

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER NO. 96-13

**IN RE: REVISED ORDER APPOINTING  
COMMISSIONERS FOR EAST EVERGLADES  
CASES**

---

Actions are filed in the Southern District of Florida related to the condemnation of property within the East Everglades Additions Everglades National Park situated in Monroe, Dade and possibly Broward Counties.

The Court has considered the character, location and quantity of the property to be condemned and has noted that these actions relate to a large number of separate tracts of land, located in three different counties, at varying distances from the Court and that different interests are to be considered with respect to differing tracts. The Court is of the opinion that considering the distances between the tracts, the congestion of the Court's trial calendar and the difficulties involved in the transportation of jurors to view the property when so required, the interest of justice will be best served by again appointing a commission to determine the issue of compensation.

Pursuant to Rule 71A(h) of the Federal Rules of Civil Procedures, it is now ORDERED:

1. That not later than ten (10) days from the date hereof, counsel for the United States will mail a copy of this order to the owner of any unsettled tract, or counsel therefor, and certify the same to the Court, which copies will serve as notice to the parties that the Court is appointing a commission to determine just compensation as to all parcels in each action and will also serve as notice of the identity and qualifications of each prospective commissioner and the alternate.

2. That JOHN WATSON III, SAM I. SILVER and MILTON A. FRIEDMAN be and they hereby are, appointed as Commissioners, and JESSE J. MCCRARY, JR. be and hereby is, appointed as Alternate Commissioner to fix the just

RECEIVED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
D.C.  
*Order*

compensation to be paid by the United States for each parcel of land involved in unsettled pending actions and in related actions to be filed in the future, unless the Court in its discretion orders that such compensation be determined by a jury, or, in a proper case, by the Court.

If the commissioners are unable to serve or do not wish to serve further, the Court will appoint replacements as provided in Paragraph 8.

3. That the commissioners named herein shall, as expeditiously as practicable, commence upon their duties; that they shall, at such times as they deem advisable, view the properties involved; commence their hearings as soon as practicable, and continue thereafter with all reasonable dispatch until they shall have completed their assignment; proceed to determine just compensation as to all parcels in each action in whatever order they deem advisable; that their hearings be conducted at such place or places as may, in their judgment, be convenient to themselves, the parties, their witnesses, and counsel; that they shall give due notice to parties, witnesses, and counsel as to the time fixed for any hearing in which said party, witness, or counsel may be interested; that they shall have authority, sua sponte, for cause satisfactory to them, to defer, advance, or otherwise rearrange the order of hearings on the properties involved, provided, however, that the prompt and expeditious disposition of these actions shall not be prevented thereby and that no hearing shall be postponed indefinitely or continued without an order of the Court entered sua sponte or upon motion; and that, in all matter, they be guided by the provisions of Rule 71A, Federal Rules of Civil Procedure, and by the law of each case as instructed by this Court.

4. That each of said commissioners be, and is hereby, authorized and empowered to administer oaths to witnesses; that in the said hearings the said commissioners shall allow counsel for the United States and the owner or owners, or their attorneys, to make opening statements, if desired, to adduce evidence in regard to the just compensation for the

parcel involved, and to argue the cases orally for a reasonable time after the conclusion of the evidence; and that the said commissioners shall file their report in the nature of an award stating specific findings as to the matters on which their valuations were based and illustrating how they have applied the applicable principles of law in reaching their ultimate conclusions as to each tract.

5. That any party may, within ten (10) days of notification of the entry of this Order, object thereto or, for valid cause, object to the appointment of any person as a commissioner or alternate and may request from the Court permission to examine each designee, provided, however, that if any party objects to the appointment of a commissioner or alternate on the grounds of bias, prejudice, or the like, such party shall accompany such objection by an affidavit setting forth with specificity facts in support thereof and a certificate of counsel of record, if any, stating that the objection is made in good faith.

6. That this Order be entered in each of the actions designated in the caption hereof, and that this Order shall be construed as entered separately in each of said actions, the Clerk to place a certified copy hereof in the record and file of each action.

The notice to the parties pursuant to the preceding paragraphs shall inform the United States and each owner or counsel, if any, of the Court's proposed instructions as to the law of the case with respect to each unsettled tract of land. The parties may, within fifteen (15) days of their receipt of such notification, take exceptions to such proposed instructions and present additional or supplemental instructions, and be heard thereon. Exceptions to the Court's proposed instructions and additional or supplemental instructions, shall be accompanied by a memorandum of points and authorities in support thereof. Rulings on exceptions and additional or supplemental instructions shall be made by the Court.

7. The Court reserves the right to order included additional

actions (heretofore or hereafter filed), parcels, and tracts of land not included in the actions enumerated in the caption hereof, provided, however, that such actions, parcels, or tracts shall be related to the instant actions, parcels, and tracts and provided further, that no such action shall be included in this Order until the parties and their counsel have been notified of the Court's intention to so include. Such inclusion shall be by Order of the judge of this Court to whom the action is assigned, and shall be filed by the Clerk in the record and file of such action, together with a certified copy of this Order.

8. The Court retains jurisdiction to appoint additional commissioners or substitute commissioners as justice may require or circumstances may dictate.

9. Counsel for the United States shall promptly notify the Court and the commission of any settlement which shall make it unnecessary for the commissioners to act in a particular case.

This Order shall be effective immediately and shall expire on March 1, 2001 without further Order.

**DONE and ORDERED** in chambers at the United States house, Fort Lauderdale, Florida, this 9 day of April 1996.

  
Norman C. Roettger  
Chief United States District Judge

c: Circuit Judge Rosemary Barkett, Eleventh Circuit  
David W. Dyer, Senior Circuit Judge, Eleventh Circuit  
Peter T. Fay, Senior Circuit Judge, Eleventh Circuit  
All District Judges and Magistrate Judges  
All Land Commissioners  
United States Attorney  
Court Administrator/Clerk of Court  
Library