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H&K MIA
TELEX 5-2630-TAMPA
TELEX 52-2233-MIAMI

PLEASE REPLY TO: Tallahassee
February 22, 1988

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FEB 24 1988
DER-BAQM

HAND DELIVERY

Clerk of Agency Proceedings
Division of Administrative Hearings
2009 Apalachee Pkwy., Oakland Building
Tallahassee, Florida 32301

Re: Manasota-88, Inc. v. Gardinier, Inc., et al.,
DOAH Case No. 87-5304

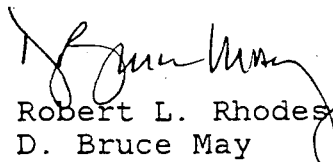
Dear Madam Clerk:

Enclosed for filing in the above referenced case are the original and one true copy of the Stipulated Dismissal executed by all the parties.

Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT


Robert L. Rhodes, Jr.
D. Bruce May

Enclosure
DBM/sms

cc: Honorable Diane Tremor
Thomas W. Reese, Esquire
Richard T. Donelan, Jr., Esquire
Mr. Rudy Cabina
Mr. Ozzie Morris
Laura Witte, Esquire

DEPARTMENT OF ENVIRONMENTAL REGULATION

ROUTING AND TRANSMITTAL SLIP	ACTION NO
	ACTION DUE DATE

1. TO: (NAME, OFFICE, LOCATION)	Initial
Steve Smallwood	Date
2. Air	Initial
	Date
3. John Brown	Initial
	Date
4. Clair Jancy Bob D John H. Pelt	Initial
	Date

REMARKS:

Reese decided to drop it, for seasons unknown to Richard Doselean. Final order will be out this week.

Clair

m Weld

INFORMATION	
<input type="checkbox"/>	Review & Return
<input type="checkbox"/>	Review & File
<input type="checkbox"/>	Initial & Forward
<input type="checkbox"/>	
DISPOSITION	
<input type="checkbox"/>	Review & Respond
<input type="checkbox"/>	Prepare Response
<input type="checkbox"/>	For My Signature
<input type="checkbox"/>	For Your Signature
<input type="checkbox"/>	Let's Discuss
<input type="checkbox"/>	Set Up Meeting
<input type="checkbox"/>	Investigate & Report
<input type="checkbox"/>	Initial & Forward
<input type="checkbox"/>	Distribute
<input type="checkbox"/>	Concurrence
<input type="checkbox"/>	For Processing
<input type="checkbox"/>	Initial & Return

FROM:	DATE
	9/23
	PHONE

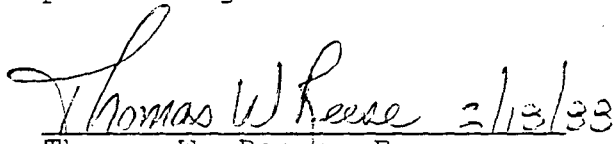
STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

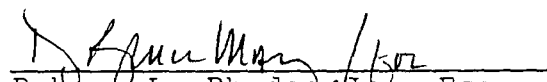
MANASOTA-88, INC.,]
]
 Petitioner,]
]
 v.] Case No. 87-5304
]
 GARDINIER, INC., and STATE OF]
 FLORIDA, DEPARTMENT OF]
 ENVIRONMENTAL REGULATION,]
]
 Respondents.]
]


STIPULATED DISMISSAL

The parties to the above-styled action, ManaSota-88, Inc., Gardinier, Inc. and the State of Florida, Department of Environmental Regulation hereby stipulate and agree to the following:

1. That ManaSota-88, Inc. hereby dismisses with prejudice its Petition to Intervene and Request for Hearing filed in the above-styled action; and
2. That all parties will bear all of their own respective costs and attorney's fees pertaining to this proceeding.


Thomas W. Reese, Esq.
Counsel for ManaSota-88, Inc.
123 Eighth Street North
St. Petersburg, FL 33701
(813) 822-4084


Robert L. Rhodes, Jr., Esq.
Counsel for Gardinier, Inc.
P. O. Drawer 810
Tallahassee, FL 32302
(904) 224-7000


Richard T. Donelan Jr., Esq.
Counsel for the Department of
Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32301
(904) 488-9730

DEPARTMENT OF ENVIRONMENTAL REGULATION

ROUTING AND TRANSMITTAL SLIP

ACTION NO.
ACTION DUE DATE

TO: (NAME, OFFICE, LOCATION)

Steve Smallwood

338C

John Brown

Clair Fancy

REMARKS:

File

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MAR 2 1988
DER-BAQM

INFORMATION

Review & Return
Review & File
Initial & Forward

DISPOSITION

Review & Respond
Prepare Response
For My Signature
For Your Signature
Let's Discuss
Set Up Meeting
Investigate & Report
Initial & Forward
Distribute
Concurrence
For Processing
Initial & Return

DATE *3/1*
PHONE

FROM: *RT Donelan*

DEPARTMENT OF ENVIRONMENTAL REGULATION

ROUTING AND TRANSMITTAL SLIP

ACTION NO.
ACTION DUE DATE

1
2
3
4

Clair Fancy

Air

~~Bill T.~~

~~Bob B.~~

file

RECEIVED

MAR 2 1988

DER-BAQM

REMARKS:

This is the final order in the Gardinier gypstack case. As we discussed on 3/1, I have no clear idea why Tom Reese decided to "bail-out." Call me if you have any other questions.

INFORMATION

Review & Return
Review & File
Initial & Forward

DISPOSITION

Review & Respond
Prepare Response
For My Signature
For Your Signature
Let's Discuss
Set Up Meeting
Investigate & Report
Initial & Forward
Distribute
Concurrence
For Processing
Initial & Return

DATE *3/1*
PHONE

FROM: *RT Donelan*

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

MANASOTA-88, INC.,

Petitioner,

v

DOAH CASE NO. 87-5304
OGC FILE NO. 87-1574

GARDINIER, INC., and
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION,

Respondents.

FINAL ORDER

On November 19, 1987, Manasota-88 filed a document styled "Petition to Intervene and Request for Formal Hearing." Manasota-88 sought to contest a Department determination, issued on September 28, 1987, that a proposed phosphogypsum storage area to be constructed by Gardinier, Inc., in Hillsborough County is exempt from air pollution permitting requirements under Rule 17-4.04(11), Florida Administrative Code. On November 24, 1987, the petition was referred to the Division of Administrative Hearings (DOAH), where it was docketed as DOAH Case No. 87-5304.

On February 22, 1988, before any evidentiary hearing was held, the parties filed a Stipulated Dismissal of the proceeding. (Exhibit 1). On February 24, 1988, the assigned DOAH Hearing Officer entered an order recommending that the case be dismissed (Exhibit 2).

Upon consideration, it is ORDERED that the above-captioned case is DISMISSED with prejudice.

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32301; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the clerk of the Department.

DONE AND ORDERED this 27 day of February, 1988, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

C. Hitchman
Clerk

2-29-88
Date

Dale Twachtman
DALE TWACHTMANN
Secretary

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: (904)488-4805

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States Mail to the following this 1st day of March, 1988.

Thomas W. Reese, Esq.
123 Eight Street N.
St. Petersburg, FL 33701

Robert L. Rhodes, Esq.
PO Drawer 810
Tallahassee, FL 32302



RICHARD T. DONELAN, Jr.
Assistant General Counsel
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: (904)488-4805

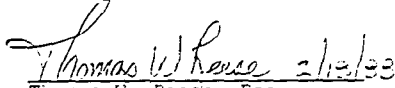
STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

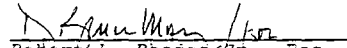
MANASOTA-88, INC.,)
)
) Petitioner,)
)
) v.) Case No. 87-5304
)
GARDINIER, INC., and STATE OF)
FLORIDA, DEPARTMENT OF)
ENVIRONMENTAL REGULATION,)
)
) Respondents.)

STIPULATED DISMISSAL

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1. That ManaSota-88, Inc. hereby dismisses with prejudice its Petition to Intervene and Request for Hearing filed in the above-styled action; and
2. That all parties will bear all of their own respective costs and attorney's fees pertaining to this proceeding.


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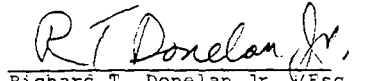

Richard T. Donelan Jr., Esq.
Counsel for the Department of
Environmental Regulation
2600 Blair Stone Road
Tallahassee, FL 32301
(904) 488-9730

EXHIBIT 1

RECEIVED
FEB 24 1988

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS Dept. of Environmental Reg
Office of General Counsel

MANASOTA-88, INC.,)
)
 Petitioner,)
)
 v.)
)
 GARDINIER, INC., and STATE OF)
 FLORIDA, DEPARTMENT OF)
 ENVIRONMENTAL REGULATION,)
)
 Respondents.)

CASE NO. 87-5304

RECOMMENDED ORDER

The parties having executed and filed a Stipulated Dismissal of the captioned proceeding,

IT IS RECOMMENDED that a Final Order of Dismissal be entered.

Respectfully submitted and entered this 24th day of February, 1988, in Tallahassee, Florida.

Diane D. Tremor
DIANE D. TREMOR
Hearing Officer
Division of Administrative
Hearings
The Oakland Building
2009 Apalachee Parkway
Tallahassee, Florida 32301
(904)488-9675

Filed with the Clerk of the Division of Administrative Hearings this 24th day of February, 1988.

Copies furnished:
(see next page)