

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

CIVIL DIVISION

CASE NO.: 50 2006 CA 011487 XXXX AJ

MOORE CONSTRUCTION CO., a
Florida Corporation and DRAWDY
BROTHERS CONSTRUCTION
II, INC., a Florida Corporation

Plaintiffs,

v.

WAVE RIVERWALK PLACE, LLC,
a Florida limited liability company,

Defendant.

FILED
07 JUL 20 PM 4:38
PALM BEACH COUNTY, FLORIDA
CIVIL 3

JOINT MOTION FOR WAIVER OF MEDIATION REQUIREMENT

COME NOW the parties, by and through their undersigned attorneys, and file this Joint Motion requesting that this Court waive its requirement to mediate, and in support of this Motion would state:

1. Plaintiff, DRAWDY BROTHERS CONSTRUCTION II, INC., was a Subcontractor providing concrete for a 5-story condominium project owned by the Defendant. Plaintiff, MOORE CONSTRUCTION CO. was the General Contractor for that project. Both Plaintiffs have filed an action for damages alleging non-payment to them for the labor, services and materials they provided for this project.

2. Defendant was unable to obtain construction financing for this project.

3. While the parties would like to resolve this matter prior to trial, the Defendant is without funds necessary to enter into a monetary settlement with the Plaintiffs who are claiming

compensation from the Defendant. Although the parties might come to a monetary accord, because the Plaintiff does not have the necessary funds to pay any accord, and does not expect to have such funds prior to the trial of this matter, it would be fruitless for the parties to engage in mediation.

WHEREFORE, the parties request that this Court enter an Order negating the requirement for mediation.

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