

IN THE SUPREME COURT OF FLORIDA

IN RE:
ACTIVITIES OF COMMUNITY
ASSOCIATION MANAGERS

CASE NO. SC13-889

**PETITIONER RPPTL'S MOTION TO STRIKE UNAUTHORIZED
BRIEFS AND MOTION FOR LEAVE TO FILE REPLY BRIEF**

Petitioner, The Real Property, Probate, and Trust Law Section of the Florida Bar, moves to strike the Briefs in Reply filed on behalf of The Continental Group, Inc., Associations, Inc., and CEOMC, Inc., bearing a service date of August 23, 2013, and as grounds therefore would allege:

1. Without leave of Court, second and third briefs have been jointly filed by The Continental Group, Inc., Associations, Inc., and CEOMC, Inc., in addition to their first joint brief in opposition. This Court has only granted leave to file the first brief as provided by the *Rules Regulating the Florida Bar*.

2. The present matter is a request for a formal advisory opinion governed by Rule 10-9.1 of the *Rules Regulating the Florida Bar*. Rule 10-9.1 allows interested parties with leave of Court to file an objection to the proposed advisory opinion. The Court granted The Continental Group, et al., leave to file a brief in opposition and they did so on June 13, 2013.

3. Without leave of Court, on August 5, 2013, The Continental Group, et al. filed a second brief titled "Brief In Reply To Petitioner (The Real Property,

Probate, and Trust Law Section).” A Motion To Strike that reply brief was filed by The Florida Bar on August 7, 2013.

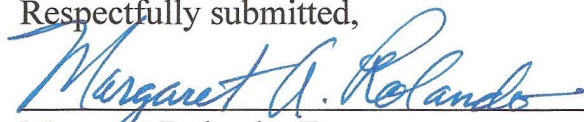
4. Without leave of Court, on or about August 23, 2013 the Continental Group, et al. filed a third brief. Notwithstanding the fact that the second Reply Brief is titled as a “Brief in Reply to Answer Brief of the Standing Committee on the Unlicensed Practice of Law of the Florida Bar”, this third brief is essentially a reply to the brief filed by Petitioner, The Real Property, Probate, and Trust Law Section of the Florida Bar, as the third brief attempts to distinguish cases cited by Petitioner and attempts to reply to arguments asserted by Petitioner.

5. Rule 10-9.1(g)(3) governs briefs that may be filed in an advisory opinion matter and provides in pertinent part that “the petitioner, as well as other interested parties having leave of court [may] file a reply brief within ten days of service of [the Florida Bar’s] responsive brief.” Both the second brief on August 5th, and the third brief on August 23rd filed by The Continental Group, et al. improperly attempt a proverbial second and third bite of the apple by filing three briefs in this matter. As such the second and third briefs should be stricken as being filed in violation of the letter as well as the spirit of the Rule. The Rule was created to provide an orderly procedure for the filing of briefs and public input, not to provide a never-ending cascade of reply briefs and parting shots, to the detriment of those parties who are constrained to address the Court within the parameters set forth in applicable rules.

6. Alternatively, if these “reply” briefs are not stricken, Petitioner respectfully requests leave of this Court to file a reply brief which is responsive to all other reply briefs, to the extent that any reply brief is responsive to the initial brief of Petitioner.

WHEREFORE, The Real Property, Probate, and Trust Law Section of the Florida Bar respectfully requests that the Answer Brief to Brief of Real Property, Probate and Trust Law Section of The Florida Bar filed by The Continental Group, Inc., Associations, Inc. and CEOMC, Inc. and the Brief in Reply to Answer Brief of the Standing Committee on the Unlicensed Practice of Law of The Florida Bar filed by the Continental Group, Inc., Associations, Inc. and CEOMC, Inc., be stricken or, in the alternative, that leave be granted to The Real Property, Probate, and Trust Law Section of The Florida Bar to file a reply brief not later than thirty days after the filing of the last reply brief filed by any interested party given leave to file pursuant to Rule 10-9.1(g)(3) of the *Rules Regulating the Florida Bar*.

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

I certify that this instrument is in Times New Roman 14 point font, in compliance with Fla. R. App. P. 9.210.

CERTIFICATE OF SERVICE

I certify that a copy of this Brief of Petitioner, Real Property, Probate, and Trust Law Section of the Florida Bar was sent by Email and US Mail to the following, on this 16th day of September, 2013: **Nancy Munjiovi Blount**, The Florida Bar, Standing Committee on the Unlicensed Practice of Law, Email: upl@flabar.org, **Jeffrey T. Picker**, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, Email: jpicker@flabar.org, Secondary: upl@flabar.org, **Lori Holcomb**, Email: lholcomb@flabar.org, Secondary: upl@flabar.org, **Jennifer A. Winegardner**, For Continental and CEOMC, Email: jwinegardner@chasefirm.com, **Mauri Ellis Peyton, II**, For CIA, Email: mauri@peytonbolin.com, **David Mark Felice**, Email: dfelice@terralawfirm.com, **Jeffrey Michael Oshinsky**, Email: jeff@oshinskylaw.com, **Steve Caballero**, Exclusive Property Management, 2945 W. Cypress Road, Ste. 201, Fort Lauderdale, FL 33309, **Mark R. Benson**, Community Association Manager, 4711 Harbortown Lane, Fort Myers, FL 33919, Email: mark@markrbenson.com

By: /s/ Margaret Rolando

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