

IN THE SUPREME COURT OF THE STATE OF FLORIDA

**SCOTT COREY KIRTON, ETC.,
et al.,**

Petitioner,

**CASE NO.: SC07-1739
LT Case No.: 4D06-1486**

-vs-

JORDAN FIELDS, ETC., et al.

Respondents.

**PETITIONERS' KIRTON REPLY
TO RESPONDENT'S BRIEF ON THE MERITS**

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ATTORNEY FOR PETITIONERS, SCOTT COREY KIRTON, DUDLEY R.

KIRTON d/b/a THUNDERCROSS MOTOR SPORTS PARK

PETITIONERS' REPLY TO
RESPONDENTS' STATEMENT OF FACTS

COMES NOW, the Petitioners, **SCOTT COREY KIRTON, DUDLEY R. KIRTON d/b/a THUNDERCROSS MOTOR SPORTS PARK**, and files this reply to Respondents' Brief on the Merits to Petitioner's Initial Brief on the merits.

Respondents have traveled at great length to portray the Petitioners and Bobby Jones as villains rather than the individuals they are. In order for our Judicial system to work, all participants must take an oath, "Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God." Bobby Jones has spoken the truth, not motivated by greed, not letting the potential financial rewards determine the facts, but rather told the truth. As a result, he has been repeatedly portrayed as an unfit parent whose mission is to destroy any potential recovery that Bette Jones seeks.

The issue for this Court to decide is the certified question presented by the Fourth District Court of Appeal in *Fields v. Kirton*, 961 So.2d 1127 (Fla. 4th DCA 2007). Not whether the Petitioner's maintained insurance for practice sessions, not the opinions of Michael Spotts, who apparently was responsible for the track operations when Christopher Jones suffered his first injury, nor any of the attempts to portray individuals in a distasteful light.

The facts which should be considered are those which will assist this Court in deciding the issue presented. The remaining facts and rebuttals should be left for the Trial Court, the witnesses and trial counsel if this matter is remanded back to the Trial Court for determination on the claims being presented by the Petitioners.

In this case at bar, Bobby Jones stated, as a parent with legal custody, he elected to take his son Christopher Jones to the Thundercross Motor Sports Park for a practice session. To gain entry into the park, Bobby Jones signed the Release which was required. Mr. Jones reviewed and understood the Release. The Release language or meaning has not been challenged. The Respondents obtained Summary Judgment based upon the aforementioned Release. The issue before this Honorable Court is *WHETHER A PARENT MAY BIND A MINOR'S ESTATE BY THE PRE-INJURY EXECUTION OF A RELEASE*. While other facts may be relevant, the Petitioners, **SCOTT COREY KIRTON, DUDLEY R. KIRTON d/b/a THUNDERCROSS MOTOR SPORTS PARK**, ask this Honorable Court to consider those facts which are relevant to the issue presented.

CONCLUSION

For the reasons set forth above, this Court should answer the certified question of great public importance in the affirmative, reverse the Fourth District Court of Appeal decision in this matter and, remand the case with instructions to affirm the trial court's grant of summary judgment in favor of KIRTON/THUNDERCROSS in this case.

Dated this ____ day of April, 2008.

Respectfully submitted by,

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By: _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail to Guy Bennett Rubin, Esquire and Laurence C. Huttman, Esquire, Rubin & Rubin, P.O. Box 395, Stuart, Florida 34995, Richard Lee Barrett, Esquire and R. Steven Ruta, Esquire, Barrett, Chapman & Ruta, 18 Wall Street, Orlando, Florida 32802, Alan C. Espy, Esquire, 3300 PGA Boulevard, Palm Beach Gardens, Florida 33410, Bard D. Rockenbach, Burlington & Rockenbach, P.A., 2001 Professional Building, Suite 410, Palm Beach Lakes Blvd., West Palm Beach, Florida 33409, and Timothy J. Owens, Esq., Christensen, Christensen, et al. 100 East Campus View Boulevard, Suite 360, Columbus, Ohio 43235 this ____ day of April, 2008.

By: _____

WILLIAM J. WALLACE, ESQ.

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that, pursuant to Florida Rules of Appellate Procedure, this response complies with the font requirements.

By: _____

WILLIAM J. WALLACE, ESQ.

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