

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL IN AND FOR  
ORANGE COUNTY, FLORIDA.

CASE No. 2008-CA-24573-0

ZENAIDA FERNANDEZ GONZALEZ,  
Plaintiff,

v.

CASEY ANTHONY,  
Defendant.

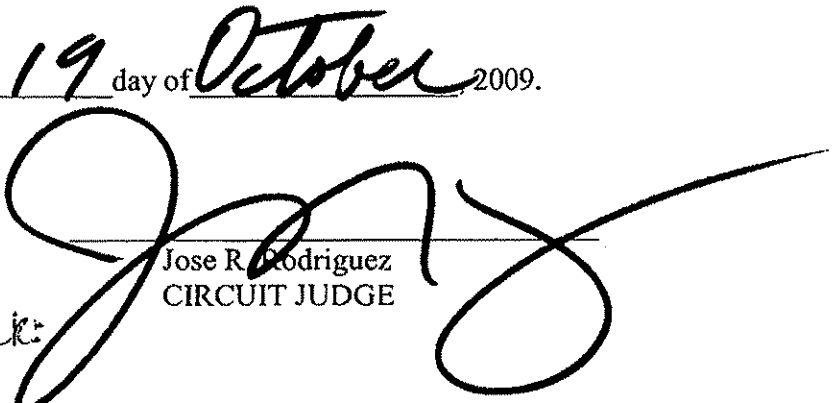
**ORDER ON MOTION TO DISMISS AND STAY THE PROCEEDINGS**

This motion came to be heard before the court upon Defendant's Motion to dismiss. The court having heard argument and having been fully advised of the premises, hereby DENIES the motion.

1. The court finds that the basis advanced for the granting of the motion, qualified privilege, presents a mixed question of law and fact. Therefore, it would be inappropriate for the court to dismiss this action on the grounds stated. *Healy v. Suntrust Serv. Corp.*, 569 So. 2d 458, 460 (Fla. 5<sup>th</sup> DCA 1990) (noting that an issue of qualified privilege is a mixed question of law and fact which should be determined by the trier of fact).

2. Due to the fact that plaintiff's counsel withdrew the request to have the defendant respond to Interrogatory #3, the issue of whether the court should stay the proceedings at this time has become moot. Therefore, the court is not required to reach the issue at this time.

DONE AND ORDERED, this 19 day of October 2009.



Jose R. Rodriguez  
CIRCUIT JUDGE

Copies forwarded to: *via ECF by Clerk:*

*Keith Mitnik, Esquire*  
*Jonathan Kasen, Esquire*  
*Diana Jennis, Esquire*