IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA
CASE NO: 13-023090(08)

LORI PARRISH, Broward County
Property Appraiser,

Petitioner,

v.

BOARD OF COUNTY COMMISSIONERS,
BROWARD COUNTY, Florida, a
political subdivision of the State
of Florida,

Respondent.
_____/

STATUS CONFERENCE
Broward County Courthouse
201 S.E. Sixth Street
Fort Lauderdale, Florida
Wednesday, 9:34 - 9:50 a.m.
November 13, 2013

The above-entitled cause came on for hearing before the HONORABLE DALE ROSS, Circuit Court Judge in and for Broward County, Florida.

APPEARANCES:

ON BEHALF OF THE PETITIONER:
CONRAD & SCHERER, LLP
WILLIAM R. SCHERER, ESQUIRE (by phone)
JORDANA L. JARJURA, ESQUIRE
DANIEL S. WEINGER, ESQUIRE
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BROWARD COUNTY PROPERTY APPRAISER'S OFFICE
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JERROD MATHIAS, Co-General Counsel
Broward County Governmental Center
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Fort Lauderdale, Florida 33301

ON BEHALF OF THE RESPONDENT:
BROWARD COUNTY
ADAM KATZMAN, ASSISTANT COUNTY ATTORNEY
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301

ALSO PRESENT:
Ron Cacciatore, Broward County Appraiser's Office
Holly Cimino, Broward County Appraiser's Office
Terri Wright, Court Reporter
United Reporting

P R O C E E D I N G S

THE COURT: Hey, folks, how are you doing? Please be seated. Thank you all.

A lot of folks here.

I guess we ought to get appearances from everybody since we've got two court reporters.

MS. JARJURA: Jordana Jarjura with Conrad Scherer.

THE COURT: Oh, put him on the line, I'm sorry.

(Mr. Scherer appeared by phone.)

THE COURT: Hello.

MR. SCHERER: Hello, there. Good morning, Your Honor.

THE COURT: Good morning. We're doing appearances. Why don't you start, Mr. Scherer?

MR. SCHERER: Yes. I'm William Scherer representing Lori Parrish, and thank you for allowing me to do this over the telephone.

THE COURT: Okay.

Yes, ma'am.

MS. JARJURA: Jordana Jarjura with Conrad & Scherer on behalf of the property

appraiser as well.

MR. WEINGER: Daniel Weinger of Conrad & Scherer, also on behalf of Lori Parrish.

MR. CACCIATORE: Ron Cacciatore, Broward County Property Appraiser's Office. I'm here on behalf of Lori Parrish.

MS. SCHWARTZREICH: Mila Schwartzreich, also for Broward County Property Appraiser's Office.

MR. MATHIAS: Jerrod Mathias, Deputy General Counsel for the Broward County Property Appraiser's Office.

MR. DUTKO: Michael Dutko from Conrad & Scherer on behalf of the property appraiser's office.

MS. CIMINO: Holly Cimion on behalf of Broward County Property Appraiser's Office.

MR. KATZMAN: Good morning, Your Honor, Adam Katzman, Assistant County Attorney, on behalf of Broward County.

THE COURT: You seem to be outgunned.

MR. KATZMAN: Outnumbered.

THE COURT: What I wanted to do today with the status conference, first of all, I kind of wanted to get some information about

the case. I read the petition, and it appears to the Court it's not evidentiary in nature. There's not really disputed facts, but I'm open to discussion.

Does anybody disagree at all?

MR. SCHERER: Your Honor, let me start by saying, we are of the same opinion, but we need to hear what the county has to say in terms of how they're going to defend this to make that determination. Obviously, it's not noticed for an evidentiary hearing, so we'd have to notice it and do some discovery if there's any evidence that's necessary, but I'm not -- I don't see any need for it either, subject to what the county -- how the county is going to respond.

THE COURT: One of the questions I was going to ask is if the county is going to file a written response, and how much time did you need to do that and the like.

MR. KATZMAN: Yes, sir. The county is planning on filing a written response. I believe you filed a show-cause hearing for November 20th?

THE COURT: Right.

MR. KATZMAN: That's a little shorter than the 20 days.

MR. SCHERER: I would like to speak to that when the Court is ready to hear that.

The date hurts me because I'm due to leave out of the country with my wife for a vacation that's been planned, and it conflicts with that. And we're trying to move it to -- I understand the Court has time on the 19th, and that would be wonderful. But I understand that counsel has a conflict because he's got some depositions or something scheduled, and I'm wondering if maybe he could accommodate us to reschedule those depos in light of my pressing need to keep my wife happy.

THE COURT: Well, in fact, I have your letter, Mr. Scherer, in that regard.

Yes, sir, please.

MR. KATZMAN: Thank you, Judge. You gave us -- there's a show-cause hearing November 20th, which it is obviously in Your Honor's discretion to truncate the time period for us to respond. Under the rules, we would ordinarily have 20 days from the

date of service of the alternative writ to respond to that writ, and to answer it.

THE COURT: In actuality, that date -- I just happen to have the time on the calendar, one, which is just convenience for The Court, but The Court's convenience is not the motivating factor, but this is The Court's feeling that this ought to be done sooner as opposed to later.

And I also suspect that regardless of The Court's ruling, that this is probably going to go higher, because I think this case may have implications statewide, so I can't imagine that we're not going to get the appellate courts involved, and, again, sooner as opposed to later. So that's the only reason why -- those are by far the reasons why that particular date was selected, but I interrupted you. Please.

MR. KATZMAN: And that's why I'm saying that the county is planning on filing a written response, planning on filing that as soon as we can.

THE COURT: Okay.

MR. KATZMAN: We received the petition

or the alternative writ on I believe November 6th or 7th -- I'm sorry, November 4th is when we were served. We're planning on hopefully filing that by the end of the week or by Monday as a response.

As far as to move the hearing, I'll try and accommodate counsel's schedule as best I can. There's a county commission hearing on Tuesday. Our client representative, county administrator cannot be here on Tuesday for that, and I also have depositions on Tuesday afternoon, and so that's why November 19th is not good. I talked to Mr. Weinger about that I believe on Monday, which is why the 19th is not good.

The county is available on the 20th, 21st, 22nd. I understand Mr. Scherer has a vacation. I'm not trying to interrupt that.

THE COURT: Mr, Scherer, when are you going on vacation and when are you returning?

MR. SCHERER: Well, we're leaving on the 20th and we come back after Thanksgiving, the week after Thanksgiving, so I'm gone for a couple weeks there.

Now, I hate to -- I'd like to move it

up, if you'd move it up, move it back. The county -- Lori Parrish, the property appraiser, wants me to handle it, and of course then I will. And I'm really on the horns of a dilemma. So I would appreciate the county helping me here, if they can. I don't know what the issue is on the 19th, but if they've got a problem, we've got a problem.

You know, The Court set the 20th. We've been scrambling to do it, and my office should have notified everybody before the problem here, and I'm a little old to be canceling vacations. I've done that for about 40 years. I would like to not have to do that. I have done it, and I will do it if I have to, but I don't want to.

THE COURT: We're not going to require you to do that.

If we move the hearing, the county cannot be present on the 19th. In actuality, the 19th, I have a nonjury trial that was supposed to start on that afternoon, and I was going to do that on the 19th and the 21st, and it would necessitate The Court

moving that matter around, I've got the flexibility to do that.

But if we don't go that particular week, the Thanksgiving week, it is a short week in any event, then I could schedule this thing. My next nonjury calendar is the week of December 8th, that week. And I could schedule it in that particular week. And when I do calendar call, which is -- calendar call is this Friday. When I do my calendar call this Friday for my jury calendar in December and my nonjury, I can schedule around it. I can just block this off and do it that week and then schedule those nonjuries around that.

Now, that --

MR. SCHERER: If it certainly hurts the Court to do that, I don't think it's an emergency to hear this thing before that, but -- and I appreciate the accommodation.

THE COURT: Okay. And then I guess the next thing I would do then if we're going to reschedule this on the week of the 8th -- actually, is the week of the 9th, Monday is the 9th, I'm not sure. Do any of you-all

have your calendars present so we can do that right here and right now, or do we have to go back to the phones and schedule it over the next day or so? And when I say "the next day or so," I'd have to have it scheduled by Friday at 9:30, because that's when I have my calendar call this week so that I don't set another matter in its place, obviously.

So if you don't have your calendars now, then I need to know before Friday at 9:30 in the morning, so...

MR. SCHERER: I can tell you that there's nothing I won't move, unless I am in trial, and I've been in trial -- we have a trial going up here in North Carolina, and I have partners and people trying it. I've got my finger in it so that if they happen to win the case, I can take credit for it, but I don't have anything on that week of December, so, you know, everybody's accommodated me, I will accommodate them. We can do it any time that is good with the county and The Court.

MR. KATZMAN: The only time that seems to be inopportune would be Tuesday, December 10th, because, again, there is a

county commission meeting that day; however, the other day seems open.

THE COURT: Well, okay, at this juncture -- now, this is probably a tough question to answer because we haven't got the county's response, but how much time do you think it would take? And I'm looking at maybe Thursday, the 12th. The reason why Thursday is, it's at the end of the week, so that if there's a last-minute flurry, if you schedule it on a Monday and there's a last-minute flurry, you know, you can't do anything over the weekend, obviously. I have case management hearings that Friday, which is the 13th, but those are 9:30 and 10:30, and those usually end around 11 o'clock or so, so that we can do it that Friday afternoon. But --

MR. SCHERER: Your Honor, I'm good with any of those days. In terms of the time, I can't imagine that would take more than an hour unless there's evidence.

MR. KATZMAN: I tend to agree.

MR. SCHERER: If he's going to respond to require evidence, then they need to notice

it as an evidentiary hearing, and then we might have to do some discovery and all sorts of stuff, if that's going to be an issue.

MR. KATZMAN: We haven't completed formulating our response in its entirety; however, we're anticipating that there will not be evidentiary issues requiring an evidentiary hearing. It will primarily be --

MR. SCHERER: It will not be? I am sorry, Counsel.

MR. KATZMAN: It will -- we anticipate that it will not be evidentiary, so it most likely will only require legal argument, so I would agree probably an hour.

MR. SCHERER: We ought to be able to do this whole thing in an hour.

THE COURT: All right. So if we schedule it now tentatively for December 12th at 9:30 in the morning, as you well know, motion calendar is 8:45 to 9:30, and schedule it for the morning, schedule it from 9:30 to 12, then everything that can go wrong that will go wrong, we should still have enough time.

MR. SCHERER: Yes, perfect.

THE COURT: Okay. That's our tentative, so we will remove it from next week's docket.

Now, when will the county -- since we have some time, when will the county have their response brief in? You indicated Friday initially. In light of the fact that we have more time, you can go further than that, but the following week is Thanksgiving week. The courthouse is closed Thursday and Friday. I'm not sure what kind of a slave driver Mr. Scherer is, whether he gives his people any time off or not, but...

MR. SCHERER: They get Christmas and a half a day in New Year's. That ought to be enough.

THE COURT: Right, so...

MR. KATZMAN: Judge, how is the 22nd? November 22nd?

THE COURT: Well, November 22nd is fine for The Court. I mean, I'm just thinking about the preparation for Mr. Scherer's office, because in the next week you're working Monday, Tuesday, Wednesday, and I'm not sure what you guys are doing Thursday and Friday, and then it will give you the

following entire week, meaning the first week of December and one, two, three days of the second week, so that's five, six, seven, eight, nine, ten, eleven days in preparation prior to.

Is that --

MR. SCHERER: That would be ample, Your Honor. That's ample time for us.

THE COURT: Okay. So what else can you-all think of discussing? And then I have one last subject matter.

MR. SCHERER: We have nothing on behalf of the Plaintiff.

MR. KATZMAN: Nothing for the county.

THE COURT: The last thing I want to discuss is disclosure. I, as Chief Judge, sat through 17 of these budget hearings in a row, so I'm pretty familiar with the process. I actually sat at the table with the appraiser, the former appraiser, Mr. Markham, and the interim appraiser, as well as Ms. Parrish when she became the appraiser, so I'm pretty familiar with the process.

I am not sure from you-all's point of view whether that is a good thing or a bad

thing, whether or not The Court having a little more knowledge of the process helps in these proceedings or maybe it is a hinderance. Maybe you want somebody that has not been involved in the past.

I know every single member of the commission, possible exception is the Vice Mayor. I've met Adam a couple of times, just casually, but I mean, for example, like Tim Ryan, I knew his daddy, his brothers. You know, Mr. Ryan -- when he was in the legislature, I worked closely with him in the legislature and other commissioners as well, a couple of commissioners. This past election cycle were very kind to me in my re-election campaign.

I have known Commissioner Gunzburger, I don't know, 20, 25 years, 30 years, something like that.

I'm forgetting who else is on the commission. Martin Kiar. I knew his daddy when he was a member of a different political party, and most people don't even know that ever happened. And, you know, so -- and Martin Kiar was kind to me during election.

I've known the mayor for years and years. She lives in Pompano as do I. The Property Appraiser, I have known Ms. Parrish for 20, 30 years, longer. She was kind to me during this election as well, very helpful.

So there's our disclosures. And if anybody has any specific questions, I'll be happy to entertain any specific questions. If anybody's going to file a Motion for Disqualification, then I would like to set a time for that so that this thing doesn't linger, but -- and maybe, Counsel, you need confer what The Commission, you-all need to confer with The Appraiser, and see whether or not -- I know there was a prior judge in this case for a while. Off the top of my head, I don't know who that is. I should know, but I don't know, and I'm not sure why that prior judge recused him or herself, so, you know, maybe it was associations as well, so...

MR. KATZMAN: I believe Judge Luzzo.

MR. CACCIATORE: His sister worked at our office.

THE COURT: Whose sister?

MR. KATZMAN: Judge Luzzo.

And, Judge, just to confirm, are you indicating that if either party were to file a Motion to Disqualify, that you would disqualify yourself based on your association with the parties? Or are you asking for something more specific that there be some sort of -- something to stop --

THE COURT: What I would do if it's legally sufficient, I would have to. If it's not legally sufficient, I would not do so.

MR. KATZMAN: I understand, but on occasion judges, they will, "Based on my relationship with these parties, I can't sit." But that's not what you're saying, you're saying, if there's something that you can specifically --

THE COURT: Not only can I be fair, I shall be, but, in addition, in all candor, I think this is going to the appellate court. I don't want to make light of this because I this is a very, very serious matter, it has statewide implications, and that's why I think ultimately the appellate courts are going to resolve it. And, you know, I can almost flip a coin, go either direction, and

the appellate court is going to end up at the end of the day resolving matters. And I don't mean that in the way it may have sounded, so...

MR. KATZMAN: Thank you.

THE COURT: Okay. Anything you-all want to discuss otherwise, or are we good to go?

MR. KATZMAN: No, Your Honor.

THE COURT: Thank you all. Have a great day. Appreciate your time.

(The status conference concluded at 10:50 a.m.)

REPORTER'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, GINA RODRIGUEZ, Registered Professional Reporter and Certified Realtime Reporter, hereby certify that I was duly authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

WITNESS my hand this 13th day of November, 2013.

_____

Gina Rodriguez, RPR, CRR

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