

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

SABAL TRAIL TRANSMISSION, LLC,

Plaintiff,

vs.

+/- 1.55 ACRES OF LAND IN LAKE COUNTY,
FLORIDA, REJER INVESTMENT CO., AND
UNKNOWN OWNERS, IF ANY, et al.,

Defendants.

Case Nos:

5:16-cv-155-Oc-39PRL
5:16-cv-160-Oc-34PRL *
5:16-cv-162-Oc-39PRL
5:16-cv-170-Oc-32PRL
5:16-cv-173-Oc-32PRL
5:16-cv-176-Oc-39PRL
5:16-cv-180-Oc-39PRL
5:16-cv-185-Oc-34PRL
5:16-cv-187-Oc-34PRL
5:16-cv-189-Oc-32PRL
5:16-cv-199-Oc-32PRL
5:16-cv-201-Oc-39PRL
5:16-cv-202-Oc-34PRL
5:16-cv-203-Oc-39PRL
5:16-cv-207-Oc-32PRL
5:16-cv-221-Oc-34PRL
5:16-cv-227-Oc-32PRL
5:16-cv-243-Oc-39PRL

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ORDER

Now that the Court has adjudicated the easement and access phase of these cases, the Court turns to the valuation phase, where the landowners are to receive

* To save space, the number but not the style of the remaining cases are listed.

appropriate compensation for their easements. With respect to the cases pending in the Jacksonville Division, both sides requested until August 10, 2016 to advise the Court how they intend to proceed, and the Court granted that request. The Court has determined to set the same deadline for those cases pending in the Ocala Division that are assigned to Jacksonville Division judges.¹

Nevertheless, the Court wishes to set some parameters for the valuation phase. First, the Court will require Sabal Trail to do everything possible to notify all landowners of their right to be heard on the compensation issue. Those landowners who were served but chose not to appear during the first phase, as well as those who were unable to be found, may nevertheless wish to participate in the compensation phase and should be given every opportunity to do so.

Second, though Sabal Trail has already had its expert value the easement rights of each landowner, the landowners have not yet had an opportunity to have their easement rights valued by their own expert, who may have a different opinion of value. Thus, the Court expresses no opinion on the value of the landowners' easement rights.

Third, as was described to the Court at the May 25, 2016 hearing in the Jacksonville Division, whether Sabal Trail, as the condemning entity, is responsible for the reasonable attorneys' fees and costs (including expert costs) of the landowners is potentially a significant issue that may affect how the landowners choose to proceed in the compensation phase. If asked to do so, the Court is prepared to decide that issue before proceeding further.

¹ This Order does not apply to cases assigned to Judge Moody or another non-Jacksonville Division judge.

Finally, the Court has made no determination as to which entity – a jury, a Commission, or the Court – will decide the valuation and compensation issues, and will await briefing from the parties at the appropriate time before making that decision.

In the meantime, the Court will stand down until it receives a report from the parties on or before **August 10, 2016**. The parties are relieved of their case management responsibilities until that time. The Court encourages all parties to confer in an effort to reach an agreement on which cases can be settled, and if not, which mechanism to use in trying cases – whether by jury, bench trial, or commission. In light of the above, for those parties that have already filed a case management report, the Court requests that they file either an amended case management report or other appropriate filing on or before **August 10, 2016**.

DONE AND ORDERED at Jacksonville, Florida this 29th day of June, 2016.



TIMOTHY J. CORRIGAN
United States District Judge

lc 19

Copies:

Honorable Marcia Morales Howard
Honorable Brian J. Davis
Honorable Harvey E. Schlesinger
Honorable Henry Lee Adams
Counsel of record