

Rule 1,100

68,357

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March 24, 1986

The Honorable Sid J. White
Clerk
The Supreme Court of Florida
Supreme Court Building
Tallahassee, FL 32304

Mr. Robert P. Gaines, Chairman
Civil Procedure Rules Committee
Beggs & Lane
P.O. Box 12950
Pensacola, FL 32576

Mr. Stephen A. Rappenecker, Chairman
Rules of Judicial Administration Committee
P.O. Box 566
Gainesville, FL 32602

Gentlemen:

I received a copy of Justice Barkett's letter of February 25, 1986 and have the following comments.

(a) I believe the reference in paragraph (c)(2) to "counsel for" and "by counsel" is inappropriate. No where in our Rules do we require a party to be represented by counsel and we should not do so in this Rule.

(b) The amendment to paragraph (c)(1) has the potential of becoming ridiculous. Some orders, including pre-trial orders, have a number of paragraphs of relief granted. If the Order grants the relief in the body of the Order, why should it have to recite the same statement in the caption.

(c) I would add a sentence to paragraph (c)(2): "The Civil Cover Sheet shall not constitute a part of the record for any purpose." I realize the form itself contains similar "saving" commits; however, it would be the Rule that would control rather than the form.

RAY CALAFELL, JR.
TRIAL PRACTICE - PERSONAL INJURY
AND WRONGFUL DEATH

TONY CUNNINGHAM
TRIAL PRACTICE - PERSONAL INJURY
AND WRONGFUL DEATH

MICHAEL FOSTER
TRIAL PRACTICE - PERSONAL INJURY
AND WRONGFUL DEATH
TRIAL PRACTICE - GENERAL

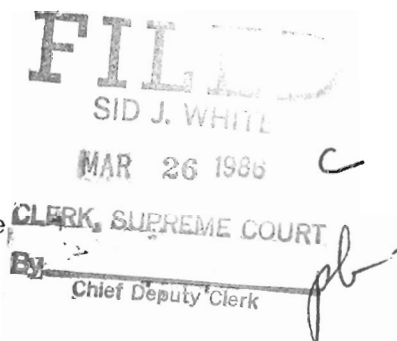
ROBIN LANE
TRIAL PRACTICE - PERSONAL INJURY
AND WRONGFUL DEATH

JOHN MCLAUGHLIN
ADMIRALTY - TRIAL PRACTICE -
PERSONAL INJURY AND WRONGFUL DEATH
TRIAL PRACTICE - GENERAL

R. MARK SHELTON
TRIAL PRACTICE - PERSONAL INJURY
AND WRONGFUL DEATH

ROGER VAUGHAN
ADMIRALTY - TRIAL PRACTICE -
PERSONAL INJURY AND WRONGFUL DEATH

BILL WAGNER
AVIATION - TRIAL PRACTICE -
PERSONAL INJURY AND WRONGFUL DEATH
TRIAL PRACTICE - GENERAL



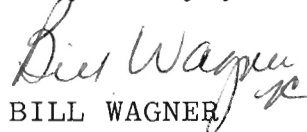
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(d) In the instruction for "II", persons are instructed to select the most "definitive" type of case. I do not know what this means if an automobile accident involving two vehicles is caused by the negligence of the operation of one vehicle and a product failure in the other vehicle. Both "products liability" and "auto negligence" are equally definitive.

I am submitting these comments since I may not be present for the Civil Procedure Rules Committee.

Very truly yours,


BILL WAGNER

Signed in Mr. Wagner's
absence to avoid delay.

BW/jac

cc: The Honorable Rosemary Barkett