

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

PHILLIP TIMOTHY HOWARD,

Respondent.

Supreme Court Case Nos.
SC19-488 & SC19-1570

The Florida Bar File Nos.
2016-00,682(2A), 2019-00,088(2A)

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MOTION FOR EXTENSION OF TIME TO FILE REPORT OF REFEREE

COMES NOW, The Florida Bar on behalf of the Honorable Paul Spurgin Bryan, and moves this court for an extension of time for the referee to file his report and says:

1. On September 26, 2019, the referee was appointed in SC19-1570 and the report of referee is due on or before March 24, 2020. The referee was previously appointed in SC19-488 and that matter was pending.

2. On November 5, 2019, this Court entered an order extending the time to file the report of referee in SC19-488 until March 24, 2020, so that the above-referenced cases could be consolidated.

3. On December 9, 2019, the referee entered an order consolidating cases SC19-488 and SC19-1570. Trial dates were scheduled in the consolidated matter for March 17-20, 2020. The Order is attached as **Exhibit A**.

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4. A telephonic case management conference was held on February 4, 2020, during which respondent's counsel informed the referee that despite diligent efforts, he had not been able to schedule the depositions of two essential witnesses.

5. The referee considered the ore tenus motion and required respondent to submit a written motion for continuance. In anticipation of the motion, new final hearing dates were scheduled.

6. The Bar subsequently contacted counsel for the witnesses, Richard Greenberg, who confirmed that the depositions had not been set due to his trial schedule.

7. On February 7, 2020, respondent filed a motion to continue the final hearing. The Florida Bar did not object to the motion.

8. On February 10, 2020, the referee granted the motion for continuance.

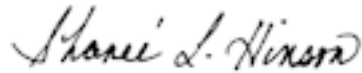
9. This matter is now scheduled for final hearing from May 11-13, 2020.

10. No previous extensions have been granted in SC19-1570.

11. The Bar has conferred with the referee and counsel for the respondent and both agree to this extension.

WHEREFORE, The Florida Bar prays this Honorable Court will issue an order granting the referee an extension of time until June 22, 2020 to file his report in this matter.

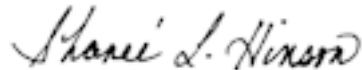
Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, and provided to The Honorable Paul Spurgin Bryan, Referee, via his Judicial Assistant, Tilena, J. Gutshall, at gutshall.tilena@jud3.flcourts.org, to Respondent's Counsel, Alfred Brunetti at abrunetti@mdmc-law.com, jmyers@mdmc-law.com, sjohnson@mdmc-law.com, amathis@mdmc-law.com, and to Staff Counsel, The Florida Bar, at psavitz@floridabar.org, on this 17th day of February, 2020.



Shaneé L. Hinson, Bar Counsel