

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 FINAL 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 a final extension of time until October 2, 2018 for service of the answer brief. This request is necessitated by counsel's involvement in several time-sensitive, expedited election cases requiring resolution in advance of the November 6, 2018 general election. The Florida Bar takes no position on this motion. 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 is nearly finished with final edits to the answer brief, but needs until tomorrow to finalize the brief for filing. Counsel has been involved in two significant election-related cases that have been expedited in order to resolve the matters in advance of the November 6 general election. Counsel proceeded to an expedited final hearing on Friday, September 28, 2018, in *City of Opa-Locka v. Dorothy Johnson, et al.*, Circuit Case No. 2018-029454-CA-01 (Miami-Dade County). Preparation for that expedited trial required an extensive effort during the past week, thereby detracting from the time available to complete this brief. Additionally, counsel has been preparing for an October 5 final hearing in *Commissioner Carollo v. Mayor Suarez*, Circuit Case No. 2018-029893-CA-01 (Miami-Dade County), involving a challenge to a municipal charter initiative election scheduled for November 6, 2018.

Preparation for that expedited final hearing has been time especially consuming.

4. Balancing these expedited cases, counsel worked over the weekend to complete the brief, and requires until tomorrow to finalize the brief for submission. Counsel is sensitive to the requirement to proceed with dispatch in this appeal, and submits this requested extension not for any reason of delay.

5. Undersigned counsel states that The Florida Bar takes no position on this motion.

6. For these reasons, respondent seeks an extension until October 2, 2018 for service of the answer brief.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I CERTIFY the foregoing was emailed October 1, 2018, to:

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