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IN THE SUPREME COURT OF FLORIDA

Ela Gonzalez,

Petitioner,

vs.

McDonald's and Amerisure Insurance Co.,

Respondent.

_____/

SC Case No: SC15-324

DCA Case No: 1D14-4315: 12-005404MGK

PETITIONER'S MOTION TO ACCEPT THE REPLY TO THE RESPONDENTS' CONFESSION OF ERROR AND REPLY RELATING TO ATTORNEY'S FEES AS TIMELY FILED

Comes now the Petitioner, Ela Gonzalez, and files this motion to accept the reply to the respondent's confession of error and reply relating to attorney's fees as timely filed and in support thereof state as follows:

1. The Respondents confessed error based on *Castellanos v. Next Door Co*., 41 Fla. L. Weekly S197 (Fla. Apr. 28, 2016), seeking a remand to the JCC.

2. On June 29, 2016, this court entered an order indicating that the undersigned could file a response to this confession of error by July 11,

2016. The undersigned has eight Castellanos type cases pending and stayed in this Court, including this one. In additional she has two Westphal type cases pending and stayed in this court.

3. On June 29, 2016, the day before the undersigned left on a vacation that extended from June 30, 2016 through July 16, 2016, essentially the same order was entered on nine out of these ten cases. All of the orders, whether they pertained to *Westphal* or *Castellanos,* required the respondents in each of the cases to show cause by July 14, 2016, why the orders under review should not be quashed. Each of these orders gave the undersigned, on behalf of the Petitioners in each of the cases, until July 25, 2016 to file a response. However, the order on this case was a little different and the undersigned did not pick up on the difference until now due to an oversight or excusable neglect. The reason the order was different is that the Respondent in that case confessed error prior to the entry of the order. Because the undersigned believed she was under the same deadline on all of these cases, she missed the deadline for filing the reply in this case, which was due July 11, 2016, while she was still on vacation.

3. Based on the above extenuating circumstances and oversight and/or excusable neglect on the part of the undersigned, she respectfully requests that this honorable court accept this reply, which is being filed

simultaneously with this motion as timely filed. There was no intent on the undersigned's part to ignore or fail to comply with this Court's order.

WHEREFORE, the undersigned respectfully requests that this Honorable Court accept the reply as timley filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was furnished via electronic mail on this 23rd day of July, 2016 to: William Rogner, Esquire, Attorney for the E/C, 1560 Orange Ave Ste 500, Winter Park FL 32789-5552 wrogner@hrmcw.com; Monica Cooper, Esquire, Attorney for the Claimant, 2600 SW 3rd Ave Ste 900, Miami FL 33129-2343 mcooper@zaldivarpa.com.

/s/_____

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