

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

MASON CLASSICAL ACADEMY, INC.)	
)	
Plaintiff,)	
)	
vs.)	CASE NO.: 19-CA-011779
)	
JOSEPH M. BAIRD,)	DIVISION:
)	
Defendant.)	
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**AGREED ORDER ON PLAINTIFF’S MOTION TO STRIKE DEFENDANT’S
AFFIRMATIVE DEFENSES, OR IN THE ALTERNATIVE, MOTION FOR
JUDGMENT ON THE PLEADINGS**

THIS CAUSE came before the Court on August 5, 2020, on Plaintiff, Mason Classical Academy, Inc.’s (“MCA”), Motion to Strike Defendant’s Affirmative Defenses, Or In The Alternative, Motion for Judgment of the Pleadings (the “Motion to Strike”). The Court, having reviewed the court file, and having been made aware of the parties’ stipulation on the Motion to Strike, it is hereby **ORDERED**:

1. Baird’s First Affirmative Defense (asserted in Baird’s Answer and Affirmative Defenses to Amended Complaint filed on January 29, 2020) is hereby stricken.

2. Baird’s Third Affirmative Defense (asserted in Baird’s Answer and Affirmative Defenses to Amended Complaint filed on January 29, 2020) is hereby stricken. However, Baird may assert a defense of unclean hands should Baird determine that such a defense applies to the claims asserted by MCA.

3. Baird’s Fourth Affirmative Defense (asserted in Baird’s Answer and Affirmative Defenses to Amended Complaint filed on January 29, 2020) is hereby stricken, in part, as it relates to the portion claiming that Plaintiff has not suffered damages. The remaining portion of Baird’s

Fourth Affirmative Defense which alleges that MCA's contract with Hillsdale College is *void ab initio* may remain.

4. Upon entry of this Order, MCA shall be given ten (10) days leave to amend its complaint to assert allegations regarding a business relationship between MCA and Hillsdale College which may serve as the basis of a tortious interference claim in addition to MCA's current allegations of a valid contractual relationship with Hillsdale College.

5. Upon MCA filing its Second Amended Complaint, Baird shall have ten (10) days to file an Answer and Affirmative Defenses, which affirmative defenses shall comply with the rulings set forth above in paragraphs 1 through 3 of this Order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this ___ day of August, 2020.


19-CA-011779 8/7/2020 9:44:19 AM

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JUDGE CAROLINE TESCHE ARKIN
Circuit Judge

Copies furnished via JAWS to:
All counsel of record via JAWS.