

**IN THE CIRCUIT CIVIL COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA**

BEVERLEY WHITE, *et. al.*, individually
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

Case No.: 2016-CA-5528
CLASS ACTION

PLANTATION GOLF AND COUNTRY
CLUB, INC., and CONCERT PLANTATION,
LLC,

Defendants.

NOTICE OF APPEAL

NOTICE IS GIVEN that Plaintiffs appeal to the Second District Court of Appeal the order of this Court rendered on February 23, 2023. The nature of the order is a Final Judgment. A true and correct copy of the Final Judgment is attached hereto as **Exhibit A**. A true and correct copy of the Order Denying Plaintiff's Motion for Rehearing of Summary Judgment Orders is attached hereto as **Exhibit B**.

Dated: March 23, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March 2023, a true and correct copy of Notice of Appeal has been electronically filed with the Court using the Florida Courts E-Filing Portal System, which will send a notice of electronic filing and copy to: Amy L. Drushal, William A. McBride and Lindsay P. Lopez of Trenam Law, 101 E. Kennedy Boulevard, Suite 2700, Tampa, FL 333602, adrushal@trenam.com, lbehrr@trenam.com, bmcbride@trenam.com, llopez@trenam.com, and ranctil@trenam.com; Andrew Marcus, Law Office of Andrew P. Marcus, P.A. 1625 Hendry Street, Suite 201, Ft. Myers, FL 3390, amarcus@defendswfl.com, service@defendswfl.com; and Michelle Tanzer and Terrance W. Anderson, Jr., Nelson Mullins, 1905 NW Corporate Boulevard, Suite 310, Boca Raton, FL 33431, michelle.tanzer@nelsonmullins.com, tw.anderson@nelsonmullins.com, and lucy.hellman@nelsonmullins.com.

/s/ Benjamin A. Christian
Benjamin A. Christian, Esq.

EXHIBIT A

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL ACTION

BEVERLY WHITE, et al.,
individually and on behalf of all
others similarly situated,

Plaintiffs,

Case No. 2016-CA-5528-NC
CLASS ACTION

v.

PLANTATION GOLF AND COUNTRY
CLUB, INC. and CONCERT PLANTATION,
LLC,

Defendants.

**FINAL JUDGMENT IN FAVOR OF DEFENDANTS AND
AGAINST PLAINTIFFS AND THE PLAINTIFF CLASS**

THIS CAUSE, having come before the Court on Defendants' Motion for Final Judgment, and the Court, having reviewed the Motion for Final Judgment, the Court's previous Order Granting Defendants' Joint Motion for Summary Judgment, and the Court file, and having been otherwise fully advised in the premises, finds that it is

ORDERED and ADJUDGED:

1. On May 6, 2022, the named Plaintiffs, JOHN DORSO and SUE DORSO; COLLETTE MERCIER, as Attorney-in-fact for JOSEPH MERCIER; MARK SCHERER, as Personal Representative of the ESTATE OF SANDRA SPAUGH; LOGAN CHAMBERLAIN and SUSAN CHAMBERLAIN; JOHN JANSEN; JAMES DOWDELL, JR.; JONI SHERRILL as Executor of the ESTATE OF SAM TEDESCO; JOHN FILAK, as Trustee under JOHN FILAK REVOCABLE TRUST AGREEMENT DATED 05-03-96; JOHN WAKEFIELD and NANCY WAKEFIELD; MICHAEL MCCORMICK and LAURA

MCCORMICK; BEVERLEY C. B. WHITE; ROBERT SMITH; CHRISTOPHER BOOTH, as executor de son tort of the ESTATE OF WELDON S. BOOTH; ALBERT MEYER and FRANCINE MEYER; EDWARD CARR and MARIANNE CARR; THOMAS BECK; JAMES BRENDEL, Individually and as a nominated Personal Representative of the ESTATE OF ANNA BRENDEL; DAVID LUFT and BETTY LUFT; EDITH SHEEHAN; RICHARD VOLK; AMELIA YANATSIS; EDWARD PEEL; CHARLES AXTON and BARBARA AXTON; CAROL BARNES; JAMES DeSTEFANO and JOANNE DeSTEFANO; DONALD GROSSE and IRENE GROSSE; CAROLYN HALL; PAUL HAMMELMAN and ANNDRA HAMMELMAN; ILONA HERMLE; KARIN ISRAELSSON; JERRALD KABELIN and KAY KABELIN; ROBERT MARTIN and JEANNINE MARTIN; ROLAND SCHAPANSKI; JOSEPH TESTA and NANCY TESTA; PATRICIA MORGAN as Trustee of the JAMES I. MORGAN TRUST; BRADLEY THINNES, as Attorney-in-Fact for PATRICIA THINNES; MARY YOUNG, Individually and as nominated Personal Representative of the ESTATE OF JOSEPH YOUNG; ALAN ANDERSON; JON BERRY; MICHAEL BIGLEY and LAURIE STEIN; VIJAY DUBE and GIRJIA DUBE; DIANE CRUMLY as executor de son tort of the ESTATE OF PAUL LANG, deceased; JEFF McCARTNEY and BARBARA McCARTNEY; JOHN MOUNT; PATRICIA QUARLES; FRANK ROBINSON III and JACKLYN ROBINSON; CHARLES WHITCHER and SHIRLEY WHITCHER; ROBERT NICKS and TERESA NICKS; RICHARD BUTLER and MARY BUTLER; TIMOTHY STONE, as Attorney-in-Fact for PHYLLIS STONE; RALSTON REID, Individually and as a nominated Personal Representative of the ESTATE OF SHIRLEY REID; CHARLES MATTHEWSON as Trustee of the Amended and Restated SHIRLEY ANNE CRANDALL REVOCABLE INTER VIVOS TRUST NO. 1; JOHN BALL and CAROL BALL;

SCOTT VAN DER LINDEN; CHARLENE KNOCH as Trustee of WENDELL TRUST UTD 11/1/94; MARY BARCUS; THOMAS KINGSLEY and FRANCES KINGSLEY; LAURA BROWN as executor de son tort of the ESTATE OF JOHN W. BERRYMAN, JR.; WANDA MILLER as Trustee of the GERALDINE F. WARSTLER TRUST AGREEMENT DATED AUGUST 13, 2015; JIM McCARTHY and CYNTHIA McCARTHY; ELIZABETH ROBERTSON; JEAN LARSON and THOMAS LARSON; THOMAS WHITTAKER, as Personal Representative of the ESTATE OF WALTER WHITTAKER and the nominated Personal Representative of the ESATTE OF CATHERINE WHITTAKER; WILLIAM THOMAS and CANDACE RENWALL as Independent Co-Executors of the ESTATE OF ROBERT KLOMAN; THOMAS BARRY and FRANCES BARRY; CHARLES HOLLOWAY; ELMER ECCHER and JANICE ECCHER; and ROBERT HLADIK, PATRICIA BARNES, as Personal Representative of the ESTATE OF JOAN YELDING; THOMAS BROWN and ELIZABETH BROWN; DAVID VAN ALSTYNE, as Executor of the ESTATE OF JOAN VAN ALSTYNE; WILLIAM GEPHART, as Executor de son tort of the ESTATE OF ROBERTA ROGERS; JEAN MORGAN; REGINALD MILLER and NANCY MILLER; ANN MARIE O'BRIEN; GEIR FLYCKT; ARTHUR MAYHEW and CAROL MAYHEW; DOMINICK GIAMBRONE; EDWARD MALINOWSKI; KERRY LONG and DEBRA LONG; JEFFREY BUCHS and DONNA BUCHS; BRADLEY BENFORD; ROBERT BEAVER; PATRICIA McGOWAN; ISABELLA MARKLE; THOMAS TYLER; WOODROW MILTENBERGER and PEGGY MILTENBERGER; ROSS DUNBAR and ELIZABETH DUNBAR; THOMAS SLATTERY and DEBRA SLATTERY; RAYMOND WOPPERER; PAUL EUSTACE and GEORGINA EUSTACE; DAVID GARTZKE and LOUISE GARTZKE; PAMELA HOLCOMBE, as Independent Co-Executor of the ESATTE

OF MARVIN PRUITT; JOHN BUGOSH, as Attorney-in-Fact for NANCY BUGOSH; DONALD BRISCH, as Attorney-in-Fact for JOSEPH BRISCH; LANCE BALLARD; CAROL STADTER and RICHARD STADTER; and WILLIAM HANKINS, as Personal Representative of the ESTATE OF PATRICIA HANKINS (collectively, the “Named Plaintiffs”), filed their Fourth Amended Complaint against Defendants, Plantation Golf and Country Club, Inc. and Concert Plantation, LLC (“Defendants”).

2. On December 6, 2021, the Court certified the following Plaintiff class pursuant to Florida Rule of Civil Procedure 1.220 on all of the claims asserted against Defendants in the Fourth Amended Complaint:

All individuals (or their guardians or representatives) who had an effective resigned equity memberships [sic] before April 1, 2016, and who have not received their full refund amount. Excluded from the Class are defendants, any officers or directors thereof, together with the legal representatives, heirs, successors, or assigns of any defendant, and any judicial officer assigned to this matter and his or her immediate family.

(the “Class”).

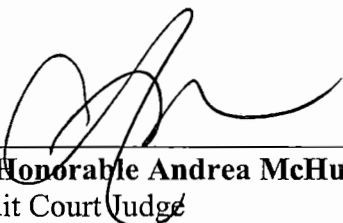
3. After certification of the Class, the following individuals timely opted-out of inclusion in the Class: JOHN SCHUMACHER on behalf of the Estates of PAUL SHUMACHER and MARY KAY SHUMACHER; JEANNE SARGENT, Individually and on behalf of the ESTATE OF JOHN SARGENT; JACOLYN A. REIFEL on behalf of the Estate of RICHARD REIFEL; THOMAS SPEARS and PATRICIA SPEARS; DAVID W. JUBINVILLE as on behalf of the Estate of WILLIAM JUBINVILLE; LYNNE MCLEOD; LEE ANN LAMBERT as next-of-kin of MARGARET MOTTER-O’SHEA; WILMA HOYER; ALICIA FREY on behalf of the ESTATE OF CARL FREY; JANET RAYMOND; NANCY SIMON; WILLIAM BARTYZEL and JANICE BARTYZEL; JACK MCCLELLAN and ANNE MCCLELLAN; CAROL CUDIA; SUSAN J. WALKER as on behalf of THE ESTATE of ARDITH LINGO; GLADSTON HARRIS;

THOMAS MANGAN, Trustee of the Trust of JAMES MANGAN, deceased; CHRISTINE M. BENN, as next-of-kin on behalf of HARRY CORRADO; DIANE FROST on behalf of GERALD FROST; JEANNE MARIE LEFEBVRE (SHIPLEY); CAROL FABIAN on behalf of THE ESTATES OF VERNON RUSSEL and PHYLLIS RUSSEL; JOHN M. KAMIKAIAN, and ROBERT ECK and ELLEN ECK (collectively, the “Excluded Class Members”). Collectively, the Named Plaintiffs and Class, less the Excluded Class Members, shall be referred to herein as “Plaintiffs.”

4. For the reasons set forth in the Court’s June 6, 2022 Order Granting Defendants’ Joint Motion for Summary Judgment, the Court hereby enters Final Judgment in favor of Defendants, Plantation Golf and Country Club, Inc. and Concert Plantation, LLC, and against Plaintiffs on all claims asserted in the Fourth Amended Complaint. Plaintiffs shall take nothing by this action and Defendants shall go hence without day.

5. Defendants are hereby declared the prevailing parties in this action.

DONE AND ORDERED in Chambers, Sarasota County, Florida.



The Honorable Andrea McHugh
Circuit Court Judge

CERTIFICATE OF SERVICE

On this 3 day of January, 2023, the Court caused the foregoing document to be served via the Clerk of Court’s case management system, which served the following individuals via email:

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EXHIBIT B

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA**

BEVERLEY C B WHITE,
*et. al., individually and on behalf of all
others similarly situated*
Plaintiff,

v.

CASE NO. 2016 CA 005528 NC
DIVISION C CIRCUIT


PLANTATION GOLF AND
COUNTRY CLUB INC, and
CONCERT PLANTATION LLC,
Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR REHEARING OF SUMMARY
JUDGMENT ORDERS**

THIS CAUSE came before the Court upon Plaintiff's Motion for Rehearing of Summary Judgment Orders in which Defendants submitted a response. Having reviewed the two orders and memorandums submitted, the Court finds as follows:

IT IS HEREBY ORDERED AND ADJUDGED:

The Motion for Rehearing is DENIED.


2023 3:18 PM 2016 CA
005528 NC
e-Signed 2/23/2023 3:18 PM 2016 CA 005528 NC
ANDREA MCHUGH, CIRCUIT JUDGE

SERVICE CERTIFICATE

On , the Court caused the foregoing document to be served via the Clerk of Court's case management system, which served the following individuals via email (where indicated). On the same date, the Court also served a copy of the foregoing document via First Class U.S. Mail on the individuals who do not have an email address on file with the Clerk of Court:

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