

**SUPREME COURT OF FLORIDA
TALLAHASSEE, FLORIDA**

MARVIN CASTELLANOS,

Petitioner,

CASE NO.: SC13-2082

vs.

**Lwr. Tribunal: 1D12-3639;
OJCC No. 09-027890GCC**

**NEXT DOOR COMPANY and
AMERISURE INSURANCE CO.,**

Respondents. /

**MOTION TO STRIKE BRIEF
OF AMICUS CURIAE PROPERTY CASUALTY INSURERS
ASSOCIATION OF AMERICA, ET AL.**

COMES NOW the petitioner, Marvin Castellanos, by and through his undersigned attorney, and moves this Court to strike the brief of amicus curiae Property Casualty Insurers Association of America, et al., and for grounds would state:

This motion is made on authority of Fla. R. App. P. 9.300(a).

In the present case, the amicus curiae brief of Property Casualty Insurers Association of America, et al., refers to a number of items listed in the table of citations as "Other Authorities". (Brief, iii-iv).

The first one is entitled "Associated Industries of Florida, April 7, 2003" which is referred to on page 10 as being a source of a statement by Governor Bush on an AIF website.

This is not part of the record and is not even in an appendix as "other authorities" under Fla. R. App. P. 9.220, which it is not.

Page 10 of the amicus brief should be stricken.

The fifth item at the top of page iv of the brief is a press release referred to on page 14 as being a statement contained in a press release of the Office of Insurance Regulation.

Page 14 of the amicus brief should be stricken.

Items 8, 9 and 10 on page iv of the brief are additional press releases referred to on pages 15, 16 and 17.

Pages 15, 16 and 17 of the amicus brief should be stricken.

Item 11 on page iv of the brief lists a Senate Committee report which is mentioned on pages 6 and 7 including a quotation on page 6.

However, this Senate Committee report is not included in the appendix.

Pages 6 and 7 of the amicus brief should be stricken.

Item 12 on page iv of the brief is a press release by Jeff Atwater referred to on page 8 of the brief including a quotation on pages 7-8.

Pages 7 and 8 of the amicus brief should be stricken.

Item 13 on page iv of the brief is an Oregon summary. It is mentioned as a footnote on page 15.

Page 15 of the amicus brief should be stricken.

Pursuant to Fla. R. App. P. 9.300(d)(10), the petitioner further requests that the time be tolled for the filing of the reply brief of petitioner, otherwise due to be filed on June 30, 2014, until such time as the Court rules on this motion.

WHEREFORE, the petitioner requests that the Court either:

1. Strike the brief of amicus curiae Property Casualty Insurers Association of America, et al., as requested by this motion, or;
2. Strike the brief of amicus curiae Property Casualty Insurers Association of America, et al., as requested by this motion, and allow this amicus curiae to file an amended brief.

The petitioner further requests that the Court toll the time for the filing of the reply brief of petitioner from the date of this motion to, and including, June 30, 2014.

Respectfully submitted,

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By: Richard A. Sicking

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via e-mail this 19th day of June, 2014, to: Michael J. Winer, Esq. (mike@mikewinerlaw.com), Law Office of Michael J. Winer, P.A., 110 North 11th Street, 2nd Floor, Tampa, FL 33602; Raoul G. Cantero, Esq. (raoul.cantero@whitecase.com) and David P. Draigh, Esq. (ddraigh@whitecase.com), White & Case, L.L.P., Southeast Financial Center, Suite 4900, 200 South Biscayne Blvd., Miami, FL 33131; Christopher Smith, Esq. (chris@cjsmithlaw.com), 2805 W. Busch Blvd., Suite 219, Tampa, FL 33618, Kenneth B. Schwartz, Esq. (kbs@fla.law.com), Kenneth Schwartz, P.A., 1803 S. Australian Avenue, Suite F,

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