

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 IV CONCERNING
JUDICIAL DISSOLUTION AND APPOINTMENT OF CUSTODIAN OR RECEIVER**

THIS MATTER having come before the Court on August 8, 2017 on EmCyte Corp.'s Motion For Partial Summary Judgment On Petitioner/Counter-Respondent's Count IV Concerning Judicial Dissolution And Appointment Of Custodian Or Receiver. 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. Mr. Smith failed to appear despite the opportunities provided to him to appear as stated in open court. Following review of the file and the pleadings, and upon hearing argument and presentation of counsel, 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 Judicial Dissolution And Appointment

Of Custodian Or Receiver is hereby granted and judgment is entered in favor of EmCyte and Mr. Pennie against Petitioner/Counter-Respondent as to Count IV.

IT IS FURTHER ORDERED and **ADJUDGED** that EmCyte and Mr. Pennie are awarded their fees and costs pursuant to Florida Statute § 607.1431(4) 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

_____, 2017.

Alane C. Laboda, Circuit Judge

The original of this document was signed
AUG 14 2017
by Alane C. Laboda
Circuit Court Judge

Copies Furnish to:

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