

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

IN RE: The Marriage of

LLOYD G. WICKBOLDT,

Petitioner,

CASE NO. 502010DR003810XXXXSB/ Div. FY

and

JULIE M. GONZALEZ,

Respondent.

ORDER DENYING RESPONDENT'S EMERGENCY MOTION

THIS CAUSE came before the Court on April 3, 2017, upon the Respondent's "Emergency Motion to Vacate Default, Stay any and all Orders Approving Sale of Defendant's Home, Stay and Enjoin all Actions to Enforce Marital Dissolution Judgment Pending Appeal and Further Pending an Independent Action Related Herein to Vacate the Matrimonial Dissolution Judgment and Other Relief" [D.E. 376] ("Emergency Motion"), and the Court having set this Motion for hearing by its Order dated March 28, 2017, and the undersigned Judge, having reviewed the file, having heard argument of counsel, and being otherwise fully advised in the premises herein, it is,

ORDERED AND ADJUDGED as follows:

1. The Court finds that Respondent was duly noticed of today's hearing by the Court's Order Setting Hearing in response to her "Emergency Motion" and that she had actual knowledge of the hearing time scheduled by the Court. Despite her designation of her Motion as an emergency matter, Respondent did not attend the hearing.

2. Respondent's Emergency Motion is hereby **DENIED**, and the Orders entered by this Court on March 29, 2017 [D.E. 380 and 381], shall remain in full force and effect.

3. Respondent was afforded due process in connection with the March 29, 2017 Orders. No evidentiary hearing was necessary as Respondent's Motions were legally insufficient to warrant an evidentiary hearing to be held.

4. Respondent acknowledged being on notice regarding the receiver's Motion to Approve Sale, yet Respondent failed to appear and failed to submit any written opposition to said Motion. As a result of Respondent's failure to appear at said hearing, there were no contested facts or evidence for the Court to consider that would have precluded moving forward with the hearings as scheduled. As such, because the Respondent failed to contest the facts set forth in receiver's Motion, the Motion was properly heard at Uniform Motion Calendar. Further, Respondent was at all times on notice that any and all issues related to the motions scheduled for UMC were to be addressed at the scheduled hearing. Respondent's decision not to appear and protect any interests she has or may have had in the instant proceeding was at her own peril, just as her failure to attend the emergency hearing requested by her and granted by the Court.

DONE and ORDERED in Chambers at Palm Beach County, Florida this 4th day of April, 2017.



THE
15TH JUDICIAL CIRCUIT
OF FLORIDA
ADMINISTRATIVE OFFICE OF THE COURT

Howard K. Coates, Jr.

HOWARD K. COATES, JR.
CIRCUIT COURT JUDGE

Copies furnished to:

Anthony J. Aragona, III, Esq., 1036 Grove Park Cir., Boynton Beach, FL 33436, anthony.aragona@att.net;

Julie M. Gonzalez, PO Box 821911, Pembroke Pines, FL 33082, juliegonzalez64@hotmail.com and julia.gonzalez85@yahoo.com;

Shaun H. Malvin, Esq., Malvin Feinberg, P.L., One East Broward Boulevard, Suite 925, Fort Lauderdale, Florida 33301 shaun@malvinfeinberg.com.