

COMERICA BANK, a Texas
banking corporation,

Plaintiff,

vs.

TROPIC RANCH INC., et. al.,

Defendants.

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: CACE12013597 (18)

DEFENDANTS' MOTION TO COMPEL MEDIATION

Defendants, H.K. HOTEL MANAGEMENT, LLC, TROPIC RANCH, INC., and HANNA KARCHO-POLSELLI, by and through their undersigned attorneys and Pursuant to Fla.R.Civ.P. Rule 1.710, hereby file their Motion to Compel Mediation and state:

1. Plaintiff, COMERICA BANK, filed the instant lawsuit to foreclose commercial real property and personal property, enforce loan documents, and for damages.

2. The above-styled case is a "companion" case to an earlier-filed action filed by COMERICA as to a neighboring parcel, on November 17, 2011, under Case Number CACE11028447 (03).

3. Both cases involve the same parties in interest, and the same counsel.

4. In both cases, Defendant believes in good faith that, through a global mediation process, a settlement can be reached with regard to all of the pending issues between the parties.

5. At this juncture, making a concerted effort toward settlement before further litigation ensues, could avoid an unnecessary expenditure of fees, costs, and Court time, and could be of benefit to the litigants

6. Pursuant to Fla.R.Civ.P. Rule 1.710, a civil action may be ordered to mediation upon motion of any party or by the court, if the court determines the action to be of such a nature that mediation could be of benefit to the litigants or the court.

7. No party will be prejudiced by the relief requested in the instant motion, and the equities favor such relief.

8. Defendants are filing a corresponding Motion to Compel Mediation in Case Number CACE11028447 (03).

WHEREFORE, Defendants, Defendants, H.K. HOTEL MANAGEMENT, LLC, TROPIC RANCH, INC., and HANNA KARCHO-POLSELLI, respectfully request the entry of an Order referring this case to Court-Ordered mediation within thirty (30) days, and awarding any other relief deemed just and proper under the circumstances.

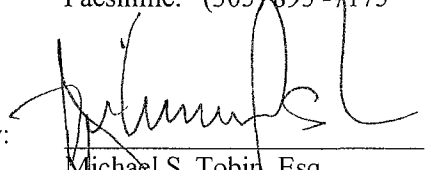
CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was sent by U.S. Mail and email this 28 day of August, 2012 to: Brian K. Hole, Esq., Holland & Knight LLP, 515 E. Las Olas Blvd., Suite 1200, Fort Lauderdale, FL 33301-4249; E-Mail: brian.hole@hklaw.com.

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