

IN THE SUPREME COURT OF FLORIDA

Case No. SC16-1888

CHARLES N. GANSON, JR.,
as Personal Representative of
the Estate of Molly Beyer,

Petitioner-Appellant,

v.

CITY OF MARATHON, FLORIDA, and the
STATE OF FLORIDA,

Respondents-Appellees.

On Appeal from the District Court of Appeal of the State of Florida,
Third District, Case No. 3D12-777

PETITIONER-APPELLANT'S MOTION FOR COURT TO ACCEPT
CORRECTED JURISDICTIONAL BRIEF

ANDREW M. TOBIN

Fla. Bar No. 184825

P.O. Box 620

Tavernier, FL 33070

Telephone: (305) 852-3388

Email: tobinlaw@terranova.net

tobinlaw2@gmail.com

MARK MILLER

Fla. Bar No. 0094961

CHRISTINA M. MARTIN

Fla. Bar No. 0100760

Pacific Legal Foundation

8645 N. Military Trail, Suite 511

Palm Beach Gardens, Florida 33410

Telephone: (561) 691-5000

Facsimile: (561) 691-5006

E-mail: mm@pacificallegal.org

Counsel for Petitioner-Appellant

RECEIVED, 10/31/2016 01:33:30 PM, Clerk, Supreme Court

Petitioner-Appellant, Charles N. Ganson, Jr., as Personal Representative of the Estate of Molly Beyer, by and through undersigned counsel, hereby requests that the Court accept his Corrected Jurisdictional Brief, and as grounds therefor would state:

1. On October 31, 2016, Ganson timely filed his Jurisdictional Brief but did not include an Appendix to the brief as per Florida Rule of Appellate Procedure 9.120(d).

2. The Supreme Court Clerk immediately ordered Ganson to file the Appendix by November 7, 2016.

3. In reviewing the Jurisdictional Brief in order to add the Appendix, the undersigned immediately recognized that a footnote unintentionally had been deleted from the just-filed Jurisdictional Brief due to his error. The footnote does not change the substance of the brief; rather, it simply provides a citation for the facts set out in the Statement of the Facts and Case section of the Jurisdictional Brief.

4. Because of this scrivener's error, the undersigned filed the Corrected Jurisdictional Brief to include the Appendix, as per Court order, and the unintentionally-omitted footnote. This filing took place on the due date for the Jurisdictional Brief, thus granting this motion will not prejudice any party or the Court.

WHEREFORE, Petitioner-Appellant Ganson respectfully requests that the Court accept his Corrected Jurisdictional Brief as filed.

DATED: October 31, 2016.

Respectfully submitted,

By: /s/Mark Miller

MARK MILLER

Fla. Bar No. 0094961

CHRISTINA M. MARTIN

Fla. Bar No. 0100760

Pacific Legal Foundation

8645 N. Military Trail, Suite 511

Palm Beach Gardens, Florida 33410

Telephone: (561) 691-5000

Facsimile: (561) 691-5006

E-mail: mm@pacificlegal.org

cmm@pacificlegal.org

ANDREW M. TOBIN

Fla. Bar No. 184825

P.O. Box 620

Tavernier, FL 33070

Telephone: (305) 852-3388

Email: tobinlaw@terranova.net

tobinlaw2@gmail.com

Counsel for Petitioner-Appellant

CERTIFICATE OF COMPLIANCE

I certify that the font used in this motion is Times New Roman 14 point and in compliance with Fla. R. App. P. 9.210(a)(2).

DATED: October 31, 2016.

/s/ Mark Miller

MARK MILLER

Florida Bar No. 0094961

CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion has been electronically filed with the Clerk of Court using the E-Filing Portal on this 31st day of October, 2016, which will send a notice of electronic filing to the following:

John Herin, Esq.
Jeffrey T. Kuntz, Esq.
GrayRobinson, P.A.
401 E. Las Olas Blvd., Suite 1850
Fort Lauderdale, FL 33301
john.herin@gray-robinson.com
jkuntz@gray-robinson.com
rita.boughey@gray-robinson.com

Jonathan A. Glogau, Esq.
Chief, Complex Litigation
Attorney Generals Office, PL-01
The Capitol
Tallahassee, FL 32399-1050
jon.glogau@myfloridalegal.com
chanda.johnson@myfloridalegal.org

/s/ Mark Miller

MARK MILLER

Florida Bar No. 0094961