

IN THE SUPREME COURT OF THE STATE OF FLORIDA

**CASE NO. SC19-1970
DCA CASE NO. 4D19-1079**

DENISE M. LOPEZ,

Petitioner,

vs.

**AMERICAN EXPRESS NATIONAL
BANK f/k/a AMERICAN EXPRESS
CENTURION BANK,**

Respondent.

_____ /

**RESPONDENT’S MOTION FOR RELIEF FROM DEADLINES AND TO
ACCEPT RESPONDENT’S ANSWER BRIEF AS TIMELY FILED**

COMES NOW the Respondent, American Express National Bank, by and through its undersigned counsel, and moves this Court for relief from deadlines and to accept Respondent’s Answer Brief as timely filed, and as grounds therefor states that: the Clerk of the Supreme Court issued an Order dated December 9, 2019, striking the Petitioner’s Appendix and granting Petitioner five days to file an amended Appendix. On December 11, 2019, Petitioner served upon Respondent an “Appendix” that was not labeled or identified as an “amended” Appendix. On December 13, 2019, The Clerk of the Supreme Court issued another Order striking Petitioner’s Appendix, and granting Petitioner five days to file an amended Appendix. Respondent assumed this Order struck the Appendix that had been served

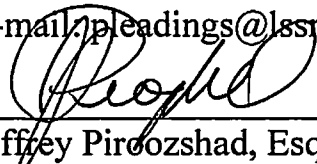
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upon Respondent on December 11, 2019. Petitioner has not yet served upon Respondent an “Amended Appendix” in compliance with the Court’s December 13, 2019 Order. Respondent anticipated the Court may be issuing an Order dismissing this case for Petitioner’s failure to comply with the Court’s December 13, 2019 Order by filing an amended Appendix. As a result, Respondent was confused with the appropriate deadline and not aware that the time to file an answer brief had commenced and/or was not tolled while the Appendix situation was being sorted out. Respondent has attached its Answer Brief to this Motion, and requests that this honorable Court accept Respondent’s Answer Brief as timely filed.

Respectfully submitted this 24th day of January, 2020.

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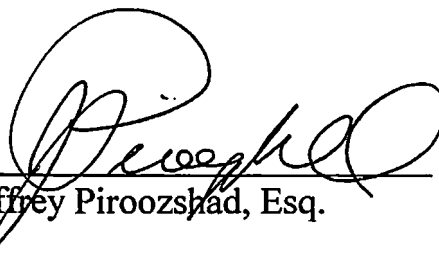
BY: _____


Jeffrey Piroozshad, Esquire
Fla. Bar No.: 423793

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been filed this 24th day of January, 2020 with the Clerk of Court via the Clerk's E-filing Portal and a copy emailed to:

Paul J. Carrier, Esquire
pauljoecarrier@gmail.com
carrierp@cooley.edu



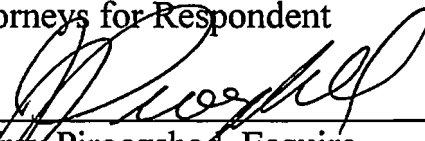
Jeffrey Piroozshad, Esq.

CERTIFICATE OF FONT COMPLIANCE

I HEREBY CERTIFY that the font Times New Roman 14-point font was used throughout in the preparation of this Petition Seeking Discretionary Review To the Florida Supreme Court.

MODLIN SLINSKY, P.A.
Attorneys for Respondent

BY:



Jeffrey Piroozshad, Esquire
Fla. Bar No.: 423793