

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
COLLIER COUNTY, FLORIDA CIVIL ACTION

WILLIAM MILLER and SUSAN KELLEGHAN,
Plaintiffs,

v.

Case No.: 2023-CA-2032


RIVERBEND OF NAPLES MOBILE
HOMEOWNERS ASSOCIATION, INC.
Defendant.

**ORDER ON PLAINTIFFS' EMERGENCY MOTION FOR CONTEMPT AND
PLAINTIFFS' SUPPLEMENT TO EMERGENCY MOTION FOR CONTEMPT AND
MOTION TO COMPEL COMPLIANCE WITH INJUNCTION**

THIS CAUSE having come before the court for review upon Plaintiffs' Emergency Motion for Contempt (Docket #77), and Plaintiffs' Supplement to Emergency Motion for Contempt and Motion to Compel Compliance with Injunction (Docket #78), and the court having reviewed Defendant Riverbend's Response (Docket #79), and having reviewed Intervenor Lutzi's Response (Docket #88), and having received testimony and evidence at the hearing held on January 29, 2024, having heard arguments from counsel, having reviewed the court file, and being otherwise fully advised, the Court finds as follows:

1. Defendant Riverbend is not in contempt because they have complied with the Court's Order Granting Temporary Injunction (Docket #74) by informing the unit owners about the order and by not approving any further conversion of lots for use by recreational vehicles.
2. There is insufficient evidence to hold Intervenor Lutzi in contempt.
3. Even though Intervenor Lutzi was not held in contempt of court, all owners are reminded that they are bound by the Injunction.

It is therefore, ORDERED AND ADJUDGED that Plaintiff's Emergency Motion for Contempt and Plaintiff's Supplement to Supplement to Emergency Motion for Contempt and Motion to Compel Compliance with Injunction are DENIED.



Joseph G. Foster, Circuit Court Judge
4/2/24

Electronic Service List:

Alfred F. Gal Jr. <alfredgal@sandglawfirm.com>

Rachel A. Kerlek, <rkerlek@lawfirmnaples.com>, <mtotin@lawfirmnaples.com>

Christopher J. Thornton <cth Thornton@swflalaw.com>, <atessier@swflalaw.com>