

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

IN RE:
HERON POND CONDOMINIUM
ASSOCIATION, INC.

CASE NO.: CACE 24-005243

Petitioner.

**PETITIONER'S MOTION REQUESTING TRANSFER CASE OF CASE FROM
GENERAL CIVIL DIVISION TO COMPLEX BUSINESS DIVISION (07)**

Petitioner, HERON POND CONDOMINIUM ASSOCIATION, INC (“Association”) through counsel, moves this Court to transfer the above-captioned case (CACE-24-005243 (Div.: 03) “Action”) to the Complex Business Division (07) within the General Jurisdiction of the Circuit Court of the Seventeenth Judicial Circuit pursuant to the Administrative Order No. 2017-35-Civ of the Seventeenth Judicial Circuit (the "Admin. Ord. 17-35"), and in support states as follows:

1. Plaintiff, HERON POND CONDOMINIUM ASSOCIATION, INC. filed its Verified Petition for Appointment of a Receiver and Ex Parte Verified Emergency Motion for Appointment of a Receiver in this action on April 16, 2024 (“Verified Petition”).
2. Administrative Order 17-35 provides that a case may reassigned/transferred to a complex business division based on a number of factors including: (1) the nature of the case; (2) complexity of the issues; (3) complexity of the discovery; (4) number of parties in the case; and (5) if the subject matter of the case meets certain criteria including:
 - a. the amount in controversy exceeds \$150,000.00 and is a Uniform Commercial Code non-consumer related transaction and involves non-consumer bank or brokerage accounts (including loan, deposit, cash management, and investment accounts).
 - b. The amount in controversy exceeds \$150,000.00 and relates to the internal affairs, governance, dissolution, liquidation rights, or obligations between or among owners of a business entity (shareholders, partners, members); and
 - c. The amount in controversy exceeds \$150,000.00 and concerns the liability or indemnity of officers, directors, managers, trustees, members, or partners functioning as managers of a business entity.

3. Here, the Association's Verified Petition requests the appointment of a receiver over its operations and real property to address public safety concerns relating to a large percentage of the 304 units on the real property. The City of Pembroke Pines has issued orders deeming 122 out of the 304 units uninhabitable and requiring the unit owners to evacuate their residences. The property continues to be blighted and unit owners are moving out and failing to pay monthly Association dues.
4. The Verified Petition asserts that prior members of the Association's Board of Directors willfully and intentionally mismanaged the Association and failed to perform routine, necessary maintenance which resulted in the present, deplorable condition of the Association's common elements. The Receiver will need to act quickly and efficiently to understand the issues plaguing the Association and determine, in his business judgment, the best path forward.
5. This complex matter will involve a significant number of parties given the 304 units and a myriad of discovery and potential litigation given the current status of the Association and its property and the allegations set forth in the Verified Petition. It is likely that the case will involve numerous pre-trial motions; the management of large numbers of separately represented parties, management of large amounts of documents, and a high degree of case management.
6. There is no question this case qualifies as a complex business case that should be transferred to the 17th Judicial Circuit Complex Business Division.
7. In the interest of judicial economy and efficiency this lawsuit should be transferred to the 17th Judicial Circuit Complex Business Division. The Notice of Intent is attached hereto as Form B.

WHEREFORE, Petitioner HERON POND CONDOMINIUM ASSOCIATION, INC. respectfully requests that this case be transferred to the 17th Judicial Circuit Complex Business Division (07) as requested above and that this Court enter such other and further relief as is appropriate and just.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2024, a true and correct copy of the foregoing was filed with the Clerk of Court using the Florida Court's e-Filing Portal, which will deliver copies of said filing pursuant to Fla. R. Jur. Admin. 2.516 to the current designated mail addresses for all counsel of record.

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By: /s/ Alex Alonso

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FORM "B"

(To be utilized when filing an original complaint)

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA**

**NOTICE OF INTENT TO FILE NEW CASE IN THE
COMPLEX BUSINESS OR TORT DIVISION**

THIS ACTION IS APPROPRIATE FOR ASSIGNMENT TO A COMPLEX BUSINESS OR TORT DIVISION AND COMPLIES WITH REQUIREMENTS FOR FILING IN SUCH COMPLEX LITIGATION DIVISION AS SET FORTH IN ADMINISTRATIVE ORDER 2017-35-Civ.

Is this a **tort** case which meets the criteria of Administrative Order 2017-35-Civ?

YES _____

NO X

Is this a **business** case which meets the criteria of Administrative Order 2017-35-Civ?

YES X

NO _____

Is this a class action case?

YES _____

NO X

I CERTIFY the information herein is accurate and this case meets the criteria pursuant to Administrative Order 2017-35-Civ for filing in the complex business or tort division of the Seventeenth Judicial Circuit.

Signature of attorney: /s/Alejandro "Alex" Alonso

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IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

IN RE:
HERON POND CONDOMINIUM
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CASE NO.: CACE 24-005243

Petitioner.

_____ /

**ORDER GRANTING PETITIONER’S MOTION REQUESTING TRANSFER OF CASE
FROM GENERAL CIVIL DIVISION TO COMPLEX BUSINESS DIVISION (07)**

THIS CAUSE came before the court on Petitioner, HERON POND CONDOMINIUM ASSOCIATION, INC.’s (“Association”) Motion Requesting Transfer of Case from General Civil Division to Complex Business Division (07), that the parties have mutually agreed to the form and entry of this Order, and being otherwise duly advised in the premises, hereby orders as follows:

1. The Motion is hereby GRANTED.
2. This cause is hereby transferred to the Complex Business Division of this Court, Division (07).

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida this ___
day of April, 2024.

HONORABLE DANIEL A. CASEY
Circuit Court Judge