

## Defendants in the *Deese v. RALSC et al.* File Motion for SUMMARY JUDGMENT

*“No member shall be entitled to serve as a director on the Board of Directors for more than a total of 10 years cumulatively.”*

*~~RALSC Bylaws, Article XI, Section 10. (2017)*

Defendants in the *Deese v. RALSC et al.* case have filed a Motion for Summary Judgment alleging that the facts of the case are indisputable and that the controlling documents, the Association’s Bylaws, bar Plaintiff William Deese (“**Deese**”) from the presidency. Summary Judgment is appropriate when a party can conclusively demonstrate that there is no genuine issue of material fact in dispute and that only a question of law remains for the court to decide.

The *Deese v. RALSC et al.* lawsuit arises from a conflict between Deese’s claim that he is entitled to enjoy the position of president of the REALTORS® ASSOCIATION OF LAKE AND SUMTER COUNTIES, INC. (the “**Association**”) and Defendants’ firm resolve that the governing documents of the Association (the “**Bylaws**”) bar Deese from the Board and the office he claims. In his two-count action, Deese alleges that Defendants “unlawfully” removed him from the presidency at a January 17, 2019 Board meeting and asks the court to declare that he “has been, and remains, the lawfully elected president of the Association” and to issue temporary and permanent injunctive relief by immediately restoring him to the presidency.

In defense of their position that Deese cannot be a director or president of RALSC without an amendment to the controlling documents that would extend his entitlement on the Board, Defendants track the mandates of the Bylaws in their Motion for Summary Judgment and propose to the court as follows:

- Deese has been, consecutively and without interruption, a director on the Board since January of 2009 and through the end of his 2018 term. His entitlement to a directorship on the Board expired upon the completion of his tenth year. Since officers must be directors, and Deese cannot be a director, then Deese cannot be president.
- Even if he had been on the second year of his elected term to the directorship, Deese does not qualify for the “one more year” extension that the Bylaws afford directors whose terms expire but would be commencing their tenure as president because he exhausted the maximum allowable period of ten years on the Board.
- At the January 17, 2019 Board Meeting, the Board did not appoint and ratify Deese as the Association’s president. Deese cannot ascend to the office of president without Board appointment and ratification.

In their Motion for Summary Judgment, Defendant’s ask the court to align itself with their position. You may review the text of the full Motion for Summary Judgment, as filed with the court, by clicking [here](#).