

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY

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BROWARD COUNTY, FLORIDA

**HSBC BANK USA, NATIONAL ASSOCIATION, AS
TRUSTEE FOR LUMINENT MORTGAGE TRUST**
20066,
Plaintiff,

vs.

CASE NO. 2007-CA-7993

ANTONIO DE FREITAS, et. al.,
Defendants.

**ORDER TO SHOW CAUSE WHY PLAINTIFF AND PLAINTIFF'S ATTORNEYS
SHOULD NOT BE HELD IN CONTEMPT AND SANCTIONED**

To: HSBC Bank USA
1800 Tysons Bend
McLean VA 22105

Smith Hiatt & Diaz PA
PO Box 11438
Fort Lauderdale FL 33339-1438
Attn: Robert A. Smith, Bar #116186
Attn: Ryan T. Cox, Bar #0032686
Attn: Patrice A. Tedesco, Bar # 0628451
Attn: Michael D. Wild, Bar #0028643
Attn: Daniel S. Stein, Bar # 0117412
Attn: Gavin W. MacMillan, Bar # 0037641
Attn: Gabrielle M. Strauss, Bar #0059563

FILED FOR RECORD
R.B. SMITH
2010 JUL -7 AM 11:42
CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

YOU ARE HEREBY NOTIFIED that this Court shall conduct a hearing at the Manatee County Judicial Center, 1051 Manatee Ave West, Bradenton FL 34205, before the Honorable Janette Dunnigan on **MONDAY, AUGUST 30, 2010 AT 1:30 P.M.** to allow Plaintiff and Plaintiff's Attorneys to show cause why they should not be held in Contempt of Court and sanctioned for failing to conduct themselves properly in the above case.

The Court finds as follows:

1. The Mortgage Foreclosure Complaint was filed November 16, 2007. The case has been at issue since 2008.


2. Plaintiff's Motion for Summary Judgment was filed February 27, 2008 and set for hearing on May 29, 2008. Although Kimberly Humphrey Esq. appeared telephonically on behalf of the plaintiff, the plaintiff failed to comply the local rules and the hearing was canceled.
3. Another hearing was scheduled for July 31, 2008. No one appeared and plaintiff still had not complied with local rules.
4. Plaintiff scheduled another summary judgment hearing for December 9, 2009 but a failed to notice the hearing. Plaintiff did not cancel or release the time on the court's calendar. No one appeared for the hearing when the case was called by the court.
5. Plaintiff re-noticed for summary judgment on November 16, 2009 but canceled the December 17, 2009 hearing.
6. Barrington Ridge Homeowners Association Inc filed a Motion to Compel Plaintiff to Proceed with Foreclosure Sale or Pay Assessments Due to Association.
7. The Court granted Barrington Ridge Homeowners Association Inc's Motion to Compel at a hearing on February 4, 2010 and ordered the Plaintiff to set a hearing on the Motion for Summary Judgment within 90 days. Dustin Hay Esq. appeared on behalf of the plaintiff at the hearing.
8. Plaintiff re-noticed for summary judgment on February 26, 2010 but then filed an Amended Notice of Hearing on March 22, 2010 scheduling the motion for summary judgment on April 5, 2010. Plaintiff failed to appear at the hearing. The Court was required to call Plaintiff's attorney, Ryan Cox. Although Mr. Cox signed the notice of hearing, he was unable to provide the Court with any explanation as to why Plaintiff's counsel or any of them, were not present for the hearing yet again.
9. The Plaintiff re-noticed for summary judgment on May 21, 2010 scheduling the hearing for June 28, 2010. Plaintiff again failed to appear at the hearing and didn't file a Notice of Cancellation until June 29, 2010, one day after the hearing.

This conduct has caused disruption to the Court's calendar, demonstrated utter disregard and disrespect to the Court, caused time and money to be wasted by the other parties to the action who appear at scheduled hearings, failed to move the case forward pursuant to mandated time standards, failed to comply with local rules and caused counsel for Barrington Ridge Homeowners Association Inc. additional attorneys fees.

FAILURE TO APPEAR AT THE ABOVE HEARING SHALL BE GROUNDS FOR CONTEMPT AND FOR SANCTIONS TO INCLUDE FINES, COSTS, ATTORNEY'S FEES, DISMISSAL AND/OR INCARCERATION AS DEEMED APPROPRIATE.

DONE AND ORDERED in Chambers at Bradenton, Manatee County, Florida this

6 day of July, 2010.


Janette Dunnigan, Circuit Judge

Copies furnished via US mail to:

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Bradenton FL 34203

Camila De Freitas
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Sarasota FL 34240

Mortgage Electronic Registration System
c/o CT Corporation System, Inc
1200 S Pine Island Rd
Plantation FL 33324



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 13 day of

July 2010
R.B. SHORE
Clerk of Circuit Court

By:  D.C.