

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

Case No. SC20-1027

v.

ALAN HOWARD RAMER,

The Florida Bar File No.
2019-70,706 (11E)

Respondent.

_____/

**THE FLORIDA BAR'S RESPONSE TO RESPONDENT'S
MOTION FOR REHEARING AND/OR RECONSIDERATION**

Complainant The Florida Bar ("TFB") opposes Respondent Alan Howard Ramer's ("Respondent") Motion for Rehearing and/or Reconsideration (the "Motion"). Because Respondent offers no basis to grant his request, the Court should deny the Motion. In support, TFB states as follows:

1. On May 20, 2022, the Court approved the referee's findings of fact and recommendations as to guilt, but disapproved the referee's recommendation as to discipline, and instead suspended Respondent from the practice of law for 91 days.

2. Respondent contends that rehearing is warranted because the Court "has expressed no reasoning or guidance on important issues raised by Respondent," including his due process arguments,

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and because the Court has purportedly “overlooked the record” in several respects. (Motion at 2.) Finally, Respondent says that a 91-day suspension is inappropriate “based on the overall circumstances of this case.” (*Id.*)

3. A motion for rehearing must “state with particularity the points of law or fact that, in the opinion of the movant, the court has overlooked or misapprehended in its order or decision.” Fla. R. App. P. 9.330(a)(2)(A).

4. Respondent fails to demonstrate that this Court overlooked or misapprehended anything in its decision. Instead, Respondent reargues points he already made to the Court in challenging the report of referee, based on the unsupported premise that the Court ignored those arguments the first time. But a motion for rehearing is not a vehicle for rearguing the merits, and for that reason alone the Court should deny the Motion. *See, e.g., Jacobs v. Wainwright*, 450 So. 2d 200, 201 (Fla. 1984) (“A motion for rehearing shall not reargue the merits of the Court’s order.”); *Boardwalk at Daytona Dev., LLC v. Paspalakis*, 212 So. 3d 1063, 1063 (Fla. 5th DCA 2017) (“Motions for rehearing are strictly limited to calling an appellate court’s attention—without argument—to something the

court has overlooked or misapprehended. The motion for rehearing is not a vehicle for counsel or the party to continue its attempts at advocacy.” (internal quotation marks and alterations omitted)).

Accordingly, TFB asks the Court to deny Respondent’s Motion.

Respectfully submitted on June 14, 2022.

/s/Tiffany A. Roddenberry

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 14, 2022, a true and correct copy of the forgoing was filed through the Florida Courts E-Filing Portal and served by email to the following:

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