

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

SANDRA ALLEN MANNING,

Plaintiff,

v.

CITY OF TALLAHASSEE,

Defendant.

**CASE NO.: 19-CA-446
FLA BAR NO.: 0739685**

**PLAINTIFF'S MOTION FOR SEVEN DAY EXTENSION TO FILE DOCUMENTS IN
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff, SANDRA ALLEN MANNING, through her counsel, files this Motion for Seven Day Extension of Time to File Documents in Opposition to Defendant's Motion for Summary Judgment and states:

1. Plaintiff's response in opposition to Defendant's Motion for Summary Judgment is due today, January 3, 2022. The response was due on January 1, 2022 but because the 1st was on a Saturday, the due date was bumped to January 3, 2022.

2. Plaintiff needs additional time to submit her response and is requesting, through this response, up to and including January 10, 2021.

3. Defendant, through counsel, was consulted about the need for an extension but objected, without a reason, even after additional facts were given supporting the extension. The email communications on this issue are attached as Exhibit A.

4. The undersigned told Defendant's counsel the reason the extension is Requested is:

I am currently responding to 16 motions for summary judgment in the JCSO drug planting case. I am also responding next week to 8 plus motions to strike our expert

witness. I have at least 5 other motions for summary judgment that we are responding to presently with briefs also due to the first dca in at least 2 cases. I have had a family issue and have to go to my mothers home on 1/31, not returning to Tall until Jan 2. I can also go through my calendar if you like to tell you everything else that I have due over the next 2 weeks. Another attorney who works with me on summary judgment responses is slammed, which is the reason I have taken over the JCSO sj responses. I do not have the manpower to complete the response within the current deadline. You will get the response in sufficient time to be prepared for the hearing. What is your position, in light of these facts, to the extension?

5. Despite the fact that this case has been pending for more than two years, Defendant waited to file its Motion for Summary Judgment until December 10, 2021. Four days later, on December 14, 2021, Defendant noticed the Motion for hearing on January 20, 2022, notwithstanding the fact that the holidays fall within the time period that the Plaintiff would be working on her response.

6. The undersigned and her staff are physically incapable of responding to the pending Motion on January 3, 2022 and are requesting up to and including January 10, 2022 to respond.

7. Alternatively, Plaintiff moves to continue the summary judgment hearing in light of a motion to compel contemporaneously filed with this Motion.

8. Defendant has apparently forgotten about professional courtesies. It is without question that if Defendant receives the response on January 10, 2022, it will have ample time to review the response and it cannot argue otherwise.

9. This Motion is not filed for the purpose of delay but is filed in good faith based on the representations made above.

WHEREFORE, Plaintiff respectfully requests that she be permitted to file her response and documents in opposition to the Defendant's Motion for Summary Judgment on January 10, 2021, all for the reasons set forth more fully above.

Respectfully submitted,

/s/ Marie Mattox
Marie Mattox (FBN: 739685)
MARIE A. MATTOX, P.A.
203 North Gadsden Street
Tallahassee, Florida 32301
Primary Email: marie@mattoxlaw.com
Secondary Email: marlene@mattoxlaw.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record via the Florida E-Filing Portal this 3rd day of January, 2022.

Michael P. Spellman
123 North Monroe Street
Tallahassee, Florida 32301
Mspellman@sniffenlaw.com

/s/ Marie Mattox
Marie Mattox

EXHIBIT A

Marie Mattox

From: Michael Spellman <mspellman@sniffenlaw.com>
Sent: Wednesday, December 29, 2021 8:54 AM
To: Marie Mattox
Cc: Leigh Ann Kiser
Subject: RE: Manning

We oppose the motion and the relief requested.

Michael

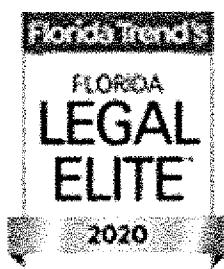
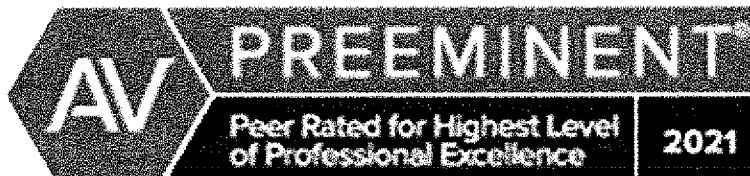
Michael P. Spellman

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From: Marie Mattox [mailto:marie@mattoxlaw.com]
Sent: Tuesday, December 28, 2021 12:28 PM
To: Michael Spellman <mspellman@sniffenlaw.com>
Cc: Leigh Ann Kiser <lkiser@sniffenlaw.com>; Ashley Richardson <ashley@mattoxlaw.com>
Subject: RE: Manning

I am currently responding to 16 motions for summary judgment in the JCSO drug planting case. I am also responding next week to 8 plus motions to strike our expert witness. I have at least 5 other motions for summary judgment that we are responding to presently with briefs also due to the first dca in at least 2 cases. I have had a family issue and have to go to my mothers home on 1/31, not returning to Tall until Jan 2. I can also go through my calendar if you like to tell you everything else that I have due over the next 2 weeks. Another attorney who works with me on summary judgment responses is slammed, which is the reason I have taken over the JCSO sj responses. I do not have the manpower to complete the response within the current deadline. You will get the response in sufficient time to be prepared for the hearing. What is your position, in light of these facts, to the extension?

Marie A. Mattox, Esquire
MARIE A. MATTOX, P.A.
203 N Gadsden St
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Telephone: (850) 383-4800
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May those who love us, love us, And those that don't love us, May God turn their hearts; And if He doesn't turn their hearts, May he turn their ankles, So we'll know them, By their Limping. –Author Unknown

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From: Michael Spellman <mspellman@sniffenlaw.com>
Sent: Tuesday, December 28, 2021 8:33 AM
To: Marie Mattox <marie@mattoxlaw.com>

Cc: Leigh Ann Kiser <lkiser@sniffenlaw.com>

Subject: RE: Manning

Marie,

I have to oppose this for a couple of reasons. First, no real reason has been given. Second, the date for the response was dictated by the date of the hearing on the motion. If we move the hearing, we move the pretrial, and if we move the pretrial, then it would appear the entire trial has to get moved. Let me know if I am missing something.

Michael

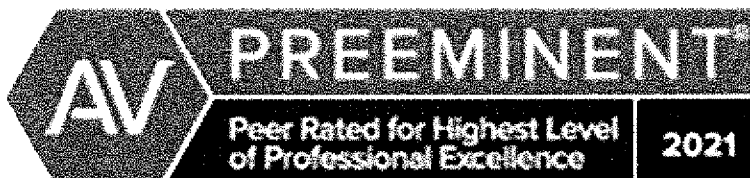
Michael P. Spellman

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From: Marie Mattox [<mailto:marie@mattoxlaw.com>]
Sent: Monday, December 27, 2021 9:59 PM
To: Michael Spellman <mspellman@sniffenlaw.com>
Cc: Leigh Ann Kiser <lkiser@sniffenlaw.com>
Subject: Manning

Michael- I am moving for a seven day extension in Manning to respond to the summary judgment motion. Right now, its due on 1/3 because 1/1 is on a Saturday. The person who assists me in responding has taken some time off and so have I. The new response date, calculated from the current due date of 1/3 would be 1/10. Please advise as to your position. Thank you

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