

ORIGINAL

IN THE CIRCUIT COURT OF THE
FIRST JUDICIAL CIRCUIT, IN
AND FOR SANTA ROSA
COUNTY, FLORIDA

LEONARD J. ACCARDO and
LYNN M. ACCARDO, et. al.,

Plaintiffs,

vs.

CASE NO.: 06-1064 CA

GREGORY S. BROWN, Property Appraiser
of Santa Rosa County, Florida and
ROBERT G. McCLURE, Tax Collector
for Santa Rosa County, Florida,

Defendants.

DEFENDANTS' FIRST REQUEST FOR JUDICIAL NOTICE

COMES NOW the Defendants, by and through the undersigned counsel, who file
this First Request for Judicial Notice:

I. Pursuant to Section 90.202(6), Florida Statutes, the Defendants
respectfully request that this Court take judicial notice of the following materials from the
First Judicial Circuit Court in and for Santa Rosa County:

- A. All court file materials in Case No. 02-918-CA;
- B. All court file materials in Case No. 03-837-CA;
- C. All court file materials in Case No. 04-857-CA; and


D. All court file materials in Case No. 05-1039-CA,

2. Pursuant to Section 90.202(6), Florida Statutes, this Court may take judicial notice of any and all records of any court of this state. Thus, this Court may certainly take judicial notice of its own files. *In Interest of ADJ*, 466 So.2d 1156 (Fla. 1st DCA 1985).

3. Particularly when the issue raised is the *res judicata* affect of a prior judgment, this Court should take judicial notice of the files related to such prior judgment. *Lagarde v. Outdoor Resorts of America, Inc.*, 428 So.2d 669 (Fla. 2d DCA 1982).

4. In this case, the materials in the above-referenced cases demonstrate the applicability of the doctrine of *res judicata*. The Stipulated Judgment of Dismissal finally adjudicating the above-referenced cases was previously supplied to counsel for the Plaintiffs and filed with this Court as an attachment to the Defendants' Motion to Dismiss. However, in order to ensure that the record is complete, the Defendants respectfully request that the Court take judicial notice of the complete files.

WHEREFORE, the Defendants respectfully request that the Court take judicial notice of such materials.



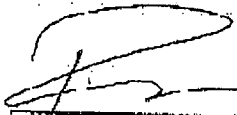
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile and U.S. Mail to Mr. Danny L. Kepner, Esq., Shell, Fleming, Davis & Menge, P.A., 226 South Palafox Street, 9th Floor, Pensacola, FL 32502 this 3rd day of April, 2007.



 ROY V. ANDREWS