DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive,
Tallahassee, Florida 32399-0950
Telephone No. (850) 488-6151

March 24, 2023

Acknowledgment of New Case

SFR Services LLC, a Florida limited liability company, Appellant(s) v. Lisa Miller, individually, and Lisa Miller & Associates, LLC, a Florida limited liability company Appellee(s).	**Case No. - 1D23-0693** L.T. No.: 2020 CA 001357

The First District Court of Appeal has received the Notice of Appeal, filed in the lower tribunal on March 21, 2023 and in this Court on March 22, 2023. The case type is: NOA Final - Circuit Civil - Other.

All documents filed in this case must contain this Court's case number.

Per Administrative Orders 10-1 and 19-1, Appellant must file a Docketing Statement/Notice of Appearance of Counsel ("Docketing Statement") within twenty days of the date of this acknowledgment notice. If pro se, Appellant may file a paper Docketing Statement by mail or an electronic Docketing Statement via the Florida Court's E-Filing Portal. If represented, Appellant's attorney must file the Docketing Statement via the Portal. A fillable form version of the Docketing Statement is available via a link on the "Documents" tab of the Portal or on this Court's website at https://www.1dca.flcourts.gov/Resources/General-Information. Opposing parties must file a Docketing Statement only if they seek to make amendments, corrections, or additions to Appellant's Docketing Statement.

Served:
Sanaz Alempour

Erin Berger
Andrew Boloy
Melissa A. Giasi
Gwen Marshall
Michael A. Monteverde
MICHAEL J. PIKE

CP

1D2023-0693 March 24, 2023
Kristina Samuels, Clerk
1D2023-0693 March 24, 2023

DISTRICT COURT OF APPEAL, FIRST DISTRICT
STATE OF FLORIDA

NOTICE TO ATTORNEYS AND PARTIES

(Revised February 2023)

Counsel and Parties are expected to be familiar with and comply with the Florida Rules of General Practice and Judicial Administration, the Florida Rules of Appellate Procedure, and these guidelines. This notice is not intended to and does not provide parties with separately enforceable rights.

The court's docket is available on-line at the court's website (www.1dca.flcourts.gov) which is updated near the close of each business day. The website also includes an archive of court opinions and oral argument videos, a live oral argument video feed, the court's oral argument calendar, administrative orders, the court's Internal Operating Procedures, and other useful information. Counsel and parties may only communicate with judges through properly served filings in a case or at oral argument. Ex parte communications with judges or their staffs is prohibited. Parties with attorneys should direct any questions about their case to their attorneys. Unrepresented parties may call the Clerk's Office for status updates.

Electronic filings and payments should be made through the Florida Courts E-Filing Portal at https://myflcourtaccess.com. Go to the Florida Courts E-Filing Portal's website to register. All attorneys are required to register with and file their documents electronically through the Florida Courts E-Filing Portal. Unrepresented (pro se) litigants may, but are not required to, register with the E-Filing Portal. The court does not accept filings by fax or e-mail. You may view documents in your case through the Florida Appellate Case Information System at https://acis.flcourts.gov.

This court will communicate with attorneys and pro se parties, unless the party is incarcerated, by e-mail. If a non-incarcerated pro se litigant does not have an e-mail address or regular access to the internet, the litigant may request service by mail by completing form 2.601, which was included with the court's acknowledgment letter and is available on the court's website.

Other than with payment of filing fees, filers should not include a "transmittal letter" that serves no other purpose but to inform the court of what document(s) is being filed. The filing itself should have a title identifying the type of document (brief, record, motion, etc.) and the case in which it is to be filed.

1. NOTICE OF APPEAL

The notice of appeal should include the full name of the lower tribunal judge or hearing officer who entered the order(s) and the date of rendition of the order(s) sought to be reviewed. *See* Fla. R. App. P. 9.020(e) or 9.180(b)(4). The notice should also contain the names of all parties to the appeal, whether the appeal is from a final or non-final order, and the exact nature of the order being appealed. For each attorney listed, the certificate of service for the notice of appeal should include the attorney's address (mailing and e-mail), the name of the party the attorney represents, and whether the party represented is an appellant, appellee, etc. *See* Fla. R. App. P. 9.110(d), 9.130(c), 9.180(b)(4), and 9.420(d). *See* #8 below. Notices of appeal are to be filed with the lower tribunal.

2. COPY OF ORDER BEING APPEALED

The party filing the notice of appeal shall attach to the notice a copy of the order(s) that the party wants reviewed. The party filing the appeal shall also attach a copy of any motion that affects the date of rendition of the order appealed and any order entered on any motion that affects the date of rendition. *See* Fla. R. App. P. 9.020(i), 9.110(d) and 9.130(c).

3. DOCKETING STATEMENTS

All parties are requested to complete a Docketing Statement to the best of their ability, serve a copy on the opposing party/attorneys, and return a copy to the court. Pro se filers may complete the pink paper Docketing Statement provided by the court. Attorneys and registered users are required to file the docketing statement through the E-Filing Portal. A fillable Docketing Statement will be available on the E-Filing Portal and on this court's website.

4. NUMBER OF COPIES

If a document is filed in paper, only the original is required to be filed with the court. If a document is filed electronically through the E-Filing Portal by a registered user, no paper copies are permitted.

5. COPIES OF RECORDS

The Clerk's office is required by statute to charge $1.00 per page to make copies of case records. Additional fees may apply for other services, such as certification. Registered attorneys and parties may be able to find copies of records in their cases on ACIS. Copies of records available on ACIS may be downloaded by a registered user without charge. Confidential records may not be available.

6. SUPPLEMENTATION OF RECORDS

Supplemental records in appeals must be provided by the clerks of the lower tribunal after approval of a motion filed in this court. Absent special circumstances, records in these appeals may not be supplemented by attachments to motions or briefs.

7. MOTIONS

Any request for action or relief from this court should be set forth in the form of a motion labeled with "First District Court of Appeal," the case name, this court's case number, and the lower tribunal number. *See* Fla. R. App. P. 9.300. All motions must contain a proper certificate of service showing that copies of the motion have been served on the opposing counsel/parties. *See* #8 below. If the record has not yet been filed with this court, record material supporting a motion should be included in an appendix to the motion. *See* #12 below. Motions for extension of time must include the number of days requested, a date certain when the brief will be filed, and a certificate that opposing counsel has been consulted and state whether there is an objection to the motion.

a. Extensions of Time for Filing Briefs

Effective February 21, 2019, pursuant to Administrative Order 19-2, an agreed notice of extension of time will be accepted in **civil** appeals for up to a total of 90 days for initial and answer briefs and up to a total of 15 days for reply briefs and in **criminal** appeals for up to a total of 60 days for initial and answer briefs. The agreed notice must state the number of days agreed upon for the extension, not just the date the brief would be due. Extensions granted prior to the submission of the agreed notice shall count as part of the aggregate time periods. This procedure shall apply to final and non-final criminal and civil appeals, including administrative appeals. It shall not apply to proceedings involving adoptions, dependency, termination of parental rights, delinquency, emergency appeals, or any other appeal which has been expedited by the court. It also shall not apply to original proceedings governed by Rule 9.100, Workers' Compensation proceedings, or appeals governed by Rule 9.141(b)(2). Extensions beyond the time permitted by notice must be requested by motion.

A motion for extension of time served after time has expired for serving the brief will generally not be granted unless good cause is shown. Failure to comply with these standards may result in dismissal of the case, striking of the untimely brief, and/or other sanctions.

In Workers' Compensation cases, a motion for extension of time must specifically state the circumstances justifying an extension, and motions requesting an extension on the sole basis of a busy schedule will not be favorably received. Extensions for reply briefs in Workers' Compensation cases will not be granted except upon showing of extreme emergency.

b. Expedited Child Cases

The court has accelerated procedures for certain child cases. These cases are designated as "child cases" by order. Extensions of time in such cases are not granted except in emergency circumstances.

c. Responses to Motions

Any response to a motion shall be promptly served within 15 days of the service of the motion or such other time as may be specifically set by the court. No reply to a response will be considered unless specifically authorized by the court. *See* Fla. R. App. P. 9.300(a).

8. CERTIFICATES OF SERVICE

This court does not provide service of documents for litigants. Litigants must serve opposing counsel/parties with a copy of all documents filed with the court. All filings shall contain a certificate of service stating that copies have been provided to the opposing counsel/parties. *See* Fla. R. Gen. Prac. & Jud. Admin 2.516 and Fla. R. App. P. 9.420. Examples of Certificates of Service:

By attorney or Pro Se (Non-Inmate) Litigant:

I certify that a copy of this filing has been provided to (insert name or names) by (circle delivery/mail/e-mail/E-Filing Portal) on (insert date). (Sign), attorney for (insert name of party) (insert name if pro se), (insert address), (insert phone number), (insert e-mail address), (insert Bar number if an attorney).

By Pro Se Inmate:

I certify that a copy of this filing has been placed in the hands of (insert name of institutional official) for mailing to (insert name or names) on (insert date). (Sign), (insert address), (insert phone number), (insert prison identification numbers).

9. AFTER HOURS FILINGS

There is no guarantee a security guard will be available after hours on any given day to accept filings so litigants should ensure that time sensitive matters are filed during regular business hours (8 a.m. to 5 p.m.) on days the court is open. The date an electronic filing is received by the court through the E-Filing Portal will constitute the date of filing, up to 11:59 p.m., Eastern Standard Time.

10. SERVICE OF EMERGENCY PAPERS

Any filing designated as an "Emergency" should be served on the parties in the same manner, when practical, as used for the filing itself; e.g., if the paper was filed by special delivery, then the paper should be served on the parties via special delivery. Electronically filed documents though the E-Filing Portal may be marked as "Emergency" when filed by checking the emergency filing box as well as in the title of the document. Filings should only be marked as "Emergency" if a true emergency exists.

11. BRIEFS

Only one copy of a brief is permitted to be filed. Paper briefs shall NOT be stapled or bound. *See* Fla. R. App. P. 9.210(a)(3). The initial and answer briefs shall include a list of citations and a table of contents with each issue listed and reference made to the page(s) where each issue is discussed in the brief. The answer brief shall contain all the same elements as contained in the initial brief except that the statement of the case and facts may be omitted.

a. Font Size on Briefs:

All briefs are to be double-spaced. Headings and subheadings shall be in print at least as large as the rest of the brief and may be single spaced. Briefs filed in paper format are required to be on 8 1/2-by-11-inch white paper and must contain an original signature. All computer-generated briefs be submitted in either Arial 14-point font or Bookman Old Style 14-point font and include a signed certification that the brief complies with the font requirements. *See* Fla. R. App. P. 9.045.

b. Standard of Review in Briefs:

The argument section of briefs must contain the standard of review to be applied by the court as to each issue presented. *See* Fla. R. App. P. 9.210(b)(5).

c. Length:

Initial and answer briefs may not exceed 13,000 words if computer-generated or 50 pages if handwritten or typewritten. Reply briefs may not exceed 4,000 words if computer-generated or 15 pages if handwritten or typewritten. If a cross-appeal has been filed, the answer brief/initial brief on cross-appeal shall not exceed 22,000 words if computer-generated or 85 pages if handwritten or typewritten. A reply brief that includes the appellant's answer brief on a cross-appeal may not exceed 13,000 words if computer-generated or 50 pages if handwritten or typewritten. Fla. R. App. P. 9.210. Any motion requesting to exceed the page limit must include with the motion the proposed expanded brief. *See Bennett v. Florida National Bank*, 517 So. 2d 97 (Fla. 1st DCA 1987).

d. Amendments or Corrections:

Any request to amend or correct a brief must be made by motion, accompanied by a copy of the entire brief that includes the correction(s) and is entitled an “Amended Brief." *See* Fla. R. App. P. 9.210, *North Florida Regional Medical Center v. Witt*, 616 So. 2d 614 (Fla. 1st DCA 1993). It is also desirable that the motion contain the position of the opposing counsel regarding the filing of the amended brief.

e. Amicus Curiae Briefs

Any party wishing to file an amicus brief shall file a motion requesting leave of court to file the brief complying with the requirements of Florida Rule of Appellate Procedure 9.370. If filed by an attorney or registered user, amicus curiae briefs must be electronically filed via the E-Filing Portal.

12. APPENDIX

If an appendix is submitted in paper, it shall be filed separately from the document it accompanies and be bound by a paper clip or staple in the upper left corner, not bound in book form. The appendix shall include at the front an index (table of contents). Electronically filed appendices must be filed as a single PDF document which is properly indexed and consecutively paginated, beginning with the cover sheet as page 1. The PDF must be text searchable, paginated so that the page numbers displayed by the PDF reader exactly match the pagination of the index, bookmarked consistently with the index, and shall not contain condensed transcripts unless authorized by the court. *See* Fla. R. App. P. 9.220.

13. FONT SIZE AND PAGE LIMITS ON PETITIONS, RESPONSES, AND REPLIES

Rules 9.045 and 9.100 set forth the formatting requirements for petitions, responses, and replies. The print must be black, double-spaced, and contain no less than 1-inch margins. Computer-generated petitions, responses, and replies shall be submitted in either Arial 14-point font or Bookman Old Style 14-point font. All computer-generated petitions, responses, or replies must contain a certification as to compliance with the Rule's font requirements. A petition or response to a petition should not exceed 13,000 words if computer-generated or 50 pages if handwritten or typewritten. The petitioner's reply should not exceed 4,000 words if computer-generated or 15 pages if handwritten or typewritten.

14. PHYSICAL EVIDENCE

Physical evidence is usually not submitted to the appellate court. If a party desires to include physical evidence with the record forwarded to this court on appeal, excluding documents, the party shall first seek permission from this court by filing a motion. *See* Fla. R. App. P. 9.200(a)(1).

15. CORPORATE SELF-REPRESENTATION

While an individual may represent his or her interest in court without an attorney, a corporation is not permitted to do so through non-lawyer employees, officers, or shareholders. *See Richter v. Higdon Homes, Inc.*, 544 So. 2d 300 (Fla. 1st DCA 1989); *Nicholson Supply Co. v. First Federal Savings & Loan Assoc. of Hardee County*, 184 So. 2d 438 (Fla. 2d DCA 1966).

16. FOREIGN ATTORNEYS

Attorneys who are members in good standing in other jurisdictions may be granted permission by court order to appear in proceedings in this court. *See* Fla. R. App. P. 9.440(a); Fla. R. Gen. Prac. & Jud. Admin. 2.510. Attorneys who have been permitted to appear pro hac vice in the lower court must still file a motion for leave to appear before this court. Pursuant to Section 35.22(2)(a), Florida Statutes, the clerk is required to collect a $100 filing fee from each attorney appearing pro hac vice. An additional filing fee of $250 is required by the Florida Bar.

17. ORAL ARGUMENT

Requests for oral argument shall be made by filing a separate filing labeled as a request for oral argument and shall contain no other subject matter. Oral argument requests should be limited to those cases where counsel believes it will serve a definite and useful purpose in aiding the court in deciding the issue(s) on appeal. *See* Fla. R. App. P. 9.320. Cases receive the same consideration regardless of whether an oral argument request has been made. Requests for oral argument shall be made not later than 15 days after the last brief is due, or in petitions, not later than 15 days after the reply is due, unless otherwise ordered by the court. Once the court has scheduled oral argument, motions for continuances are not favored except in emergency circumstances. The court should be notified by notice, if within ten days prior to the oral argument date, settlement agreements appear successful or a motion for voluntary dismissal is expected prior to oral argument.

18. NOTICE OF SUPPLEMENTAL AUTHORITY

A copy of a newly discovered authority should be attached to the notice. While the notice should designate the issue to which the supplemental authority relates, no argument or comment on the authority may be included in the notice. *See* Fla. R. App. P. 9.225. Counsel should be familiar with *Ogden Allied Services v. Panesso*, 619 So. 2d 1023 (Fla. 1st DCA 1993), and *Brown and Williamson Tobacco Corporation, etc. v. David Young*, 690 So. 2d 1377 (Fla. 1st DCA 1997).

19. APPELLATE MEDIATION PROGRAM

Requests for mediation are governed by Florida Rule of Appellate Procedure 9.700.

20. REHEARING

Although motions for rehearing are permitted by Florida Rule of Appellate Procedure 9.330, the court strongly discourages the practice of routinely filing such motions. *See Whipple v. State*, 431 So. 2d 1011 (Fla. 2d DCA 1983). Rule 9.330(a) requires that a motion for rehearing set forth the law or fact that the court has overlooked or misapprehended in its decision and shall not present issues not previously raised in the proceedings. Where there has been an award of attorney's fees on appeal, additional fees may be awarded upon a denial of a motion for rehearing. Counsel should be familiar with *Gainesville Coca-Cola v. Young*, 632 So. 2d 83 (Fla. 1st DCA 1993), and *Lawyers Title Insurance Corp. v. Reitzes*, 631 So. 2d 1101 (Fla. 4th DCA 1994). Any response to a motion for rehearing must be served within 15 days of service of the motion.

21. LEGAL ADVICE

Judges of this court are not permitted to provide legal advice, provide separate advisory opinions, or respond to general questions of the law except in cases properly brought before the court. Employees of the clerk's office and the court are likewise not permitted to provide legal advice. Litigants should review the Florida Rules of Appellate Procedure and may want to consult the Pro Se (Unrepresented) Appellate Handbook from the Appellate Practice Section of The Florida Bar at http://www.flabarappellate.org.

22. AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in proceedings or activities before this court, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the First District Court of Appeal Marshal's Office at 2000 Drayton Drive, Tallahassee, Florida 32399-0950; or at telephone number (850) 717-8132, at least seven (7) days before the proceeding, or immediately upon receiving this notification if the time before the scheduled proceeding is less than seven (7) days. If you are hearing or voice impaired, call 711.

23. PAYMENT OF FILING FEES

Filings fees may be paid in person, by mail, or through the Florida Courts E-Filing Portal by going to the "Documents" page, click the "Add" button, and search for the "Pay Fee" category. A cover letter or copy of this court's fee order must be filed with payment. Do not attach a fee payment to a motion, brief, or other filing. Payments will not be charged until acceptance of the filing. A convenience fee will be applied to all electronic payments.