

# **Appendix A**

IN THE SUPREME COURT OF FLORIDA  
CASE NO: SC09 – \_\_\_\_\_

MICCOSUKEE TRIBE OF INDIANS OF FLORIDA, and  
NEW HOPE SUGAR COMPANY, and  
OKEELANTA CORPORATION,

Appellants,

-vs-

THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT,

Appellee.

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MICCOSUKEE TRIBE OF INDIANS OF FLORIDA's  
MOTION TO ORDER TRANSMISSION OF RECORD AND  
TO SET BRIEFING SCHEDULE

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On Appeal from the Circuit Court for the Fifteenth Judicial Circuit  
in and for Palm Beach County, Florida  
Lower Tribunal Case No. 50-2008-CA-031975XXXXXMB

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Appellant Miccosukee Tribe of Indians of Florida (“Tribe”) hereby files this motion for this Court to order transmission of the Trial Court Record and set a briefing schedule, as follows:

1. Rule 9.110(i) Fla. R. App. P. provides as follows:

**(i) Exception; Bond Validation Hearings:** If the appeal is from an order in a proceeding to validate bonds or certificates of indebtedness, the record shall not be transmitted unless ordered by the supreme court. Appellant’s initial brief, accompanied by an appendix as prescribed by rule 9.220, shall be served within 20 days of filing the notice. Additional briefs shall be served as prescribed by rule 9.210.

2. The notice of appeal in this case was filed by Appellant Tribe on September 23, 2009.

3. The record below is voluminous and highly relevant to the appeal. The trial transcripts alone cover some 1,988 pages. The parties introduced thousands of pages of documents as exhibits. Together with court orders, pleadings and other documents, the trial transcripts and trial exhibits are estimated to be close to 5,000 pages. A large portion of these documents are necessary to an understanding of the issues presented.

4. It would be highly impractical for the parties to prepare appendices of several thousand pages, and to provide the necessary copies to the Court and to all parties below. That effort alone would require the copying, filing and distributing

of close to 50,000 pages of documents, all within the tight deadlines set by the Rules of Appellate Procedure.

5. Instead, this Court should order the indexing and transmittal of the record below, so that all parties can refer to the same set of documents on appeal.

6. This appeal concerns a request for validation of \$2.2 billion in certificates of participation by the South Florida Water Management District, one of the largest bond validations ever attempted in Florida. The validation was intended for the purchase of some 73,000 acres of agricultural land and an option to purchase another 107,000 acres later, i.e. the largest single land purchase with public funds in Florida. This case is of great public importance.

7. Additional appellants, New Hope Sugar Company and Okeelanta Corporation, have filed their notice of appeal in this case on September 25, 2009. Pursuant to Florida Rules of Appellate Procedure, their initial brief is due two days later than Appellant Tribe's.

8. To accomplish the orderly and efficient administration of justice, the Tribe respectfully requests that this Court set a briefing schedule that synchronizes the due dates of the various briefs in this case. The briefing schedule should be further adjusted to the transmittal of the trial record to this Court, so that appellants have at least one week after preparation of the record index to submit their initial briefs.

9. Appellant Tribe has conferred with the other parties to the appeal. Co-Appellants New Hope Sugar Company and Okeelanta Corporation concur with this Motion. Appellee South Florida Water Management District opposes this motion.

WHEREFORE, for the foregoing reasons, Appellant Tribe respectfully requests that the Court order that the record below be transmitted forthwith, and grant such other and further relief as is necessary and proper.

Respectfully submitted,

Lehtinen Riedi Brooks Moncarz, P.A.

*Attorneys for Petitioner/Appellant*

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By: \_\_\_\_\_

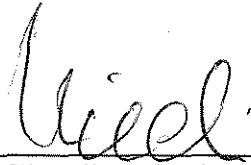
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Order Transmission of Record and to Set Briefing Schedule has been furnished this 1st day of October, 2009, to the attached service list:

By:   
\_\_\_\_\_  
Claudio Riedi, Fla. Bar # 984 930

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