



## Court case progresses in GICIA v. Damfi

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There are new developments in the “GICIA v. Damfi” suit. On July 5 the GICIA filed a “Motion for Leave to File Amended Complaint” with Lee County courts on the grounds that the County had approved the application as it was proposed by Kiwi Cuba at 143 Damfiwill, subsequent to the filing of the initial complaint by the GICIA.

On July 12, though, the GICIA withdrew a motion for leave to file the amended complaint which read, “Plaintiff (GICIA) is withdrawing its Motion for Leave to File Amended Complaint in this cause and as grounds therefor would state the Administrative Approval ADD2019-00001 giving rise to the Motion has been withdrawn by Lee County, thereby mooting the Motion.”

In other news regarding the suit, a default was entered into the court system on July 23 against Kiwi Cuba II, LLC – the entity registered as the owner of 143 and 151 Damfiwill – for failure to serve or file any papers as required by law after they were served with papers on June 6; and Gary Newell, the property owner at 161 Damfiwill, has issued a response to the GICIA’s complaint and filed it with the County, stating that the GICIA has no cause to be an “aggrieved or adversely affected party” in accordance with language in the 1986 amendments to the Gasparilla Island Conservation District Act. The amended Act states that nonconforming structures can sometimes be allowed if built to the density and height requirements in the Act (Chapter 86-341, Laws of Florida).

We will keep you posted.

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