

EXHIBIT D

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

CASE NO: 05-2012-CP-048323

IN RE:
ESTATE OF SEYMOUR BAUM,
_____ /

ANNEEN NINA GLORIA BAUM,
Petitioner,

vs.

DAVID A. BAUM, as Personal
Representative, et al.
Respondents.
_____ /

ORDER DENYING MOTION FOR CONTINUANCE

THIS CAUSE came before the Court on the motion of Nina Baum seeking a continuance of a hearing presently scheduled for Monday, November 3, 2014 at 10:00am. Being fully advised, the Court finds as follows:

- A) Pursuant to a relinquishment of jurisdiction from the Fifth District Court of Appeal, this Court on October 21, 2014 heard petitioners Amended Motion for Relief from Court Orders. Four (4) hours had been requested by the parties for the entire evidentiary hearing. Unfortunately, at the end of the four hours, only Petitioner had completed her case in chief. At the end of the four hours, having testified herself and having called all of the witnesses she intended to call, Petitioner rested.

EX D

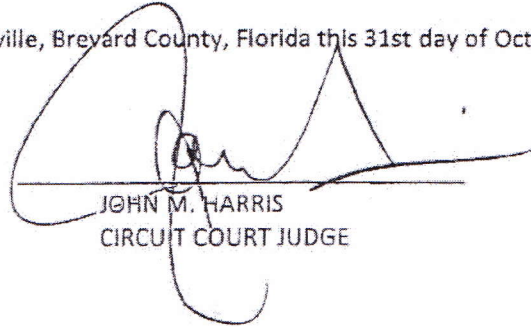
- B) The Personal Representative then requested an hour to present his case in opposition to the motion. At the conclusion of the hearing, the Court advised all counsel that it would provide two additional hours of hearing time three days later on October 24, 2014.
- C) The following morning (October 22, 2014) counsel for Petitioner advised the Court that he had forgotten that he was scheduled to be in a jury trial on 10/24 and asked that the hearing to conclude the Amended Motion for Relief from Court Orders be delayed. After offering a couple of alternatives, the Court granted Petitioner's request and rescheduled the hearing to Monday, November 3, 2014.
- D) Petitioner now seeks continuation of that hearing, arguing without factual support *unique medical conditions of the Petitioner* and that Petitioner's counsel has scheduled client and witness meetings in another case that day.

WHEREUPON, based upon the above facts and a thorough knowledge of the history of these proceedings, the Court rules as follows:

1. The Motion for Continuance is DENIED.
2. Petitioner, Nina Baum, having already testified in this hearing, does not need to be present for the continuation of the hearing in which the Personal Representative will present his evidence or testimony, if any, in opposition to the instant motion.
- ✓ 3. Should her counsel desire to call Nina Baum in rebuttal to the Personal Representative's case, the Court would allow such testimony to be presented over the telephone. In addition, the Court will allow Nina Baum to "attend" the hearing by listening in on the telephone should she desire to do so.

4. Finally, this hearing is only scheduled to last between one and two hours. Counsel for Petitioner has the bulk of the day still available to him to meet with clients and witnesses in his other case.

DONE and ORDERED in Chambers in Titusville, Brevard County, Florida this 31st day of October, 2014.



JOHN M. HARRIS
CIRCUIT COURT JUDGE

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