

IN THE SUPREME COURT
OF THE STATE OF FLORIDA

Supreme Court Case No. SC20-1027
The Florida Bar No. 2019-70,706(11E)

THE FLORIDA BAR,

Petitioner,

vs.

ALAN HOWARD RAMER,

Respondent.

_____/

**RESPONDENT'S MOTION TO STAY
AND/OR EXTENSION TO FILE BRIEF**

ALAN HOWARD RAMER, Respondent, by and through undersigned counsel, hereby files this Motion to Stay and/or Extension to File Brief and states:

1. On August 2, 2021, The Florida Bar filed its Initial Brief.
2. Respondent, who has also cross-appealed, has an Answer and Cross-Appeal Brief due August 23, 2021.
3. On August 2, 2021, undersigned forwarded the Initial Brief to Respondent and then made several attempts

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to contact Respondent by email, phone and text without success. On Monday, August 9, 2021, undersigned texted Respondent to set a lunch appointment on Tuesday, August 10, 2021. There was no response.

4. Undersigned has been and is representing Respondent at no attorney fee charge at any level, before the Referee and in this Court. The actual plan was for Respondent to prepare the Answer Brief and then undersigned would review and finalize same.

5. Yesterday, August 10, 2021, undersigned reached out to an acquaintance of Respondent and learned that Respondent has been hospitalized at Kendall Regional Medical Center since about July 26, 2021 where he underwent emergency surgery(ies). He is currently in the ICU and has had to have a tracheotomy. This is not Covid19 related. The family is attempting to have him moved to a care/rehab facility that handles tracheotomy patients. Later yesterday, I spoke to Respondent's older sister who confirmed all this. Respondent cannot prepare

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the Answer Brief nor can he assist undersigned counsel in doing so. At this point, undersigned has no access to Respondent's draft or notes.

6. This appeal involves the Referee's recommendation for a 90-day suspension for, according to Respondent's view, non-intentional conduct in connection with several mishaps or perceived mishaps in a federal court civil case, for which there should be no suspension. Respondent, age 68, has never been disciplined in his 32 years of practice. Interestingly, it was Respondent who intended to appeal the 90-day suspension but The Florida Bar first filed a letter indicating its intent to seek review on May 21, 2021. Respondent filed a letter indicating his intent to seek review on June 1, 2021.

7. On July 1, 2021, The Florida Bar filed a Notice of Intent to Seek Review of Report of Referee. On the same day, July 1, 2021, Respondent filed a Cross-Notice of Intent to Seek Review of the Report of Referee. The Florida Bar's Initial Brief indicates it is seeking a 91-day

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suspension for this near-retirement age attorney with no prior discipline who, inter alia, engaged in no intentional conduct.

8. For the foregoing reasons and other good cause¹, Respondent requests this matter be stayed for 30 days so that Respondent's condition and prognosis can be further assessed. Undersigned suggests to provide the Court a status report at the 20-day mark of the 30-day Stay. Undersigned suggests the Answer Brief be due fifteen (15) days from when the Stay is lifted. This is without prejudice to Respondent seeking an extension of the Stay and/or other relief as circumstances dictate.

9. Undersigned counsel has today conferred with opposing counsel and there is no objection to this motion.

WHEREFORE, Respondent requests this motion be granted and for any other relief deemed just and appropriate.

¹ One reason for the plan to have Respondent draft the brief is that undersigned, who underwent open-heart surgery in May 2021, is currently in Cardiac Rehab at Baptist Hospital Miami for the month of August.

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I HEREBY CERTIFY that the foregoing was electronically filed and served by email this 11th day of August, 2021 upon Tonya Avery, Bar Counsel, The Florida Bar, 444 Brickell Avenue, Suite M-100, Miami, Florida 33131 [**tavery@flabar.org**] and by email to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399 [**psavitz@floridabar.org**]; and the following Appellate Counsel all from Holland & Knight, LLP, 315 South Calhoun Street, Suite 600, Tallahassee, Florida 32301: Kevin Cox, Esquire, [**kevin.cox@hklaw.com**], Tiffany Roddenberry, Esquire, [**tiffany.rodtenberry@hklaw.com**], and Tara Price, Esquire [**tara.price@hklaw.com**].

Respectfully submitted by:

Louis Thaler

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