

IN THE SUPREME COURT OF FLORIDA

Case No. SC11-1166

**STATE OF FLORIDA,
Appellant**

vs.

**RICHARD T. CATALANO and
ALEXANDER SCHERMERHORN,
Appellees**

**APPELLEES' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO SERVE ANSWER BRIEF**

Appellees, RICHARD T. CATALANO, ESQ. and ALEXANDER SCHERMERHORN, (hereafter "Appellees"), pursuant to Florida Rule of Appellate Procedure 9.300, respectfully move this Honorable Court for an extension of time for the filing and service of the Answer Brief due in this case. In support of this motion, Appellees state:

1. Appellant's Initial Brief was served on July 22, 2011. Appellees' Answer Brief is therefore due to be served on August 11, 2011.
2. This appeal presents issues under both the United States Constitution and the Florida Constitution. Appellant has filed a lengthy Initial Brief of thirty-nine (39) pages plus Appendix. Appellees will have inadequate time to draft a cogent, effective Answer Brief by the current deadline. Counsel requests a thirty (30) day extension of time to allow sufficient time to craft a brief worthy of filing with this Court. This short delay will not prejudice any party to this proceeding.

3. Counsel for the Attorney General handling this case on behalf of the State of Florida, Timothy Osterhaus, Esq., has been contacted concerning this request for extension, and has authorized Appellees to represent that he has no objection to this Court granting the requested 30-day extension.

4. Appellees have sought no previous extension.

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

WHEREFORE, Appellees respectfully request an extension of time within which to file their Answer Brief, up to and including September 12, 2011.

Respectfully submitted,

Richard T. Catalano, Esq.
Counsel for Appellees
4370 112th Terrace North
Clearwater, FL 33762
(727) 540-1240
Fax (727) 540-1241
FBN 500380, SPN 486403
Richard.catalano@tse-industries.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to Timothy Osterhaus, Esq., Deputy Solicitor General, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, on this 2nd day of August, 2011.

Richard T. Catalano, Esq.