

IN THE SUPREME COURT OF FLORIDA

Case No. SC11-1166

STATE OF FLORIDA,

Appellant,

v.

RICHARD T. CATALANO, ET AL.,

Appellees.

**APPELLANT'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO SERVE INITIAL BRIEF**

Appellant, State of Florida, respectfully moves for an order extending the time for service of its initial brief through Friday, July 22, 2011. In support of this motion, Appellant states:

1. The State of Florida filed this appeal on June 10, 2011, and its initial brief is currently due to be served on July 1, 2011.
2. This appeal presents several complex issues arising under the United States Constitution involving the constitutionality of section 316.3045, Florida Statutes. This statute limits the distance at which noise from soundmaking devices operating within a motor vehicle can be heard outside of the vehicle.

3. During the 20-day period between the time the appeal was filed and the due date for the current brief, undersigned counsel do not have sufficient time needed to complete the initial brief due to their representation in a major constitutional challenge to Florida's education system that is set for oral argument at the First District Court of Appeal on June 30, 2011, work-oriented travel, pre-arranged vacation schedules, and other matters in litigation in trial and appellate courts that have required immediate attention.

4. A short three-week extension will permit the undersigned to give due attention to this matter and assist the Court's disposition by facilitating a quality presentation on the relevant issues.

5. Appellant has sought no previous extension.

6. The undersigned counsel certifies that Appellees' counsel Richard T. Catalano does not object to this extension request.

7. This request is made in good faith and not for purposes of delay. No prejudice will result from the extension sought.

WHEREFORE, the State of Florida respectfully requests an extension of time to serve its initial brief to and including July 22, 2011.

Respectfully Submitted,

PAMELA JO BONDI
ATTORNEY GENERAL

/s/ Timothy D. Osterhaus
Scott D. Makar (FBN 709697)
Solicitor General
Timothy D. Osterhaus (FBN 0133728)
Deputy Solicitor General
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-1050
(850) 414-3681; (850) 410-2672 (fax)

Attorneys for the State of Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following by counsel for the Appellees, this 22nd day of June, 2011.

Richard T. Catalano, Esq.,
4370 112th Terrace North
Clearwater, FL 33762
Attorney for Appellees

/s/ Timothy D. Osterhaus
Attorney