

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

EVAN POWER,

Appellant,

vs.

Case No. 1D20-2290

Lower Case No. 2020-CA-1200

LEON COUNTY,

Appellee.

_____ /

MOTION FOR ORDER TO SHOW CAUSE

Pursuant to Rule 9.300, Florida Rules of Appellate Procedure, Appellee, Leon County, Florida (“Leon County”), moves the Court for issuance of an order to show cause why Appellant’s, Evan J. Power (“Mr. Power”), failure to serve and file an initial brief should not be treated as a concession of the case and, in support thereof, states the following:

1. On July 30, 2020, Mr. Power filed his Notice of Appeal.
2. Pursuant to Florida Rules of Appellate Procedure 9.210(f) and 9.110(f), Mr. Power was required to serve and file his initial brief within seventy (70) days from filing of the Notice of Appeal; therefore, Mr. Power’s initial brief was due to be served and filed on October 8, 2020.
3. Leon County has not been served with a brief on behalf of Mr. Power, and the docket for this case does not reflect a brief has been filed by Mr. Power.

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4. Mr. Power has made no motion for an enlargement of time for service and filing of his initial brief, and no order to that effect has been entered.

5. Leon County, therefore, seeks an order from this Court requiring Mr. Power to file an initial brief within ten (10) days of the order and warning Mr. Power that failure to comply with the order will result in the dismissal of the appeal for failure to prosecute.

WHEREFORE, Leon County, Florida, respectfully requests this Court enter an order to show cause to Mr. Power allowing him ten (10) days to file an initial brief with a warning that failure to comply with the order will result in the dismissal of the appeal for failure to prosecute.

Respectfully Submitted,

/s/Marion Drew Parker

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CERTIFICATE OF SERVICE

I certify that the foregoing document was filed electronically and E-Served by the Florida Court’s E-Filing Portal to the following parties of record on this 22nd day of October, 2020.

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CERTIFICATE OF FONT COMPLIANCE

I hereby certify that this filing complies with the font requirement of Rule 9.210, Florida Rules of Appellate Procedure.

Dated this 22nd day of October, 2020.

/s/Marion Drew Parker

MARION DREW PARKER