

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**PETER HELIE, TIMOTHY HAVILAND, NED LIPES, PHIL LITOWITZ,**  
and **GREG SMITH**, each individually and in a derivative capacity as  
shareholders of and on behalf of Old Palm Golf Club, Inc.,  
a Florida not-for-profit corporation,  
Appellants,

v.

**OLD PALM HOLDINGS L.P.**, a Delaware Limited Partnership,  
**CDVII OLD PALM LLC**, a Delaware Limited Partnership,  
**CLARION DEVELOPMENT VENTURES, III L.P.**, a Delaware Limited  
Partnership, **CLARION DEVELOPMENT III, LLC**, a Delaware Limited  
Partnership, **CLARION PARTNERS LLC**, a New York Limited  
Partnership, **TRITON ATLANTIC PARTNERS, LLC**, a Delaware Limited  
Partnership, **JAMES D. MOTTA, GARY WALKER, LESLIE SNAVELY**,  
and  
**OLD PALM GOLF CLUB, INC.**  
Appellees.

No. 4D17-2317

[February 8, 2018]

Appeal of non-final order from the Circuit Court for the Fifteenth  
Judicial Circuit, Palm Beach County; Richard L. Oftedal, Judge; L.T. Case  
No. 502017CA003131XXXXMB.

Gary M. Dunkel and Seth B. Burack of Fox Rothschild LLP, West Palm  
Beach, for appellants.

Jaime A. Bianchi, David P. Draigh and Zachary B. Dickens of White &  
Case LLP, Miami, for appellees Old Palm Holdings, L.P., CDVIII Old Palm,  
LLC, Clarion Development Ventures III, L.P., Clarion Development III, LLC,  
and Clarion Partners, LLC.

Kathryn L. Ender of Cole, Scott & Kissane, P.A., Miami, for appellees  
Triton Atlantic Partners, LLC, James D. Motta, Gary Walker and Leslie  
Snavely.

Nathan E. Nason of Nason, Yeager, Gerson, White & Lioce, P.A., Palm  
Beach Gardens, for appellee Old Palm Golf Club, Inc.

PER CURIAM.

*Affirmed.*

GROSS, TAYLOR and CONNER, JJ., concur.

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***Not final until disposition of timely filed motion for rehearing.***