

THIRD DISTRICT COURT OF APPEAL
STATE OF FLORIDA

CASE NO. 3D23-1033
3D23-0799
L.T. CASE NO.: 10-54597

SYNOVUS BANK,

Appellant,

v.

SHIMON WOLKOWICKI, YELLOW
FUNDING CORP., et al.,

Appellees.

**APPELLEES' UNOPPOSED MOTION FOR EXTENSION OF TIME TO
FILE ANSWER BRIEF**

Appellees, Shimon Wolkowicki, Yellow Funding Corp., a Florida corporation and Yellow Funding Corp., a New York corporation, hereby file this Unopposed Motion for Extension of Time to file their Answer Brief in 3D23-1033 and state as follows:

1. Case Nos. 3D23-1033 and 3D23-0799 were consolidated to travel together and for the record on November 8, 2023.¹
2. The Answer Brief is currently due May 17, 2024.

¹ Synovus does not oppose this motion but states that it does not seek an extension to file its Answer Brief in the consolidated fee appeal.

3. Undersigned counsel is responsible for drafting the Answer Brief but will be encumbered by a jury trial set to begin on May 13, 2024 in *Jetran, LLC v. Banyan Air Services*, Broward County Case No. CACE 20-011301 (02) before Judge John B. Bowman. Calendar Call was April 12, 2024 when the Court advised that this case would be #1 for the week of May 13th.

4. This trial was previously continued multiple times and highly likely to go on May 13, 2024, drawing substantial resources from the undersigned.

5. Moreover, the undersigned has recently been involved in a series hearings, depositions, and case deadlines in the following cases: *Eastern Financial Mortgage Corp. v. Archie Drury*, Miami-Dade Circuit Case No. 2023-027075-CA-01(44) (Rebull) and *Elizabeth Roque v. Lewis Swezy*, Case No. 2023-016395 CA-01 (Walsh), further consuming the time and attention of the undersigned.

5. Furthermore, the record on appeal is extensive, and this appeal involves time-consuming sufficiency issues. An extension of 30 days is required to adequately brief the appeal.

6. This unopposed request is made in good faith and not for purposes of delay.

WHEREFORE, Appellees, Shimon Wolkowicki, Yellow Funding Corp., a Florida corporation and Yellow Funding Corp., a New York corporation, respectfully request this Honorable Court grant their Unopposed Motion for Extension of Time to File their Answer Brief, and enter an Order extending the deadline by 30 days until June 17, 2024.

Dated: April 25, 2024.

Respectfully submitted,

ARMSTRONG TEASDALE LLP
355 Alhambra Circle, Suite 1200
Coral Gables, Florida 33134
Telephone: (305) 371-8809
Facsimile: (305) 675-3605

By: /s/ Eleanor T. Barnett
Eleanor T. Barnett, Esq.
Fla. Bar No. 355630
ebarnett@atllp.com
Marlon J. Weiss, Esq.
Fla. Bar No. 49057
mweiss@atllp.com
miamiefiling@atllp.com

Counsel for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically uploaded to the Third District Court of Appeal's ePortal and a copy was furnished by email on this 25th day of April 2024 to all counsel of record:

**TRENAM, KEMKER, SCHARF, BARKIN,
FRYE, O'NEILL & MULLIS, P.A.**

LARA ROESKE FERNANDEZ, ESQ.

Florida Bar No.: 0088500

lfernandez@trenam.com

RHYS P. LEONARD, ESQ.

Florida Bar No.: 0059176

rleonard@trenam.com

101 E. Kennedy Boulevard, Suite 2700

Tampa, FL 33602

Tel: (813) 223-7474

Fax: (813) 227-0404

Counsel for Appellant, Synovus Bank

/s/ Eleanor T. Barnett
Eleanor T. Barnett, Esq.