

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA.

GENERAL JURISDICTION DIVISION

CASE NO. 01-012933 (Greene)

LORRI C. HINTON and LONNIE	§
W. HINTON, JR., individually, and	§
as natural parents and guardians of	§
LOREN HINTON, a minor,	§
	§
Plaintiffs,	§
	§
VS.	§
	§
2331 ADAMS STREET CORP, a Florida	§
Corporation,	§
	§
Defendant.	§
_____	/

JOINT PRETRIAL STIPULATION

The Parties, pursuant to this Court’s May 28, 2002 Order Re-Setting Trial as Specially Set Number One, jointly submit this Joint Pretrial Stipulation.

1. **Concise, impartial statements of facts of the case.**

Loren Hinton, a minor, was a victim of a near drowning on May 15, 2001. She has suffered a catastrophic brain injury. The Plaintiffs allege the pool gate and fence were negligently maintained and defective causing this to be a pool that was unprotected to children. Plaintiffs also allege the Defendants are negligent per se due to multiple code violations.

Defendants allege the negligence of Lonnie and Lorri Hinton and other non-parties entrusted with the custody and care of Loren Hinton caused the accident and injuries.

2. **List of stipulated facts requiring no proof at trial.**

None.

3. **Summary of undisputed issues.**

None

4. **Statement of disputed issues of law and fact to be tried.**

- A. Negligence of 2331 Adams Street Corporation
- B. Negligence per se of 2331 Adams Street Corporation
- C. Negligence of Lonnie Hinton
- D. Negligence of Lorri Hinton
- E. Negligence of non-parties
- F. Causation of accident and damages
- G. Compensatory damages of Loren Hinton
- H. Consortium claims of Lonnie and Lorri Hinton
- I. Punitive damages against 2331 Adams Street Corporation

5. **Exhibit lists.**

Plaintiffs Exhibit A
Defendant Exhibit B

6. **Witness lists.**

Plaintiffs Exhibit C
Defendant Exhibit D

7. **All trial exhibits have been made available to opposing counsel for examination and initialing.** Plaintiffs have made exhibits available to defendant's counsel and he has inspected them. Defendant represents that plaintiffs are in receipt of all defendant's exhibits.

8. **Number of peremptory challenges for each side.**

Three

9. List of all pending motions requiring action by the Court.

Motion to Amend Defendant's Affirmative Defenses.

Motion to Bifurcate Punitive Damages.

DATED this 23rd day of December, 2002.

Respectfully submitted,

HAGGARD, PARKS, HAGGARD

& BOLOGNA, P.A.

330 Alhambra Circle, First Floor

Coral Gables, Florida 33134

Telephone: 305/446-5700

Facsimile: 305/446-1154

By _____

MICHAEL A. HAGGARD

Florida Bar No. 073776

Wm. ANDREW HAGGARD

Florida Bar No. 104430

and

CARLTON, FIELDS, P.A.

100 S.E. 2nd Street, Suite 4000

Miami, FL 33131

Telephone: 305/530-0050

Facsimile: 305/530-0055

By _____

JOHN F. KENNEDY

Florida Bar No. 0939013