

IN THE SUPREME COURT IN AND FOR THE STATE OF FLORIDA

JEWS FOR JESUS, INC.,

Petitioner,

v.

CASE NO. SC 06-2491

EDITH RAPP,

Respondent.

**UNOPPOSED MOTION TO ACCEPT BRIEF
OF AMICI CURIAE AS TIMELY FILED**

Amici Curiae, Media General Operations, Inc., The New York Times Company, Orlando Sentinel Communications Company, Sun-Sentinel Company, the Florida Press Association, ABC, Inc., ESPN, Inc., the E.W. Scripps Company, the Association of American Publishers, Inc., and Cox Enterprises, Inc. (collectively the “Florida Media Organizations”) move this Court to accept their Amici Curiae Brief as timely filed. In support of this motion, the Florida Media Organizations state as follows:

1. The Florida Media Organizations respectfully request that this Honorable Court accept their Brief as timely filed.
2. On October 19, 2007, the Florida Media Organizations filed a Motion For Leave to File Amicus Curiae Brief. All parties consented to the filing of the Brief. This Court granted the Motion on November 1, 2007.
3. Petitioner Jews for Jesus, Inc. served its Initial Brief on October 19,

2007 (the Initial Brief was filed with this Court on October 22).

4. Because the Florida Media Organizations' Brief supports Petitioner, the Brief was due to be served five (5) days after service of the Petitioner's Initial Brief. Fla. R. App. P. 9.370(c). Because the time period for serving the Brief was less than seven (7) days, intermediate Saturdays and Sundays are not counted in the calculation. Fla. R. App. P. 9.420(f).

5. Calculating the five-day time period from October 19 (the service date of the Initial Brief), and without including intermediate Saturdays and Sundays, the Florida Media Organizations brief was due October 26, 2007. However, because the deadline ran from service of the Initial Brief and service was via mail, undersigned counsel calculated an additional five (5) days pursuant to Rule 9.420(e).

6. Based upon the above calculations, counsel believed that the Florida Media Organizations' Brief was due to be served on October 31, 2007. The Florida Media Organizations served their Brief on October 31, 2007 and filed it with the Court on November 1, 2007.

7. On November 1, 2007, undersigned counsel received a telephone call from the Clerk of Court informing him that the Brief was untimely filed.

8. The filing of the Brief was based on the good faith calculation of the deadline as described above.

9. Undersigned counsel has conferred with both parties and neither has any objection to this Court accepting the Brief as timely filed.

10. Accepting the Brief as timely filed will not prejudice either party.

11. Finally, given the significant issues raised by this case about the possible recognition of false light invasion of privacy, and the significant impact that this Court's ruling will have on the Florida Media Organizations, the Brief provides an important and unique perspective to the Court.

WHEREFORE, the Florida Media Organizations respectfully request that this Court accept their Amici Curiae Brief as timely filed.

Respectfully submitted,

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GOOD FAITH CERTIFICATE

I HEREBY CERTIFY that counsel for Amici Curiae has, in good faith, conferred with counsel for Petitioner and Respondent in an effort to resolve the issues raised by this Motion and that both Petitioner and Respondent are agreeable to the relief sought in this Motion.

Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was served by mail on this ____ day of November, 2007, to the following persons:

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