

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

October 8, 2024

Acknowledgment of New Case

Jimmy K Allen,
Appellant(s)

Case 1D2024-2576
L.T. No.: 2023-CA-000070

v.

Jackson's Auto Parts & Ace
Hardware, Inc, Ronald George
Jackson, and George Oas Jackson,
Appellee(s).

The First District Court of Appeal has received the Notice of Appeal, filed in the lower tribunal on September 23, 2024 and in this Court on October 4, 2024. The case type is: NOA Final - Circuit Civil - Other.

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

Per Administrative Order 23-1, 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:

Jimmy K Allen

Danielle M. Barfield

Case 1D2024-2576

Page < 2 >

Franklin Clerk
Riley Michelle Landy
Joe Longfellow, III

MH

~~1D2024-2576~~ October 8, 2024
Kristina Samuels, Clerk
1D2024-2576 October 8, 2024



**DISTRICT COURT OF APPEAL, FIRST DISTRICT
STATE OF FLORIDA**

**NOTICE TO ATTORNEYS AND PARTIES
(Revised April 2024)**

Counsel and Parties must 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.

Counsel and parties may only communicate with judges through properly served filings in a case or at oral argument. Ex parte communication with judges or their staffs is prohibited. Parties with attorneys should ask their attorneys any questions about their case. Unrepresented (pro se) parties may call the Clerk's Office for status updates.

Judges are not permitted to provide legal advice or respond to questions of law except in cases properly before the court. Employees of the clerk's office and the court also are 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>. The court's website (www.1dca.flcourts.gov) has court opinions, oral argument videos, a live oral argument feed, administrative orders, and other useful information.

Electronic filings and payments should be made through the Florida Courts E-Filing Portal at <https://myflcourtagency.com>. Go to the Florida Courts E-Filing Portal's website to register. All attorneys are required to file their documents electronically. Pro se litigants may, but are not required to, use the E-Filing Portal. The court does not accept filings by fax or e-mail. 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. 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 is available on the court's website or in paper from the Clerk's Office by request.

1. NOTICE OF APPEAL

Notices of appeal should be filed with the lower tribunal. 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) to be reviewed. See Fla. R. App. P. 9.020 or 9.180. The notice also should contain the names of all parties to the appeal and whether the appeal is from a final or non-final order. The certificate of service (see #8 below) for the notice of appeal should include the address (mailing and e-mail) for each party or attorney, 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, 9.130, 9.180, and 9.420.

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 or order that affects the date of rendition of the order appealed. See Fla. R. App. P. 9.020, 9.110, and 9.130.

3. DOCKETING STATEMENTS

All appellants and petitioners must complete a Docketing Statement to the best of their ability, serve (send) a copy on the opposing parties/attorneys, and return a copy to the court. Paper filers may complete the pink paper Docketing Statement provided by the court. For electronic filers, 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. If a document is filed electronically through the E-Filing Portal, 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. Records may need to be reviewed for confidential information before they can be provided.

6. RECORD ON APPEAL

In appeal cases, the lower tribunal clerk's office (not a party or attorney) will transmit a copy of the record on appeal to this court. The record on appeal contains documents filed in the lower tribunal. Any additions or corrections to the record on appeal must be sent by the lower tribunal clerk's office (not by a party or attorney).

7. MOTIONS

Any request for action or relief from this court should be filed as a motion labeled with 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. Any response to a motion shall be served within 15 days of the service of the motion. No reply to a response is permitted. See Fla. R. App. P. 9.300(a).

Notice/Motion for Extension of Time

Pursuant to Administrative Order 19-2, an agreed notice of extension of time will be accepted in:

- (A) **civil** appeals for up to a total of 90 days for initial/answer briefs and up to a total of 15 days for reply briefs; and
- (B) **criminal** appeals for up to a total of 60 days for initial/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 filing the agreed notice count as part of the aggregate time periods. Agreed notices of extension are NOT permitted in proceedings involving adoptions, dependency, termination of parental rights, delinquency, emergency appeals, any appeal that has been expedited by court order, original proceedings governed by Rule 9.100, Workers' Compensation proceedings, or appeals governed by Rule 9.141(b)(2).

A **motion** for extension of time must be filed to ask for an extension in case types where a notice is not permitted (see prior paragraph) or to ask for more days than are available by notice. Motions for extension of time must state the number of days requested, the date by which the document will be filed, the reason an extension is needed, that opposing counsel has been consulted, and opposing counsel's position about the extension. Good cause is needed if a motion for extension of time is filed after the document's due date.

In Workers' Compensation cases, a motion requesting an extension on the sole basis of a busy schedule will not be favorably received. Extensions for reply briefs will be granted in Workers' Compensation cases only in emergency circumstances.

The court has expedited procedures for cases involving children. These cases are designated as "child cases" by order. In child cases, extensions of time are available only in emergency circumstances.

Motion for 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 prohibits presenting 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. Any response to a motion for rehearing must be served within 15 days of service of the motion.

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. Below are examples of Certificates of Service:

By Attorney or Pro Se Litigant:

I certify that a copy of this filing has been provided to (insert name(s)) 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/ mailing address), (insert Bar number if an attorney).

By Incarcerated Pro Se Litigant:

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(s)) 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 file time-sensitive documents 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 Time.

10. EMERGENCY FILINGS

A filing about an emergency matter should be labeled as an "Emergency" and must be served on opposing parties/counsel. Emergency documents filed though the E-Filing Portal may be marked as "Emergency" by checking the emergency filing box. Filings should only be marked as "Emergency" if a true emergency, requiring immediate judicial attention, exists. There is no need to mark a filing as an emergency solely because it is due that day or the due date is approaching.

11. BRIEFS

Only one copy of a brief is permitted to be filed. The initial and answer briefs must include a list of citations and a table of contents. The table of contents should list each issue on appeal. 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. 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.

Page Limits:

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 the proposed expanded brief.

Formatting:

All computer-generated briefs must be double-spaced, filed 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. Headings and subheadings may be single-spaced but must be in print at least as large as the rest of the brief. Briefs filed in paper must be on white standard size (8 1/2-by-11-inch) printer paper and must be signed. They should not be bound in book form. See Fla. R. App. P. 9.045.

Amendments/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). See Fla. R. App. P. 9.210.

12. APPENDIX

An appendix is a set of documents related to a brief, motion, or other filing. If an appendix is filed in paper, it must be filed separately from the document it accompanies. Appendices should not be bound in book form. The appendix must have an index (table of contents). Electronically filed appendices must be filed as a single PDF document that is indexed and consecutively paginated, beginning with the cover sheet as page 1. The appendix 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. See Fla. R. App. P. 9.220.

13. PETITIONS, RESPONSES, AND REPLIES

All computer-generated petitions, responses, and replies must be double-spaced, filed in either Arial 14-point font or Bookman Old Style 14-point font, and have a signed certification that the document complies with the font requirements. Headings and subheadings may be single-spaced but must be in print at least as large as the rest of the document. Petitions, responses, and replies filed in paper must be on white standard (8 1/2-by-11-inch) printer paper and must be signed. They should not be bound in book form. 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. See Fla. R. App. P. 9.045

14. PHYSICAL EVIDENCE

Physical evidence (not papers) usually is not submitted to the appellate court. If a party wants to include physical evidence with the record on appeal, the party must ask permission from this court by filing a motion. See Fla. R. App. P. 9.200.

15. CORPORATE REPRESENTATION

While an individual may represent himself or herself 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).

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; 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.

17. ORAL ARGUMENT

Cases receive the same consideration by a three-judge panel regardless of whether oral argument is requested. Requests for oral argument must be made by a filing labeled as a request for oral argument. The filing may not contain any 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. 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. Once the court has scheduled oral argument, motions for continuances are not favored except in emergency circumstances and counsel must notify the court as soon as possible if a settlement agreement appears likely or a motion for voluntary dismissal is expected prior to oral argument.

18. NOTICE OF SUPPLEMENTAL AUTHORITY

If a relevant authority is discovered after briefing, a notice with a copy of the authority attached may be filed. 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.

19. APPELLATE MEDIATION PROGRAM

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

20. 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.

21. FILING FEES

Filing fees are due immediately upon filing of a new case or notice of cross-appeal or joinder. Filings fees may be paid in person, by mail, or through the Florida Courts E-Filing Portal. (Go 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. The E-Filing Portal adds a convenience fee to all electronic payments.