

**IN THE SUPREME COURT OF FLORIDA**

CITY OF TALLAHASSEE, FLORIDA,  
*et al.*,

Petitioners,

Case No. SC21-651

v.

L.T. Case Nos. 1D20-2193  
2020-CA-1011

FLORIDA POLICE BENEVOLENT  
ASSOCIATION, INC., JOHN DOE 1,  
and JOHN DOE 2,

Respondents.

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**MOTION FOR EXTENSION OF TIME TO  
SERVE JURISDICTIONAL BRIEF**

Pursuant to Florida Rule of Appellate Procedure 9.300(a),  
Petitioner, the City of Tallahassee, Florida (“the City”), joined by  
Intervenors/Petitioners, the First Amendment Foundation; Florida  
Press Association; Gannett Co., Inc.; The McClatchy Company, LLC  
d/b/a *Miami Herald* (f/k/a Miami Herald Media Company); and The  
New York Times Company (“the News Media Coalition”), move this  
Honorable Court to grant them a thirty (30) day extension of time to

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serve their jurisdictional briefs.<sup>1</sup> As grounds for this request, Petitioners jointly state:

1. Petitioners are seeking review of a decision of the First District Court of Appeal regarding the interpretation of Marsy's Law, a 2018 addition to the Florida Constitution. See Art. I, § 16, Fla. Const. The issue of constitutional interpretation presented is whether Marsy's Law shields a law enforcement officer's identity from public disclosure when that officer is threatened with harm in the course of duty. See *Fla. Police Benevolent Ass'n, Inc. v. City of Tallahassee*, No. 1D20-2193, 2021 WL 1257869 (Fla. 1st DCA Apr. 6, 2021). The case has enormous ramifications for municipalities, law enforcement agencies, and news organizations across the state.

2. Initially, because the crux of the dispute involves public access to government information, the case proceeded quickly. See *generally* § 119.11(1), Fla. Stat. The trial court held an expedited hearing, ruling that the names of the two City of Tallahassee police

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<sup>1</sup> Although the City and the News Media Coalition are ultimately in agreement on the proper interpretation of Marsy's Law, they have distinct interests and advanced separate arguments to the trial court and the First District. This filing is presented jointly simply for expediency and to conserve judicial resources.

officers involved in the on-duty incidents here were not protected by Marsy's Law. The trial court thus ordered the City to disclose the officers' names.

3. The officers, along with their public bargaining representative, the Florida Police Benevolent Association, Inc. (collectively, Respondents), appealed the trial court's decision. The City, which had previously agreed to litigate the case with the officers' names redacted, further agreed not to disclose the officers' names until the First District had a chance to rule.

4. Briefing in the First District likewise moved quickly, over Respondents' objection. The case then stalled while the First District considered the important issues presented. The First District's decision was issued on April 6, 2021, more than six months after briefing concluded. The City subsequently invoked this Court's jurisdiction, and the Intervenor News Media Coalition joined in the City's request for discretionary review.

5. The jurisdictional briefs are currently due to be served no later than May 14, 2021.

6. Due to the press of other matters, which have included competing trial and appellate deadlines, Petitioners request a thirty-

day extension, through and including June 14, 2021, to file their jurisdictional briefs.

7. This is Petitioners' first, and only anticipated, request for extension of time in connection with the jurisdictional briefs. The request is necessary to ensure that Petitioners have an opportunity to adequately and thoroughly vet the important issues presented by this case and to provide this Court with their best work product. This request is not intended for purposes of delay.

8. No prejudice will be suffered by any party as a result of this extension of time. Respondents prevailed in the First District. Under the First District's decision, their identities will forever remain shielded from public view.

9. As required by rule 9.300(a), the undersigned counsel certify that they have contacted opposing counsel, Luke Newman, Esquire, and represent that Respondents object to this requested extension.

WHEREFORE, Petitioners respectfully move for an extension of time, until June 14, 2021, to serve their jurisdictional briefs.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Florida Court’s E-Filing Portal on Luke Newman ([luke@lukenewmanlaw.com](mailto:luke@lukenewmanlaw.com)), Luke Newman, P.A., 908 Thomasville Road, Tallahassee, FL 32303; Stephen G. Webster ([sw@swebsterlaw.net](mailto:sw@swebsterlaw.net)) and Louis J. Baptiste ([lb@swebsterlaw.net](mailto:lb@swebsterlaw.net)), 1615 Village Square Blvd., Suite 5, Tallahassee, FL 32309; and Stephanie Dobson Webster ([stephanie@flpba.org](mailto:stephanie@flpba.org)), Florida Police Benevolent Association, Inc., 300 E. Brevard Street, Tallahassee, FL 32301, *Counsel for Respondents*, on this 6th day of May 2021.

<p><b>BRANNOCK HUMPHRIES &amp; BERMAN</b></p> <p><u>/s/Joseph T. Eagleton</u> Philip J. Padovano Florida Bar No. 157473 Joseph T. Eagleton Florida Bar No. 98492 131 N. Gadsden Street Tallahassee, FL 32301 Tel: (813) 223-4300 <a href="mailto:ppadovano@bhappeals.com">ppadovano@bhappeals.com</a> <a href="mailto:jeagleton@bhappeals.com">jeagleton@bhappeals.com</a> Secondary: <a href="mailto:eservice@bhappeals.com">eservice@bhappeals.com</a></p> <p>- and -</p>	<p><b>THOMAS &amp; LOCICERO PL</b></p> <p><u>/s/Mark R. Caramanica</u> Carol Jean LoCicero Florida Bar No. 603030 Mark R. Caramanica Florida Bar No. 110581 601 South Boulevard Tampa, FL 33606 Tel: (813) 984-3060 <a href="mailto:clocicero@tlolawfirm.com">clocicero@tlolawfirm.com</a> <a href="mailto:mcaramanica@tlolawfirm.com">mcaramanica@tlolawfirm.com</a> Secondary: <a href="mailto:tgilley@tlolawfirm.com">tgilley@tlolawfirm.com</a> <a href="mailto:dlake@tlolawfirm.com">dlake@tlolawfirm.com</a></p> <p>- and -</p>
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<p><b>CITY ATTORNEY'S OFFICE</b></p> <p>Cassandra K. Jackson  Florida Bar No. 650757  Hannah D. Monroe  Florida Bar No. 102762  300 S. Adams Street, Box A-5  Tallahassee, FL 32301  Tel: (850) 891-8554  <a href="mailto:cassandra.jackson@talgov.com">cassandra.jackson@talgov.com</a>  <a href="mailto:hannah.monroe@talgov.com">hannah.monroe@talgov.com</a></p> <p><i>Counsel for Petitioner, City of  Tallahassee, Florida</i></p>	<p>Daniela B. Abratt  Florida Bar No. 118053  915 Middle River Dr.  Suite 309  Fort Lauderdale, FL 33304  Tel: (954) 703-3418  <a href="mailto:dabratt@tlolawfirm.com">dabratt@tlolawfirm.com</a>  Secondary:  <a href="mailto:bbrennan@tlolawfirm.com">bbrennan@tlolawfirm.com</a></p> <p><i>Counsel for Petitioners, News  Media Coalition</i></p>
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