

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

ORIGINAL
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SHADY OAKS MOBILE MODULAR)
ESTATES, INC.)
)
Appellant,)
)
vs.)
)
FLORIDA PUBLIC SERVICE)
COMMISSION,)
)
Appellee.)
_____)

Case No. 93-03339

~~900025-WS~~

MOTION FOR ADDITIONAL EXTENSION OF TIME
FOR FILING APPELLANT'S INITIAL BRIEF

The Appellant, Shady Oaks Mobile Modular Estates, Inc. ("Shady Oaks"), by and through the undersigned counsel, moves the Court for an order granting an additional extension of time within which to file his brief in this proceeding, and in support thereof says as follows:

1. The Notice of Appeal herein was filed on October 19, 1993, and the Appellant's initial brief was, therefore, originally due on December 28, 1993. Rule 9.110(f), Florida Rules of Appellate Procedure.

2. In an Order dated December 9, 1993, the Court granted Appellant's first motion for extension of time in which to file his brief; so that the time for service of the initial brief is February 28, 1994.

3. The record in this case has required exacting analysis and a considerable amount of research by the Appellant's counsel. Appellant has been required to expend an unforeseen amount of time and attention to the preparation of the Brief.

ACK _____
AFA _____
APP / _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
LIN _____
OPC _____
RCH _____
SEC / _____
WAS _____
OTH _____

4. In spite of all due diligent attention to the issues at hand, Counsel for Appellant is constrained to request a minimal amount of additional time in which to present the issues to the Court in a concise and thorough fashion.

5. Counsel for the Appellant has consulted with the counsel for the Appellee, and is authorized to represent that the opposing counsel has no objection to the motion. In support of this, Appellant attaches and includes herein by reference an Affidavit of Appellant's Counsel.

6. This motion is made in accordance with Rule 9.210(f), Florida Rules of Appellate Procedure, which permits the court to change the time prescribed for the service of briefs. Inasmuch as the present motion to extend is based upon the existence of extraordinary and compelling circumstances, which were beyond the control of Appellant or his counsel, it is submitted that the motion should be granted in the interest of justice.

WHEREFORE, the Appellant requests that the Court grant an extension of 10 days, to and including March 14, 1994, within which to serve its initial brief.

Respectfully submitted on this
14th day of February, 1994, by:

ROSE, SUNDSTROM & BENTLEY
2548 Blairstone Pines Drive
Tallahassee, Florida 32301
(904) 877-6555

By:


John L. Wharton, Esq.
FL Bar No. 0563099
F. Marshall Deterding, Esq.
FL Bar No. 515876

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by hand-delivery to Steve Tribble, Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32301 and Bill Wyrough, Esq., Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32301 on this 14th day of February, 1994.


John L. Wharton, Esq.

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ATTORNEY AFFIDAVIT IN SUPPORT OF APPELLANT'S
MOTION TO EXTEND TIME FOR FILING BRIEF

STATE OF FLORIDA
COUNTY OF LEON

Before me, the undersigned authority, personally appeared John L. Wharton, counsel for the Appellant, who was sworn and says as follows:

I HEREBY CERTIFY that I have consulted Bill Wyrrough, counsel for the Appellee, concerning the foregoing motion, and have been authorized by the said opposing counsel to represent that he has no objection to the motion.


John L. Wharton, Esq.

Sworn to and subscribed before
me on this ____ day of February,
1994.

Notary Public
State of Florida at Large
My Commission Expires: