

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY,  
FLORIDA

GENERAL JURISDICTION  
CASE NO. 14-008991 CA 01

MUSEUM OF CONTEMPORARY ART,  
INC.,

Plaintiff,

v.

THE CITY OF NORTH MIAMI,  
FLORIDA; LUCIE TONDREAU;  
STEPHEN E. JOHNSON;  
SCOTT GALVIN; CAROL KEYS;  
PHILIPPE BIEN-AIME; and  
MARIE STERIL,

Defendants

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**ORDER ON CASE MANAGEMENT CONFERENCE**

This case came before the Court on the May 5, 2014, for a Case Management Conference. Both Plaintiff, Museum of Contemporary Art ("MOCA"), and Defendants, The City of North Miami, Florida, Lucie Tondreau, Stephen E. Johnson, Scott Galvin, Carol Keys, Philippe Bien-Aime and Marie Steril ("Defendants") appeared through Counsel. The procedural history is set forth below:

1. On April 7, 2014, MOCA filed its Complaint along with a Verified Emergency Motion for Temporary Injunctive Relief without Notice. On April 8, 2014, the Court entered an Order denying the Motion.
2. On April 8, 2014, MOCA filed a second Motion for Preliminary Injunctive Relief, which remains pending.
3. On April 28, 2014, Defendant, The City of North Miami, Florida (the "City"), served upon

the Court an Emergency *Ex-Parte* Motion for Temporary Injunctive Relief, Demand for Immediate Equitable Accounting and Incorporated Memorandum of Law. On April 30, 2014, the Court entered an Order denying same and directing that the Motion would be set for hearing upon reasonable notice to all parties.

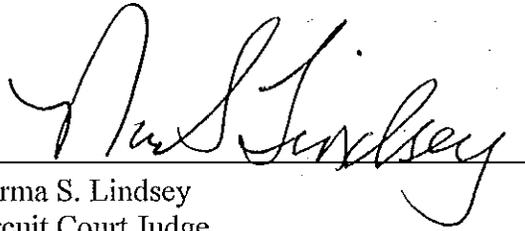
4. Also on April 28, 2014, the City filed a Motion to Dismiss Complaint, Strike Improper Defendant, and Strike Redundant, Immaterial, Impertinent and Scandalous Portions of Complaint, which remains pending.
5. Thereafter, the Court *sua sponte* set this matter for Case Management Conference on Monday May 5, 2014. At the Case Management Conference, the Court instructed the parties to provide the Court with their respective positions regarding proposed discovery and timeframes for same, proposed order of and timeframes for the scheduling of motions, and with any additional affidavits by 3:00 p.m. on Wednesday May 7, 2014.
6. And, at the Case Management Conference on Monday May 5, 2014, the Court further directed the parties to provide the Court with the name of a mutually agreed upon Mediator by 3:00 p.m. on Wednesday May 7, 2014, if such agreement was possible. The parties did not provide the name of a mutually agreed upon Mediator.
7. The Court then conducted a follow-up status conference with the parties on Thursday May 8, 2014. At this status conference, the City proposed the name of a potential mediator. However, MOCA advised the Court that it was unable to agree to the individual proposed by the City at that time.
8. The Court then directed the parties to advise the Court whether they could mutually agree upon the individual proposed by the City at the May 8<sup>th</sup> status conference -- or any other Mediator -- by noon on Friday May 9, 2014.

9. On Friday May 9, 2014, Counsel for MOCA, via written correspondence, copied to all counsel of record for the City, advised the Court that it was willing to accept the individual proposed by the City at the May 8<sup>th</sup> status conference, but was unable to confirm with the City whether it was still in agreement with that individual serving as the Mediator. To date, the Court has not been advised by the City with respect to same.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. The parties shall file with the Clerk of Court, and provide a courtesy copy of same to the Court at Chambers, a Joint Notice of Agreement of Designation of Mediator by 3:00 p.m. on Thursday May 15, 2014, if such agreement if possible. Should the parties fail to do so, the Court shall select and appoint a Mediator;
2. This litigation, including all discovery, is hereby stayed pending mediation; and,
3. The parties shall maintain the *status quo* and take no actions with respect to the issues involving the subject matter of this litigation pending mediation.

**DONE** and **ORDERED** in Chambers in Miami-Dade County, Florida, this 12<sup>th</sup> day of May, 2014.

  
Norma S. Lindsey  
Circuit Court Judge

Copies furnished to:

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