
[FULL] Contoh Kasus Leaderless Group Discussion .13



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. 28. 29. 30.” Although the parties to the suit have not filed pleadings, there were no counterclaims. Therefore, the default judgment against the defendants is limited to the claim of the plaintiff. Upon this analysis, the Court concludes that the subject matter of this suit is proper for a group discussion. Concluding that the suit is proper, the next thing to consider is whether the plaintiff has established that the nonparties must participate in the group discussion. While the resolution of this question is dispositive, the Court will comment on the following factors in deciding whether the nonparties must participate in the group discussion. The requirement to participate in the group discussion is not to protect the plaintiff from possible prejudice from a nonparty, such as from harassment or intimidation. See, e.g., National Union Fire Ins. Co. v. Bell, 734 So. 2d 1063, 1068 (Fla. 4th DCA 1999). If that is the purpose of the requirement, the nonparty can simply decline to participate in the group discussion

and the plaintiff will not be prejudiced. Another factor in deciding whether nonparties must be present in the group discussion is whether the subject matter of the suit could be addressed by means other than a group discussion. See, e.g., *S & G Industries, Inc. v. Avakian*, 648 So. 2d 75, 76 (Fla. 4th DCA 1994). If the subject matter is of such a nature that the parties cannot discuss it unless the nonparties are present, then the nonparties must be present in the group discussion. The final factor in deciding whether nonparties must be present in the group discussion is whether the nonparty can be called as a witness. See, e.g., *Poole v. State*, 902 So. 2d 355, 356 (Fla. 5th DCA 2005). If the nonparty can be called as a witness, then the nonparty must be present in the group discussion. As to the second part of this analysis, the Court finds that nonparties must be present in the group discussion because the subject matter of the suit could not be addressed by means other than a group discussion. The plaintiff argues that it could address the issues of the nonparty leaders' status as leaders and the existence of a leaderless group discussion with one or more of the nonparty leaders. The Court finds this argument unconvincing. It is 520fdb1ae7

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