

## IN THE FIRST DISTRICT COURT OF APPEAL

### DOCKETING STATEMENT & NOTICE OF APPEARANCE OF COUNSEL

(Amended June 2023)

APPELLANT/PETITIONER: If this case involves an original writ, is an appeal of a non-final order, or is a "child" case (as defined in paragraph 12 below), this Docketing Statement must be completed and returned immediately. In all other cases, the Appellants must file the Docketing Statement within 20 days from the date of the Court's acknowledgment notice accepting this case and assigning a case number.

APPELLEE/RESPONDENT/AMICUS CURIAE: Appellees, Respondents, and Amici are only required to file a Docketing Statement if their name does not already appear on the certificate of service or they wish to make amendments or corrections to a Docketing Statement filed by another party. An Appellee's Docketing Statement is due no later than the answer brief. A Respondent's Docketing Statement is due no later than the response to the petition.

PLEASE PROVIDE THE FOLLOWING INFORMATION (attach additional pages if needed):

1. NAME OF CASE: Harbourage Marina, LLC v. Dolphin Bay Owners Association,

DCA CASE NUMBER: 1D2023-3211

2. DOCKETING STATEMENT OF:

PARTY'S NAME: Harbourage Marina, LLC

ATTORNEY'S NAME: Julia Maddalena

BAR NUMBER: 111932

ADDRESS: 16901 Panama City Beach Pkwy, Suite 200, Panama City Beach, FL  
32413

PHONE NO.: 850-769-3434

EMAIL ADDRESS: jmaddalena@handfirm.com

Please check which type of filer you are:

Appellant/Petitioner

Appellee/Respondent

Amicus

3. REAL PARTIES IN INTEREST: List names and addresses (including email addresses if known) of all persons, business entities, and organizations having a direct interest in the outcome of this action.

a. Harbourage Marina, LLC, c/o Julia Maddalena, Hand Arendall Harrison Sale, LLC, 16901 Panama City Beach Pkwy, Suite 200, Panama City Beach, FL 32413; jmaddalena@handfirm.com

b. Dolphin Bay Owners Association, Inc., c/o Michael P. Dickey and Jacob S. Cook, Dunlap & Shipman, P.A., 836 Jenks Avenue, Panama City, Florida 32401; mdickey@dunlapshipman.com and jacob@dunlapshipman.com

c. Harbourage Yacht Club at Dolphin Bay, Inc., c/o Julia Maddalena, Hand Arendall Harrison Sale, LLC, 16901 Panama City Beach Pkwy, Suite 200, Panama City Beach, Florida 32413; jmaddalena@handfirm.com

4. JUDGES BELOW: List the name and lower tribunal of all judge(s), judge(s) of compensation claims, master(s), and hearing officer(s)/examiner(s) who were involved in this action below.

Honorable James J. Goodman, Jr.

5. ATTORNEYS: List the names and addresses (including email addresses) of all attorneys who are, or have been, of record in this case and whom they represent.

- a. Julia Maddalena, Hand Arendall Harrison Sale, LLC, 16901 Panama City Beach Pkwy, Suite 200, Panama City Beach, FL 32413; jmaddalena@handfirm.com; Attorney for Plaintiff/Appellant
- b. Michael P. Dickey and Jacob S. Cook, Dunlap & Shipman, P.A., 836 Jenks Avenue, Panama City, Florida 32401; mdickey@dunlapshipman.com and jacob@dunlapshipman.com; Attorneys for Defendant/Appellee
- c. Timothy J. Sloan, Timothy J. Sloan, P.A., 427 McKenzie Avenue, Post Office Box 2327, Panama City, Florida 32402; tsloan@sloanpa.com; Previous Attorney for Defendant/Appellee
- d. Douglas Smith, Burke Blue, 221 McKenzie Avenue, Panama City, Florida 32401; dsmith@burkeblue.com; Previous Attorney for Defendant/Appellee

6. If this case is an appeal of a final order or of a partial final judgment, are there any matters still pending in the lower tribunal other than those relating to fees and/or costs? State "yes" or "no": Yes

If yes, please explain the nature of the order being appealed and what matters remain pending in the lower tribunal.

The order being appealed is a partial final judgment. A non-jury trial was held on October 2-3, 2023, before the Honorable James Goodman, on all remaining claims and defenses. The parties submitted proposed final judgments. However, a final order has not been rendered by the court as of the date of this Docketing Statement.

7. RECUSALS: Do you believe any judge(s) on this Court should not participate in this case? State "yes" or "no": No

If yes, please list the judge(s) and state your reasons for that belief. (Note: Providing information on this form does not replace the need to file a motion if you intend to seek the disqualification of a judge.)

8. RELATED CASES PENDING IN THIS COURT:

(a) Are there any other cases now pending before this Court arising from the same case in the lower tribunal? State “yes” or “no”: No

If yes, list the style and docket number of those cases.

(b) Are there any other cases now pending before this Court which involve the same or similar issues? State “yes” or “no”: No

If yes, list the style and number of those cases and state the issue(s).

Not to our knowledge.

(c) Are there any cases now pending before this Court which are related to this case for reasons other than those set forth in 8(a) and 8(b) above, including, but not limited to cases arising from the same set of facts? State “yes” or “no”: No

If yes, list the style and docket number and state the reason(s) they are related.  
Not to our knowledge.

(d) If you become aware after the filing of this Docketing Statement of cases in this Court that involve a co-defendant in a criminal case, the same controversy or parties, or substantial similar issues, please file and serve an Amended Docketing Statement or a Notice of Related Case(s) that lists the style and docket number of those cases and states the reason(s) the cases are related.

9. RELATED CLOSED PROCEEDINGS IN THIS COURT: Are there any previously decided or closed proceedings in this court which involve the same parties or issues as this case? State “yes” or “no”: Yes

If yes, list the style and docket number or citation of those cases.

In rendering its ruling, the Court relied upon three cases from the First District Court of Appeal. These cases are Riverside Ave. Prop., LLC v. 1661 Riverside Condo. Ass'n, Inc., 325 So. 3d 997 (Fla. 1st DCA 2021); Silver Shells Corp. v. St. Maarten at Silver Shells Condo. Ass'n, Inc., 169 So. 3d 197 (Fla. 1st DCA 2015); and Hilton v. Pearson, 208 So. 3d 108 (Fla. 1st DCA 2016).

10. RELATED PROCEEDINGS BELOW: Are there any cases other than this case pending before a lower tribunal or about to be filed in this court, which involve the same controversy or parties or substantial similar issue(s)? State “yes” or “no”: No

If yes, list each such case by style, case number, and tribunal where filed.

11. RELATED PROCEEDINGS IN OTHER COURTS: Are there any pending or prior proceedings in other courts other than those listed above related to this action?

State “yes” or “no”: No

If yes, list the style, case number, and court where filed of those cases.

Not to our knowledge.

**12. CHILD CASES: Does this appeal directly involve and substantially affect child custody/visitation, support, placement, juvenile dependency, termination of parental rights, or delinquency? State “yes” or “no”:** No

Unless good cause to the contrary is shown, the Court will follow a policy of expediting appeals which involve or affect custody, support, placement, dependency, termination of parental rights, and delinquency. The briefing schedule in dependency and termination of parental rights cases is expedited by Court order. No extensions of time for briefing will be granted except when necessary to preserve the constitutional rights of a party or when substantial evidence exists to demonstrate that without the extension the child’s best interests will be harmed. Motions will not toll the briefing schedule. The case will be processed in an expedited manner and decided as early as the interests of justice permit.

## CERTIFICATION OF GOOD FAITH AND CERTIFICATE OF SERVICE

I hereby certify the following:

- The information I provided above is accurate and complete.
- I am familiar with and have had the opportunity to read the Court's Notice to Attorneys and Parties. This document was sent to me by the Court at case opening and contains important information. It is also available on the Court's website at [www.1dca.flcourts.gov](http://www.1dca.flcourts.gov).
- If this is a Workers' Compensation case, the Court also sent me a Notice in Workers' Compensation Cases. If applicable, I have read and am familiar with the Court's Notice, especially the requirements for extensions of time to file briefs in this type of case.
- If I am an Appellant in a Reemployment Assistance Appeals Commission case, the Court also sent me a Notice in Reemployment Assistance Appeals Commission Cases. If applicable, I have read and am familiar with the Court's Notice.
- It is my responsibility to ensure that a copy of the Docketing Statement is served on opposing parties or their attorneys. If I am pro se, I certify that I will mail or deliver a copy of this Docketing Statement to all parties of record or their attorneys or, if I have received permission from the opposing parties or their attorneys to provide service by electronic means, I will provide an electronic copy of the Docketing Statement to all parties of record or their attorneys.

I certify that a copy hereof has been furnished to the following opposing counsel/parties (list names and addresses):

Michael P. Dickey and Jacob S. Cook, Dunlap & Shipman, P.A., 836 Jenks Avenue, Panama City, Florida 32401; mdickey@dunlapshipman.com and jacob@dunlapshipman.com; Attorneys for Defendant/Appellee

by (method of delivery, i.e. mail, email) on the following date: December 28, 2023

/S/ Julia Maddalena

Signature

Please use this page to expand answer. Additional pages may be attached if needed.