

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

CASE NO.: 5D21-233
L.T. CASE NO.: 2016-CA-007634-O

DAVID W. FOLEY and JENNIFER T. FOLEY,

Appellants,

v.

ORANGE COUNTY, a political subdivision
of the State of Florida, et al.

Appellees.

**APPELLEE, ORANGE COUNTY, FLORIDA'S RESPONSE TO
MOTION FOR ORDER DIRECTING COMPLIANCE WITH RULE 9.200**

Appellee, Orange County, Florida, pursuant to Rule 9.200 of the Florida Rules of Appellate Procedure, responds to the Motion for Order Directing Compliance with Rule 9.200 filed by David Foley and Jennifer Foley (“the Foleys”) and states:

1. Rule 9.200(e) places the burden on the Foleys to ensure that the record is prepared and transmitted in accordance with the Florida Rules of Appellate Procedure.

2. Pursuant to Rule 9.200(f)(3), if this Court finds that the record is not in compliance with the requirements of Rule 9.200(d), this Court “may direct the

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clerk of the lower tribunal to submit a compliant record, which will replace the previously filed noncompliant record.”

3. The Foleys’ Motion requests six corrections to the record on appeal.

4. Orange County has no objection to the supplementation of the record with a searchable copy of the document at page 735 of the Record on Appeal, a corrected page 1491 without the gibberish in item 5, or the missing document consisting of the Foleys’ Motion for Judicial Notice filed May 22, 2017.

5. For the sake of efficiency and economy, Orange County objects to the remaining requests in the Foleys’ Motion, including the repagination of the record, the removal of bookmarks, and the modification of the total volumes.

6. Although perfection is a laudable goal, perfection may not be practical or economical, especially when the issues may be addressed through supplementation or the simple recognition by this Court and the parties that some of the bookmarks are extraneous.

7. This Court has the discretion to balance the competing interests between the effort and cost required for perfection versus the benefit to the parties and the court.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of March 2021, pursuant to Florida Rule of Judicial Administration 2.516, the foregoing was filed with the

Clerk of the Court by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to the attorney(s) or interested parties identified in the e-Portal Electronic Service List, including those listed below, via transmission of Notices of Electronic Filing generated by the e-Portal System.

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