

IN THE DISTRICT COURT OF APPEAL  
THIRD DISTRICT OF FLORIDA

CASE NO. 3D21-1083  
L.T. CASE NO. 2018-000931-CA-01 (44)

JOHN W. SCHMITZ,  
Appellant/Cross-Appellee,

v.

DOROTHY JOAN SCHMITZ, *et. al.*,  
Appellees/Cross-Appellants.

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JOHN W. SCHMITZ,  
Appellant/Cross-Appellee,

v.

SCHMITZ DEVELOPMENT  
COMPANY,  
Appellee/Cross-Appellant,

and

LUCILA SCHMITZ,  
Cross-Appellee.

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**UNOPPOSED MOTION FOR EXTENSION OF TIME  
FOR COURT REPORTER TO COMPLETE PREPARATION  
OF TRIAL TRANSCRIPT**

Appellant John W. Schmitz, on behalf of Empire Legal Reporting (“Empire”), moves for an unopposed 45-day extension of time, up to and including September 13, 2021, to complete the preparation and filing of the trial transcript and, states as follows:

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1. Appellant filed his Designation to Court Reporter on May 17, 2021. (Designation to Court Reporter, attached hereto as Ex. “A”).

2. On May 25, 2021, Empire filed its Court Reporter’s Acknowledgment advising the trial transcripts would be filed on or before June 28, 2021. (Court Reporter’s Acknowledgment, attached hereto as Ex. “B”).

3. On June 30, 2021, Jorge Vanegas of Empire Legal Reporting filed a Reporter’s Transcript Extension, seeking a 30-day extension of time, up to and including July 30, 2021, to finalize the preparation of the trial transcript. The Reporter’s Transcript Extension indicated that due to the court reporter’s “backlog,” an extension of time was needed to complete preparation of the trial transcript. This Court granted a 30-day extension of time to July 30, 2021.

4. On July 30, 2021, Jorge Vanegas of Empire Legal Reporting e-mailed undersigned counsel and indicated that the court reporter would need a 45-day extension of time, up to and including September 13, 2021, to finalize the preparation of the trial transcript.

5. The requested extension of time will not prejudice any party in this case.

6. Undersigned counsel has conferred with counsel for Appellees/Cross-Appellants, Deborah Baker, Esq., Helbert Canales-Rojas, Esq., Michael Hamaway, Esq., and Jose Casal, Esq., who all graciously advised that Appellees/Cross-Appellants do not object to the relief requested in this motion.

**WHEREFORE**, Appellant John W. Schmitz, on behalf of Empire Legal Reporting, respectfully requests that this Court grant the requested 45-day extension of time, up to and including September 13, 2021, within which to complete preparation and filing of the trial transcript.

Respectfully submitted,

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*Counsel for Counter-Defendant*

*JOHN W. SCHMITZ, individually and*

*as Director of Schmitz Development*

*Company, and JOHN W. SCHMITZ*

*and LUCILA SCHMITZ in Joint Trust*

*With Right of Survivorship in the*

*capacity as shareholders of Schmitz*

*Development Company and as*

*individuals*

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was electronically filed with the court via the Florida Courts E-Filing Portal on August 2, 2021, which will transmit a service copy to all counsel of record, including: Bruce S. Rogow, Esq. (brogow@rogowlaw.com), Bruce S. Rogow, P.A., P.O. Box 749, Cedar Mountain, NC 28718, and Tara A. Champion, Esq. (tcampion@rogowlaw.com), Bruce S. Rogow, P.A., 1199 S. Federal Hwy., #212, Boca Raton, FL 33432, and Stephen J. Simmons, Esq. (ssimmons@mbhlawyer.com), Seth A. Kupilik, Esq.

(skupilik@mbhlawyer.com), Michael P. Hamaway, Esq. (mhamaway@mbhlawyer.com), Mombach, Boyle, Hardin & Simmons, P.A., 100 NE 3rd Avenue, Suite 1000, Fort Lauderdale, FL 33301, and Deborah Baker, Esq. (deborah.baker@gmlaw.com), Helbert A. Canales-Rojas, Esq. (helbert.canales-rojas@gmlaw.com) (alejandra.albuerne@gmlaw.com), Greenspoon Marder, LLP, Brickell World Plaza, 600 Brickell Avenue, Ste. 3600, Miami, FL 33131, *Counsel for Dorothy Joan Schmitz, Cheryl Schmitz, The Northern Trust Company, and Schmitz Development Company*; J. Raul Cosio, Esq. (raul.cosio@hklaw.com) (elaine.starling@hklaw.com), Jose A. Casal, Esq. (jose.casal@hklaw.com) (josie.vila@hklaw.com), Rebecca Canamero, Esq. (rebecca.canamero@hklaw.com) (carla.cosio@hklaw.com), Holland & Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, FL 33131, *Counsel for Cheryl Schmitz and The Northern Trust Company*; Carlos D. Lerman (carlos@lwlawfla.com), Lerman & Whitebook, P.A., 2611 Hollywood Blvd., Hollywood, FL 33020-4840, *Counsel for St. Lucie Hospitality, LLC and SDC St. Lucie Partners, LLC*; and Jorge Vanegas (jv@empirelegalreporting.com) (scheduling@empirelegalreporting.com), Empire Legal Reporting, 110 SE 6<sup>th</sup> Street, Suite 1701, Ft. Lauderdale, FL 33301.

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