IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

CLAY G. COLSON,

Plaintiff,

v.

THE CITY OF TARPON SPRINGS, FLORIDA,

Defendant.
_____/

CASE NO.: 21-005793-CI

PLAINTIFF'S VERIFIED AMENDED MOTION FOR REHEARING OF THE ORDER DISMISSING THIS ACTION WITH PREJUDICE

COMES NOW, the Plaintiff, CLAY G. COLSON, and files his Verified Amended Motion for Rehearing of the Order Denying Plaintiff's Motion to Enlarge Time to File an Amended Complaint filed on June 28, 2022 which dismissed this action with prejudice showing:

1. On January 25, 2022, counsel for the Defendant, CITY OF TARPON SPRINGS, filed the Defendant's Motion to Dismiss for Failure to Join Indispensable Parties. Such motion did not seek dismissal with prejudice, but instead, it sought dismissal without prejudice and cited *Fulmer v. Northern Central Bank*, 386 So.2d 856 (Fla. 2d DCA 1980) which holds that it is improper to dismiss an action for failure to join indispensable parties with prejudice. Most importantly, such motion did not cite a single case concerning indispensable parties to an action to challenge the consistency of a development order with a comprehensive plan pursuant to Florida Statutes §163.3215.

2. On May 2, 2022, a hearing was held on such motion.

3. After counsel for the Defendant, CITY, presented its motion, I pointed out that the Second District Court of Appeal's decision in *City of St. Petersburg, v. Marelli*, 728

So.2d 1197 (Fla. 2d DCA 1999) held that a property owner and developer for whom a variance was granted is not an indispensable party, and thus, that such precedent requires denial of the CITY's motion to dismiss. See the transcript of the hearing on such motion held on May 2, 2022 which is attached as Exhibit A.

4. In *City of St. Petersburg, v. Marelli*, 728 So.2d 1197 (Fla. 2d DCA 1999), the court cited *Brigham v. Dade County*, 305 So.2d 756 (Fla.1974) in which the Florida Supreme Court held that a party challenging a zoning regulation change does not have to join the affected property owner who was the applicant for the zoning change because such property owner is not an indispensable party and reversed the lower courts which had dismissed the action for failure to join such property owner.

5. Also, "The Florida Supreme Court has held that in proceedings to review completed administrative action where it is claimed that the essential requirements of law have not been followed, it is not absolutely necessary that interested third parties be joined as respondents." *Tampa Bay Cab Company, Inc. v. Yellow Cab Company of Tampa, Inc.*, 446 So.2d 246, 247 (Fla. 2d DCA 1984) citing *Brigham v. Dade County*, 305 So.2d 756 (Fla. 1975) and *Great American Insurance Co. of New York v. Peters*, 105 Fla. 380, 141 So. 322 (1932).

6. "The real respondent is the tribunal whose judgment is sought to be quashed...." *Brigham* at 757; see also, *Tampa Bay Cab Company, Inc.*, at 247.

7. In spite of my citation to *City of St. Petersburg, v. Marelli* at the hearing on May 2, 2022, Judge Muscarella directed counsel for the CITY to prepare a proposed order granting the motion to dismiss for failing to include an indispensable party with 30 days leave to amend and to send a copy of the proposed order to me. See Exhibit A.

8. However, before I had a chance to receive, review and object to the proposed order prepared by counsel for the CITY, Judge Muscarella signed the proposed order on May 9, 2022, and the Order Granting Defendant CITY OF TARPON SPRINGS' Motion to Dismiss for Failure to Join Indispensable Parties was filed on May 10, 2022.

9. Such Order provides that the CITY's Motion to Dismiss for Failure to Join Indispensable Parties is granted without prejudice, but then, it provides that failure to file an amended complaint within 30 days shall result in dismissal with prejudice. However, no request to grant the relief of dismissal with prejudice was made in the CITY's motion or at the hearing. See Exhibit A.

10. Such Order also does not explain who the Court considers indispensable parties, but instead, such Order just grants the Defendant CITY's Motion to Dismiss for Failure to Join Indispensable Parties. However, while such Motion mentions both Kamil Salame and Morgan Development Group, LLC, it does not clarify whether one or both are indispensable parties. Moreover, at the hearing on May 2, 2022, counsel for the CITY mentioned both Kamil Salame and Morgan Development Group, LLC, but then asks the Court to require me to add Morgan Development to my amended complaint. See Exhibit A.

11. Furthermore, such Order states that the amended complaint is due within 30 days of the date of the hearing when Judge Muscarella stated that the order should provide 30 days to amend, and as a result, I believed that I would have 30 days from the date that the Order was filed to file an amended complaint. As such Order was filed on May 10, 2022, I believed that pursuant to Judge Muscarella's ruling at the hearing on May 2, 2022, I had

30 days after the Order was filed which was until June 9, 2022 in order to file an amended complaint.

12. As the proposed order prepared by counsel for the CITY does not clearly specify who the Court believes should be added as an indispensable party, is contradictory, did not accurately reflect Judge Muscarella's ruling at the hearing on May 2, 2022, was entered before I received a copy to review and object to, and provides for dismissal with prejudice contrary to the precedent submitted by counsel for the CITY in its motion, on June 8, 2022, I filed my Motion for Reconsideration of Order Granting Defendant CITY OF TARPON SPRINGS' Motion to Dismiss for Failure to Join Indispensable Parties requesting the Court to either clarify or vacate such Order, and at the same time, I filed my Motion to Enlarge Time to File an Amended Complaint requesting an additional 20 days from the date of entry of the Court's order on my Motion for Reconsideration of Order Granting Defendant CITY OF TARPON SPRINGS' Motion to Dismiss for Failure to Join Indispensable Parties in which to file an amended complaint if necessary.

13. On June 17, 2022, counsel for the CITY filed a Notice which pursuant to Admin. Order No. 2020-012 PA/PI-CIR requested that the Court determine my outstanding motions without a hearing and stating that I had until July 5, 2022 to file my argument and legal memorandum in opposition to the relief requested by counsel for the CITY.

14. As a result of such Notice, I began working on my argument; however, before being able to file my argument and legal memorandum in opposition to the relief requested by counsel for the CITY, I learned that the Court entered Orders on June 27, 2022 which denied my Motion for Reconsideration and my Motion to Enlarge Time to File an Amended Complaint.

15. As such Orders were also confusing, I asked some friends to take a look at them, but I was informed that although the Clerk's office had noted the entry of such Orders on June 28, 2022, such Orders were not posted on the docket by the Clerk's office until July 5, 2022. See a copy of the docket as of the end of the business day on July 1, 2022 showing that such Orders still had not been uploaded to the docket which is attached as Exhibit B.

16. In addition, the Order Denying my Motion for Reconsideration contained spyware which reported the downloading and opening of such Order to some unknown entities. Apparently, the spyware that was embedded in such Order was the reason that the Clerk's office took over a week to post such Orders on the docket for download by the public. See the report obtained from Virus Total analyzing the Order Denying my Motion for Reconsideration which showed during such analysis that the spyware embedded in such Order attempted to contact 4 different domains and 8 different IP addresses, attempted to embed additional files on any computer opening such Order, and was able to avoid detection by all major anti-virus software which is attached as Exhibit C.

17. Obviously, sophisticated spyware embedded in the Order Denying my Motion for Reconsideration explains why it took the Clerk of Court over a week after such Order was signed by Judge Muscarella to post such Order on the docket, and likewise, such spyware that was embedded in such Order was an illegal effort to attempt to identify and spy upon anyone who downloaded or opened such Order which included multiple people who were asked to look at such Order including a reporter for the Tampa Bay Times.

18. As the Order Granting Defendant CITY OF TARPON SPRINGS' Motion to Dismiss for Failure to Join Indispensable Parties is contrary to the Second District Court of Appeal's holding in *City of St. Petersburg, v. Marelli*, 728 So.2d 1197 (Fla. 2d DCA 1999) and the

Florida Supreme Court's holding in *Brigham v. Dade County*, 305 So.2d 756 (Fla.1974) that a property owner and developer for whom a variance was granted is not an indispensable party to an action to challenge a decision by local government to grant a variance to allow a development, the Court should vacate such Order.

19. As the Order Granting Defendant CITY OF TARPON SPRINGS' Motion to Dismiss for Failure to Join Indispensable Parties is not clear, is contradictory, did not accurately reflect Judge Muscarella's ruling at the hearing on May 2, 2022, was entered before I received a copy to review and object to, and provides for dismissal with prejudice contrary to the precedent submitted by counsel for the CITY in its motion; as I raised such cause in my Motion for Reconsideration of such Order and my Motion to Enlarge Time to file an Amended Complaint; and as counsel for the CITY filed a Notice which pursuant to Admin. Order No. 2020-012 PA/PI-CIR requested that the Court determine my outstanding motions without a hearing and stating that I had until July 5, 2022 to file my argument and legal memorandum in opposition to the relief requested by counsel for the CITY, Judge Muscarella should have at least granted my Motions requesting clarification of such Order and enlarging the time in which I could file an Amended Complaint.

20. Finally, in spite of my citation to *City of St. Petersburg, v. Marelli* at the hearing on May 2, 2022, Judge Muscarella granted the city's motion so quickly that she could not have looked up the case that I cited and did not even appear to consider it. See Exhibit A.

21. A party has the due process right to a full and fair hearing before an impartial judge. See e.g., *Robbins v. Robbins*, 429 So.2d 424 (Fla. 3rd DCA 1983).

22. "Due process requirements must be met." *Id.* at 429 citing, *Shillitani v. United States*, 384 U.S. 364, 86 S.Ct. 1531, 16 L.Ed.2d 622 (1966). "A fundamental due process requirement is a hearing, one that may be neither sham nor pretense." *Id.* citing, *Palko v. Connecticut*, 302 U.S. 319, 58 S.Ct. 149, 82 L.Ed. 288 (1937).

23. As the hearing on May 2, 2022, appeared to be no more than a sham hearing in which the outcome was predetermined, my right to due process was violated, and therefore, both the Order Granting Defendant CITY OF TARPON SPRINGS' Motion to Dismiss for Failure to Join Indispensable Parties and the Order Denying Plaintiff's Motion to Enlarge Time to File an Amended Complaint which dismissed this action with prejudice should be vacated.

WHEREFORE, for the foregoing reasons, I respectfully request that the Court grant my Motion for Rehearing, vacate or clarify the Order Granting Defendant CITY OF TARPON SPRINGS' Motion to Dismiss for Failure to Join Indispensable Parties, vacate the Order Denying Plaintiff's Motion to Enlarge Time to File an Amended Complaint, and grant me at least an additional 20 days from the date of entry of the Court's order on this Motion in which to file an amended complaint if necessary.

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing motion and the facts stated in it are true.

Clay G. Colson 072522

CLAY G. COLSON Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion has been served by U.S. Mail to Jay

Daigneault, Esq. of Trask Daigneault, LLP at 1001 S. Fort Harrison Ave., Suite 201 in Clearwater, FL 33756 on this 25th day of July 2022.

CLAY G. COLSON
4318 Joy Drive
Land O'Lakes, FL 34638
813-601-3391

Exhibit A

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, STATE OF FLORIDA
CIVIL DIVISION

CLAY G. COLSON,
Plaintiff,

Case No. 21-005793-CI

vs.

THE CITY OF TARPON SPRINGS, FLORIDA,
Defendant.
/

PROCEEDINGS HELD TELEPHONICALLY

PROCEEDINGS:	DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO JOIN INDISPENSABLE PARTIES
BEFORE:	The Honorable Patricia Muscarella Circuit Court Judge
DATE:	May 2, 2022 11:09 a.m. - 11:24 a.m.
REPORTED BY:	Annemarie Christodoulou
PLACE:	Pinellas County Courthouse 315 Court Street, 4th Floor Clearwater, Florida 33756

MAXA ENTERPRISES, INC.
1275 Cleveland Street
Clearwater, Florida 33755
(727) 441-2404 Fax: (727) 448-0028

APPEARANCES:

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Counsel for the Intervener

ALSO PRESENT:

Clay Colson, pro se

THE COURT: This is Clay Colson vs. City of Tarpon Springs. This is defendant's motion to dismiss for failure to join indispensable parties. Who is here on behalf of the plaintiff?

MR. COLSON: Yes, Your Honor. I'm here.

THE COURT: Mr. Colson is that you or are you represented?

MR. COLSON: No, it's me. I represent myself pro se, Your Honor.

THE COURT: Okay. Great. Thank you. And for the defense?

ATTORNEY DAIGNEAULT: Good morning, Your Honor. Jay Daigneault on behalf of the City of Tarpon Springs.

THE COURT: Okay. Thank you. So it's your motion --

THE COURT REPORTER: And I'm sorry, Your Honor, a court reporter is on the line also.

THE COURT: Oh, sorry. Who else is on the line? Is there a court reporter?

THE COURT REPORTER: Yes, Your Honor.

(An unknown speaker speaks.)

THE COURT: I think we have two court reporter's is that right?

UNKNOWN SPEAKER: Yes.

THE COURT REPORTER: I am here for Colson vs. City

of Tarpon Springs, and I was hired by Mr. Daigneault's office. This is Annemarie with Maxa Enterprises.

THE COURT: Mr. Colson, did you hire a court reporter?

MR. COSTELLO: Your Honor, there is an additional appearance. Your Honor, my name is Shane Costello. I represent the intervener. We filed a notice to intervene that is set for hearing, and my office also, I guess, secured a court reporter.

MR. COLSON: The response to your question, Your Honor. I'm just recording this. I don't have a court reporter.

THE COURT: It's against all the rules to record anything, Mr. Colson.

MR. COLSON: Oh, it is?

THE COURT: Yes. You have to stop and erase what you have now.

MR. COLSON: I will stop it now.

THE COURT: And erase whatever you have.

UNKNOWN SPEAKER: And, Your Honor, this is the court reporter Mr. Costello hired.

THE COURT: Who is Mr. Costello?

ATTORNEY COSTELLO: Your Honor, Shane Costello, I just announced my appearance. I'm on behalf of the intervener, Morgan Group Development, we filed a motion

to intervene that is connected with the City's motion to dismiss for failure to join an indispensable party. We are that indispensable party. So those are the two matters set for hearing today.

UNKNOWN SPEAKER: Your Honor, I'm okay with signing off and letting the other court reporter stay on who originally set the motion to dismiss.

ATTORNEY DAIGNEAULT: That's correct.

THE COURT: I think that's the proper thing. I never say your name right, Mr. Daigneault. You have to tell me one more time how to say your name.

ATTORNEY DAIGNEAULT: It's Daigneault, Your Honor.

THE COURT: Spell it for me phonetically, so I never forget this again.

ATTORNEY DAIGNEAULT: It's a Great Dane dog and a yo-yo.

THE COURT: Daigneault. All right. So if you are in agreement for keeping your court reporter and releasing everyone else that would be fine with me.

ATTORNEY DAIGNEAULT: I think that's fine. Thanks, Your Honor.

THE COURT: Okay. So the other court reporter is released and will not be recording this at all.

UNKNOWN SPEAKER: Thank you.

THE COURT: Okay. Mr. Daigneault, this is your

motion. The other motion to intervene was added time permitting. I have an 11:30, and so would you like to proceed.

ATTORNEY DAIGNEAULT: Yes, Your Honor. Thank you. And I will be brief respecting the Court's time with a second motion that we'd like to have -- be heard in resolving. So in short, Your Honor -- challenge --

THE COURT: Mr. Daigneault, you are breaking up. I apologize. But I cannot hear you very well.

ATTORNEY DAIGNEAULT: Is that better?

THE COURT: That is better. Thank you.

ATTORNEY DAIGNEAULT: All right. So we're here on two development orders issued by the City regarding the Anclote Harbor residential planned development. The first order is Ordinance Number 2021-15. The second is a Resolution Number 2021-60.

These development orders are in service of and paved a way, if you will, for development called Anclote Harbor that is proposed undertaken by Kamil Salame and the Morgan Group Development, LLC, which is the contract purchaser and proposed developer of the development project up in Tarpon Springs.

Because they are the contract purchaser, they are very much of a real party of interest in this case as set forth in the City's motion, particularly the Two

Island Development case, cannot proceed without them. Their presence is necessary for the Court to make a complete determination of the parties' rights, duties and obligations in the case.

So pursuant to Rule 1.210(1), as well as the case law cited within the motion, which includes *Santiago vs. Sunset Cove Investments*, and *Two Island Development Corporation vs. Clarke*, which I know also that the proposed intervener relies upon in its motion.

The intervener and Morgan Development needs to be a party to this case because it's really their rights that are at issue here. Whether these development orders comply with the City's Comprehensive Plan, certainly the City is required to be a party, but due to the contract purchase status and the development proposed by intervener they need to be a party. We had a similar fact pattern in the *Two Islands* case and this case, according to the City, and we argue should be decided similarly.

And so for that reason I think we probably should discuss what is the appropriate remedy in the case. The City here has moved for dismissal for failure to join an indispensable party, and I think that dismissal is really the appropriate remedy, wherein the plaintiff would be permitted to amend his complaint to determine

whether he wishes to add Morgan Development as the developer, and if he chooses not to the case should not proceed forward.

And with that I'm happy to answer any questions that the Court has.

THE COURT: Thank you, Mr. Daigneault. I'd like to hear -- Mr. Colson, would you like to respond to that?

MR. COLSON: I would, Your Honor. My complaint is with the City for its failure to do it's due diligence in following its Comprehensive Plan, Land Development Ordinances, and Land Development Codes in granting this, which has nothing to do High Woods -- with the Morgan Group.

In the High Wood's case was an appellate review of the City's decision. However, this action is a de novo review of the development under Florida Statutes Section 163.3215(3); and, therefore, as recognized by the court in High Woods the Florida Rules of Appellate Procedure do not apply because this is an action provided by general law and is not an appellate review of Tarpon's decision.

Therefore, the Second DCA holding in the *City of St. Pete vs. Marelli* and the Florida Supreme Court holding in Brigham vs. Dade City -- or Dade County that

the property owner is not an indispensable party prohibits Morgan Group's intervention as well requires a denial of Tarpon's motion to dismiss.

THE COURT: Okay. Thank you. Now I'd like to hear from the intervener.

ATTORNEY COSTELLO: Yes, Your Honor. We're in agreement with the motion to dismiss for failure to join an indispensable party. As we've laid out in the motion to intervene, Morgan is the contract purchaser, is the equitable titleholder to the property. It is the real party of interest that stands to gain or lose from the outcome of this proceeding.

If the Court rules in the plaintiff's favor in this proceeding, Morgan will not be able to complete the development of its property as has been approved by the City. So Morgan certainly meets the test for intervention, which is whether you stand to gain or lose by the outcome of the proceeding.

And as Mr. Daigneault argued, Morgan is, in fact, a necessary, or indeed, an indispensable party in this proceeding. The test of an indispensable party is whether it is impossible to completely adjudicate the matter without affecting the interests of that party, the *Two Island* case that Mr. Daigneault cited.

Plaintiff in this action, their request for relief

would include an injunction preventing the development of my client's property. That most certainly affects my client's interest. Likewise, the test for a necessary party is whether the person is materially interested in the subject matter and would be directly affected by an adjudication, and we certainly would.

These clients cannot be adjudicated without affecting Morgan's private property rights and entitlements on the property. And so we would request that Morgan be included in this case as a party defendant.

THE COURT: Okay. Mr. Colson?

MR. COLSON: As pointed out earlier, Your Honor, the Morgan Group had nothing to do with the decision rendered by the City of Tarpon Springs, other than applying for it, and the City of Tarpon Springs failed to follow its own rules and regulations in the Comprehensive Plan in issuing that development order. So it's moot whether or not Morgan is going to be affected or not as being the intervener in this.

The complaint is strictly about whether or not the City Commission of Tarpon Springs followed its rules and regulations in granting them that order. If they did not do that, then they have no standing.

THE COURT: Okay. So I am going to grant the

motion to dismiss without prejudice.

Mr. Colson, you may -- how many days would you like to amend your pleading?

MR. COLSON: Well, motion to dismiss, I'd like to ask for 30 days to file an amended complaint since I am pro se plaintiff and needs extra time.

THE COURT: Okay. That's fine with me.

Provide an order -- I guess, Mr. Daigneault, would you provide the order? It's your motion. And run it around for everyone.

I don't know, Mr. Colson, are you associated in JAWS in some way or would you like hard copies of everything?

MR. COLSON: Hard copies. I don't have internet access and want everything by U.S. mail, please.

THE COURT: Okay. So, Mr. Daigneault, would you provide that, run it by Mr. Colson if you can.

Do you have email, Mr. Colson?

MR. COLSON: I do not.

THE COURT: Okay. So I guess you just send me hard copies with your proposed order, and we will proceed.

MR. COLSON: Thank you so much, Your Honor.

ATTORNEY DAIGNEAULT: Your Honor, do you want me to run the order by Mr. Colson for form approval or

would you rather that I simply copy him on it and copy to Your Honor as well?

THE COURT: I don't think it's complicated for a motion to dismiss for failing to include an indispensable party is -- the motion to dismiss is granted, 30 days leave to amend. So I think it's pretty simple. I think a copy to Mr. Colson is fine.

ATTORNEY DAIGNEAULT: Agreed. Thank you, Your Honor.

THE COURT: Okay. Anything else for today?

MR. COSTELLO: No, Your Honor.

ATTORNEY DAIGNEAULT: No, Your Honor. Thank you for your time.

THE COURT: Okay. If you need to address the intervener motion that was -- just leave it for now?

MR. COSTELLO: I don't think it -- Your Honor, this is Shane Costello. I don't think it needs to be addressed given the ruling on the motion to dismiss. Mr. Colson will either need to include Morgan Group as a party defendant in his amended complaint or the action would be dismissed.

THE COURT: Okay. Thank you, everyone.

(The hearing was concluded at 11:24 a.m.)

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF PINELLAS)

I, Annemarie Christodoulou, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings in CLAY G. COLSON vs. THE CITY OF TARPON SPRINGS, Case Number 21-005793-CI, held on May 2, 2022 before the Honorable Patricia Muscarella held telephonically; and that the transcript, pages numbered 1 through 13, inclusive, is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Annemarie Christodoulou

ANNEMARIE CHRISTODOULOU
Court Reporter

Exhibit B

REGISTER OF ACTIONS
CASE NO. 21-005793-CI

CLAY G COLSON Vs. CITY OF TARPON SPRINGS FLORIDA §

Case Type: **DECLARATORY - CIRCUIT**
Date Filed: **12/09/2021**
Location: **Section 7**
Judicial Officer: **MUSCARELLA, PATRICIA ANN**
UNIFORM CASE NUMBER: **522021CA005793XXCICI**

PARTY INFORMATION

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PLAINTIFF **COLSON, CLAY G**
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EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

06/28/2022 **ORDER DENYING** **Doc # 41**
PLAINTIFFS MOTION TO ENLARGE TIME TO FILE AN AMENDED COMPLAINT

06/28/2022 **ORDER DENYING** **Doc # 42**
PLAINTIFFS MOTION FOR RECONSIDERATION

06/28/2022 **CORRESPONDENCE TO COURT RE** **Doc # 43**
PROPOSED ORDER

06/21/2022 **DCA ORDER** **Doc # 40**
DENYING THE PETITION TO REVIEW ORDER EXCLUDING PRESS COVERAGE OF PROCEEDINGS IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR PINELLAS COUNTY, FLORIDA, WITHOUT PREJUDICE TO PETITIONER'S SEEKING PERMISSION TO RECORD FUTURE PROCEEDINGS IN ACCORDANCE WITH SIXTH JUDICIAL CIRCUIT ADMINISTRATIVE ORDER NO. 2008-076 PA/PI-CIR. / 2D22-1756

06/20/2022 **CORRESPONDENCE TO CLERK RE** **Doc # 39**
SUPPLEMENT TO APPENDIX - RCVD BY COURT 06162022

06/17/2022 **NOTICE** **Doc # 38**
OF REQUEST

06/15/2022 **RESPONSE** **Doc # 36**
TO PLAINTIFF'S MOTION TO ENLARGE TIME TO FILE AN AMENDED COMPLAINT

06/15/2022 **EXHIBIT** **Doc # 37**
A-LETTER/APPLICATION/CASE RECORDS

06/08/2022 **PLTF-PET'S MOTION FOR RECONSIDERATION** **Doc # 34**
OF ORDER GRANTING DEFENDANT CITY OF TARPON SPRINGS' MOTION TO DISMISS FOR FAILURE TO JOIN INDISPENSABLE PARTIES

06/08/2022 **MOTION** **Doc # 35**
TO ENLARGE TIME TO FILE AN AMENDED COMPLAINT
Filed by: COLSON, CLAY G

06/03/2022 **COPY** **Doc # 33**
OF CORRESPONDENCE TO SECOND DCA RE: THE PETITION TO REVIEW ORDER EXCLUDING PRESS COVERAGE RECEIVED BY COURT 06/02/2022 2D22-1756

06/02/2022 **DCA ORDER** **Doc # 32**
BY 06/12/2022 PETITIONER SHALL SUPPLEMENT THE APPENDIX WITH EITHER WRITTEN ORDER OR TRANSCRIPT OF THE TRIAL JUDGE'S ORAL PRONOUNCEMENT. RESPONDENT SHALL SERVE A RESPONSE TO THE PETITION WITHIN 10 DAYS. 2D22-1756

06/01/2022 **LETTER FROM 2ND DCA RE ASSIGN APPEAL NO.** **Doc # 30**
2D22-1756

06/01/2022 **DCA ORDER** **Doc # 31**
APPROVING AFFIDAVIT OF INSOLVENCY/INDIGENT AND ACCOMPANYING MOTN FILED ; FILING FEE NOT REQUIRED. 2D22-1756

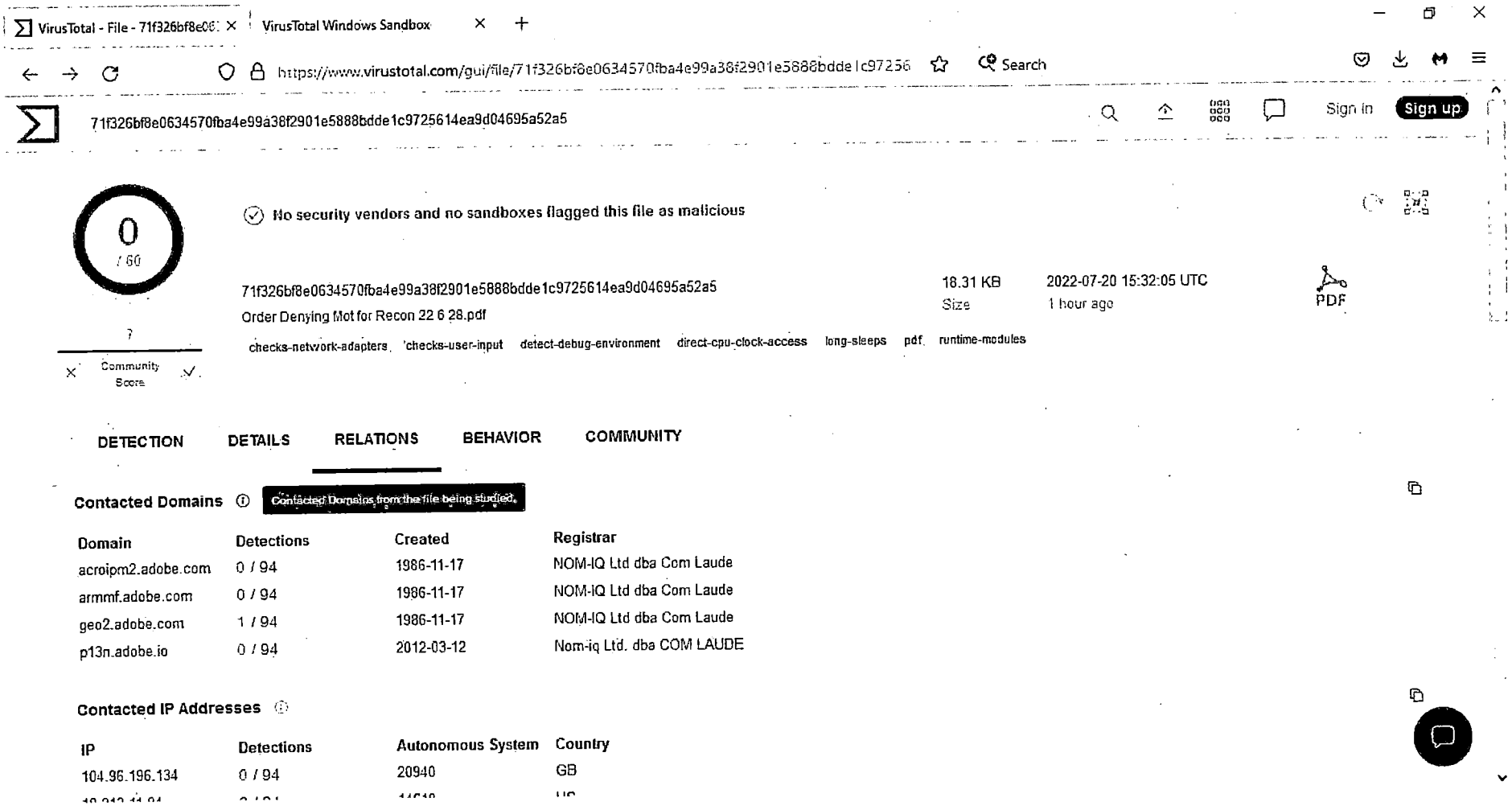
05/31/2022	**RESPONSE** Doc # 28	
	(PLTF'S)TO DEFT'S FIRST REQUEST TO PRODUCE	
05/31/2022	**NOTICE OF SERVICE OF INTERROGATORIES** Doc # 29	
	(PLTF'S)	
05/25/2022	**ORDER DENYING** Doc # 27	
	MOTION TO DISQUALIFY JUDGE	
05/20/2022	**MOTION** Doc # 25	
	TO DISQUALIFY JUDGE PATRICIA ANN MUSCARELLA	
	Filed by: COLSON, CLAY G	
05/20/2022	**APPLICATION FOR INDIGENT STATUS APPROVED** Doc # 26	
	Party: COLSON, CLAY G	
05/17/2022	**MOTION TO COMPEL DISCOVERY** Doc # 20	
	Party: CITY OF TARPON SPRINGS FLORIDA	
05/17/2022	**EXHIBIT** Doc # 21	
	FIRST REQUEST TO PRODUCE	
	Party: CITY OF TARPON SPRINGS FLORIDA	
05/17/2022	**EXHIBIT** Doc # 22	
	NOTICE OF SERVING FIRST SET OF INTERROGATORIES	
05/17/2022	**EXHIBIT** Doc # 23	
	LETTER DATED 04182022	
05/17/2022	**NOTICE** Doc # 24	
	OF REQUEST FOR COURT TO CONSIDER MOTION TO COMPEL DISCOVERY WITHOUT HEARING	
05/10/2022	**ORDER GRANTING** Doc # 18	
	DEFT'S MOTION TO DISMISS	
05/10/2022	**CORRESPONDENCE TO COURT RE** Doc # 19	
	PROPOSED ORDER - RCVD BY COURT 05062022	
03/16/2022	**NOTICE OF HEARING** Doc # 17	
	(CROSS TELEPHONIC) 05022022 11:00	
03/09/2022	**REQUEST FOR PRODUCTION** Doc # 15	
03/09/2022	**NOTICE OF SERVICE OF INTERROGATORIES** Doc # 16	
03/07/2022	**NOTICE OF HEARING** Doc # 12	
	05022022 11:00 TELEPHONIC	
03/07/2022	**MOTION TO INTERVENE** Doc # 13	
	FILED BY MORGAN GROUP DEVELOPMENT LLC	
03/07/2022	**EXHIBIT** Doc # 14	
	COMPOSITE A- COPIES ORDERS	
01/31/2022	**NOTICE OF CANCELLATION** Doc # 11	
	OF TELEPHONIC HEARING 03312022	
01/26/2022	**SUMMONS - SERVED** Doc # 10	
	01252022	
	Party: CITY OF TARPON SPRINGS FLORIDA	
01/25/2022	**SUMMONS - ISSUED** Doc # 7	
	AMMENDED	
	Party: COLSON, CLAY G	
01/25/2022	**DEF-RESP'S MOTION TO DISMISS** Doc # 8	
	FOR FAILURE TO JOIN INDISPENSABLE PARTIES	
01/25/2022	**NOTICE OF HEARING** Doc # 9	
	03312022 10:15 TELEPHONIC	
01/19/2022	**NOTICE OF APPEARANCE** Doc # 6	
	Party: CITY OF TARPON SPRINGS FLORIDA	
12/17/2021	**DEF-RESP'S MOTION** Doc # 5	
	TO QUASH PROCESS AND SERVICE OF PROCESS	
12/14/2021	**SUMMONS - SERVED** Doc # 4	
	12/10/2021	
	Party: CITY OF TARPON SPRINGS FLORIDA	
12/10/2021	**SUMMONS - ISSUED** Doc # 3	
	NCB - GIVEN TO PLAINTIFF FOR PROCESS SERVER	
	Party: CITY OF TARPON SPRINGS FLORIDA	
12/09/2021	**COMPLAINT** Doc # 1	
12/09/2021	**ATTACHMENT** Doc # 2	
	ORDINANCE	

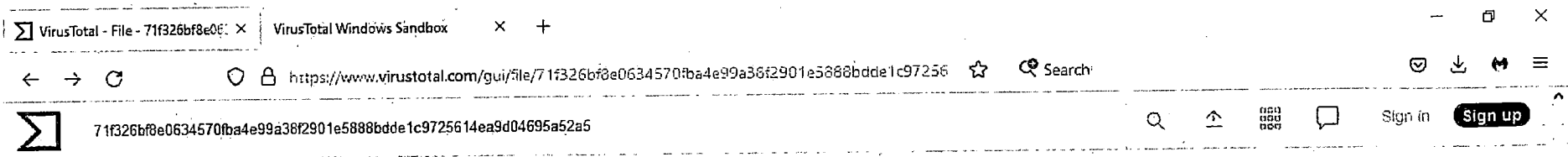
FINANCIAL INFORMATION

PLAINTIFF COLSON, CLAY G

	Total Financial Assessment			420.00
	Total Payments and Credits			420.00
	Balance Due as of 07/01/2022			**0.00**
12/09/2021	Transaction Assessment			400.00
12/09/2021	Counter Payment	Receipt # CV-2021-29455	COLSON, CLAY G	(400.00)
12/10/2021	Transaction Assessment			10.00
12/10/2021	Counter Payment	Receipt # NC-2021-10328	COLSON, CLAY G	(10.00)
01/25/2022	Transaction Assessment			10.00
01/25/2022	Counter Payment	Receipt # NC-2022-00657	COLSON, CLAY G	(10.00)

Exhibit C





geo2.adobe.com	1 / 94	1986-11-17	NOM-IQ Ltd dba Com Laude
p13n.adobe.io	0 / 94	2012-03-12	Nom-iq Ltd. dba COM LAUDE

Contacted IP Addresses ⓘ Contacted IP Addresses from the file being studied.

IP	Detections	Autonomous System	Country
104.96.196.134	0 / 94	20940	GB
18.213.11.84	0 / 94	14618	US
184.31.224.145	0 / 94	16625	GB
34.237.241.83	0 / 94	14618	US
50.16.47.176	0 / 94	14618	US
54.224.241.105	0 / 94	14618	US
92.123.140.146	0 / 93	20940	GB
92.123.143.219	0 / 93	20940	GB

Dropped Files ⓘ

Scanned	Detections	File type	Name
2022-07-20	0 / 57	BMP	icon-220720235001Z-169.bmp
2022-07-20	0 / 58	Text	DC_Reader_RHP_Banner
2022-07-20	0 / 57	Text	SOPHIA.json
2022-07-20	0 / 58	Text	Edit_InApp_Aug2020
?	?	file	16a9efb8b067cf6b8269fce52bd5b49ece855d7f1b5b10ea7528b3dcb3b8774d
?	?	file	43bdf70fa9bba1a618baa4f10265130884184a46b5269ca0dfaafc88a21637f1d

VirusTotal - File - 71f326bf8e06 | VirusTotal Windows Sandbox

https://www.virustotal.com/gui/file/71f326bf8e0634570fba4e99a38f2901e5888bdde1c97256 Search

71f326bf8e0634570fba4e99a38f2901e5888bdde1c9725614ea9d04695a52a5

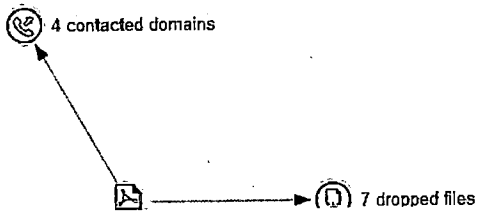
Sign in Sign up

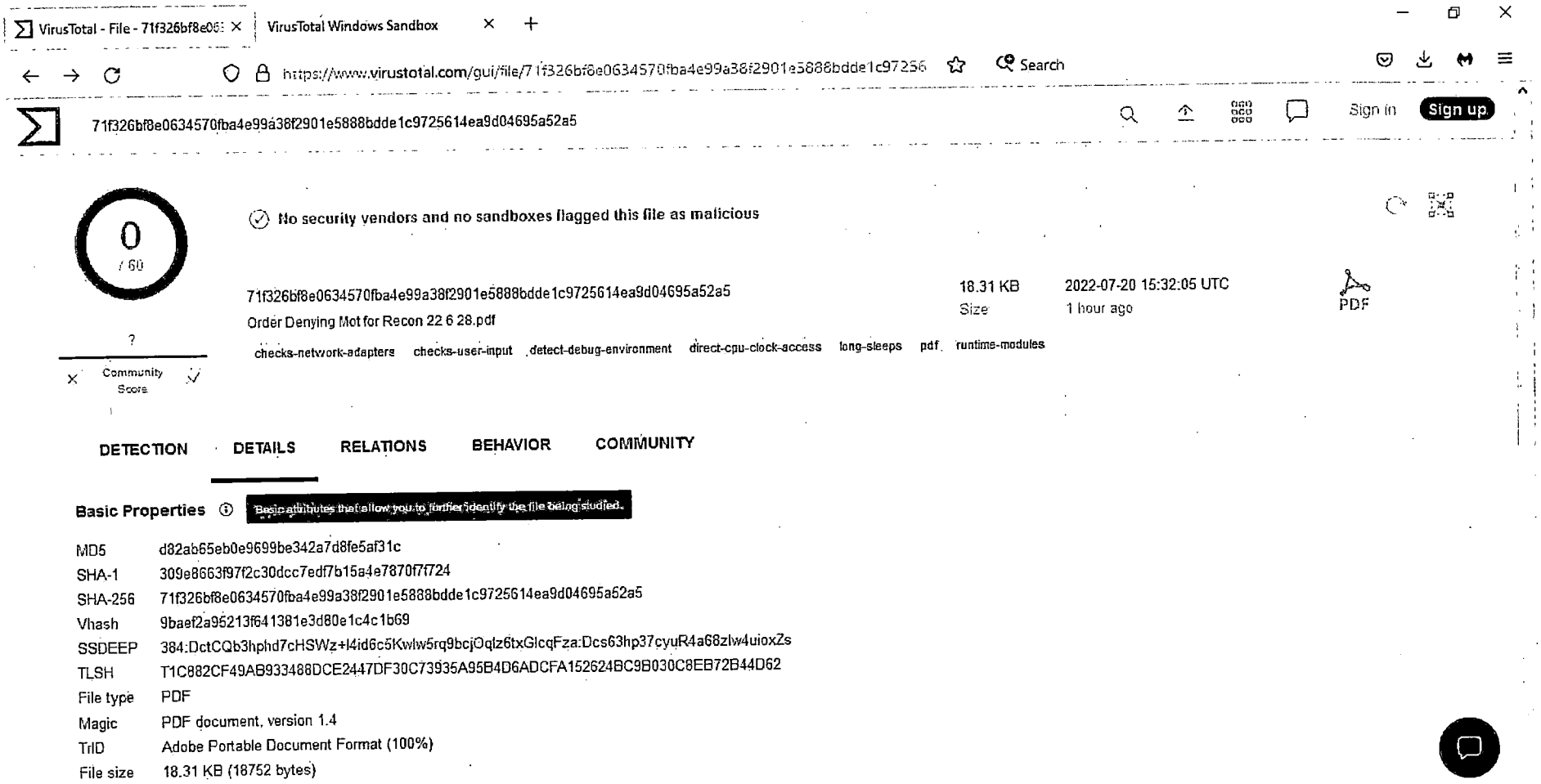
92.123.140.146	0 / 93	20940	GB
92.123.143.219	0 / 93	20940	GB

Dropped Files Files dropped by the file.

Scanned	Detections	File type	Name
2022-07-20	0 / 57	BMP	icon-220720235001Z-169.bmp
2022-07-20	0 / 58	Text	DC_Reader_RHP_Banner
2022-07-20	0 / 57	Text	SOPHIA.json
2022-07-20	0 / 58	Text	Edit_InApp_Aug2020
?	?	file	16a9efb8b067cf6b8269fce52bd5b49ece855d7f1b5b10ea7528b3dcb3b8774d
?	?	file	43bdf70fa9bbe1a618bee4f1026513088418a46b5269ce0dfaefc88c21537f1d
?	?	file	55c338568a83ed7eff07ccbcbfd583c4e0870840dd4417eb8144eeb843a93243

Graph Summary





VirusTotal - File - 71f326bf8e06 | VirusTotal Windows Sandbox

https://www.virustotal.com/gui/file/71f326bf8e0634570fba4e99a38f2901e5888bdde1c9725

Search

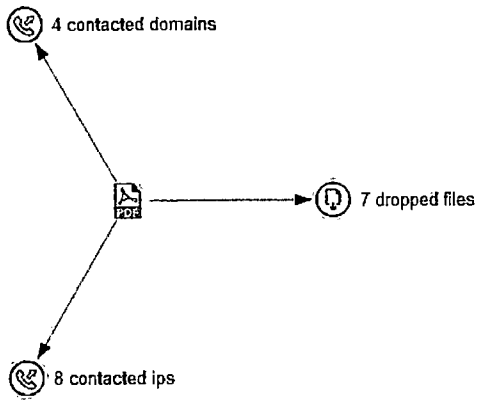
71f326bf8e0634570fba4e99a38f2901e5888bdde1c9725614ea9d04695a52a5

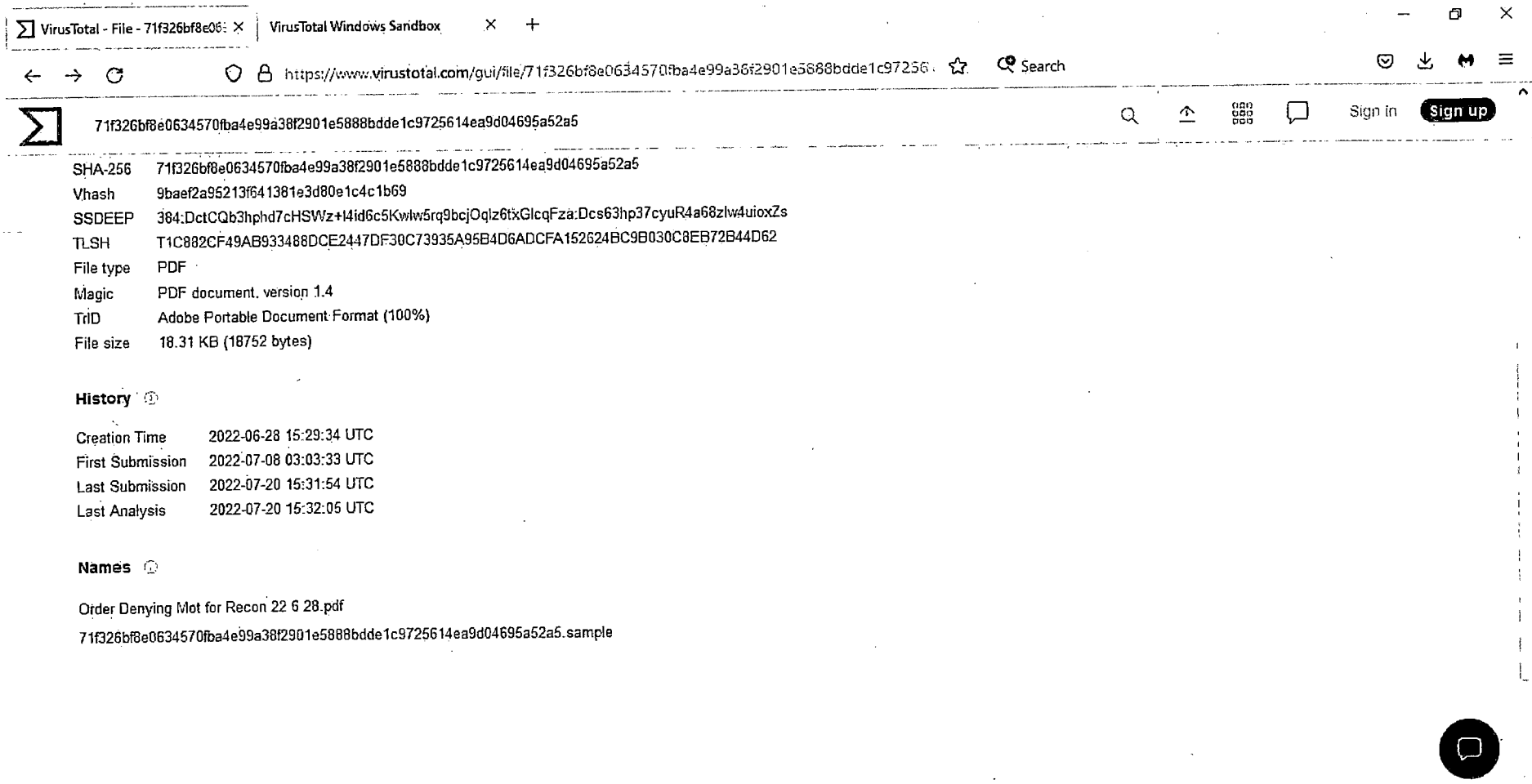
Sign in | Sign up

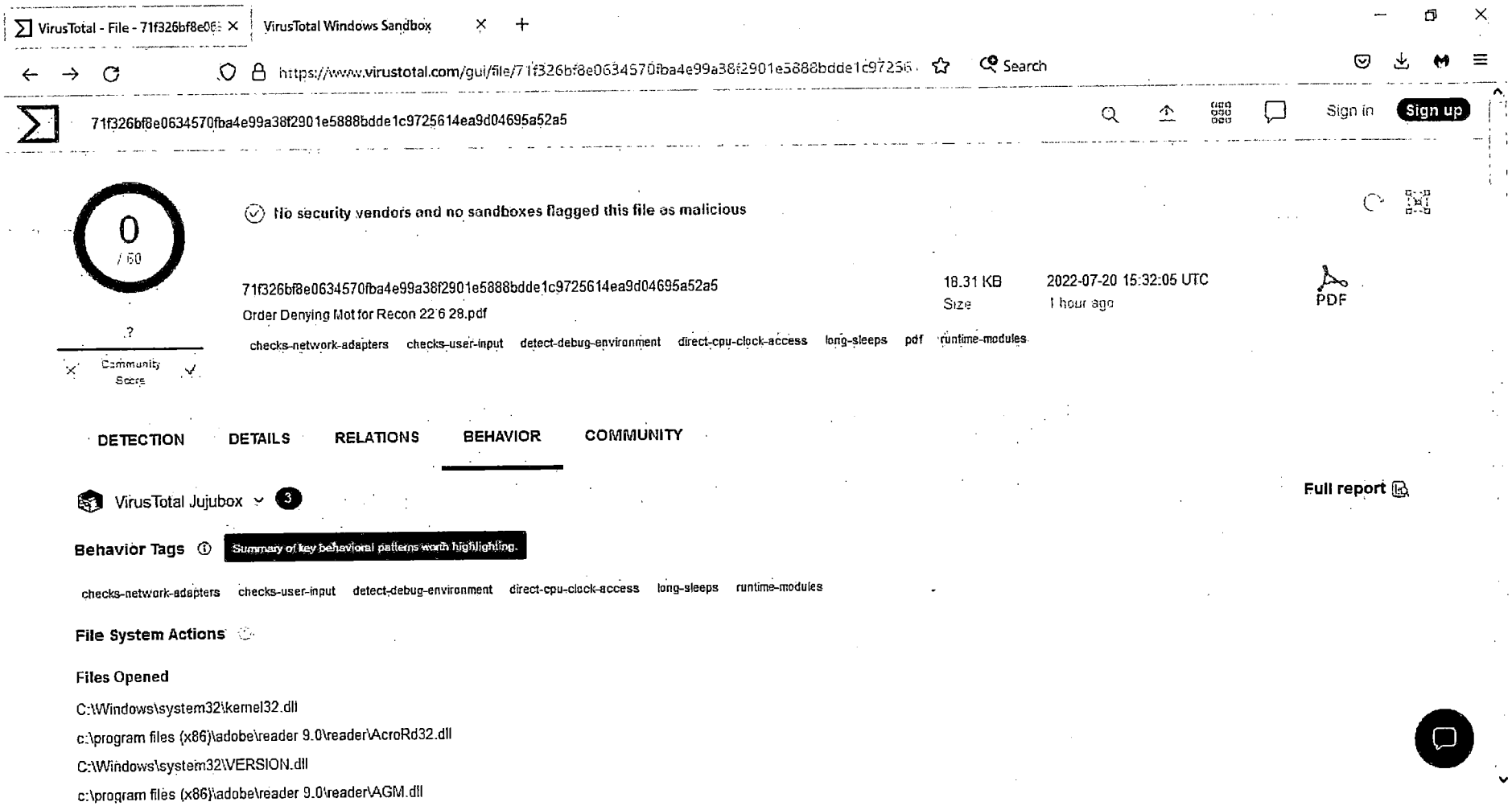
? ? file 55c338568a83ed7eff07ccbcbfd583c4e0870840dd4417eb8144eeb843a93243

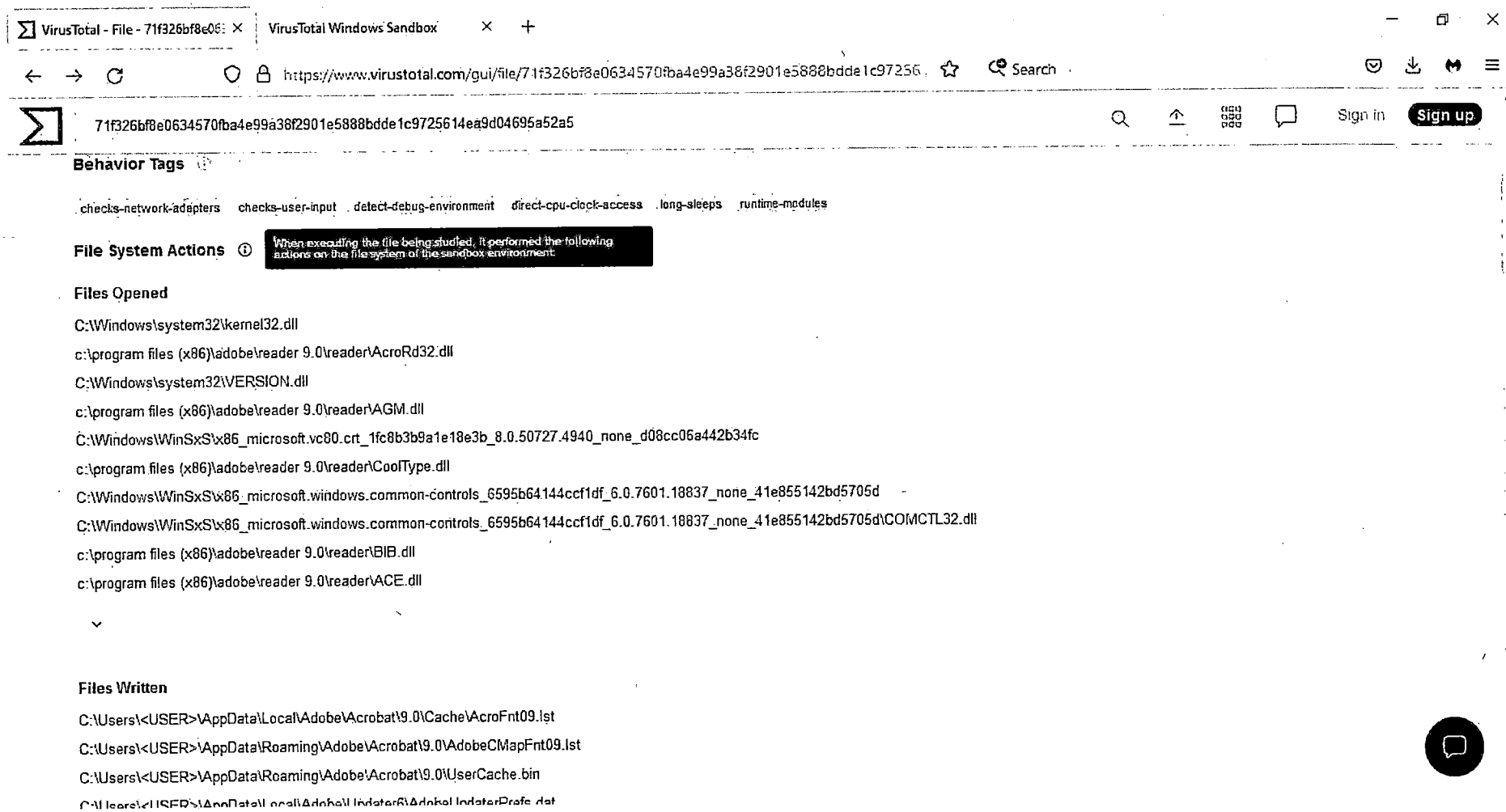
Graph Summary

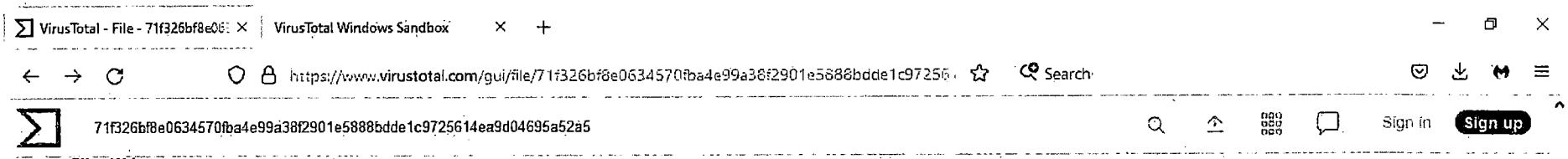
Summarized file graph - click on the illustration to explore in VirusTotal Graph and dig into relationships.











Files Written

C:\Users\<USER>\AppData\Local\Adobe\Acrobat\9.0\Cache\AcroFnt09.lst

C:\Users\<USER>\AppData\Roaming\Adobe\Acrobat\9.0\AdobeCMapFnt09.lst

C:\Users\<USER>\AppData\Roaming\Adobe\Acrobat\9.0\UserCache.bin

C:\Users\<USER>\AppData\Local\Adobe\Updater6\AdobeUpdaterPrefs.dat

Files Deleted

C:\Users\<USER>\AppData\Roaming\Adobe\Acrobat\9.0\SharedDataEvents-journal

Registry Actions ⓘ When executing the file being studied, it performed the following actions on the registry of the sandbox environment.

Registry Keys Opened

HKLM\Software\Adobe\Acrobat Reader\9.0\ORO

HKLM\SYSTEM\CurrentControlSet\Control\Session Manager\Memory Management\PrefetchParameters

HKLM\SYSTEM\CurrentControlSet\Control\Session Manager\Memory Management\PrefetchParameters\EnablePrefetcher

HKLM\System

HKLM\System\Acrobatviewercpp304

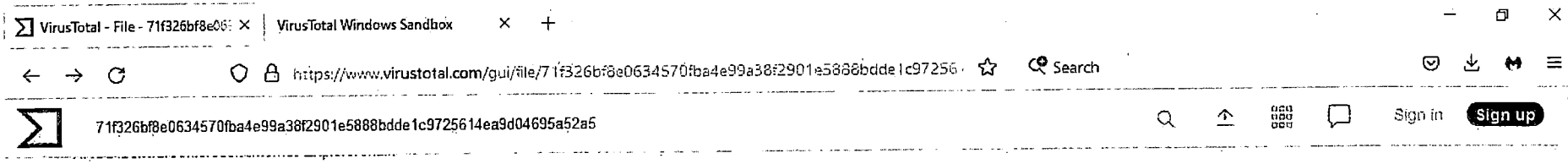
HKLM\Software\Adobe

HKCU\Software\Adobe\Acrobat Reader\9.0\Installer\Migrated

HKCU\Software\Microsoft\Internet Explorer\Main

HKCU\Software\Microsoft\Internet Explorer\Main\FrameTabWindow

HKCU\Software\Microsoft\Internet Explorer\Main\FrameMerging



HKCU\Software\Microsoft\Internet Explorer\Main\FrameTabWindow

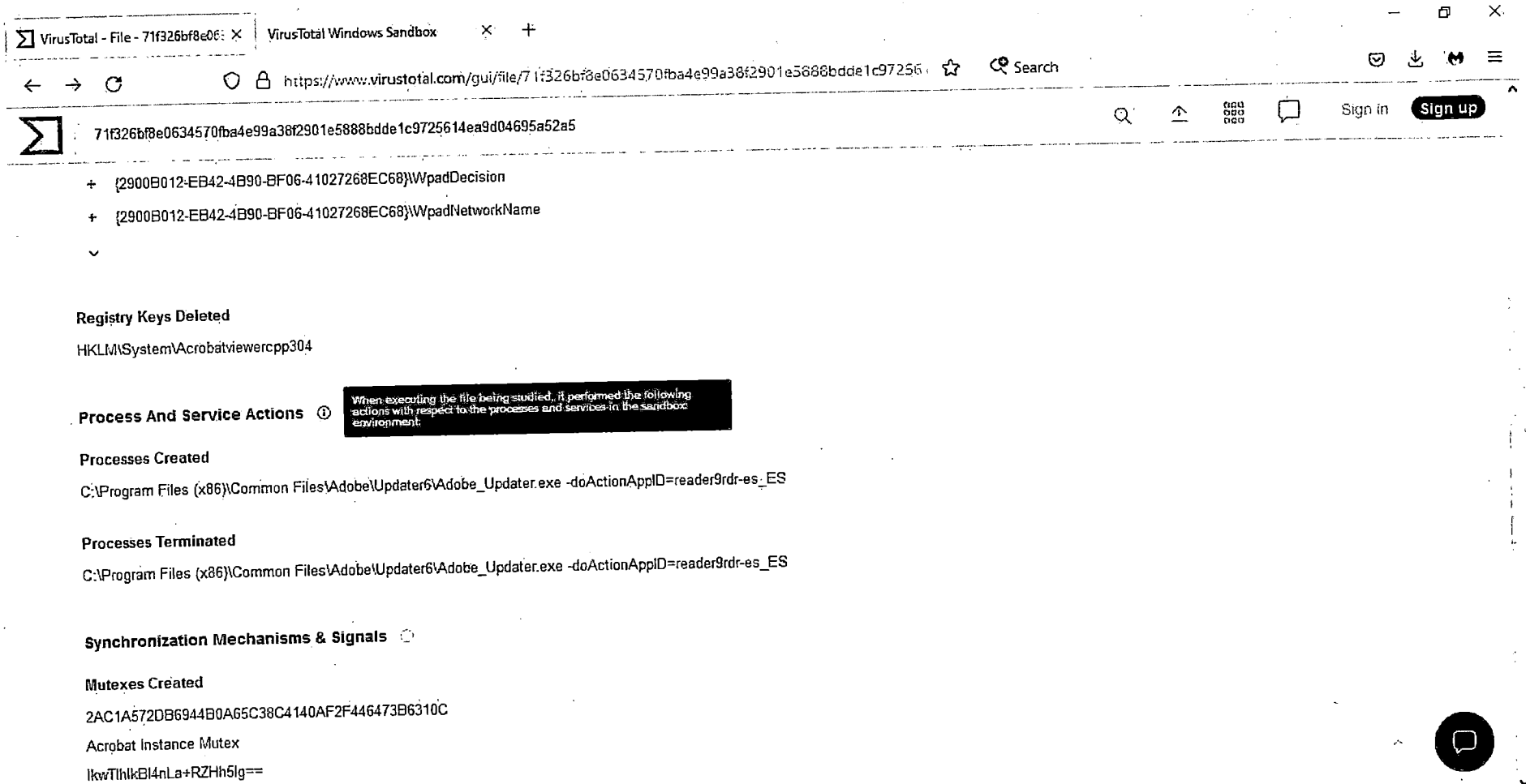
HKCU\Software\Microsoft\Internet Explorer\Main\FrameMerging

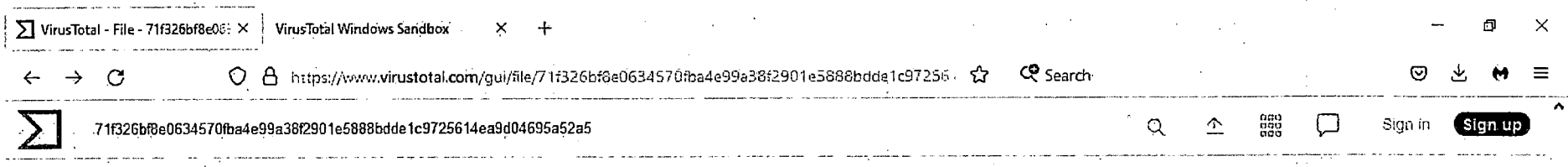
Registry Keys Set

+ Software\Adobe\Acrobat Reader\9.0\AVGeneral\bLastExitNormal
+ Software\Microsoft\Windows\CurrentVersion\Internet Settings\ProxyEnable
+ Software\Microsoft\Windows\CurrentVersion\Internet Settings\Connections\SavedLegacySettings
+ HKCU\Software\Microsoft\Windows\CurrentVersion\Internet Settings\5.0\Cache\Content\CachePrefix
+ HKCU\Software\Microsoft\Windows\CurrentVersion\Internet Settings\5.0\Cache\Cookies\CachePrefix
+ HKCU\Software\Microsoft\Windows\CurrentVersion\Internet Settings\5.0\Cache\History\CachePrefix
+ {2900B012-EB42-4B90-BF06-41027268EC68}\WpadDecisionReason
+ {2900B012-EB42-4B90-BF06-41027268EC68}\WpadDecisionTime
+ {2900B012-EB42-4B90-BF06-41027268EC68}\WpadDecision
+ {2900B012-EB42-4B90-BF06-41027268EC68}\WpadNetworkName

Registry Keys Deleted

HKLM\System\Acrobatviewercpp304





Processes Terminated

C:\Program Files (x86)\Common Files\Adobe\Updater6\Adobe_Updater.exe -doActionAppID=reader9rdr-es_ES

Synchronization Mechanisms & Signals When executing the file being studied, it performed the following actions related to synchronization and signals.

Mutexes Created

2AC1A572DB6944B0A65C38C4140AF2F446473B6310C

Acrobat Instance Mutex

IkwTIhIkBl4nLa+RZHh5Ig==

5cc/lvbQhsQNME+6NHD/xg==

2AC1A572DB6944B0A65C38C4140AF2F4b4c00D033B0

dbaKfjcoZqEY5BO9qnLWOg==

2AC1A572DB6944B0A65C38C4140AF2F4b4c00D033B8

Cx7Rk2iEn5RNj416G9273w==

Modules Loaded

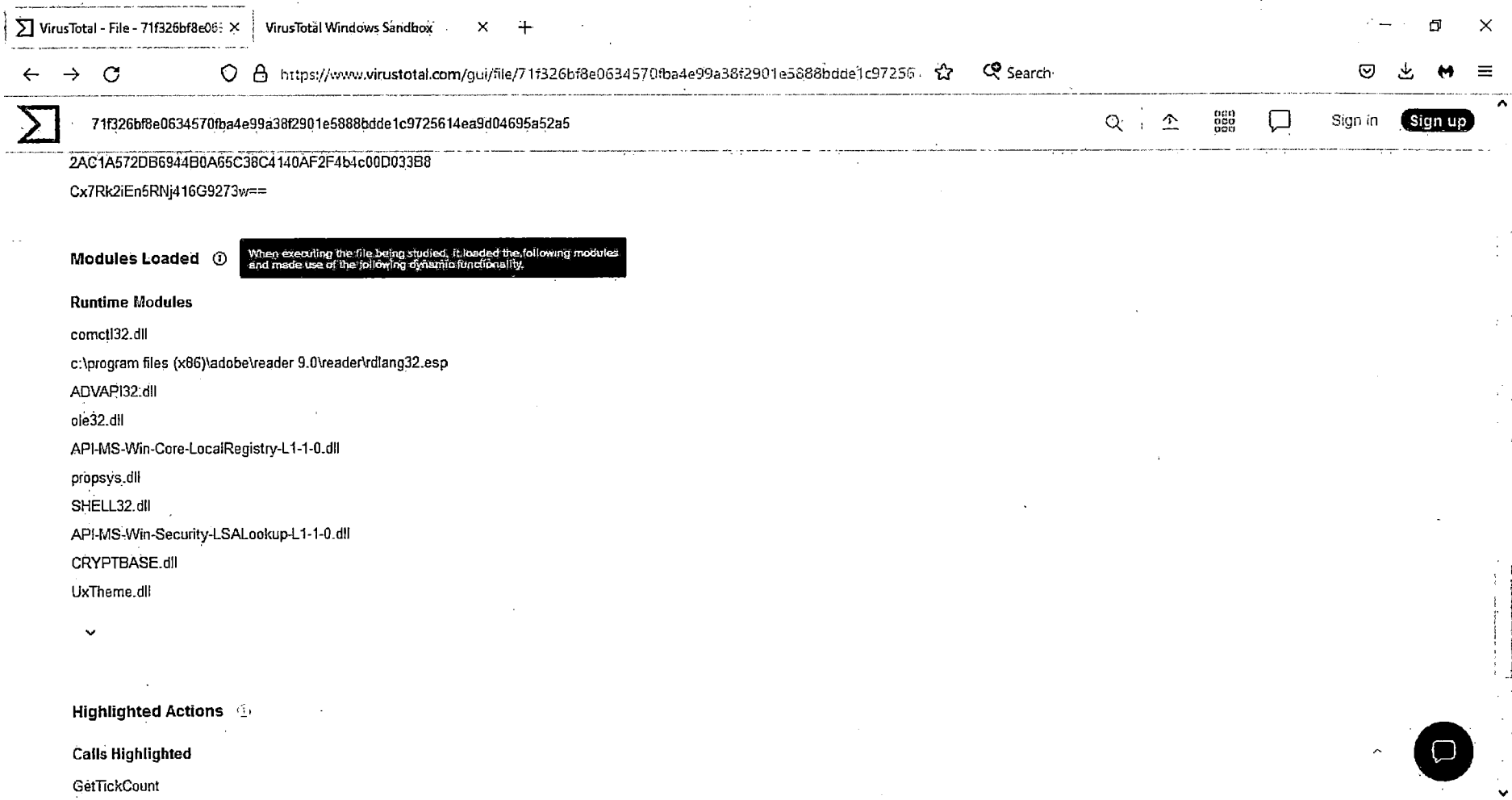
Runtime Modules

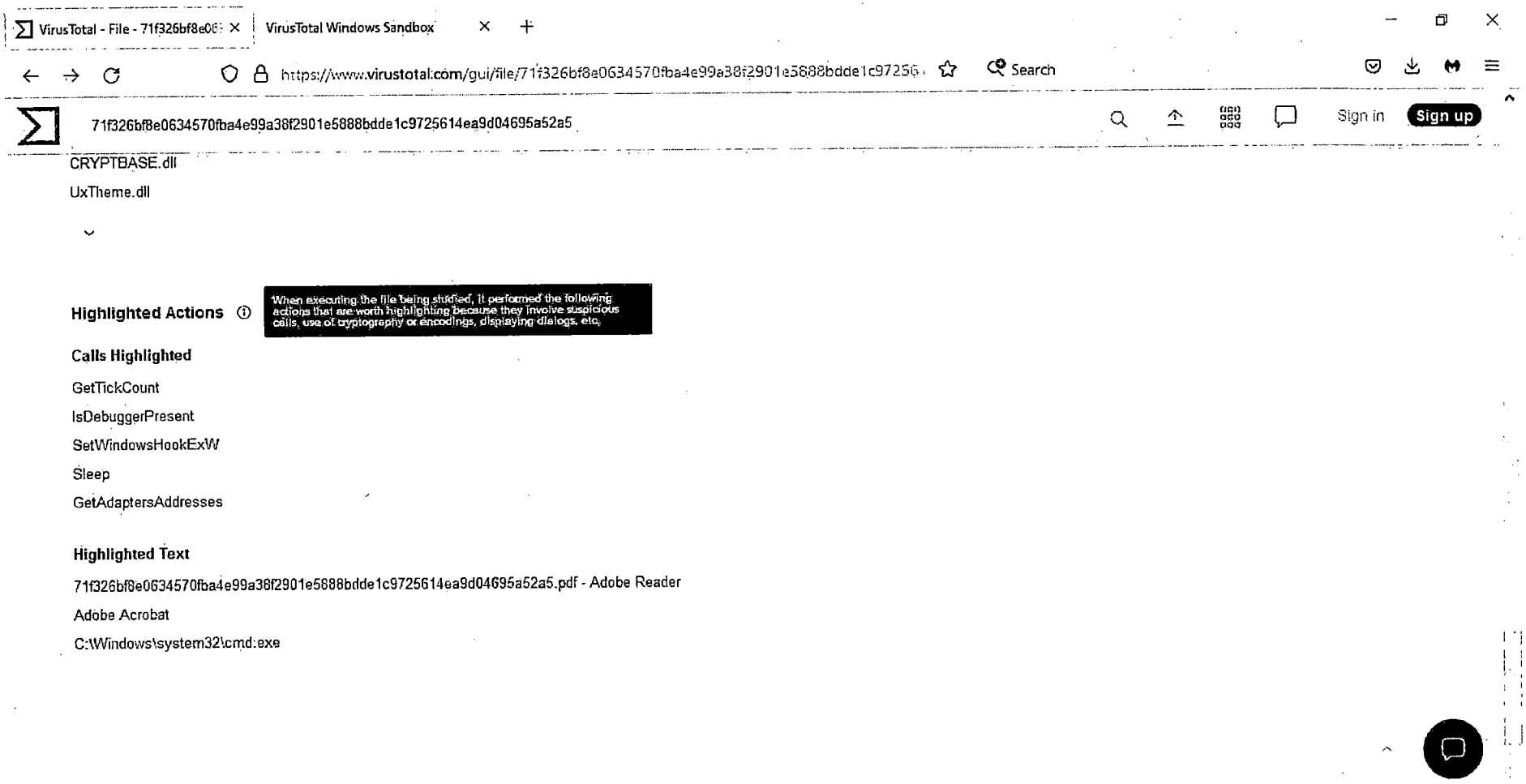
comctl32.dll

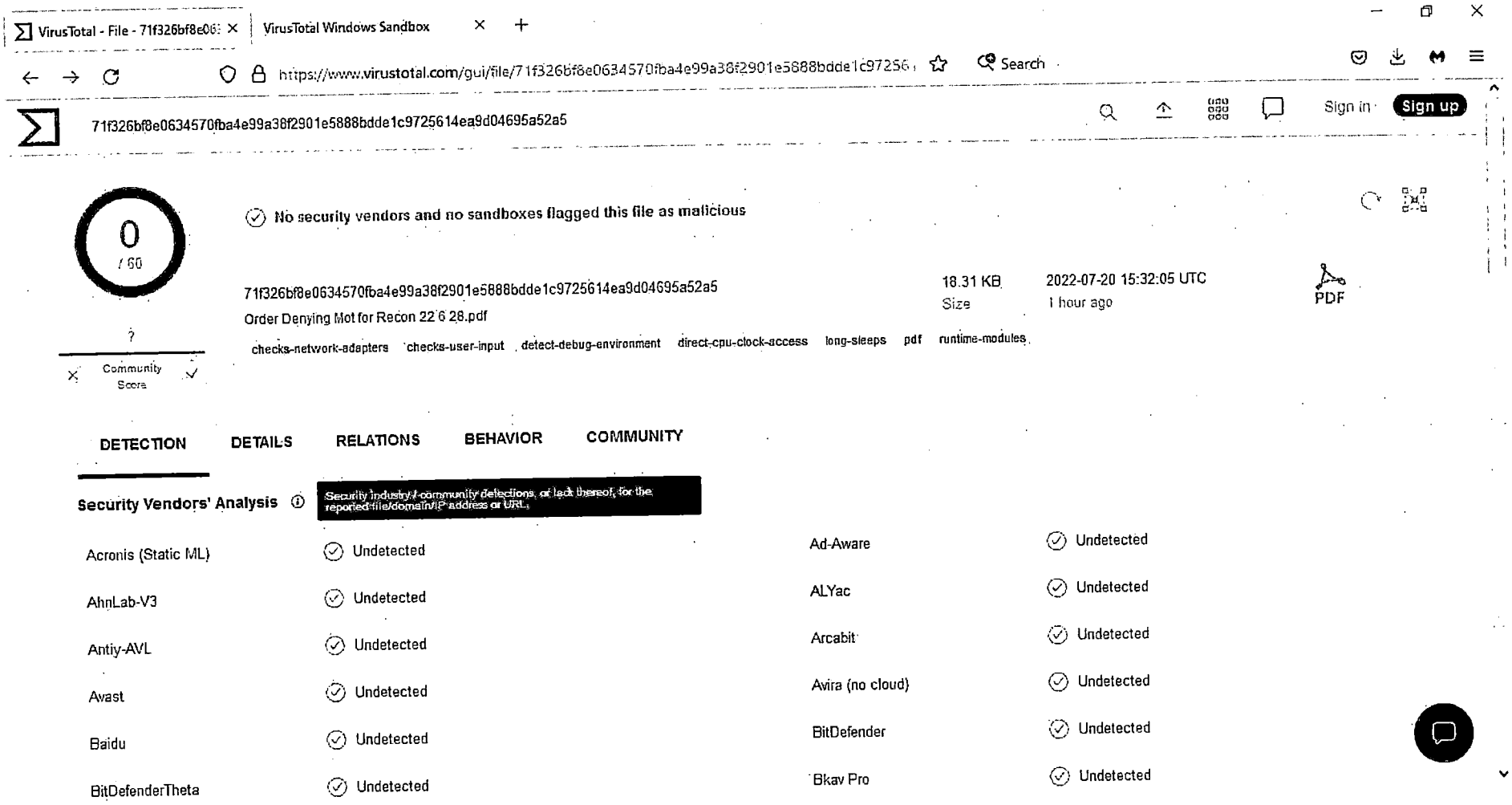
c:\program files (x86)\adobe\reader 9.0\reader\rdlang32.esp

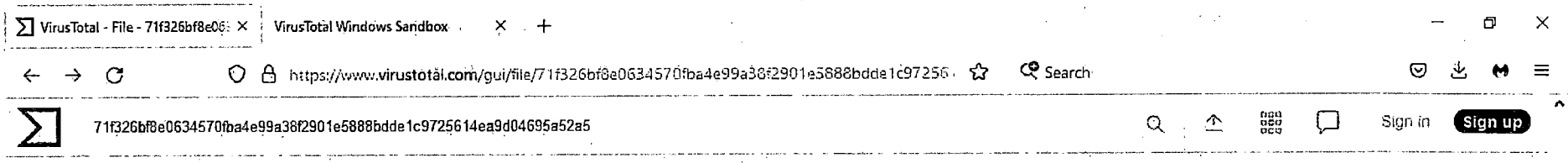
ADVAPI32.dll

ole32.dll

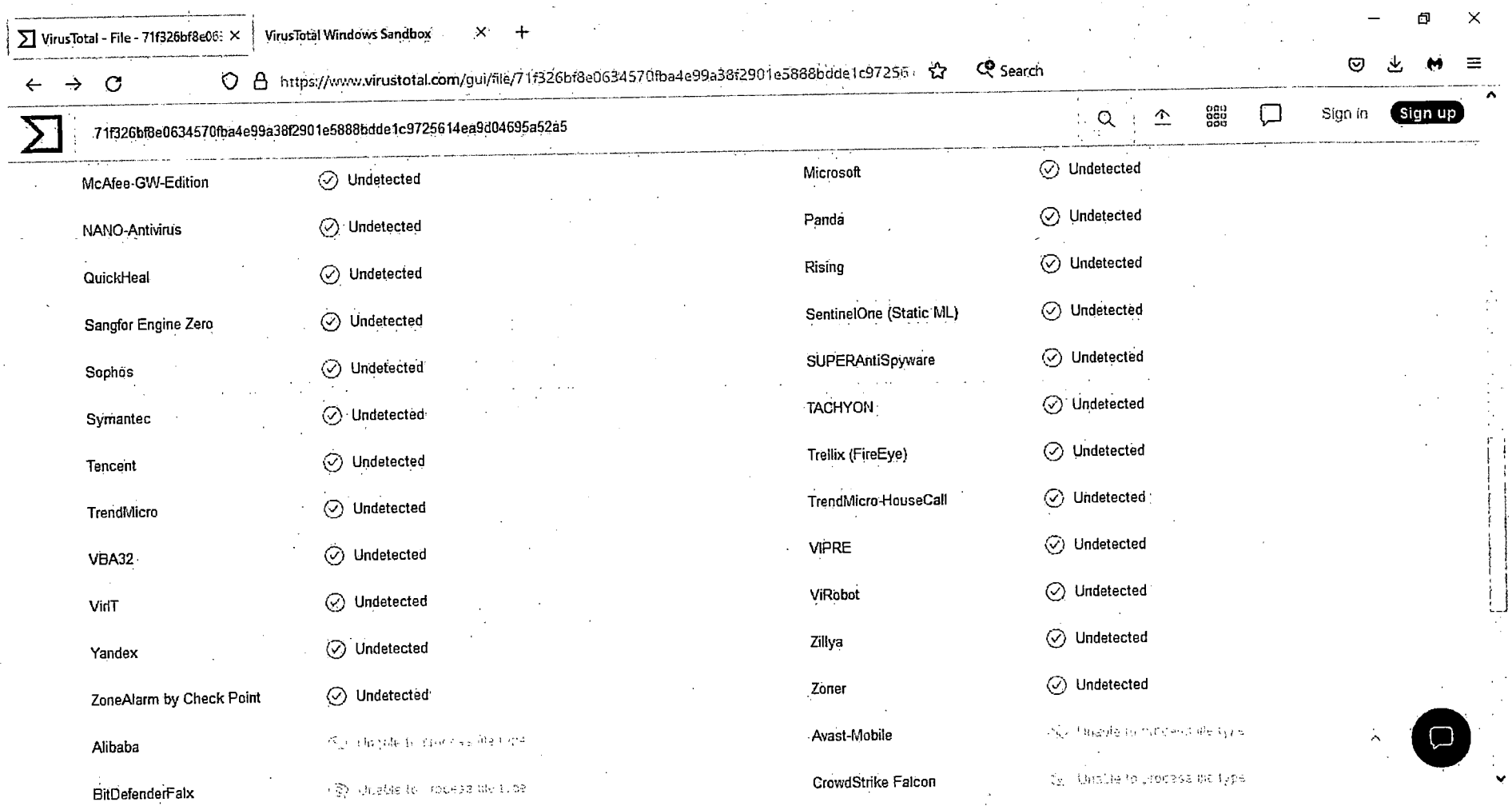


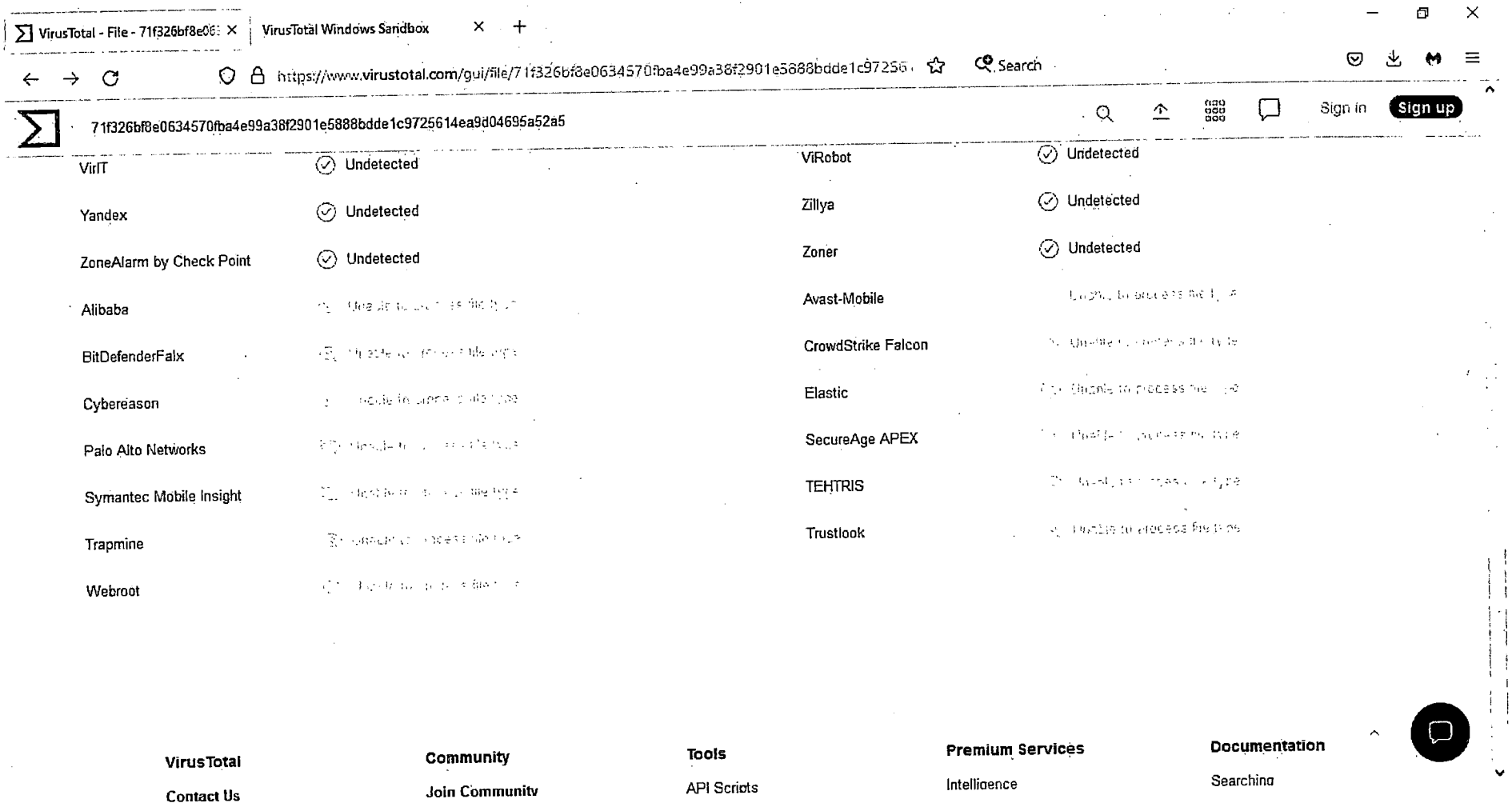




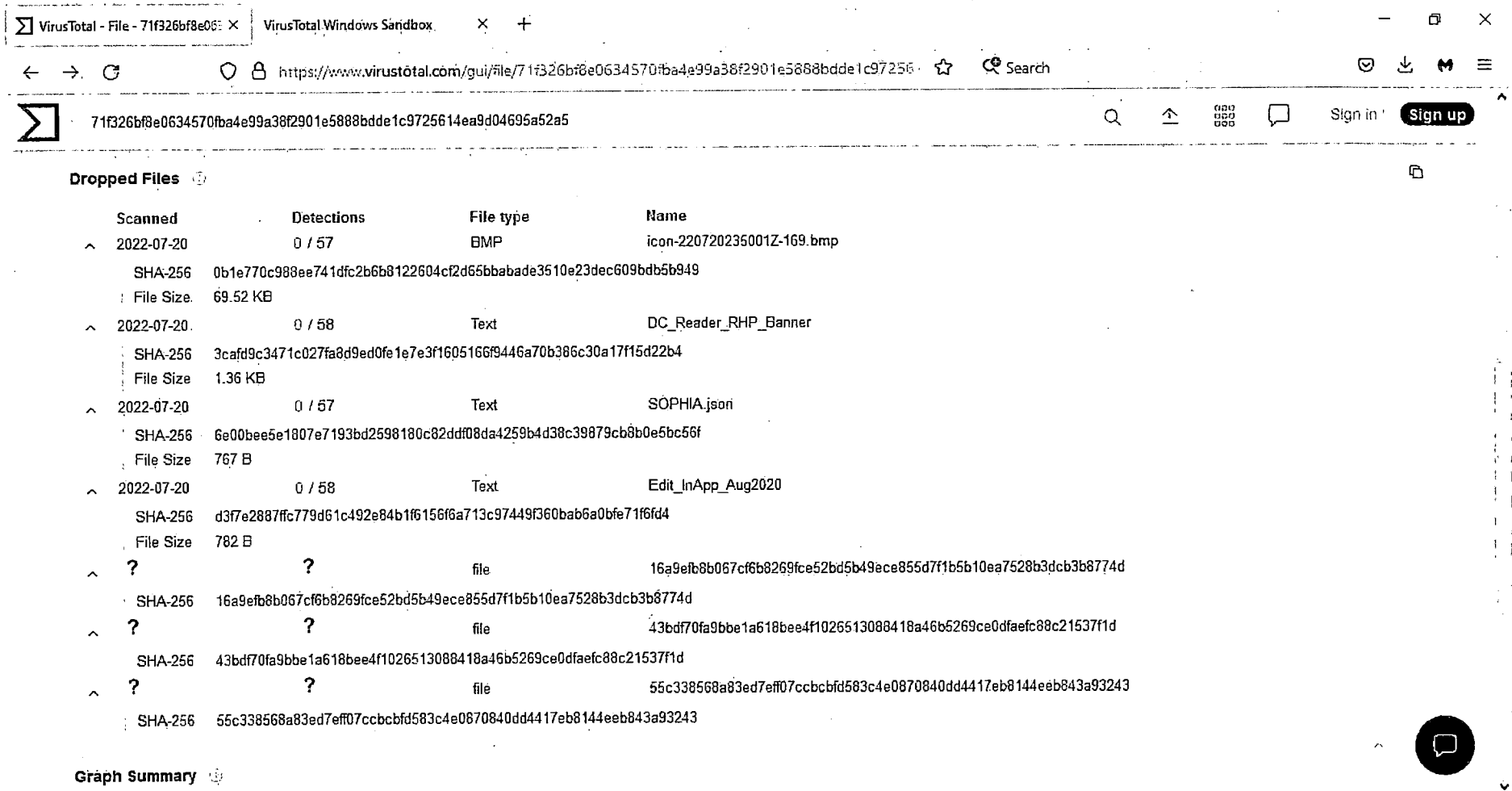


BitDefenderTheta	Undetected	Bkav Pro	Undetected
ClamAV	Undetected	Comodo	Undetected
Cylance	Undetected	Cynet	Undetected
Cyren	Undetected	DrWeb	Undetected
Emsisoft	Undetected	eScan	Undetected
ESET-NOD32	Undetected	F-Secure	Undetected
Fortinet	Undetected	GData	Undetected
Gridinsoft	Undetected	Ikarus	Undetected
Jiangmin	Undetected	K7AntiVirus	Undetected
K7GW	Undetected	Kaspersky	Undetected
Kingsoft	Undetected	Lionic	Undetected
Malwarebytes	Undetected	MAX	Undetected
MaxSecure	Undetected	McAfee	Undetected
McAfee-GW-Edition	Undetected	Microsoft	Undetected

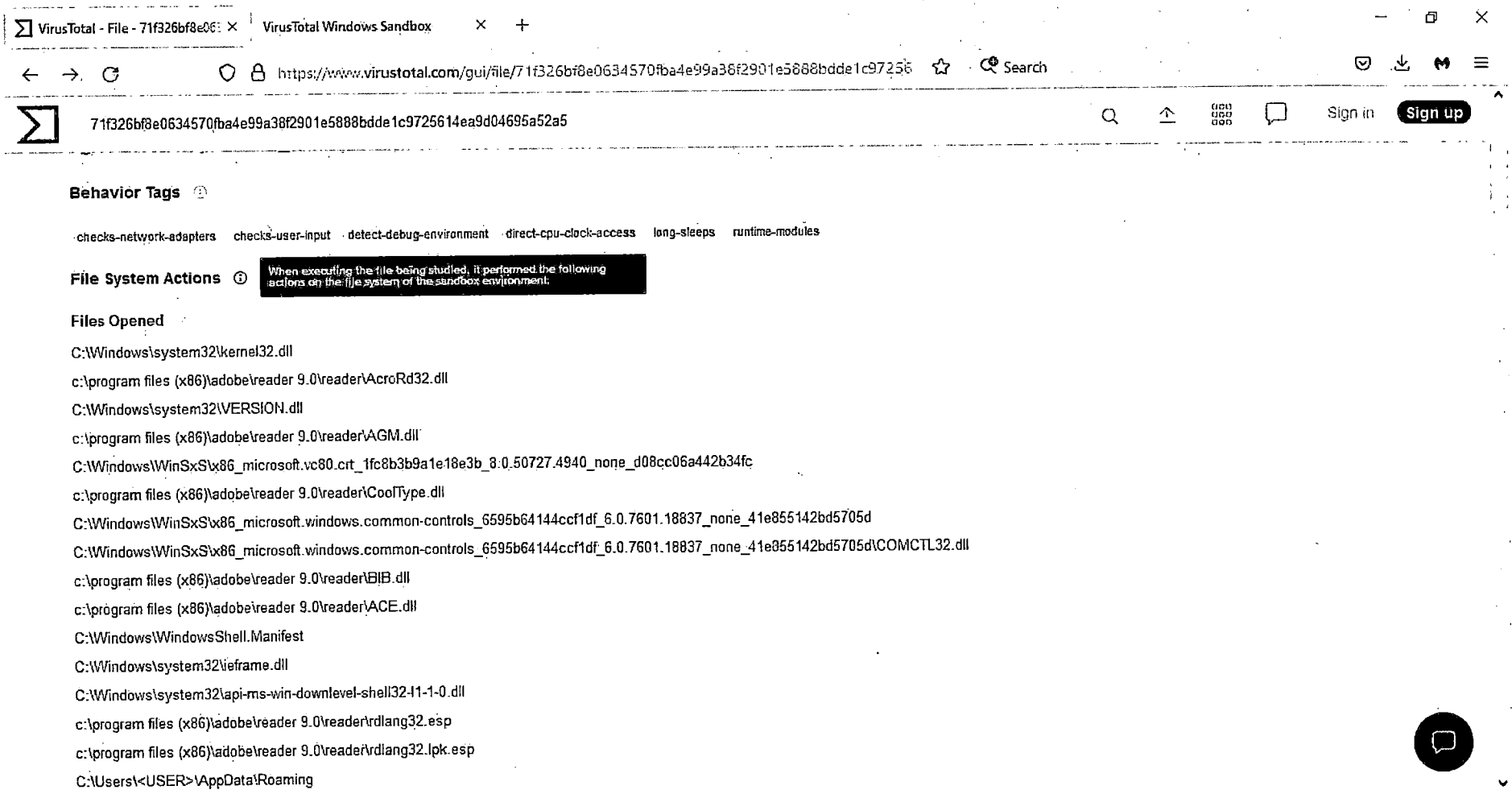


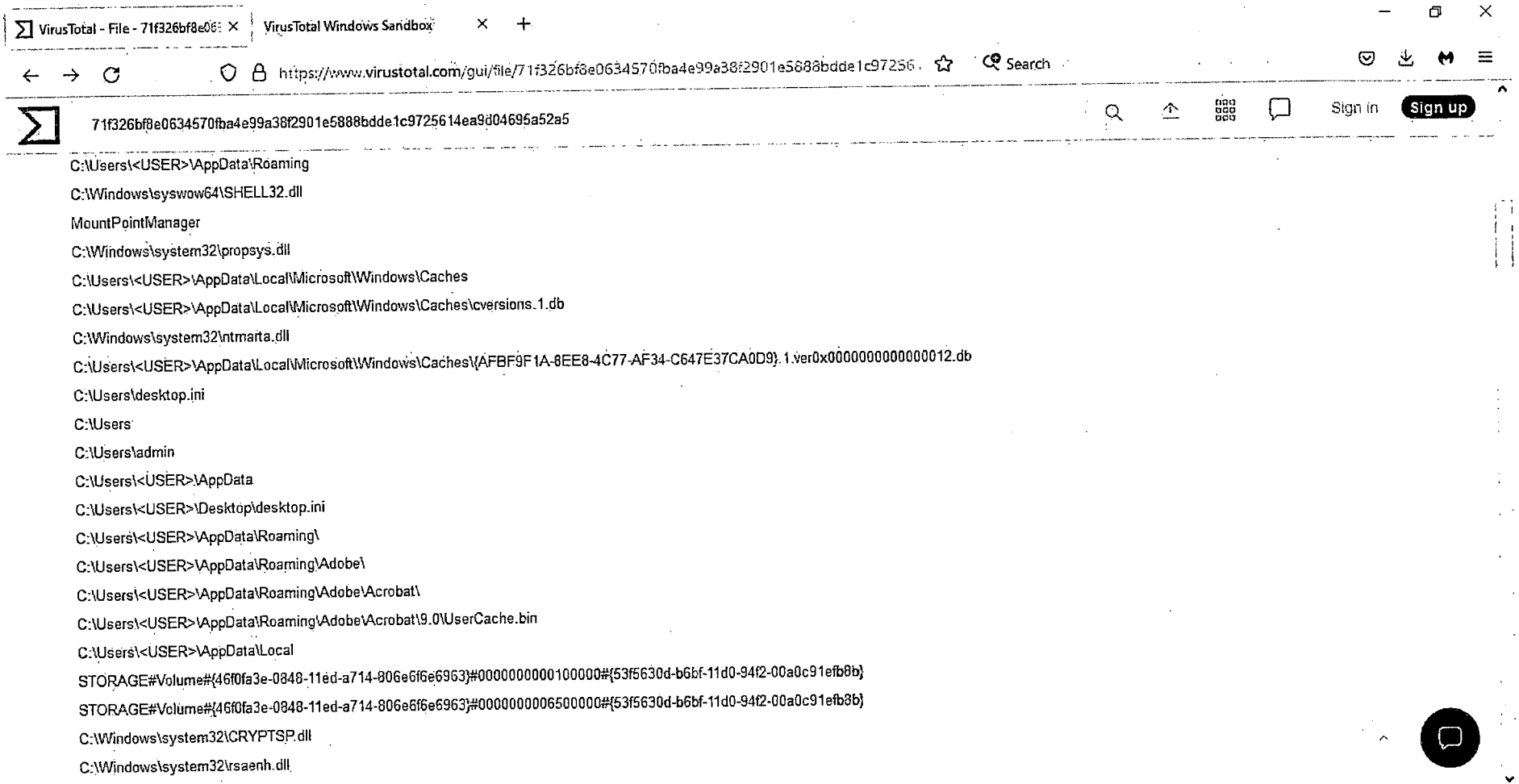


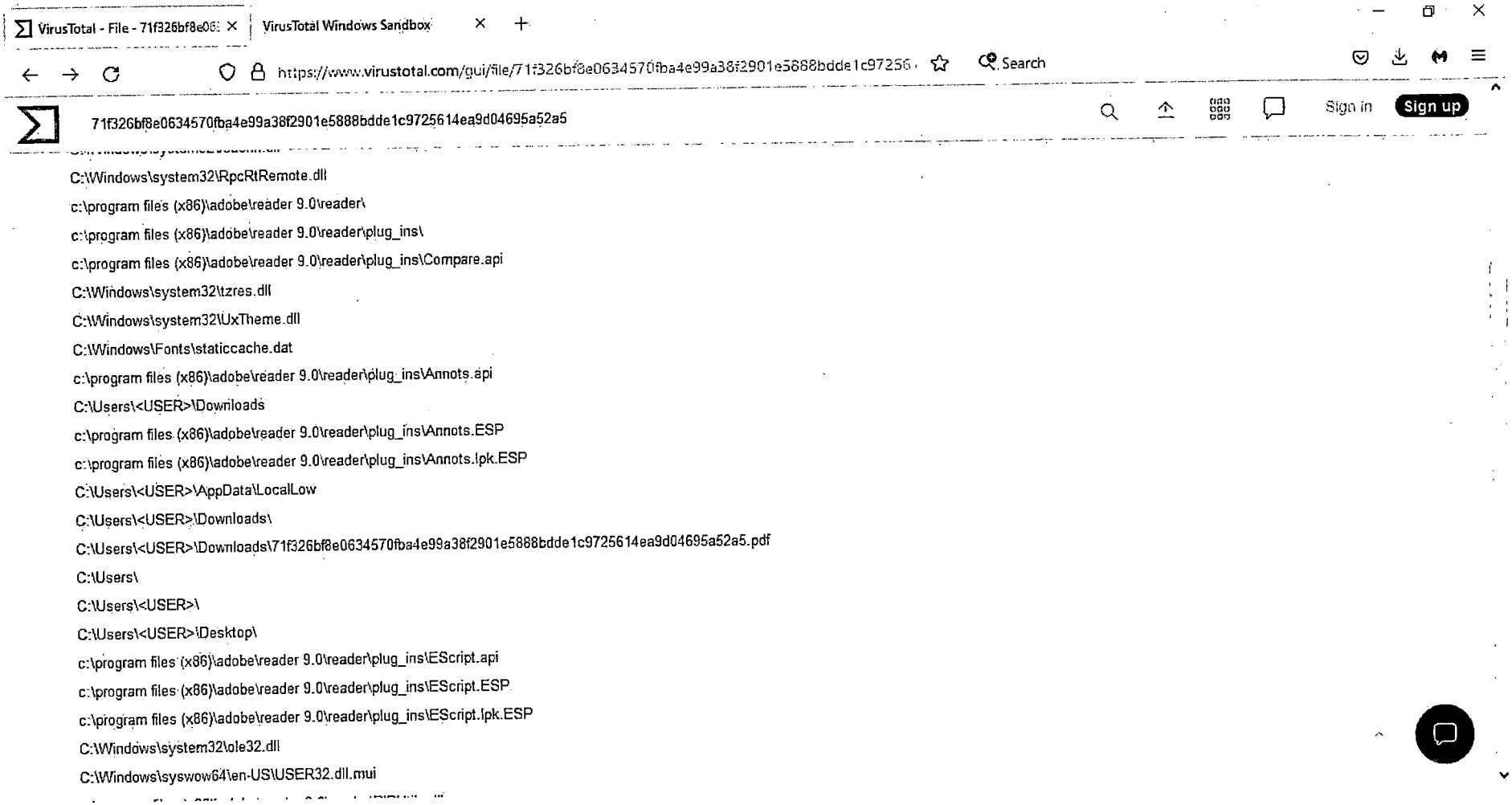
Dropped File Info from Relations Report

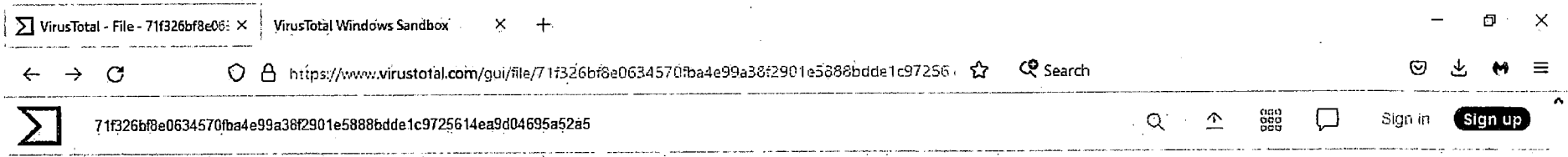


Full File System Actions Info from Behavior Report









C:\Windows\syswow64\en-US\USER32.dll.mui

c:\program files (x86)\adobe\reader 9.0\reader\BIBUtils.dll

C:\Users\<USER>\AppData\Roaming\Adobe\Acrobat\9.0\

C:\Users\<USER>\AppData\

c:\program files (x86)\adobe\reader 9.0\reader\sqlite.dll

C:\Users\<USER>\AppData\Roaming\Adobe\Acrobat\9.0\SharedDataEvents

C:\Users\<USER>\AppData\Roaming\Adobe\Acrobat\9.0\SharedDataEvents-journal

C:\Users\<USER>\AppData\Roaming\Adobe\Acrobat\9.0\JavaScripts\

c:\program files (x86)\adobe\reader 9.0\reader\JavaScripts\

c:\program files (x86)\adobe\reader 9.0\Resource\CMap

c:\program files (x86)\adobe\reader 9.0\Resource\CMap\

c:\program files (x86)\adobe\reader 9.0\Resource\CIDFont

c:\program files (x86)\adobe\reader 9.0\Resource\

c:\program files (x86)\adobe\reader 9.0\Resource\CIDFont\

c:\program files (x86)\adobe\reader 9.0\Resource\Font

c:\program files (x86)\adobe\reader 9.0\Resource\Font\

c:\program files (x86)\adobe\reader 9.0\Resource\Font\PFM\

C:\Program Files (x86)\Common Files

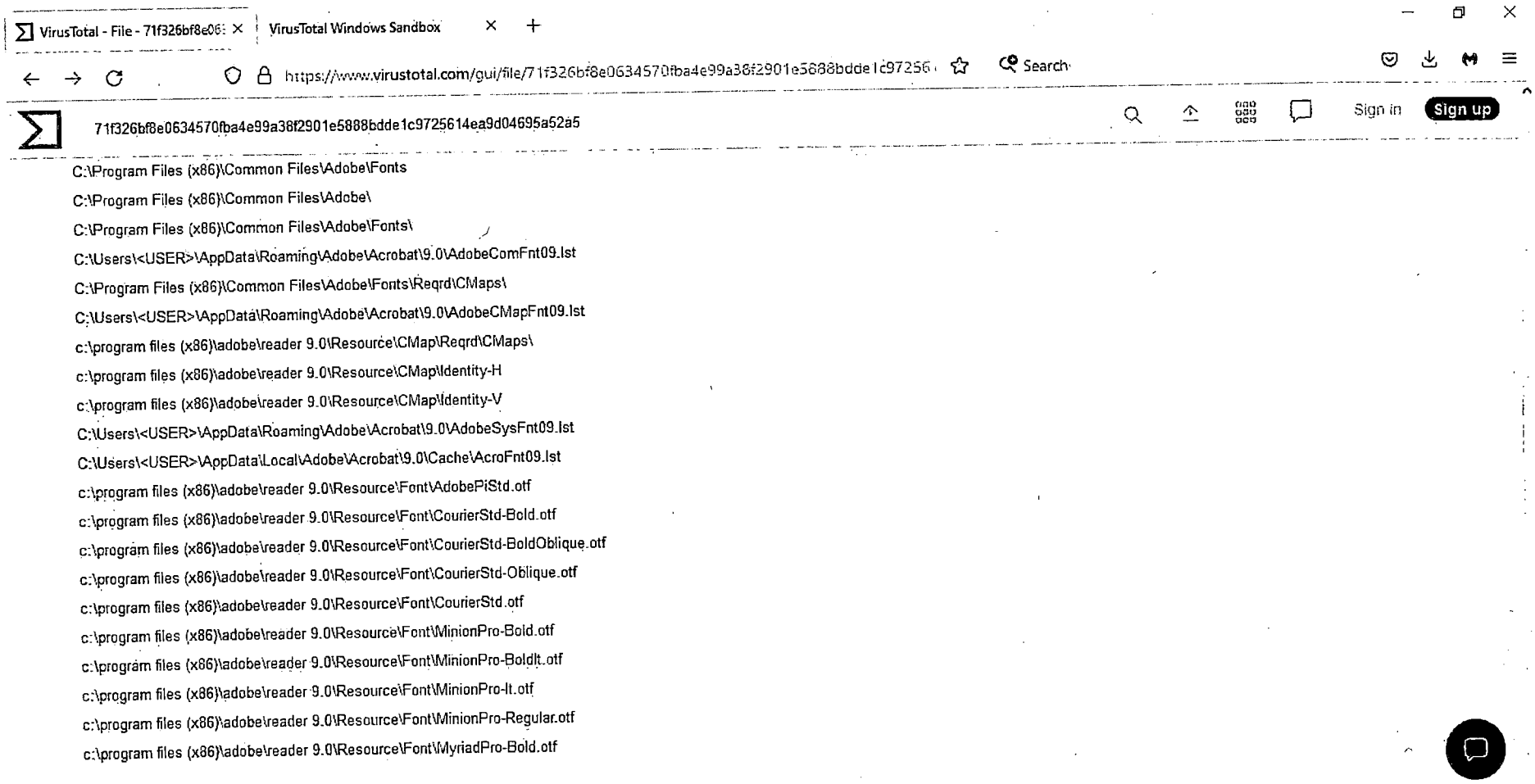
C:\Program Files (x86)\desktop.ini

C:\Program Files (x86)

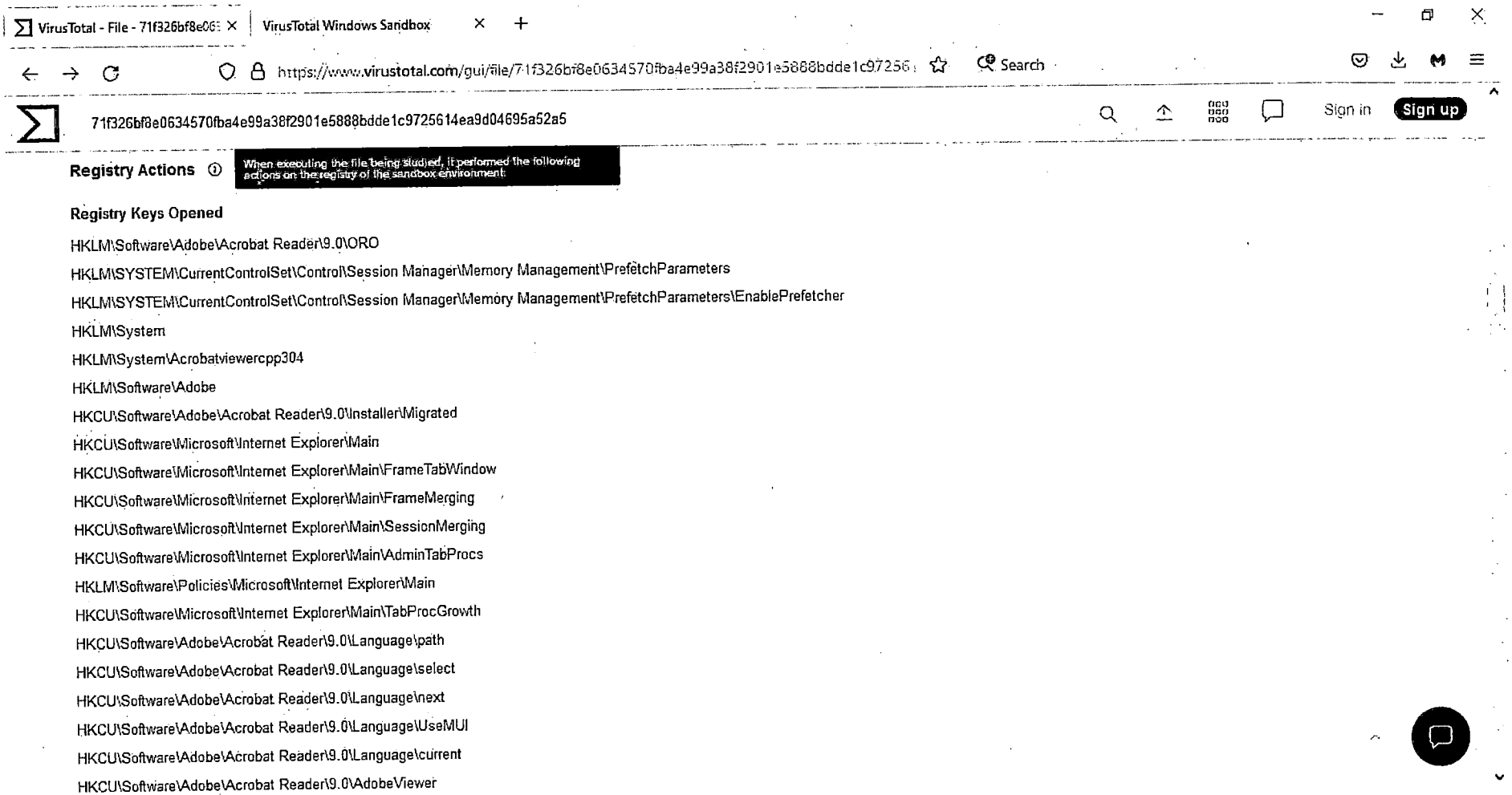
C:\Program Files (x86)\Common Files\

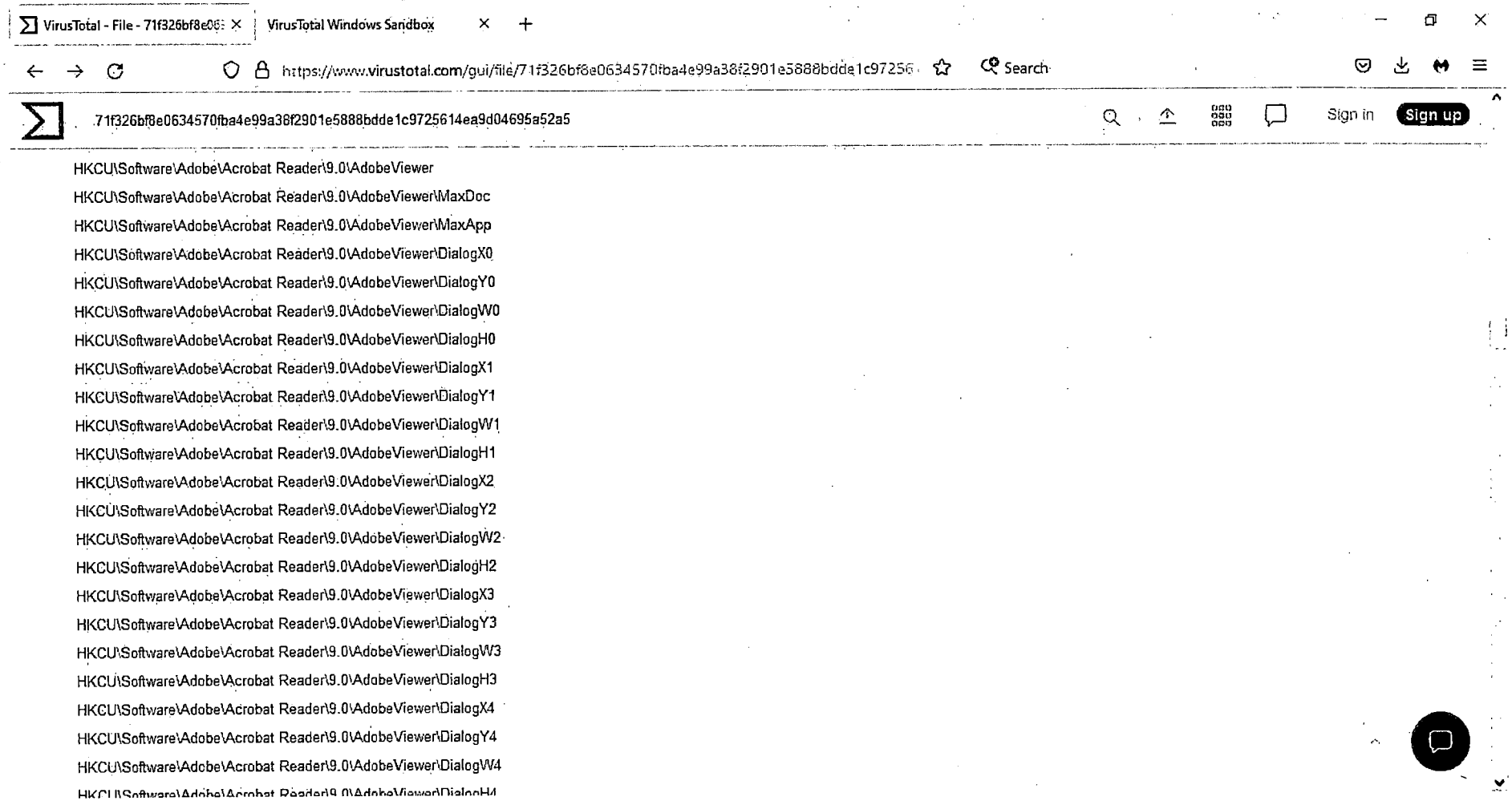
C:\Users\<USER>\AppData\Local\

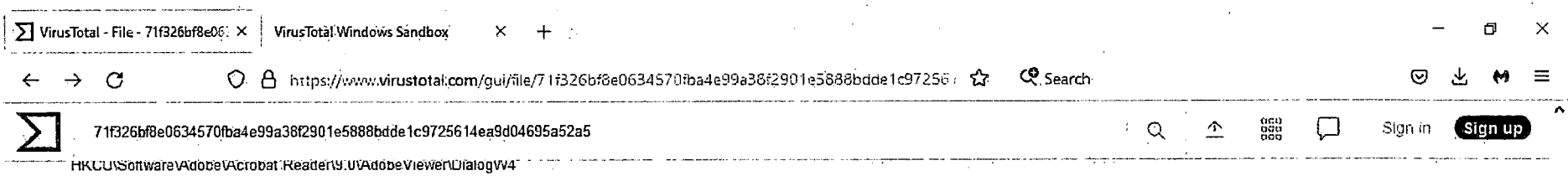
C:\Program Files (x86)\Common Files\Adobe\Fonts



Full Registry Actions from Behavior Report







HKCU\Software\Adobe\Acrobat Reader\9.0\AdobeViewer\DialogW4
HKCU\Software\Adobe\Acrobat Reader\9.0\AdobeViewer\DialogH4
HKCU\Software\Adobe\Acrobat Reader\9.0\AdobeViewer\DialogX5
HKCU\Software\Adobe\Acrobat Reader\9.0\AdobeViewer\DialogY5
HKCU\Software\Adobe\Acrobat Reader\9.0\AdobeViewer\DialogW5
HKCU\Software\Adobe\Acrobat Reader\9.0\AdobeViewer\DialogH5
HKCU\Software\Adobe\Acrobat Reader\9.0\AdobeViewer\PrintToFile
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HKCU\Software\Adobe\Acrobat Reader\9.0\AVGeneral
HKCU\Software\Adobe\Acrobat Reader\9.0\AVGeneral\bDocumentsInTaskbar
HKCU\Software\Adobe\Acrobat Reader\9.0\SDI
HKCU\Software\Adobe\Acrobat Reader\9.0\SDI\bNullDocMaximized
HKCU\Software\Adobe\Acrobat Reader\9.0\AVPrivate
HKCU\Software\Adobe\Acrobat Reader\9.0\Private
HKCU\Software\Adobe\Acrobat Reader\9.0\AVGeneral\cDockables
HKCU\Software\Adobe\Acrobat Reader\9.0\AVGeneral\cRecentFiles
HKCU\Software\Adobe\Acrobat Reader\9.0\AVGeneral\cRecentFiles\c1
HKCU\Software\Adobe\Acrobat Reader\9.0\AVGeneral\cRecentFiles\c1\tDIText
HKCU\Software\Adobe\Acrobat Reader\9.0\AVGeneral\cRecentFiles\c1\aFS
HKCU\Software\Adobe\Acrobat Reader\9.0\AVGeneral\cToolbars
HKCU\Software\Adobe\Acrobat Reader\9.0\AVGeneral\cToolbars\cAdvCommenting
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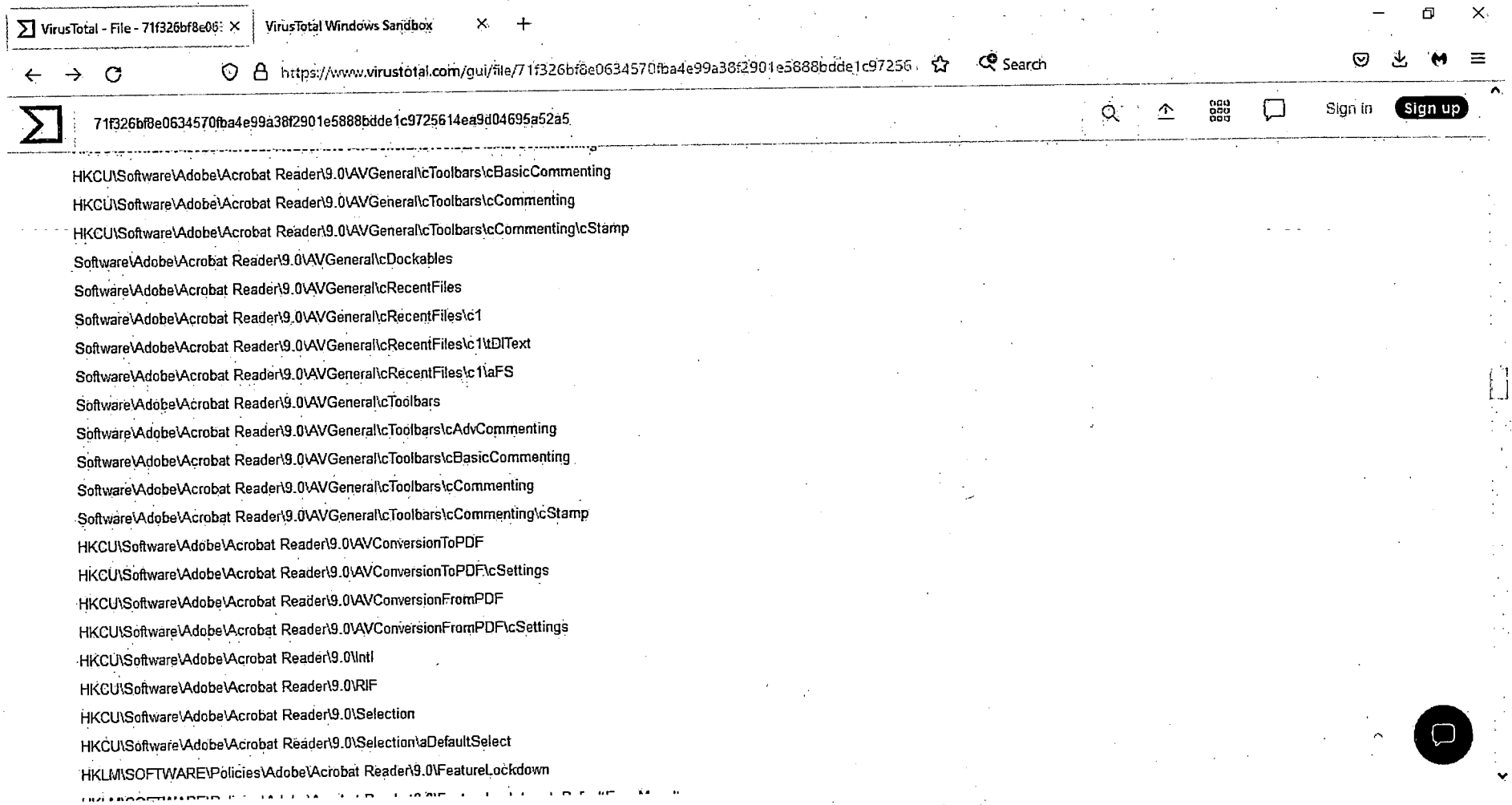

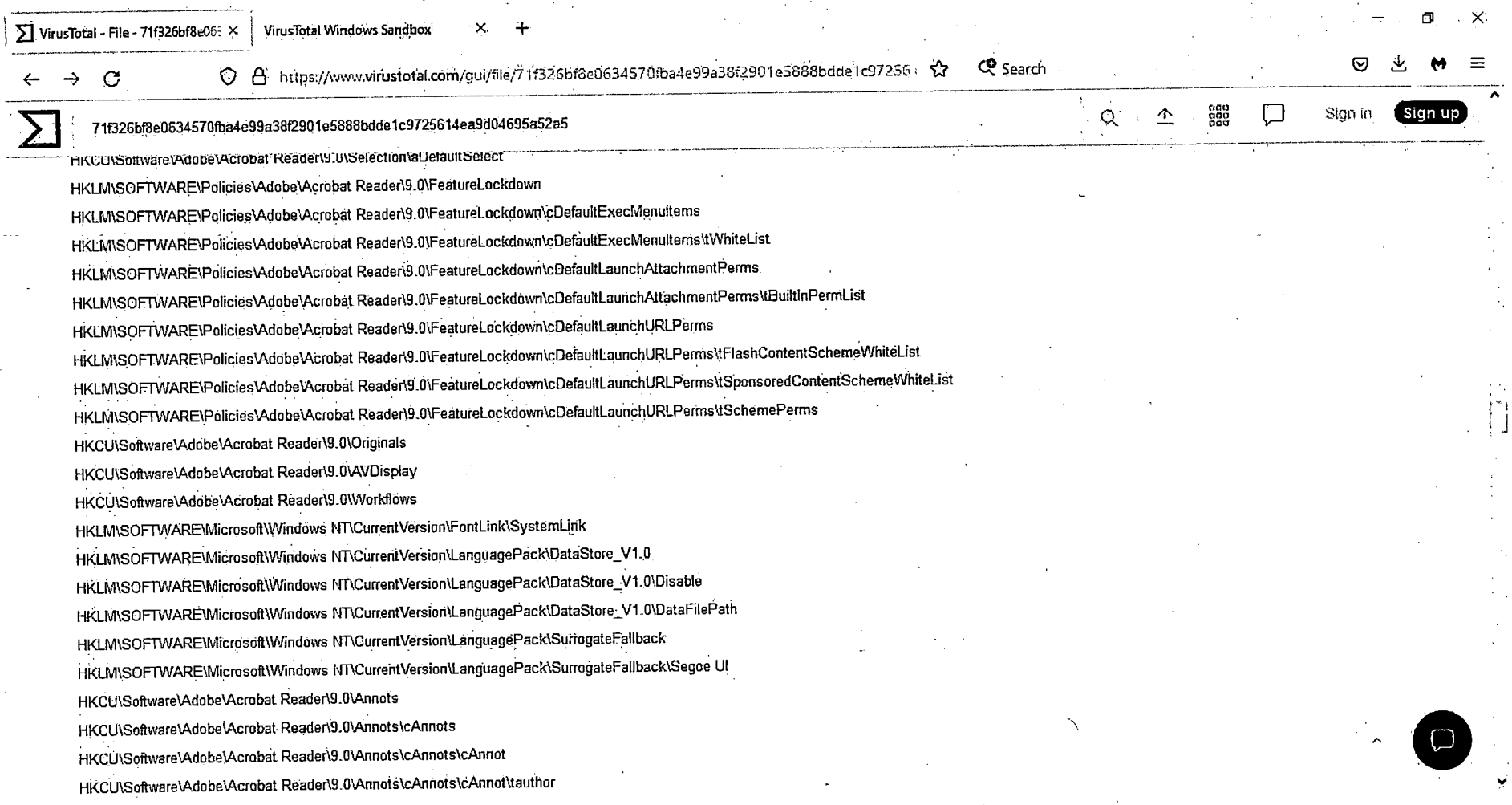

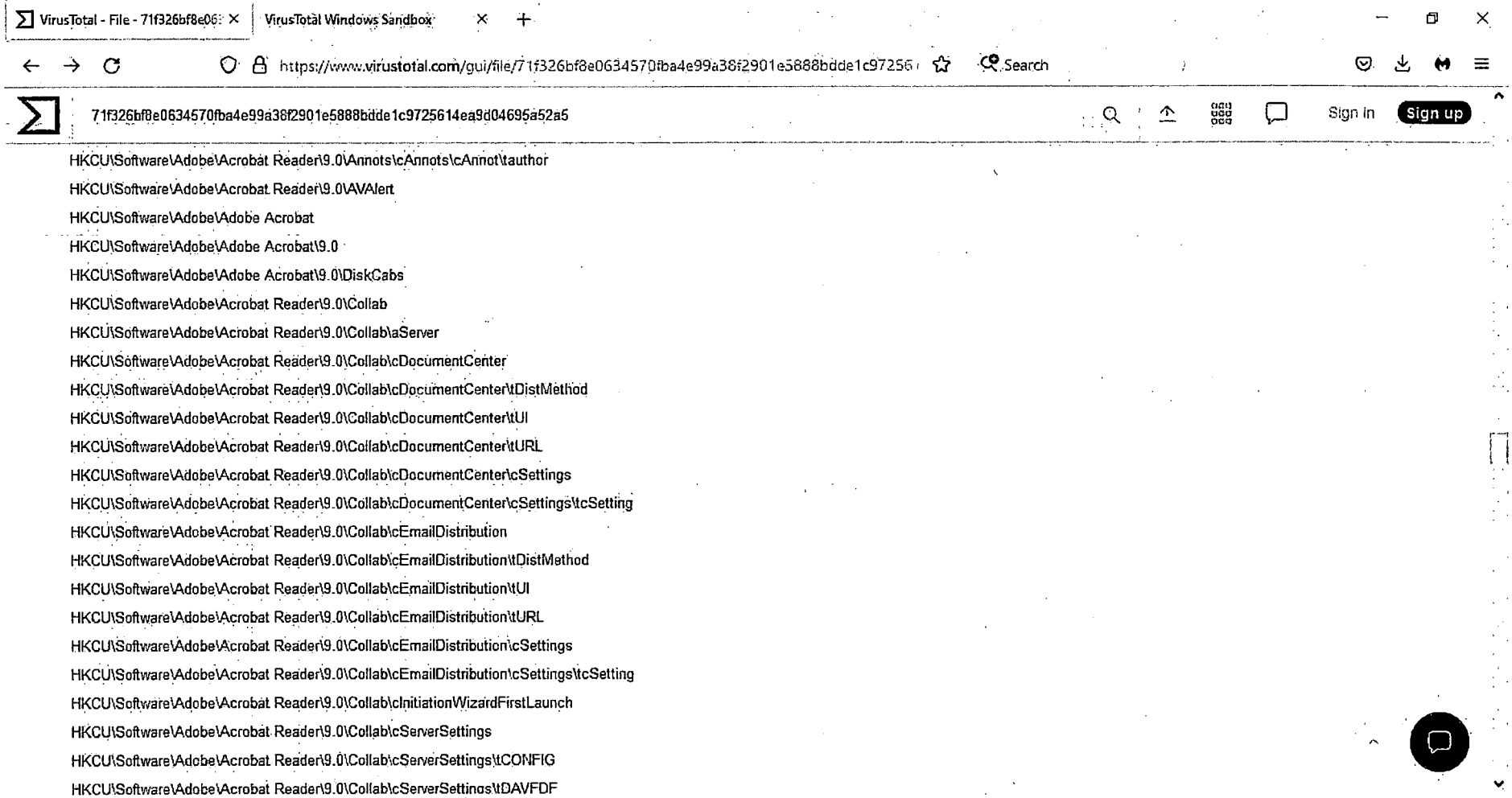

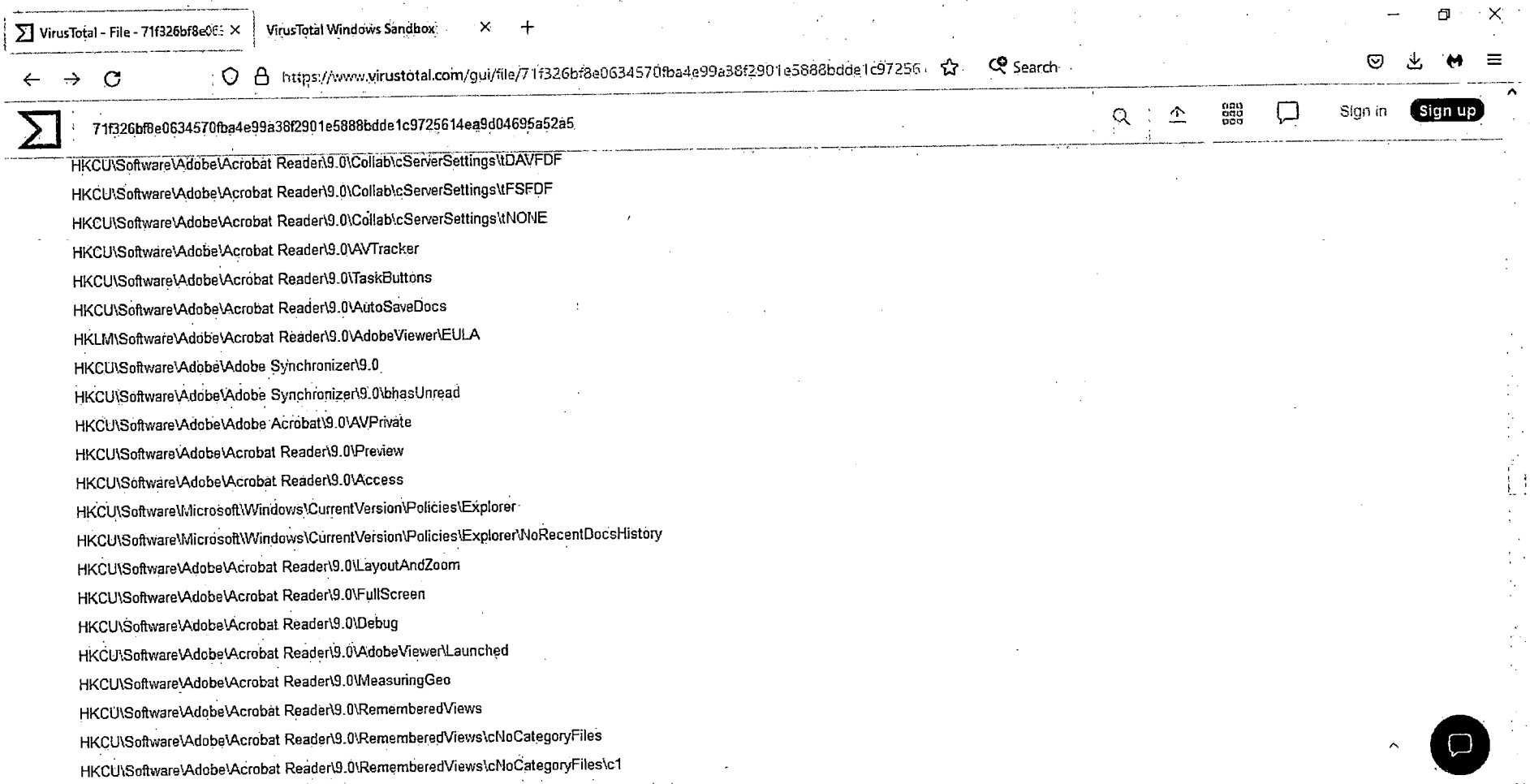

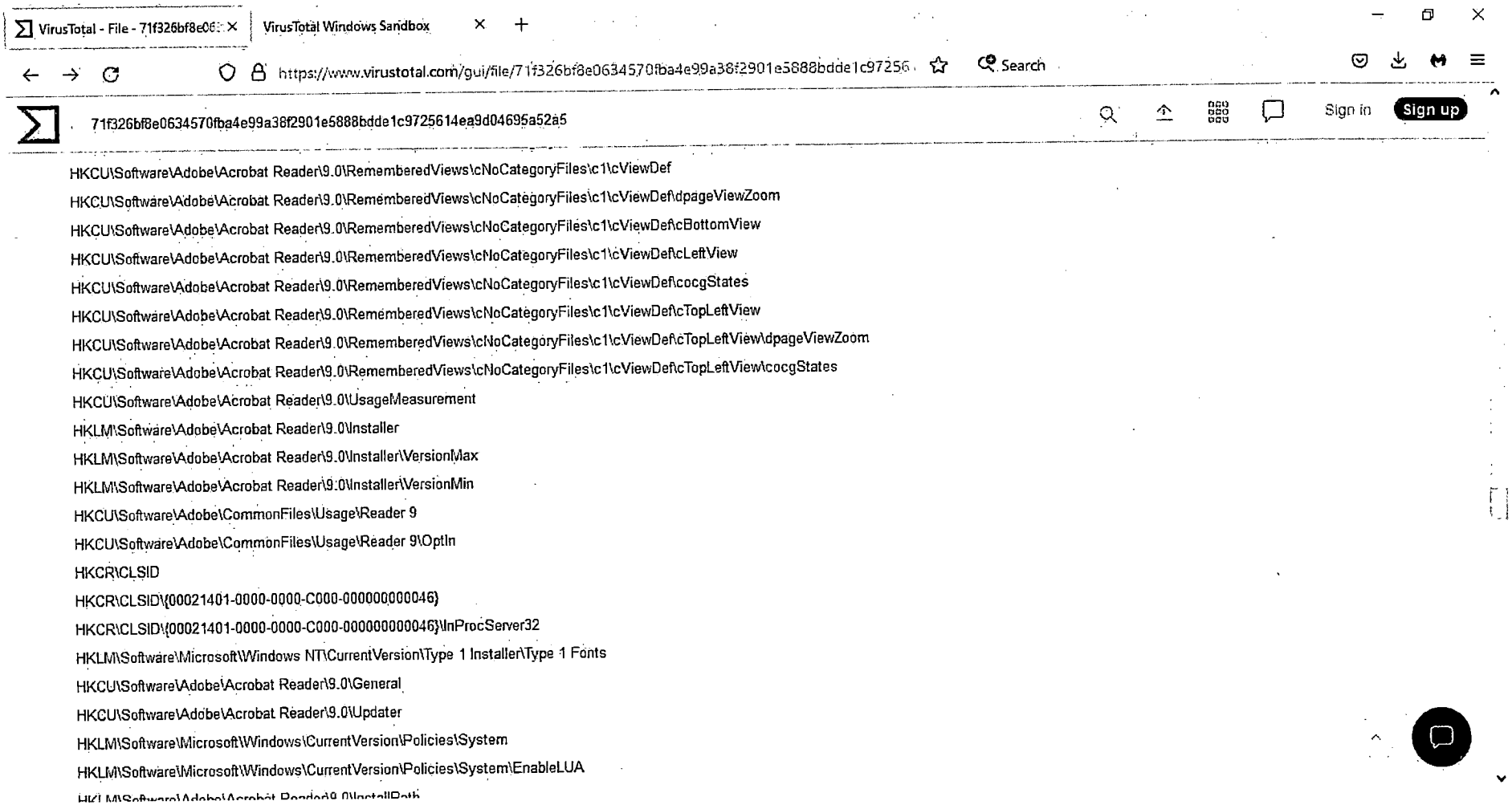

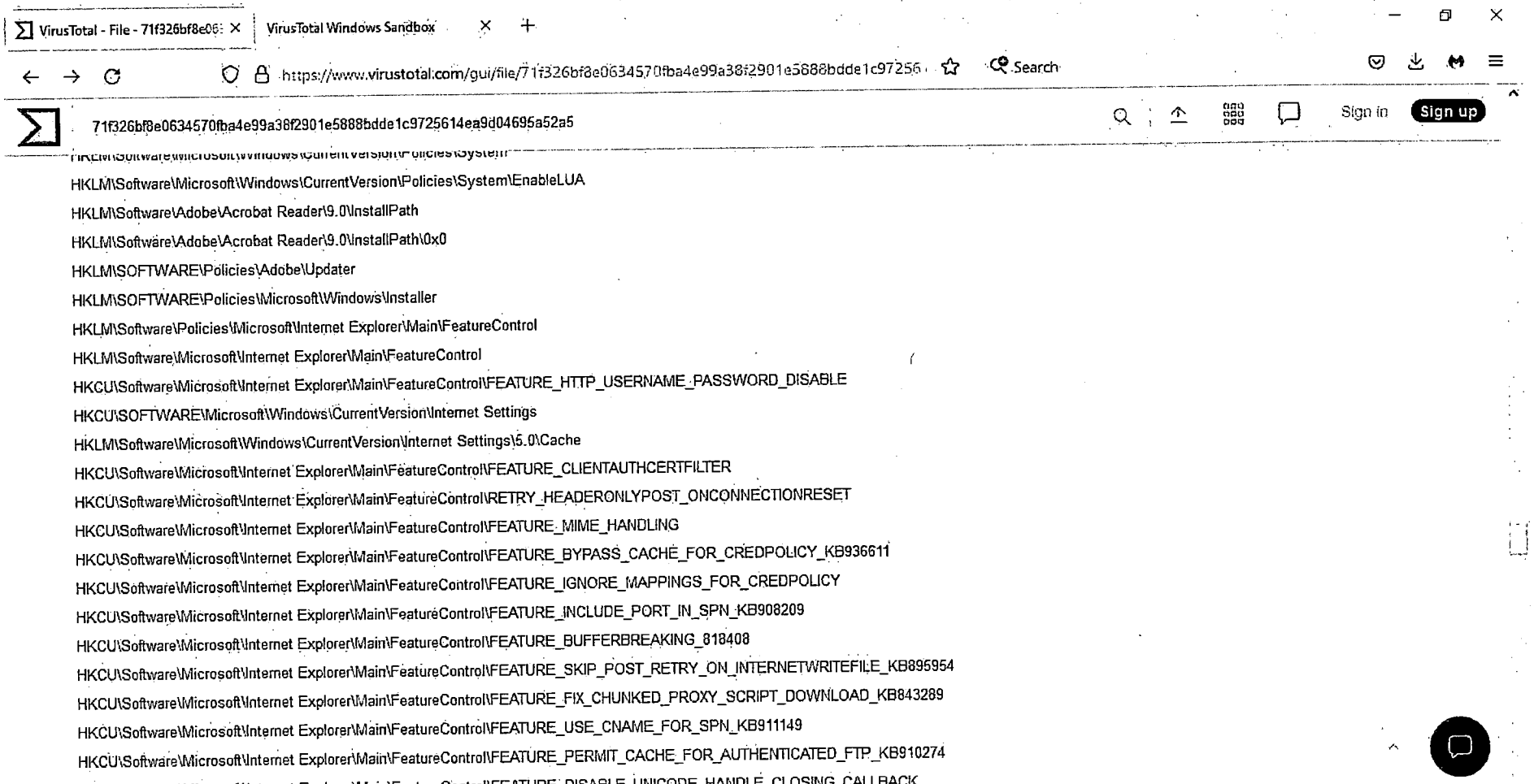

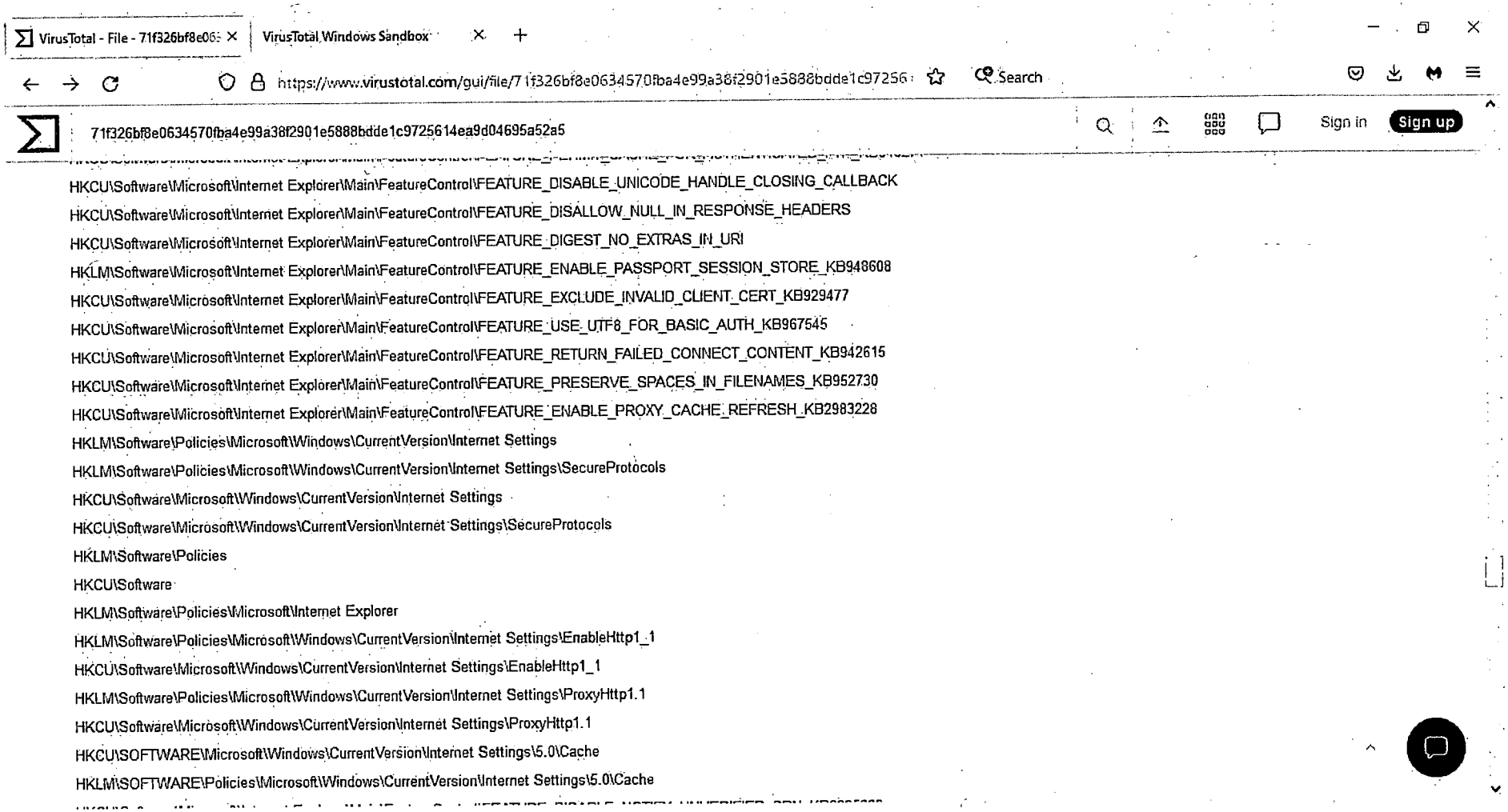

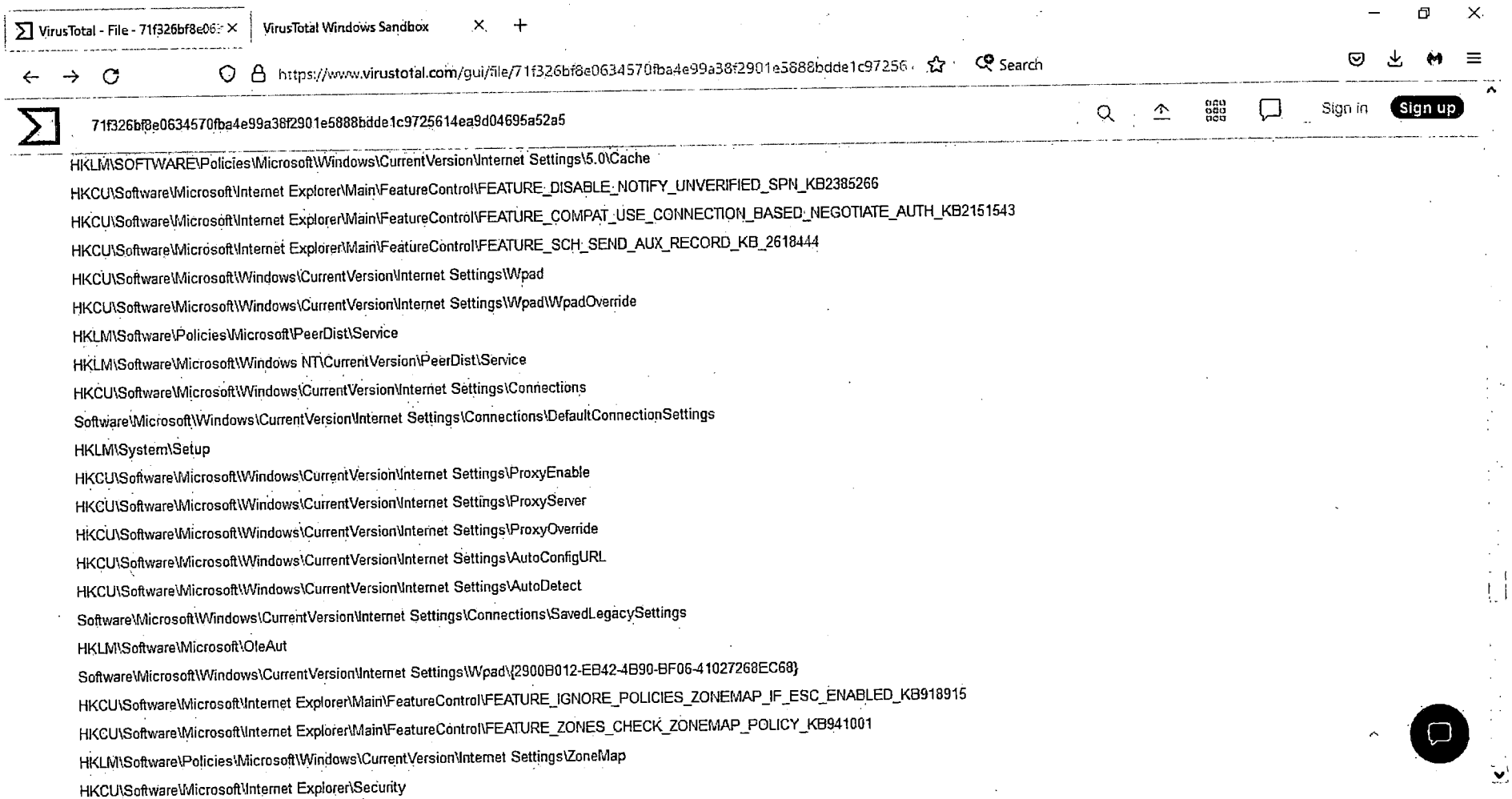

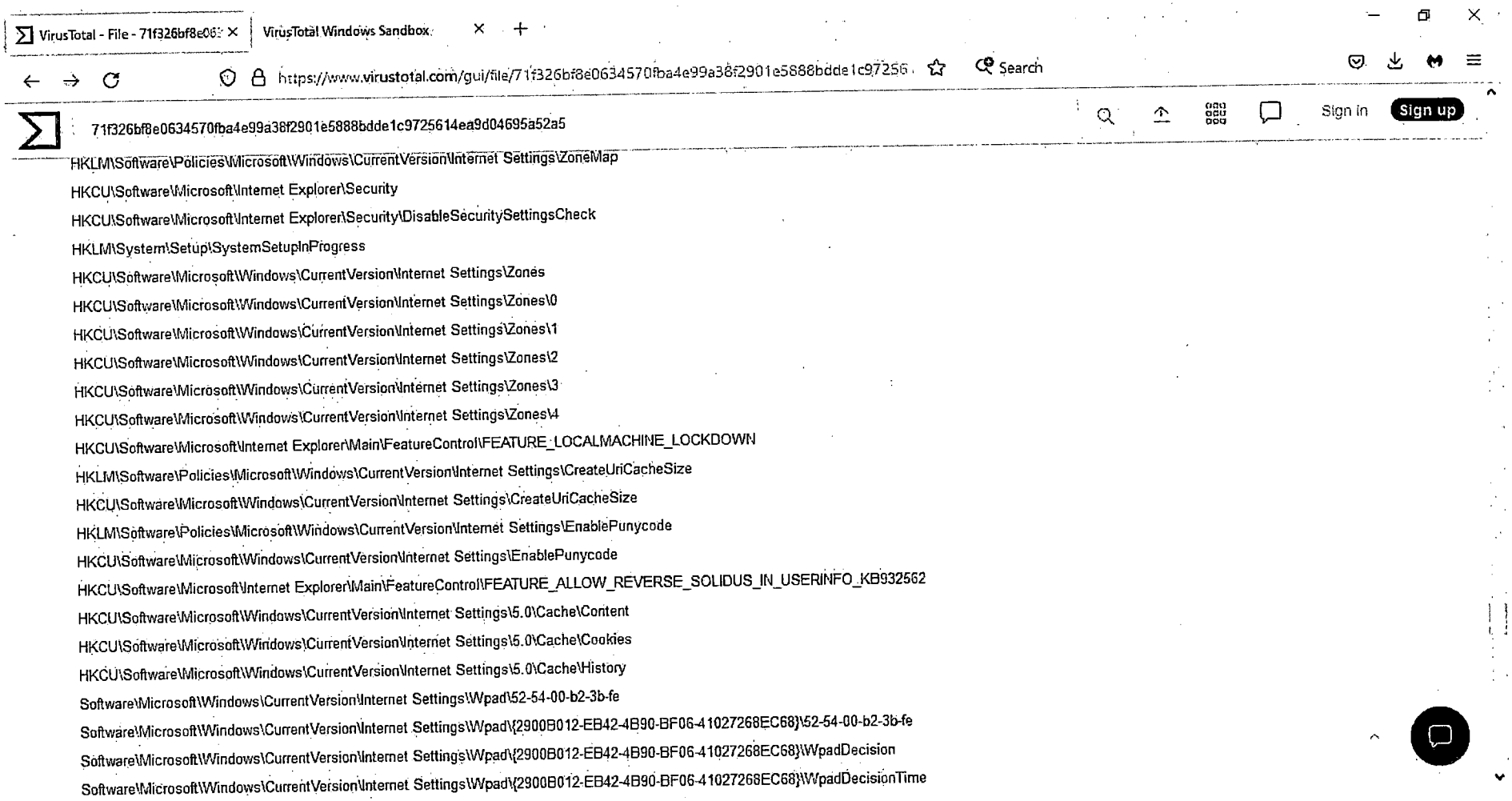

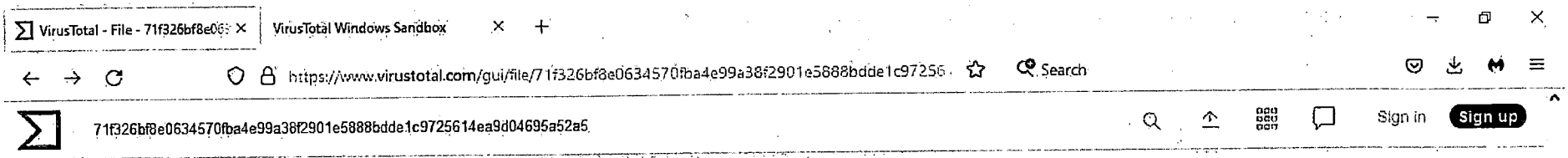

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HKLM\Software\Microsoft\Windows\CurrentVersion\Explorer\Sharing

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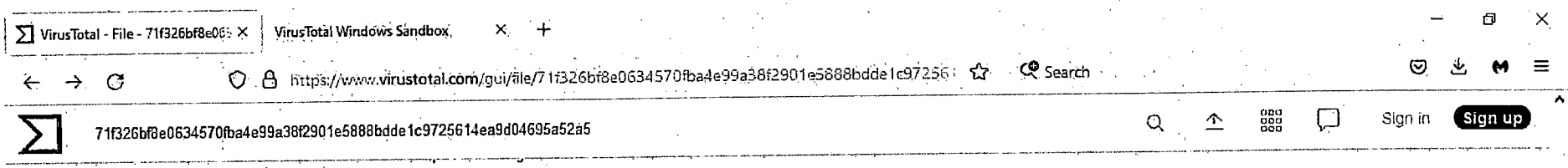
Registry Keys Set

+ Software\Adobe\Acrobat Reader\9.0\AVGeneral\bLastExitNormal
+ Software\Microsoft\Windows\CurrentVersion\Internet Settings\ProxyEnable

Full Registry Key Set Info from Behavior Report



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Registry Keys Set

- Software\Adobe\Acrobat Reader\9.0\AVGeneral\bLastExitNormal

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- Software\Microsoft\Windows\CurrentVersion\Internet Settings\ProxyEnable

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- Software\Microsoft\Windows\CurrentVersion\Internet Settings\Connections\SavedLegacySettings

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- HKCU\Software\Microsoft\Windows\CurrentVersion\Internet Settings\5.0\Cache\Content\CachePrefix

- HKCU\Software\Microsoft\Windows\CurrentVersion\Internet Settings\5.0\Cache\Cookies\CachePrefix

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- HKCU\Software\Microsoft\Windows\CurrentVersion\Internet Settings\5.0\Cache\History\CachePrefix

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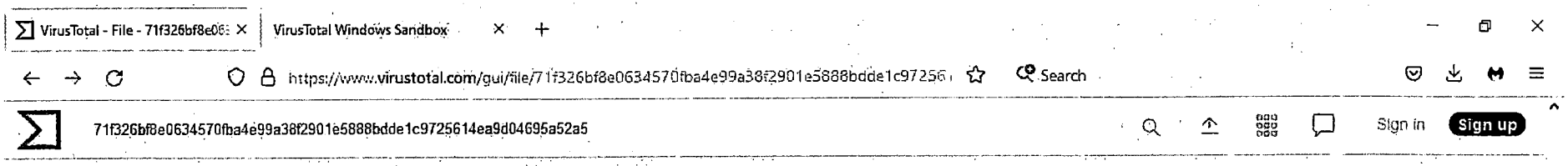

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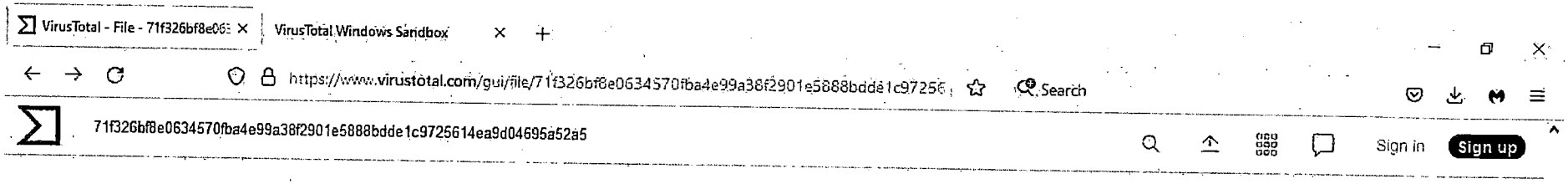
Registry Keys Deleted

HKLM\System\Acrobatviewercpp304

Process And Service Actions

Processes Created

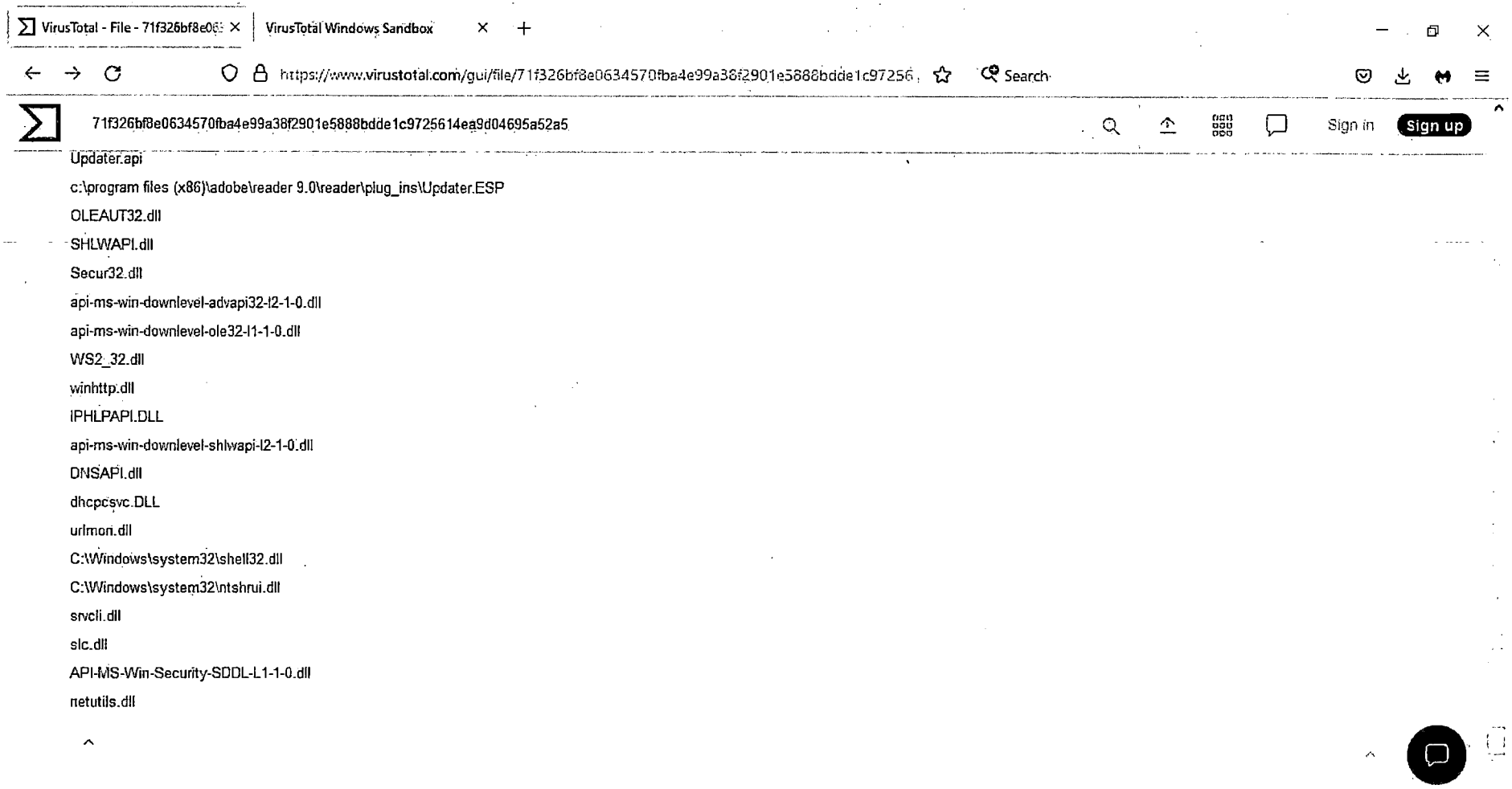
Full Modules Loaded Info from Behavior Report



Modules Loaded ⓘ When executing the file being studied, it loaded the following modules and made use of the following dynamic functionality.

Runtime Modules

comctl32.dll
c:\program files (x86)\adobe\reader 9.0\reader\rdlang32.esp
ADVAPI32.dll
ole32.dll
API-MS-Win-Core-LocalRegistry-L1-1-0.dll
propsys.dll
SHELL32.dll
API-MS-Win-Security-LSALookup-L1-1-0.dll
CRYPTBASE.dll
UxTheme.dll
IMM32.dll
Annots.api
c:\program files (x86)\adobe\reader 9.0\reader\plug_ins\Annots.ESP
c:\program files (x86)\adobe\reader 9.0\reader\acrord32.exe
EScript.api
c:\program files (x86)\adobe\reader 9.0\reader\plug_ins\EScript.ESP
Updater.api
c:\program files (x86)\adobe\reader 9.0\reader\plug_ins\Updater.ESP
OLEAUT32.dll



IP Address Info

All of the IP address go to either Akamai International which is a major hosting platform or Amazon-AES which is Amazon Email Service. See below