

FILED  
THOMAS D. HALL  
SUPREME COURT OF FLORIDA

2006 JAN -6 P 3:18

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

CASE NO.: SC05-2130  
CLERK, SUPREME COURT

BY  \_\_\_\_\_

And

HARTMAN-TYNER, INC., et al,

CASE NO.: SC05-2131

Appellants,

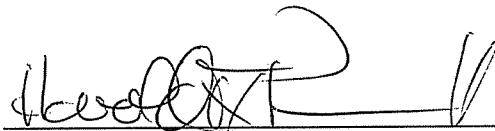
vs.

GULFSTREAM PARK RACING  
ASSOCIATION, INC.,

Appellee.  
\_\_\_\_\_ /

**NOTICE OF FILING**

Appellant, HARTMAN-TYNER, INC., et al., files the attached Affidavit of Daniel K. Adkins in opposition to the Motion to Clarify Extent of Automatic Stay Under Rule 9.310, F.R.App.P., or, in the Alternative, to Set Aside Automatic Stay.



HAROLD F. X. PURNELL

Florida Bar Number 148654

Rutledge, Ecenia, Purnell & Hoffman, P. A.

Post Office Box 551

Tallahassee, Florida 32302-0551  
(850) 681-6788

ATTORNEYS FOR HARTMAN-TYNER, ET AL.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail on this 6th day of January, 2006, on the following.

**Attorneys for Appellee**

Cynthia S. Tunnickliff

Pennington, Moore, Wilkinson, Bell & Dunbar, P. A.

Post Office Box 10095

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**Attorney for Florida Division of Pari-Mutuel Wagering**

Joseph M. Helton, Jr., Esq.

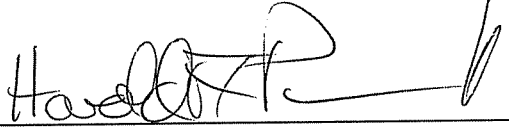
Division of Pari-Mutuel Wagering

Office of the General Counsel

Department of Business and Professional Regulation

1940 North Monroe Street, Suite 60

Tallahassee, Florida 32399-2202

  
HAROLD F. X. PURNELL

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\_\_\_\_\_ /

**AFFIDAVIT OF DANIEL K. ADKINS**

Personally appeared before me, DANIEL K. ADKINS, who being duly sworn to  
depose and state:

1. That he is over the age of twenty-one and makes this affidavit upon personal knowledge.
2. That he is Vice-President of Hartman-Tyner, Inc., the owner of Hollywood Greyhound Track, and is in charge of all operations at Hollywood Greyhound Track. He has served in such capacity at Hollywood Greyhound Track for 19

years.

3. That Hollywood Greyhound Track as well as most other pari-mutuel facilities in Miami-Dade and Broward Counties, suffered extensive damage from hurricanes in 2005, particularly, Hurricane Wilma.
4. Gulfstream and Calder previously made a public announcement of their intention to exchange intertrack wagering signals, not on a brief interim basis, but on a year round basis, in which not only Gulfstream is to send its signal to Calder when Gulfstream is open and Calder is not operating, but also when Calder is open and Gulfstream is not operating. Gulfstream and Calder have in fact commenced such exchange effective January 4, 2006.
5. Such exchange of intertrack wagering signals has been precluded by Florida Statute 550.615(6) since 1992.
6. Vacation of the automatic stay and the attendant disruptions of the status quo of operation under Florida Statute 550.615(6) will result in significant adverse economic impact to Hollywood Greyhound Track, including a reduction of pari-mutuel taxes to the state paid by Hollywood Greyhound Track, which are paid at a significantly higher rate than either Gulfstream or Calder. Such vacation of the stay would also significantly and adversely affect kennel owners and operators engaging in racing at Hollywood Greyhound Track and will result in a reduction of employees at Hollywood Greyhound Track.



Daniel K. Adkins  
Affiant

The foregoing instrument was acknowledged before me in the County and State last aforesaid this 6<sup>th</sup> day of January, 2006, by Daniel K. Adkins, who is personally known to me.

  
Notary Public

Catherine R. Mavrak  
My Commission DD350706  
Expires October 07, 2008