

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA**

ROBERT HUTCHINSON and JEFFREY
SHAPIRO,

Petitioners,

v.

Case No. 2023-CA-002361

RON DESANTIS, *in his official capacity as
Governor of the State of Florida,*

Respondent.

GOVERNOR DESANTIS' MOTION FOR EXTENSION OF TIME

Respondent Ron DeSantis, in his official capacity as Governor of the State of Florida, pursuant to Florida Rule of Civil Procedure 1.090(b) moves for an extension of time to respond to the Amended Petition for Writ of Quo Warranto. In support, the Governor states:

1. On October 2, 2023, Petitioners filed a petition for writ of quo warranto challenging the Governor's appointment of three individuals to the Authority pursuant to his duties under HB 1645.

2. On October 9, 2023, this Court issued an Order to Show Cause directing the Governor to show cause within forty (40) days, or by November 20, 2023¹, why the Petition should not be granted.

¹ The fortieth day after October 9, 2023, is Saturday, November 18, 2023. Thus, pursuant to Fla. R. Civ. P. 2.514(a)(1)(C), the Governor's deadline rolls over to the next business day, or November 20, 2023

3. Petitioners filed their Amended Petition for Writ of Quo Warranto (“Amended Petition”) on October 9. Later that day, Petitioners’ counsel sent an e-mail to the Governor’s counsel attaching the Amended Petition and the Court’s Order to Show Cause.

4. On October 10, 2023, Petitioners’ counsel sent an e-mail to the Governor’s counsel requesting that the Governor waive formal service of process under Florida Rule of Civil Procedure 1.070. The Governor’s counsel agreed to waive service and returned the waiver form the same day.

5. Pursuant to Rule 1.070(i)(4), the Governor has sixty (60) days from October 10, 2023, or until December 11, 2023, to respond to the Amended Petition.²

6. The Court’s Order to Show Cause, however, gives the Governor only forty (40) days to respond.

7. Accordingly, the Governor requests that the Court extend the response deadline under the Order to Show Cause by twenty (20) days, or until December 11, 2023, to align his response deadline under the Court’s order with the timeline in Rule 1.070(i)(4).

8. Extending the response deadline will not unduly delay this case or prejudice the Petitioners. In fact, the Governor’s counsel conferred with Petitioners’ counsel by e-mail on October 10, and they consent to the extension.³

² The sixtieth day after October 10, 2023, is Saturday, December 9, 2023. Thus, pursuant to Fla. R. Civ. P. 2.514(a)(1)(C), the Governor’s deadline rolls over to the next business day, or December 11, 2023.

³ Undersigned counsel filed the pending Motion to Transfer Action (Doc. 11) shortly after obtaining Petitioners’ counsel’s consent to file this motion. At that point, he was prepared to file this motion but decided that, given this case’s unique procedural posture, he would wait until the Court decided whether to transfer this action. Now, because the November 20th deadline under the Order to Show Cause is fast approaching, and in an abundance of caution to avoid seeking an emergency extension from the Court, his undersigned counsel submits this motion before the Court rules on the Motion for Transfer.

WHEREFORE, the Governor respectfully requests that this Court extend his response deadline under the Order to Show Cause by twenty days, or until December 11, 2023.

Respectfully submitted November 8, 2023,

RON DESANTIS

Governor

/s/ Nicholas J.P. Meros

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via the Florida Courts E-Filing portal, which serves a copy to all counsel of record, on November 8, 2023.

/s/ Nicholas J.P. Meros

Deputy General Counsel