

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC11-1219  
TFB No. 2010-10,886 (13B)

v.

GEORGE JOHN FRANCIS WERNER,

Respondent.

\_\_\_\_\_ /

**REPORT OF REFEREE**

**I. SUMMARY OF PROCEEDINGS:**

Pursuant to the undersigned being duly appointed as Referee to conduct these proceedings according to the Rules Regulating the Florida Bar, the parties entered into a Stipulation regarding the dismissal of this case pursuant to Florida Rules of Civil Procedure, Rule 1.420(a). The pleadings, which are forwarded to the Supreme Court of Florida with this Report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar – Henry Lee Paul  
For the Respondent – Pro Se

**II. FINDINGS OF FACT:**

After considering the pleadings before me, pertinent portions of which are commented on below, I find:

A. The Florida Bar in conducting discovery, took the depositions of two exculpatory witnesses. These witnesses had been unavailable at the time of

deliberation by the grievance committee. The testimony of these witnesses caused The Florida Bar to enter into a Stipulation for Dismissal.

B. Respondent, GEORGE JOHN FRANCIS WERNER, and Complainant, THE FLORIDA BAR, submitted a Stipulation for Dismissal of this matter.

### **III. RECOMMENDATION:**

Based upon the Stipulation entered into between the parties, I recommend that the Stipulation be accepted by this Court and this matter be dismissed with each party to bear their own attorney's fees and costs in connection with this proceeding.

DATED, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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KIMBERLY K. FERNANDEZ, REFEREE  
401 N. Jefferson Street, Annex Room 125  
Tampa, FL 33602

Original to Supreme Court with Referee's original file.

Copies of this Report of Referee only to:

Kenneth Lawrence Marvin, Esquire, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32300-2300;

Henry Lee Paul, Esquire, The Florida Bar, 4200 George J. Bean Pkwy, Ste. 2580 Tampa, Florida 33607; and,

George John Francis Werner, Esquire, Respondent, 1602 E. 3rd Ave., Suite B Tampa, Florida 33605-5106.