

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/Appellant,
vs.

ALAN HOWARD RAMER,

Respondent/Appellee.
_____ /

**RESPONDENT’S MOTION TO ACCEPT BRIEF AS TIMELY
FILED AND RESPONSE TO ORDER ENTERED MARCH 9, 2022**

ALAN HOWARD RAMER, Respondent/Appellee/Cross-Appellant, by and through undersigned counsel, hereby files this Motion to Accept Brief As Timely Filed and Response to Order Entered March 9, 2022 and states:

1. Undersigned counsel inadvertently applied the 30 day timing of the Florida Rules of Appellate Procedure, Rule 9.210(g) which states: “... the reply brief, if any, shall be served within 30 days after service of the answer brief; and the cross-reply brief, if any, shall be served within 30 days thereafter...”

2. Per this Court’s Order of this date, undersigned counsel

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should have filed, by February 28, 2022, the cross-reply brief pursuant to Rule Regulating The Florida Bar 3-7.7(c)(3), which states: “the cross-reply brief, if any, shall be served within 20 days thereafter. Computation of time for filing briefs under this rule shall follow the applicable Florida Rules of Appellate Procedure.” The Cross-Reply Brief was therefore filed March 8, 2022 or 8 days late.

3. Undersigned had a live jury trial February 14-18, 2022 and although triple-vaccinated, immediately thereafter was diagnosed with Covid for the first time (no doubt from the trial as my wife did not get it) which took undersigned out of action to the end of last month (my first negative PCR was March 1, 2022). Late last month, still testing positive, undersigned just about filed what would have been a timely motion for extension of time, but pushed through only to be, regretfully, late. In another appellate matter in the Third District Court of Appeal, on February 25, 2022, undersigned did actually file (and obtain) a 10-day extension because of the contraction of Covid, quarantining and limited time in the office. *Jones v. University of Miami*, 3D22-3493.

4. Undersigned requests this Court accept the 17-page/ 3779-Word Cross Reply Brief filed March 8, 2022, or eight days

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out of time. Undersigned further withdraws the Request for Oral Argument filed March 8, 2022, unless the Court orders otherwise.

5. Counsel for The Florida Bar has been contacted this date and has no objection to this motion to accept brief as timely file.

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

I HEREBY CERTIFY that the foregoing was electronically filed and served by Eportal and email this 9th day of March, 2022 upon Tonya Avery, Bar Counsel, The Florida Bar, 444 Brickell Avenue, Suite M-100, Miami, Florida 33131 [tavery@flabar.org], 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]; Kathryn Isted, Esquire, [kathyrn.isted@hklaw.com].

Respectfully submitted by:

Louis Thaler

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