

**IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION**

CASE NO. 2017-022222-CA-08

<p>DILLON POOLS, INC, a Florida corporation,</p> <p style="text-align:right">Plaintiff,</p> <p style="text-align:center">vs.</p> <p>LUNACON ENGINEERING GROUP, INC D/B/A LUNACON CONSTRUCTION GROUP, INC,</p> <p style="text-align:right">Defendants.</p>	<p>SPECIAL MAGISTRATE’S ORDER ALLOWING PLAINTIFF’S MOTION FOR LEAVE OF COURT TO SEEK PUNITIVE DAMAGES AND ALLOWING IN PART AND DENYING IN PART DEFENDANT’S MOTION TO AMEND ITS AFFIRMATIVE DEFENSES</p>
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THIS CAUSE, having come before the Special Magistrate on Plaintiff’s *Motion for Leave of Court to File Amendment to Amended Complaint and Add a Claim for Punitive Damages* and Defendant’s *Motion for Leave to Amend Affirmative Defenses* scheduled on March 1, 2021, and the Court having reviewed the motions, supporting briefs, Plaintiff’s proffer, the evidence presented and/or otherwise set forth in the record, the case law, and Plaintiff’s *Notice of Objection to Defendant’s Motion to Amend its Answer and Affirmative Defenses* in opposition thereto; heard the argument of counsel; and the Court being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. Plaintiff has complied with and satisfied the requirements of the Florida Rules of Civil Procedure, Fla. Stat. §768.72 and Florida Law regarding its request to pursue a claim for punitive damages. There is a “reasonable showing” by evidence in the record or proffered by Plaintiff which provides a “reasonable basis” for Plaintiff’s recovery of punitive damages in satisfaction of Fla. Stat. §768.72(1). Plaintiff’s *Motion for Leave of Court to File Amendment to Amended Complaint and Add a Claim for Punitive Damages* is GRANTED.

2. Plaintiff shall be permitted to pursue all damages allowed under Florida's Punitive Damage statute and Florida Law including, but not limited to, those set forth in Fla. Stat. §768.73.
3. Plaintiff's *Amendment to Amended Complaint* attached to the Motion as Exhibit "A" shall be permitted and accepted as filed as of today's date.
4. Defendant shall answer the Amendment by March 5, 2021.
5. Plaintiff may conduct discovery including written discovery, requests for production and witness depositions in pursuit of its punitive damage claim.
6. It is further ordered and adjudged that Defendant's *Motion for Leave to Amend Affirmative Defenses* is GRANTED in part and DENIED in part.
7. Although Defendant may amend its affirmative defenses, the proposed Amended Answer and Affirmative Defenses attached to the Motion, by agreement, shall be redrafted by March 5, 2021.
8. Defendant shall specify with particularity each affirmative defense raised and the facts in support thereof. Further, Defendant shall attach all documents supporting each affirmative defense raised and set forth with specificity the language contained in the document supporting the applicable defense.
9. Plaintiff shall respond to the new affirmative defenses by March 15, 2021.
10. Plaintiff may conduct discovery including written discovery, requests for production and witness depositions as to the new defenses raised.

DONE AND ORDERED, in Miami-Dade County, Florida, this 2nd day of March, 2021.



John W. Thornton, Jr.
Special Magistrate

Copies to: Mr. Adam N. Neijna, Esq. (amn@amnlawfirm.com)
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