

**APPLICATION FOR NOMINATION TO
THE 5TH DISTRICT COURT OF APPEAL**

Instructions: *Respond fully to the questions asked below. Please make all efforts to include your full answer to each question in this document. You may attach additional pages, as necessary, however it is discouraged. In addition to the application, you must provide a recent color photograph to help identify yourself.*

Full Name: Lauren Patricia Blocker **Social Security No.:** [REDACTED]

Florida Bar No.: 88558 **Date Admitted to Practice in Florida:** 4/14/2011

1. Please state your current employer and title, including any professional position and any public or judicial office you hold, your business address and telephone number.

**State of Florida Courts, Circuit Court Judge, Seventh Judicial Circuit
125 E. Orange Ave., Suite 301
Daytona Beach, FL 32114
(386) 257-6090**

2. Please state your current residential address, including city, county, and zip code. Indicate how long you have resided at this location and how long you have lived in Florida. Additionally, please provide a telephone number where you can be reached (preferably a cell phone number), and your preferred email address.

[REDACTED]
[REDACTED]

I have lived at the above address since December 17, 2017. I have resided in Florida since 1988. I can be reached on my cell phone at (305) 519-8069.

3. State your birthdate and place of birth.

[REDACTED], St. Louis, MO

4. Are you a registered voter in Florida (Y/N)? Y
5. Please list all courts (including state bar admissions) and administrative bodies having special admissions requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have ever been suspended or resigned. Please explain the reason for any lapse in membership.

**Florida Supreme Court (Florida Bar) Admitted April 14, 2011
Missouri Supreme Court (Missouri Bar), Admitted September 14, 2011**

I have not been suspended or resigned from admission in the above jurisdictions; however, I elected to go on inactive status with the Missouri Bar in 2014.

6. Have you ever been known by any aliases? If so, please indicate and when you were known by such alias.

Prior to my marriage on July 31, 2010, I was known by Lauren Patricia Shaffar.

EDUCATION:

7. List in reverse chronological order each secondary school, college, university, law school or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, the date the degree was received, class standing, and graduating GPA (if your class standing or graduating GPA is unknown, please request the same from such school).

Florida Coastal School of Law

Attended January 2008 to December 2010

Juris Doctor, *Summa Cum Laude*, received December 11, 2010

Ranked 1 out of 466

3.90 GPA

University of Florida

Attended August 2003–May 2007

Bachelor of Science, *Cum Laude*, received May 5, 2007

Major in Environmental Science, Minor in Italian

Class Rank: Not given by institution

3.71 GPA

Miami Dade College

Attended May 2005–June 2005

Summer Study Abroad in Italy

Degree not received or requested

Our Lady of Lourdes Academy,

Miami, Florida

Attended August 1999-May 2003,

High School Diploma, Received in May 2003

Ranked in the top 10

4.666 Weighted GPA

8. List and describe any organizations, clubs, fraternities or sororities, and extracurricular activities you engaged in during your higher education. For each, list any positions or titles you held and the dates of participation.

Law Review Member, August 2008–December 2010

Moot Court Member, August 2008–December 2010

National Environmental Moot Court Competition (Quarterfinalist)

National Civil Rights and Liberties Moot Court Competition

Charleston National Constitutional Law Moot Court Competition

Alpha Epsilon Delta, the Health Professional Honor Society, Member, 2005-2007

We the People Constitution Team, 2002-2003,

District and State Champions, Second Place Nationally

EMPLOYMENT:

9. List in reverse chronological order all full-time jobs or employment (including internships and clerkships) you have held since the age of 21. Include the name and address of the employer, job title(s) and dates of employment. For non-legal employment, please briefly describe the position and provide a business address and telephone number.

Circuit Court Judge, Seventh Judicial Circuit, May 2025-Present

125 E. Orange Ave., Suite 301

Daytona Beach, FL 32114

St. Johns County Court Judge, October 2021-May 2025

4010 Lewis Speedway, Suite 247

St. Augustine, FL 32084

Fidelity Information Services, LLC

Corporate Counsel, September 2018–September 2021

601 Riverside Ave

Jacksonville, FL 32204

United States District Court for the Middle District of Florida

The Honorable Carol Mirando, U.S. Magistrate Judge

Law Clerk, May 2018–August 2018

2110 First Street

Fort Myers, Florida 33901 (remote)

Southeastern Grocers, LLC

Assistant General Counsel, June 2016–May 2018

8928 Prominence Parkway, #200

Jacksonville, FL 32256

United States District Court for the Middle District of Florida

The Honorable Patricia D. Barksdale, U.S. Magistrate Judge,
Law Clerk, September 2015–June 2016
The Honorable Marcia Morales Howard, U.S. District Judge,
Law Clerk, October 2011–September 2015
300 N. Hogan Street
Jacksonville, FL 32204

Held & Israel

Stacy Watson May, P.A.

Associate, January 2011–September 2011
6320 St. Augustine Road, Suite 2
Jacksonville, FL 32217 (Office since closed).

Supreme Court of Florida

The Honorable Ricky Polston
Judicial Extern, Fall 2010 Semester (full-time for course credit)
500 South Duval Street
Tallahassee, FL 32399-1927

Law Firm of Lansing J. Roy, P.A.

Law Clerk, February 2010–July 2010
1710 Shadowood Lane, Suite 210
Jacksonville, FL 32207

Florida Coastal School of Law

Research Assistant, Spring and Summer 2009, Spring 2010
8787 Baypine Road
Jacksonville, FL 32256

McGuireWoods LLP

Environmental Extern, Fall 2009 Semester (part-time for course credit)
50 North Laura Street, Suite 3300
Jacksonville, FL 32202-3661

Fourth Judicial Circuit

The Honorable David M. Gooding
Judicial Extern, Summer 2008 (part-time for course credit)
330 East Bay Street (Courthouse since moved to 501 W Adams St)
Jacksonville, FL 32202

Grafer Facial Institute

January 2006–December 2007 (job description below)
832 NW 57th ST
Gainesville, FL 32605

During my junior and senior years of college, I had the opportunity to work for Dr. Charles Graper, an oral and maxillofacial as well as cosmetic surgeon. I prepared rooms, managed consent forms, billed insurance, handled insurance disputes, and assisted during consultations and surgeries. His practice manager was his wife, Beverly Graper, who can be reached at (352) 316-5354.

10. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

I currently preside over a family division, involving primarily dissolution of marriage and paternity cases as well as petitions for injunction for protection against domestic violence. Previously, as a county judge, I was assigned a split criminal and civil docket, handling small claims, county civil, evictions, unlawful detainers, civil traffic, ordinance violations, criminal traffic, and misdemeanors. I also handled Baker Act proceedings and assisted with other circuit matters including circuit civil jury trials.

My past practice before taking the bench was transactional. I was corporate counsel for FIS, a Fortune 500 financial services technology company, and primarily assisted internal clients with a high volume of both customer and vendor contract negotiation as well as contract disputes. I also conducted legal research as needed and drafted memoranda for senior leadership. In my prior position at Southeastern Grocers, in addition to contract negotiation, I advised internal clients as to compliance with state and local laws in seven different state jurisdictions, reviewed outside counsel filings on labor and employment matters, managed collections litigation matters with outside counsel, and assisted the payroll department in managing garnishment proceedings as needed, including filing motions to vacate defaults and default judgments.

My experience as a judicial law clerk provided opportunities to work on a wide variety of legal practice areas, including commercial litigation, personal injury, labor and employment, bankruptcy appeals, social security appeals, and criminal matters, at each stage of litigation, including initial filing review for jurisdiction, discovery disputes, dispositive motions, *Daubert* motions, pretrial motions, drafting jury instructions during trial, motions for new trial following trial, and drafting proposed findings of fact and conclusions of law following bench trials.

11. What percentage of your appearance in court in the last five years or in the last five years of practice (include the dates) was:

	Court		Area of Practice	
Federal Appellate	_____	%	Civil	40 _____ %
Federal Trial	_____	%	Criminal	40 _____ %

Federal Other	_____ %	Family	<u>20</u> %
State Appellate	_____ %	Probate	_____ %
State Trial	<u>100</u> %	Other	_____ %
State Administrative	_____ %		
State Other	_____ %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

If your appearance in court the last five years is substantially different from your prior practice, please provide a brief explanation:

As a judicial law clerk from 2011 to 2015, I was in the courtroom often, an average of at least 5 times a month, being assigned to a number of civil and criminal trials, with varying frequency, as well as motion hearings. The split between federal criminal and federal civil in the courtroom was about 30% civil, 70% criminal, and 100% at the federal trial court level.

12. In your lifetime, how many (number) of the cases that you tried to verdict, judgment, or final decision were:

Jury?	<u>12 (as Judge)</u>	Non-jury?	<u>175+ (as Judge)</u>
	<u>1 (Second Chair) (as Attorney)</u>		
Arbitration?	<u>N/A</u>	Administrative Bodies?	<u>N/A</u>
Appellate?	<u>N/A</u>		

13. Please list every case that you have argued (or substantially participated) in front of the United States Supreme Court, a United States Circuit Court, the Florida Supreme Court, or a Florida District Court of Appeal, providing the case name, jurisdiction, case number, date of argument, and the name(s), e-mail address(es), and telephone number(s) for opposing appellate counsel. If there is a published opinion, please also include that citation.

None.

14. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended, or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No.

15. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain full.

No.

16. For your last six cases, which were tried to verdict or handled on appeal, either before a jury, judge, appellate panel, arbitration panel or any other administrative hearing officer, list the names, e-mail addresses, and telephone numbers of the trial/appellate counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

Buyer's Broker Realty Consultants, Inc. v. Martha and Walter Taylor, 16-2002-CA-005343

Main Counsel: Kim Israel, Esq.

Kaufman Dolowich (then with Held & Isreal, P.A.)

301 E. Pine Street

Suite 1500

Orlando, FL 32801

Office: (407) 358-5619

Cell: (904) 704-2909

kim.israel@kaufmandolowich.com

Opposing Counsel: P. Campbell Ford, Esq.

Ford & Miller, P.A. (then Ford, Miller, & Wainer, P.A.)

1210 Selva Marina Cir

Atlantic Beach, FL 32233-5526

Office: (904) 390-1970

Cell: 904-610-0831

cford@fordmiller.com

17. For your last six cases, which were either settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

Not applicable.

18. During the last five years, on average, how many times per month have you appeared in Court or at administrative hearings? If during any period you have appeared in court with greater frequency than during the last five years, indicate the period during which you appeared with greater frequency and succinctly explain.

I am in the courtroom nearly every day since taking the bench. As in-house counsel, I did not appear in court.

19. If Questions 16, 17, and 18 do not apply to your practice, please list your last six major transactions or other legal matters that were resolved, listing the names, e-mail addresses, and telephone numbers of the other party counsel.

Although FIS transactions are confidential, I can generally describe my major transactions: those involving large financial institutions for core banking solutions along with a host of ancillary products such as online banking, credit and debit processing, consumer reporting services, and item processing. These transactions typically involve tens of millions of contract value. Transactions for large financial institutions are among the most difficult because they involve bespoke contracts and intense negotiation over multiple days if not weeks.

I have also worked on a considerable number of agreements for core banking solutions for community banks and credit unions. While I cannot disclose opposing in-house counsel without disclosing FIS confidential information, the outside counsel listed below represented more than one client entering into a business arrangement with FIS.

**Barry Hester
Alston & Bird LLP
1201 West Peachtree Street
Atlanta, GA 30309
barry.hester@alston.com
Office: (404) 881-7463**

**Peter Wilder
Godfrey & Kahn
833 East Michigan Street
Suite 1800
Milwaukee, WI 53202
[Pwilder@gklaw.com](mailto:pwilder@gklaw.com)
Office: (414) 287-9609**

While Southeastern Grocers transactions are also confidential, I negotiated all the contracts associated with the Star Wars Cosmic Shells promotional campaign. This involved negotiating with an international brand promotion company as well as The Walt Disney Company and its affiliates for product licensing.

20. During the last five years, if your practice was greater than 50% personal injury, workers' compensation or professional malpractice, what percentage of your work was in representation of plaintiffs or defendants?

Not applicable.

21. List and describe the five most significant cases which you personally litigated giving the case style, number, court and judge, the date of the case, the names, e-mail addresses, and telephone numbers of the other attorneys involved, and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant.

As a judicial law clerk for the Honorable Marcia Morales Howard, I was assigned the following significant cases to assist at trial and made the following contributions:

United States v. Godwin, et. al, 3:10-cr-276-J-34TEM: This case involved six defendants charged with violations of the Racketeer Influenced and Corrupt Organization (RICO) Act and conspiring to commit racketeering, as well as twenty-four predicate racketeering acts. Two defendants went to trial, which required empaneling of two juries and complex jury instructions addressing both state and federal criminal laws, including extortion, home invasion robbery, bank robbery, transferring stolen goods, drug trafficking, money laundering, as well as the RICO violation. There were motions to dismiss the indictment before trial, a motion to excuse a seated but not yet empaneled juror, and a dismissal of a juror refusing to follow instructions during deliberations. Excluding two days of jury selection, the trial lasted thirteen days. At the conclusion of trial, there was also a motion for new trial. I assisted at each stage of the proceeding reviewing filings, researching relevant case law, preparing jury instructions, and drafting necessary orders.

Ioselev v. Schilling, 3:10-cv-1091-J-34MCR: This case was significant as it was a breach of contract claim for specific performance between two *pro se* litigants. The plaintiff alleged the defendant promised him a life estate in Florida property in exchange for property management services. Prior to trial, I assisted drafting the order adopting as modified a report and recommendation that summary judgment be granted in part and denied in part. On the remaining issues, there was a four-day jury trial with special interrogatories for the equitable claims and a verdict resolving the legal claims. I assisted both with the jury instructions and drafting detailed findings of fact and conclusions of law to resolve the case.

Hooks v. GEICO, 3:13-cv-891-J-34JBT: This case involved a claim alleging that the defendant breached its duty of good faith to the plaintiff, its insured, in the handling of a personal injury claim against the plaintiff for a car accident. This was a five-day jury trial. There were a number of evidentiary issues during trial, an objection to improper closing argument that required research, and the preparation of jury instructions, which involved a contentious charge conference over the inclusion of a jury instruction that would have required a conscious disregard for the rights of the insured that was ultimately excluded from the instructions. I conducted legal research regarding evidentiary issues, prepared the initial jury instructions, and conducted legal research regarding the requested conscious-disregard instruction.

***United States v. Miller, et. al, 3:11-cr-81-J-34JBT:* This case involved an extensive mortgage fraud scheme. Defendant Kessler Holzendorf, a local political figure, went to trial and was convicted of one count of conspiracy to commit mail and wire fraud, fifteen substantive counts of mail fraud, and fifteen substantive counts of wire fraud. With multiple defendants, I assisted with the motions to dismiss the indictment and for a bill of particulars; the jury trial, including the jury instructions, which were contested; the motion for new trial; and the forfeiture issues that arose during sentencing.**

***United States v. Holmes, 3: 13-cr-47-J-34JBT:* This was a production of child pornography case where the central issue was whether the depictions created by the defendant, who surreptitiously videotaped his stepdaughter for months in her bathroom, constituted child pornography. I assisted with drafting the jury instructions as well as the order denying the motion for new trial following the defendant's conviction.**

22. Attach at least two, but no more than three, examples of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach a writing sample for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

I am attaching the following sample orders I drafted: Writing Samples A (Opinion drafted while sitting as an associate judge on the 5th District Court of Appeals) and Writing Sample B (Order on Motion for Attorney's Fees entered in a Circuit Civil case).

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE

23. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved, the dates of service or dates of candidacy, and any election results.

Governor Ron DeSantis appointed me to the position of St. Johns County Court judge on September 16, 2021. I was elected without opposition during the 2024 election cycle. Governor Desantis appointed me to the position of Circuit Court Judge on May 7, 2025. I was elected without opposition during the recent 2026 election cycle.

24. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name(s) of the commission, the approximate date(s) of each submission, and indicate if your name was certified to the Governor's Office for consideration.

I submitted questionnaires to the Judicial Nominating Commission for the Seventh Judicial Circuit in August of 2021 for County Court and March 2025 for Circuit Court. My name was certified to the Governor's Office, and I was selected for the positions in both instances.

25. List any prior quasi-judicial service, including the agency or entity, dates of service, position(s) held, and a brief description of the issues you heard.

Not applicable.

26. If you have prior judicial or quasi-judicial experience, please list the following information:

- (i) the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance;

Theodore Doran, Esq.

Doran Foxman Sims Wolfe & Yoon
PO Box 15110
Daytona Beach, FL 32115-5110
Office: (386) 253-1111
Cell: (386) 679-3318
tdoran@doranlaw.com

Sara Glover, Esq.

1 Daytona Blvd Ste 600
Daytona Beach, FL 32114
Office: (386) 323-9224
Cell: (404) 933-0408
sara.glover@cobbcole.com

Michael Orr, Esq.

50 N. Laura St., Ste. 2800
Jacksonville, FL 32202-3611
Office: (904) 358-8300
[REDACTED]
morr@orrcook.com

Jeffrey E. Bigman, Esq.

Post Office Box 15200
Daytona Beach, FL 32115
Office: (386) 254-6875
Cell: (386) 405-5386
jbigman@daytonalaw.com

Terry Shoemaker, Esq.

200 Malaga St. Ste 1
St. Augustine, FL 32084-3507
Office: (904) 872-7463
Cell: (904) 814-7540
terry@theshoelaw.com

Lisa Miles, Esq.

100 Southpark Blvd., Ste. 414
St. Augustine, FL 32086-5173
Office: (800) 705-5457
Cell: (904) 501-0962

lisa@dhclawyers.com

- (ii) the approximate number and nature of the cases you handled during your tenure;

When I sat as county judge, I handled every type of case subject to county court jurisdiction. Estimates of those case numbers are:

Animal Control and Other Non-Criminal Cases (ordinance violations, boating citations, Fish and Wildlife violations, smoking citations):	2,804
Civil Traffic Cases (including SBI/Fatalities):	20,084
Criminal Misdemeanor Cases:	2,849
Criminal Traffic:	3,590
Summary Proceedings (Small Claims and Evictions):	6,175
County Civil Cases:	1,892
Baker Acts:	274

I also conducted 5 circuit civil jury trials, 2 circuit civil non-jury trials, and 1 non-jury Jimmy Ryce trial.

I currently preside over a family division in the Seventh Judicial Circuit. In this capacity, I have reviewed approximately 232 petitions for injunctions for protection against domestic and other forms of violence, held 147 hearings on such petitions, and conducted approximately 75 non-jury trials for dissolution of marriage, paternity, and supplemental petitions to modify final judgments. I have also handled 19 adoptions. On average, I have maintained approximately 300 open cases.

- (iii) the citations of any published opinions; and

Williams v. Leesburg Regional Medical Center, Inc., Case. No. 5D2024-1910, 2026 WL 247408 (Fla. 5th DCA 2026)

- (iv) descriptions of the five most significant cases you have tried or heard, identifying the citation or style, attorneys involved, dates of the case, and the reason you believe these cases to be significant.

Drozdz v. Amatus Health, LLC, CA19-1534, Tried February 20, 2023, to February 23, 2023, before a jury by Archibald J. Thomas, III, Esq. (Plaintiff's counsel) and Jessica T. Travers, Esq. and Kimberly R. Rivera, Esq. (Defendant's counsel). The plaintiff alleged that he was improperly terminated for reporting violations of law in violation of Florida's whistleblower statute, Fla. Stat. § 448.102. The defendant operated rehabilitation centers in various states. The plaintiff was terminated after approximately 30 days of employment. Central to Plaintiff's claim was his contention that he did not need to show an actual violation of law but only a potential one. Complicating the issue further, Plaintiff argued he did not have to specify what laws were violated, citing entire chapters and sections of state and federal law. This made instructing the jury very challenging. I concluded that Plaintiff had to show actual violations of law, as Florida has distinct

provisions that apply to whistleblowers for private as opposed to public employers. I limited the jury instructions to laws Plaintiff had arguably testified about and specified those on the verdict form to allow for any necessary post-trial motions. I am including my order on the defendant's motion for attorney's fees in this case as a Writing Sample A.

Selimanovic v. Anthony, CA20-499, Tried April 25, 2022 to April 28, 2022 before a jury by Laurence C. Huttman, Esq. and Frank Fratello, Esq. (Plaintiff's counsel) and Jeffrey E. Bigman, Esq. and Brooke M. Gaffney, Esq. (Defendant's counsel). This was an automobile negligence case and my first jury trial as a judge. It was significant because it taught me the importance of making a good record during jury selection. Following a defense verdict, Plaintiff moved for a new trial based on alleged errors in denying two challenges for cause. I denied the motion for new trial and was affirmed on appeal, 5D2022-1812, on June 25, 2024.

Taylor v. Continental Anastasia Service Center 206, Inc., CA21-518, Tried June 26, 2023 to June 27, 2023 before a jury by Eric E. Jones, Esq. (Plaintiff's counsel) and Joshua Saxon, Esq. and Daniel Mowery, Esq. (Defendant's counsel). The claims the jury ultimately decided were FDUTPA and negligent misrepresentation. The jury found in the plaintiff's favor on both claims. This case was significant because it involved a significant number of evidentiary objections. In addition, on a post-trial motion, I had to consider whether unobjected-to closing statements warranted a new trial. I found they did not, and the parties ultimately settled the matter while it was on appeal.

Izutani-Simpkins v. Oldest Wooden School House, LLC, CA23-149, Tried October 14, 2024 to October 17, 2024, before a jury by Kirby Johnson, Esq., Michael Balangue, Esq., and Antoine Pecko, Esq. (Plaintiff's counsel) and Michael Orr, Esq. and Trent Kerns, Esq. (Defendant's counsel). There were a number of evidentiary issues that had to be addressed as each side filed eight motions in limine that had to be argued immediately before jury selection. This case involved a premises liability claim resulting from a six-year old child climbing on a decorative fountain at the Oldest Wooden School House museum, which collapsed under his weight and severed his finger. One of the legal issues was whether the defendant owed the plaintiff any duty to make a decorative fountain safe for climbing, a use for which it was not intended. In a post-trial motion, the plaintiff also unsuccessfully argued that the plaintiff's friend's testimony as to whether she would have let her own child play on the fountain was improper lay opinion testimony.

Kaminsky v. Progressive American Insurance Co., CA23-1186, Tried December 9, 2024, to December 12, 2024 by Alexander Longo, Esq. and Jeffrey Bankston, Esq. (Plaintiff's counsel) and Gene P. Kissane, Esq. and Jennifer Kass, Esq. (Defendant's counsel). This was an underinsured motorist case where liability was admitted. There were a number of medical experts testifying and the opinions each could render were highly contested. This lawsuit was also filed on the effective date of Florida Statute § 768.0427. The parties

ultimately agreed to resolve the effect of the statute on damages through post-trial motions, which are ongoing.

27. Provide citations and a brief summary of all of your orders or opinions where your decision was reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, attach copies of the opinions.

None.

28. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, attach copies of the opinions.

I have ruled on constitutional issues with respect to the reasonableness of searches and seizures in motions to suppress. I am attaching a representative sample. Only one of these orders has been appealed, and it is currently pending before the appellate court, *Gordon v. State*, 5D2024-2384. The order in that case is also attached.

29. Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give the date, describe the complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

No.

30. Have you ever held an attorney in contempt? If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances.

No.

31. Have you ever held or been a candidate for any other public office? If so, state the office, location, dates of service or candidacy, and any election results.

No.

NON-LEGAL BUSINESS INVOLVEMENT

32. If you are now an officer, director, or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

Not applicable.

33. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, explain and provide dates. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received.

No.

POSSIBLE BIAS OR PREJUDICE

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you, as a general proposition, believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

My husband is a practicing attorney. I would recuse myself from any case involving him. Otherwise, there are no types of cases, groups of entities, or extended relationships or associations which would require recusal.

PROFESSIONAL ACCOMPLISHMENTS AND OTHER ACTIVITIES

35. List the titles, publishers, and dates of any books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials published only on the Internet. Attach a copy of each listed or provide a URL at which a copy can be accessed.

Not applicable.

36. List any reports, memoranda or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. Provide the name of the entity, the date published, and a summary of the document. To the extent you have the document, please attach a copy or provide a URL at which a copy can be accessed.

Not applicable.

37. List any speeches or talks you have delivered, including commencement speeches, remarks, interviews, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place they were delivered, the sponsor of the presentation, and a summary of the presentation. If there are any readily available press reports, a transcript or recording, please attach a copy or provide a URL at which a copy can be accessed.

I was chosen to speak at the induction ceremony for newly admitted lawyers for receiving the highest score on the Florida Bar. *Speaker on Behalf of Newly Admitted Lawyers at the Florida Supreme Court, Tallahassee, FL (May 2, 2011)*, [Florida Supreme Court Gavel to Gavel Video Portal | Case \(wfsu.org\)](#) (32:00-35:00)

Dunn Blount Inn of Court Panel Discussion on the Judicial Nomination Process, November 18, 2021, LPGA Clubhouse, Daytona Beach

Catholic Lawyers Guild Luncheon Speaker, May 2022, River and Post, Jacksonville

United Way, Women United Event Panel Speaker, May 16, 2022, San Sebastian Winery, St. Augustine

Law and Homeland Security Career Academy Class Speaker, St. Augustine High School

Speaker, Florida Association of Legal Document Preparers Annual Conference, September 20, 2025, Fountain Beach Resort, Daytona Beach

Presenter, Flagler County Bar Association, CLE Regarding Use of Court Interpreters, February 9, 2026, Flagler County Courthouse

38. Have you ever taught a course at an institution of higher education or a bar association? If so, provide the course title, a description of the course subject matter, the institution at which you taught, and the dates of teaching. If you have a syllabus for each course, please provide.

No.

39. List any fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement. Include the date received and the presenting entity or organization.

Book Awards for the highest grade in the following classes:

Contracts I	Civil Procedure	Torts I & II
Lawyering Process I	Property I	Professional Responsibility
Evidence	Criminal Law	Family Law
Environmental Law	Environmental Law & Toxic Torts	

College of Agriculture Honors Program, 2004-2007

Intermediate Italian Student of the Year, 2005

Golden Key International Honor Society Member, 2005-2007

40. Do you have a Martindale-Hubbell rating? If so, what is it and when was it earned?

No.

41. List all bar associations, legal, and judicial-related committees of which you are or have been a member. For each, please provide dates of membership or participation. Also, for each indicate any office you have held and the dates of office.

Volusia County Bar Association Member, 2025-Present

Dunn-Blount Inn of Court, Member, 2025-Present

Fifth District Court of Appeal Judicial Nominating Commission, 2020–2021

St. Johns County Bar Association, Member, 2021-Present

St. Augustine Inn of Court, 2018–2019, 2021-2025

Jacksonville Women Lawyers Association, 2017–2025

Catholic Lawyers Guild, 2013-2018, Spiritual Chair 2013–2015

Jacksonville Bar Association, Judicial Liaison, 2013–2015

Federal Bar Association, Jacksonville Chapter, 2012–2015

Chester Bedell Inn of Court, Associate Member, 2012–2013

42. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in the previous question to which you belong, or to which you have belonged since graduating law school. For each, please provide dates of membership or participation and indicate any office you have held and the dates of office.

Rotary Club of Daytona Beach, Member, June 2025-Present

Rotary Club of St. Augustine, Member, January 2023–May 2025

First Coast Cultural Center (formerly known as the Cultural Center of Ponte Vedra Beach), Board Member, January 2021–December 2025

Federalist Society, Leadership 2020–2025, Member, 2019–Present

Daughters of the American Revolution, Member, 2023-Present

Leadership St. Johns, Class of 2023

Our Lady Star of the Sea Parishioner

43. Do you now or have you ever belonged to a club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion (other than a church, synagogue, mosque or other religious institution), national origin, or sex (other than an educational institution, fraternity or sorority)? If so, state the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

Daughters of the American Revolution is a nonprofit, nonpolitical volunteer women's service organization focused on community service and the preservation of history. There is a partner organization, Sons of the American Revolution, for men. I intend to continue as a member.

44. Please describe any significant pro bono legal work you have done in the past 10 years, giving dates of service.

As a judicial law clerk, I was not able to perform pro bono legal work. I provided legal advice pro bono as an attorney member of the First Coast Cultural Center. I also provided pro bono legal advice for national service dog association that includes K9s for Warriors in 2019. I volunteered for St. Johns County Legal Aid in 2021.

45. Please describe any hobbies or other vocational interests.

I enjoy swimming, reading, traveling, and sporting clay shooting.

46. Please state whether you have served or currently serve in the military, including your dates of service, branch, highest rank, and type of discharge.

I have not served in the military.

47. Please provide links to all social media and blog accounts you currently maintain, including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram.

<https://www.linkedin.com/in/lauren-blocker-916ab02b/>

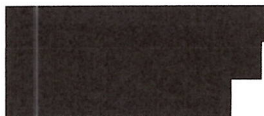
<https://www.facebook.com/lauren.blocker.5>

FAMILY BACKGROUND

48. Please state your current marital status. If you are currently married, please list your spouse's name, current occupation, including employer, and the date of the marriage. If you have ever been divorced, please state for each former spouse their name, current address, current telephone number, the date and place of the divorce and court and case number information.

I am married to Jeremiah Blocker and have been since July 31, 2010. Jeremiah is an attorney, military veteran, and Lieutenant Colonel in the Florida Army National Guard.

49. If you have children, please list their names and ages. If your children are over 18 years of age, please list their current occupation, residential address, and a current telephone number.



CRIMINAL AND MISCELLANEOUS ACTIONS

50. Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No.

51. Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No.

52. Have you ever been arrested, regardless of whether charges were filed? If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction.

No.

53. Have you ever been a party to a lawsuit, either as the plaintiff, defendant, petitioner, or respondent? If so, please supply the case style, jurisdiction/county in which the lawsuit was filed, case number, your status in the case, and describe the nature and disposition of the matter.

No.

54. To your knowledge, has there ever been a complaint made or filed alleging malpractice as a result of action or inaction on your part?

No.

55. To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved.

No.

56. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, provide the particulars of each finding or investigation.

No.

57. To your knowledge, within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers, clients, or the like, ever filed a formal complaint or accusation of misconduct including, but not limited to, any allegations involving sexual harassment, creating a hostile work environment or conditions, or discriminatory behavior

against you with any regulatory or investigatory agency or with your employer? If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition.

No.

58. Are you currently the subject of an investigation which could result in civil, administrative, or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation, and the expected completion date of the investigation.

No.

59. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you, this includes any corporation or business entity that you were involved with? If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy.

No.

60. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No.

61. Please explain whether you have complied with all legally required tax return filings. To the extent you have ever had to pay a tax penalty or a tax lien was filed against you, please explain giving the date, the amounts, disposition, and current status.

I have filed my taxes annually as required without issue.

HEALTH

62. Are you currently addicted to or dependent upon the use of narcotics, drugs, or alcohol?

No.

63. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism? If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.] Please describe such treatment or diagnosis.

No.

64. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner: experiencing periods of no sleep for two or three nights, experiencing periods of hyperactivity, spending money profusely with extremely poor judgment, suffering from extreme loss of appetite, issuing checks without sufficient funds, defaulting on a loan, experiencing frequent mood swings, uncontrollable tiredness, falling asleep without warning in the middle of an activity. If yes, please explain.

No.

65. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner? If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed.

No.

66. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, provide full details as to court, date, and circumstances.

No.

67. During the last ten years, have you unlawfully used controlled substances, narcotic drugs, or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal or State law provisions.)

No.

68. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned, or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs, or illegal drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No.

69. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal, and the reason why you refused to submit to such a test.

No.

70. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No.

SUPPLEMENTAL INFORMATION

71. Describe any additional education or experiences you have which could assist you in holding judicial office.

I have longstanding ties to the community encompassed within the Fifth District Court of Appeals. I began my career in Jacksonville, working in private practice right out of law school. I also had the opportunity to serve as a federal clerk there, which honed my ability to draft orders that were clear, sound, and faithful in their application of the law. I next worked as in-house counsel for two major companies headquartered in Jacksonville. In that role, I provided legal advice and conducted legal research in the areas of intellectual property, advertising and marketing, and regulatory compliance. I also negotiated technology services contracts in a highly regulated banking and consumer protection environment. I understand how important it is for the plain and ordinary language of a contract to be enforced as written.

I first took the bench as a county judge in St. Johns County, where I have been an active member of my community. There, I demonstrated consistency in following the law in every matter I heard. For example, the statutes governing evictions are clear. Where there was no basis for granting a stay or setting an evidentiary hearing, I granted judgments for possession as appropriate. I have continued that consistency as a circuit judge, sitting now in Daytona Beach. I maintain connections across the District in addition to making new ones in Volusia County.

Serving as a trial judge not only connects me to the community, but it also, and more importantly, gives me understanding of what occurs at the busy trial court level. Taking over a family division, I have reviewed lengthy dockets with detailed procedural histories to understand the posture of many cases that come before me and ensure finality in my decisions. I understand the balance between managing a crowded docket with limited time on one hand and ensuring litigants have the ability to be heard and orders are supported by necessary findings and evidence on the other.

This trial court experience would greatly assist me in reviewing trial court records as an appellate judge. I recently had the opportunity to sit as an associate judge for the Fifth District Court of Appeals. It solidified my confidence in my ability as well as my desire to serve there. I can handle any case that comes up on appeal, regardless of the subject matter. I would serve as an appellate judge as I have a trial judge, with dedication to the faithful application of the law.

72. Explain the particular contribution you believe your selection would bring to this position and provide any additional information you feel would be helpful to the Commission and Governor in evaluating your application.

Since my appointment as a judge, I have demonstrated the appropriate judicial temperament and a strong work ethic. I give everyone the opportunity to be heard and feel as though they had their day in court, even if their arguments do not carry the day. I have treated and will continue to treat everyone with whom I interact, including colleagues, court staff, and litigants, with respect and kindness. I make sure that all my rulings are consistent with the law and with each other. This is essential both for those before me for a particular case as well as for the public to have the utmost confidence in their ability to receive fair and impartial rulings.

I have also made every effort to increase efficiency in the handling of dockets and setting hearings to minimize delays. While on the county bench, I collaborated with my colleagues to streamline our procedures. One example was creating a special zoom docket for taking criminal pleas in absentia known as the “Rocket Docket.” This provided attorneys who have resolved their cases with a time certain to have their cases sentenced on the record and maximizes in court time for those parties present for large pretrial dockets. Another example is a special eviction docket that assists all parties by fast-tracking these cases, eliminating the need to special set hearings for each individual case, and giving an opportunity for volunteer attorneys from legal aid to be present and assist all *pro se* parties. Almost all cases that are set on the eviction docket resolved by consent order, voluntary dismissal prior to the court date, or a default final judgment for possession that can be entered that day. Since taking the circuit bench, I made changes to the calendar to maximize hearing and trial time and have taken an active role in managing supplemental petitions for modification to ensure that those post judgment cases are heard in a timely manner. As an appellate judge, I would work diligently to ensure opinions are issued as expeditiously as possible.

I have a strong desire to continue to serve. I am a team player, stepping up for colleagues to cover matters as needed. This trait will be as valuable as an appellate judge, sitting on a panel of three, instead of making rulings alone. The judges of the Fifth District Court of Appeal, like the judges of the Seventh Circuit, exemplify collegiality, and I would continue in that tradition if appointed.

My intellectual capabilities have also suited me well on the bench. As a prior law clerk, I have been able to efficiently research complicated legal issues and issue clear rulings, both from the bench and in writing, in a timely, fair, and competent manner. Having experience in both trial and appellate courts at the state and federal level, I always keep in mind the proper role of the judiciary. As provided in Article II, Section 3 of the Constitution of the State of Florida, “[n]o person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided” in the Constitution. It is essential for a judge to be a continuous student of the law but not an author. A judge should exercise judicial restraint by deciding only the cases before the judge and applying the law as written in the plain language and text. I will continue to follow the law in each case even if it does not lead to the outcome I would prefer.

REFERENCES

73. List the names, addresses, e-mail addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for a judicial position and of whom inquiry may be made by the Commission and the Governor.

The Honorable Marcia Morales Howard
U.S. District Court for the Middle District of Florida, District Judge
300 N. Hogan Street, Suite 11-350
Jacksonville, FL 32202
Chambers: (904) 301-6750
[REDACTED]
marcia_howard@flmd.uscourts.gov

The Honorable Patricia Barksdale
U.S. District Court for the Middle District of Florida, Magistrate Judge
300 N. Hogan Street, Suite 5-311
Jacksonville, FL 32202
Chambers: (904) 549-1950
[REDACTED]
chambers_flmd_barksdale@flmd.uscourts.gov

The Honorable Howard M. Maltz
Seventh Judicial Circuit
4010 Lewis Speedway, Suite 344
St. Augustine, FL 32084-8637
Chambers: (904) 827-5600
[REDACTED]
hmaltz@circuit7.org

The Honorable Leah R. Case
251 N. Ridgewood Ave.
Daytona Beach, FL 32114-3275
Chambers: (386) 239-7792
[REDACTED]
lcase@circuit7.org

The Honorable Kansas R. Gooden
Third District Court of Appeals
2001 SW 117th Ave.
Miami, FL 33175-1716
Chambers: (305) 229-3200
[REDACTED]
goodenk@flcourts.org

The Honorable Ray Treadwell

**First District Court of Appeals
2000 Drayton Dr
Tallahassee, FL 32311-0801
Chambers: (850) 487-1000
[REDACTED]
treadwell_chambers@flcourts.org**

**The Honorable Paige Kilbane
Fifth District Court of Appeals
300 S. Beach St,
Daytona Beach, FL 32114-5002
Chambers: (386) 947-1530
[REDACTED]
kilbanep@flcourts.org**

**Anna Shea
FIS, Chief Privacy Officer
347 Riverside Ave.
Jacksonville, FL 32202-4909
Office: (904) 438-6808
[REDACTED]
anna.shea@fisglobal.com**

**The Honorable Jason Reding Quiñones
U.S. Attorney, Southern District of Florida
James Lawrence King Federal Justice Bldg
99 NE 4th St
Miami, FL 33132-2131
Office: (305) 961-9100
[REDACTED]
usafls.usatty@usdoj.gov**

**The Honorable Brandon Patty,
St. Johns County Clerk of Court and Comptroller
4010 Lewis Speedway
St. Augustine, FL 32084
Office: (904) 819-3601
[REDACTED]
BPatty@stjohnsclerk.com**

CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 19th day of May, 2026.

Lauren P. Blocker
Printed Name

Lauren P. Blocker
Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: \$66,945.36

Last Three Years: \$176,315.52 (2023) \$183,325.08 (2024) \$ 194, 587.32 (2025)

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current Year-To-Date: \$66,945.36

Last Three Years: \$176,315.52 (2023) \$183,325.08 (2024) \$ 194, 587.32 (2025)

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: N/A

Last Three Years: N/A N/A N/A

4. State the amount you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current Year-To-Date: N/A

Last Three Years: N/A N/A N/A

5. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current Year-To-Date: N/A

Last Three Years: N/A N/A N/A

**FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST**

PART A – NET WORTH

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of December 31, 2025 was \$969,927.00

PART B - ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$100,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
[REDACTED]	\$1,100,000
[REDACTED]	\$650,000
Thrift Savings Plan	\$20,500
401(k) (FIS) and 401(k) (SEG)	\$108,000
Life Insurance Cash Value	\$18,000
3 Florida Prepaid Plans	\$55,000
Checking Account (Wells Fargo)	\$9,500
Brokerage Account (Wells Fargo)	\$62,000

PART C - LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Bank of England Mortgage	\$398,126.00
MOHELA	\$154,066.92
Honda Financial Services	\$1,880.00

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D - INCOME

You may ***EITHER*** (1) file a complete copy of your latest federal income tax return, *including all W2's, schedules, and attachments*, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.
 (if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

PRIMARY SOURCE OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
State of Florida Courts	200 E. Gaines Street, Tallahassee, FL 32399-0356	\$183,325.08

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 6]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
N/A			

PART E – INTERESTS IN SPECIFIC BUSINESS [Instructions on page 7]

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITTY	N/A		
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

Lauren P. Bloder

SIGNATURE

STATE OF FLORIDA

COUNTY OF *Volusia*

Sworn to (or affirmed) and subscribed before me this *19th* day of *May*, 20*26* by *Lauren P. Bloder*

Christina Lyn Sargent

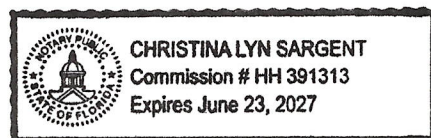
(Signature of Notary Public—State of Florida)

Christina Lyn Sargent

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced *DL*



JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: 5/19/2026

JNC Submitting To: 5th District Court of Appeals

Name (please print): Lauren P. Blocker

Current Occupation: Circuit Judge

Telephone Number: 386-257-6090

Attorney No.: 88558

Gender (check one):

Male Female

Ethnic Origin (check one):

White, non-Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: St. Johns

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

CONSUMER'S AUTHORIZATION FOR
FDLE TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Lauren P. Blocker

Printed Name of Applicant



Signature of Applicant

Date: 5/19/2026

WRITING SAMPLE A

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-1910
LT Case No. 2021-CA-000450

GREGORY L. WILLIAMS, as
Successor Personal
Representative of the Estate of
Addilyn Leeann Shirer,

Appellant,

v.

LEESBURG REGIONAL MEDICAL
CENTER, INC. d/b/a CENTRAL
FLORIDA HEALTH n/k/a UF
HEALTH LEESBURG HOSPITAL,
PARAGON EMERGENCY SERVICES,
LLC, MARIANO DE LA MATA,
TINA BEST, and LORRAINE
CHMIELEWSKI,

Appellees.

On appeal from the Circuit Court for Lake County.
Danny Ray Mosley, Judge.

Wesley T. Straw, Matthew D. Emerson, and Nicole M. Ziegler, of
Emerson Straw, PL, St. Petersburg, and Adam Richardson, of
Burlington & Rockenbach, P.A., West Palm Beach, for Appellant.

Christina R. Davis, of Davis Appeals, PLLC., St. Petersburg, for
Appellee, Leesburg Regional Medical Center, Inc.

Jennifer L. Phillips, Thomas E. Dukes, III, and Wilbert R. Vancol, of McEwan, Martinez, Dukes, Hall, & Vancol, P.A., Orlando, for Appellees, Paragon Emergency Services, LLC, and Mariano De La Mata.

No Appearance for Remaining Appellees.

January 30, 2026

BLOCKER, ASSOCIATE J.

Appellant Gregory Williams, as successor personal representative to the Estate of Addilyn Leeann Shirer, seeks review of the trial court's exclusion of his causation experts under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), in a medical malpractice action. Appellant contends the trial court's reliance on deposition transcripts gives this Court de novo review, and that the trial court erroneously oversimplified the experts' opinions in excluding them. Because both contentions are incorrect, we affirm.

I.

Late morning on March 31, 2019, Christopher Shirer and Tabitha Ryan brought their two-month-old baby, A.S., to Appellee Leesburg Regional Medical Center ("Hospital"). She was pale and lethargic, having had a cough for several days. Her medical notes from Appellee Nurse Tina Best and a nurse practitioner not a party to this action indicated she was not in acute distress, was alert (although Nurse Best noted initially that she was difficult to arouse) and responsive, and had a regular respiratory pattern. Appellee Mariano de la Mata ("Doctor") found her lungs clear and ordered albuterol treatment. In administering the albuterol, Appellee Respiratory Therapist Lorraine Chmielewski noted that A.S. had normal breathing other than passing grunting and tachypnea (rapid breathing). Another nurse saw A.S. and noted the presence of "rhonchi"—a coarse breath sound and pertussis indicator. She was discharged that afternoon and directed to follow up with her primary care provider and return to the emergency room if symptoms worsened.

The next day, A.S. saw her primary care doctor with a worsened cough and decreased oxygen saturation, warranting an emergency transfer back to Hospital. She arrived at 12:04 pm and was in significant distress, with oxygen saturation at 78 percent and a respiratory rate of 62. Doctor found her tachypneic with mild tachycardia and called Hospital's pediatrician, who recommended that she be transferred to another hospital. Prior to her transfer, blood testing was performed, finding A.S. had an extremely elevated white blood cell count of 58,200. A.S. had not yet been vaccinated against pertussis (commonly known as whooping cough) because of her age.

Arriving at the second hospital—not named in this lawsuit—at approximately 6:12 p.m., A.S. was having coughing fits lasting several minutes and causing her to turn red. Her white blood cell count continued to increase, and rapid testing not available at Hospital resulted in a diagnosis of pertussis and rhino enterovirus. At that time, close to midnight, she was administered the antibiotic azithromycin without any improvement. Her white blood cell count rose to 81,000, she was intubated and put on a ventilator on April 4, 2019, and tragically passed away on April 6, 2019.

II.

Appellant filed a complaint against Appellees for failing to timely diagnose and treat A.S., thereby causing her death. A plaintiff seeking to recover in a medical malpractice case such as this one must prove the standard of care each defendant owed the plaintiff, each defendant breached that standard, and the breach proximately caused the damages. *Gooding v. Univ. Hosp. Bldg., Inc.*, 445 So. 2d 1015, 1018 (Fla. 1984). To establish causation, “[t]he plaintiff must show that the injury more likely than not resulted from the defendant’s negligence.” *Id.* at 1020. Put differently, “the plaintiff must show that what was done or failed to be done probably would have affected the outcome.” *Id.*; accord *Chaskes v. Gutierrez*, 116 So. 3d 479, 488 (Fla. 3d DCA 2013) (collecting cases following *Gooding* standard and finding no proximate causation where plaintiff had “no better than even chance” of surviving absent breach of standard of care).

At issue in this appeal are only the expert opinions related to causation, not the appropriate standard of care.¹ Appellant offered the expert testimony of Patricia Penkoske, M.D., and Harry Hull, M.D., which the trial court struck under *Daubert* and section 90.702, Florida Statutes (2023). The trial court found these experts did not meet the reliability threshold for admissibility because they did not rely on testing, peer review, potential error rate, or general acceptance. Appellant then offered a second set of experts, Jennifer Snow, M.D., and Ramzy Rimawi, M.D. In excluding these experts, the trial court provided the following explanation:

The Court further find[s] Ramzy Rimawi, M.D., and Jennifer Snow, M.D., [sic] opinions concerning causation are inadmissible. The experts['] background, training and experience coupled with the various articles they had referenced in their deposition and reports do not satisfy the requirements of Florida Statutes, section 90.702, and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

There are no concrete facts to support their conclusions. *Daubert* requires scientific evidence “fit” the plaintiff’s theory of causation. Reliance on various publications that early administration of antibiotics is recommended or preferred is not sufficient to render expert opinions as to causation in this case. To satisfy *Daubert*, an expert opinion must assist the trier of fact concerning specific facts in dispute. Here the issue is whether the delay of 12–24 hours to

1. To clarify, in this appeal, this Court is reviewing the opinions of the experts as to whether it is more likely than not that administering antibiotics either on March 31, 2019, when A.S. was first at Hospital, or on April 1, 2019, prior to her transfer to the second hospital, would have prevented her death. It does not consider any opinions regarding whether Appellees should have known to administer antibiotics at either point.

administer antibiotics more likely than not caused the death. The notion of early treatment is well within common knowledge that would be obvious to the average juror but has nothing to do with causation. There is no record evidence connecting the delay to the causation of the death. The Court finds their testimony not reliable. Therefore, their opinions as to causation shall not be permitted.

In that same order, the trial court granted summary judgment in favor of Appellees.

III.

This Court reviews exclusion of expert witnesses under *Daubert* and its statutory counterpart for abuse of discretion. *Lewis v. Norfolk S. Ry. Co.*, 420 So. 3d 1099, 1104 (Fla. 5th DCA), *reh'g denied* (Oct. 24, 2025); *see also Baan v. Columbia County*, 180 So. 3d 1127, 1131 (Fla. 1st DCA 2015) (noting standard of review is the same even where excluding an expert's testimony is "outcome determinative"). Although the inquiry is typically more involved, it is ultimately an evidentiary ruling like any other under Florida Statutes Chapter 90. *See generally Booker v. State*, 397 So. 2d 910, 914 (Fla. 1981) ("The trial judge enjoys wide discretion in areas concerning the admission of evidence. His ruling on the admissibility of evidence will not be disturbed unless an abuse of discretion is shown."); *see also Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 141 (1997) ("[A]buse of discretion is the proper standard of review of a [trial] court's evidentiary rulings."). So long as the trial court conducted a proper *Daubert* analysis, this Court is confined to abuse of discretion review. "Such discretion is limited by the rules of evidence, and a trial court abuses its discretion if its ruling is based on an erroneous view of the law or on a clearly erroneous assessment of the evidence." *Sanchez v. Cinque*, 238 So. 3d 817, 822 (Fla. 4th DCA 2018) (quoting *Patrick v. State*, 104 So. 3d 1046, 1056 (Fla. 2012)). Under the deferential abuse of discretion standard, an appellate court will not reverse "unless the trial court makes a ruling [with] which no reasonable judge would agree." *Miller v. State*, 379 So. 3d 1109, 1128 (Fla. 2024) (quoting *Wells v. State*, 364 So. 3d 1005, 1013 (Fla. 2023));

see also Fertil v. Univ. of Miami, 388 So. 3d 174, 176 (Fla. 3d DCA 2023) (“[W]e will reverse a trial court’s striking of an expert witness only if we can find that no other reasonable judge would have taken the view adopted by the trial court.”).

Plaintiff suggests that because the trial court did not conduct a “live” hearing—relying instead on deposition transcripts, medical literature, and other documents—this Court should give less deference. Plaintiff’s cited cases are inapposite. *See Jacob v. Henderson*, 840 So. 2d 1167, 1168–69 (Fla. 2d DCA 2003) (“While we apply the abuse of discretion standard, case law has narrowed a trial court’s discretion in cases involving dismissal for fraud. . . . A more stringent abuse of discretion standard is appropriate because dismissal is an extreme remedy.” (internal citations omitted)); *InPhyNet Contracting Servs., Inc. v. Soria*, 33 So. 3d 766 (Fla. 4th DCA 2010) (explaining, in class action certification, appellate court gives trial court’s factual determinations less deference where issues of fact were decided without an evidentiary hearing); *Littles v. State*, 354 So. 3d 1169, 1171 (Fla. 5th DCA 2023) (stating appellate court gives less deference to trial court’s factual findings based on video evidence); *Morris v. Muniz*, 252 So. 3d 1143, 1154–55 (Fla. 2018) (examining de novo whether an expert’s unrefuted qualifications met the requirements of section 766.102, Florida Statutes). This appeal does not rest on a factual dispute of statements, qualifications of the experts, or the underlying facts of the case. It rests on the trial court’s application of the *Daubert* standard to the expert opinions presented in relation to the central of the case: causation. The appropriate standard of review is abuse of discretion.

2. In *Jacob*, the court also cited *Hervey v. Alfonso*, 650 So. 2d 644 (Fla. 2d DCA 1995), for the proposition that less deference applies when the trial court reviewed the same materials the appellate court is reviewing. *Id.* at 1170. But the *Hervey* court was reviewing a summary judgment entered under the old summary judgment rule, which, in any event, was subject to de novo review.

IV.

Upon a proper challenge to expert testimony, its proponent bears the burden of establishing admissibility. *Lewis*, 420 So. 3d at 1104. Section 90.702, Florida Statutes, codifying *Daubert*, provides:

If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify about it in the form of an opinion or otherwise, if:

- (1) The testimony is based upon sufficient facts or data;
- (2) The testimony is the product of reliable principles and methods; and
- (3) The witness has applied the principles and methods reliably to the facts of the case.

In assessing a challenge under the statute, the trial court must first determine whether an individual qualifies as an expert for the purposes of giving opinion testimony. By its plain language, an expert may be qualified based on “knowledge, skill, experience, training, or education.” *Id.* While “an expert may be qualified by experience,” it does not follow “that experience, standing alone, is a sufficient foundation rendering reliable *any* conceivable opinion the expert may express.” *Baan*, 180 So. 3d at 1133 (quoting *United States v. Frazier*, 387 F.3d 1244, 1266 (11th Cir. 2004)). The expert “must explain the logic and relevance of the expert opinion.” *Id.*

An expert opinion that is both reliable and relevant is admissible. *Lewis*, 420 So. 3d at 1104. Reliability is determined by examining the expert’s underlying methodology rather than his or her ultimate opinion; the analysis is a flexible one based on non-exhaustive factors like whether the methodology has the potential for or has been subjected to testing, has been subject to peer review

and publication, has a potential rate of error, or is generally accepted. *Id.* at 1105. Testimony is relevant if it assists the trier of fact in understanding evidence or determining a fact at issue. *Id.* In other words, “testimony must be ‘tied to the facts of the case [so] that it will aid the jury in resolving a factual dispute.’” *Id.* (alteration in original) (quoting *Vitiello v. State*, 281 So. 3d 554, 560 (Fla. 5th DCA 2019)).

In conducting this significant analysis, a trial court’s gatekeeping role requires a careful balance. On one hand, it must ensure expert testimony “employs in the court room the same level of intellectual rigor that characterizes the practice of an expert in the relevant field.” *Id.* at 1104 (quoting *Cristin v. Everglades Corr. Inst.*, 310 So. 3d 951, 955–56 (Fla. 1st DCA 2020)). On the other, it must allow the adversarial system to address any shakiness in otherwise admissible testimony. *See id.* at 1104–05. Exclusion of the testimony is the exception rather than the rule. *Id.* at 1105. Nothing prevents a trial court, however, from excluding expert testimony when “there is simply too great an analytical gap between the data and the opinion proffered.” *Kemp v. State*, 280 So. 3d 81, 89 (Fla. 4th DCA 2019) (quoting *Joiner*, 522 U.S. at 146).

V.

Understanding the progression of pertussis is critical to an evaluation of the admissibility of the medical testimony proffered in this case:

Whooping cough, or pertussis, is caused by the *Bordetella pertussis* bacteria. It is one of the most contagious diseases known to man, with virtually 100% of susceptible children who are exposed to the disease becoming infected. The risk of disease is significant for children less than five years, with death rates highest in infants. The disease occurs year round, and females are more susceptible than males.

Pertussis occurs in three stages. The catarrhal stage is like an upper respiratory infection and lasts one to two weeks. The

paroxysmal stage starts when the child begins to have spells of coughing. During this stage, which lasts two to four weeks or longer, the coughing spells become longer and the coughs themselves stronger. The spells consist of five to ten strong coughs during one expiration, followed by an enormous inspiration during which a “whoop” sound is heard. The episodes, which are extremely tiring, are the body’s attempts to remove mucous plugs blocking an airway. They may also be associated with bulging of the eyes and neck veins and crying, all of which reflect the forcefulness of the coughs. The patients look comfortable between episodes. During the convalescent stage, the coughing spells begin to decrease, although the cough itself often stays.

Pertussis is easily diagnosed clinically during the paroxysmal stage. The diagnosis can also be confirmed by antibody titers. If the disease is suspected during the catarrhal stage and the throat culture, the *Bordetella pertussis* bacteria may be isolated. During the later stages, the bacteria is no longer present. The symptoms presented at these stages are due to damage to the respiratory tract caused by the infection.

§ 54:44. Whooping cough (pertussis)—Generally, 6 *Attorney’s Medical Advisor* § 54:44 (footnotes omitted).

As noted above, Appellant finds error in the trial court’s exclusion of four experts sought to be introduced to establish that a delay in administering antibiotics of up to a possible 36 hours caused A.S.’s death. His first expert, Dr. Penkoske, treated for pertussis—at most—one or two infants who were less than three months old, as she is primarily a heart surgeon and pediatric critical care doctor. Her opinion was that A.S. was in the second or paroxysmal stage of pertussis on both March 31 and April 1, 2019, because of her coughing symptom. She indicated that

although a white blood cell count was not determined, it would have been elevated. Dr. Penkoske testified A.S. died because she was already in the full-blown disease, and she felt strongly that if she had gotten the antibiotics 24 hours earlier, she would not have died. She testified, “At what time does the door close? All I know is that it was closed when she got the antibiotics and that before that, you know, when you look statistically at the number of babies that get pertussis, the majority of them don’t die.” Dr. Penkoske later repeated that all she can say is A.S. would not have died if she had gotten the antibiotics earlier—but how much earlier—she could not determine. Dr. Penkoske’s opinion is not based on sufficient facts or data or produced using a reliable methodology. Thus, it was not error for the trial court to exclude it.

Next was Dr. Hull, who has worked as an epidemiologist consultant since 2007. He practiced pediatric medicine for about a year in 1990, and was board certified in pediatrics in 1979. Dr. Hull had not practiced medicine clinically since 2007. He believed that A.S. was in the first or catarrhal state of pertussis on March 31, 2019, although he explained the stages can overlap in younger children. He based his opinion on what stage A.S. was in when she had a cough and stuffy nose but no fever. In his opinion, once pertussis is established in the paroxysmal stage, antibiotic treatment will not affect the course of the disease. This is because antibiotics kill the bacteria but not the toxins they produce. Dr. Hull echoed Dr. Penkoske’s opinion that A.S.’s white blood cell count would have been extremely elevated on the first day she presented at Hospital, and higher white blood cell counts are associated with infant deaths from pertussis. In Dr. Hull’s opinion, A.S. would have survived if she had been given antibiotics on the afternoon of March 31, 2019. Similar to Dr. Penkoske, when asked if antibiotics would more likely than not have made a difference the next day, Dr. Hull explained that the antibiotics did not make a difference at the time they were given and, as with any infectious disease, the longer treatment is delayed, the more likely there will be severe complications. Dr. Hull could only say that A.S. was in full paroxysmal stage when she arrived at the second hospital because she had posttussive emesis (vomiting after coughing), and her cough got much more severe. He could not say when the transition to the second phase occurred. It was not error for the trial court to exclude Dr. Hull’s opinion for the same reason

as Dr. Penkoske—he could not provide a scientifically reliable basis for his opinion that A.S. would probably have survived if she had received antibiotics during her first visit to Hospital on March 31 as opposed to when the medicine was administered on April 1.

Third was Dr. Snow. She is board certified in pediatric critical care medicine and general pediatrics and has treated eight to ten infants suffering with pertussis in her eighteen years as a physician, four of whom were under three months old, and only one who died. She cited medical literature that concluded antibiotics only limit the severity of pertussis if given in the catarrhal stage. She did not have any medical literature determining the significance of a 24-hour delay in antibiotic administration on the last day of the catarrhal phase. Dr. Snow found literature indicating the majority of infants with a white blood cell count above 46,000 died, as well as 90 percent of those with counts above 70,000. She testified that administration of antibiotics will eliminate the pertussis bacteria in the airways of vaccinated adults within 48 hours. Because death is tied to the presence of toxins released by the pertussis bacteria, the earlier the antibiotics are administered, the more likely they are to kill the bacteria before they can produce enough toxins and have an impact on the outcome. Dr. Snow's opinion echoed Dr. Hull as to what stage A.S. was in—the first on March 31, 2019, and the second on April 1, 2019. While Dr. Snow perhaps could have been cross-examined on the applicability of the cited studies on vaccinated adults to that of unvaccinated infants, the greater deficiency is that her opinion would not assist the jury in determining whether A.S. more likely than not would have survived if she had been given antibiotics on what Dr. Snow opined was the last day of the catarrhal stage of pertussis. She explained there were no studies on the impact of the antibiotics on the toxins that ultimately cause death. The trial court did not err in finding that Dr. Snow failed to reliably apply her principles and methods to the facts of the case in a manner that would assist the jury. *See* § 90.702(3), Fla. Stat.

The final expert presented was Dr. Rimawi. He is board certified in infectious disease and critical care medicine. He has treated roughly thirty pediatric patients with pertussis on an outpatient basis, with three to four fewer than six months old (although he admitted that he did not know when he was treating

them that they had pertussis). Dr. Rimawi also believed A.S. was in the last day of the catarrhal stage of pertussis on March 31, 2019. He has published articles related to sepsis, treated patients for sepsis, and primarily based his opinion on medical literature related to sepsis. Dr. Rimawi believed A.S. had sepsis as of around 1:00 p.m. on March 31, 2019, because of her elevated heart and respiratory rates. He opined that if she had been given antibiotics, it would have increased her chances of survival, but the window to do so after sepsis was three hours. Dr. Rimawi explained that, while he did not know the efficacy of antibiotics based on a particular day in the progression of the disease, he echoed the testimony of the other experts that “in general earlier is better.” If given any earlier on April 1, 2019, Dr. Rimawi could only say survival was possible. The trial court did not err in excluding his opinion either.

VI.

Overall, Appellant argues that the trial court improperly conflated the number of hours that passed without treatment (which he contends is not relevant) with the stage of progression A.S. was in (which he contends is). The two concepts, however, are intertwined. Depending on each expert’s opinion about what stage A.S. was in at Hospital, and at what stage antibiotics would no longer affect the disease, the factfinder would have to apply the stage to the time frame to determine whether, more likely than not, if A.S. had received antibiotics at that time and in that stage of pertussis, she would have survived. While Appellant is correct that an expert does not have to establish causation conclusively to be admissible, a reasonable judge could conclude, as this one did, that the expert testimony proffered was not sufficiently reliable (Drs. Penkoske and Hull) and/or would not assist the jury (Drs. Snow and Rimawi) in determining whether a delay in antibiotics more likely than not caused A.S.’s untimely death. Accordingly, the trial court did not abuse its discretion in excluding any of Appellant’s experts.

AFFIRMED.

HARRIS and SOUD, JJ., concur.

WRITING SAMPLE B

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.: CA19-1534

ALLEN DROZD,

Plaintiff,

vs.

AMATUS HEALTH, LLC,

Defendant.

ORDER ON DEENDANT'S MOTION FOR ATTORNEY'S FEES AND COSTS¹

THIS CAUSE is before the Court on Defendant's Motion for Attorney's Fees and Costs (DIN 163; Motion), Plaintiff's Response in Opposition to Defendant's Motion for Attorney's Fees and Costs (DIN 187; Response), and Defendant's Reply in Support of its Motion for Attorney's Fees and Costs (DIN 188; Reply). The Court held a hearing on the Motion at which counsel for both parties appeared by Zoom. (DIN 189). Following the hearing, Plaintiff filed Plaintiff's Objections to Defendant's Fees and Costs (DIN 190).

The Court held a four-day trial, including jury selection, from February 20 to February 23, 2023 (DINs 106, 108, 144, 153) on Plaintiff's Amended Complaint and Demand for Jury Trial (DIN 29; Complaint) seeking damages for Defendant's alleged wrongful termination of his employment in violation of Florida Statutes Section 448.102,

¹ Although the case is on appeal, the Court retains jurisdiction to rule on a motion for attorney's fees and costs. *See Casavan v. Land O'Lakes Realty, Inc. of Leesburg*, 526 So. 2d 215, 215-16 (Fla. 5th DCA 1988).

of Florida's Whistleblower Act (FWA). The jury returned a verdict in favor of Defendant, finding Plaintiff did not engage in any protected activity (DIN 152; Verdict).

Defendant now seeks an award of attorney's fees and costs pursuant to Florida Rules of Civil Procedure (Rule(s)) 1.422 and 1.525 and Florida Statutes Sections 448.104, 786.79, and 57.041. Plaintiff responds that Defendant waived its right to fees by failing to plead entitlement to such relief in its answer, Defendant's proposal for settlement was invalid because Plaintiff sought equitable relief, and fees under § 448.104 are discretionary and unwarranted. Defendant contends any waiver argument was itself waived because Defendant put Plaintiff on notice that it intended to seek fees in the Joint Pretrial Statement (DIN 91; Joint Statement) without objection, and that the proposal for settlement was valid because the true relief Plaintiff sought was damages. Plaintiff does not dispute Defendant's entitlement to costs but objects to the amount requested.

I. Waiver

A party may only recover attorney's fees if a contract or statute authorizes such an award. *Price v. Tyler*, 890 So. 2d 246, 250 (Fla. 2004). A party claiming attorney's fees must do so in its pleadings. *Stockman v. Downs*, 573 So. 2d 835, 837 (Fla. 1991); accord *Sheoah Highlands, Inc. v. Daugherty*, 837 So. 2d 579, 584 (Fla. 5th DCA 2003) ("*Stockman* is to be read to hold that the failure to set forth a claim for attorney fees in a complaint,

answer, or counterclaim, if filed, constitutes a waiver.”) (internal citation omitted). As the Court in *Stockman* explained:

The fundamental concern is one of notice. Modern pleading requirements serve to notify the opposing party of the claims alleged and prevent unfair surprise. Raising entitlement to attorney’s fees only after judgment fails to serve either of these objectives. The existence or nonexistence of a motion for attorney’s fees may play an important role in decisions affecting a case. For example, the potential that one may be required to pay an opposing party’s attorney’s fees may often be determinative in a decision on whether to pursue a claim, dismiss it, or settle. A party should not have to speculate throughout the entire course of an action about what claims ultimately may be alleged against him. Accordingly, we hold that a claim for attorney’s fees, whether based on statute or contract, must be pled. Failure to do so constitutes a waiver of the claim.

Stockman, 573 So. 2d at 837–38. Where a party has failed to plead a claim for attorney’s fees, it can nonetheless recover them “[w]here a party has notice that an opponent claims entitlement to attorney’s fees, and by its conduct recognizes or acquiesces to that claim or otherwise fails to object to the failure to plead entitlement.” *Id.* at 838. In *Stockman*, the Court affirmed the denial of a request for attorney’s fees based on the absence of action or inaction that could have been deemed a recognition of the intention to seek attorney’s fees. *Id.*; see also *Save on Cleaners of Pembroke II Inc. v. Verde Pines City Ctr. Plaza LLC*, 14 So. 3d 295, 297 (Fla. 4th DCA 2009) (“[I]f an adversary attempts to claim such fees without a pleading, *Stockman* pointedly requires the party who would oppose the fees to make a formal objection”).

In *Brown v. Gardens by the Sea South Condominium Association*, 424 So. 2d 181 (Fla. 4th DCA 1983), the parties and the trial court specifically discussed the issue of

attorney's fees at the pretrial conference without objection, the pretrial stipulation included the issue, and the final judgment order expressly retained jurisdiction to determine entitlement to fees. It was readily apparent that all parties knew, recognized, and acquiesced to the issue of fees. *Id.* at 183. Similarly, in *Mainlands of Tamarac by the Gulf Unit No. Four Association, Inc. v. Morris*, 388 So. 2d 226 (Fla. 2d DCA 1980), the parties stipulated in writing filed with the court during trial that the question of attorney's fees and costs would be heard later, and the final judgment included a reservation of jurisdiction to determine fees and costs. The Second District Court of Appeal held that because of the stipulation and the failure to object to the issue of fees during trial, the failure to plead entitlement to fees did not preclude such an award. *Id.* at 227; *see also Save on Cleaners of Pembroke II Inc.*, 14 So. 3d at 296–97 (failure to plead fees not fatal to claim where it was raised in a motion to dismiss and included in proposed final judgment without objection from opposing party); *Shirley's Pers. Care Servs. of Okeechobee, Inc. v. Boswell*, 165 So. 3d 824, 829 (Fla. 4th DCA 2015) ("It is clear from these cases [*Brown, Stockman, and Dickson v. Heaton*, 87 So. 3d 81 (Fla. 4th DCA 2012)] that if a party fails to plead for attorney's fees but raises the issue in a pretrial statement, the other party must object or it waives the issue of the party's failure to plead.").

In contrast, in *Taylor v. T.R. Properties, Inc. of Winter Park*, 603 So. 2d 1380, 1381 (Fla. 1992), the defendant first included a demand for attorney's fees in its motion for

summary judgment. The court there found that there was no requirement under the Rules for plaintiff to respond to that demand prior to the hearing. *Id.* Accordingly, the court reversed the award. *Id.* at 1381.

In this case, both the Joint Statement and the proposed judgment Defendant submitted to the Court included the issue of fees. Paragraph 6 of the Joint Statement—under the heading “Itemized List of Special Damages”—stated, “[I]f Defendant is the prevailing party, or if it otherwise has grounds to do so under Florida Rule of Civil Procedure 1.525, it will seek recovery of its reasonable fees and costs from Plaintiff.” In the proposed judgment submitted without any response from Plaintiff, Defendant requested the Court reserve jurisdiction to rule on a motion for fees. Plaintiff did not object to the inclusion of fees based on Defendant’s failure to plead in either submission. At the hearing, Plaintiff argued he did not object to the inclusion of attorney’s fees in the Joint Statement because it was listed under Defendant’s damages. The Joint Statement contains the parties’ respective positions on damages, including Defendant’s objection to Plaintiff’s claim for injunctive relief as inadequately pled. Joint Statement at 6. Plaintiff therefore could have lodged an objection to Defendant’s claim for fees within the Joint Statement itself,² as well as at trial and by disagreeing with a reservation of jurisdiction to determine fees. Accordingly, the Court finds that the exception enunciated in *Stockman* applies. Plaintiff had notice of Defendant’s intention to seek fees

² Indeed, this would have been consistent with the Court’s Order Scheduling Jury Trial and Directing Pretrial Procedures (DIN 53; Order), which directs parties to include differing views on how the pretrial statement should read in the statement itself. Order at 5.

and failed to object. See *Save on Cleaners of Pembroke II Inc.*, 14 So. 3d at 297; *Boswell*, 165 So. 3d at 829.

II. Offer of Judgment

Under Section 768.79(1), in a civil action for damages, “if a defendant files an offer of judgment which is not accepted by the plaintiff within 30 days, the defendant shall be entitled to recover reasonable costs and attorney’s fees incurred . . . from the date of filing of the offer if the judgment is one of no liability. . .” To qualify as an offer of judgment³ under the statute, it must:

- (a) Be in writing and state that it is being made pursuant to this section.
- (b) Name the party making it and the party to whom it is being made.
- (c) State with particularity the amount offered to settle a claim for punitive damages, if any.
- (d) State its total amount.

Florida Stat. § 768.79(2). By its own terms, Section 768.79 imposes a penalty. Fla. Stat. § 768.79(1); see also *Cassedy v. Wood*, 263 So. 3d 300, 303 (Fla. 1st DCA 2019). Such an award is mandatory if all of the requirements are met, and the offer was made in good faith. Fla. Stat. § 768.79; *TGI Friday’s, Inc. v. Dvorak*, 663 So. 2d 606, 612 (Fla. 1995) (holding determination that offer was not made in good faith is “sole basis on which the court can disallow an entitlement to an award of fees”).

The offer of judgment statute applies as a basis for fees for a claim “in which a party seeks only damages, *i.e.*, monetary relief.” *Diamond Aircraft Indust., Inc. v.*

³ The terms “offer of judgment” and “proposal for settlement” are interchangeable. *Ruiz v. Policlínica Metropolitana, C.A.*, 260 So. 3d 1081, 1086 n. 3 (Fla. 3d DCA 2018).

Horowitch, 107 So. 3d 362, 373 (Fla. 2013) (collecting cases). “[S]ection 768.79 does not apply to an action in which a plaintiff seeks both damages and equitable relief, and in which the defendant has served a general offer of judgment that seeks release of all claims.” *Id.* at 374. “[A]n equitable claim in the alternative to a monetary claim is still part of the same civil action.” *Id.* at 375. Such a claim would preclude the application of Section 768.79 even if it lacked serious merit. *Id.*

In *Starboard Cruise Services, Inc. v. DePrince*, 259 So. 3d 295 (Fla. 3d DCA 2018), the plaintiff sought specific performance of a diamond sale in one count of the complaint, and the defendant offered a monetary settlement for the other two counts in exchange for a release of all claims. The court found section 768.79 did not apply. *Id.* at 301–02. The record reflected that the plaintiff actively litigated his claim for specific performance. *Id.* at 302; *see also Winter Park Imports, Inc. v. JM Fam. Enter.*, 66 So. 3d 336 (Fla. 5th DCA 2011) (finding section 768.79 inapplicable to a claim for injunction against the operation of an unlicensed car dealership).⁴

On the other hand, “[i]n construing the term ‘action for damages, [courts look] behind the procedural vehicle used to bring a lawsuit and focus[] on whether the ‘real issue’ in the case is one for damages.” *DiPompeo Constr. Corp. v. Kimmel & Assocs., Inc.*, 916 So. 2d 17 (Fla. 4th DCA 2005) (internal quotation omitted). This is the “true relief”

⁴ Plaintiff also cites *Di Paola v. Beach Terrace Association, Inc.*, 718 So. 2d 1275, 1277 (Fla. 2d DCA 1998). This case is inapposite as the court there found an offer of judgment invalid because it was ambiguous as to the claim for equitable relief. *Id.* at 1277 (“The offer did not state whether the association was agreeing to entry of injunctions, yet it claimed to be an offer to allow judgment on ‘all claims.’”).

doctrine. *See, e.g., DePrince*, 259 So. 3d at 300–01 (collecting cases and recognizing the “true relief” test is a “valid and viable consideration in some cases”). In *DiPompeo Construction Corp.*, although the plaintiff sought a declaratory judgment, the real issue in the case was entitlement to a commission and therefore monetary damages. *DiPompeo Constr. Corp.*, 916 So. 2d at 19. Similarly, in *Tower Hill Signature Insurance Company v. Javellana*, 238 So. 3d 372 (Fla. 3d DCA 2017), the offer of judgment statute applied where a plaintiff sought declaratory relief and damages for breach of contract over insurance coverage for water intrusion damage. The appellate court determined, in applying the true relief test, that the question raised by the declaratory relief “was subsumed within the true relief sought” — whether the defendant had breached the contract by failing to pay the actual cash value of the property and if so, the amount of damages for the breach. *Id.* at 377.

Plaintiff argues only that the proposal for settlement was insufficient because he sought equitable relief. There is no dispute that the requirements were otherwise met or that the offer was made in good faith. In the one-count Complaint, Plaintiff sought damages of “lost wages, employment benefits, mental anguish, distress, loss of enjoyment of life, humiliation, great expense, embarrassment and damage to his reputation.” Complaint ¶ 35. He demanded “relief in the form of reinstatement, compensatory damages, lost wages, lost earning capacity, damages for emotional

distress, loss of enjoyment of life, lost benefits, prejudgment interest and attorneys' fees, costs, and any other relief that the Court deems just and proper." Complaint at 15.

Defendant argues that Plaintiff's true relief was damages, as he contended both in the Joint Statement and interrogatories that he sought front pay in the event he was not reinstated, admitting that such front pay would make him whole.⁵ In his Response addressing fees under the FWA, Plaintiff argues that the settlement offer was unreasonable because "the damages and the value of the equitable relief sought was in excess of \$1,000,000." Response at 8. Based on what Plaintiff requested from the jury at trial, \$770,811 of this represented lost wages and \$194,452 represented his lost benefits. The Court finds that any equitable relief was subsumed within the true relief sought—monetary damages. *See Javellana*, 238 So. 3d at 377. Accordingly, Defendant is entitled to fees under section 768.79.

III. *The FWA*

Under Section 448.104 of the FWA, "[a] court may award reasonable attorney's fees, court costs, and expenses to the prevailing party." In determining whether to award fees, courts have examined the following non-exhaustive factors to guide their discretion:

- (1) the scope and history of the litigation, including whether the [p]laintiff continued to prosecute the action despite the presence of an efficient resolution to the case;
- (2) the parties' wealth disparity;
- (3) whether an

⁵ Defendant also notes the absence of testimony from Plaintiff or a question on the verdict form regarding reinstatement; however, reinstatement would have been a question for the Court.

award of fees would frustrate the FWA's remedial purpose by deterring worthy claimants; (4) whether the opposing party's case was meritorious or frivolous; and (5) whether the opposing party acted in good or bad faith.

Blanco v. TransAtlantic Bank, No. 07-20303-CIV, 2009 WL 2762361, at *2 (S.D. Fla. Aug. 31, 2009) (collecting cases); *accord Bush v. Raytheon Co.*, No. 8:07-CV-02087-T-24AEP, 2009 WL 5128040, at *2 (M.D. Fla. Dec. 21, 2009).

The Court finds, on balance, that these factors weigh in favor of an award of attorney's fees. While Plaintiff did not necessarily engage in tactics that prolonged the litigation, Defendant did make a settlement offer. *Cf. Bourhis v. MY Trade LLC*, No. 15-22674-CIV-MOORE/GARBER, 2017 WL 10399269, at *3 (S.D. Fla. Mar. 10, 2017). Plaintiff argues that a settlement offer of \$50,000 was not reasonable because he sought over \$1,000,000 in damages. The Court finds that relief sought was unreasonable under the facts of this case. This plays into several factors. As was undisputed at trial, Defendant created Plaintiff's position to identify and remediate issues with the various treatment facilities that it operated, including potential violations of law. His position was the highest paid. Plaintiff worked there for 30 days. Construing the facts as presented at trial and consistent with the jury's verdict, Plaintiff did not provide any usable work product. The reports generated suffered from the same deficiency as the arguments at trial. The question of law that persisted within the trial was whether Plaintiff needed to show actual violations of law or reasonable belief of such violations. Even if Plaintiff only had to show a reasonable belief, however, he still had to explain what laws he

believed were violated. Plaintiff's response was to refer to the reports he generated or entire statutes or regulations without specificity. In fact, it was still unclear as late as the charge conference what violations Plaintiff intended to argue were present and how the jury would be instructed to make that determination.

Given the Declaration of Plaintiff in Opposition to Defendant's Verified [sic] Motion for Attorney's Fees and Costs attached as Exhibit A to the Response, the wealth disparity factor weighs somewhat—although not entirely—against fees. *See Bush*, 2009 WL 5128040, at *2 (“Denying Raytheon attorneys’ fees because of the disparity in wealth would make large corporations a target for frivolous suits by plaintiffs hoping to extract a settlement.”). The Court can consider the disparity in wealth between the parties in determining the amount of fees to be awarded under the FWA.

Moreover, Plaintiff contended that he was unable to find any work at all for three and a half years—the time between his termination, August 16, 2019, and the date of the trial, February 20, 2023—despite having a real estate license and being a licensed mental health counselor in multiple states. Plaintiff sought \$770,811 in lost wages for this time, in addition to other damages. This was unreasonable under the unique facts of this case. An award of attorney's fees in this case, therefore, would not deter worthy claimants. *See, e.g., Bush*, 2009 WL 5128040, at *3. Accordingly, the balance of factors weighs in favor of awarding fees.

In light of the foregoing, it is hereby ORDERED and ADJUDGED:

1. Defendant's Motion for Attorney's Fees and Costs is GRANTED.
2. If the appellate court affirms the judgment, the parties are directed to confer within 30 days of such order becoming final as to amount of attorney's fees and costs and set the matter for hearing if unable to agree.

DONE and ORDERED in Chambers, in St. Johns County, Florida, on 23 day of October, 2023.

10/23/2023 4:34 PM CA19-1534
Lauren P. Blocker

e-Signed 10/23/2023 4:34 PM CA19-1534

LAUREN P. BLOCKER
ACTING CIRCUIT JUDGE

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ORDERS ON CONSTITUTIONAL ISSUES

IN THE COUNTY COURT,
SEVENTH JUDICIAL CIRCUIT,
IN AND FOR ST. JOHNS COUNTY, FLORIDA

CASE NO.: 2021-997-CT
DIVISION: 67

STATE OF FLORIDA,

Plaintiff,

v.

RANDALL EUGENE GRABER,

Defendant.
_____ /

**ORDER ON DEFENDANT'S MOTION
TO SUPPRESS EVIDENCE AND STATEMENTS**

This matter is before the Court on Defendant's Motion to Suppress Evidence and Statements (DIN 41; Motion). The Court held a hearing on the Motion on June 14, 2022, heard persuasive arguments from counsel for both parties as well as the testimony of Trooper Kenneth Montgomery, and reviewed a video of Defendant's driving pattern immediately up to and including the stop (DIN 93).

I. Arguments

Defendant argues that Trooper Montgomery did not have a reasonable safety concern for motorists and was therefore not permitted to stop him for failing to maintain a single lane. Motion ¶¶9–10. Defendant further asserts that Trooper Montgomery did not have a reasonable, well-founded suspicion that Defendant was impaired. *Id.* ¶12. Defendant also contends that detention based on concern for the public, or a "welfare check" must be based on articulable facts showing the stop was necessary for the public, and that such facts were not present in this case. *Id.* ¶14. The State argues only that the stop was conducted as a

welfare check based on reasonable suspicion that the driver was ill, tired, impaired, or in a vehicle suffering from mechanical failure, and that such stops are always necessary for the protection of the public because of the inherent danger of someone driving who may be in any of those conditions.

Based on the Court's review of the Motion, observations at the hearing, review of the authority cited by both parties, and being otherwise duly advised in the premises, the Court makes the following findings of fact and conclusions of law.

II. Facts

Trooper Montgomery has roughly twenty-six total years of law enforcement experience with various agencies and is specially trained on identifying impaired driving. On the evening of May 30, 2021, at approximately 8:30pm, Trooper Montgomery observed and recorded by his dashboard camera Defendant driving his vehicle southbound on State Road A1A. The conditions that night were standard night conditions in that it was dark, but the road was well lit. Trooper Montgomery followed Defendant for approximately 1.5 to 2 miles, visually estimating through pacing that Defendant traveled at a varying rate of speed under the 45mph speed limit between a low of 30 mph and a high of 39 mph. He also observed, and the dashboard camera recording shows, Defendant consistently weaving, largely within his lane of travel, from the left to the right approximately ten times for the duration of the time he followed Defendant. There was traffic on the road that night.

Based on his driving pattern alone, Trooper Montgomery believed that Defendant may have been impaired, ill, tired, or suffering from mechanical issues. Therefore, he decided to stop Defendant and conduct a welfare check.¹

¹ The State also argued, and Trooper Montgomery testified, that Defendant made a left-hand turn that was wider than usual and was slow to stop his vehicle once the lights were activated. Because Trooper Montgomery made the decision to stop Defendant prior to the turn and the video reflects that there

III. Law

The State has the burden to show that a warrantless stop of a defendant was lawful. *Dep't of Highway Safety & Motor Vehicles v. Roberts*, 938 So. 2d 513, 514 (Fla. 5th DCA 2006). Under the Fourth Amendment, an officer may stop a driver with probable cause to believe a traffic violation has occurred. *Hurd v. State*, 958 So. 2d 600, 602 (Fla. 4th DCA 2007) (citing *Whren v. United States*, 517 U.S. 806, 810 (1996)). Even in the absence of a traffic infraction, an officer may stop a vehicle driving in an unusual manner. *State v. Rodriguez*, 904 So. 2d 594, 598 (Fla. 5th DCA 2004). Law enforcement officers have a duty “to ensure the safety and welfare of the citizenry at large.” *Ortiz v. State*, 24 So. 3d 596, 600 (Fla. 5th DCA 2009) (internal citation omitted). The ability to perform welfare checks are derived from the “community caretaking doctrine”—a judicially created exception to the Fourth Amendment based on this duty. *State v. Brumelow*, 289 So. 3d 955, 956 (1st DCA 2019).

“Under the community caretaking doctrine, an officer may stop a vehicle without reasonable suspicion of criminal activity if the stop is necessary for public safety and welfare.” *Majors v. State*, 70 So. 3d 655, 661 (Fla. 1st DCA 2011) (citing *Shivley v. State*, 61 So. 3d 484, 485–86 (Fla. 2d DCA 2011)). In *Bailey v. State*, the Florida Supreme Court alluded to this concept, stating, “Because of the dangers inherent to our modern vehicular mode of life, there may be justification for the stopping of a vehicle by a patrolman to determine the reason for its unusual operation.” 319 So. 2d 22, 26 (Fla. 1975).² Such community-caretaking measures,

were curbs on both sides of the road on which Defendant was driving, the Court does not rely on these facts in ruling on the Motion.

² The Court notes that, although *Bailey* is frequently cited as authority upholding the validity of community-caretaking traffic stops based on unusual or erratic driving patterns, the petitioner in that case did not challenge the legality of the initial stop but instead challenged the validity of her consent to search. *See Bailey*, 319 So. 2d at 24–25.

however, are “totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of criminal statute.” *Cady v. Dombrowski*, 413 U.S. 433, 441 (1973).

Stops pursuant to the community caretaking doctrine are distinct from an investigatory detention—where an officer makes an official show of authority to cause an individual to believe they are not free to leave. *Majors*, 70 So. 3d at 659. In such a case, an officer must have “reasonable suspicion that the person has committed or is about to commit a crime” or the stop would violate the Fourth Amendment. *Id.* A reasonable or well-founded suspicion is present if the officer can articulate supporting facts beyond a mere hunch—it is something “less than probable cause [] but more than an inchoate and unparticularized suspicion.” *Id.* (internal citations omitted). For example, if an officer observes driving that causes an officer to believe that the driver is impaired, then there is a legal basis to stop him. *State v. Carillo*, 506 So. 2d 495, 497 (Fla. 5th DCA 1987) (officer observed driver moving from extreme right to extreme left side of lane of one-quarter of a mile in excess of five times over a quarter of a mile). The officer’s belief based on such driving is founded on reasonable suspicion. *Id.* However, “where a person’s conduct is consistent with both criminal and noncriminal activity, such facts do not give rise to reasonable suspicion of a crime.” *Peterson v. State*, 264 So. 3d 1183, 1189 (Fla. 2d DCA 2019).

“[A] legitimate concern for the safety of the motoring public can warrant a brief investigatory stop to determine whether a driver is ill, tired, or driving under the influence in situations less suspicious than that required for other types of criminal behavior.” *State v. Davidson*, 744 So. 2d 1180, 1180–81 (Fla. 2d DCA 1999). The circumstances of a case must show an objective basis for a stop pursuant to law enforcement’s community-caretaking responsibilities. *Agreda v. State*, 152 So. 3d 114, 116 (Fla. 2d DCA 2014) (citing *Holland v. State*, 696 So. 2d 757 (Fla. 1997)). “In determining whether such an investigatory stop was

justified, courts must look to the totality of the circumstances.” *Ndow v. State*, 864 So.2d 1248, 1250 (Fla. 5th DCA 2004).

Driving under the speed limit alone is typically insufficient to establish a basis for a stop for community-caretaking purposes. *Agreda*, 152 So. 3d at 116–17 (driving 30 miles less than the speed limit insufficient to justify stop); *see also Faunce v. State*, 884 So. 2d 504, 506–07 (Fla. 1st DCA 2004) (20 miles less than the speed limit similarly insufficient). When combined with weaving, however, courts have found sufficient justification for a welfare check or even reasonable suspicion that a driver was impaired. *See, e.g., State v. Davidson*, 744 So. 2d at 1180–81 (reversing suppression where driver travelled between 40 and 48 mph in a zone with a 70 mph speed limit, continually drifted across the line, and then jerked back in the opposite direction in a correcting manner consistent with an impaired driver); *Dep’t of Highway Safety & Motor Vehicles v. DeShong*, 603 So. 2d 1349, 1350, 1352 (Fla. 2d DCA 1992) (upholding safety related stop where driver appeared to be using lane markers to position his vehicle, slowed from 55 to 30 mph for no apparent reason, and accelerated rapidly). Weaving alone has been held sufficient to warrant a traffic stop. *See, e.g., Roberts v. State*, 732 So. 2d 1127, 1128 (Fla. 4th DCA 1999) (finding reasonable suspicion of impaired driving based on continuous weaving within lane even without interference with or danger to others).

In *Esteen v. State*, 503 So. 2d 356 (Fla. 5th DCA 1987), the District Court found that a driver’s erratic pattern of weaving within the right lane in a type of “S” shape over a significant distance was consistent with a driver who may be impaired or falling asleep at the wheel. In *Yanes v. State*, 877 So. 2d 25, 26–27 (Fla. 5th DCA 2004), the District Court affirmed the denial of a motion to suppress and found a well-founded suspicion that the driver was impaired or otherwise unfit to drive where the driver crossed the fog line three times within a mile. In contrast, in *Nicholas v. State*, 857 So. 2d 980, 981 (Fla. 4th DCA 2003), the

District Court reversed the denial of a motion to suppress where the driver made a left hand turn from a right-hand lane without signaling. The District Court “recognize[d] that there is no statutory definition of erratic driving and it is necessarily determined on a case by case basis.” *Id.* at 982. It was significant that the officer observed the driver for only a short time, and he did not interfere with traffic. *Id.* at 981.

IV. Analysis

Trooper Montgomery has specialized training to identify impaired drivers, and based on his observations that night, he believed Defendant was either impaired or ill, tired, or experiencing mechanical problems. Although he was not able to differentiate between impairment or other noncriminal explanations for Defendant’s unusual driving pattern, such a distinction is not necessary if the basis for the stop is to perform the community caretaking function rather than reasonable suspicion of a crime. The objective basis for Trooper Montgomery’s concern that Defendant may have been unfit to drive is the length of time he observed Defendant’s driving and the consistency of the weaving pattern. *See Esteen*, 503 So. 2d at 357; *Yanes*, 877 So. 2d at 26. Defendant’s vehicle pulled to the right approximately ten times, even if not outside of his lane most of the time, over the course of 1.5 to 2 miles. While Defendant did not come close to hitting another car or pedestrian during the time Trooper Montgomery observed him, it was 8:30pm and there were several other cars on the road. Under the totality of the circumstances, including traveling at varying speeds below the speed limit and consistent weaving, the Court finds there was an objectively reasonable basis to conduct a welfare check.

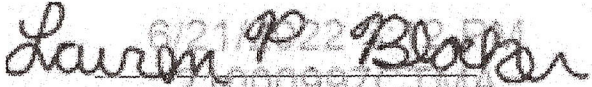
The scope of this check must necessarily have been limited to avoid overreach into an investigative function. *See Brumelow*, 289 So. 3d at 956 (“[T]he scope of an encounter is a limited one so that welfare checks do [not] become investigative tools that circumvent the

constitutional protection against unreasonable searches and seizures.”). Defendant, however, has not raised any challenge to the duration or extent of Trooper Montgomery’s actions upon stopping him, and the Court accordingly does not consider any.

V. *Conclusion*

In light of the foregoing, Defendant’s Motion to Suppress is DENIED.

DONE and ORDERED in Chambers in St. Johns County, Florida this 21st day of June, 2022.


LAUREN P. BLOCKER
County Court Judge
e-Signed 6/21/2022 3:12 PM 21000997CTMA

Copies to:
Office of the State Attorney
Counsel for Defendant

IN THE COUNTY COURT,
SEVENTH JUDICIAL CIRCUIT,
IN AND FOR ST. JOHNS COUNTY, FLORIDA

CASE NO.: 2023-1773MM
DIVISION: 67

STATE OF FLORIDA,

vs.

ANDRE KEVIN GORDON,
Defendant.

ORDER ON DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

THIS MATTER is before the Court on Defendant's Motion to Suppress Evidence (DIN 53; Motion). The Court held a hearing on the Motion on August 6, 2024, and denied the Motion on the record after hearing persuasive arguments from counsel for both parties on the Motion as well as the testimony of Deputy Tyler Harrell and viewing Deputy Harrell's body worn camera footage (DIN 64). The State also submitted into evidence the Call History Record for September 8, 2023 (the Computer Aided Dispatch or CAD notes). In the Motion, Defendant argues that Deputy Harrell violated his constitutional rights by entering his home without a warrant and without his consent.

Based on the Court's review of the Motion, observations at the hearing, review of the authority cited by both parties, and being otherwise duly advised in the premises, the Court makes the following findings of fact and conclusions of law.

I. *Facts*

At approximately 12:07pm on September 8, 2023, the St. Johns County Sheriff's office received a text to its 911 emergency service that stated, "couple fighting at house on the corner." CAD notes at 6. The additional information indicated that a male was very angry, it was not known if the altercation was physical or if there were any injuries, and a woman could be heard crying. *Id.* Deputy Harrell, acting as a patrol deputy that night, responded to the call around South St. Johns and West 6th Street. He arrived on the scene at approximately 12:12pm. Not having an exact address, he began driving towards the intersection in question with his window down and encountered a neighbor retrieving her mail. He asked her if she had witnessed anyone fighting. After initially ignoring Deputy Harrell, she turned and pointed directly at Defendant's home with an envelope she retrieved from her mailbox indicating the residents of that house "always fight."

As Deputy Harrell walked up the ramp to Defendant's home, he could hear some arguing within the residence that was not picked up on his body worn camera. Deputy Harrell opened the exterior glass door and knocked on the front door behind it. When no one responded for a short time, Deputy Harrell went to knock on the door again as it flew open. Defendant stood in the doorway, agitated and irritated, blocking Deputy Harrell's view. Defendant and Deputy Harrell stated "What's up?" to each other. Defendant interjected, "Who called y'all?" as Deputy Harrell began to state they received a call about a disturbance. Defendant then immediately said, "Yup. Goodbye."

Deputy Harrell could see a woman standing behind Defendant who was crying and appeared distressed. Deputy Harrell indicated he wanted to speak with the woman, Defendant stated, “nope,” and went to close door. Defendant was yelling at Deputy Harrell to get out of his house. Deputy Harrell’s purpose for approaching the residence was to investigate whether anyone was injured or needed assistance. Deputy Harrell directed Defendant to back up and put his hands behind his back because he did not yet have the opportunity to conduct his investigation. Defendant yelled that he did not care. Defendant stepped further into the residence and indicated that if Deputy Harrell touched him, “we going to work.” Defendant stated to the woman in his house, “See? You called the police.”

II. Law

“[P]hysical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed.” *Payton v. New York*, 445 U.S. 573, 585 (1980); accord *Byrd v. State*, 16 So. 3d 1026, 1027 (Fla. 2009). In the absence of exigent circumstances or a warrant, law enforcement may not cross the threshold of a defendant’s home. *Payton*, 445 U.S. at 590. There is a rebuttable presumption, therefore, that a warrantless entry of a home is unreasonable. *Riggs v. State*, 918 So. 2d 274, 278 (Fla. 2005). To rebut this presumption, the burden is on the State to “demonstrate a ‘grave emergency’ that ‘makes a warrantless search imperative to the safety of the police and of the community.’” *Id.* (quoting *Illinois v. Rodriguez*, 497 U.S. 177, 191 (1990)). The Florida Supreme Court has explained, “where safety is threatened and time is of the essence. . . ‘the need to protect

life and to prevent serious bodily injury provides justification for an otherwise invalid entry.” *Id.* (quoting *Arango v. State*, 411 So. 2d 172, 174 (Fla. 1982)).

The Court determines the reasonableness of law enforcement’s entry into a home based on “the totality of existing circumstances.” *Ziegler v. State*, 402 So. 2d 365, 371 (Fla. 1981). In weighing the reasonableness of a decision to enter the home, the Court is mindful that certainty is not the standard; it is whether there was a reasonable belief that an emergency exists. *Riggs*, 918 So. 2d at 282; *see also Jones v. State*, 331 So. 3d 252, 256 (Fla. 1st DCA 2021) (“To justify an emergency entry into a home by police officers, the State must demonstrate that an objectively reasonable basis existed for the officer to believe that there was an immediate need for police assistance for the protection of life. It is immaterial whether an actual emergency existed. . .”). Indeed, “officers fearing emergencies often ‘need [to make] an on-the-spot judgment based on incomplete information and sometimes ambiguous facts bearing upon the potential for serious consequences.” *Riggs*, 918 So. 2d at 282 (quoting *United States v. Martin*, 413 F.3d 139, 147 (1st Cir. 2005) (alteration in original). “The resulting invasion of privacy is one that prudent, law-abiding citizens can accept as the fair and necessary price of having the police available as a safety net in emergencies.” *Id.* at 282–83. This right to enter and investigate is inherent in a law enforcement officer’s duty to act as a peace officer that derives from common law. *Ziegler*, 402 So. 2d at 371.

In *Riggs*, the Florida Supreme Court examined whether exigent circumstances existed where a young child was found wandering alone, and law enforcement entered

the residence to conduct a welfare check on the child's caretaker. The 4-year-old girl was found naked at an apartment complex at 3 a.m., officers found only one door open with light coming from inside, and there was no response to their loud knocking. *Riggs*, 918 So. 2d at 281–82. The Court found the decision to enter the residence did not violate the Fourth Amendment because it was based on a reasonable belief that an emergency existed. *Id.* at 282–283; *see also In the Interest of J.B.*, 621 So. 2d 489 (Fla. 4th DCA 1993) (finding an objectively reasonable basis for law enforcement to investigate after receiving a 911 hang up call from J.B.'s address and J.B. answered the door and turned to look back in the house as though someone else was there). In contrast, in *Wheeler v. State*, 956 So. 2d 517 (Fla. 2d DCA 2007), the Second District Court of Appeal found that the State had not met its burden to show an emergency where: (1) officers received a dispatch of a battery happening in a driveway, (2) a second dispatch indicated the individuals had gone back in the house, (3) a man in another driveway indicated he had not seen a battery although he had seen individuals inside, and (4) the defendant answered the door, denied any knowledge of the incident, and indicated the female had left.

III. Analysis

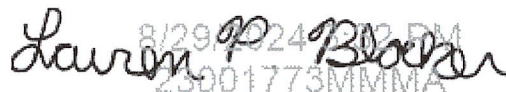
In this case, and under the totality of the circumstances, Deputy Harrell had a reasonable belief that an emergency existed. He knocked on the door of Defendant's home having received a 911 text of an ongoing disturbance and had been directed to that location by a neighbor. Deputy Harrell heard arguing coming from inside the home as he walked up to the door. On opening the door, Defendant's posture and demeanor was

immediately hostile and aggressive, and Deputy Harrell could see that there was a woman home with Defendant who was crying and in distress, even though he could not determine whether she was injured from the doorstep. His decision to enter the home was reasonable under the circumstances to ensure the safety of the woman inside it who he could see from the doorway. *See, e.g., In Interest of J.B.*, 621 So. 2d at 491 (“A 911 call is a cry to the authorities for help. And until the investigating officer is reasonably satisfied that no emergency exists, he is within his legal duty to investigate such calls in a manner consistent with their emergency nature.”). Accordingly, the State has met its burden to show that Deputy Harrell’s entry into the home was lawful.

IV. *Conclusion*

In light of the foregoing, Defendant’s Motion to Suppress Evidence is DENIED.

DONE and ORDERED in Chambers, in St. Johns County, Florida, on 29 day of August, 2024. *Nunc Pro Tunc August 6, 2024*

 8/29/24 3:32 PM
23001773MMMA

e-Signed 8/29/2024 3:32 PM 23001773MMMA

LAUREN P. BLOCKER, COUNTY JUDGE

Copies to:
Office of the State Attorney
Counsel for Defendant