

RECEIVED 11/12/2015 FLORIDA SUPREME COURT  
RECEIVED, 11/10/2015 4:00 PM, Joanne P. Simmons, Fifth District Court of Appeal

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

CHARLES S. HAINES, KATHY  
HAINES, RICHARD O. CONBOY,  
JACKSON RANDOLPH, LARRY  
LAUKKA, ANGELO MASUT,  
BRENDA MASUT, and TOM  
HOWELL,

Appellants,

v.

Case No. 5D14-2262

BLACK DIAMOND PROPERTIES,  
INC., BLACK DIAMOND REALTY  
INC., and STANLEY C. OLSEN,

Appellees.

**APPELLANTS' NOTICE TO INVOKE DISCRETIONARY JURISDICTION**

NOTICE IS GIVEN that the Appellants, Charles S. Haines, Kathy Haines, Richard O. Conboy, Jackson Randolph, Larry Laukka, Angelo Masut, Brenda Masut, and Tom Howell, invoke the discretionary jurisdiction of the Florida Supreme Court to review the decision of this Court rendered October 23, 2015.

The decision is within the discretionary jurisdiction of the Florida Supreme Court because it expressly and directly conflicts with *DuBreuil v. Regnvall*, 527 So. 2d 249 (Fla. 3d DCA 1988). See Fla. R. App. P. 9.030(a)(2)(A)(iv) and Art. V, § 3(b)(3), Fla. Const.

I hereby certify that the above and foregoing is a true copy of instrument filed in my office.

JOANNE P. SIMMONS, CLERK  
DISTRICT COURT OF APPEAL OF  
FLORIDA, FIFTH DISTRICT

Per

*Heather Blake* 11/12/15

Deputy Clerk



Dated this 10<sup>th</sup> day of November, 2015.

Respectfully submitted,

**THE CARLYLE APPELLATE LAW FIRM**

The Carlyle Building  
1950 Laurel Manor Drive, Suite 130  
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Facsimile (352) 259-8842

/s/ Christopher V. Carlyle

**CHRISTOPHER V. CARLYLE, B.C.S.**

Florida Bar No. 991007

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Appellate Counsel for Appellants

**CERTIFICATE OF SERVICE**

I CERTIFY that the foregoing was e-filed pursuant to Florida Rule of Judicial Administration 2.525 and that the foregoing was served by email in compliance with Florida Rule of Judicial Administration 2.516(b)(1)(A) to: **Edward A. Marod, Esquire**, and **Jack J. Aiello, Esquire**, Gunster, Yoakley & Stewart, P.A., 777 South Flagler Drive, Suite 500 East, West Palm Beach, Florida 33401 (Email:

emarod@gunster.com;      jaiello@gunster.com;      eservice@gunster.com;  
lwaite@gunster.com; crossodivita@gunster.com); **Steve A. Rothenburg, Esquire**,  
Law Office of Steve A. Rothenburg, 500 N.E. 8<sup>th</sup> Avenue, Ocala, Florida 34470  
(Email: steve@rothenburglaw.com); this 10th day of November, 2015.

/s/ Christopher V. Carlyle

**CHRISTOPHER V. CARLYLE, B.C.S.**

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            ccarlyle@appellatelawfirm.com

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

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CHARLES S. HAINES, ET AL.,

Appellants,

v.

Case No. 5D14-2262

BLACK DIAMOND PROPERTIES,  
INC., ET AL.,

Appellees.

---

Opinion filed October 23, 2015

Non-Final Appeal from the  
Circuit Court for Citrus County,  
Patricia V. Thomas, Judge.

Steve A. Rothenburg, of Rothenburg Law  
Firm, Ocala, for Appellant.

Jack J. Aiello, and Edward A. Marod, of  
Gunster, Yoakley & Stewart, West Palm  
Beach, for Appellee.

PER CURIAM.

We affirm. *Friedman v. Friedman*, 825 So. 2d 1010, 1011 (Fla. 4th DCA 2002)  
(language in judgment, "for which let execution issue," unnecessary to obtain writ of  
execution). We express conflict with *DuBreuil v. Regnvall*, 527 So. 2d 249 (Fla. 3d DCA  
1988).

AFFIRMED.

LAWSON, C.J., PALMER and TORPY, JJ., concur.

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AFFIRMED.

LAWSON, C.J., PALMER and TORPY, JJ. concur.



I hereby certify that the above and foregoing is a  
true copy of instrument filed in my office.

JOANNE P. SIMMONS, CLERK  
DISTRICT COURT OF APPEAL OF  
FLORIDA, FIFTH DISTRICT

Per

*Heather Cooke* 11/12/15

Deputy Clerk



C. ALAN LAWSON  
CHIEF JUDGE

THOMAS D. SAWAYA  
WILLIAM D. PALMER  
RICHARD B. ORFINGER  
VINCENT G. TORPY, JR  
KERRY I. EVANDER  
JAY P. COHEN  
WENDY W. BERGER  
F. RAND WALLIS  
BRIAN D. LAMBERT  
JAMES A. EDWARDS  
JUDGES

JOANNE P. SIMMONS  
CLERK

CHARLES R. CRAWFORD  
MARSHAL

DISTRICT COURT OF APPEAL  
FIFTH DISTRICT  
300 SOUTH BEACH STREET  
DAYTONA BEACH, FLORIDA 32114  
(386) 947-1500 COURT  
(386) 255-8600 CLERK

November 12, 2015

Hon. John A. Tomasino, Clerk  
Supreme Court of Florida  
Supreme Court Building  
Tallahassee, Florida 32399-1927

Re: Charles Haines, ETAL  
v.  
Black Diamond Properties

Appeal No. 5D14-2262  
Trial Court No: 03-CA-4137  
Trial Court Judge: Patricia V. Thomas

Dear Mr. Tomasino:

Attached is a certified copy of the Notice invoking the discretionary jurisdiction of the Supreme Court pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

- The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and is also attached.
- The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this Court. **Check being sent directly to SC.**
- Petitioner/Appellant has been previously determined insolvent by this Circuit Court or our court.

No filing fee is required because:

- Summary Appeal (Rule 9.141)
- Unemployment Appeals Commission
- Habeas Corpus
- Juvenile case
- Other \_\_\_\_\_

If there are any questions regarding this matter, please do not hesitate to contact this Office.

Sincerely,

JOANNE P. SIMMONS, CLERK

By: *Deborah Black*  
Deputy Clerk

Attachments

cc: Christopher Carlyle, Esq - Edward Marod, Esq - Anne Mason, Esq - Jack Aiello, Esq