

IN THE SUPREME COURT OF FLORIDA

ROBERT EMERSON, et al.

Appellants,

Case No.: SC19-1250

v.

HILLSBOROUGH COUNTY, et al.

Appellees.

_____ /

STACY WHITE,

Appellant,

Case No.: SC19-1343

v.

HILLSBOROUGH COUNTY, et al.

Appellees.

_____ /

**UNOPPOSED MOTION TO CONSOLIDATE
AND
TO ESTABLISH A UNIFIED BRIEFING SCHEDULE**

STACY WHITE, who is an appellant in both of the above-styled cases, moves to consolidate the two cases and to establish a unified briefing schedule. In support of this motion, he shows to this Court:

1. The earlier filed case, *Emerson v. Hillsborough County, et al.*, Case No.: SC19-1250, is a direct appeal of a final order in a bond validation proceeding. The notice of appeal in that case was accepted and filed by the circuit court on July

RECEIVED, 08/14/2019 02:44:29 PM, Clerk, Supreme Court

23, 2019 and filed in this Court on July 25, 2019. Because bond validation proceedings are expedited, the initial briefs and the appendix in lieu of record are both due within twenty days from the filing of the notice of appeal. *See Fla. R. App. P. 9.110(i).*

2. The later filed case, *White v. Hillsborough County, et al.*, is a direct appeal of a final order in an action for declaratory relief. It was filed in the Second District Court of Appeal and passed through to this Court on Friday, August 9, 2019. In a normal situation, the trial court clerk would prepare a record in this case and it would proceed under the time schedule in Rule 9.110.

3. These cases are interrelated and should present to this Court essentially the same legal issues concerning the legality of a transportation sales surtax created by citizens' initiative in Article 11 of the Hillsborough County Charter. Cross-appeals have been filed in both proceedings.

4. To facilitate review of the two interrelated orders, the parties have conferred and recommend to this Court that:

- a. The two cases be consolidated for briefing and oral argument. This Court can later determine whether they should be consolidated for purposes of the published opinions;
- b. The appendix that will be provided for use in the bond validation proceeding, which is expected to include essentially everything that the

clerk would place in a record for either appeal, be used as the record for both cases; and

- c. A date be set for the filing of the initial briefs of Mr. Emerson and Mr. White, no earlier than August 21, 2019, with the remaining briefs to be filed as prescribed in Rule 9.210. When a party is a party to both cases, the party will not file a brief in each case, but will file one brief in the consolidated cases.

Respectfully submitted,

/s/ Chris W. Altenbernd

Chris W. Altenbernd, Esq.

Florida Bar No: 197394

BANKER LOPEZ GASSLER P.A.

501 East Kennedy Blvd., Suite 1700

Tampa, FL 33602

Telephone: (813) 221-1500

Fax No: (813) 222-3066

Service: service-caltenbernd@bankerlopez.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing was filed and served via the State of Florida's E-Filing Portal on this 14th day of August, 2019 to:

Alan S. Zimmet, B.C.S.
Nikki C. Day, B.C.S.
Elizabeth W. Neiberger, Esq.
BRYANT MILLER OLIVE, P.A.
One Tampa City Center, Suite 2700
Tampa, FL 33602

Kenneth Buchman, Esq.
City Attorney for Plant City
302 W. Reynolds St.
Plant City, FL 33566
kbuchman@plantcitygov.com
kenbuchman@gmail.com

Email: azimmet@bmlaw.com
nday@bmlaw.com
eneiberger@bmlaw.com
nakins@bmlaw.com
cmiller@bmlaw.com
agarner@bmlaw.com
Attorneys for Hillsborough County

William D. Shepherd, Esq.
Hillsborough County Property
Appraiser
601 E. Kennedy Blvd., 15th Floor
Tampa, FL 33602
Email: shepherdw@hcpafl.org
*Attorney for Hillsborough County
Property Appraiser*

Robert E. Brazel, Esq.
Chief Assistant County Attorney
P.O. Box 1110
Tampa, FL 33601
Email:
brazelr@hillsboroughcounty.org
matthewsl@hillsboroughcounty.org
johnsonni@hillsboroughcounty.org
*Attorney for Doug Belden,
Hillsborough County Tax Collector*

Cameron Clark, Esq.
Hillsborough County Attorney's
Office
P.O. Box 1110
Tampa, FL 33601
Email:
clarkc@hillsboroughcounty.org
Attorney for Hillsborough MPO

William H. Stafford, III
Office of the Attorney General

lyoung@plantcitygov.com
Attorney for Plant City

Harry Cohen, Esq.
601 E. Kennedy Blvd., 13th Floor
P.O. Box 1110
Tampa, FL 33601
Email: harry.cohen@hillsclerk.com
Attorney for Pat Frank

David L. Smith, Esq.
Kristie Hatcher-Bolin, Esq.
GrayRobinson, P.A.
401 E. Jackson St., Suite 2700
Tampa, FL 33602
Email: david.smith@gray-robinson.com
Kristie.hatcher-bolin@gray-
robinson.com
jane.larose@gray-robinson.com
linda.august@gray-robinson.com
Attorneys for HART

Jerry M. Gewirtz, Esq.
City Attorney's Office
315 E. Kennedy Blvd., 5th Floor
Tampa, FL 33602
Email: jerry.gewirtz@tampagov.net
Kimber.spitsberg@tampagov.net
Attorneys for City of Tampa

Ada Carmona, Esq.
State Attorney's Office

PL-01, The Capitol
Tallahassee, FL 32399
Email:
William.stafford@myfloridalegal.com
Attorney for Florida Dep't of Revenue

Ben H. Hill, III, Esq.
Robert A. Shimberg, Esq.
J. Logan Murphy, Esq.
Hill Ward Henderson, P.A.
101 E. Kennedy Blvd., Suite 3700
Tampa, FL 33602
Email: ben.hill@hwhlaw.com
robert.shimberg@hwhlaw.com
logan.murphy@hwhlaw.com
debra.whitworth@hwhlaw.com
regina.bigness@hwhlaw.com
tina.mcdonald@hwhlaw.com
*Attorneys for Keep Hillsborough
Moving and All for Transportation*

Barry S. Richard, Esq.
Greenberg Traurig, P.A.
101 E. College Ave.
Tallahassee, FL 32301
Email: richardb@gtlaw.com
trammellc@gtlaw.com
flservice@gtlaw.com
*Attorneys for Keep Hillsborough
Moving and All for Transportation*

Derek T. Ho, Esq.
Collin R. White, Esq.
Kellogg, Hansen, Todd, Figel &
Frederick, PLLC
1615 M St., N.W., Suite 400
Washington, D.C. 20036
Email:
dho@kellogghansen.com
cwhite@kellogghansen.com

419 N. Pierce St.
Tampa, FL 33602
Email:
mailprocessingstaff@sao13th.com
Attorney for State of Florida

Raoul G. Cantero, Esq.
David P. Draigh, Esq.
Zachary B. Dickens, Esq.
White & Case LLP
200 S. Biscayne Blvd., Suite 4900
Miami, FL 33131
rcantero@whitecase.com
ddraigh@whitecase.com
zdickens@whitecase.com
ldominguez@whitecase.com
miamilitigationfileroom@whitecase.com
*Attorneys for Keep Hillsborough Moving
and All for Transportation and Tyler
Hudson*

Howard C. Coker, Esq.
Chelsea R. Harris, Esq.
Coker Law
136 East Bay St.
Jacksonville, FL 32202
Email: hcc@cokerlaw.com
crh@cokerlaw.com
Attorneys for Robert Emerson

Attorneys for Robert Emerson

/s/ Chris W. Altenbernd
Chris W. Altenbernd, Esq.