

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

THE OPEN MRI GUYS OF PALM  
BEACH, LLC, (a/a/o Kevin Gier),

**CASE NO.: 3D23-1935**

L.T. No. 2023-033037 CC 23

Appellant,

v.

PROGRESSIVE EXPRESS  
INSURANCE COMPANY,

Appellee.

\_\_\_\_\_ /

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

Appellee, PROGRESSIVE EXPRESS INSURANCE COMPANY (hereinafter "Appellee"), through its undersigned counsel, files this Unopposed Motion for an extension of time to file its Answer Brief, up to and including December 29, 2023, pursuant to Rule 9.300, Fla. R. App. P., and this Court's Amended Administrative Order A03D13-01, based on the following grounds:

1. Based on the filing date of Appellant's Initial Brief on November 10, 2023, Appellee's Answer Brief is due for filing by December 11, 2023.

2. The undersigned requires additional time to prepare and complete the Answer Brief due to office closures for the Thanksgiving and Christmas holidays, and time off from work for the undersigned, including

other attorneys and staff requiring support upon the undersigned's return. As a result of these circumstances, independent of the undersigned's actions, the Answer Brief will not be completed by December 11, 2023.

3. An eighteen (18) day extension of time will enable Appellee to complete the Answer Brief.

4. Undersigned counsel, Michael C. Clarke, has conferred with counsel for Appellant, Doug Stein, and is authorized to represent that Appellant has no objection to the extension requested.

5. Therefore, Appellee respectfully requests that it be granted an 18-day extension to December 29, 2023, within which to file its Answer Brief.

6. The undersigned counsel represents that this motion is made in good faith and not for the purpose of delay.

WHEREFORE, Appellee, PROGRESSIVE EXPRESS INSURANCE COMPANY, respectfully requests an extension of time of eighteen (18) days, up to and including December 29, 2023, within which to file its Answer Brief.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic service through the e-filing portal to: **Douglas H. Stein, Esquire**, [dhs@steinappeal.com](mailto:dhs@steinappeal.com); DOUGLAS H. STEIN, P.A., 121 Alhambra Plaza, Suite 1500, Coral Gables, Florida 33134; and **Kenneth J.**

**Dorchack, Esquire, Buchalter, Hoffman & Dorchak,**  
pleadings@bhdllawfirm.com; kdorchak@bhdllawfirm.com; 1075 N.E. 125th  
Street, Suite 202, North Miami, FL 33161; this **8th** day of **December, 2023**.

/ s / *Michael C. Clarke*

By: \_\_\_\_\_

MICHAEL C. CLARKE

Florida Bar No.: 988022

JOYE B. WALFORD

Florida Bar No.: 148148

KUBICKI DRAPER, P.A.

400 North Ashley Drive

Suite 1200

Tampa, Florida 33602

Tel.: (813) 204-9776

Fax: (813) 204-9660

E-Service: [MC-KD@kubickidraper.com](mailto:MC-KD@kubickidraper.com)

**Counsel for Appellee**