgia when he was first married, but now he has access to the accounts in both Loyola and Stetson.
 - i. The Defendant had been living in Stetson for several months before the accident.
 - j. The Defendant is serving a 14-month sentence in a State of Stetson prison in Indian River County for picketing outside a VFW, in Stetson.
 - k. While incarcerated, the Defendant remarried.
 - l. The Defendant and Michelle (the Defendant's new wife) have taken out a twenty-year lease on a 100-acre site just outside Palm City, Stetson.
6. Citizens of the State of Loyola may vote in that state if they are properly registered without respect to whether the citizen has a conviction for a felony on her or his record.
7. Citizens of the State of Stetson may not vote in that state if there is a conviction for a felony on his or her record unless the current governor of the state where the felony occurred pardons him or her.

8. The Defendant, through counsel, has applied for a pardon in the State of Stetson. To date there has been no response.

Respectfully submitted this 12th day of August, 2013.

Brandon Blake

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