

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

**CASE NO. 3D23-1634**

**L.T. CASE NO. 2021-36-AP 01**

**(Consolidating Case No. 2021-36-AP 01 and Case No. 2022-36-AP 01)**

SETAI RESORT & RESIDENCES  
CONDOMINIUM ASSOCIATION,  
INC., et al.,

Petitioners,

vs.

THE CITY OF MIAMI BEACH, a  
Florida Municipal Corporation; and  
BHI MIAMI LIMITED CORP., a  
Delaware Corporation,

Respondents.

---

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO  
CORRECTED PETITION FOR WRIT OF CERTIORARI TO REVIEW  
DENIAL OF PETITION FOR WRIT OF CERTIORARI PURSUANT TO  
FLORIDA RULE OF APPELLATE PROCEDURE 9.030(b)(2)(B)**

Pursuant to Florida Rule of Appellate Procedure 9.300(a), Respondents City of Miami Beach (the “City”) and BHI Miami Limited Corp. (“BHI”) (collectively, “Respondents”), hereby move for a sixty-day extension of time, through and including December 29, 2023, within which to file and serve a response to the Corrected Petition for Writ of Certiorari to Review Denial of Petition for Writ of Certiorari Pursuant to Florida Rule of Appellate

Procedure 9.030(b)(2)(B) (the “Petition”). In support thereof, Respondents state as follows:

1. Pursuant to this Court’s September 19, 2023 Order to Show Cause, the original deadline for Respondents to file a response to the Petition was Monday, October 9, 2023.

2. On October 11, 2023, this Court entered an Order granting a twenty-day extension of time for the Respondents to file their response (i.e., through and including October 30, 2023).

3. Respondents respectfully request an additional sixty-day extension of time to respond to the Petition through and including Friday, December 29, 2023, due to, *inter alia*, competing deadlines in the related original action to this Petition, which involves the same parties and counsel. See *Setai Hotel Acquisition LLC, et al. v. City of Miami Beach, et al.*, Case No. 2021-016693-CA-01.

4. This is Respondents’ second motion for an extension of time to file their response and is sought in good faith and not for the purposes of delay.

5. Counsel for Respondents certify that they have consulted with counsel for Petitioners and are authorized to represent that counsel for Petitioners have no objection to the relief requested herein.

WHEREFORE, Respondents respectfully request that this Court grant Respondents a sixty-day extension of time through and including Friday, December 29, 2023, within which to file and serve a response to the Petition, together with such other and further relief as the Court deems necessary and appropriate.

Respectfully submitted,

**SHUBIN & BASS, P.A.**  
*Counsel for Respondent*  
*City of Miami Beach*  
150 W. Flagler St., Suite 1420  
Miami, Florida 33130  
Telephone: (305) 381-6060  
Facsimile: (305) 381-9457  
[jbass@shubinbass.com](mailto:jbass@shubinbass.com)  
[dfalce@shubinbass.com](mailto:dfalce@shubinbass.com)  
[wkouvaris@shubinbass.com](mailto:wkouvaris@shubinbass.com)  
[evaughan@shubinbass.com](mailto:evaughan@shubinbass.com)  
[eservice@shubinbass.com](mailto:eservice@shubinbass.com)

By: /s/ Jeffrey S. Bass  
Jeffrey S. Bass  
Fla. Bar No. 962279  
Deana D. Falce  
Fla. Bar No. 84154  
Whitney A. Kouvaris  
Fla. Bar No. 112576

**BILZIN SUMBERG BAENA &  
AXELROD LLP**  
*Counsel for Respondent*  
*BHI Miami Limited Corp.*  
1450 Brickell Avenue, Suite 2300  
Miami, Florida 33131  
Telephone: (305) 350-2355  
Facsimile: (305) 351-2239  
[mpallett@bilzin.com](mailto:mpallett@bilzin.com)  
[kduvall@bilzin.com](mailto:kduvall@bilzin.com)  
[stapanes@bilzin.com](mailto:stapanes@bilzin.com)  
[ggarcia@bilzin.com](mailto:ggarcia@bilzin.com)  
[eservice@bilzin.com](mailto:eservice@bilzin.com)

By: /s/ Kenneth Duvall  
Melissa Pallett-Vasquez  
Fla. Bar No. 715816  
Kenneth Duvall  
Fla. Bar No. 121826

