

Supreme Court of Florida

CASE NO.: SC14-80

Lower Tribunal No(s): 1D12-3912;

10-021122GCC

MIRTA GROSECLOSE

vs.

APTIUM ONCOLOGY, ECT. ET AL.

APTIUM ONCOLOGY, ETC., ET AL.

vs.

MIRTA GROSECLOSE

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO ORDER TO
SHOW CAUSE**

Aptium Oncology, ect., et al., the employer/respondent, pursuant to Rule 9.300 of the Fla. R. App. P., files this Motion for Extension of Time to Respond to the Order to Show Cause entered on June 29, 2016 asking the employer respondent to show cause on or before July 14, 2016 why this Court should not exercise jurisdiction in this case, summarily quash the decision being reviewed, and remand for reconsideration in light of the decision in *Westphal v. City of St. Petersburg*, 2016 WL 3191086 (Fla. Jun. 9, 2016). For the following reasons, an extension is requested.

1. This Motion is filed pursuant to Rule 9.300 of the Fla. R. App. P. and a request, pursuant to Rule 9.300(d)(13), is made that the time to respond to the Order to Show Cause be tolled while this Motion is pending.

2. Respectfully, additional time is necessary to consider whether the course of action suggested by this Court would resolve all pending legal issues before this Court considering the Final Order appealed from the Judge of Compensation Claims and the Opinion from the First District Court of Appeal. Additional time is necessary to determine if there are any issues pending given the ruling in *Westphal* and whether it is possible resolve all issues between the

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parties given the opinion in *Westphal*. The undersigned has contacted his respective client who needs additional time and approval to consider whether such course of action would resolve all pending issues.

3. The Mandate in the *Westphal v. City of St. Petersburg*, 2016 WL 3191086 (Fla. Jun. 9, 2016) was entered on July 7, 2016. On or about June 29, 2016, the undersigned was served by the First District Court of Appeal the June 29, 2016 Order of Consolidation by the Florida Supreme Court. (See attached at Exhibit A). The Order to Show Cause was not served on the undersigned with the Order of Consolidation. On or about July 7, 2016, the undersigned received an email from counsel for Mirta Groseclose wherein reference was made to this Court's Order to Show Cause. This was the first time the undersigned became aware of such Order to Show Cause. The undersigned now is aware why such Orders were not served as evidenced by the docket's designation of returned mail on July 11, 2011. (Attached as Exhibit B). The undersigned's office had moved and the Orders were sent to the previous address despite the fact that the Amended Notice to Invoke Discretionary Jurisdiction had the undersigned's correct address.

4. Independent of the reasons stated in Paragraph 4, additional time is requested. Attorney Eduardo E. Neret, the attorney handling this matter, is scheduled to be out of town beginning this afternoon, July 13, 2016 and not scheduled to return until July 18, 2016. The representative of the employer respondent is in the process of setting up conference early next week to have a response by July 20, 2016. A seven day extension of time is reasonable and not prejudicial to the parties.

5. Opposing Counsel does not object to the motion and requests seven days from the date the Response to the Order to Show Cause is due to file a Reply to same.

WHEREFORE, Aptium Oncology, ect., et al., respectfully requests and extension of time to respond to the Order to Show Cause and request that the time to respond to the Order to Show

Cause be tolled while this Motion is pending.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via email this 14th day of July, 2016 to Robert J. Fiore, Esq., robert@robertfiore.com, Bram J. Gechtman, Esq., bjg@gcflalaw.com, and Marjorie Graham, mgg@appeal.com.

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By _____

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