

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR RE: ADVISORY
OPINION ACTIVITIES OF
COMMUNITY ASSOCIATION
MANAGERS

CASE NO. SC13-889

**MOTION TO STRIKE NOTICE OF SUPPLEMENTAL AUTHORITY
FILED ON BEHALF OF THE CONTINENTAL GROUP, INC.,
ASSOCIATIONS, INC., AND CEOMC FLORIDA, INC.**

COMES NOW The Florida Bar and moves to strike the notice of supplemental authority filed on behalf of The Continental Group, Inc., Associations, Inc., and CEOMC Florida, Inc. and as grounds thereof states as follows:

Rule 9.225, Florida Rules of Appellate Procedure, permits the filing of a notice of supplemental authority “to call attention to decisions, rules, statutes, or other authorities that are significant to the issues raised and that have been discovered after the last brief served in the cause.” Black’s Law Dictionary 153 (9th ed. 2009) defines authority as follows:

4. A legal writing taken as definitive or decisive; esp., a judicial or administrative decision cited as a precedent <that case is good authority in Massachusetts>. The term includes not only the decisions of tribunals but also statutes, ordinances, and administrative rulings.

...

primary authority. (1826) Authority that issues directly from a law-making body; legislation and the reports of litigated cases.

secondary authority. (1826) Authority that explains the law but does not itself establish it, such as a treatise, annotation, or law-review article.

The testimony of Ms. Holcomb at a legislative subcommittee hearing is not a decision, rule, statute, or other legal authority, and thus, does not form the proper basis for the filing of a notice of supplemental authority. Additionally, the statements of Ms. Holcomb are taken out of context and mischaracterized as an admission that the proposed opinion is not necessary.

WHEREFORE, The Florida Bar requests that the notice of supplemental authority filed on behalf of The Continental Group, Inc., Associations, Inc., and CEOMC Florida, Inc. be stricken.

Respectfully submitted,

/s/ Jeffrey T. Picker

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CERTIFICATE OF SERVICE

I certify that a copy of this Motion To Strike Notice of Supplemental

Authority filed on behalf of The Continental Group, Inc., Associations, Inc., and CEOMC Florida, Inc. was sent by Email to the following on this 14th day of November, 2013:

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