

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

GAINESVILLE RESIDENTS UNITED,)
INC., a Florida not-for-profit corporation,)
IRVING W. WHEELER, JR.,)
ROBERT HUTCHINSON,)
SUSAN BOTTCHER,)
MICHAEL VARVEL,)
EVELYN FOXX and)
JOSEPH W. LITTLE,)

CASE NO.: 1:23-cv-176-AW-HTC

Plaintiffs,)

vs.)

RON DESANTIS, in his official capacity as)
Governor of the State of Florida,)
ASHLEY MOODY, in her official capacity)
as Attorney General of the State of Florida,)
CORD BYRD, in his official capacity as)
Secretary of State of the State of Florida,)
and the Nominal Defendant,)
CITY OF GAINESVILLE, a Florida)
municipal corporation,)

Defendants.)

PLAINTIFF’S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE RESPONSES TO MOTIONS TO DISMISS

COME NOW the Plaintiffs, by and through their undersigned attorneys, and
moves this Court to extend the time for filing their Responses to the Defendants’

Motions to Dismiss and state in support thereof:

1. Defendants RON DESANTIS, ASHLEY MOODY and CORD BYRD, all in their official capacities, have each served a Motion to Dismiss in this proceeding. (Docs. 25, 26, 28).

2. Plaintiffs' Responses to the Motions to Dismiss are currently due on Monday, September 25, 2023.

3. Undersigned counsel had professional obligations in another case which interfered with his ability to immediately attend to the Motions. In particular, undersigned counsel was the author of a Reply Brief filed on September 12, 2023, in the case of Wacko's Too, et al v. City of Jacksonville, Case Nos 23-10801, 23-11273 and 23-11274 (11th Cir.).

4. In addition, there is pending in the Leon County Circuit Court a companion case brought by the City of Gainesville styled City of Gainesville, Florida v. The State of Florida, et al, Case No.: 2023-CA-1928 (Fla. 2d Jud. Cir., Leon Cty). That case also asserts that HB 1645 [Law of the Florida Legislature (Ch. 2023-348, Laws of Fla.) amending chapter 12760, Laws of Florida (1927) (as amended by chapter 90-394, Laws of Florida)] is unconstitutional and/or unlawful. The claims in the City of Gainesville case, while not identical to Plaintiffs' claims in this litigation, are significantly overlapping.

5. The parties' cross Motions for Summary Judgment in the City of Gainesville litigation are scheduled for hearing on Friday, September 22, 2023.

6. It is possible that a ruling will be made in that case even before Plaintiffs' Responses are due to the pending Motions to Dismiss in the instant case. In any event, the parties anticipate a ruling in the state proceeding before the Authority board members are appointed on October 1, 2023.

7. While a ruling in the state case may not be *res judicata* or directly binding on the parties in this case, it is sure to have persuasive value and will likely narrow the issues between the parties.

8. The interests of justice, including the conservation of judicial resources, counsels in favor of an extension so that the parties can evaluate their respective positions in light of the anticipated state court ruling.

9. This Motion is filed prior to the due date for Plaintiffs' Responses.

10. Plaintiffs seeks an extension of time through and including Tuesday, October 3, 2023 in which to file their Responses to the pending Motions to Dismiss.

11. Plaintiffs' counsel has consulted with each of the Defendants' attorneys and is authorized to report that the Defendants have graciously agreed to the requested extension.

MEMORANDUM OF LAW

This Court has authority pursuant to Rule 16, Fed.R.Civ.P. to manage its trial calendar in the most effective and efficient manner. In the present case, the Plaintiffs have shown good cause in moving for this unopposed extension.

WHEREFORE, Plaintiffs move for an extension of time to their Responses to each of the Defendants' Motions to Dismiss through and including Tuesday, October 3, 2023.

Respectfully Submitted,

BENJAMIN, AARONSON, EDINGER &
PATANZO, P.A.

/Joseph W. Little
JOSEPH W. LITTLE, Esquire
Florida Bar No. 196749
3731 N.W. 13th Place
Gainesville, Florida 32605
(352) 273-0660
littlegnv@gmail.com

/s/ Gary S. Edinger
GARY S. EDINGER, Esquire
Florida Bar No.: 0606812
305 N.E. 1st Street
Gainesville, Florida 32601
(352) 338-4440/ 337-0696 (Fax)
GSEdinger12@gmail.com

ANSBACHER LAW

/s/ Terrell K. Arline
Terrell K. Arline, Esquire
Fla. Bar. No. 306584
1819 Tamiami Drive
Tallahassee, FL 32301
(850) 321-8726

tkarlinelaw@gmail.com
Terrell.Arline@ansbacher.net
Ansbacher Law, P.A.
8818 Goodby's Executive Drive
Suite 100
Jacksonville, FL 32217
(904) 737-4600

Email Addresses Designated for service
Primary: tkarlinelaw@gmail.com
terrell.arline@ansbacher.net
Secondary: alawpleadings@gmail.com
jav@ansbacher.net

Attorneys for Plaintiffs

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion was furnished to CINDY A. LAQUIDARA, Esquire [cindy.laquidara@akerman.com] 50 North Laura Street, Suite 3100, Jacksonville, Florida 32202; NICHOLAS J.P. MEROS, Esquire [Nicholas.Meros@eog.myflorida.com], The Capitol, PL-5 S. Monroe Street. Tallahassee, FL 32399; ANITA PATEL, Esquire [Anita.Patel@myfloridalegal.com], Office of the Attorney General PL – 01, The Capitol, Tallahassee, Florida 32399-1050; JOSEPH S. VAN DE BOGART, Esquire [joseph.vandebogart@dos.myflorida.com]; ASHLEY E. DAVIS, Esquire [Ashley.Davis@dos.myflorida.com] R.A. Gray Building, Suite 100, 500 South Bronough Street, Tallahassee, Florida 32399-0250, via the CM/ECF System this 21st day of September, 2023.

/s/ Gary S. Edinger
GARY S. EDINGER, Esquire
Florida Bar No.: 0606812