

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA  
CIVIL DIVISION**

**EMERY SMITH,**

**CASE NO. 15-CA-001620**

**Petitioner/Counter-Respondent,**

**-v-**

**EMCYTE CORP.,**

**Respondent/Counter-Petitioner**

**And**

**PATRICK PENNIE,**

**Respondent/Counter-Petitioner.**

---

**ORDER ON EMCYTE CORP.'S MOTION FOR PARTIAL SUMMARY JUDGMENT  
ON PETITIONER/COUNTER-RESPONDENT'S COUNT I CONCERNING  
ACCESS TO CORPORATE BOOKS AND RECORDS**

THIS MATTER having come before the Court on April 30, 2018 on EmCyte Corp.'s Motion for Partial Summary Judgment on Petitioner/Counter-Respondent's Count I Concerning Access to Corporate Books and Records. Appearances were made at the hearing by Kenneth G.M. Mather of Gunster for EmCyte Corp. ("EmCyte") and Andrew W. Lennox of Lennox Law, P.A. for Patrick Pennie, individually. Mr. Pennie also appeared as the corporate representative of EmCyte and on his own behalf. Petitioner, Emery Smith, proceeded *pro se* and appeared at the hearing telephonically. Following review of the file and the pleadings, and upon hearing argument and presentations of counsel and Mr. Smith, *pro se*, and the Court being otherwise duly advised in the premises, it is hereby

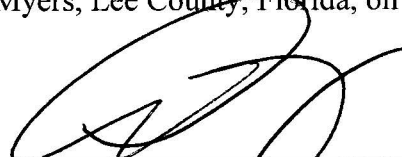
**ORDERED** and **ADJUDGED** that the Motion for Partial Summary Judgment on Petitioner/Counter-Respondent's Count IV Concerning Access to Corporate Books and Records

is hereby granted and final summary judgment is entered in favor of EmCyte against Petitioner/Counter-Respondent as to Count I of the Amended Petition.

**IT IS FURTHER ORDERED** and **ADJUDGED** that EmCyte is awarded its fees and costs pursuant to Florida Statute § 607.1602(7) and 1604(3) against Petitioner/Counter-Respondent in an amount to be determined by this Court.

DONE AND ORDERED in Chambers at Ft. Myers, Lee County, Florida, on

May 8, 2018.

  
Alane C. Laboda, Circuit Judge

Copies Furnish to:

- ✓ Kenneth G.M. Mather, Esq.
- ✓ Andrew W. Lennox, Esq.
- ✓ Emery Smith

*JS* 5/15/18