

IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
VOLUSIA COUNTY, FLORIDA

CASE NO. 2010-20801-CINS  
DIVISION 31

**THE BERT FISH FOUNDATION, INC.**,  
a Florida corporation not for profit,

Plaintiff,

vs.

**SOUTHEAST VOLUSIA HOSPITAL  
DISTRICT**, a special independent taxing  
district of the State of Florida; **BERT FISH  
MEDICAL CENTER, INC.**, a Florida  
corporation not for profit; **ADVENTIST  
HEALTH SYSTEM SUNBELT  
HEALTHCARE CORPORATION**,  
a Florida corporation not for profit; and  
**AHS ACQUISITION CORPORATION**,  
a Florida corporation not for profit,

Defendants.

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**ORDER GRANTING PARTIAL  
SUMMARY JUDGMENT ON COUNT I**

THIS CAUSE came on for hearing on November 18, 2010 on Plaintiff's Motion for Partial Summary Judgment on Count I of the Amended Complaint and Motion For Temporary Injunction. Having considered the pleadings, and other papers filed herein, the argument of counsel for the respective parties, and being otherwise fully advised in the premises, it is

**ORDERED AND ADJUDGED** that:

1. The governing boards of the Southeast Volusia Hospital District and Bert Fish Medical Center, Inc. held Twenty-One (21) closed meetings regarding, among other things, whether and then with which hospital system to affiliate. In certain of these closed meetings the governing boards of the Southeast Volusia Hospital District and Bert Fish Medical Center, Inc. acted in violation of §286.011(1), Florida Statutes, and Art. 1, §24(b) of the Florida Constitution by discussing an affiliation or merger with the Adventist Health System Sunbelt Healthcare Corporation.

2. The Motion For Temporary Injunction was not heard.

3. The Court reserves ruling on the amount of Plaintiff's entitlement to attorneys fees under §286.011(4), Florida Statutes.

Done and ordered in chambers, Volusia County Courthouse Annex, 125 East Orange Avenue, Daytona Beach, Florida this \_\_\_\_\_ day of December, 2010.

DEC 22 2010

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Honorable Richard S. Graham  
Circuit Judge

Copies to:

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