

IN THE SUPREME COURT OF FLORIDA

FREDERIC GUTTENBERG,
ETC., ET AL.,

Appellants,

vs.

Case No. SC19-487
Lower Case Nos. 4D19-229;
062018CA009397XXXCE

THE SCHOOL BOARD OF
BROWARD COUNTY,

Appellees. /

ON DISCRETIONARY REVIEW FROM THE DISTRICT
COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT

**APPELLANTS' MOTION FOR EXTENSION OF TIME
TO FILE INITIAL BRIEF**

*Jointly with additional
counsel listed in
signature block*

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Appellants respectfully request a three-week extension of time in which to file their initial brief in this appeal, due to the difficulty the undersigned counsel's pre-existing schedule presents for completion of the brief by the short deadline the Court recently set. Good cause exists for this request, as set forth below.

1. Appellant Guttenberg has taken the lead for the group of Parkland Parents who intervened in the trial court to oppose the Broward School Board's declaratory judgment claim in this case. The undersigned (Stephen Rosenthal) is serving as lead appellate counsel for Mr. Guttenberg and the other Appellants.

2. Prior to this Court's April 12, 2019 Order granting review of the Fourth District Court of Appeal's certification of an issue of great public importance and setting an expedited briefing deadline of May 2, 2019, for the filing of the initial brief, the undersigned already had two time-intensive commitments in other cases during that time period:

- A week-long trial commencing on April 29, 2019 before the Hon. Patricia Seitz in the commercial case, *Circuitronix, LLC v. Shenzhen Kinwong Electronic Co., Ltd., et al.*, No. 17-cv-22462 (S.D. Fla.); and
- A two-week-long trial scheduled to commence on May 6, 2019 before the Hon. John Thornton in the wrongful death case, *Weiner*

v. Execuflight, Inc., et al., No. 16-019125 CA 27 (Fla. 11th Jud. Cir., Miami-Dade County) (set as No. 1 on trial calendar).

3. In the week since this Court's entry of its Order accepting jurisdiction, the undersigned has attempted in good faith to make arrangements to work within the constraints of these existing trial commitments, and the numerous pre-trial tasks they require, but it has become apparent that without an extension from this Court, Appellants will be forced to prepare their brief under severely rushed circumstances. The other lawyers for Mr. Guttenberg are also participants in one or both cases going to trial, so their availability is constrained as well.

4. If this Court would permit counsel the reprieve of an additional three weeks' time, until May 23, 2019, that will permit the preparation of a brief that will better serve Appellants and, we hope, this Court.

5. The undersigned is mindful of this Court's admonition that continuances will be granted only upon a showing of "extreme hardship." From the Order, it appears that the Court intended this standard to apply only to the date it set for oral argument in August, not the briefing deadlines. Nonetheless, if that standard were intended to apply to extensions of the briefing schedule as well, the undersigned respectfully submits that the press of two consecutive trials would satisfy it.

6. Appellants recognize that any change in their briefing deadline will impact the School Board's deadline for its answer brief, and Appellant's reply, which will have to be adjusted accordingly.

7. A separate motion to toll the time during the pendency of this motion is being filed herewith.

8. Pursuant to Rule 9.300(a), the undersigned reached out to counsel for Appellee to advise him that Appellants would be seeking an extension of time for filing their initial brief, but as of the filing of the instant motion the undersigned has not heard back from counsel for Appellee.

WHEREFORE, Appellants respectfully request that the Court extend the deadline for the service of their initial brief to May 23, 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed with the Clerk of Court and e-served on all counsel of record named on the Service List on April 22, 2019.

/s/ Stephen F. Rosenthal
Stephen F. Rosenthal

CERTIFICATE OF COMPLIANCE WITH RULE 9.210(a)(2)

I hereby certify that the type style utilized in this brief is 14 point Times New Roman proportionally spaced.

/s/ Stephen F. Rosenthal
Stephen F. Rosenthal