

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.

JOHN W. SCHMITZ,
Appellant/Cross-Appellee,

v.

SCHMITZ DEVELOPMENT
COMPANY,
Appellee/Cross-Appellant,

and

LUCILA SCHMITZ,
Cross-Appellee.

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 extension of time, up to and including July 30, 2021, to complete the preparation and filing of the trial transcript and, states as follows:

RECEIVED, 07/02/2021 09:07:27 AM, Clerk, Third District Court of Appeal

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 indicates that due to the court reporter’s “backlog,” an extension of time is needed to complete preparation of the trial transcript. (Reporter’s Transcript Extension, attached hereto as Ex. C).

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

5. Undersigned counsel has conferred with counsel for Appellees/Cross-Appellants, Bruce Rogow, Esq., who 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 extension of time, up to and including July 30, 2021, within which to complete preparation and filing of the trial transcript.

Respectfully submitted,

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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 July 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. Campion, 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

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EXHIBIT “A”

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT COURT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

JOHN W. SCHMITZ,
Plaintiff/Counter-Defendant/
Appellant/Cross-Appellee,

CASE NO.: 2018-000931-CA-01 (44)
Complex Business Litigation Division

vs.

DOROTHY JOAN SCHMITZ, et. al.,
Defendants/Counter-Plaintiffs/
Appellees/Cross-Appellants.

JOHN W. SCHMITZ,
Cross-Defendant/Appellant/Cross-Appellee,

vs.

SCHMITZ DEVELOPMENT COMPANY, an
Illinois corporation,

Cross-Plaintiff/Appellee/Cross-Appellant,

and

LUCILA SCHMITZ, SCHMITZ PROPERTIES,
INC., a Texas corporation, ST. LUCIE
HOSPITALITY, LLC, a Florida limited liability
company, SDC ST. LUCIE PARTNERS, LLC, a
Florida limited liability company, PEACOCK
REAL ESTATE, LLC, a Florida limited liability
company, and SCHMITZ REALTY COMPANY
d/b/a P&P BRICKELL, a Florida corporation,

Cross-Defendants/Appellees.

**DESIGNATION TO COURT REPORTER AND
COURT REPORTER'S ACKNOWLEDGMENT**

I. DESIGNATION

Plaintiff/Counter-Defendant/Cross-Defendant/Appellant/Cross-Appellee, JOHN W.
SCHMITZ, and Cross-Defendant/Cross-Appellee, Lucila Schmitz, pursuant to Rule 9.200(b) of
the Florida Rules of Appellate Procedure, hereby designate the following transcripts of

proceedings to be included in the record on appeal and directs the court reporters, Empire Legal Reporting and U.S. Legal Support, to transcribe and file with the clerk of the circuit court the following proceedings to be used in this appeal and included in the appellate record:

1. Empire Legal Reporting is directed to transcribe and file a complete transcript of the trial proceedings held before the Honorable William Thomas beginning on January 21, 2020 and ending on February 5, 2020. All motions, objections, and reported bench conferences should be included. The transcript of the trial shall be filed with the clerk separately from the transcripts of any other designated proceedings. The transcript of the trial shall be followed by a master trial index containing the names of the witnesses, a list of all exhibits offered and introduced in evidence, and the pages where each may be found. The pages, including the index pages, shall be consecutively numbered, beginning with page 1. The pages shall not be condensed. *See Fla. R. App. P. 9.200(b)(4).*

2. U.S. Legal Support is directed to transcribe and file a complete transcript of the hearings held on the parties' post-trial motions before the Honorable William Thomas on March 12, 2021 and March 23, 2021.

3. Undersigned counsel, Cristina Alonso, hereby certifies that satisfactory financial arrangements have been made with the court reporters, Empire Legal Reporting and U.S. Legal Support, for preparation of the transcripts requested by this designation, and that this designation was served on the court reporters on May 17, 2021.

Respectfully submitted,

By: /s/ Cristina Alonso
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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 May 17, 2021, which will transmit a service copy to all counsel of record, including: J. Raul Cosio, Esq. (raul.cosio@hkllaw.com) (elaine.starling@hkllaw.com), Jose A. Casal, Esq. (jose.casal@hkllaw.com) (josie.vila@hkllaw.com), Rebecca Canamero, Esq. (rebecca.canamero@hkllaw.com) (carla.cosio@hkllaw.com), Holland & Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, FL 33131, *Counsel for Cheryl Schmitz and The Northern Trust Company*; 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, *Counsel for Dorothy Joan Schmitz*; and Deborah Baker-Egozi, Esq. (dbaker@smgqlaw.com) (rwalker@smgqlaw.com), SMGQ

LAW, 2 South Biscayne Blvd., Suite 3400, Miami, FL 33131, *Counsel for Schmitz Development Company*; Carlos D. Lerman, Esq. (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*. A copy of the foregoing designation to court reporter was also served via e-mail on May 17, 2021 on Empire Legal Reporting (scheduling@empirelegalreporting.com) and U.S. Legal Support (clientsolutions@uslegalsupport.com).

By: /s/ Cristina Alonso
CRISTINA ALONSO
Florida Bar No. 327580
alonso@alonsoappeals.com

II. COURT REPORTER’S ACKNOWLEDGMENT

The court reporter, _____, pursuant to Rule 9.200(b) of the Florida Rules of Appellate Procedure, submits the following acknowledgment.

1. The foregoing designation was served on _____ and received on _____.
2. Satisfactory arrangements have () have not () been made for payment of the transcript cost. These financial arrangements were completed on _____.
3. The number of trial or hearing days is _____.
4. The estimated number of transcript pages is _____.
- 5a. The transcript will be available within 30 days of service of this designation and will be filed on or before _____.

or

5b. For the following reason(s) the court reporter requests an extension of time of _____ days for preparation of the transcript that will be filed on or before _____.

6. Completion and filing of this acknowledgment by the court reporter constitutes submission to the jurisdiction of the court for all purposes in connection with these appellate proceedings.

7. The undersigned court reporter certifies that the foregoing is true and correct and that a copy has been furnished by mail () hand delivery () e-mail () on _____, to each of the parties or their counsel.

By: _____
Court Reporter
Address: _____

Telephone Number: _____
E-mail:

[The court reporter must transmit the acknowledgment to the clerk of the appellate court within 5 days of service of the designations. If additional time will be needed, the court reporter should make a separate written request to the appellate court. A copy shall be served on all parties or their counsel, who shall have 5 days to object to any requested extension of time. See Fla. R. App. P. 9.200(b).]

EXHIBIT “B”

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE No.: 2018-000931-CA-01 (44)
Complex Business Litigation Division

JOHN W. SCHMITZ,
Plaintiff/Counter-Defendant/
Appellant/Cross-Appellee,

vs.

DOROTHY JOAN SCHMITZ, et. al,
Defendants/Counter-Plaintiffs/
Appellees/Cross-Appellants.

_____ /

COURT REPORTER'S ACKNOWLEDGMENT

Pursuant to Rule 9.20(b)(3), Florida Rules of Appellate Procedure, the court reporter, submits the following acknowledgment.

1. The foregoing designation was served on 5/17/2021 and received on 5/18/2021.
2. Satisfactory arrangements have been made for payment of the transcript cost. These financial arrangements were completed on 5/25/2021.
1. The number of trial days is 11.
2. The estimated number of transcript pages is 2300.
3. a. The transcript will be available within 30 days of service of the foregoing designation and will be filed on or before 6/28/2021.
6. Completion and filing of this acknowledgment by the court reporter constitutes submission to the jurisdiction of the court for all purposes in connection with these appellate proceedings.
7. The undersigned court reporter certifies that the foregoing is true and correct and that a copy has been furnished by email this 25th day of May to each of the parties or their counsel.

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 May 17, 2021, which will transmit a service copy to all counsel of record, including: J. Raul Cosio, Esq. (raul.cosio@hkllaw.com) (elaine.starling@hkllaw.com), Jose A. Casal, Esq. (jose.casal@hkllaw.com) (josie.vila@hkllaw.com), Rebecca Canamero, Esq. (rebecca.canamero@hkllaw.com) (carla.cosio@hkllaw.com), Holland & Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, FL 33131, Counsel for Cheryl Schmitz and The Northern Trust Company; 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, Counsel for Dorothy Joan Schmitz; and Deborah Baker-Egozi, Esq. (dbaker@smgqlaw.com) (rwalker@smgqlaw.com), SMGQ LAW, 2 South Biscayne Blvd., Suite 3400, Miami, FL 33131, Counsel for Schmitz Development Company; Carlos D. Lerman, Esq. (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.

/s/ Jorge Venegas

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EXHIBIT “C”

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE No.: 2018-000931-CA-01 (44)
Complex Business Litigation Division

JOHN W. SCHMITZ,
Plaintiff/Counter-Defendant/
Appellant/Cross-Appellee,

vs.

DOROTHY JOAN SCHMITZ, et. al,
Defendants/Counter-Plaintiffs/
Appellees/Cross-Appellants.

_____ /

REPORTER'S TRANSCRIPT EXTENSION

Pursuant to Rule 9.20(b)(3), Florida Rules of Appellate Procedure, the court reporter, submits the following acknowledgment.

1. For the following reason(s) the court reporter requests an extension of time of 30 days for preparation of the transcripts that will be filed on or before the 30th day of July 2021.

a. **Per reporter backlogged.**

**January 22, 2020 through January 29, 2020 & February 2, 2020
through February 5, 2020 - Court reporter T. Bailey-Entin**

2. Completion and filing of this acknowledgment by the court reporter constitutes submission to the jurisdiction of the court for all purposes in connection with these appellate proceedings.

3. The undersigned court reporter certifies that the foregoing is true and correct and that a copy has been furnished by email, this 30th day of June to each of the parties or their counsel.

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 May 17, 2021, which will transmit a service copy to all counsel of record, including: J. Raul Cosio, Esq. (raul.cosio@hkllaw.com) (elaine.starling@hkllaw.com), Jose A. Casal, Esq. (jose.casal@hkllaw.com) (josie.vila@hkllaw.com), Rebecca Canamero, Esq. (rebecca.canamero@hkllaw.com) (carla.cosio@hkllaw.com), Holland & Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, FL 33131, Counsel for Cheryl Schmitz and The Northern Trust Company; 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, Counsel for Dorothy Joan Schmitz; and Deborah Baker-Egozi, Esq. (dbaker@smgqlaw.com) (rwalker@smgqlaw.com), SMGQ LAW, 2 South Biscayne Blvd., Suite 3400, Miami, FL 33131, Counsel for Schmitz Development Company; Carlos D. Lerman, Esq. (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.

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