

SUPREME COURT OF FLORIDA

CASE NO. SC07-1074
Lower Tribunal No.: 05-15088-GG

UNITED STATES OF AMERICA
ET AL.

vs. MAUREEN STEVENS, etc.

Appellant(s)

Appellee(s)

**DEFENDANT-APPELLANT'S UNOPPOSED MOTION FOR A 30-DAY
EXTENSION OF TIME TO FILE THE BRIEF FOR APPELLANT**

Pursuant to Fla. R. App. P. 9.300, and for the reasons set forth below, defendant-appellant Battelle Memorial Institute (“Battelle”) hereby respectfully moves for a 30-day extension of time, to and including August 1, 2007, within which to file Appellant’s Initial Brief in this case.

1. This case comes before the Court on a certified question of Florida law from the United States Court of Appeals for the Eleventh Circuit. See Stevens v. Battelle Memorial Inst., ____ F.3d ____, 20 Fla. L. Weekly Fed. C 705, 2007 WL 1631370 (11th Cir. June 7, 2007). This Court's docket indicates that the certificate was filed June 11, 2007. Pursuant to Fla. R. App. P. 9.150(d), the opening briefs of appellants United States and Battelle Memorial Institute are due on Monday July 2, 2007.

2. Battelle requests additional time to prepare its brief on the important issue now before the Court due to the press of other responsibilities of its counsel including previously scheduled personal vacations of counsel.

3. Appellant United States of America has moved for an enlargement of 30 days through and including August 1, 2007 based upon the other responsibilities of its counsel. Battelle submits that no beneficial purpose would be served by placing the appellants on divergent briefing schedules. Indeed, were Battelle to file its brief in

advance of the filing of the United States of America's brief, it would be expected that Appellee would seek an extension of the deadline for its answer brief to allow it to file a single brief in response to both Appellants' submissions.

4. I certify that Philip Burlington, counsel for appellee, and Thomas Byron, counsel for appellant United States of America, respectively, have authorized Battelle to state that they do not oppose the requested extension.

CONCLUSION

For the foregoing reasons, Battelle respectfully moves for a 30-day extension of time, to and including August 1, 2007, within which to file Appellant's Initial Brief.

Respectfully submitted,

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By: /s/Martin B. Woods
MARTIN B. WOODS
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June 28, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have, this 28th day of June, 2007, served a copy of the foregoing Defendant Appellant's Unopposed Motion for a 30-Day Extension of Time to File the Brief For Appellant, by sending a copy of the Motion by First Class mail, postage prepaid, to counsel listed below.

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