

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

JAMES NACE,

Plaintiff,

v.

Case No.: 2013-CA-001048 NC

FRANK MARTINELLI, III and
LYNDON JOHNSTON,

Defendants.

**ORDER DENYING IN PART AND GRANTING IN PART
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIABILITY**

THIS CAUSE having come to be heard before the Court on July 21, 2014, and the Court having reviewed the pleadings, motions, responses and documents filed therewith, and having heard argument from counsel and being otherwise advised in the premises, it is hereby:

ORDERED and ADJUDGED as follows:

1. Plaintiff's Motion for Partial Summary Judgment On Liability is DENIED in part as to the liability of Defendants as there are genuine questions of material fact; and
2. Plaintiff's Motion for Partial Summary Judgment on Liability is GRANTED in part on Defendants' Third and Ninth Affirmative Defenses as there are no genuine questions of material fact to support a finding of comparative fault by Plaintiff.

DONE and ORDERED in chambers at Sarasota, Sarasota County, Florida, this ____ day of July, 2014.

ORIGINAL SIGNED

Kimberly Bonner
Circuit Court Judge

JUL 29 2014

Conformed copies to:
Richard D. Rusak, Esq./Todd R. Perkins, Esq.
Michael D. Ruel, Esq.

**KIMBERLY CARLTON BONNER
CIRCUIT JUDGE**