

IN THE SUPREME COURT OF FLORIDA

CASE No. SC20-1291

LT No. 4D18-1730

R.J. Reynolds Tobacco Company, et al.,

Defendants/Petitioners,

v.

James Santoro, as Personal Representative
Of the Estate of Grace Santoro,

Plaintiff/Respondent.

_____ /

**MOTION FOR EXTENSION OF
TIME TO FILE JURISDICTIONAL BRIEF**

Pursuant to Rule 9.300, Florida Rules of Appellate Procedure, Petitioners R.J. Reynolds Tobacco Company, Liggett Group LLC, and Philip Morris USA Inc. hereby respectfully move the Court for an extension of time of 30 days, to and including October 9, 2020, to serve their jurisdictional brief in this case. In support thereof, Petitioners state:

1. The Fourth District Court of Appeal's decision in this case was rendered on July 29, 2020. Petitioners filed and served their Notice to Invoke Discretionary Jurisdiction on August 28, 2020. The jurisdictional brief is currently due to be served no later than September 9, 2020.

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2. Petitioners request a 30-day extension, through and including October 9, 2020, to serve their jurisdictional brief.

3. This is Petitioners' first request for extension of time in connection with the jurisdictional brief.

4. This request for extension of time is necessary because undersigned counsel has had, and continues to have, competing professional obligations that preclude him from preparing a jurisdictional brief that adequately addresses the complex issues raised in this appeal. The other obligations include:

- Preparing reply and cross answer brief in *R.J. Reynolds Tobacco Co. v. Richard Mahfuz*, Case No. 4D19-2236 (Fla. 4th DCA) (filed August on 24, 2020);
- Preparing reply and cross answer brief in *R.J. Reynolds Tobacco Co. v. Deborah Neff*, Case No. 4D19-2646 (Fla. 4th DCA) (currently due on September 11, 2020);
- Preparing answer brief in *Julie Adamson v. R.J. Reynolds Tobacco Co.*, Case No. 4D19-3242 (Fla. 4th DCA) (currently due on August 31, 2020);
- Preparing Motion for Summary Judgement and other pretrial filings in *SueAnn and Raymond Sweatman v. Coloplast Corp.*, Case No. 3:19-cv-02745-SAL (D.S.C.) (currently due August 28, 2020); Pretrial motion responses (currently due September 11, 2020); Pretrial motion replies (currently due September 18, 2020);
- Preparing Motion for Summary Judgement and other pretrial motions in *Rosemary Caddy v. Coloplast Corp.*, Case No. 3:19-cv-01825-WQH-JLB (S.D. CA) (currently due September 28, 2020); Pretrial motion responses (currently due October 12, 2020); Pretrial motion replies (currently due October 19, 2020);

- Preparing motion to dismiss in *MSP Recovery Claims, Series LLC, v. Coloplast Corp.*, Case No. 2019-017355-CA-01 (Fla. 11th Cir. Ct.) (currently due October 27, 2020);
- Preparing for hearing on Motion to Dismiss in *John Phelps v. R.J. Reynolds Tobacco Co.*, Case No. 2020-005579-CA-08 (Fla. 11th Cir. Ct.) (currently due September 4, 2020).

In addition to the professional obligations, the undersigned counsel's father passed away on August 30, 2020. The undersigned counsel will have to travel to Europe to settle his father's affairs and attend the funeral. This extension request will allow counsel enough time to adequately and thoughtfully prepare the jurisdictional brief, which raises several important issues of Florida law. This request is not intended for purposes of delay.

5. No party will suffer any prejudice as a result of this extension of time.
6. Pursuant to Florida Rule of Appellate Procedure 9.300(a), counsel for Reynolds has conferred with Bard Rockenbach, counsel for Plaintiff/Respondent, and is authorized to state that opposing counsel will promptly file an objection.

WHEREFORE, Petitioners respectfully requests that this Court extend the time for filing the above-referenced motion from September 9, 2020, through and including October 9, 2020.

Respectfully submitted,

/s/ Val Leppert

Val Leppert

Florida Bar No. 97996

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**Attorney for Defendant/Appellant R.J.
REYNOLDS TOBACCO COMPANY
(filing on behalf of Defendants/Petitioners
Philip Morris USA Inc. and Liggett
Group LLP for purposes of this filing
only)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was e-filed in this Court and served by electronic mail to all counsel listed below this 31st day of August, 2020.

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