

IN THE DISTRICT COURT OF APPEALS OF FLORIDA
SECOND DISTRICT
CASE NO.: 2D06-5577
L.T. No. : 06-CA-5063-SC

WILLIAM A. CABANA, *pro se*,
Appellant

v.

JAMES ZINGALE, EXECUTIVE
DIRECTOR, FLORIDA
DEPARTMENT OF REVENUE
(In his official capacity)
Appellee. :

APPELLANT'S MOTION TO DENY SHOW CAUSE

(TRIAL COURT ORDER OF FINAL JUDGMENT IS ENTERED)

Plaintiff, *pro se* with assistance of counsel, moves this court to accept the attached trial court's Order of Final Judgment, and to consider it a final order of judgment that is appealable. This trial court order permits this court to assume its jurisdiction granted under Art. V § 4 (b) (1), Fla. Const. This order creates an appealable order under *Bd. of Cty. Com'rs of Amdison Cty v. Grice*, 438 So. 2d 392, 394 (Fla. 1983) (An order on a motion to dismiss may not be final, but an order which actually dismissed the complaint is. See *Gries Investment Co. v. Chelton*, 388 So. 2d 1281 (Fla. 3d DCA 1980)).

The Plaintiff further moves this court to accept his Motion for Oral Argument, Appellant's Initial Brief, and Suggestion for Referral to the Florida Supreme Court as timely filed.

Respectfully submitted,



Date: December 20, 2006

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 2006, I caused a true and accurate copy of this Motion for Oral Argument to be sent by U.S. mail to:

George Waas, Esq. Special Counsel
Office of the Attorney General
PL-01 The Capital
Tallahassee, FL 32399-1015
Counsel for the Defendant



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

WILLIAM A. CABANA,
Plaintiff,

and

Case No. 2006 CA 5063 SC

JAMES ZINGALE, EXECUTIVE
DIRECTOR, FLORIDA
DEPARTMENT OF REVENUE,
Defendant.

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SARASOTA COUNTY, FLORIDA
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AMENDED FINAL ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT, GRANTING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT, DISMISSING ACTION WITH PREJUDICE AND
ENTERING JUDGMENT FOR DISMISSAL

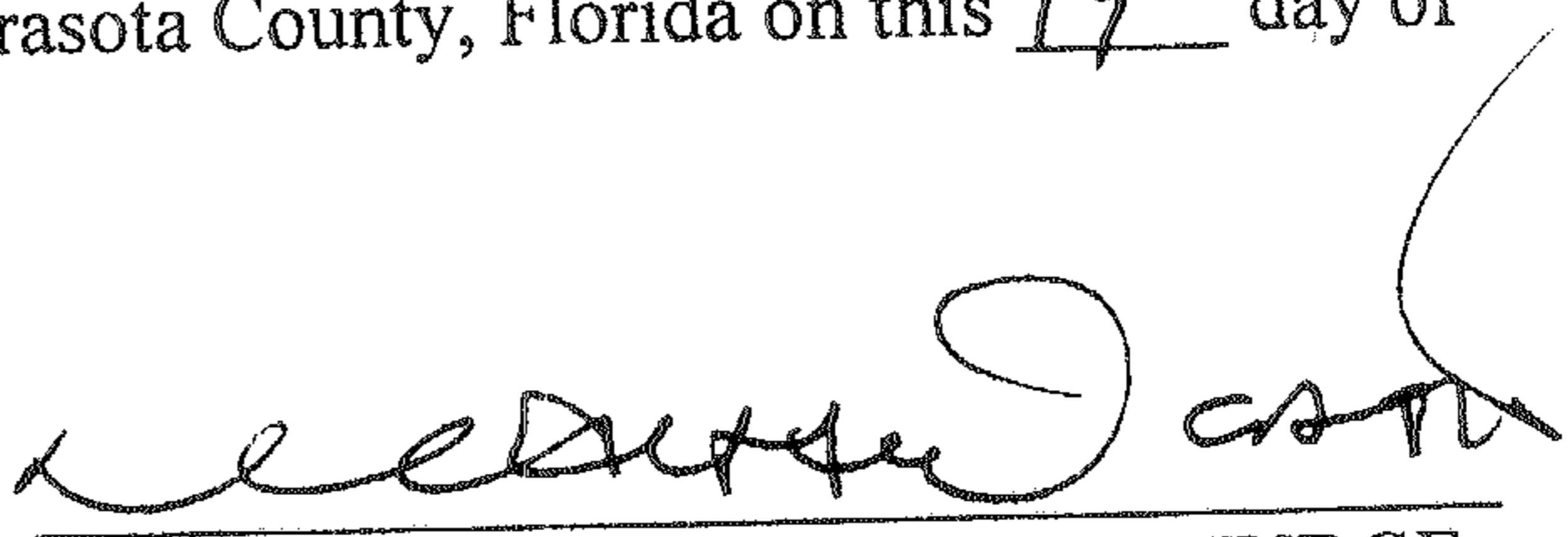
This Cause having come before the court on November 27, 2006 on the Plaintiff's Motion for Summary Judgment and the Defendant's Motion for Summary Judgment and the court after hearing argument of parties and being otherwise advised in the premises, it is hereupon

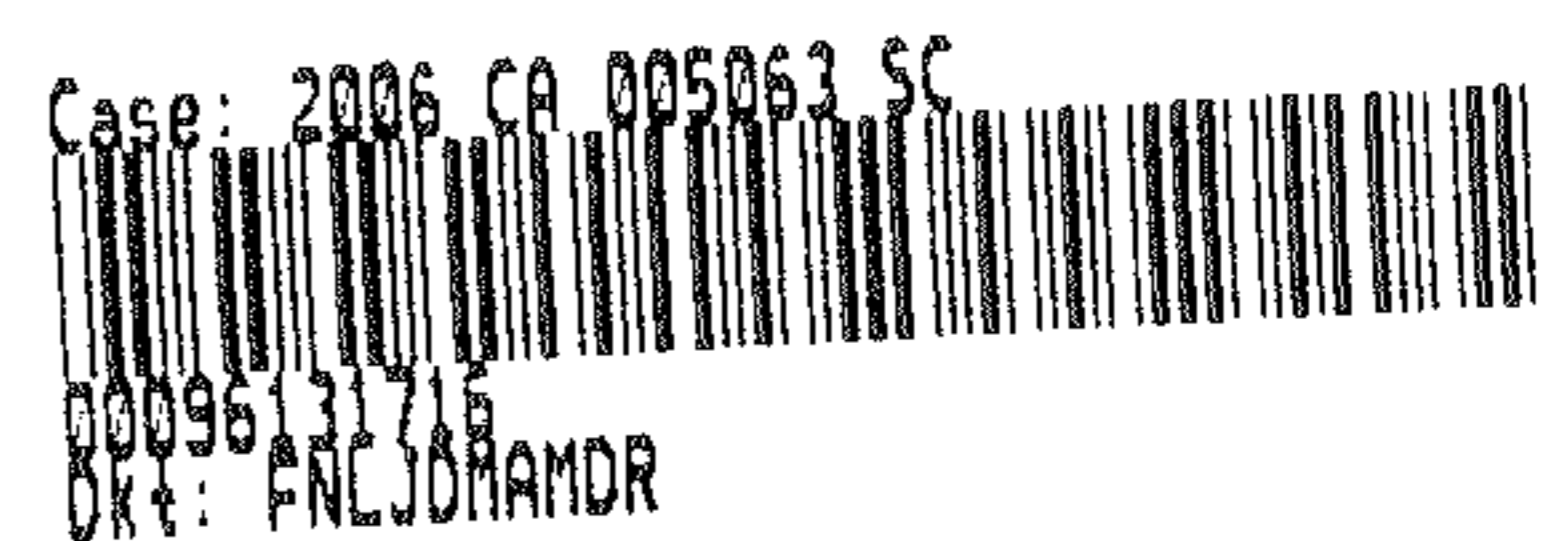
Ordered and Adjudged that the Plaintiff's Motion for Summary Judgment is denied. It is further

Ordered and Adjudged that the Defendant's Motion to Dismiss Plaintiff's Complaint is granted, Plaintiff having stated no further amendment is sought. It is further

Ordered and Adjudged that the case is dismissed with prejudice, and judgment is entered for Defendant against William A. Cabana. Defendant shall go hence without delay.

Done and Ordered in Venice, in Sarasota County, Florida on this 19 day of December, 2006.


LEE E. HAWORTH, CIRCUIT JUDGE



Copies furnished to:

George Waas, Special Counsel
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