Rule 1,100

Wagner, Cunningham, Vaughan & McLaughlin

Professional Association / Attorneys At Law

708 JACKSON STREET (CORNER OF JEFFERSON) TAMPA, FLORIDA 33602

TELEPHONE (813) 223-7421

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

MAR 26 1986 MAR 26 1986 MAR 26 1986 CLERK, SUPREME COURT 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)(l) 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.

68 RAY CALAFELL, JR.

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,

Die Wagner

BW/jac

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

cc: The Honorable Rosemary Barkett