

90025-WS

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

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

Case No. 93-03339

MOTION TO EXTEND TIME FOR FILING BRIEF

The Appellant, Shady Oaks Mobile Modular Estates, Inc. ("Shady Oaks"), by and through the undersigned counsel, moves the Court for an order extending the 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 is, therefore, due on December 28, 1993. Rule 9.110(f), Florida Rules of Appellate Procedure.

2. The record in this case requires careful analysis and extensive research by the Appellant's counsel in order for counsel to present the issues to the Court in a clear and concise fashion.

3. The attorney for the Appellant has been unable to devote full time to the analysis and research required for preparation of the brief, due to prior scheduling conflicts and an unforeseeable burden of professional obligations complicated by the approaching holiday season. The holiday season also presents certain logistic and availability problems for both counsel.

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

DOCUMENT NUMBER-DATE

12987 DEC-6 93

ROSE, SUNDSTROM & BENTLEY

2548 BLAIRSTONE PINES DRIVE, TALLAHASSEE, FLORIDA 32301

FPSC-RECORDS/REPORTING

4. The Appellant has not previously requested an extension of time in connection with this proceeding.

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 60 days, to and including February 28, 1993, within which to serve its initial brief.

Respectfully submitted on this
6th day of December, 1993, 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 Wyrrough, Esq., Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL 32301 on this 6th day of December, 1993.



John I. Wharton, Esq.

jsb\extend.mot

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Appellant,

vs.

FLORIDA PUBLIC SERVICE
COMMISSION,

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Case No. 93-03339

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

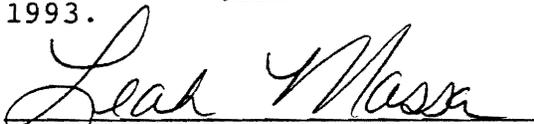
STATE OF FLORIDA
COUNTY OF LEON

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 6th day of December,
1993.



Notary Public
State of Florida at Large
My Commission Expires:



LEAH MASSA
MY COMMISSION # CC 239861 EXPIRES
August 19, 1995
BONDED THRU TROY FAIN INSURANCE, INC.