

IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA, DEPARTMENT
OF BUSINESS AND PROFESSIONAL
REGULATION, DIVISION OF
PARI-MUTUEL WAGERING,


Appellants,

v.

GULFSTREAM PARK RACING
ASSOCIATION, INC.,

Appellee.

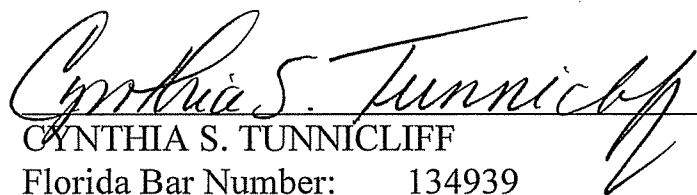
CASE NO.: SC05-2130

FILED
THOMAS D. HALL
2006 JAN -4 P 1:53
CLERK, SUPREME COURT
BY 

NOTICE OF FILING

Appellee files the attached Affidavit of Scott Savin in support of its Motion to Clarify Extent of Automatic Stay Under Rule 9.310, Rules of Appellate Procedure, or, in the Alternative, to Set Aside Automatic Stay.

Respectfully submitted,


CYNTHIA S. TUNNICLIFF

Florida Bar Number: 134939

MARC W. DUNBAR

Florida Bar Number: 0008397

WILLIAM H. HUGHES III

Florida Bar Number: 0628263

PENNINGTON, MOORE, WILKINSON,
BELL & DUNBAR, P.A.

215 South Monroe Street - Second Floor (32301)

Post Office Box 10095

Tallahassee, Florida 32302-2095

Telephone: 850/222-3533

Facsimile: 850/222-2126

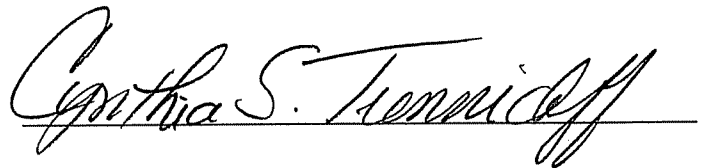
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by U.S. Mail, to JOSEPH M. HELTON, JR., ESQUIRE, Chief Attorney for Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202; and HAROLD F. X. PURNELL, ESQUIRE, and MAGGIE M. SCHULTZ, ESQUIRE, of Rutledge, Ecenia, Purnell & Hoffman, P.A., Post Office Box 551, Tallahassee, Florida 32302-0551, this 4th day of January, 2006.

A handwritten signature in cursive script, reading "Cynthia S. Tennickoff", written over a horizontal line.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that in compliance with Fla. R. App. P. 9.100(1), the font size used in this Motion is Times New Roman 14-point font.

A handwritten signature in cursive script, reading "Cynthia S. Tennickoff", written over a horizontal line.

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CASE NO.: SC05-2130

GULFSTREAM PARK RACING
ASSOCIATION, INC.,

Appellee.

_____ /

AFFIDAVIT OF SCOTT SAVIN

STATE OF FLORIDA)
)
COUNTY OF _____)

BEFORE ME, the undersigned authority, this day personally appeared
SCOTT SAVIN, who, being first duly sworn, states from his personal knowledge
as follows:

My name is Scott Savin. I am over 18 years old and have personal
knowledge of the facts attested to herein.

I am presently President of Gulfstream Park Racing Association, Inc. and have been employed in the pari-mutuel industry for over twenty (20) years.

Due to the damage caused by the hurricanes in 2005 on the renovation of Gulfstream's facilities, Gulfstream cannot open its season at full capacity. Gulfstream generally has a capacity of over 15,000 people per day, but can only accommodate 5,000 people until its renovations are complete.

Gulfstream and Calder have entered into an agreement whereby Gulfstream will broadcast its races to Calder which has the capacity to accommodate the patrons who, but for the construction, would be able to attend the races at Gulfstream. This agreement is permissible under the decisions of the Leon County Circuit Court and District Court of Appeal, declaring Section 550.615(6), Fla. Stat., unconstitutional.

If there is an automatic stay and it is not vacated, there will be a negative impact on the thoroughbred industry and the revenues of the State of Florida.

Gulfstream usually employs 170-200 mutuel workers for five (5) hours per day at \$15.00 per hour. Because of its reduced capacity, it can only employ 60 mutuel workers for its winter meet. If allowed to simulcast its races to

Calder, Calder would employ an additional 60 mutuel workers. If Calder cannot receive the simulcast signal because the State has an automatic stay or the stay has not been vacated, those mutuel workers would not be hired by Calder and there would be approximately \$500,000 lost to the local economy.

Gulfstream's lack of capacity will result in approximately \$300,000 per day in lost handle. This translates to \$5,000-\$6,000 lost tax revenues each day to the State of Florida. This amount could be saved for the State of Florida if there is no stay or the stay is vacated and Calder is allowed to receive Gulfstream's simulcast so that its patrons are served at the Calder facility.

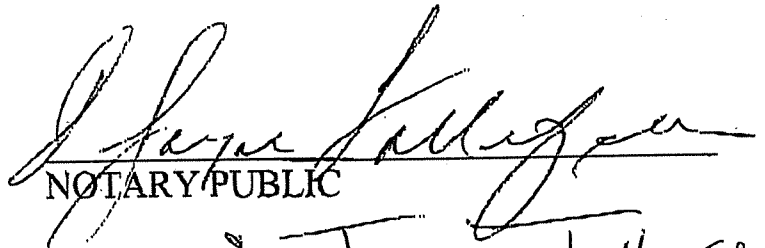
The horsemen are similarly impacted by the lack of capacity at Gulfstream. It is anticipated that unless Gulfstream can send its races to Calder that purses paid will be reduced by \$15,000 per day. Such reduction in purses can have a devastating effect on the thoroughbred racing industry in Florida. As purses decline, the better horses will leave the State to race elsewhere which causes a further reduction in purses in a downward spiral.

FURTHER AFFIANT SAYETH NAUGH.



SCOTT SAVIN
AFFIANT

The foregoing instrument was acknowledged before me in the County and State last aforesaid this 4 day of January, 2006, by Scott Savin, who is personally known to me, or who provided a _____ as identification.


NOTARY PUBLIC

Print Name: D. JAYNE TOLLESON

My Commission Expires: 8.27.08

My Commission Number: BD343311



D Jayne Tolleson
My Commission DQ343311
Expires August 27 2008