

IN THE SUPREME COURT OF FLORIDA

SOUTH FLORIDA HOSPITAL AND  
HEALTHCARE ASSOCIATION et al.,

Appellants,

v.

LILA A. JABER, et al.,

Appellees.

001148-ET

CASE NO. SC02-1023

**REQUEST TO TOLL TIME TO SERVE ANSWER BRIEF  
PENDING RULING ON MOTION FOR EXTENSION OF TIME**

Appellee Florida Power & Light Company ("FPL"), pursuant to Fla. R. App. P. 9.300(d)(10), hereby requests that the time for FPL, and co-Appellees the Florida Public Service Commission ("FPSC") and its Commissioners, the Office of Public Counsel, the Florida Industrial Power Users Group, the Florida Retail Federation, Lee County, Florida, Publix Super Markets, Inc., and Thomas P. and Genvieve Twomey (collectively referred to herein as "Appellees") hereby request that the Court toll the time for them to serve their Answer Brief pending ruling on their Motion for Extension of Time to Serve Answer Brief (the "Motion for Extension"), and state:

1. On July 12, 2002, FPL filed and served their Motion for Extension, which requested an extension of time to August 30, 2002, for service of answer briefs. The Appellants objected to the requested extension of time, and they filed and served an Answer of Appellants to Motion for Extension of Time on July 19, 2002.

2. To date, the Court has not ruled on the Motion for Extension. Unless an extension of time is granted or the time to file Answer Briefs is tolled pending ruling, answer

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briefs must be served this coming Monday, July 29, 2002. The Appellees are concerned that, due to the Court's current recess, an order may not be entered ruling on the Motion for Extension before then. This would effectively deny the motion without ruling.

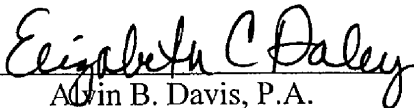
3. Tolling the time for the Appellees to serve answer briefs until the Court rules on the Motion for Extension would avoid this problem without prejudicing any party.

WHEREFORE, FPL respectfully requests that the Court toll the time for the Appellees to serve their answer briefs pending ruling on the Motion for Extension of Time to Serve Answer Brief.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. mail this 25<sup>th</sup> day of July, 2002 to the following parties of record:

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