

**IN THE DISTRICT COURT OF APPEAL, STATE OF FLORIDA
THIRD DISTRICT**

BISCAYNE BEACH CLUB
CONDOMINIUM ASSOCIATION,

Appellant,

CASE NO.: 3D2024-0693
L.T.: 20-22065-CA-01

vs.

TOORAK CAPITAL FUNDING, LLC,

Appellee.

_____ /

RESPONSE IN OPPOSITION TO MOTION FOR EXTENSION OF TIME

Appellee Toorak Capital Funding, LLC (“Toorak”), by and through the undersigned counsel, opposes the Appellant’s Motion for [45 day] Extension of Time in which to file its Initial Brief, and says:

1. This is an appeal of an order denying relief from final judgment arising under rule 9.130(a)(5), Fla. R. App. P.
2. The Appellant filed its Notice of Appeal on April 16, 2024, making its Initial Brief and Appendix due May 6, 2024—over six weeks ago.
3. No request for extension was made until yesterday, June 24, 2024.
4. Therein, the Appellant advises the Court only that the Initial Brief is “due to be served,” neglecting to advise the Court how late it is and seeking an extension of time (45 days) that, by itself, is more than double the amount of time allotted to file an Initial Brief under the

- rules in the first place. See rule 9.130(e) (Appellant's Initial Brief and Appendix due 20 days from date on which Notice of Appeal is filed).
5. In an email yesterday calling Appellant's attention to the above, the undersigned asked Appellant's counsel to notify the Court that this response would be forthcoming if she moved for an extension.
 6. Appellant's counsel failed to do so or to apprise the Court of any of the above, representing to the Court only that the Initial Brief was "due to be served" and that counsel for the Appellee "objects to the relief requested in this motion."
 7. Appellee submits that the motion and the appeal are interposed for purposes of delay, if not by Defendant's appellate counsel, by its trial counsel who are calling the shots. Delay has been their strategy from the outset of litigation.
 8. Appellee objects to the request for an extension.

WHEREFORE, Appellant's untimely Motion for 45-day Extension of Time to file its Initial Brief under rule 9.130(a)(5) should be denied and the Court should grant such other and further relief as the Court deems appropriate (*i.e.*, an order dismissing the appeal or an order to show cause as to why the appeal should not be dismissed for failure to follow the rules).

Respectfully submitted,

Miller, George & Suggs, PLLC
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LLC*

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CERTIFICATE OF SERVICE

I CERTIFY that the foregoing document has been furnished to Robin F. Hazel, Counsel for Appellant [rhazel@hazellawpa.com] via the Court's e-portal this 25th day of June, 2024.

By: /s/ Robert R Edwards
ROBERT R. EDWARDS