

Exhibit A



**Service of Process
Transmittal**

12/20/2019

CT Log Number 536852981

TO: Ellyn George
Davis Wright Tremaine LLP
1300 SW 5th Ave Ste 2400
Portland, OR 97201-5682

RE: Process Served in Florida

FOR: adidas America, Inc. (Domestic State: OR)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: JOSE MANUEL BUSTOS, PLTF. vs. ADIDAS AMERICA, INC. etc. and THE FINISH LINE, INC., etc., Dfts.

DOCUMENT(S) SERVED: Summons, Complaint

COURT/AGENCY: Palm Beach County Circuit Court, FL
Case # 502019CA015962XXXXMBAA

NATURE OF ACTION: Product Liability Litigation - Personal Injury - Men Spring Blade sneakers

ON WHOM PROCESS WAS SERVED: C T Corporation System, Plantation, FL

DATE AND HOUR OF SERVICE: By Process Server on 12/20/2019 at 13:19

JURISDICTION SERVED : Florida

APPEARANCE OR ANSWER DUE: Within 20 calendar days after this summons is served on you

ATTORNEY(S) / SENDER(S): Leidy N. Cuervo, Esq
STABINSKI & FUNT, PA
757 NW 27th Avenue
Third Floor
Miami, FL 33125
305-643-3100

ACTION ITEMS: CT has retained the current log, Retain Date: 12/20/2019, Expected Purge Date: 12/25/2019

Image SOP

Email Notification, Ellyn George ellyngeorge@dwt.com

Email Notification, ANNA HANNIBAL annahannibal@dwt.com

Email Notification, Meghan Moran meghanmoran@dwt.com

Email Notification, CARRIE STEPHENS carriestephens@dwt.com

SIGNED: C T Corporation System

ADDRESS: 208 S La Salle St Ste 814
Chicago, IL 60604-1101

For Questions: 866-331-2303
CentralTeam1@wolterskluwer.com

Filing # 100386219 E-Filed 12/16/2019 04:08:28 PM

210407

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY,
FLORIDA

JOSE MANUEL BUSTOS,

CASE NO.: 50-2019-CA-015962-XXXX-MB (AA)

Plaintiff,

vs.

ADIDAS AMERICA, INC., a foreign
profit corporation, and THE FINISH
LINE, INC., a foreign profit
corporation

Defendant.

S U M M O N S

THE STATE OF FLORIDA:


To Each Sheriff of Said State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint in this
lawsuit on the Defendant:

PLEASE SERVE: ADIDAS AMERICA, INC.

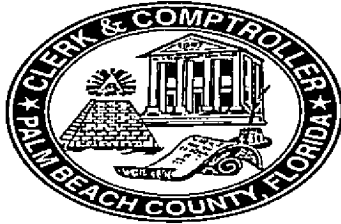
**BY SERVING: CT Corporation System
1200 South Pine Island Road
Plantation, Florida 33324**

Each defendant is required to serve written defenses to the Complaint on the Plaintiff's attorney, to wit: Leidy Cuervo, Esq., Stabinski & Funt, P.A., 757 N.W. 27th Avenue, Third Floor, Miami, Florida 33125, Tel: (305) 643-3100, lcuervo@stabinskilaw.com, within twenty (20) days after service of this Summons on that Defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before

ct wfp
1294
12/20/19
15pm


service on Plaintiff's attorney, or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the Complaint or Petition.

Date: Dec 17 2019



As Clerk of said Court

By: 

as Deputy Clerk

GINA BRIMMER D.C.

IMPORTANT

A lawsuit has been filed against you. You have twenty (20) calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named above.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cet citation pour déposer une réponse écrite

a la plainte ci-jointe aupres de ce Tribunal. Un simple coup de telephone est insuffisant pour vous proteger; vous etes obligé de déposer votre reponse écrite, avec mention du numero de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre reponse écrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur de Tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

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COURT LOCATION

Palm Beach County Courthouse
205 N. Dixie Highway
West Palm Beach, FL 33401

EXPLANATION

The summons form for personal service on individuals is to be used for service on individuals under the following provisions: Florida Statutes 48.031 (service of process generally), 48.041 (service on minors), 48.042 (service on incompetents), 48.051 (service on state prisoners), 48.103 (service of process in an action for possession of residential premises), and 48.194 (personal service outside the state).

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Filing # 100386219 E-Filed 12/16/2019 04:08:28 PM

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

JOSE MANUEL BUSTOS,

CASE NO: 50-2019-CA-015962-XXXX-MB

Plaintiff,

DIVISION: AA

v.

ADIDAS AMERICA, INC., a foreign profit
corporation, and THE FINISH LINE, INC., a
foreign profit corporation,

Defendants.

COMPLAINT FOR DAMAGES

Plaintiff, JOSE MANUEL BUSTOS, by and through the undersigned attorneys, hereby sues
Defendants, ADIDAS AMERICA, INC., a Foreign Profit Corporation, and THE FINISH LINE, INC., a
foreign corporation, for damages and alleges:

JURISDICTION

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000) exclusive of costs, interest, and attorneys' fees and within the jurisdiction of this court.

THE PARTIES

2. Plaintiff, JOSE MANUEL BUSTOS ("BUSTOS"), is a resident of Palm Beach County, over the age of majority and otherwise *sui juris*.
3. Defendant, ADIDAS AMERICA, INC. ("ADIDAS"), is a corporation that maintains an office, and is authorized to conduct business in the State of Florida.
4. ADIDAS is a corporation that, amongst other activities, engages in the business of manufacturing, selling, marketing, and distributing sports footwear, such as the Adidas Spring Blade sneakers in this case, to the public through authorized retailers and throughout the United States, including Florida.

5. ADIDAS conducts regular, substantial, and continuous business in the State of Florida by engaging in the business of designing, developing, manufacturing, marketing, distributing, and/or selling personal sports foot wear, such as the Spring Blade sneakers in this case, to the public.
6. Defendant, THE FINISH LINE, INC., ("FINISH LINE"), is a corporation that maintains an office, and is authorized to conduct business in the State of Florida.
7. FINISH LINE owns several retail stores, and supplies, distributes, and/or sells sports goods, such as the Adidas Spring Blade sneakers, in this case, in Florida.
8. FINISH LINE conducts regular, substantial, and continuous business in the State of Florida by engaging in the business of designing, developing, manufacturing, marketing, distributing, and/or selling personal sports goods, such as the Spring Blade sneakers in this case, to the public.

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

9. On or about October 2015, Plaintiff, BUSTOS purchased, a pair of men Spring Blade sneakers in size 8 ½ ("the Sneakers") from Defendant, FINISH LINE store located at 10300 West Forest Hill Boulevard #171, West Palm Beach, Florida 33414.
10. However, after only a few days of use limited to walking, the sole of each pair of Plaintiff's Spring Blade sneakers failed at the bonding at the middle of the sole.
11. On January 22, 2016, BUSTOS wore the Spring Blade sneakers as intended, and as he was going down the stairs of his home, suddenly and without a warning, the sole of the sneakers broke causing BUSTOS to lose his balance and fall.
12. As a result of the fall, BUSTOS sustained severe injuries to his body.
13. FINISH LINE was the seller of the Spring Blade sneakers as a product sold to the general public in the regular course of its business.
14. ADIDAS designed, manufactured, marketed, distributed, and/or sold the Spring Blade sneakers.
15. The Spring Blade sneakers were intended to be used as personal sports footwear.
16. FINISH LINE had a duty to distribute and/or sell personal sports footwear that was suitable and safe for its intended use and other reasonably foreseeable uses.

17. ADIDAS had a duty to design, assemble, manufacture, distribute, and/or sell a personal sports footwear that was suitable and safe for its intended use and other reasonably foreseeable uses.
18. At all times material to this action, the Spring Blade sneakers and its sole was defective in that it was unable to endure normal use and/or movement associated with its intended use as personal sports footwear deeming it unreasonably dangerous.
19. At all times material to this action, the Spring Blade sneakers were not properly tested or inspected in order to discover all defects that would create unreasonable risks of harm to its users.
20. At all times material to this action, the Spring Blade sneakers' sole used unsuitable, inferior, or defective components or parts.
21. At all times material to this action, the Spring Blade sneakers lacked warnings to its users of the sole's inability to endure normal use associated with its intended use as personal sports footwear and other reasonably foreseeable uses.
22. At all times material to this action, the Spring Blade sneakers purchased by Plaintiff, BUSTOS did not conform to the representations made as to its merchantability in that it was defectively designed and not suitable for its intended use.
23. At all times material to this action, the Spring Blade sneakers had such other defects and unfit characteristics as the evidence may show.
24. The Spring Blade sneakers and its defective sole posed an unreasonable risk and danger to BUSTOS and the public-at-large.
25. Upon information and belief, Defendants ADIDAS and FINISH LINE knew or should have known that the Spring Blade sneakers were defective and were not reasonably fit for their intended use.
26. As a result of the Spring Blade sneakers' defective condition,, BUSTOS sustained damages including bodily injury; permanent scarring and disfigurement; past, present, and future pain and suffering; mental anguish; emergency medical services, hospital care, nursing, and catastrophic

medical expenses; loss of earnings in the past and loss of the ability to earn in the future. These damages are permanent or continuing and BUSTOS will suffer damages in the future.

27. ADIDAS is liable for BUSTOS' injuries and damages, which would not have been sustained if the Spring Blade sneakers were not defective.

28. FINISH LINE is liable for BUSTOS' injuries and damages, which would not have been sustained if the Spring Blade sneakers were not defective.

COUNT I:
NEGLIGENCE CLAIM AGAINST ADIDAS

29. BUSTOS re-alleges and incorporates the allegations in paragraphs 1 through 28 as if fully set forth herein.

30. ADIDAS had a legal duty legal duty to exercise reasonable care in the designing, assembly, manufacturing, inspecting, testing, maintaining, and/or distributing of the Spring Blade sneakers so that it would be reasonably safe for its intended use as personal sports footwear and other reasonably foreseeable uses.

31. ADIDAS had a legal duty to warn of all reasonably foreseeable risks and dangers it knew or should known existed in the Spring Blade sneakers associated with its intended use and other reasonably foreseeable uses.

32. ADIDAS' duties of care extended to BUSTOS.

33. ADIDAS breached its duty of care in ways such as, but not limited to:

- a. Negligently designing the Spring Blade sneakers and its sole such that its intended design or materials were unable to withstand normal forces/uses and/or movements involved with its intended use as personal sports footwear or in other foreseeable uses.
- b. Negligently assembling and/or manufacturing the Spring Blade sneakers and its sole such that it deviated from its intended design resulting in an inability to withstand the normal forces/uses and/or movements involved with its intended use as personal sports footwear or in other reasonably foreseeable uses.

- c. Negligently inspecting and/or testing the Spring Blade sneakers and sole such that any design or manufacturing defects were allowed to remain on the Spring Blade sneakers.
 - d. Negligently distributing and/or selling the Spring Blade sneakers which it knew or should have known were in an unreasonable dangerous condition.
 - e. Negligently failing to warn of foreseeable dangers ADIDAS knew or should have known existed in the Spring Blade sneakers.
34. Because of ADIDAS' breach of its duty of care, the Spring Blade sneakers were dangerous, defective, and posed unreasonable risks to users/consumers such as BUSTOS.
35. As a legal cause of ADIDAS' breach of its duty of care, the sole of the Spring Blade sneaker broke at the mid-foot suddenly and without warning, and caused BUSTOS to fall during normal wear causing severe injuries to BUSTOS' body.
36. As a legal cause of ADIDAS' breach of its duty of care, BUSTOS sustained damages including bodily injury; permanent scarring and disfigurement; past, present, and future pain and suffering; mental anguish; emergency medical services, hospital care, nursing, and catastrophic medical expenses; loss of earnings in the past and loss of the ability to earn in the future; and loss of the capacity for enjoyment of life. These damages are permanent or continuing and BUSTOS will suffer damages in the future.

WHEREFORE, Plaintiff, JOSE MANUEL BUSTOS, demands judgment against the Defendant, ADIDAS AMERICA, INC., for compensatory damages in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), costs allowed by law, and any other relief as this Court deems proper.

COUNT II:
STRICT LIABILITY CLAIM AGAINST ADIDAS

37. BUSTOS re-alleges and incorporates the allegations in paragraphs 1 through 28 as if fully set forth herein.
38. ADIDAS designed, assembled, manufactured, tested, advertised, promoted, marketed, and/or sold and distributed the Spring Blade sneakers.

39. At the time the Spring Blade sneakers left ADIDAS' possession, they were in a defective and unreasonably dangerous condition.
40. The Spring Blade sneakers reached BUSTOS without substantial change in the condition in which they were produced.
41. The Spring Blade sneakers' defective and unreasonably dangerous condition caused the sole to suddenly and without warning, break during normal wear causing BUSTOS personal injuries.
42. As a legal cause of the Spring Blade sneakers' defective and unreasonably dangerous condition, BUSTOS sustained damages including bodily injury; permanent scarring and disfigurement; past, present, and future pain and suffering; mental anguish; emergency medical services, hospital care, nursing, and catastrophic medical expenses; loss of earnings in the past and loss of the ability to earn in the future; and loss of the capacity for enjoyment of life. These damages are permanent or continuing and BUSTOS will suffer damages in the future.

WHEREFORE, Plaintiff, JOSE MANUEL BUSTOS, demands judgment against the Defendant, ADIDAS AMERICA, INC., for compensatory damages in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), costs allowed by law, and any other relief as this Court deems proper.

COUNT III:
NEGLIGENCE CLAIM AGAINST FINISH LINE

43. BUSTOS re-alleges and incorporates the allegations in paragraphs 1 through 28 as if fully set forth herein.
44. FINISH LINE had a legal duty to exercise reasonable care in inspecting, testing, maintaining, distributing, and/or selling of the Spring Blade sneakers so that it would be reasonably safe for its intended use as personal sports footwear and other reasonably foreseeable uses.
45. FINISH LINE had a legal duty to warn of all reasonably foreseeable risks and dangers it knew or should known existed in the Spring Blade sneakers associated with its intended use and other reasonably foreseeable uses.
46. FINISH LINE'S duties of care extended to BUSTOS.

47. FINISH LINE breached its duty of care to BUSTOS in ways such as, but not limited to:

- a. Negligently inspecting and/or testing the Spring Blade sneakers such that any design or manufacturing defects were allowed to remain on the Spring Blade sneakers.
- b. Negligently distributing and/or selling the Spring Blade sneakers which it knew or should have known were in an unreasonable dangerous condition.
- c. Negligently failing to warn of foreseeable dangers FINISH LINE knew or should have known existed in the Spring Blade sneakers.

48. Because of FINISH LINE'S breach of its duty of care, the Spring Blade sneakers were dangerous, defective, and posed unreasonable risks to users/consumers such as BUSTOS.

49. As a legal cause of FINISH LINE'S breach of its duty of care, the sole of the Spring Blade sneaker broke at the mid-foot suddenly and without warning, and caused BUSTOS to fall during normal wear causing severe injuries to BUSTOS' body.

50. As a legal cause of FINISH LINE'S breach of its duty of care, BUSTOS sustained damages including bodily injury; permanent scarring and disfigurement; past, present, and future pain and suffering; mental anguish; emergency medical services, hospital care, nursing, and catastrophic medical expenses; loss of earnings in the past and loss of the ability to earn in the future; and loss of the capacity for enjoyment of life. These damages are permanent or continuing and BUSTOS will suffer damages in the future.

WHEREFORE, Plaintiff, JOSE MANUEL BUSTOS, demands judgment against the Defendant, THE FINISH LINE, INC., for compensatory damages in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), costs allowed by law, and any other relief as this Court deems proper.

COUNT IV:
STRICT LIABILITY CLAIM AGAINST FINISH LINE

51. BUSTOS re-alleges and incorporates the allegations in paragraphs 1 through 28 as if fully set forth herein.

52. FINISH LINE sold the Spring Blade sneakers.

53. At the time the Spring Blade sneakers left FINISH LINE'S possession, they were in a defective and unreasonably dangerous condition.

54. The Spring Blade sneakers' defective and unreasonably dangerous condition caused the sole to, suddenly and without warning, break during normal wear causing BUSTOS personal injuries

55. As a legal cause of the Spring Blade sneakers' defective and unreasonably dangerous condition, BUSTOS sustained damages including bodily injury; permanent scarring and disfigurement; past, present, and future pain and suffering; mental anguish; emergency medical services, hospital care, nursing, and catastrophic medical expenses; loss of earnings in the past and loss of the ability to earn in the future; and loss of the capacity for enjoyment of life. These damages are permanent or continuing and Gonzalez will suffer damages in the future.

WHEREFORE, Plaintiff, JOSE MANUEL GOMEZ, demands judgment against the Defendant, THE FINISH LINE, INC., for compensatory damages in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), costs allowed by law, and any other relief as this Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff, JOSE MANUEL BUSTOS, hereby demands trial by jury on all issues so triable as of right.

Dated this 16th day of December, 2019.

STABINSKI & FUNT, PA
757 NW 27th Avenue
Third Floor
Miami, FL 33125
Telephone: (305) 643-3100
Facsimile: (305) 643-1382
lcuervo@stabinskilaw.com

/s/ Leidy N. Cuervo

Leidy N. Cuervo, Esq.
Florida Bar No.: 1008082

NOTICE OF DESIGNATION OF E-MAIL ADDRESS

The undersigned, in accordance with Florida Rule of Judicial Administration 2.516, hereby

designates the following as their e-mail addresses:

Primary: lcuervo@stabinskilaw.com

Secondary: service@stabinskilaw.com

/s/ Leidy N. Cuervo

Leidy N. Cuervo, Esq.
Florida Bar No.: 1008082

Exhibit B

Filing # 101374741 E-Filed 01/09/2020 10:41:13 AM

RETURN OF SERVICE

State of Florida

County of Palm Beach

Circuit Court

Case Number: 50-2019-CA-015962-XXXX-MB (AA)

Plaintiff:

JOSE MANUEL BUSTOS

vs.

Defendant:

ADIDAS AMERICA, INC., A FOREIGN PROFIT CORPORATION, AND THE FINISH LINE, INC., A FOREIGN PROFIT CORPORATION

For:

STABINSKI & FUNT



KDY2019054221

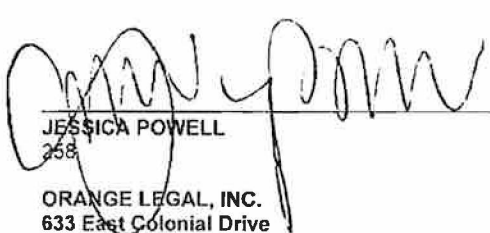
Received by ORANGE LEGAL, INC. on the 19th day of December, 2019 at 12:23 pm to be served on **THE FINISH LINE, INC., 1201 HAYS STREET, TALLAHASSEE, FL 32301**.

I, JESSICA POWELL, do hereby affirm that on the **19th day of December, 2019 at 2:50 pm, I:**

served a **CORPORATE, PARTNERSHIP, ASSOCIATION OR GOVERNMENT SERVICE** by delivering a true copy of the **SUMMONS, COMPLAINT and DEMAND FOR DAMAGES** with the date and hour of service endorsed thereon by me, to: **Ronnie Long as Service Liaison** authorized to accept service, of the within named corporation, at the address of: **1201 HAYS STREET, TALLAHASSEE, FL 32301** on behalf of **THE FINISH LINE, INC.**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 30, Sex: F, Race/Skin Color: White, Height: 5'7", Weight: 120, Hair: Light Brown, Glasses: Y

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. "Under penalties of perjury, I declare that I have read the foregoing document and that the facts in it are true" F.S. 92.525. NOTARY NOT REQUIRED PURSUANT TO FS 92.525


JESSICA POWELL

258

ORANGE LEGAL, INC.
633 East Colonial Drive
Orlando, FL 32803
(407) 898-4200

Our Job Serial Number: KDY-2019054221
Ref: 3823805

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Filing # 100386219 E-Filed 12/16/2019 04:08:28 PM
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Plaintiff,
vs.

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LINE, INC., a foreign profit
corporation

Defendant.
_____ /

S U M M O N S

THE STATE OF FLORIDA:

To Each Sheriff of Said State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint in this
lawsuit on the Defendant:

PLEASE SERVE: THE FINISH LINE, INC.

BY SERVING: CT Corporation System
1201 Hays Street
Tallahassee, Florida 32301

Each defendant is required to serve written defenses to the Complaint on the Plaintiff's
attorney, to wit: **Leidy Cuervo, Esq., Stabinski & Funt, P.A., 757 N.W. 27th Avenue, Third
Floor, Miami, Florida 33125, Tel: (305) 643-3100, lcuervo@stabinskilaw.com**, within
twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the Clerk of this Court either before

service on Plaintiff's attorney, or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the Complaint or Petition.

Date: Dec 17 2019



As Clerk of said Court

By: [Signature]

as Deputy Clerk
GINA BRIMMER D.C.

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Palm Beach County Courthouse
205 N. Dixie Highway
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Exhibit C

2019 FOREIGN PROFIT CORPORATION ANNUAL REPORT

FILED

DOCUMENT# F04000004892

Entity Name: THE FINISH LINE, INC. OF INDIANA

May 03, 2019
Secretary of State
6971173969CC

Current Principal Place of Business:

3308 N. MITTHOEFFER ROAD
INDIANAPOLIS, IN 46235

Current Mailing Address:

3308 N. MITTHOEFFER ROAD
INDIANAPOLIS, IN 46235 US

FEI Number: 35-1537210

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title CFO
Name WILHELM, ED
Address 3308 N MITTHOEFFER ROAD
City-State-Zip: INDIANAPOLIS IN 46235

Title VP
Name SUTERA, AJ
Address 3308 N. MITTHOEFFER ROAD
City-State-Zip: INDIANAPOLIS IN 46235

Title VP
Name HALL, JOHN
Address 3308 N. MITTHOEFFER ROAD
City-State-Zip: INDIANAPOLIS IN 46235

Title DIRECTOR
Name COWGILL, PETER
Address 3308 N. MITTHOEFFER ROAD
City-State-Zip: INDIANAPOLIS IN 46235

Title DIRECTOR
Name SMALL, BRIAN
Address 3308 N. MITTHOEFFER ROAD
City-State-Zip: INDIANAPOLIS IN 46235

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: ED WILHELM

CFO

05/03/2019

Electronic Signature of Signing Officer/Director Detail

Date

2019 FOREIGN PROFIT CORPORATION ANNUAL REPORT

FILED

DOCUMENT# F06000001514

Entity Name: ADIDAS AMERICA, INC.

Apr 25, 2019
Secretary of State
5699223911CC

Current Principal Place of Business:

5055 N GREELEY AVENUE
PORTLAND, OR 97217

Current Mailing Address:

1300 SW FIFTH AVENUE
SUITE 2400
PORTLAND, OR 97201 US

FEI Number: 93-1175150

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title DIRECTOR
Name AUSCHEL, ROLAND
Address 5055 N GREELEY AVENUE
City-State-Zip: PORTLAND OR 97217

Title CEO
Name AUSCHEL, ROLAND
Address 5055 N GREELEY AVENUE
City-State-Zip: PORTLAND OR 97217

Title PRESIDENT
Name ARMSTRONG, ZION
Address 5055 N GREELEY AVENUE
City-State-Zip: PORTLAND OR 97217

Title SECRETARY
Name EHRLICH, PAUL
Address 5055 N GREELEY AVENUE
City-State-Zip: PORTLAND OR 97217

Title CFO
Name MITCHELL, ANNIE
Address 5055 N GREELEY AVENUE
City-State-Zip: PORTLAND OR 97217

Title DIRECTOR
Name MITCHELL, ANNIE
Address 5055 N GREELEY AVENUE
City-State-Zip: PORTLAND OR 97217

Title OFFICER
Name VALLO, ELIZEN
Address 5055 N GREELEY AVENUE
City-State-Zip: PORTLAND OR 97217

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SIGNATURE: PAUL EHRLICH

SECRETARY

04/25/2019

Electronic Signature of Signing Officer/Director Detail

Date

Exhibit D



STABINSKI & FUNT, P.A.
— TRIAL ATTORNEYS —

WWW.STABINSKILAW.COM
757 NW 27TH AVENUE
THIRD FLOOR
MIAMI, FL 33125
PHONE: (305)643-3100
FAX: (305)643-1382

June 8, 2018

Via Email: eric.erwin@agcs.allianz.com

Eric Erwin
Senior Liability Claims Adjuster
Allianz Global Corporate & Specialty
One Progress Point Parkway
O'Fallon, MO 63368

Re: Our Client: Jose Manuel Bustos
Your Insured: Adidas North America, Inc.
Date of Loss: 01/22/2016
Your Claim No.: L01096593

Dear Mr. Erwin:

As you know, the undersigned attorney represents Mr. Jose Bustos in his claim for severe injuries that he sustained while wearing Adidas Springblade running shoes. The liability in this case rests solely with your insured.

January 22, 2016, started like any other day for Mr. Bustos. Mr. Bustos was leaving his apartment and walking down the concrete steps, as he had so many times before. Unfortunately, this time he was wearing his Adidas Springblade running shoes.

As you know, these shoes are designed with blades that are bonded to the sole of the shoe. As he was walking down the stairs, Mr. Bustos was unaware that the sole of his shoe was coming apart. The detached blade caught onto a step, and Mr. Bustos slipped and fell down seven concrete steps. Consequently, Mr. Bustos was severely injured fracturing several ribs, which required extensive surgery including placement of a chest tube.

Liability here is clear. As you may know, under Florida law, one engaged in the business of selling products and sells a defective product is subject to liability for the harm caused by the product defect. Adidas is strictly liable for the injuries sustained by Mr. Bustos as a result of slipping on the stairs while wearing the Springblade shoes that were falling apart. At the time of Mr. Bustos incident, Adidas had already received hundreds of complaints putting them on notice of the defective condition of the shoe falling apart. Attached please find three pages of consumers complaining of the same defect. Adidas being well aware of this defect, yet continuing to sell the shoe, makes them that much more negligent.

In light of the foregoing, there is no need to further develop the circumstances surrounding the liability aspect of this case. I trust you have concluded that liability rests with your insured. This letter will therefore concentrate on the injury sustained by Mr. Bustos.



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FAX: (305)643-1382

Injuries

The medical records in this case are voluminous and self-explanatory. They are all enclosed for your review. Nevertheless, I have included excerpts of the records that I wish to highlight. The excerpt will additionally serve a dual purpose of giving you an overview of the ordeal that Mr. Bustos has gone through, and at the same time give you a road map in reviewing the entire medical record at your option.

1. Immediately from the scene, Mr. Bustos was taken to the ER at JFK Medical Center. There it was noted that Mr. Bustos pain was sharp and severe. A radiology report revealed left posterior lateral sixth and seventh rib fractures. Mr. Bustos was given narcotics and a work release.
2. Two days later, Mr. Bustos followed up at JFK Medical Center. At this time, he reported worsening pain as well as difficulty breathing, shortness of breath, severe chest and abdomen pain.
3. A CT scan revealed: "there are fractures of the left fifth through eighth ribs with associated 30% pneumothorax pleural effusion which most likely represents hemothorax with associated atelectatic change.
4. Mr. Bustos was transferred from JFK and admitted to St. Mary's Medical Center. Here the assessment and plan stated: "A 51-year-old fall with rib fractures, hemopneumothorax, left-sided chest tube will be placed and patient will be admitted to the floor for chest tube management, pain control and pulmonary toileting, sequential compression devices, deep venous thrombosis prophylaxis."
5. Traumatic pneumohemothorax; multiple rib fractures. Left chest tube thoracostomy was performed by Dr. Ahmed E. Elhaddad in which a 3-cm incision was made down to the rib and a #36-French chest tube was placed.

Mr. Bustos stayed at St. Mary's hospital for 9 days. After the removal of his chest tube, he sought treatment with his primary physician, Dr. Enrique Nagid.

6. The patient complained it hurts when breathing. The patient complained of abdominal pain.

After treating with his primary doctor, Mr. Bustos was referred to pulmonologist, Dr. Weissberger.

7. The patient did a left pneumothorax in January. He does have a scar present from his chest tube. He is having some dyspnea with exertion and also some discomfort in his left chest.



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THIRD FLOOR
MIAMI, FL 33125
PHONE: (305)643-3100
FAX: (305)643-1382

8. Patient reports chest pain and difficulty breathing with exertion.

Photos

I am enclosing photographs of the injuries sustained by Mr. Bustos, which reflect the severity of his damages. I have also enclosed photographs of Mr. Bustos shoe taken right after the incident, showing the separation.

Medical Bills

The medical bills incurred by Mr. Bustos are financially debilitating and extremely stressful. The medical bills are as follows:

1. JFK Medical Center	\$47,928.00
2. St. Mary's Medical Center	\$58,562.32
3. Radiology Physician Solutions	\$1,504.00
4. Medical Specialists of the Palm Beaches	\$1,216.00
5. Sheridan Radiological Center:	\$1,334.00
6. American Medical Response	\$625.00
7. Emergency Physician Solutions of S.Fla.	\$2,734.00
8. Dr. Enrique Nagid	\$592.15

Total Medicals: \$114,495.47

Obviously, the above are only past medical bills. Mr. Bustos will incur future bills as undergoes additional treatment.

Lost Wages

As a result of Mr. Bustos' fall, he was out of work from January 24, 2016 until March 21, 2016. He has sustained lost wages in the amount of \$35,767.21.

Summary

In closing, the liability in this case is clear and the consequences to Mr. Bustos are severe. Your client's negligence has changed Mr. Bustos' life for the worse, and forever. I am not a fan of exaggeration or hyperbole, but the devastating consequences of Mr. Bustos' injury have been dramatic and permeated practically all aspects of his life, from his job to his personal life. Mr. Bustos was a very active person prior to his injury, now he is limited in his activities both recreationally and functionally.

In the event this case goes to trial, Mr. Bustos will be well received by a jury. The jury will hear and see all the complaints made by consumers that Adidas ignored when it continued to make the shoes in such a dangerous manner.



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THIRD FLOOR
MIAMI, FL 33125
PHONE: (305)643-3100
FAX: (305)643-1382

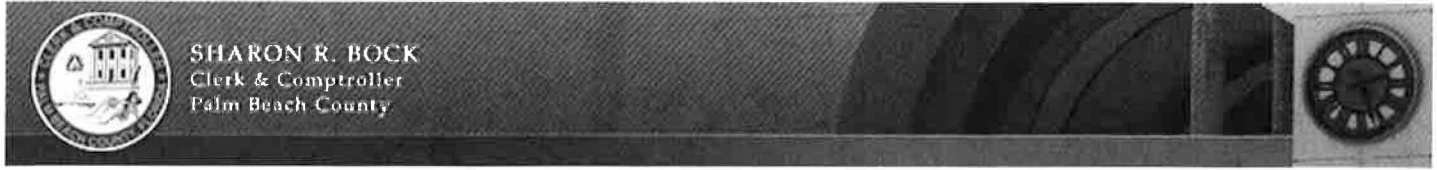
Given the facts of this case, my client would be willing to settle this case at this juncture without the need for litigation for the amount of \$375,000.00. This demand is extremely reasonable under the circumstances, and in the event litigation ensues this offer will be withdrawn. Upon your review of the foregoing and the enclosures, please call me to discuss your position regarding settlement of this manner.

Very truly yours,

Alexis E. Altman

Alexis Altman, Esq.
aaltman@stabinski-funt.com


Exhibit E



CASE NUMBER: 50-2019-CA-015962-XXXX-MB
CASE STYLE: BUSTOS, JOSE M V ADIDAS AMERICA INC

Dockets & Documents ▼

Public = 

VOR = 

In Process = 
 Page Size: 25 ▼

	Docket Number	Effective Date	Description
	1	12/16/2019	CIVIL COVER SHEET
	2	12/16/2019	COMPLAINT
	3	12/16/2019	SUMMONS ISSUED
	4	12/16/2019	SUMMONS ISSUED
	5	12/17/2019	DIVISION ASSIGNMENT
	6	12/17/2019	PAID \$421.00 ON RECEIPT 3460548
	7	01/09/2020	NOTICE OF APPEARANCE CIVIL
	8	01/09/2020	MOTION FOR EXTENSION OF TIME
	9	01/09/2020	MOTION FOR DEFAULT
	10	01/09/2020	SERVICE RETURNED (NUMBERED)
	11	01/14/2020	AGREED ORDER CURLEY DTD 01/14/2020 ON DFTS MOTION FOR EXTENSION OF TIME TO RESPOND TO PLTFS COMPLAINT IS GRANTED. DFTS SHALL RESPOND TO PLTFS COMPLAINT ON OR BEFORE JANUARY 29, 2020.
	12	01/16/2020	CLERK'S DEFAULT

Filing # 100386219 E-Filed 12/16/2019 04:08:28 PM

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

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

Case No.: _____
Judge: _____

Jose M Bustos
Plaintiff

vs.

Adidas America Inc, The Finish Line Inc
Defendant

II. TYPE OF CASE

- | | |
|---|---|
| <input type="checkbox"/> Condominium | <input type="checkbox"/> Non-homestead residential foreclosure \$250,00 or more |
| <input type="checkbox"/> Contracts and indebtedness | <input type="checkbox"/> Other real property actions \$0 - \$50,000 |
| <input type="checkbox"/> Eminent domain | <input type="checkbox"/> Other real property actions \$50,001 - \$249,999 |
| <input type="checkbox"/> Auto negligence | <input type="checkbox"/> Other real property actions \$250,000 or more |
| <input type="checkbox"/> Negligence - other | <input type="checkbox"/> Professional malpractice |
| <input type="checkbox"/> Business governance | <input type="checkbox"/> Malpractice - business |
| <input type="checkbox"/> Business torts | <input type="checkbox"/> Malpractice - medical |
| <input type="checkbox"/> Environmental/Toxic tort | <input type="checkbox"/> Malpractice - other professional |
| <input type="checkbox"/> Third party indemnification | <input type="checkbox"/> Other |
| <input type="checkbox"/> Construction defect | <input type="checkbox"/> Antitrust/Trade Regulation |
| <input type="checkbox"/> Mass tort | <input type="checkbox"/> Business Transaction |
| <input type="checkbox"/> Negligent security | <input type="checkbox"/> Circuit Civil - Not Applicable |
| <input type="checkbox"/> Nursing home negligence | <input type="checkbox"/> Constitutional challenge-statute or ordinance |
| <input type="checkbox"/> Premises liability - commercial | <input type="checkbox"/> Constitutional challenge-proposed amendment |
| <input type="checkbox"/> Premises liability - residential | <input type="checkbox"/> Corporate Trusts |
| <input checked="" type="checkbox"/> Products liability | <input type="checkbox"/> Discrimination-employment or other |
| <input type="checkbox"/> Real Property/Mortgage foreclosure | <input type="checkbox"/> Insurance claims |
| <input type="checkbox"/> Commercial foreclosure \$0 - \$50,000 | <input type="checkbox"/> Intellectual property |
| <input type="checkbox"/> Commercial foreclosure \$50,001 - \$249,999 | <input type="checkbox"/> Libel/Slander |
| <input type="checkbox"/> Commercial foreclosure \$250,000 or more | <input type="checkbox"/> Shareholder derivative action |
| <input type="checkbox"/> Homestead residential foreclosure \$0 - 50,000 | <input type="checkbox"/> Securities litigation |
| <input type="checkbox"/> Homestead residential foreclosure \$50,001 - \$249,999 | <input type="checkbox"/> Trade secrets |
| <input type="checkbox"/> Homestead residential foreclosure \$250,000 or more | <input type="checkbox"/> Trust litigation |
| <input type="checkbox"/> Non-homestead residential foreclosure \$0 - \$50,000 | |
| <input type="checkbox"/> Non-homestead residential foreclosure \$50,001 - \$249,999 | |

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes ☐ No ☒

III. REMEDIES SOUGHT (check all that apply):

- ☒ Monetary;
☐ Non-monetary declaratory or injunctive relief;
☐ Punitive

IV. NUMBER OF CAUSES OF ACTION: ()
(Specify)

4

V. IS THIS CASE A CLASS ACTION LAWSUIT?

- ☐ Yes
☒ No

VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- ☒ No
☐ Yes – If “yes” list all related cases by name, case number and court:

VII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- ☒ Yes
☐ No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature s/ Leidy N. Cuervo
Attorney or party

FL Bar No.: 1008082

(Bar number, if attorney)

Leidy N. Cuervo 12/16/2019
(Type or print name)

Date

Filing # 100386219 E-Filed 12/16/2019 04:08:28 PM
210407

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY,
FLORIDA

JOSE MANUEL BUSTOS,

CASE NO.:

Plaintiff,
vs.

ADIDAS AMERICA, INC., a foreign
profit corporation, and THE FINISH
LINE, INC., a foreign profit
corporation

Defendant.

S U M M O N S

THE STATE OF FLORIDA:

To Each Sheriff of Said State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint in this
lawsuit on the Defendant:

PLEASE SERVE: ADIDAS AMERICA, INC.

BY SERVING: CT Corporation System
1200 South Pine Island Road
Plantation, Florida 33324

Each defendant is required to serve written defenses to the Complaint on the Plaintiff's
attorney, to wit: **Leidy Cuervo, Esq., Stabinski & Funt, P.A., 757 N.W. 27th Avenue, Third
Floor, Miami, Florida 33125, Tel: (305) 643-3100, lcuervo@stabinskilaw.com**, within
twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the Clerk of this Court either before

service on Plaintiff's attorney, or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the Complaint or Petition.

Date: Dec 17 2019



As Clerk of said Court

By: 

as Deputy Clerk

GINA BRIMMER D.C.

IMPORTANT

A lawsuit has been filed against you. You have twenty (20) calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named above.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cet citation pour déposer une réponse écrite

a la plainte ci-jointe aupres de ce Tribunal. Un simple coup de telephone est insuffisant pour vous proteger; vous etes obligé de déposer votre reponse écrite, avec mention du numero de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre reponse écrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur de Tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de déposer vous-meme une reponse écrite, il vous faudra également, en meme temps que cette formalité, faire parvenir ou expedier une copie de votre reponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocat) nommé ci-dessous.

COURT LOCATION

Palm Beach County Courthouse
205 N. Dixie Highway
West Palm Beach, FL 33401

EXPLANATION

The summons form for personal service on individuals is to be used for service on individuals under the following provisions: Florida Statutes 48.031 (service of process generally), 48.041 (service on minors), 48.042 (service on incompetents), 48.051 (service on state prisoners), 48.103 (service of process in an action for possession of residential premises), and 48.194 (personal service outside the state).

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, at the Administrative Office of the Court, Palm Beach County Courthouse, 205 North Dixie Highway, Room 5.2500, West Palm Beach, Florida 33401; telephone number (561) 355-4380 within two (2) working days of your receipt of this Summons and Complaint; if you are hearing or voice impaired, call 1-800-955-8770.

Filing # 100386219 E-Filed 12/16/2019 04:08:28 PM
210407

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15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY,
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vs.

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Defendant.

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THE STATE OF FLORIDA:

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1201 Hays Street
Tallahassee, Florida 32301

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As Clerk of said Court

By: [Signature]
as Deputy Clerk
GINA BRIMMER D.C.

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IMPORTANT

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a la plainte ci-jointe aupres de ce Tribunal. Un simple coup de telephone est insuffisant pour vous proteger; vous etes obligé de déposer votre réponse écrite, avec mention du numero de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun preavis ulterieur de Tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

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Palm Beach County Courthouse
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**SHARON R. BOCK**CLERK & COMPTROLLER
PALM BEACH COUNTY, FLORIDA**RECEIPT**

3460548

Printed On:
12/17/2019 11:51
Page 1 of 1

Receipt Number: 3460548 - Date 12/17/2019 Time 11:51AM			
Received of:	Stabinski and Funt P A 757 NW 27th Avenue Miami, FL 33125		
Cashier Name:	ADMIN	Balance Owed:	421.00
Cashier Location:	E-Filing	Total Amount Paid:	421.00
Receipt ID:	9757672	Remaining Balance:	0.00
Division:	AA: Circuit Civil Central - AA(Civil)		
Case# 50-2019-CA-015962-XXXX-MB -- PLAINTIFF/PETITIONER: BUSTOS, JOSE M			
Item	Balance	Paid	Bal Remaining
Fees	421.00	421.00	0.00
Case Total	421.00	421.00	0.00

Payments		
Type	Ref#	Amount
EFiling_ACH	26690899	421.00
Total Received		421.00
Total Paid		421.00

How was your service today? Please visit www.mypalmbeachclerk.com/survey or send your feedback to clerkweb@mypalmbeachclerk.com.

For office locations and information about Clerk & Comptroller services:
Visit www.mypalmbeachclerk.com or call (561) 355-2996.

Filing # 101408401 E-Filed 01/09/2020 03:20:31 PM

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY

CASE NO.: 2019-CA-015962-XXXX-MB
(AA)

JOSE MANUEL BUSTOS,

Plaintiff,

v.

ADIDAS AMERICA, INC., a foreign
profit corporation, and THE FINISH
LINE, INC., a foreign profit corporation,

Defendants.

NOTICE OF APPEARANCE AND DESIGNATION OF E-MAIL ADDRESSES

Charles G. Short, Esq. and Hunter G. Pugh, Esq. of COLE, SCOTT & KISSANE, P.A. hereby give notice of their appearance on behalf of Defendants, ADIDAS AMERICA, INC. and THE FINISH LINE, INC., and request that copies of all motions, notices, and other pleadings heretofore or hereafter filed or served in this cause be furnished to the undersigned.

Further, TAKE NOTICE that the following e-mail addresses are to be used on behalf of Defendants, ADIDAS AMERICA, INC. and THE FINISH LINE, INC., for mandatory electronic service pursuant to Florida Rules of Judicial Administration, Rule 2.516:

Primary e-mail address: charles.short@csklegal.com

Secondary e-mail address: hunter.pugh@csklegal.com

Alternate e-mail address: karen.kreuscher@csklegal.com

COLE, SCOTT & KISSANE, P.A.

ESPERANTE BUILDING - 222 LAKEVIEW AVENUE, SUITE 120 - WEST PALM BEACH, FLORIDA 33401 (561) 383-9200 - (561) 683-8977 FAX

CASE NO.: 2019-CA-015962-XXXX-MB (AA)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2020, a true and correct copy of the foregoing was filed with the Clerk of Palm Beach County by using the Florida Courts e-Filing Portal, which will send an automatic e-mail message to the following parties registered with the e-Filing Portal system: Leidy N. Cuervo, Esq., Stabinski & Funt, P.A., lcuervo@stabinskilaw.com and service@stabinskilaw.com, 757 Northwest 27th Avenue - Third Floor, Miami, FL 33125, Attorney for Plaintiff.

COLE, SCOTT & KISSANE, P.A.
Counsel for Defendants
Esperante Building
222 Lakeview Avenue, Suite 120
West Palm Beach, FL 33401
Telephone (561) 612-3421
Facsimile (561) 683-8977
Primary: charles.short@csklegal.com
Secondary: hunter.pugh@csklegal.com
Alternate: karen.kreuscher@csklegal.com

By: s/ Charles G. Short
CHARLES G. SHORT
Florida Bar No.: 1010128
HUNTER G. PUGH
Florida Bar No.: 100353

4200.0453-00/16898721

**BRISTOL WEST TLE - Wednesday, March 30, 2016 2:22:57 PM (Yard070)**

User Name Yard070

User # 69

Form Started 3/30/2016 2:22:57 PM

IMPORTANT

This seller has more than one TLE program available to them, please confirm you are completing the correct TLE according to the work order

Lot Number 20621246

Claim Number 3005789830-1-1

Front End

Take picture low enough to see fog lamps.



Is this vehicle located in CA?

No

Driver Side

Bumper to bumper, top of roof to bottom of tires.



Rear

Quarter to quarter and roof to bottom of tires. Low enough to see trallering packages.



Series or package

Usually taken on side of vehicle. May use to show damage in area, too. If rear photo clearly shows make, model and trim line, no need for close up of LS, LX, etc., on rear of vehicle.



Passenger Side

Bumper to bumper, top of roof to bottom of tires.



Roof

Taken from passenger front to show sunroof, roof rails, antennas or lack of these items.



Top of dash

Photo from inside or outside vehicle. Show fading, cracks, condition and damage.



Driver's door open 45 degrees

Include bottom of seat; if seat cover present please remove prior to taking picture,, door trim panel with buttons and dash.



Vehicle Identification
Number

Dash or door jamb.



Steering wheel: left side

Include tilt controls, buttons on left, wiper and turn signal area.



Steering wheel: straight on

Need to read buttons to determine if buttons are for stereo, cruise or both.



Rear seats and carpet; if seat cover present please remove prior to taking picture,

[Image]



Headliner

Taken from back seat or with liftgate open. Open overhead consoles and DVD screens.



Trunk, rear of SUV or bed of truck

Entire trunk or bed visible. Remove covers hiding CD changers.



Engine compartment

Photograph tailpipe if hood won't open.



Fluid dipsticks

Place oil drops on white paper to show color and photograph dipsticks. Photograph in sunlight.



Driver front tire measured in /32's. Write measurement in note box below

13

Driver rear tire measured in /32's. Write measurement in note box below

10

Passenger rear tire measured in /32's. Write measurement in note box below

14

Passenger front tire measured in /32's. Write measurement in note box below

13

Conditions, options, refurbishments or prior damage

Condition Issues

Take picture of condition issues

Filing # 101408401 E-Filed 01/09/2020 03:20:31 PM

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY

CASE NO.: 2019-CA-015962-XXXX-MB
(AA)

JOSE MANUEL BUSTOS,

Plaintiff,

v.

ADIDAS AMERICA, INC., a foreign
profit corporation, and THE FINISH
LINE, INC., a foreign profit corporation,

Defendants.

**DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFF'S COMPLAINT**

COMES NOW Defendants, ADIDAS AMERICA, INC. and THE FINISH LINE, INC., by and through their undersigned counsel, and pursuant to the Florida Rule of Civil Procedure 1.1090(b), hereby file this Motion for Extension of Time to Respond to Plaintiff's Complaint, and as grounds, state as follows:

1. Defendants were served with the Complaint on December 20, 2019.
2. The undersigned requires additional time to confer with Defendants to respond to the Complaint served by Plaintiff including obtaining the requisite information and verification.
3. There is no trial pending in this matter at this time, and this motion is not intended for the purposes of delay. The granting of this Motion will not prejudice either party.

COLE, SCOTT & KISSANE, P.A.

ESPERANTE BUILDING - 222 LAKEVIEW AVENUE, SUITE 120 - WEST PALM BEACH, FLORIDA 33401 (561) 383-9200 - (561) 683-8977 FAX

CASE NO.: 2019-CA-015962-XXXX-MB (AA)

4. Defendants respectfully request this Court enter an Order granting an extension within which to respond to Plaintiff's Complaint.

WHEREFORE, Defendants, ADIDAS AMERICA, INC. and THE FINISH LINE, INC., respectfully request that this Honorable Court hereby grant an extension of time to respond to Plaintiff's Complaint, and any other relief the Court deems just and reasonable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2020, a true and correct copy of the foregoing was filed with the Clerk of Palm Beach County by using the Florida Courts e-Filing Portal, which will send an automatic e-mail message to the following parties registered with the e-Filing Portal system: Leidy N. Cuervo, Esq., Stabinski & Funt, P.A., lcuervo@stabinskilaw.com and service@stabinskilaw.com, 757 Northwest 27th Avenue - Third Floor, Miami, FL 33125, Attorney for Plaintiff.

COLE, SCOTT & KISSANE, P.A.
Counsel for Defendants
Esperante Building
222 Lakeview Avenue, Suite 120
West Palm Beach, FL 33401
Telephone (561) 612-3421
Facsimile (561) 683-8977
Primary e-mail: charles.short@csklegal.com
Secondary e-mail: hunter.pugh@csklegal.com
Alternate e-mail: karen.kreuscher@csklegal.com

By: s/ Charles G. Short
CHARLES G. SHORT
Florida Bar No.: 1010128
HUNTER G. PUGH
Florida Bar No.: 100353

4200.0453-00/16910391

Filing # 101374741 E-Filed 01/09/2020 10:41:13 AM

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

JOSE MANUEL BUSTOS,

CASE NO: 50-2019-CA-015962-XXXX-MB

Plaintiff,

vs.

ADIDAS AMERICA, INC., a foreign
profit corporation, and THE FINISH
LINE, INC., a foreign profit corporation,

Defendants.

_____ /

MOTION FOR CLERK'S DEFAULT

COMES NOW, the Plaintiff, JOSE MANUEL BUSTOS, by and through the undersigned counsel, and moves for the entry of a Default by the Clerk against the Defendant, THE FINISH LINE, INC., a foreign profit corporation, for failure of said Defendant to serve any paper or file an Answer or other pleading on the undersigned counsel, as required by law.

I do hereby certify that no copy of any paper, Answer or other pleading of the Defendant, THE FINISH LINE, INC., in the above-styled cause has been served upon the Plaintiff, or his attorney, up to the time of filing the instant Motion for Clerk's Default.

Dated: January 9, 2020

STABINSKI & FUNT, PA
757 NW 27th Avenue
Third Floor
Miami, FL 33125
Telephone: (305) 643-3100
Facsimile: (305) 643-1382
lcuervo@stabinskilaw.com

/s/ Leidy N. Cuervo

Leidy N. Cuervo, Esq.
Florida Bar No.: 1008082

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO.: 50-2019-CA-015962-XXXX-MB

JOSE MANUEL BUSTOS,

Plaintiff,

vs.

ADIDAS AMERICA INC., a foreign profit
corporation, and THE FINISH LINE, INC.,
a foreign profit corporation,

Defendants.

/

CLERK'S DEFAULT

A Clerk's Default is entered in this action against the Defendant, THE FINISH LINE, INC., named in the foregoing motion for clerk's default for failure of said Defendant to serve or file any paper, Answer or other pleading as required by law.

DATED at Palm Beach County, Florida, this ____ day of _____, 2020.

As Clerk of said Court

BY:

as Deputy Clerk

Copies furnished to:

Leidy N. Cuervo, Esq.: lcuervo@stabinskilaw.com and service@stabinskilaw.com

LEON JOHNSON d/b/a DUBIE TRUCKING INC - DOT #1877178**Active****U.S. DOT links:** [Snapshot](#) [Insurance](#) [BASICS](#) [Workspace](#)**Inspection Range:** [1 year](#) [2 years](#) [3 years](#) [All History](#)**Score Information****Company Information**

As of 4/14/2009, this Motor Carrier / Operator has reported on its MCS-150 the following:

Unit Summary**Summary Activities**

Inspections and Accidents from 1/1/2008 and 10/24/2018

Inspection Breakdown by Type								
Type	Total Inspections*	Inspections as % of Overall	Total Inspections with Violations*	Inspections with Violations as % of Inspections	Total Inspections with OOS Violations*	Inspections with OOS Violations as % of Inspections	Total Violations	Total OOS Violations
Driver	20	100.0%	11	55.0%	2	10.0%	18	2
Vehicle	18	90.0%	16	88.9%	11	61.1%	92	18
Hazmat	0	0.0%	0		0		0	0
Unknown	0	0.0%	0		0		0	0
Overall	20		18	90.0%	12	60.0%	110	20

* The same inspection can fall under multiple types.

Crash Information				
Total Accidents	Fatalities	Injuries	Tow Away	Vehicles Involved
3	0	4	3	6

Violations Summary

Violations from 1/1/2008 and 10/24/2018

Driver			Vehicle			Hazmat			Unknown		
Violation Category	Vio Total	OOS Total	Violation Category	Vio Total	OOS Total	Violation Category	Vio Total	OOS Total	Violation Category	Vio Total	OOS Total
ALL OTHER DRIVER VIOLATIONS	2	1		4	0						
ALL OTHER VEHICLE DEFECTS	8	0	ALL OTHER VEHICLE DEFECTS	11	3						
DISQUALIFIED DRIVERS	2	1	BRAKES, ALL OTHER VIOLATIONS	5	5						
MEDICAL CERTIFICATE	1	0	BRAKES, OUT OF ADJUSTMENT	5	1						
NO LOG BOOK, LOG NOT CURRENT, GENERAL LOG VIOLATIONS	2	0	EMERGENCY EQUIPMENT	13	0						
SEAT BELT	2	0	EXHAUST DISCHARGE	1	0						
SIZE AND WEIGHT	1	0	LIGHTING	36	5						
			LOAD SECUREMENT	1	1						
Totals:	18	2	PERIODIC INSPECTION	3	0						
			STEERING MECHANISM	1	1						
			TIRES	8	1						
			UNKNOWN	1	0						
			WHEELS, STUDS, CLAMPS, ETC.	2	1						
			WINDSHIELD	1	0						
			Totals:	92	18						

Inspections Details

Inspections and Accidents from 1/1/2008 and 10/24/2018

Categories: [[Driver=Y](#) | [Vehicle=Y](#) | [Hazmat=Y](#) | [Unknown=Y](#) |Types: [[Inspections=Y](#) | [Crash=Y](#) |

Inspection Information: Expand All Collapse All						
Inspection on 9/24/2018 in GA at TWO LANE RURAL ROAD			Type(s): [Driver] [Vehicle]		Placard Required: N	Post Accident: Y
8 Violation(s)			Shipper Name: N/A			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		1FTYR90L7HVA23586 Vin Decoder	Truck Tractor	FORD	PGY2828	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	393.47(e)	N	Brakes, Out of Adjustment	V	CLAMP/ROTO-CHAMBER TYPE BRAKE(S) OUT OF ADJUSTMENT	4 Non-OOS/Driver Non-OOS
2.	393.47(e)	N	Brakes, Out of Adjustment	V	CLAMP/ROTO-CHAMBER TYPE BRAKE(S) OUT OF ADJUSTMENT	4 Non-OOS/Driver Non-OOS
3.	393.47(e)	N	Brakes, Out of Adjustment	V	CLAMP/ROTO-CHAMBER TYPE BRAKE(S) OUT OF ADJUSTMENT	4 Non-OOS/Driver Non-OOS

4.	393.47(e) N	Brakes, Out of Adjustment	V	CLAMP/ROTO-CHAMBER TYPE BRAKE(S) OUT OF ADJUSTMENT	4 Non-OOS/Driver Non-OOS	
5.	396.3(a)(1) Y	Brakes, Out of Adjustment	V	INSPECTION/REPAIR AND MAINTENANCE PARTS AND ACCESSORIES	2 Unknown/Unverified	
6.	393.9(a) N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS	
7.	393.11 N	Lighting	V	NO/DEFECTIVE LIGHTING DEVICES/REFLECTIVE DEVICES/PROJECTED	10 Non-OOS/Driver Non-OOS	
8.	393.75(a)(3) Y	Tires	V	TIRE — FLAT AND/OR AUDIBLE AIR LEAK	8 Unknown/Unverified	
Inspection on 6/3/2018 in FL at I75 WHITE SPRINGS WIM-NORTH			Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
5 Violation(s)			Shipper Name: SAC			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		1HSSDAAN2TH360784 Vin Decoder	Straight Truck	INTL	N5260V	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	395.8F01 N	No Log Book, Log Not Current, General Log Violations	D	Drivers record of duty status not current	5 Non-OOS/Driver Non-OOS	
2.	392.2FT N	All Other Driver Violations	D	STATE OR INTERNATIONAL FUEL TAX (IFTA) VIOLATION	Non-OOS/Driver Non-OOS	
3.	393.51 Y	Brakes, All Other Violations	V	NO OR DEFECTIVE BRAKE WARNING DEVICE	4 Unknown/Unverified	
4.	393.9(a) N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS	
5.	393.9(a) N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS	
Inspection on 5/24/2018 in FL at BELLE GLADE			Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
3 Violation(s)			Shipper Name: SAC			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		1FDYW90W1DVA06243 Vin Decoder	Straight Truck	FORD	P8123A	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	393.9(a) N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS	
2.	393.9(a) N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS	
3.	393.95(a) N	Emergency Equipment	V	NO/DISCHARGED/UNSECURED FIRE EXTINGUISHER	2 Non-OOS/Driver Non-OOS	
Inspection on 5/18/2018 in FL at SOUTH BAY			Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
7 Violation(s)			Shipper Name:			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		1FDWR82E4TVA10217 Vin Decoder	Straight Truck	FORD	P8117A	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	392.2 N	All Other Driver Violations	D	FAILING TO PROPERLY SECURE PARKED VEHICLE	Non-OOS/Driver Non-OOS	
2.	393.9(a) N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS	
3.	393.207(a) Y	Suspension	V	AXLE POSITIONING PARTS DEFECTIVE/MISSING	7 Unknown/Unverified	

4.	393.75(a)(4)	N	Tires	V	TIRE — CUT EXPOSING PLY AND/OR BELT MATERIAL	8	Non-OOS/Driver Non-OOS
5.	393.95(a)	N	Emergency Equipment	V	NO/DISCHARGED/UNSECURED FIRE EXTINGUISHER	2	Non-OOS/Driver Non-OOS
6.	393.95(f)	N	Emergency Equipment	V	NO / INSUFFICIENT WARNING DEVICES	2	Non-OOS/Driver Non-OOS
7.	392.2IN	N	All Other Vehicle Defects	V	STATE INSURANCE VIOLATION		Non-OOS/Driver Non-OOS
Inspection on 4/4/2018 in FL at SR 80				Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
4 Violation(s)				Shipper Name:			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State	
		1HSHBGFNXMH318845 Vin Decoder	Straight Truck	INTL	NOTAG		
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt	Defect Verification
1.	393.25(f)	Y	Lighting	V	STOP LAMP VIOLATIONS	6	Unknown/Unverified
2.	393.95(a)	N	Emergency Equipment	V	NO/DISCHARGED/UNSECURED FIRE EXTINGUISHER	2	Non-OOS/Driver Non-OOS
3.	393.95(f)	N	Emergency Equipment	V	NO / INSUFFICIENT WARNING DEVICES	2	Non-OOS/Driver Non-OOS
4.	392.2RG	N	All Other Vehicle Defects	V	STATE VEHICLE REGISTRATION OR LICENSE PLATE VIOLATION		Non-OOS/Driver Non-OOS
Inspection on 4/10/2017 in FL at OKEECHOBEE				Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
2 Violation(s)				Shipper Name: SAC			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State	
		1FTYR90LXHVA23596 Vin Decoder	Straight Truck	FORD	N4989Y		
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt	Defect Verification
1.	393.9(a)	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2	Non-OOS/Driver Non-OOS
2.	393.11	N	Lighting	V	NO/DEFECTIVE LIGHTING DEVICES/REFLECTIVE DEVICES/PROJECTED	10	Non-OOS/Driver Non-OOS
Inspection on 5/16/2016 in FL at SR 80				Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
4 Violation(s)				Shipper Name: SAC			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State	
		1FDYR90L0HVA09749 Vin Decoder	Straight Truck	FORD	N2427V		
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt	Defect Verification
1.	391.15(a)-NSIN	N	Disqualified Drivers	D	DRIVING A CMV WHILE DISQUALIFIED. SUSPENDED FOR NON-SAFETY-RELATED REASON AND IN THE STATE OF DRIVER'S LICENSE ISSUANCE.	5	Non-OOS/Driver Non-OOS
2.	393.9(a)	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2	Non-OOS/Driver Non-OOS
3.	393.75(c)	N	Tires	V	TIRE — OTHER TREAD DEPTH LESS THAN 2/32 OF INCH	8	Non-OOS/Driver Non-OOS
4.	393.78	N	Windshield	V	WINDSHIELD WIPERS INOPERATIVE/DEFECTIVE	1	Non-OOS/Driver Non-OOS

Inspection on 4/20/2016 in FL at NB SR 27 AT 441			Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
1 Violation(s)			Shipper Name:			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		1FDYR90L6HVA09769 Vin Decoder	Straight Truck	FORD	N2442V	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	392.16	N	Seat Belt	D	FAILING TO USE SEAT BELT WHILE OPERATING CMV	7 Non-OOS/Driver Non-OOS
Inspection on 3/22/2016 in FL at LAKE PORT			Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
11 Violation(s)			Shipper Name:			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		1FTYR90L7HVA23586 Vin Decoder	Straight Truck	FORD	N2446V	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	391.11(b)(5)-DEN	Y	All Other Driver Violations	D	DRIVER OPERATING A CMV WITHOUT PROPER ENDORSEMENTS OR IN VIOLATION OF RESTRICTIONS.	8 Non-OOS/Driver Non-OOS
2.	393.9(a)	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS
3.	393.9(a)	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS
4.	393.9(a)	Y	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Unknown/Unverified
5.	393.25(f)	N	Lighting	V	STOP LAMP VIOLATIONS	6 Non-OOS/Driver Non-OOS
6.	393.11	N	Lighting	V	NO/DEFECTIVE LIGHTING DEVICES/REFLECTIVE DEVICES/PROJECTED	10 Non-OOS/Driver Non-OOS
7.	393.95(f)	N	Emergency Equipment	V	NO / INSUFFICIENT WARNING DEVICES	2 Non-OOS/Driver Non-OOS
8.	396.17(c)	N	Periodic Inspection	V	OPERATING A CMV WITHOUT PERIODIC INSPECTION	4 Non-OOS/Driver Non-OOS
9.	390.21(b)	N	All Other Vehicle Defects	V	CARRIER NAME AND/OR USDOT REQD; NOT DISPLAYED	Non-OOS/Driver Non-OOS
10.	392.2IN	N	All Other Vehicle Defects	V	STATE INSURANCE VIOLATION	Non-OOS/Driver Non-OOS
11.	390.19(a)(1)	N	All Other Vehicle Defects	V		Non-OOS/Driver Non-OOS
Inspection on 1/18/2016 in FL at MOORE HAVEN			Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
8 Violation(s)			Shipper Name:			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		1FDYR90L0HVA09749 Vin Decoder	Straight Truck	FORD	N2427V	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	393.9(a)	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS
2.	393.25(f)	N	Lighting	V	STOP LAMP VIOLATIONS	6 Non-OOS/Driver Non-OOS
3.	393.9(a)	Y	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Unknown/Unverified
4.	393.95(a)	N	Emergency Equipment	V	NO/DISCHARGED/UNSECURED FIRE EXTINGUISHER	2 Non-OOS/Driver Non-OOS

5.	393.95(f)	N	Emergency Equipment	V	NO / INSUFFICIENT WARNING DEVICES	2	Non-OOS/Driver Non-OOS
6.	396.17(c)	N	Periodic Inspection	V	OPERATING A CMV WITHOUT PERIODIC INSPECTION	4	Non-OOS/Driver Non-OOS
7.	390.19(a)(1)	N	All Other Vehicle Defects	V			Non-OOS/Driver Non-OOS
8.	393.30	N	All Other Vehicle Defects	V			Non-OOS/Driver Non-OOS
Inspection on 12/5/2015 in FL at MUTT THOMAS RD				Type(s): [Driver] Vehicle		Placard Required: N	Post Accident: N
7 Violation(s)				Shipper Name:			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State	
		1FTYR90LXHVA23596	Straight Truck	FORD	N2426V		
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt	Defect Verification
1.	393.11	N	Lighting	V	NO/DEFECTIVE LIGHTING DEVICES/REFLECTIVE DEVICES/PROJECTED	10	Non-OOS/Driver Non-OOS
2.	393.9(a)	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2	Non-OOS/Driver Non-OOS
3.	393.75(c)	N	Tires	V	TIRE — OTHER TREAD DEPTH LESS THAN 2/32 OF INCH	8	Non-OOS/Driver Non-OOS
4.	393.95(a)	N	Emergency Equipment	V	NO/DISCHARGED/UNSECURED FIRE EXTINGUISHER	2	Non-OOS/Driver Non-OOS
5.	396.17(c)	N	Periodic Inspection	V	OPERATING A CMV WITHOUT PERIODIC INSPECTION	4	Non-OOS/Driver Non-OOS
6.	393.30	N	All Other Vehicle Defects	V			Non-OOS/Driver Non-OOS
7.	393.82	N	All Other Vehicle Defects	V	SPEEDOMETER INOPERATIVE / INADEQUATE	3	Non-OOS/Driver Non-OOS
Inspection on 11/13/2014 in FL at CLEWISTON, FL				Type(s): [Driver] Vehicle		Placard Required: N	Post Accident: N
8 Violation(s)				Shipper Name:			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State	
		1FDYR90L6HVA09769	Straight Truck	FORD	N5841U		
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt	Defect Verification
1.	393.51	Y	Brakes, All Other Violations	V	NO OR DEFECTIVE BRAKE WARNING DEVICE	4	Unknown/Unverified
2.	393.11	N	Lighting	V	NO/DEFECTIVE LIGHTING DEVICES/REFLECTIVE DEVICES/PROJECTED	10	Non-OOS/Driver Non-OOS
3.	393.9	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2	Non-OOS/Driver Non-OOS
4.	393.9T	N	Lighting	V	INOPERATIVE TAIL LAMP	6	Non-OOS/Driver Non-OOS
5.	393.11	N	Lighting	V	NO/DEFECTIVE LIGHTING DEVICES/REFLECTIVE DEVICES/PROJECTED	10	Non-OOS/Driver Non-OOS
6.	393.11	N	Lighting	V	NO/DEFECTIVE LIGHTING DEVICES/REFLECTIVE DEVICES/PROJECTED	10	Non-OOS/Driver Non-OOS
7.	393.75(c)	N	Tires	V	TIRE — OTHER TREAD DEPTH LESS THAN 2/32 OF INCH	8	Non-OOS/Driver Non-OOS
8.	393.95(a)	N	Emergency Equipment	V	NO/DISCHARGED/UNSECURED FIRE EXTINGUISHER	2	Non-OOS/Driver Non-OOS

<u>Inspection on 5/22/2014 in FL at 33200</u>		Type(s): [Driver]		Placard Required: N	Post Accident: N
1 Violation(s)		Shipper Name:			
Vehicle Information:	VIN	Vehicle Type	Vehicle Make	License	Lic State
	1FDYW82E2PVA27833 Vin Decoder	Truck Tractor	FORD	N9328T	
Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1. 391.15(a)-NSIN	Y	Disqualified Drivers	D	DRIVING A CMV WHILE DISQUALIFIED. SUSPENDED FOR NON-SAFETY-RELATED REASON AND IN THE STATE OF DRIVER'S LICENSE ISSUANCE.	5 Non-OOS/Driver Non-OOS
<u>Inspection on 4/7/2014 in FL at NW 1ST AVENUE</u>		Type(s): [Driver]		Placard Required: N	Post Accident: N
No Violations		Shipper Name:			
Vehicle Information:	VIN	Vehicle Type	Vehicle Make	License	Lic State
	1FDYR90L8HVA09773 Vin Decoder	Truck Tractor	FORD	N9357T	
		BASIC Wgt Defect Verification			
<u>Inspection on 11/15/2013 in FL at CLEWISTON</u>		Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
No Violations		Shipper Name: SAC			
Vehicle Information:	VIN	Vehicle Type	Vehicle Make	License	Lic State
	1FTYR90LXHVA23596 Vin Decoder	Straight Truck	FORD	N932OT	
		BASIC Wgt Defect Verification			
<u>Inspection on 5/21/2012 in FL at BELLE GLADE, FL</u>		Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
6 Violation(s)		Shipper Name: SAC			
Vehicle Information:	VIN	Vehicle Type	Vehicle Make	License	Lic State
	1FDYR90L0HV09749 Vin Decoder	Straight Truck	FORD	N3143S	
Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1. 392.2	N	All Other Driver Violations	D	FAILING TO PROPERLY SECURE PARKED VEHICLE	Non-OOS/Driver Non-OOS
2. 392.2	N	All Other Driver Violations	D	FAILING TO PROPERLY SECURE PARKED VEHICLE	Non-OOS/Driver Non-OOS
3. 393.9	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS
4. 393.75(c)	N	Tires	V	TIRE — OTHER TREAD DEPTH LESS THAN 2/32 OF INCH	8 Non-OOS/Driver Non-OOS
5. 393.205(c)	Y	Wheels, Studs, Clamps, Etc.	V	WHEEL FASTENERS LOOSE AND/OR MISSING	2 Unknown/Unverified
6. 393.205(c)	N	Wheels, Studs, Clamps, Etc.	V	WHEEL FASTENERS LOOSE AND/OR MISSING	2 Non-OOS/Driver Non-OOS

Inspection on 5/16/2012 in FL at BELLGLADE			Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
6 Violation(s)			Shipper Name: SAC			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		1HSHGLKR7PH482545 Vin Decoder	Straight Truck	INTL	N9976S	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	392.2	N	All Other Driver Violations	D	FAILING TO PROPERLY SECURE PARKED VEHICLE	Non-OOS/Driver Non-OOS
2.	392.2	N	All Other Driver Violations	D	FAILING TO PROPERLY SECURE PARKED VEHICLE	Non-OOS/Driver Non-OOS
3.	393.51	Y	Brakes, All Other Violations	V	NO OR DEFECTIVE BRAKE WARNING DEVICE	4 Unknown/Unverified
4.	393.9	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS
5.	393.9	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS
6.	393.9	N	Lighting	V	INOPERATIVE REQUIRED LAMPS	2 Non-OOS/Driver Non-OOS
Inspection on 4/6/2011 in FL at SOUTH BAY, FL			Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
3 Violation(s)			Shipper Name: SAC			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		1FTYR90L7HVA23586 Vin Decoder	Straight Truck	FORD	N1720S	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	393.11	N	Lighting	V	NO/DEFECTIVE LIGHTING DEVICES/REFLECTIVE DEVICES/PROJECTED	10 Non-OOS/Driver Non-OOS
2.	393.95(a)	N	Emergency Equipment	V	NO/DISCHARGED/UNSECURED FIRE EXTINGUISHER	2 Non-OOS/Driver Non-OOS
3.	392.2W	N	Size and Weight	D	SIZE AND WEIGHT	Non-OOS/Driver Non-OOS
Inspection on 5/26/2010 in FL at SOUTH BAY			Type(s): [Driver][Vehicle]		Placard Required: N	Post Accident: N
8 Violation(s)			Shipper Name:			
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License	Lic State
		T49C1AV596310 Vin Decoder	Straight Truck	GMC	N1720S	
	Violation Code	OOS	Federal Violation Category	Category	Violation Description	BASIC Wgt Defect Verification
1.	392.2	N	All Other Driver Violations	D	FAILING TO PROPERLY SECURE PARKED VEHICLE	Non-OOS/Driver Non-OOS
2.	393.9TS	N	Lighting	V	INOPERATIVE TURN SIGNAL	6 Non-OOS/Driver Non-OOS
3.	393.9TS	Y	Lighting	V	INOPERATIVE TURN SIGNAL	6 Unknown/Unverified
4.	393.25(f)	Y	Lighting	V	STOP LAMP VIOLATIONS	6 Unknown/Unverified
5.	393.209(d)	Y	Steering Mechanism	V	STEERING SYSTEM COMPONENTS WORN/WELDED/MISSING	6 Unknown/Unverified
6.	393.95(a)	N	Emergency Equipment	V	NO/DISCHARGED/UNSECURED FIRE EXTINGUISHER	2 Non-OOS/Driver Non-OOS
7.	393.95(f)	N	Emergency Equipment	V	NO / INSUFFICIENT WARNING DEVICES	2 Non-OOS/Driver Non-OOS

8.	392.2DIM N	All Other Vehicle Defects	V	DIMENSION VIOLATION (WIDTH / HEIGHT / LENGTH)	Non-OOS/Driver Non-OOS
Inspection on 6/3/2009 in GA at VALDOSTA INSPECTION STATION			Type(s): [Driver][Vehicle]		Placard Required: N
18 Violation(s)			Shipper Name: DUBIE TRUCKING		
Vehicle Information:		VIN	Vehicle Type	Vehicle Make	License Lic State
		1FDYR90L6HVA09769 Vin Decoder	Straight Truck	FORD	N5500R
	Violation Code	OOS	Federal Violation Category	Category	Violation Description
1.	391.41(a) N		Medical Certificate	D	DRIVER NOT IN POSSESSION OF MEDICAL CERTIFICATE
2.	395.8(a) N		No Log Book, Log Not Current, General Log Violations	D	NO DRIVER'S RECORD OF DUTY STATUS
3.	392.16 N		Seat Belt	D	FAILING TO USE SEAT BELT WHILE OPERATING CMV
4.	392.2 N		All Other Driver Violations	D	FAILING TO PROPERLY SECURE PARKED VEHICLE
5.	392.2 N		All Other Driver Violations	D	FAILING TO PROPERLY SECURE PARKED VEHICLE
6.	393.47(a) Y		Brakes, All Other Violations	V	INADEQUATE BRAKES FOR SAFE STOPPING
7.	393.47(e) Y		Brakes, All Other Violations	V	CLAMP/ROTO-CHAMBER TYPE BRAKE(S) OUT OF ADJUSTMENT
8.	393.48(a) Y		Brakes, All Other Violations	V	INOPERATIVE/DEFECTIVE BRAKES
9.	393.11 N		Lighting	V	NO/DEFECTIVE LIGHTING DEVICES/REFLECTIVE DEVICES/PROJECTED
10.	393.9T N		Lighting	V	INOPERATIVE TAIL LAMP
11.	393.75(c) N		Tires	V	TIRE — OTHER TREAD DEPTH LESS THAN 2/32 OF INCH
12.	393.75(c) N		Tires	V	TIRE — OTHER TREAD DEPTH LESS THAN 2/32 OF INCH
13.	392.9(a) Y		Load Securement	V	FAILING TO SECURE LOAD
14.	393.83(g) N		Exhaust Discharge	V	EXHAUST LEAK UNDER TRUCK CAB AND/OR SLEEPER
15.	396.5 N		All Other Vehicle Defects	V	EXCESSIVE OIL LEAKS
16.	390.21(b) N		All Other Vehicle Defects	V	CARRIER NAME AND/OR USDOT REQD; NOT DISPLAYED
17.	396.5(b) Y		All Other Vehicle Defects	V	OIL AND/OR GREASE LEAK
18.	396.7 N		All Other Vehicle Defects	V	UNSAFE OPERATIONS FORBIDDEN

Accident Information: Expand All Collapse All					
Accident on 3/21/2017 in FL at US HIGHWAY 441 S			Type(s): [Vehicle]		
Accident			Shipper Name:		
Vehicle Information:	VIN	Vehicle Type	Vehicle Make	License	Lic State
	1HSSDAAN2TH360784 Vin Decoder	Tractor/ Semitrailer	UNKNOWN	N5260V	FL
Vehicles	Fatalities	Injuries	Tow Away		
2	0	0	Y		
Accident on 3/17/2017 in FL at US-27 (STATE ROAD 25)			Type(s): [Vehicle]		
Accident			Shipper Name:		
Vehicle Information:	VIN	Vehicle Type	Vehicle Make	License	Lic State
	1FTYR90LXHVA23596 Vin Decoder	Single-Unit Truck (3 or More Axles)	UNKNOWN	N4989Y	FL
Vehicles	Fatalities	Injuries	Tow Away		
2	0	3	Y		
Accident on 3/23/2016 in FL at US-27 (STATE ROAD 25)			Type(s): [Vehicle]		
Accident			Shipper Name:		
Vehicle Information:	VIN	Vehicle Type	Vehicle Make	License	Lic State
	1FDYR90L6HVA09769 Vin Decoder	Single-Unit Truck (3 or More Axles)	UNKNOWN	N2442V	FL
Vehicles	Fatalities	Injuries	Tow Away		
2	0	1	Y		

Inspected Units Summary

Inspections from 1/1/2008 and 10/24/2018

	Unique VINs	Unique License Numbers	Licensing States
Power Units (past 12 months):	5	5	FL,GA
Power Units (past 24 months):	2	2	FL
Power Units (past 36 months):	4	4	FL
Power Units (past 48 months):	1	1	FL
Power Units (past 60 months):	3	3	FL
Power Units (past 84 months):	2	2	FL
Power Units (past 96 months):	1	1	FL
Power Units (past 108 months):	1	1	FL
Power Units (past 120 months):	1	1	FL
Power Units (past 1200 months):	13	18	

Total Units Inspected: 23

Shippers

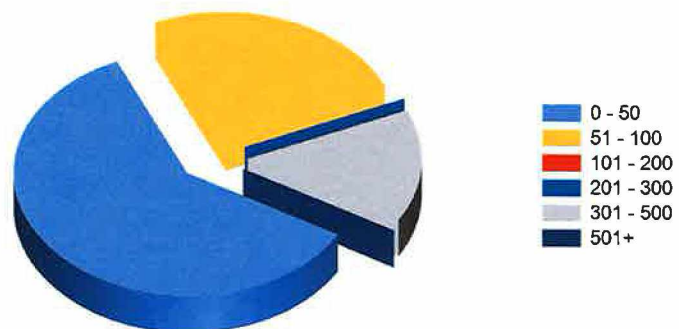
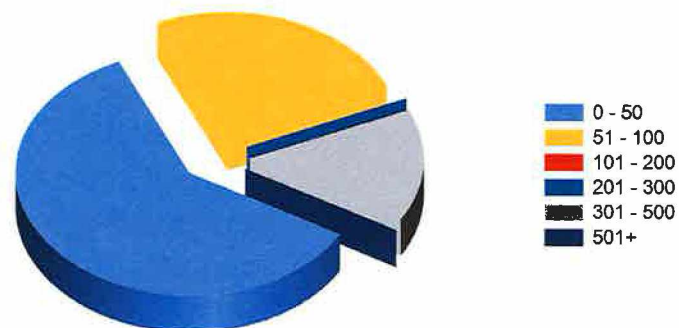
Inspections from 1/1/2008 and 10/24/2018

[Expand All](#) | [Collapse All](#) | [Export to Excel](#) | [Export to PDF](#)

Shipper	Date	State	Level	Inspection Location	Insp Facility	Alcohol Control	Drug Search	Drug Arrest	Size Wgt Enf	Traffic Enf	Local Enf	
DUBIE TRUCKING (1 Inspection)												
	06/03/2009	GA	Full	VALDOSTA INSPECTION STATION	F	N	N	0	N	N	N	Details
N/A (1 Inspection)												
	09/24/2018	GA	Full	TWO LANE RURAL ROAD	R	N	N	0	N	N	N	Details
SAC (8 Inspection)												
	04/06/2011	FL	WalkAround	SOUTH BAY, FL	R	N	N	0	Y	N	N	Details
	05/16/2012	FL	WalkAround	BELLGLADE	R	N	N	0	Y	N	N	Details
	05/21/2012	FL	WalkAround	BELLE GLADE, FL	R	N	N	0	Y	N	N	Details
	11/15/2013	FL	WalkAround	CLEWISTON	R	N	N	0	Y	N	N	Details
	05/16/2016	FL	WalkAround	SR 80	R	N	N	0	Y	N	N	Details
	04/10/2017	FL	WalkAround	OKEECHOBEE	R	N	N	0	N	N	N	Details
	05/24/2018	FL	WalkAround	BELLE GLADE	R	N	N	0	N	N	N	Details
	06/03/2018	FL	WalkAround	I75 WHITE SPRINGS WIM-NORTH	F	N	N	0	N	Y	N	Details

Radius of Operation

Inspections from 1/1/2008 and 10/24/2018

Inspection Miles from Physical Address**Inspection Miles from Mailing Address**

Inspection Year	0 - 50	51 - 100	101 - 200	201 - 300	301 - 500	501 +
2009	0	0	0	0	1	0
2010	1	0	0	0	0	0
2011	1	0	0	0	0	0
2012	2	0	0	0	0	0
2013	0	1	0	0	0	0
2014	2	1	0	0	0	0
2015	1	0	0	0	0	0
2016	2	2	0	0	0	0
2017	0	1	0	0	0	0
2018	3	0	0	0	2	0
% Total:	60.0%	25.0%	0.0%	0.0%	15.0%	0.0%

Inspection Year	0 - 50	51 - 100	101 - 200	201 - 300	301 - 500	501 +
2009	0	0	0	0	1	0
2010	1	0	0	0	0	0
2011	1	0	0	0	0	0
2012	2	0	0	0	0	0
2013	0	1	0	0	0	0
2014	2	1	0	0	0	0
2015	1	0	0	0	0	0
2016	2	2	0	0	0	0
2017	0	1	0	0	0	0
2018	3	0	0	0	2	0
% Total:	60.0%	25.0%	0.0%	0.0%	15.0%	0.0%

Filing # 101374741 E-Filed 01/09/2020 10:41:13 AM

RETURN OF SERVICE

State of Florida

County of Palm Beach

Circuit Court

Case Number: 50-2019-CA-015962-XXXX-MB (AA)

Plaintiff:

JOSE MANUEL BUSTOS

vs.

Defendant:

ADIDAS AMERICA, INC., A FOREIGN PROFIT CORPORATION, AND THE FINISH LINE, INC., A FOREIGN PROFIT CORPORATION

For:

STABINSKI & FUNT



KDY2019054221

Received by ORANGE LEGAL, INC. on the 19th day of December, 2019 at 12:23 pm to be served on **THE FINISH LINE, INC., 1201 HAYS STREET, TALLAHASSEE, FL 32301.**

I, JESSICA POWELL, do hereby affirm that on the **19th day of December, 2019 at 2:50 pm, I:**

served a **CORPORATE, PARTNERSHIP, ASSOCIATION OR GOVERNMENT SERVICE** by delivering a true copy of the **SUMMONS, COMPLAINT and DEMAND FOR DAMAGES** with the date and hour of service endorsed thereon by me, to: **Ronnie Long as Service Liaison** authorized to accept service, of the within named corporation, at the address of: **1201 HAYS STREET, TALLAHASSEE, FL 32301** on behalf of **THE FINISH LINE, INC.**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 30, Sex: F, Race/Skin Color: White, Height: 5'7", Weight: 120, Hair: Light Brown, Glasses: Y

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. "Under penalties of perjury, I declare that I have read the foregoing document and that the facts in it are true" F.S. 92.525. NOTARY NOT REQUIRED PURSUANT TO FS 92.525

JESSICA POWELL

258

ORANGE LEGAL, INC.
633 East Colonial Drive
Orlando, FL 32803
(407) 898-4200

Our Job Serial Number: KDY-2019054221
Ref: 3823805

Filing # 100386219 E-Filed 12/16/2019 04:08:28 PM
210407

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY,
FLORIDA

JOSE MANUEL BUSTOS,

CASE NO.: 50-2019-CA-015962-XXXX-MB (AA)

Plaintiff,
vs.

ADIDAS AMERICA, INC., a foreign
profit corporation, and THE FINISH
LINE, INC., a foreign profit
corporation

Defendant.
_____ /

S U M M O N S

THE STATE OF FLORIDA:

To Each Sheriff of Said State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint in this
lawsuit on the Defendant:

PLEASE SERVE: THE FINISH LINE, INC.

BY SERVING: CT Corporation System
1201 Hays Street
Tallahassee, Florida 32301

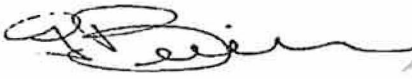
Each defendant is required to serve written defenses to the Complaint on the Plaintiff's
attorney, to wit: **Leidy Cuervo, Esq., Stabinski & Funt, P.A., 757 N.W. 27th Avenue, Third
Floor, Miami, Florida 33125, Tel: (305) 643-3100, lcuervo@stabinskilaw.com**, within
twenty (20) days after service of this Summons on that Defendant, exclusive of the day of
service, and to file the original of the defenses with the Clerk of this Court either before

service on Plaintiff's attorney, or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the Complaint or Petition.

Date: Dec 17 2019



As Clerk of said Court

By: 
as Deputy Clerk
GINA BRIMMER D.C.

IMPORTANT

A lawsuit has been filed against you. You have twenty (20) calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named above.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cet citation pour déposer une réponse écrite

a la plainte ci-jointe aupres de ce Tribunal. Un simple coup de telephone est insuffisant pour vous proteger; vous etes obligé de déposer votre reponse écrite, avec mention du numero de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre reponse écrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun preavis ulterieur de Tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de déposer vous-meme une reponse écrite, il vous faudra également, en meme temps que cette formalité, faire parvenir ou expedier une copie de votre reponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocat) nommé ci-dessous.

COURT LOCATION

Palm Beach County Courthouse
205 N. Dixie Highway
West Palm Beach, FL 33401

EXPLANATION

The summons form for personal service on individuals is to be used for service on individuals under the following provisions: Florida Statutes 48.031 (service of process generally), 48.041 (service on minors), 48.042 (service on incompetents), 48.051 (service on state prisoners), 48.103 (service of process in an action for possession of residential premises), and 48.194 (personal service outside the state).

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, at the Administrative Office of the Court, Palm Beach County Courthouse, 205 North Dixie Highway, Room 5.2500, West Palm Beach, Florida 33401; telephone number (561) 355-4380 within two (2) working days of your receipt of this Summons and Complaint; if you are hearing or voice impaired, call 1-800-955-8770.

Filing # 101602078 E-Filed 01/14/2020 10:12:37 AM

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY

CASE NO.: 2019-CA-015962-XXXX-
MB (AA)

JOSE MANUEL BUSTOS,

Plaintiff,

v.

ADIDAS AMERICA, INC., a foreign
profit corporation, and THE FINISH
LINE, INC., a foreign profit corporation,

Defendants.

**AGREED ORDER ON DEFENDANTS' MOTION FOR EXTENSION
OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT**

THIS CAUSE having come on to be heard on Defendants, ADIDAS AMERICA, INC. and THE FINISH LINE, INC.'s, Motion for Extension of Time to Respond to Plaintiff's Complaint dated January 9, 2020, and the Court having been advised that the parties are in agreement, it is hereby:

ORDERED AND ADJUDGED, as follows:

1. That the Defendants' Motion for Extension of Time to Respond to Plaintiff's Complaint dated January 9, 2020 is **GRANTED**.

2. Defendants shall respond to Plaintiff's Complaint on or before January 29, 2020.

DONE and ORDERED in Chambers, at West Palm Beach, in Palm Beach County, Florida.

50-2019-CA-015962-XXXX-MB 01/14/2020
J. J. JUDICIAL CIRCUIT
G. Joseph Curley, Jr. Judge
ADMINISTRATIVE OFFICE OF THE COURT

50-2019-CA-015962-XXXX-MB 01/14/2020
G. Joseph Curley, Jr.
Judge

Copies Furnished To:

Charles G. Short, Esq., Cole, Scott & Kissane, P.A., Esperante Building, 222 Lakeview Avenue, Suite 120, West Palm Beach, Florida 33401, charles.short@csklegal.com and karen.kreuscher@csklegal.com

Leidy N. Cuervo, Esq., Stabinski & Funt, P.A., 757 Northwest 27th Avenue, Third Floor, Miami, FL 33125, service@stabinskilaw.com and lcuervo@stabinskilaw.com

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

Case Number: 50-2019-CA-015962-XXXX-MB
Division: AA: Circuit Civil Central - AA (Civil)

JOSE M BUSTOS,
Plaintiff(s),
vs.

ADIDAS AMERICA INC, A FOREIGN
PROFIT CORPORATION AND THE FINISH
LINE, INC A FOREIGN PROFIT CORPORATION,
Defendant(s).

DEFAULT

A default is entered in the above styled cause against:

THE FINISH LINE INC

for failure to serve or file any pleading or document as required by law.

Dated on: 16th of January, 2020.

Sharon R. Bock
Clerk & Comptroller



By: _____

Sherrod, Kattie M as Deputy Clerk

☐ Copies Not furnished – envelopes not provided.

☒ Copies furnished to: LEIDY N CUERVO, ESQ LCUERVO@STABINSKILAW.COM

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IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY

CASE NO.: 2019-CA-015962-XXXX-MB
(AA)

JOSE MANUEL BUSTOS,

Plaintiff,

v.

ADIDAS AMERICA, INC., a foreign
profit corporation, and THE FINISH
LINE, INC., a foreign profit corporation,

Defendants.

DEFENDANT'S MOTION TO SET ASIDE CLERK'S DEFAULT

COMES NOW, Defendant, THE FINISH LINE, INC., by and through its undersigned counsel, and pursuant to the Florida Rule of Civil Procedure, hereby files this Motion to Set Aside Clerk's Default, and as grounds, states as follows:

1. Plaintiff filed his Complaint in this matter on or about December 16, 2019, seeking damages for personal injuries allegedly caused by a defective Adidas Springblade shoe sold to Plaintiff at one of Defendant's stores.
2. According to the Notice of Service of Process, Defendant was served via electronic delivery on December 19, 2019.
3. On January 9, 2020, the undersigned entered a Notice of Appearance and E-mail Designation on behalf of Defendant, THE FINISH LINE, INC., and Co-Defendant, ADIDAS AMERICA, INC.

COLE, SCOTT & KISSANE, P.A.

1645 PALM BEACH LAKES BOULEVARD - 2ND FLOOR - WEST PALM BEACH, FLORIDA 33401 (561) 383-9200 - (561) 683-8977 FAX

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4. Additionally, on January 9, 2020, the undersigned filed a Motion for Extension of Time to Respond to Plaintiff's Complaint on behalf of both Defendants.

5. Also, on January 9, 2020, Plaintiff filed his Motion for Entry of Clerk's Default on Defendant, THE FINISH LINE, INC.

6. The parties entered into an Agreed Order providing both Defendants an extension of time to respond to Plaintiff's Complaint, and on January 14, 2020, this Court executed that Agreed Order.

7. On January 16, 2020, a Clerk's Default was entered in the case against the Defendant for failure to serve or file any pleadings or documents.

8. Rule 1.540(b) of the Florida Rules of Civil Procedure states:

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc.

On motion and on such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect . . . The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 1 year after the judgment, order, or proceeding was entered or taken . . .

9. Due to an inadvertent error, mistake and excusable neglect, Defendant, THE FINISH LINE, INC., did not file any pleadings or documents until January 9, 2020.

10. The undersigned reviewed the docket and discovered that a default had been entered against Defendant on January 16, 2020, two days after the Court signed the Agreed Order on Defendants' Motion for Extension of Time to Respond to Plaintiff's Complaint.

11. The undersigned immediately filed the present Motion to Set Aside Clerk's Default.

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12. A trial court is required to set aside a default where the party seeking relief shows excusable neglect, due diligence upon discovery of the default, and a meritorious defense. *Walker v. Boyce*, 734 So. 2d 578 (Fla. 3d DCA 1999). A party seeking relief must demonstrate excusable neglect, a meritorious defense, and that the party acted with due diligence. *Andrade v. Andrade*, 720 So. 2d 551 (Fla. 4th DCA 1998).

13. The policy in Florida is one of liberality toward vacating defaults, and any reasonable doubt with regard to setting aside a default should be resolved in favor of vacating the default and allowing trial on the merits. This is particularly true in cases where the parties are not prejudiced by the late filing. *Tutwiler Cadillac, Inc. v. Brockett*, 551 So. 2d 1270, 1989 Fla. App. LEXIS 6311, 14 Fla. L. Weekly 2627 (Fla. Dist. Ct. App. 1st Dist. 1989).

WHEREFORE, Defendant, THE FINISH LINE, INC., respectfully requests the Court to enter an Order setting aside the Clerk's Default entered against Defendant, THE FINISH LINE, INC., and any other relief deemed appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of January, 2020, a true and correct copy of the foregoing was filed with the Clerk of Palm Beach County by using the Florida Courts e-Filing Portal, which will send an automatic e-mail message to the following parties registered with the e-Filing Portal system: Leidy N. Cuervo, Esq.,

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