

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY
FAMILY DIVISION

IN RE: THE MARRIAGE OF:
LINDA MARIE BOLLEA,
Petitioner,

And

TERRY GENE BOLLEA,
Respondent

UCN: 522007DR013355XXFDFD
Ref No. 07-13355-FD-14

v.

TGB Family Limited Partnership, II,
A Florida Limited Partnership; et al.

**ORDER DENYING MOTION TO ENJOIN WIFE FROM ALLOWING HER
BOYFRIEND, CHARLIE HILL, FROM DRIVING ANY VEHICLE OWNED BY
THE PARTIES**

THIS CAUSE came before the Court for hearing on April 9, 2009, upon Respondent/Husband's Motion to Enjoin Wife from Allowing her Boyfriend, Charlie Hill, from Driving Any Vehicle Owned by the Parties. The parties and their attorneys were present before the Court.

The Respondent/Husband's request for an injunction extends to Charlie Hill's operation of any vehicle or vessel of any type or description that is owned by either of the parties, individually, jointly, or through any business venture in which either of the parties has an interest. Respondent/Husband fears that the parties' entire marital estate could be at risk for any liability incurred by Charlie Hill's operation of those vehicles, including property damage, as well as bodily injury, to himself or others. Under the parties' existing insurance, non-family members who use the marital cars or boat more than 12 times a year are not covered. Respondent contends that an increase in insurance coverage would entail extensive expense to the parties, because of Charlie Hills' age and driving record.

Section 61.11, Florida Statutes, provides the statutory authority for prejudgment injunctions in family law cases, other than domestic violence, repeat violence, dating violence or sexual violence. The statute, however, is limited to the issuance of injunctions

to prevent attempts to remove property from the state, to fraudulently convey property or to conceal property, in order to protect the payment of alimony and support. The requested injunction in this case does not come within the statute.

A prejudgment common law injunction may be obtained only upon the showing of: 1) a clear legal right; 2) the substantial likelihood of immediate irreparable harm; 3) the lack of an adequate remedy at law; and 4) consideration of the public interest. Permitting the use of the marital vehicles by a non-family member who is not adequately insured by the parties would appear to be exceedingly imprudent, but the Court does not find that Charlie's Hill's use of the vehicles would constitute "substantial likelihood of immediate irreparable harm". At most, it is speculation that liability could result. Moreover, Respondent has not shown that he lacks an adequate remedy at law. See *Esposito v Horning*, 416 So.2d 896 (Fla. 4th DCA 1982). See also, *Weinstein v Aisenberg*, 758 So.2d 705 (Fla. 4th DCA 2000). Therefore, it is

ORDERED AND ADJUDGED that Petitioner's motion for an injunction is DENIED.

DONE AND ORDERED in Chambers, at Clearwater, Pinellas County, Florida, this 30 day of April 2009.


GEORGE W. GREER
CIRCUIT JUDGE

Copies furnished to:

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