

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC2024-0691
L.T. CASE NOS. 3D2023-1706;
2023-013685-CC-05

ANAMARIE KELLY STOPPA,

Petitioner,

v.

MIAMI-DADE COUNTY,

Respondent.

_____ /

**MOTION TO ACCEPT RESPONDENT'S
JURISDICTIONAL BRIEF AS TIMELY FILED**

Respondent Miami-Dade County (the “County”) respectfully requests that this Court deem the County’s brief on jurisdiction timely, pursuant to Rule 9.120(d) of the Florida Rules of Appellate Procedure. Rule 9.120(d) provides that “[t]he respondent’s brief on jurisdiction must be served within 30 days after **service** of petitioner’s brief.” *Id.* (emphasis added). Although Petitioner’s certificate of service indicates that she served her jurisdictional brief on June 24, 2024, Petitioner’s brief was not served on the County until July 12, 2024.

“[T]he date set forth by counsel in the certificate of service ‘creates a rebuttable presumption which may be overcome by competent evidence to the contrary.’” *JPMorgan Chase Bank, Nat. Ass’n v. Bigley*, 120 So. 3d 1265, 1267 (Fla. 3d DCA 2013) (quoting *Migliore v. Migliore*, 717 So. 2d 1077, 1079 (Fla. 4th DCA 1998)); *see also Days v. Days*, 655 So. 2d 1302, 1303-04 (Fla. 1st DCA 1995) (holding that no presumption of receipt of notice arose from certificate of service where evidence established that all notices and orders were sent to incorrect mailing address).

In order to rebut the presumption created by Petitioner’s certificate of service, the County submits a scanned image of the envelope in which Petitioner’s brief was mailed (attached hereto as Exhibit A). As shown in Exhibit A, an incorrect recipient address was written on the envelope. The Miami-Dade County Attorney’s Office is located at 111 **NW** 1st Street, Suite 2810, Miami, FL 33128. However, the address written on the envelope is 111 **SW** 1st Street, Suite 2810, Miami, FL 33128. For that reason, a “Return to Sender” sticker is affixed to the envelope. Due to this error, the brief was not mailed to the County until July 12, 2024 (*see* stamped first page of Petitioner’s brief, attached hereto as Exhibit B). The brief was not served on the

County electronically. As additional evidence, the County submits an affidavit (attached hereto as Exhibit C) averring that the County did not receive the brief until July 12, 2024.

Based on the foregoing, and pursuant to Rule 9.120(d) of the Florida Rules of Appellate Procedure, the time for responding to Petitioner's jurisdictional brief expires on August 12, 2024. Accordingly, the County respectfully requests that its jurisdictional brief be accepted as timely filed.

Dated July 30, 2024

Respectfully submitted,

GERALDINE BONZON-KEENAN
Miami-Dade County Attorney
Stephen P. Clark Center
111 NW 1st Street, Suite 2810
Miami, Florida 33128

By: /s/ Cristina Rabionet
Cristina Rabionet
Assistant County Attorney
Florida Bar No. 1019277
E-mail: rabione@miamidade.gov
bjacobs@miamidade.gov
Telephone: (305) 375-5151
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that, on July 30, 2024, I served a true and correct copy of this motion via US Mail to Petitioner, Anamarie Kelly Stoppa, at 2000 Towerside Terrace, Apt. 709, Miami, Florida 33138.

/s/ Cristina Rabionet
Assistant County Attorney

EXHIBIT A

U.S. POSTAGE PAID
FCM LG ENV
NORTH MIAMI, FL 33181
JUN 24, 2024

\$2.11

R2305H130255-14

Retail



F 0C 99



33128

*Ms. Brynne Keenan
111 SW 1st St. 2810
Miami Florida 33128*



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NIXIN

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

32E

4C 1

7207/1027

55010-510981N5712

*Keenan, Brynne
2000 SW 1st St
Apr 17 1988
Miami, FL*

EXHIBIT B

IN THE FLORIDA SUPREME COURT

ANAMARIE STOPPA
APPELLANT

LOWER CASE NO. 23-013685-CC-05
APPEAL CASE NO. 3D23-1706
SUPREME COURT CASE NO. SC24-0691

V

MIAMI-DADE COUNTY
APPELLEE

APPEAL FROM THE DISTRICT COURT
THIRD DISTRICT, FLORIDA
APPELLANT'S BRIEF FOR JURISDICTION

SUBMITTED BY: ANAMARIE STOPPA-PRO SE

2000 TOWERSIDE TER.

APT.709

MIAMI, FLORIDA 33138

AFKELLY13@AOL.COM

(305)833-1948

2024 JUL 12 AM 10:18

MIAMI-DADE COUNTY CLERK

EXHIBIT C

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC2024-0691
L.T. CASE NOS. 3D2023-1706;
2023-013685-CC-05

ANAMARIE KELLY STOPPA,

Petitioner,

v.

MIAMI-DADE COUNTY,

Respondent.

_____ /

AFFIDAVIT

STATE OF FLORIDA)

) SS:

COUNTY OF MIAMI-DADE)

COMES NOW Affiant, CRISTINA RABIONET, who, after being duly cautioned and sworn according to the law, deposes and says:

1. Affiant is counsel of record for Respondent Miami-Dade County in the above captioned case.

2. This affidavit is made upon Affiant's personal knowledge and upon facts which Affiant would testify in open court if called to do so.

3. On July 15, 2024, the mailroom staff of the Miami-Dade County Attorney's Office emailed Affiant a scan of Petitioner's brief on jurisdiction in the above captioned case, as well as a scanned image of the envelope in which the brief was mailed to Miami-Dade County.

4. The mailroom staff of the Miami-Dade County Attorney's Office marked the first page of Petitioner's brief with a stamp indicating that the brief was received on July 12, 2024.

5. An incorrect recipient address was written on the envelope containing the brief.

6. The Miami-Dade County Attorney's Office is located at 111 **NW** 1st Street, Suite 2810, Miami, FL 33128. However, the address written on the envelope is 111 **SW** 1st Ste., 2810, Miami, FL 33128.

7. For that reason, a "Return to Sender" sticker is affixed to the envelope.

8. Affiant did not receive Petitioner's brief on jurisdiction electronically or by any other means before July 15, 2024, and the brief was not mailed to Miami-Dade County until July 12, 2024.

9. I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NAUGHT.

7/30/24
(Date)

Cristina Rabionet
AFFIANT CRISTINA RABIONET

State of Florida
County of Miami-Dade

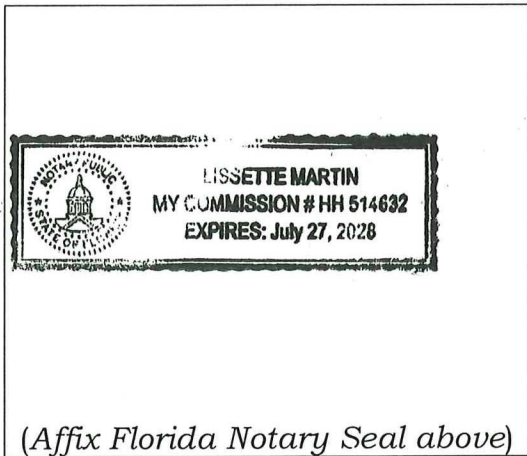
Sworn to (or affirmed) and subscribed before me by means of (*how the individual appeared check one*):

physical presence online notarization

this 30th day of July, 2024.
(date) (month)

by Cristina Rabionet
(name of individual swearing or affirming)

Individual identified by: personal knowledge
 satisfactory evidence _____
(type)



Lissette Martin
(Signature of Notary Public)

Lissette Martin
(typed, printed, or stamped name of Notary Public)