

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

CASE NO. CACE20010660

SANDI ADLER,

Plaintiff,

vs.

ANDREW LEVY, Kevin Holbrook, et al.

Defendant.

_____/

Transcript of the trial proceedings had
in the above-entitled matter, before the Honorable
Martin J. Bidwill, Broward County Courthouse, 201
S.E. 6th Street, Courtroom 16175, Fort Lauderdale,
Florida, 33301 on Thursday, September 12th, 2024,
commencing at or about 10:22 a.m.

A P P E A R A N C E S

BARRY A. POSTMAN, ESQ.

KATIE MERWIN, ESQ.

Cole Scott & Kissane

110 S.E. 6th Street, Suite 2700

Fort Lauderdale, Florida 33301

(954) 703-3700

On behalf of the Defendant

Kevin Holbrook

G. WARE CORNELL, JR., ESQ.

Cornell & Associates, P.A.

2645 Executive Park Drive

Weston, Florida 33331

(954) 618-1041

On behalf of the Plaintiff

1 THE COURT: We're on the record in the
2 case of Adler versus Holbrook and the parties
3 are present. The Court received an email
4 either last night or this morning, I'm not sure
5 the time of it. It was last night from Ms.
6 Merwin that said the parties have agreed to the
7 entry of a final judgment in favor of the
8 defendant and that a proposed final judgment
9 has been submitted to the Court which reads as
10 follows: And it's proposed as an agreed final
11 judgment, et cetera, et cetera.

12 It's hereby adjudged and declared as
13 follows: The Court is entering a Directive
14 Verdict in favor of Kevin Holbrook on the
15 claims asserted by plaintiff, finding Kevin
16 Holbrook did not commit an assault on
17 plaintiff. Plaintiff shall take nothing from
18 this action and defendant shall go hence
19 without day.

20 And your position this morning, Mr.
21 Cornell?

22 MR. CORNELL, JR.: Judge, we have agreed to
23 this. There will be a side letter of
24 understanding between the parties that this is
25 a resolution of any and all claims that each

1 may have against the other.

2 THE COURT: All right. Ms. Adler agrees?

3 MS. ADLER: Yes, Your Honor.

4 THE COURT: Okay, thank you.

5 MR. POSTMAN: Just to be clear, Judge.

6 There's going to be no other than a mutual
7 general release. Meaning, no parties paying
8 anything. That's the understanding.

9 MR. CORNELL, JR.: No parties. And it can
10 simply be a letter because it is an accord in
11 satisfaction.

12 MR. POSTMAN: Yeah. So, each party will
13 take nothing from this action and there will be
14 a release that no one will seek anything from
15 the date forward, from the date going past,
16 Judge. So, this will resolve --

17 THE COURT: Do you want more language in
18 this or no?

19 MR. POSTMAN: I'd rather not, Judge.

20 THE COURT: Okay, that's fine.

21 MR. CORNELL, JR.: We'll play with it and
22 it won't even go to the Court. It will be
23 between us.

24 THE COURT: No, you know where to find me
25 if you need me, but if you're all good, I'm

1 good and I'll sign this agreed final judgment.
2 Anybody have any -- what do you want me to say
3 to the jury?

4 MR. CORNELL,JR.: Well, we would like to
5 thank them. I think everybody would like to
6 thank them.

7 THE COURT: Should I tell them this?

8 MR. CORNELL,JR.: No, I would just say --

9 THE COURT: The parties have resolved the
10 matter.

11 MR. CORNELL,JR.: Yeah.

12 MR. POSTMAN: Do you want us to buy them
13 lunch, Judge? We're still happy to do that or
14 I think they're going to go home.

15 THE COURT: If I was one of the jurors,
16 while it's a very nice offer, I would say I'd
17 rather leave than wait an hour for your lunch,
18 but thank you for offering. And thank you to
19 all of you for agreeing to do that. That's
20 just my thought.

21 Well, thank you to all of you for your
22 efforts and I appreciate it. It's been a
23 pleasure working with all of you. So we're
24 just waiting for a juror. We'll bring them in.
25 You're welcome to stay and we'll tell them that

1 the matter has been resolved and we'll
2 discharge them with our thanks.

3 MR. CORNELL, JR.: Judge, Ms. Adler just
4 wanted to express something to the Court with
5 your permission?

6 THE COURT: Okay.

7 MS. ADLER: Your Honor, I just wanted to
8 thank you. It's been four and a half years.
9 You've been very kind. We've spent a lot of
10 time on the phone and mutual hearings and I
11 wanted to thank you for the last four days and
12 we sincerely appreciate your time and
13 understanding.

14 THE COURT: Thank you, Ms. Adler. I wish
15 you and I wish Mr. Holbrook all the best.

16 MS. ADLER: Thank you, Your Honor.

17 THE COURT: Thank you very much. So,
18 we'll be in recess until we get the final juror
19 here.

20 MR. POSTMAN: Judge, I may not be here. I
21 do want to thank you for your professionalism
22 and your courtesy. You have a patience that is
23 like no other. I was listening to motion
24 calendar, so I want to thank you for
25 everything. On behalf of both parties, I think

1 we can agree you did a great job of keeping us
2 in control. Thank you, Your Honor.

3 THE COURT: Well, the feelings are very
4 mutual. Thank you, Mr. Postman, Ms. Merwin and
5 Mr. Cornell as always, okay. Thank you.

6 (Thereupon there was a brief
7 recess and the trial continued
8 as follows:)

9 (JURORS ENTERING COURTROOM)

10 THE COURT: You can all be seated. Good
11 morning.

12 JURORS: Good morning.

13 THE COURT: Welcome back. So, everybody
14 grab their seats. I have an update for you.
15 As I told you on the first day of the trial.
16 This is the trial, obviously, of a civil
17 lawsuit. A civil lawsuit is tried as a result
18 of a dispute between people in this case.
19 Sometimes it's business entities, but it's Mr.
20 Adler and Mr. Holbrook. There's a lawsuit
21 brought. Sometimes these disputes are resolved
22 before we get to trial. Sometimes they're
23 resolved by a jury with a finding. Sometimes
24 in the midst of trial, the parties resolve
25 their differences and that's what's occurred

1 here. The parties have come to the Court this
2 morning and advised that they have resolved
3 their differences and the case will be over.
4 Therefore, your services are no longer needed.
5 So, we're going to be discharging you in just a
6 moment. Let me give them their notebooks, Ms.
7 Jones.

8 BAILIFF: Yes, Judge.

9 THE COURT: And an envelope and they can
10 remove any of their notes.

11 BAILIFF: Okay.

12 CLERK: Judge, do you need an envelope?

13 THE COURT: Yeah, we can put those in
14 there. If you could just take your notes out.
15 I'm going to take those in this envelope. You
16 can rip them up or not. I'm just going to put
17 them in a shredder and shred them.

18 BAILIFF: Thank you, Judge.

19 THE COURT: Thank you.

20 Members of the jury, as I said, in just a
21 moment I'm going to discharge you. I want you
22 to leave here knowing how important your role
23 has been. Oftentimes, it's the process and
24 seating a jury that is the impetus to parties
25 to resolve their dispute, and it's been

1 resolved here. So, as I told you when you came
2 in on Monday, it's my strong belief that one of
3 the highest callings that we each have as
4 citizens in this country is service on a jury.
5 The right to a jury trial that we all enjoy.
6 One of the most fundamental and cherished
7 rights that we have in this country. It's one
8 of the rights that makes us the very free
9 country that it is, but it really means nothing
10 unless people like you come in and serve. So,
11 on my behalf, on behalf of the parties in this
12 case, they wanted me to extend and express to
13 all of you their gratitude for your service and
14 attentiveness over the course of the last three
15 days and coming in here on a fourth day. They
16 very much appreciate it, as do I. And on
17 behalf of your fellow citizens, we thank you
18 for your service and your sacrifice here. I
19 had entered an order and reminded you along the
20 way, telling you not to talk about the case,
21 not to look into anything about the case. I'm
22 releasing you from that order at this point.
23 You're free to talk about it. You're free not
24 to talk about it as well. It will be up to
25 each of you whether you want to maintain your

1 privacy and you're also released from any order
2 not to look into anything. That's totally up
3 to you.

4 So, at this point, I have a certificate of
5 appreciation for each of you, which the Court
6 deputy will pass out. In exchange for that
7 frameable certificate, if I can get that juror
8 badge back from you, that would be great. We
9 can use it with seven jurors on Monday in the
10 next trial.

11 Members of the jury, thank you. Do you
12 have any questions, anyone? Okay. We hope you
13 have a nice day and a good rest of the week, a
14 nice weekend. The Court deputy will take you
15 out. And, you know, the parties also were
16 going to buy your lunch. I said, they probably
17 don't want to wait another hour before you get
18 lunch, so the thought was there. That's why we
19 didn't do that. Have a great day. Thank you
20 so much. I appreciate it.

21 JURORS: Thank you, Your Honor.

22 (JURORS LEAVING COURTROOM)

23 THE COURT: You can be seated, of course.
24 Is there anything else to come before the Court
25 from the plaintiff?

1 MR. CORNELL, JR.: No, Your Honor.

2 THE COURT: Okay, defense?

3 MS. MERWIN: No, Your Honor.

4 THE COURT: Okay. Again, with the Court's
5 thanks to the attorneys and I wish, again, Ms.
6 Adler and Mr. Holbrook the best of luck.

7 Court is in recess until 11:00. And thank
8 you, Oneida, for your efforts too.

9 COURT REPORTER: You're welcome, Your
10 Honor.

11 THE COURT: I appreciate it.

12 MS. MERWIN: Thank you, Your Honor. Thank
13 you for all your time.

14 THE COURT: Thank you. Good luck.

15 (Whereupon, the proceedings
16 concluded at 12:12 p.m.).

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C E R T I F I C A T E

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I, Oneida Del Toro, Court Reporter and Notary Public, for the State of Florida at Large, do hereby certify that I was authorized to report the proceedings, had and taken before the Honorable Martin J. Bidwill, at Broward County Courthouse, 201 S.E. 6th Street, Courtroom 16175, Fort Lauderdale, Florida, 33301, on September 12th, 2024. Case Number CACE20010660.

I further certify that I am not counsel, I am not related to nor employed by an attorney to this suit, nor interested in the outcome thereof.

The foregoing certification does not apply to any reproduction of this transcript by any means unless under the direct control and or direction of the certifying court reporter.

Dated at Fort Lauderdale, Broward County, Florida, this 1st day of October, 2024.



ONEIDA DEL TORO, REPORTER
Notary Public - State of Florida
Commission No.: HH 491659
Expires: February 22, 2028

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