

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
OF FLORIDA, IN AND FOR PALM BEACH COUNTY.

PROBATE DIVISION

CASE NO. 502007CP001889XXXXMB

IN RE: GENEROSO POPE, JR.  
TRUST DATED 3/14/83

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PAUL D. POPE,

Plaintiff,

vs.

LOIS B. POPE, FRANCIS X. BERRODIN,  
and CITIBANK, N.A. as Trustees of the  
Trust for the benefit of Lois Pope (the "Marital  
Trust") under the Trust agreement dated  
March 14, 1983 Created by Generoso Pope, Jr;  
GINA MOORE, GENEROSO POPE, III;  
MARIA KESSEL and MICHELLE RITTER,

Defendants.

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CASE MANAGEMENT ORDER

THIS CAUSE came before the Court for a case management conference on  
November 7, 2007, pursuant to Florida Rule of Civil Procedure 1.200. Having considered  
the argument of counsel and the applicable law, the Court rules as set forth herein. With  
respect to the November 28-29, 2007 hearing on the motions to dismiss filed by Defendants,  
Lois B. Pope, Francis X. Berrodin, Citibank, N.A., Maria Kessel and Michelle Ritter  
(collectively, "Defendants"):

1. Defendants have the burden of presenting evidence demonstrating that the

principal place of administration of the Marital Trust is not in Florida.

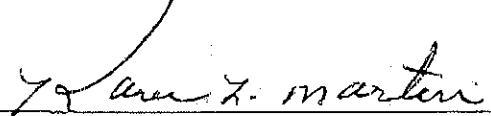
2. Florida Statute 736.0205 creates a presumption in favor of this Court refusing to entertain this litigation if the principal place of the Marital Trust administration is in a state other than Florida. Levine v. Steiger, 765 So. 2d 249 (Fla. 4<sup>th</sup> DCA 2000);

Luebke v. Luebke, 143 P. 2d 1088 (Colo. App. 2006); Macaulay v. Wachovia Bank of South Carolina, N.A., 508 SE 2d 46, 49 (S.C. Ct. App. 1998).

3. The presumption may be overcome if Plaintiffs show that for jurisdictional or other reasons, such as the nature and location of the property or unusual interests of the parties, it is manifest that substantial injustice or a strong impairment of the interests of justice would result if the parties were referred to the Court of another state to pursue this litigation. Id.

4. Plaintiffs, Paul Pope and Generoso Pope, III, shall have the burden of overcoming the presumption by presenting evidence of *forum non conveniens* factors showing that the Court's granting of the motions to dismiss based on Florida Statute 736.0205 would result in substantial injustice or strongly impair the interests of justice. Id.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida, this 13<sup>th</sup> day of November, 2007.

  
HONORABLE KAREN L. MARTIN  
CIRCUIT JUDGE

Copy Furnished:

See Attached List

SERVICE LIST

In Re Generoso Pope, Jr. Trust

Case No. 502007CP001889XXXXMB

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