





**NAPLES** — Without offering any excuse, a second Collier County Circuit Judge has walked away from the Smallwood Store/Collier County v. Florida Georgia Grove LLP (FGG) case.

A descendent of a pioneer Collier County family, the Hon. Cythia Pivacek recused herself as the successor to Judge Hugh Hayes, the original case Judge, who walked away in October when FGG accused him of being partial to the County since the Courthouse Annex was dedicated in his honor.

The case has now been given to Judge Lauren L. Brodie, who is usually found sitting before Family Law and Juvenile Delinquency cases. Judge Brodie has set a hearing for 2:30 p.m. Wednesday, Nov. 30. "I hope she doesn't step down. All of these delays are killing us," said Lynn Smallwood-McMillin, who manages the 106-year-old historical Museum at the southern tip of Chokoloskee.

The Smallwood Store was closed April 14 when FGG put up a fence and closed the only access road - Mamie Street - in a bold move to force permitting agencies to allow them to develop acreage they own contiguous to the Store. Judge Hayes ordered FGG to replace the road, however, just before stepping down.

The replacement road - half as wide, unpaved and unevenly graded - is barely passable. "Most people pull up and turn around and leave. We are essentially still closed with no end in sight," said McMillin, who has emptied the Store's critical repair budget to pay for legal fees. "I don't know what we are going to do."

At the Nov. 30 Status Conference hearing, Judge Brodie will hear arguments on why FGG should (or shouldn't) follow Judge Hayes' order to put the road back like it was before it was torn up. "It is really sad that these guys would rather pay for their attorneys than pay to put the road back so the Smallwood Store can resume normal operations," said Rachael Loukonen, of Naples, the Smallwood's principal attorney. "It's a shame for another precious part of Florida history to be burned away like that through legislation."

Store owner Ted Smallwood was one of the first merchants to trade with, and provide credit to, the Seminole Indians in the early 1900s when Seminoles began to emerge from their exile deep in the Everglades, where they hid during the Seminole Wars.

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