

Docket

Continued from page 10

Following a personal motorized watercraft accident a year ago at Scott's Windermere home.

The Aug. 7 Orange Circuit Court lawsuit alleges Scott and Paul Lawrence Jr. were playing "an inherently dangerous game of 'chicken' " on the watercraft on a lake behind Scott's home.

The plaintiff was not playing the game but sitting on a stationary nearby jet ski when Paul Lawrence Jr.'s watercraft crashed into him.

The victim's injuries "are either permanent or continuing in nature, and the plaintiff will suffer the losses and impairments in the future," the three-count suit alleges (Case No. CI 97-6829-39).

Tompkins makes case for Osceola courthouse

Three key defendants in the \$500 million, 6-year-old Acadia Partners vs. Thomas "Tommy" Tompkins lawsuit have filed an appeal with the 5th District Court of Appeal in Daytona Beach, challenging Orange Senior Circuit Judge Rom W. Powell's six-page order of July 2.

The order transfers the case from Osceola Circuit Court, where a trial had been scheduled for June 23 of this year, to the new Orange County Courthouse, where more space for lawyers, witnesses and evidence will be available.

The defendants argue there is sufficient room at the 100-year-old Kissim-

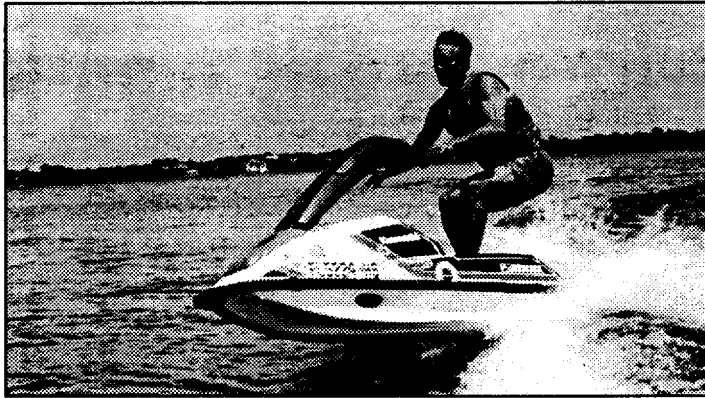


Photo by Melissa Stoker

Personal watercraft, some of which can travel as fast as 40 mph, have been the target of increasing concern in connection with water safety issues.

mee courthouse to hear the case.

The new trial date is Jan. 26, 1998. Twenty-three lawyers from 12 firms will participate.

A total of 48 cardboard cartons containing an estimated 50,000 documents were couriered from the Kissimmee courthouse to the civil division of the old Orange County Courthouse in downtown Orlando on July 18. (Case No. CI 97-6178-33).

Music publishers settle Amway Corp. copyright suit

Thirty national music publishers have settled a \$2.5 million, 18-month-old federal copyright infringement lawsuit with 23 distributors — including several in Central Florida — and Amway Corp. over use of copyrighted songs played on videotapes.

The July 23 agreement calls for the publishers to be paid for all past uses of their music and the establishment of "a mechanism" for future licensing.

The aggregate payment amount was not disclosed.

Amway and its distributors denied any wrongdoing on grounds "they believed most of the videotapes cited in the complaint were produced by a now defunct video producer (in Lake Mary) who had assured the distributors that proper copyright licenses were in place," according to Margaret Drum, a spokesperson for the National Music Publishers' Association and The Harry Fox Agency Inc., both of New York.

Jeffrey D. Keiner and Charles W. Sell of Gray, Harris & Robinson in Orlando were the lead lawyers for the music

companies (Case No. 96-1102-CIV-ORL-18).

Local firm: Barnett paid check too fast to R.E. Hatch

In an unusual defense to a two-count lawsuit filed by Barnett Bank, Winter Park Construction Co. argues it doesn't have to reimburse Barnett for a \$33,150 check cashed by a subcontractor because WPCC had issued a stop payment that should have been honored by the bank.

"By making immediate payment on the check written by WPCC to R.E. Hatch Construction Inc., Barnett Bank violated its own internal policies of paying on a check before it had cleared the issuing bank," WPCC's July 28 filing maintains.

The April 4, 1997, check was stopped the same day by WPCC on its Bank of Central Florida account, the constructor contends. Barnett also cashed the check April 4.

The suit argues WPCC owes Barnett \$33,150 plus interest from April 4 (Case No CI 97-6077-33).

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