

SUPREME COURT OF FLORIDA
CASE NO. SC17-1391
The Florida Bar File No. 2016-70,106 (11J)

THE FLORIDA BAR,
Complainant,

versus

JONATHAN STEPHEN SCHWARTZ,
Respondent.

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RESPONDENT'S FIRST MOTION FOR EXTENSION OF TIME
FOR SERVICE OF ANSWER BRIEF

Respondent Jonathan S. Schwartz, pursuant to Rule 3-7.7(c)(3) of The Florida Bar Rules of Discipline, requests an extension of time for ten (10) days for service of the answer brief. Respondent's counsel attempted to confer with counsel for The Florida Bar today, but was informed Bar Counsel Thomas A. Kroeger is out of the office until September 17, 2018. The following grounds warrant an extension of time in the interests of justice.

1. The Florida Bar's appeal arises from a Report of Referee finding respondent did not engage in misconduct and that The Florida Bar did not prove its case for discipline. The Report was filed on May 22, 2018.

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2. The Florida Bar's 35-page Initial Brief, filed on August 22, 2018, raises three arguments that require respondent to address numerous aspects of the Bar trial and the referee's factual findings to which The Florida Bar disagrees, notwithstanding substantial, competent record evidence supporting the Report of Referee.

3. Respondent's counsel has been working diligently toward completion of the answer brief, but obligations attendant to presenting a comprehensive response require a brief extension. Counsel has been immersed in a number of other complex trial and appellate matters, and has been additionally principally occupied with election-related representation of candidates and ballot initiatives for the August 28 primary and the November 6 general election. The press of these time-sensitive responsibilities has obligated counsel to seek a 10-day extension for final preparation and service of the answer brief.

4. This motion is not presented for purposes of delay, and is based on reasons consistent with the interests of justice.

5. Undersigned counsel contacted Bar Counsel today to determine the Bar's position on this extension, and was informed Bar Counsel is out

of the office until September 17, 2018. Undersigned counsel was unable to contact Bar Counsel yesterday due to undersigned counsel's observance of the Rosh Hashanah holyday.

6. For these reasons, respondent seeks a 10-day extension for service of the answer brief.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I CERTIFY the foregoing was emailed September 11, 2018, to:

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