

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ROBERT FOWLER,

Petitioner,

vs.

Case No. 21-3293  
2021-28714

MARINEMAX,

Respondent.

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INITIAL ORDER

1. Any document filed with DOAH by a party represented by a lawyer shall be filed electronically through eALJ located at [www.doah.state.fl.us](http://www.doah.state.fl.us). Parties not represented by a lawyer may file electronically through eALJ. Documents filed through eALJ shall include the filing party's e-mail address and a copy shall be served upon all other parties. All documents must contain the DOAH style and case number.
2. **The agency or, where the agency is not a party, the Petitioner shall initiate communications and coordinate with all parties and provide the following information within seven days of the date of this Order.** However, regardless of how coordination is accomplished, all parties or parties' counsel are charged with the duty of conferring and providing a **joint** response to this Order. If coordination is not possible due to circumstances outside of the reasonable control of the parties, each party shall individually provide the information.
  - a. Any related cases before DOAH, and, if so, the DOAH case number;
  - b. Estimated length of time necessary to conduct the final hearing;
  - c. Suggested geographic location for the final hearing. Any party may ask the judge to consider his or her preference for either an in-person hearing or a hearing conducted by Zoom conference;
  - d. All dates more than 30 and less than 70 days from the date of this Order on which both parties are available for the final hearing; and
  - e. Whether the parties are aware of any need for an ADA accommodation by any participant to the hearing, and, if so, the nature of the accommodation.
3. Parties not represented may file electronically through eALJ or mail. **Choose one method** of filing for each document.
4. **Every person filing a document at DOAH must ensure that no information protected by privacy or confidentiality laws is contained in any document that would be posted to DOAH's website in the regular course of business.**
5. **Failure to comply with the provisions of paragraph 2 shall waive venue rights, and the final hearing will be set at a time and place determined by the Judge.**

DONE AND ORDERED this 28th day of October, 2021, in Tallahassee, Florida.



JAMES H. PETERSON, III  
Administrative Law Judge  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
[www.doah.state.fl.us](http://www.doah.state.fl.us)

## SUMMARY OF PROCEDURES

This case has been filed with the Division of Administrative Hearings to conduct an evidentiary hearing governed by chapter 120, Florida Statutes, and Florida Administrative Code Chapter 28-106, Parts I and II.

### THE PARTIES SHALL TAKE NOTICE THAT:

1. Parties that have not previously registered for electronic filing may register through eALJ at [www.doah.state.fl.us](http://www.doah.state.fl.us). Once your registration has been submitted you will receive electronic notification within 24 hours that your account has been activated. **Your registration must be activated before you may file electronically.**
2. If a document is **not** electronically filed as provided on page one, **parties not represented by a lawyer** shall file the document on 8.5" x 11" paper at the address below the Judge's signature and serve a copy upon all other parties.
3. Discovery may be undertaken in the manner provided in the Florida Rules of Civil Procedure and, if desired, should be initiated immediately. Subpoenas may be obtained from the Judge by contacting (850) 488-9675, extension 5444. Registered e-filers shall obtain subpoenas electronically through the DOAH website under the eALJ link. Discovery must be completed five days before the date of the final hearing unless an extension of time for good cause is granted.
4. The government agency for which a hearing is conducted will make arrangements for preserving the testimony at the final hearing.
5. A party may appear personally or be represented by a lawyer or other qualified representative, pursuant to rule 28-106.106. *Self-represented litigants should review "Representing Yourself" located on the Division's website at [www.doah.state.fl.us](http://www.doah.state.fl.us). Parties not represented by counsel are also notified of The Florida Bar's "Free Legal Answers" and other related resources, which are available at [www.floridalawhelp.org](http://www.floridalawhelp.org).*
6. Rule 28-106.210 provides that requests for continuances must be filed with the Judge at least five days prior to the date of hearing, except in cases of extreme emergency, and will only be granted for good cause shown.
7. Parties will promptly notify the Judge in the event of a settlement or other development which might alter the scheduled hearing.
8. The parties are expected to discuss the possibility of settlement, enter into pre-hearing stipulations of fact and law, identify and limit issues, and exchange exhibit and witness lists prior to the hearing.
9. If all parties agree, this case may proceed as a summary hearing, without discovery, if requested by motion within 15 days from the date of this Order. A Final Order will be entered within 30 days after the hearing.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should notify the Judge in the response to the Initial Order, or if not known at that time, contact the Judge's secretary no later than ten days prior to the hearing. The Judge's secretary may be contacted at the address or telephone numbers on page one, via 800-955-8770 (Voice), 800-955-1339 (ASCII), 800-955-8771 (TTY), or 844-463-9710 (Spanish) Florida Relay Service.

### COPIES FURNISHED:

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