

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR MIAMI-DADE COUNTY,  
FLORIDA

THE JOCKEY CLUB CONDOMINIUM  
APARTMENTS, INC., and JOCKEY CLUB  
CONDOMINIUM APARTMENTS, UNIT NO.  
II., INC.

Complex Business Litigation Division

Case No. 16-5957 CA 40

Plaintiffs/Counter-Defendants,

vs.

APEIRON MIAMI, LLC, Defendant and  
JOCKEY CLUB III ASSOCIATION, INC.,

Defendant/Counter-Plaintiff

Vs.

JOCKEY CLUB MAINTENANCE  
ASSOCIATION, INC.,  
Third Party Defendant

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THE JOCKEY CLUB CONDOMINIUM  
APARTMENTS, INC., and JOCKEY CLUB  
CONDOMINIUM APARTMENTS, UNIT NO. II,  
INC., each individually and as members of  
JOCKEY CLUB MAINTENANCE ASSOCIATION,  
INC.,

Plaintiffs

CASE NO. 16-13168

Vs

APEIRON MIAMI, L.L.C., and  
JOCKEY CLUB III ASSOCIATION, INC.,

Defendants

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**ORDER ON MOTIONS FOR  
SUMMARY JUDGMENT**

**THESE MATTERS** came before the Court on the above motions, and the Court having reviewed the file, motions, memoranda, no further argument being necessary on these specific matters, and being otherwise fully advised in the premises the Court proceeds pursuant to CBL §4.4 and it is

**ORDERED** and **ADJUDGED** as follows:

JOCKEY CLUB CONDOMINIUM'S, MOTION FOR PARTIAL SUMMARY  
JUDGMENT AS TO COUNT I OF THE AMENDED COMPLAINT

AND  
APEIRON MIAMI, LLC'S MOTION FOR SUMMARY JUDGMENT AS TO  
PLAINTIFFS' CLAIM TO EASEMENTS BY ADVERSE POSSESSION AND/OR  
PRESCRIPTION

Based on previous summary judgments granted in this matter, Plaintiff's Motion as to Count I is necessarily **DENIED**.

As to Apeiron's Motion re: easements, Plaintiff does not in fact seek an easement by adverse possession, having abandoned the claim in its Amended Complaint. As a result, the motion is **GRANTED** as to adverse possession. The Court determines there is no easement by adverse possession or prescription. Nor is there any evidence to support a contrary determination. Thus Apeiron's motion regarding easements is **GRANTED**.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 02/07/17.

  
JOHN W. THORNTON  
CIRCUIT COURT JUDGE

**No Further Judicial Action Required on THIS  
MOTION  
CLERK TO RECLOSE CASE IF POST  
JUDGMENT**

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed and stamped original Order sent to court file by Judge Thornton's staff.

cc: Counsel / Parties of record

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