

IN THE CIRCUIT COURT OF THE  
THIRTEENTH JUDICIAL CIRCUIT IN AND  
FOR HILLSBOROUGH COUNTY, FLORIDA

CASE NO. 16-CA-009933

ZIECHA NORWILLO, as surviving  
spouse and Personal  
Representative of the Estate of  
FRANCIS NORWILLO, and MICHAEL  
DOUGHERTY,

Plaintiffs,

v.

PURPLE SHOVEL, LLC, SKYBRIDGE  
TACTICAL, LLC, SKYBRIDGE  
RESOURCES, LLC, REGULUS GLOBAL,  
LLC and REGULUS GLOBAL, INC.,

Defendants.

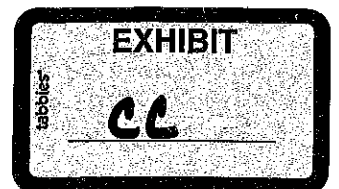
DEFENDANT, PURPLE SHOVEL, LLC'S, ANSWER AND AFFIRMATIVE DEFENSES

Defendant, PURPLE SHOVEL, LLC, files this Answer to  
Plaintiffs' Complaint and asserts Affirmative Defenses as  
follows:

1. Defendant denies each and every allegation of  
Plaintiffs' Complaint and demands strict proof thereof.

AFFIRMATIVE DEFENSES

2. Defendant affirmatively alleges that Plaintiffs were,  
themselves, negligent and said negligence was the legal cause,  
in whole or in part, of any claimed injuries and damages. Any



damages awarded to the Plaintiffs should, therefore, be reduced to an amount equivalent to the Plaintiffs' negligence.

3. Defendant affirmatively alleges that Plaintiffs' claimed injuries and damages were caused, in whole or in part, by the fault of persons or entities who are not under the direction or control of this Defendant. Pursuant to Section 768.81 *Fla. Stat.*, this Defendant is entitled to have the jury apportion fault to those persons or entities and is further entitled to have judgment entered against only on the basis of percentage of fault and not on the basis of joint and several liability.

4. Defendant affirmatively alleges is entitled to a set-off for all collateral source payments which have been paid to or on behalf of the Plaintiffs as a result of the Plaintiffs' claimed injuries and damages. Section 768.76, *Fla. Stat.*

5. Defendant affirmatively alleges is entitled to a set-off for any payments made by or on behalf of any other defendants, persons or entities allegedly responsible for the Plaintiffs' injuries.

6. Defendant affirmatively alleges that in the event of a judgment, Defendant is entitled to make payment pursuant to Section 768.78, *Fla. Stat.*

7. Defendant affirmatively alleges that Plaintiffs' Complaint fails to state a cause of action for which relief may be granted.

8. Plaintiffs' claim for medical and hospital expenses is limited and/or barred to the amount of any such expenses which have actually been paid and accepted by any health care provider. Alternatively, Plaintiffs' claim for expenses due to medical or hospital treatment is limited to the amount actually paid and/or owed by Plaintiffs to any such health care provider.

9. Pursuant to Section 766.118, *Fla. Stat.*, the Defendant is entitled to a set-off for settlements paid by any other defendant, person or entity within the same statutory category as this Defendant.

10. Defendant affirmatively alleges that the decedent was negligent and that such negligence proximately caused the damages complained of either in whole or in part. As such, any recovery should be reduced proportionally to the extent that decedent's negligence proximately caused the damages complained of.

11. Pursuant to Florida Statute Section 733.702, Plaintiffs are barred from recovering any expenses which were not the subject of a timely served notice of claim in the probate proceeding which established the estate of the decedent. Florida Statute Section 733.702(1) and (3). Florida Statute Section 733.710 is a non-claim statute (of repose) extinguishing any claims of creditors

against the estate, the personal representative and any beneficiaries of the estate, which were not filed within two years after the decedent's death. To the extent that notices of claim have not been timely filed, any expenses are barred and Plaintiffs are not entitled to recover them in this action. To the extent that causes of action and claims have not been timely filed against the estate within two years of the date of death of the decedent, any expenses not the subject of any such proceeding are barred and Plaintiffs are not entitled to recover them in this action. Plaintiffs are limited to recover only those expenses that are a charge against the estate or which were paid by or on behalf of the decedent. Florida Statute Section 768.21(6) (b) and Florida Standard Jury Instruction 502.2(c).

12. This action is barred by the doctrine of worker's compensation immunity. The Plaintiffs' exclusive remedy is under Chapter 440, Florida Statutes.

13. Defendant hereby reserves its right to supplement this Answer and Affirmative Defenses with additional affirmative defenses pending the outcome of the future discovery in this matter.

14. Defendant demands a jury trial on all issues so triable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>TH</sup> day of DECEMBER 2016, I electronically filed the foregoing with the Clerk of the Court using the ECF system. I further certify that a true and correct copy hereof has been furnished Kurt B. Arnold, Esquire, Arnold & Itkin, LLP, 6009 Memorial Drive, Houston, TX 77007; Caj D. Boatright, Esquire, Arnold & Itkin, LLP, 6009 Memorial Drive, Houston, TX 77007; David Dallas Dickey, Esquire, The Yerrid Law Firm, 101 E. Kennedy Boulevard Suite 3910, Tampa, FL 33602; Charles Steven Yerrid, Esquire, The Yerrid Law Firm, P.A., 101 E. Kennedy Boulevard Suite 3910, Tampa, FL 33602-5192, Jeffrey M. Glotzer, Esquire, and Eric J. Stockel, Esquie, Schouest, Bamdas, Soshea & Benmaier, PLLC., 750 Park of Commerce Blvd., Suite 130, Boca Raton, FL 33487.

/s/Juan A. Ruiz  
JUAN A. RUIZ, ESQUIRE  
Florida Bar No.: 0150584  
DARICK CRUMBLY, ESQUIRE  
Florida Bar No.: 106325  
Email: jar.service@rissman.com  
Rissman, Barrett, Hurt,  
Donahue, McLain & Mangan, P.A.  
201 E. Pine Street  
Suite 1500  
Orlando, Florida 32802-4940  
Telephone: (407) 839-0120  
Facsimile: (407) 841-9726  
Attorneys for Defendant, Purple  
Shovel, LLC

JAR/ymj