

IN THE CIRCUIT COURT OF THE 16th
JUDICIAL CIRCUIT IN AND FOR
MONROE COUNTY, FLORIDA

CASE NO. : 2014-CA-1150-K

MICHAEL PHILIP,

Plaintiff

v.

DOUG MAYBERRY,

Defendant

PARTIAL FINAL JUDGMENT OF LIABILITY IN FAVOR OF PLAINTIFF

On May 4, 2016, the Court entered an order on Plaintiff and Defendant's Joint Motion for Order Bifurcating Trial whereby the Court bifurcated the issue of liability from damages in this matter ("May 4, 2016 Order").

The May 4, 2016 Order provided, in pertinent part, "[i]f Plaintiff does prove the existence of an oral cohabitation agreement, the Court will enter a Partial Final Judgment on liability; the parties will engage in financial discovery; and then the parties would mediate. If mediation is unsuccessful, the issue of damages would be tried on a later date."

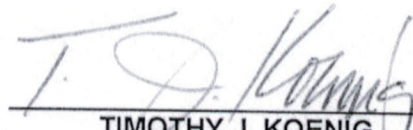
Pursuant to the May 4, 2016 Order, the issue of liability was tried before a jury on August 21st, August 22nd, and August 24th, 2017 on Plaintiff, Michael Philip's, Amended Complaint for Breach of an Oral Support and Cohabitation Agreement.

On August 24, 2017, the jury returned its verdict and found in favor of Plaintiff that

1. The Plaintiff and the Defendant entered into an oral cohabitation agreement;
2. The Plaintiff did not breach the oral cohabitation agreement by ending the relationship on December 25, 2013; and
3. The Defendant breached the oral cohabitation agreement by taking the position that the Plaintiff was not entitled to 50% of the assets held in their names—either individually or jointly—to provide for Plaintiff's current and future expenses.

Therefore, in accordance with the jury's verdict in favor of the Plaintiff on the issue of liability and this Court's May 4, 2016 Order, the Court enters this Partial Final Judgment of Liability in Favor of Plaintiff. The Court further orders the parties to engage in financial discovery; and orders the parties to mediate. If mediation is unsuccessful, the Plaintiff shall set this matter for trial limited solely to the amount of damages to be awarded to the Plaintiff.

ORDERED in Chambers at Key West, Monroe County, Florida this 20th day of Aug. 2017.


TIMOTHY J. KOENIG
CIRCUIT COURT JUDGE

cc: Kenneth E. Keechl, Esq. for Plaintiff
John Marston, Esq. for Defendant