

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

FOLEY, *et ux*, *Appellants*

vs.

ORANGE COUNTY, *et alia*, *Appellees*

Appeal No.: 5D21-233

Case No.: 2016-CA-007634-O

**UNOPPOSED
MOTION FOR
EXTENSION OF TIME**

APPELLANTS DAVID AND JENNIFER FOLEY MOVE THE COURT per Rule 9.300, for an order changing the due date of their initial brief from Monday, March 29, 2021, to Wednesday, June 16, 2021.

Summary

The Foleys simply cannot keep up with the current pace of this litigation under the present circumstances. They need the grace of the requested time to deal with the demands of both their personal lives and this litigation. Orange County agrees to the requested relief.

Relevant Procedural History

October 13, 2020, this court affirmed per curiam the trial court's final order, rendered October 11, 2019, dismissing with prejudice all defendants in this case except Orange County.

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In an earnest belief their case remains good against the dismissed defendants, the Foleys have since filed four separate actions in the Florida Supreme Court, two of which remain active (*see* Appendix pp. 3-6).

November 10, 2020, after the trial court's inexplicable bi-furcation of the defendants in the case and a three-year delay (*See* Record p. 1420, ¶1, and p. 1426, ¶1), the trial court finally filed its final order dismissing all claims against Orange County.

December 18, 2020, the trial court ultimately rendered its November 10th order by denying the Foleys' timely "Plaintiffs' Motion for Rehearing and Leave to Amend," filed November 25, 2021.

March 9, 2021, the Clerk of the Orange County Circuit and County Courts filed the record in this appeal.

March 12, 2021, the Foleys filed their "Motion for Order Directing Compliance with Rule 9.200."

March 23, 2021, this Court issued its order on the Foleys' March 12th motion.

March 24, 2021, the Foleys filed their "Motion for Rehearing and Certification" directed to this Court's March 23rd order.

Additional Factual Grounds for Motion

Before the 2020-21 pandemic broke, every third weekend in March since 1990, the Foleys have celebrated spring by publishing the Pocket Program for the Winter Park Sidewalk Art Festival – an annual endeavor that consumes much of January, all of February, and most of March.

The pandemic forced the cancellation of the 61st Annual Winter Park Sidewalk Art Festival in 2020, and consequently hit the Foleys hard, both emotionally and financially.

With widespread inoculation anticipated by mid to late spring, the Winter Park Sidewalk Art Festival has recently announced a down-sized and rescheduled three day event for May 14, 15, and 16 (*see* Appendix p.7).

What once consumed the first weeks of each year will this year consume all of April and most of May.

April and May, however, are the months before the rains and the heat of full summer the Foleys had planned to spend re-roofing their mobile home in Christmas and installing a new water treatment system.

CONCLUSION

WHEREFORE DAVID AND JENNIFER FOLEY REQUEST THE COURT issue an order changing the due date of their initial brief from Monday March 29, 2021, to Wednesday, June 16, 2021.

CERTIFICATE OF NO OBJECTION

The Foleys have consulted with counsel for Orange County and are authorized to say the County has no objection to the requested extension of time (*see* Appendix p. 8).

CERTIFICATE OF SERVICE

Appellants certify that on March 25, 2021, the foregoing was electronically filed with the Clerk of the Court, and served on the following, through ePORTAL:

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