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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA SIXTH DISTRICT, 811 EAST MAIN STREET, LAKELAND, FLORIDA 33801

CATHERINE ELIZABETH CZYZ, THE CZYZ LAW FIRM, P.A. AND THE CZYZ LAW FIRM, PLLC

APPELLANTS,

v.

ERIN BETH NEITZELT

APPELLEE

CATHERINE ELIZABETH CZYZ, THE CZYZ LAW FIRM, P.A. AND THE CZYZ LAW FIRM, PLLC

APPELLANTS

v.

SCOTT ATWOOD, ESQ., ET. AL.

APPELLEES.

_____/

TRAVEL TOGETHER

CASE NO.: 6D2023-3446

6D2023-1924

L.T. NO.: 2019-CA-002440

18-CA-001244

22-CA-002396

APPELLANTS' MEMORANDUM OF LAW IN SUPPORT OF APPELLANTS' NOTICE OF APPELLEES' WAIVER OF OBJECTIONS AND RESPONSES

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MEMORANDUM OF LAW

1. The Florida Rules of Appellate Procedure provides that the non-moving party to a motion filed under Rule 9.300 has fifteen (15) days to file any objections or response to the motion.

2. The effect of not objecting to the motions filed by Appellants against Appellees is a waiver of any objections, such that Appellants are entitled to prevail on their motions.

3. This argument was made in *Mercury Casualty Company v. Rural Metro Ambulance, Inc.*, 909 So.2d 408 (Fla. 5th DCA, 2005), but the Court there found that Rural Metro made several objections to the award of attorney's fees such that there was not a waiver.

4. Unlike the Mercury case, here there was no response and no objections whatsoever.

5. Any objections include objections to the jurisdiction of this Honorable Court to decide the matter.

6. Here, none of the Appellees objected to the jurisdiction of the Court, nor made any motion to strike the Appellants' pleadings based upon jurisdiction.

7. Furthermore, by their actions of filing Reply Briefs in

response to Appellants' Initial Brief in both cases, they waived any objection to the jurisdiction by their active participation in the litigation, *Mesa v. Bank of New York*, 180 So. 3d 222 (Fla. 3rd DCA, 2015).

8. The actions of a litigant can subject them to the jurisdiction of a Court, *Dimino v. Farina*, 572 So.2d 552 (Fla. 4th DCA, 1990); *Corrigan v. Bank of America, N.A.,* (Fla. 2nd DCA, 2016).

9. Further, these appeals are years old.

10. It would be too late in time for any objection to jurisdiction of this Court to be raised by any party and it would be prejudicial to the Appellants.

11. The point of the Rule 9.300 (a) is to put a finality to the time of objections, so that swift decisions may be made by the Court.

12. There were no objections to jurisdiction, there were no objections to any of Appellants' Court filings by Appellees, and there were no objections any actions or non-actions of the Appellants.

As such, Appellants are entitled to Orders in their favor as stated in each Notice of Waiver filed as to each respective motion, forthwith.

CERTIFICATE OF SERVICE

RESPECTFULLY SUBMITTED,

/s/ *Wienna Jane Ingraham*

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to on October 23, 2024, via e-courts:

counsel of record

RESPECTFULLY SUBMITTED,

/s/ *Wienna Jane Ingraham*

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