

IN THE SUPREME COURT OF FLORIDA
Before a Referee

THE FLORIDA BAR,

Complainant,

Case No: SC17-782

v.

DENNIS L. HORTON,

Respondent.

_____ /

MOTION FOR PERMISSION TO FILE AMENDED BRIEF

Respondent, DENNIS L. HORTON, through undersigned counsel, hereby moves this Honorable Court for permission to file an Amended Answer Brief and Initial Cross-Appeal Brief and states:

1. Undersigned counsel continues to experience the health problems that prompted the original motion to extend time to file the answer brief.

2. On May 4, 2018, counsel had to retire for the day and advised his assistant to proof and file the answer brief on that date, as per the deadline. However, counsel's assistant was not able to do either due to computer problems.

3. When undersigned counsel learned that the brief had not been filed on May 4, 2018, he caused the brief to be filed as is, on the morning of May 5, 2018.

4. Counsel resumed work part-time on Tuesday, May 8, 2018, and drafted the Notice of Erratum (which the Court terms a scrivener's error) because one citation was not included.

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5. Counsel followed the Court's order dated this date, May 10, 2018, and immediately corrected the brief and files that Amended Brief with this Motion.

6. The brief was done May 4, 2018, and except for some small errors and editing decision based on style, plus the missing citation, the brief remains the same. It is not substantively different in any way.

7. Respondent prays that this Court accept the Amended Answer Brief and grants this motion in the interest of equity and justice. Doing so would moot the previously filed brief and notice of scrivener's error.

WHEREFORE, Respondent, Dennis L. Horton, through undersigned counsel, respectfully requests this Honorable Court to grant permission to file the Amended Brief and to consider the same as timely filed, plus any and all such further relief as the Court may deem just and fair under the circumstances.

CERTIFICATE OF SERVICE

I CERTIFY that this paper was e-filed through the portal with the Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1925 and served per Rule 2.516 to Carrie C. Lee, Esq., at clee@floridabar.org, mcasco@floridabar.org, aquintel@floridabar.org, avanstru@floridabar.org, at The Florida Bar, 561 E. Jefferson Street, Tallahassee, Florida 32399 on May 10, 2018.

Brett Alan Geer

BRETT ALAN GEER
The Geer Law Firm, L.C.
3030 N. Rocky Point Drive W., #150
Tampa, Florida 33607-7200

(813) 961-8912

Florida Bar Number 61107

brettgeer@geerlawfirm.com

info@geerlawfirm.com