

IN THE DISTRICT COURT OF APPEAL IN AND
FOR THE THIRD DISTRICT OF FLORIDA

MIAMI-DADE COUNTY,

THIRD DCA CASE NO. 3D2024-1806

Appellant,

LT CASE NO. 2024-123937-CC-05

v.

MS LEISURE COMPANY,

Appellee.

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**APPELLEE'S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO SERVE ANSWER BRIEF**

Appellee, MS LEISURE COMPANY, by and through its undersigned counsel, pursuant to Fla.R.App.P. 9.300, hereby files its Unopposed Motion for Extension of Time to Serve Answer Brief, and as grounds, state as follows:

1. By this motion, the Appellee requests a 30-day extension of time within which to file its answer brief. This motion is unopposed, and was agreed to in advance by the Appellant Miami Dade County Attorney at a preliminary mediation in this matter which was conducted on October 21, 2024.

2. Without going too far into the details regarding the mediation, the Appellee can represent to the Court that the parties, after a full day mediation before Retired Judge Michael Hanzman, reached an interim settlement and standstill agreement, which envisions additional negotiations by the parties during the next couple of months, as the parties attempt to finalize the terms of a settlement.

3. As part of that interim standstill agreement, the parties agreed that the Appellant would file its initial brief in this matter, but would not oppose at least two extensions for the Appellee to file its answer brief because this is the period during which the parties expect to have further negotiations on the terms of a settlement. Accordingly, the Appellee requests that this Court grant this first unopposed motion for extension of time to file an answer brief.

4. The Appellee further wishes to advise the Court that for unknown reasons, neither counsel of record (Jeffrey Roth or Hilton Napoleon), nor any of the staff of the undersigned, received the initial brief or appendix filed by the Appellant. The attorneys and staff have all combed through their deleted items and junk mail, and for unknown reasons, these filings were not received on October 31, 2024, when they were made, or at any time thereafter. The first inkling that any filing took place was when the undersigned counsel, our staff, and co-counsel Mr. Napoleon received the Court's December 10, 2024 order. The Appellee is therefore grateful for the Court's order alerting us to the filing of the Appellant's initial brief, and respectfully apologizes to this Court for any confusion or delay resulting from this apparent electronic filing glitch.

WHEREFORE, Appellee MS LEISURE COMPANY, respectfully request that the Court grant the within motion, and enter its order granting a 30-day extension to serve the Answer Brief, together with such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 13, 2024, I electronically filed the foregoing document with the Clerk of Court using the Florida Courts E-Filing Portal. I also certify that the foregoing document will be served on all counsel of record and/or interested parties in the manner identified on the attached Service List, via transmission by the Florida Courts E-Filing Portal or by U.S. Mail, pursuant to Rule 2.516, Florida Rules of Judicial Administration.

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