

>> ON BEHALF OF THE PETITIONER,  
ROMAN RAMIREZ THIS CASE, AS THE  
COURT KNOWS, IS ABOUT THE  
ADMINISTRATIVE TOLLING ORDERS ON  
THE STATUTE OF LIMITATIONS.

I WOULD BRIEFLY LIKE TO ADDRESS  
JURISDICTIONAL ISSUES.

OBVIOUSLY WE BELIEVE THE COURT  
HAS JURISDICTION BECAUSE AN  
OPINION CONFLICTS WITH THIS  
COURT'S OPINION IN HANKEY V.--  
THE TOLLING PROVISION STOPS THE  
CLOCK AND STARTS THE CLOCK.

>> YOUR POSITION WOULD BE THAT  
ANY TIME, WHETHER IT IS AN  
ADMINISTRATIVE ORDER OR IN A  
STATUTE, THAT THE TERM TOLL IS  
USED, THAT THE ONLY  
INTERPRETATION OF TOLL IS NOT  
ONLY TO SUSPEND, BUT TO ADD ON  
FOR THE TIME PERIOD OF TOLLING,  
AS WE SAID IN HANKEY?

THAT IS THE ONLY WAY TO CONSTRUE  
THAT AS AN ADMINISTRATIVE ORDER?

>> THAT IS THE ONLY WAY TO  
CONSTRUE A TOLL.

NO MATTER WHAT--  
THE CLOCK STOPS.

AT SOME POINT IT MUST RESUME AND  
IT IS NOT SO MUCH A MATTER OF  
TACKING IT ONTO THE END, BUT  
SIMPLY EXTENDING IT BECAUSE THE  
GATES THAT WERE STOPPED.

>> DOES THAT MEAN WHAT YOU ARE  
SAYING IS THAT NO MATTER WHEN  
THE WORD TOLL IS USED, NO MATTER

WHAT CONTEXT, IT ALWAYS HAS TO MEAN WHAT YOU JUST SAID AND WHAT WE SAID IN HANKEY?

>> BASED ON HANKEY.

>> DID YOUR CLIENT-- NOT YOUR CLIENT I GUESS-- DID THE LAWYER-- IS THERE ANY INDICATION THAT THE LAWYER RELIED ON THAT DEFINITION OF TOLLING IN FAILING TO FILE HIS LAWSUIT, WHICH WAS NOT FILED OR THE STATUTE DID NOT EXPIRE UNTIL ALMOST SIX MONTHS AFTER THE LAST TIME THAT THE COURTHOUSE WAS CLOSED IN 2006?

>> NOTHING IN THE CASE INDICATES THAT THE TRIAL COUNSEL RELIED ON THE TOLLING ORDERS.

>> DO YOU REALLY THINK THAT THIS COURT, WHEN COURT-- WHEN THEY WERE TRYING TO GIVE RELIEF TO LAWYERS WHO WERE IMPEDED BY THE CLOSURE OF THE COURTHOUSE FROM BEING ABLE TO COMPLY WITH DEADLINES WAS INTENDING TO IN ALL CIRCUMSTANCES PUT IN STATUTE TO EXTEND THE TIME FOR COMPLIANCE STATUTE OF LIMITATIONS, EVEN THOUGH NOTHING ABOUT THE COURTHOUSE CLOSURE HAD ANYTHING TO DO WITH THE STATUTE OF LIMITATIONS?

>> I DON'T THINK THAT WAS NECESSARILY TRUE BUT THE LANGUAGE IN THE TOLLING ORDERS INDICATES THAT ALL TIME LIMITS ARE TOLLED FOR CIVIL CASES AND

SO ON AND SO FORTH, THAT IF THE COURT CHANGED THE LANGUAGE OBVIOUSLY THAT CAN'T BE MY POSITION ANY LONGER, BUT IT IS THE COURT--

[INAUDIBLE]

>> IF YOUR STATUTE OF LIMITATIONS STARTS ON THE DAY THAT THERE WAS A TOLLING ORDER, THAT YOU SHOULD HAVE TWO OR THREE MORE DAYS ADDED TO A THREE-YEAR STATUTE OF LIMITATIONS OR A FOUR-YEAR STATUTE OF LIMITATIONS JUST BECAUSE THE COURT WAS CLOSED FOR A COUPLE OF DAYS?

>> IT IS MY COMMISSION, IT IS NOT THE COURTS INTENT.

>> IF IT IS THE COURT'S INTENT THAT ONLY THOSE PEOPLE WHO WERE TRULY AFFECTED BY, FOR EXAMPLE, YOU NEEDED TO FILE YOUR ANSWER TODAY.

A REPORT WAS ACTUALLY-- THE COURT WAS CLOSED TODAY SO THE TOLLING ORDER SAID YOU HAVE UNTIL MONDAY TO DO IT. WHAT OTHER WORD COULD YOU USE? IF YOU ARE NOT TACKING ON MORE TIME?

>> TIME LIMITATIONS BY THE COURT'S CLOSURE, THAT IS NOT WHAT THE TOLLING ORDER SAID BUT IT ALSO RAISES THE QUESTION OF, IF THE COURT IS PROVIDED BY DATE AND A DEFENDANT HAS TO FILE AN

ANSWER WITHIN 20 DAYS, THE VERY  
LAST DAY OF THE CLOSURE OF THE  
COURT IS THE FIRST DAY OF THE  
20-DAY PERIOD, DOES THE  
DEFENDANT THEN GETS 20 DAYS PAST  
THE TOLLING TO FILE AN ANSWER?  
>> IS THAT JUST LIKE, AND MAYBE  
WE DO NEED SOME AMENDMENTS HERE,  
IS IT THE INTENT TO BE NO  
DIFFERENT THAN THE COMPUTATION  
OF TIME UNDER BOTH THE CIVIL  
RULE, THE APPELLATE RULES, THAT  
WHEN THE COURTHOUSE IS CLOSED,  
YOU CAN'T COUNT THAT DAY AS A  
DAY THAT SOMETHING IS DUE?  
WHETHER WE USE THE WORD IN AN  
ARTFUL WAY, ISN'T THAT CLEARLY  
EMITTING THE WHOLE ORDER AND  
WHATEVER PRECEDED IT AS FAR AS  
THE ADMINISTRATIVE ORDER, WHAT  
THE INTENT WAS AS FAR AS TO SAY  
THE COURT WAS CLOSED BECAUSE OF  
A HURRICANE.  
DEADLINES THAT WOULD EXPIRE WHEN  
THE COURTHOUSE IS CLOSED ARE  
EXTENDED.  
>> THE COURT PREPARED OR CREATED  
TOLLING ORDERS THAT WERE  
INARTFULLY.  
>> IT LOOKS LIKE THEY MAY HAVE  
BEEN.  
>> IT HAS BEEN IN ORDER FOR THE  
LAST 50 YEARS.  
I THOUGHT YOUR POSITION WAS NOT  
NECESSARILY WHEN THE COURTHOUSE  
WAS OPEN BUT ALSO A RECOGNITION

THAT HURRICANES AFFECT PEOPLE OTHER THAN IN THE COURTHOUSE. IT AFFECTS THE LAWYERS AND THE PARTIES HAVING TO HAVE CLAIMS FILED AND SO FORTH, SO THERE ARE FOLKS AFFECTED OTHER THAN JUST THOSE WHO ARE IN THE COURTHOUSE. IT IS THE LAWYERS WHO HAVE TO BE MEETING WITH CLIENTS, PREPARING FOR FILINGS AND ALL OF THOSE DIFFERENT THINGS, SO I GUESS ON THE FACE, IT ISN'T REALLY THAT ABSURD THEN TO MAYBE TOLLING DOES ACTUALLY MEAN YOU STOP THE CLOCK AND LET EVERYBODY GET PAST THE HURRICANE?

>> I DON'T THINK IT IS ABSURD AT ALL TO INTERPRET THE WORD TOLL AS-- AND I THINK GENERALLY SPEAKING, WHEN SOMETHING IS TOLLED, IT STOPS THE CLOCK AND THEN THE CLOCK RESUMES.

>> THE REALITY IS THAT IF THE TOLL HERE IS UNDERSTOOD IN THE WAY THAT IT IS USUALLY UNDERSTOOD, THEN IT IS A TERM USED IN THE LAW, THEN DEPENDING ON THE CASE, IT WOULD NOT-- IT WILL NOT JUST HAVE THE IMPACT THAT PEOPLE NEED TO GET PAST THE HURRICANE BECAUSE THE TIME IS BEING ADDED TO THE STATUTE OF LIMITATIONS, THAT WOULD OTHERWISE RUN TWO YEARS DOWN THE ROAD WOULD BE ADDED THERE. THEY WILL NEED EXTRA TIME, WHEN

IT REALLY IS NO IMPACT FOR THE HURRICANE ON THEM AT ALL. IS THAT CORRECT?

>> I AGREE.

IN PARTICULAR IN THE CASE, THE FOUR DAYS EXTRA THAT MR. RAMIREZ HAD, MORE LIKELY THAN NOT THE LAWSUIT WAS NOT FILED.

>> WE APPRECIATE YOUR CANDOR. THE ADMINISTRATIVE ORDERS HAVE TWO SEPARATE PROVISIONS. ONE IS THERE ARE TOLLS AND TIME LIMITS ARE TOLLS AND IT WAS SEPTEMBER 21ST THROUGH THE 27TH AND IN SUBSECTION IV, THE ADMINISTRATIVE ORDERS RECOGNIZE THERE ARE MAYBE INSTANCES WHERE, BECAUSE OF THE HURRICANE, THERE ARE OTHER TIME LIMITS THAT COULD NOT BE MET, EVEN TAKING INTO CONSIDERATION THE TOLLING PERIOD.

SUCH A CLAIM WILL BE RESOLVED BY THE COURT WHERE THE PARTY DEMONSTRATES THAT THE LACK OF COMPLIANCE WITH THE REQUISITE TIME PERIODS WERE DIRECTLY ATTRIBUTABLE TO THE EMERGENCY SITUATION.

SO WE HAVE GOT THAT, WHICH IS NOT BEING INTERPRETED IN THIS CASE, TO RECOGNIZE THERE MAY BE SUCH SIGNIFICANT DISRUPTION IN A LAWYERS OFFICE AND CERTAINLY IN THE TOLLING FOR A SPEEDY TRIAL. YOU HAVE GOT PROSECUTORS, YOU

HAVE THE COURTS NOT OPEN, AND THERE ARE OTHER REASONS YOU WOULD WANT TO TACK THAT TIME ON SO IT'S ABOUT THE ANSWER IN TERMS OF LOOKING AT THE ORDER AS A WHOLE, IS THAT WE RECOGNIZE THERE CAN BE EXTRAORDINARY CIRCUMSTANCES, BUT THAT SHOULD BE DEALT WITH ON A CASE-BY-CASE BASIS BY THE TRIAL JUDGE HAVING A HEARING TO DETERMINE WHAT THE CIRCUMSTANCES WERE THAT IMPEDED THEIR ABILITY TO COMPLY.

>> THE ISSUE WAS--

>> YOU DIDN'T GO UNDER SUBSECTION IV.

>> I THINK WE ALL AGREE AS WE STAND HERE TODAY THAT THIS WAS BASICALLY AN INTERPRETATION OF THE USE OF THE COURTS ORDER TOLL AND WE INTERPRETED THE TOLLING ORDER TO SAY THE CLOCK STOPPED AND 31 DAYS LATER AT THE END OF THE STATUTE OF LIMITATIONS PERIOD, AN AGGREGATE OF 31 DAYS WAS ADDED BECAUSE THE CLOCK STOPPED AND STARTED AND STOPPED AND STARTED.

>> YOU ARE ADDING ON FOR A NUMBER OF HURRICANES THAT TOOK PLACE?

>> THERE WERE FIVE HURRICANES AND ONE TROPICAL STORM. THE WAY WE CALCULATED IT, WE HAD AN ADDITIONAL 31 DAYS. WHEN YOU AGGREGATED ALL OF THE

TOLLING ORDERS, IT GAVE HIM 31 DAYS AND UNDER HANKEY THE 31 DAYS IS NOT SO MUCH TACKED ON AS SIMPLY TO EXTEND THE SAME NUMBER OF DAYS UNDER WHICH YOU WOULD HAVE HAD, SOMETHING LIKE 1074. YOU HAD THE SAME NUMBER OF DAYS IN THE STATUTE OF LIMITATIONS. IT JUST ENDED LATER BECAUSE THERE WERE PERIODS WHEN THE STATUTE OF LIMITATIONS STOPPED. IT IS A VERY STRAIGHTFORWARD ARGUMENT AND I THINK UNDER HANKEY, YOU CERTAINLY COULD INTERPRET-- YOU CERTAINLY COULD INTERPRET THE WORD TOLL. THE QUESTION IS GOING TO BECOME IF IT IS GOING TO GO BY THE COURTS INTENT, AND I THINK THE TOLLING ORDERS NEED TO MAYBE NOT SAY WE ARE TOLLING ALL TIME PERIODS APPLICABLE TO ALL RULES OF THE STATUTE AND THAT WOULD BE FINE. THE PROBLEM IN THIS CASE IS THAT THE TOLLING ORDERS SAY WHAT THEY SAID AND WE INTERPRETED THEM IN THE LAWSUIT FILED FOUR DAYS AFTER THE STATUTE OF LIMITATIONS. >> BUT YOU DID NOT ESTABLISH IN THE COURT-- I WOULD BE VERY SYMPATHETIC IF SOMEBODY SAID, THE DIARY SYSTEM WE USE INSTEAD OF THE NORMAL FOUR YEARS, WAS WE THEN LOOKED AT EACH TIME THERE

WAS AN ADMINISTRATIVE ORDER, SO WE HAVE DIARIED THE STATUTES 31 DAYS LATER THAN IT SHOULD HAVE BEEN.

I THINK YOU MIGHT HAVE A COMPLETELY-- I AM NOT SURE WHAT WE WOULD CALL IT, BUT WE HAVE A VERY DIFFERENT SET OF CIRCUMSTANCES ABOUT THE RELIANCE ON THIS COURT ORDER, WHICH IS NOT AN UNREASONABLE RELIANCE. BUT, AGAIN, THE THIRD DISTRICT SAID, AND YOU HAVE BEEN CANDID, THERE IS NO RELIANCE.

SOMEONE DIDN'T RECALCULATE THE STATUTE OF LIMITATIONS FOR EACH TIME. IN 2003, 04, 05 AND 06.

>> THAT DOESN'T MEAN THAT THERE WERE NOT LAWYERS CALENDARING THEIR TIME EXACTLY.

>> BUT WE DON'T HAVE THAT.

[INAUDIBLE]

IF MR. RAMIREZ IS OUT OF COURT, HE IS OUT OF COURT, BUT MORE LIKELY THAN NOT, AND I CAN REPRESENT TO THE COURT THERE ARE INSTANCES WHERE TOLLING ORDERS HAVE BEEN INTERPRETING IN THE MANNER WE HAVE BEEN INTERPRETING, PEOPLE FILED EITHER MOTIONS WAIVED--

[INAUDIBLE]

>> I THINK PROBABLY MOST DON'T, BUT I CAN'T SAY THERE AREN'T SOME WHO DO.

I WOULD SUGGEST TO THE COURT

THAT RELIANCE, FIRST OF ALL  
WITHIN THE LANGUAGE OF THE  
TOLLING ORDERS, ONLY COMES INTO  
PLAY WHEN YOU GET TO THE  
PROVISION THAT TALKS ABOUT  
ANALYSIS.

THAT PROVISION, HOWEVER, SAYS  
YOU GO ON A CASE-BY-CASE  
ANALYSIS ONLY WHEN A LITIGANT IS  
UNABLE TO COMPLY WITH THE  
TOLLING PERIOD.

OUR DECISION IN THIS CASE WAS WE  
WERE TIMELY.

IF WE HAD GONE BEYOND THE 31  
DAYS, AND THEN COME INTO THE  
COURT AND SAID LOOK, EVEN AFTER  
THE TOLL PROVISIONS WERE  
FACTORED IN AND THEN GIVE THE  
COURT SOME REASON WHY-- THE LAST  
STORM WAS HERE, AN ANALYSIS  
WOULD HAVE COME IN.

THAT MAY BE A PROVISION THAT MAY  
BE REWARDED AND MAYBE IT NEEDS  
TO GO ON A CASE-BY-CASE ANALYSIS  
IN EVERY SINGLE CASE BECAUSE  
THERE WILL BE CASES WHERE  
LAWYERS AND LITIGANTS AREN'T  
GOING TO BE ABLE TO TAKE  
ADVANTAGE OF THE TOLLING PERIOD  
WHEN ACTUALLY IT MAY NOT AFFECT  
THEM AT ALL.

THERE MAY BE CASES WHERE ALL THE  
COURTS ARE CLOSED AND A LAWYER  
MAY BE ABLE TO COME IN.

HE MAY NOT HAVE BEEN AFFECTED  
AND HE IS GOING TO GET ADVANTAGE

THEN OF THE ADDITIONAL TIME TO FILE HIS ANSWER, GOING BEYOND THE FIRST DAY THAT THE COURT OPENS TO ENCOMPASS THE REMAINING 20-DAY PERIOD TO ENTER HIS COMPLAINT.

THERE IS A MYRIAD OF CIRCUMSTANCES UNDER WHICH THE TOLLING ORDERS ARE GOING TO BE INTERPRETED.

>> AND I THINK YOU HAVE RAISED SOME VERY INTERESTING POINTS. FORTUNATELY, WE HAVE NOT HAD, AS I RECALL SINCE THIS PERIOD OF TIME, ANY WEATHER EMERGENCIES AND IT REALLY DOES BEHOOVE THE COURT TO VERIFY ANYTHING.

I THINK WE WERE CONCERNED THAT THE THIRD DISTRICT WAS IMPLYING THAT THE COURT HAD NO AUTHORITY WITH REGARD TO STATUTES OF LIMITATIONS AND THEREFORE THE CREDIBILITY OF THIS COURT'S ORDERS WOULD BE AT ISSUE.

I THINK THAT WAS MY CENTRAL CONCERN, THAT THEY SEEM TO BE QUESTIONING WHETHER THE COURT COULD EVEN ENTER THESE ORDERS WITH REGARD TO THE STATUTE OF LIMITATIONS.

>> I WOULD LIKE TO SPEND A FEW MINUTES ON THAT.

>> YOU ARE IN YOUR REBUTTAL NOW BUT IF YOU WOULD LIKE TO CONTINUE ON, THAT IS FINE.

>> THERE IS NO QUESTION IN MY

MIND THAT THE COURT HAS THE AUTHORITY TO ISSUE A TOLLING ORDER.

UNDER THE RULE THAT SAYS THE COURT CAN ADOPT PROCEDURES THAT AFFECT COURT PROCEDURES IN PRACTICE, THERE IS NO QUESTION THE DISTINCTION MADE BETWEEN RULES AND STATUTES AND STRICT CONSTRUCTION AND LIBERAL CONSTRUCTION.

[INAUDIBLE]

THEY ARE GENERALLY CONSIDERED TO BE PROCEDURAL.

THERE ARE A NUMBER OF CASES-- IN FACT THE COURT TALKED ABOUT, THE COURT TALKED ABOUT THE FACT THAT 1.420 WAS NOT-- IT WAS AN ADJUDICATION BECAUSE IT WAS ACCEPTED UNDER 1.4 20 AND TIED INTO OTHER CASES THAT RELIED ON THE CASE JOHNSON V. RIVER AND WRH MORTGAGE VERSUS BUTLER IN WHICH THE CASES TALKED ABOUT HOW THE STATUTE OF LIMITATIONS HAS GENERALLY BEEN CONSIDERED IN FLORIDA TO BE PROCEDURAL.

>> LET ME UNDERSTAND WHAT YOU ARE SAYING.

THE LEGISLATURE ESTABLISHED A PARTICULAR CLASS OF CASES-- WE REALLY THINK THAT OUGHT TO BE--

>> I AM NOT SAYING THAT THE COURT HAS AUTHORITY TO MODIFY A STATUTE OF LIMITATIONS.

HOWEVER I THINK THE COURT HAS

AUTHORITY TO ADOPT A RULE THAT IS GOING TO AFFECT PRACTICE AND PROCEDURE AND TO THE EXTENT THAT STATUTE OF LIMITATIONS WILL BE PROCEDURAL CAN CERTAINLY ADOPT A RULE THAT IS GOING TO AFFECT AND NOT MODIFY A STATUTE OF LIMITATIONS AND IF NEED BE EXTENDED BY HAVING CONTROL OF THE STATUTE OF LIMITATIONS BY VIRTUE OF TOLLING ORDER. BECAUSE THE STATUTE OF LIMITATIONS EFFECTIVELY IS NOT JURISDICTIONAL.

IT CAN BE WAIVED.

IT BASICALLY IS A TIME LIMIT BY WHICH A LITIGANT HAS TO FILE A COMPLAINT.

IT'S DOESN'T NECESSARILY BAR HIM FROM, NO MATTER WHAT, NOT BEING ABLE TO FILE A COMPLAINT.

THERE ARE CIRCUMSTANCES IN WHICH THE COURT WITHHELD THAT THE STATUTES OF LIMITATIONS BE CONSTRUED TO PROMOTE ASSET TO THE COURT.

TO THE EXTENT THAT THIS COURT IS ABOUT DOING ADMINISTRATIVE ORDERS, IT IS ENTIRELY APPROPRIATE WE TAKE CONSIDERATION THE STATUTE OF LIMITATIONS ARE PROCEDURAL, NOT TO MODIFY LEGISLATION BUT CERTAINLY TO EFFECT STATUTES OF LIMITATIONS AS THEY MAY BE AFFECTED BY INEVITABLE TOLLING

ORDERS.

>> WITH THAT, YOU HAVE USED YOUR TIME.

THANK YOU VERY MUCH.

>> MAY IT PLEASE THE COURT, NEIL ROSE REPRESENTING THE RESPONDENT, CHARLES MCCRAVY.

>> MR. ROSE, THERE IS ONE AREA I HAVE TREMENDOUS CONCERN WITH. IF YOU WILL TURN WITH-- AND YOU PROBABLY HAVE YOUR DECISION IN FRONT OF YOU FROM THE 3RD DISTRICT, BUT THE LAST PARAGRAPH FOR THE 3RD DISTRICT ANALYSIS, WHY THE PRINCIPLE OF LAW COMES TO CONCLUSION.

IN THERE THE 3RD DISTRICT SAYS WE HAVE REACHED THIS CONCLUSION BECAUSE THE ADMINISTRATIVE ORDERS RECITE AS ITS AUTHORITY AGAINST THE ARTICLE OF THE CONSTITUTION GRANTS THAT THIS COURT IN THE POWER TO "ADOPT RULES FOR THE PRACTICE OF PROCEDURE IN ALL COURTS, NOT TO MODIFY STATUTE."

FURTHERMORE, WE HAVE THE FLORIDA SUPREME COURT ITSELF, AND IT GIVES THE CASE NAME, SPECIFICALLY DECLARING THAT BY ENUMERATING A GROUNDS IN THE STATUTE, THE LEGISLATURE HAS BASICALLY PRECLUDED APPLICATION OF ANY OTHER TOLLING PROVISIONS THAT IMAGINATIVE LITIGANTS MAY COME UP WITH.

MY CONCERN WITH THAT ANALYSIS TO THE CONCLUSION IS THAT THERE IS NO AUTHORITY EVEN FOR ONE OF THESE ORDERS.

THAT, IF THERE IS A CATASTROPHE, THAT IT DOESN'T TOLL A THING AND THAT MAYBE THE ANSWER-- THE CONSTITUTION DOES NOT GIVE US THAT POWER BUT WE NEED TO BE SURE EVERYBODY KNOWS WHAT THE LAW IS AND NOT BE OPERATING FROM DIFFERENT POSITIONS, AND I'M SURE ARGUMENTS CAN BE MADE EITHER WAY.

I AM CONCERNED WITH THE ANNOUNCED REASON FOR TOLLING.

>> IT IS MY POSITION THAT THE COURT HAS THE CONSTITUTIONAL POWER TO ENACT RULES AND TERMS FOR CRAFTING PROCEDURE OF THE COURT AND THEN YOU ALSO HAVE THE ADMINISTRATION THAT ALLOWS YOU TO ENTER SUCH ORDERS WHEN YOU HAVE AN EMERGENCY.

IT IS OUR POSITION THAT THESE EMERGENCY ADMINISTRATIVE ORDERS ARE APPROPRIATE UNDER THE CONSTITUTIONAL POWER TO ENACT RULES FOR THE CRAFTING AND THE PROCEDURE OF THE COURTS AS LONG AS THERE IS AN EMERGENCY BASIS FOR DOING SO, BECAUSE YOU ARE HANDLING THE PROCEDURE OF THE COURTS.

IF THE COURTHOUSE IS CLOSED, YOU HAVE GOT TO BE ABLE TO EXTEND

THE LIMITATIONS FOR SOMEBODY  
TO BE ABLE TO DO THAT.

>> THIS WHOLE THING IS  
INCORRECT, THAT THE COURT DOES  
HAVE THE POWER TO TOLL IN AN  
EMERGENCY, AS YOU USED, DOES  
HAVE THE POWER TO TOLLING  
STATUTE?

>> SUBJECT TO AN EMERGENCY, BUT  
I ALSO BELIEVE THE COURT DOESN'T  
HAVE THE POWER TO GRANT A  
WINDFALL EXTENSION TO EVERYBODY,  
NOTWITHSTANDING THE IMPACT OF  
THE EMERGENCY.

>> BUT YOU DON'T FIND ANY  
LANGUAGE THAT TALKS ABOUT AN  
EMERGENCY OTHER THAN A RULE OF  
COURT NOT IN THE CONSTITUTION?

>> CORRECT.

>> I THINK I BECAME CONCERNED  
WITH THE LANGUAGE, AND IN THE  
END THEY GO BY STRICTLY  
CONSTRUING THE ADMINISTRATIVE  
ORDERS.

WE FIND THEY HAVE NO APPLICATION  
IN THIS CASE AS TO WEATHER  
EMERGENCIES-- FROM PROMPTLY  
FILING SUIT, SO IF WE ADD THAT  
CAVEAT, THAT WOULD BE WHAT YOU  
ARE SUGGESTING.

YOU DON'T SUGGEST THE COURT  
DOESN'T HAVE THE POWER TO AFFECT  
THE STATUTE, IF THE WEATHER  
EMERGENCY RESULTED IN THE  
ABILITY TO FILE THE LAWSUIT IN A  
TIMELY WAY?

DO YOU TAKE A POSITION THAT WE DO NOT HAVE THAT AUTHORITY, OR WE DO?

>> I SUGGEST YOU HAVE THE CONSTITUTIONAL POWER TO ENTER AN ADMINISTRATIVE RULE IN AN EMERGENCY SITUATION TO ALLOW THE LITIGANT OR PARTY OR ATTORNEY TO PERFORM A TASK THAT THEY SPECIFICALLY COULD NOT HAVE DONE IT THE LAST STATUTE OF LIMITATIONS, OR THE LAST DAY, TO FILE AN ANSWER THAT ENDS UP WITH THE COURTHOUSE BEING CLOSED BECAUSE OF A HURRICANE. I THINK YOU HAVE THE POWER TO ALLOW THAT SITUATION TO BE HANDLED.

>> I REALIZE YOU ARE NOT HERE TO HELP US RETRACT THINGS BUT YOU HAVE NOW BECOME INVOLVED IN THIS, BUT THEY WERE RULES THAT THE COMPUTATION OF TIME, COMPUTATION OF TIME HAS NEVER BEEN CONSIDERED TO BE SUBSTANDARD PROCEDURALLY. WE TALK ABOUT THE SEVEN-DAY--WEEKEND INCLUDED. THIS AFFECTS STATUTE OF LIMITATIONS IF THEY FIRE ON A WEEKEND.

NO ONE SAYS, IF YOU HAVE TO FILE IT THEN YOU LOSE.

SO IT SEEMS TO ME WHAT WE ARE DOING ALTHOUGH WE MAY HAVE USED A BROADER WORD, THAT THE TOLLING

AS FAR AS THE STATUTE, WE ARE SIMPLY RECALCULATING THE TIME BUT DON'T YOU THINK THERE IS A PROBLEM WITH THE FACT THAT WE HAVE USED TOLLING CONSISTENTLY IN OUR CASE LAW TO MEAN STOPPING THE CLOCK, SO NOW I THINK WE HAVE THAT AUTHORITY?

BUT WHAT IS THE ANSWER, TO THE FACT THAT THIS CONFLICT WITH HANKEY AND IN CASES THAT TALK ABOUT A SPEEDY TRIAL RULE IN TERMS OF THE DEFINITION OF TOLLING?

>> FIRST OF ALL, IT IS OUR POSITION THE COURT DOESN'T REALLY HAVE JURISDICTION TO REVIEW THE JURISDICTION BECAUSE IT DOESN'T CONFLICT DIRECTLY WITH ANY OTHER DECISION IN ANOTHER DISTRICT COURT OR THIS COURT.

IF YOU ARE LOOKING AT HANKEY FOR EXAMPLE I DON'T THINK YOU CAN TAKE A WORD OR A DEFINITION OUT OF THE DECISION AND SAY, THAT WORD IS INTERPRETED DIFFERENTLY. THE 3RD DISTRICT DECISION UNDER REVIEW ACCEPTS THAT DEFINITION OF TOLLING.

THEY ARE JUST SAYING YOU CAN'T APPLY IT WHEN IT HAS NO IMPACT TO THE STORM OR THE HURRICANE. WE ARE NOT GOING TO GIVE YOU THE CARTE BLANCHE WINDFALL EXTENSION.

HANKEY SIMPLY DISCUSSES A MEDICAL MALPRACTICE TOLLING ISSUE, AND ALLOWS AN EXTENSION UNDER THAT.

THERE REALLY ISN'T ANY CONFLICT, EITHER EXPRESS OR DIRECT, BETWEEN HANKEY IN THE 3RD DISTRICT DECISION OR BETWEEN SULLIVAN AND THE 3RD DISTRICT DECISION BECAUSE THAT PROVISION CONCERNS THE EXTENSION OF A RULE OF PROCEDURE.

WE KNOW THERE IS NO ISSUE WITH THE COURT'S ABILITY TO EXTEND A RULE AND SULLIVAN DEALT WITH THE SPEEDY TRIAL RULE.

>> HOW DO WE INTERPRET, IN WHAT ORDER, TOLLING IN TWO DIFFERENT WAYS-- FOR THE ORDER WE HAVE ENTERED?

>> I DON'T THINK WE ARE INTERPRETING TOLLING IN A DIFFERENT WAY.

WE KNOW WHAT TOLLING IS.

>> OKAY, SO WHAT DOES TOLLING MEAN?

>> TOLLING MEANS TO STOP OR SUSPEND THE RUNNING OF THE CLOCK FOR A CERTAIN PERIOD OF TIME AND CONTINUE AT ANOTHER TIME.

SO THE QUESTION IS, HOW DO YOU DEFINE TOLLING?

THE QUESTION IS WHETHER THAT SERIES OF ORDERS THAT ARE IN QUESTION HERE COULD BE INTERPRETED TO ALLOW TOLLING,

WHEN THE OFFENSE THAT YOU ARE  
TOLLING FOR HAS ABSOLUTELY  
NOTHING TO DO WITH THE LATE  
FILING.

SO, IT IS KIND OF LIKE, LET'S  
TAKE AN EXAMPLE.

LET'S SAY MY WIFE AND I ARE  
SCHEDULED TO GO TO A WEDDING AND  
WE HAVE TO LEAVE THE HOUSE AT  
7:00.

I AM HOME AND READY TO LEAVE AT  
7:00.

MY WIFE COMES IN.

>> THAT IS LIKE MY HUSBAND.

>> MY WIFE COMES IN AT 8:00 AND  
I SAY, WHY AREN'T YOU ON TIME?

WE KNOW WE HAVE TO LEAVE BY 7:00  
AND MY WIFE SAYS, I AM SORRY.

ON THE WAY HOME FROM WORK I HAD  
A FLAT TIRE AND IT TOOK ABOUT AN  
HOUR TO CHANGE IT AND I JUST  
COULDN'T BE HERE ON TIME.

MY RESPONSE IS, I UNDERSTAND  
THAT.

THAT IS LOGICAL AND AN EMERGENCY  
SITUATION, AND YOU COULDN'T DO  
ANYTHING ABOUT IT.

THAT MAKES SENSE TO ME.

LET'S CHANGE THE FACTS.

MY WIFE COMES HOME AT 8:00  
INSTEAD OF 7:00 AND I SAY, WHY  
ARE YOU LATE?

MY WIFE SAYS, REMEMBER THAT FLAT  
TIRE I HAD EIGHT MONTHS AGO?  
THAT CAUSED ME TO BE LATE.

EVER SINCE THAT TIME I HAVE BEEN

RUNNING AN HOUR LATE.

I HAVE BEEN AN HOUR LATE EVERY DAY.

I GO TO LUNCH AN HOUR LATE AND NOW I AM AN HOUR LATE.

TO ME, THAT RESPONSE WOULD SEEM RIDICULOUS.

>> REALLY WHAT YOU ARE SAYING HERE IS THAT IF WE UNDERSTAND TOLLING IN THE CIRCUMSTANCE PRESENTED BY THIS PARTICULAR CASE THAT IS BEFORE US, IN THE WAY THAT TOLLING IS ORDINARILY UNDERSTOOD, IT LEADS TO AN ABSURD RESULT.

>> YES.

>> LET ME ASK YOU THIS QUESTION.

LET'S ASSUME SOUTH FLORIDA ANDREW HIT AND BLEW VIRTUALLY EVERYTHING WAY DOWN SOUTH AND THERE WAS AN ACCIDENT DURING THAT PERIOD OF TIME THAT THE TOLLING ORDER IS ULTIMATELY ENTERED BECAUSE IT NEVER ENTERED AT THE BEGINNING OF THE TIME. AND, AN INJURED PERSON SAYS I TRY TO GET TO MY LAWYER AND I CAN'T REACH MY LAWYER.

I COULDN'T REACH MY LAWYER FOR SIX DAYS BECAUSE THE LAWYERS OFFICE-- THE ROOF WAS BLOWN OFF.

IS THE TOLLING THEN, THE FOUR-YEAR PERIOD WE ARE TALKING ABOUT UNDER THAT SCENARIO? IS THE STATUTE TOLLING DURING THE PERIOD OR WHATEVER PERIOD IS

LEFT UNDER THAT TOLLING PERIOD,  
TO THE END, NOT ADDED TO IT BUT  
JUST EXTENDED?

WHAT HAPPENS UNDER THAT  
SCENARIO?

>> IN THAT SCENARIO, I WOULD  
SUGGEST THE LAWYER WOULD BE ABLE  
TO GO UNDER THE SUBSECTION OF  
THE ORDER THAT SAYS IF YOU CAN'T  
MAKE IT IN THE TIME WE HAVE  
GIVEN YOU, YOU CAN APPLY THE  
COURT AND SHOW REASON.

>> THAT TO ME SEEMS MORE ABSURD.  
I CAN GO IN AND SAY, YOU KNOW, I  
DIDN'T FEEL WELL AFTER THE  
HURRICANE BECAUSE I WAS UPSET  
BECAUSE MY HOUSE WAS BLOWN AWAY.  
EVEN IF THERE IS A TOLLING  
PERIOD.

IS THAT WHAT YOU ARE SAYING?

[INAUDIBLE]

>> THAT THROWS US INTO AN AREA  
OF-- SO THAT IS WHAT I HAVE A  
CONCERN WITH.

NOT THAT I AM DISAGREEING WITH  
WHAT THE 3RD DISTRICT IS SAYING  
BUT THIS TOLLING THING I THINK  
HAS A SIGNIFICANT DEFINITION  
THAT WE HAVE USED FOR YEARS.

>> LET ME FOLLOW UP ON JUSTICE  
LEWIS'S EXAMPLE WITH HURRICANE  
ANDREW.

WHAT IF YOU INTERPRET IT THAT  
THE TOLLING WOULD REALLY STOP  
THE CLOCK?

ARE YOU SUGGESTING THAT THIS

COURT HAS THE POWER TO TOLL THAT, REGARDLESS OF HOW YOU INTERPRET THIS ONE WAY OR THE OTHER?

DOES THIS COURT HAVE THE POWER TO TOLL THE STATUTES OF--

>> I BELIEVE THE COURT HAS THE POWER TO ENACT RULES FOR PRACTICE AND PROCEDURE TO ENTER INTO THIS TYPE OF TOLLING ORDER WHEN THE STORM OR THE EMERGENCY UPSETS THE LATE FILING.

>> MAYBE WE SHOULD CHANGE OUR ORDERS AND SAY SOMETHING TO THE EFFECT, WHEN FILING DEADLINES THAT ARE AFFECTED BY A HURRICANE OR WHATEVER THE EVENT MIGHT BE, AND MAYBE USE THE WORD DEADLINE SO THAT WE DON'T GET INTO THE SITUATION OF I AM GOING TO GET TO THE END OF THE STATUTE OF LIMITATIONS PERIOD, AND ADD ON ANOTHER DAY.

>> THAT MIGHT BE SENSIBLE BECAUSE CLEARLY THE INTENTION OF THE ORDER WHEN YOU LOOK AT THEM, THERE IS A WHOLE STRUCTURE TO ALLOW, YOU USE THE LANGUAGE TEMPORARILY IMPEDED.

THE INTENTION OF THE ORDER WAS TO TELL SOMEONE TO MEET A COURT DEADLINE WAS TEMPORARILY IMPEDED, NOT THREE AND A HALF YEARS AGO.

>> YOU THINK THE LANGUAGE POINTED TO-- YOU THINK THE

LANGUAGE OF THE 3RD DCA GOT IT  
RIGHT, DON'T YOU?

>> I THINK IF I INTERPRET THE  
3RD DISTRICT DECISION-- TO ME  
THEY ARE SAYING THE COURT HAS  
THE POWER TO ENACT THIS SORT OF  
ORDER WHEN THERE IS AN IMPASSE  
BY THE STORM OR AN EMERGENCY.

>> IN THIS CASE THEY ARE SAYING  
THAT THE PLAINTIFF IS ARGUING  
THAT THERE IS THIS TOLLING  
OPERATION CUMULATIVELY OF THE  
ADMINISTRATIVE ORDERS BUT,  
BECAUSE THIS COURT DOESN'T HAVE  
THE POWER TO TOLL THE STATUTE OF  
LIMITATIONS, THAT THAT IS NOT  
WITHIN THIS COURT'S POWER AND  
THERE IS NO EVIDENCE THAT  
PROCEDURALLY, A COURT WAS  
CLOSED.

THAT IS WHAT THEY SAID IN THE  
LAST SENTENCE JUSTICE PARIENTE  
REFERRED YOU TO.

I UNDERSTAND YOUR ARGUMENT AND I  
THINK WHAT YOU ARE SAYING IS THE  
3RD DCA GOT IT ENTIRELY CORRECT.

>> CAN I GET HIM TO ANSWER THAT?

>> HE AGREES WITH THE ULTIMATE--

>> NO, I AM ASKING-- DOES HE  
AGREE WITH THE SPECIFIC LANGUAGE  
JUSTICE LEWIS AND JUSTICE  
PARIENTE REFERRED YOU TO, IN  
TOTAL?

>> I DISAGREE ABOUT THE  
REFERENCE TO HEARNDON BECAUSE I  
BELIEVE THERE ARE OTHER STATUTES

THAT CHANGE LIMITATIONS.

I DISAGREE WITH THAT PART.

>> WHAT ABOUT THE FIRST PART?

>> THE REFERENCE TO THE ADOPTION  
OF RULES FOR THE PROCEDURE?

>> NOT TO MODIFY STATUTE.

>> NOT TO MODIFY STATUTE BUT IN  
TERMS OF PRACTICAL PROCEDURE  
LIKE AN EMERGENCY SITUATION TO  
HANDLE THAT BECAUSE YOU HAVE TO  
GIVE THE LAWYER OR THE LITIGANT,  
WHEN THE COURTHOUSE IS LITERALLY  
BLOWN AWAY ON THE DAY AFTER THE  
HURRICANE, AND THEY CAN FILE IT,  
THAT IS WITHIN YOUR PURVIEW  
UNDER YOUR POWER TO HANDLE  
PRACTICE AND PROCEDURE.

>> LET ME GIVE YOU A LITTLE  
DIFFERENT SCENARIO.

I AM TRYING TO GET A HANDLE ON  
WHAT YOU THINK OUR AUTHORITY IS.  
WE DON'T HAVE TO DECLARE AN  
EMERGENCY, BUT SIMPLY AN ACT OF  
GOD.

A TORNADO HITS THE OFFICE AND  
THE LAWYERS PREPARING THE  
COMPLAINT TO BE FILED.

IT IS NOT DECLARED WHETHER THERE  
IS AN EMERGENCY OR AN ACT OF  
GOD.

BECAUSE OF THAT, THE LAWYER IS  
NOT ABLE TO GET THE COMPLAINT  
FILED IN THE COURT.

THE COURT IS NOT CLOSED BUT  
SOMETHING THAT JUST AFFECTS THE  
LAWYER.

ARE THERE CASES THAT WOULD SAY  
IN CIRCUMSTANCES SUCH AS THAT,  
THAT IF THEY WERE TO COMPLY WITH  
THE STATUTE OF LIMITATIONS, IT  
WOULD BE EXCUSED?

>> I DON'T KNOW OF ANY CASE THAT  
WOULD EXCUSE A STATUTE OF  
LIMITATIONS.

THE LAWYER MIGHT BE DRIVING TO  
THE COURTHOUSE AND HAVE A CAR  
ACCIDENT ON THE WAY TO FILING  
THE COMPLAINT BUT THAT IS NOT A  
PROBLEM FOR THE COURT.

THAT IS A PROBLEM FOR THE LAWYER  
BUT WHEN THE COURTHOUSES CLOSED,  
THAT IS A PROBLEM FOR THE COURT  
SYSTEM.

>> THIS ISSUE ABOUT WHETHER  
EQUITY WOULD COME IN IN THOSE  
CIRCUMSTANCES, WHERE SOMEBODY IS  
PHYSICALLY UNABLE TO COMPLY IS  
NOT.

>> THE PLAINTIFFS HAVE ADMITTED  
THEY DID NOT RELY ON THE ORDER  
AND THEY HAVE ADMITTED THAT THE  
STORM HAD NO EFFECT ON THE  
ABILITY TO FILE, SO TO INTERPRET  
YOUR RULES TO ALLOW THE  
PLAINTIFFS SUCH AN EXTENSION  
WOULD BE AN ABSURD RESULT WHEN  
THE CLEAR INTENTION OF THE RULE  
WAS TO HELP LAWYERS AND  
LITIGANTS WHO COULDN'T DO  
SOMETHING BECAUSE OF THE STORM.  
EITHER THE OFFICE WAS DESTROYED,  
THE COURTHOUSE WAS CLOSED.

THAT WAS YOUR INTENTION.

IT IS CLEAR FROM THE TEMPORARILY  
IMPEDED LANGUAGE.

>> ARE YOU AGREEING THAT IF THE  
OTHER SIDE HAD SIMPLY SAID, WE  
RELIED ON THESE PROVISIONS, WE  
RELIED ON THIS TOLLING, THAT  
THEY WOULD BE ABLE TO RECEIVE  
THIS CASE?

>> THAT MIGHT'VE TURNED IT INTO  
AN EQUITABLE TOLLING SITUATION  
WHICH THE TRIAL JUDGE WOULD HAVE  
HAD TO CONSIDER.

IT IS CONCEIVABLE, YES.

BUT OBVIOUSLY THEY HAVE BEEN  
CANDID AND AGREED THAT THE  
STORMS AND THE RULES HAD NO  
IMPACT.

>> THE TOLLING WAS ALWAYS DUE TO  
SOMETHING THAT THE DEFENDANT  
DID, NOT SOMETHING ELSE.

I WAS ALWAYS UNDER THE  
IMPRESSION THAT THE CONCEPT OF  
EQUITABLE TOLLING WAS BASED UPON  
THE CONDUCT OF THE DEFENDANT  
THAT PREVENTED THE DEFENDANT  
FROM ASSERTING A STATUTE OF  
LIMITATIONS, NOT THIS SITUATION.

>> I AM NOT SAYING IT WOULD HAVE  
BEEN WINNING ARGUMENT FOR THEM  
BUT IT WOULD HAVE BEEN A  
DIFFERENT ARGUMENT.

>> THAT IS WHAT I AM ASKING,  
WHAT IS THE RESULT?

>> I DON'T THINK IT WOULD BE  
COVERED-- ARGUABLY IT WOULD BE

COVERED UNDER SECTION 4 OF THE RULES WHICH SAY THERE IS SOME OTHER REASON WHY THE PARTIES COULD NOT TIMELY FILED.

>> SO WE ARE GOING TO REACH BACK AND GIVE THESE EMERGENCY ORDERS, SOME PARTS OF THAT ORDER, SOME EFFECT TO THESE PEOPLE?

>> CONCEIVABLY, IF IT HAS AN EFFECT ON THE PARTY.

HERE IT DOESN'T.

>> I AM ASSUMING BECAUSE WE HAVE NOT SEEN THESE CASES.

MIAMI-DADE HAD A LOT OF IMPACT FROM THESE HURRICANES AS DID BROWARD AND PENSACOLA.

I AM THINKING, AND I'M HOPING THAT IN MOST SITUATIONS THE LAWYERS, THE STATUTES OF LIMITATIONS COULD BE WAIVED AND DIDN'T MAKE THIS INTO A COURT CASE OR THAT JUDGES EXERCISE THEIR INTEREST IN ENSURING JUSTICE AND MADE SOME ADJUSTMENTS.

WE JUST HAVEN'T SEEN THE AFTERMATH OF THIS, OTHER THAN IN THIS CASE WHICH COMES FOUR YEARS AFTER THE LAST TOLLING ORDER.

DO YOU KNOW IF ANY SITUATIONS WHERE WE HAVE PUT THESE ORDERS INTO EFFECT, THAT WE HAVE CONFUSED RATHER THAN ASSISTED LAWYERS AND THE ADMINISTRATION OF JUSTICE IN THE STATE?

>> THAT YOU HAVE WHAT?

>> WE HAVE CONFUSED RATHER THAN ASSISTED LAWYERS IN THE ADMINISTRATION OF JUSTICE BY OUR TOLLING ORDERS?

>> I DON'T KNOW OF ANY INSTANCE WHERE YOU HAVE CONFUSED LAWYERS AND IN THIS CASE THERE CLEARLY WAS NO CONFUSION.

THERE IS JUST AN ATTEMPT TO SAY THERE IS A LATE FILING OF A COMPLAINT BY A CREATIVE ARGUMENT WHICH GIVES THIS COURT MULTIPLE ORDERS WERE NEVER MEANT TO PROVIDE-- THE ORDERS WERE MEANT TO ASSIST THOSE WHOSE ABILITY TO TAKE CARE OF COURT BUSINESS WAS TEMPORARILY IMPEDED.

>> IF WE TAKE THIS CASE, HOW DO WE DISTINGUISH THE SPEEDY TRIAL CASES THAT HAS ALLOWED THE STATE ADDITIONAL TIME FOR THE RUNNING OF THE SPEEDY TRIAL PERIOD AND HAVE TACKED ON THE DATES?

>> THERE ARE A COUPLE OF REASONS.

FIRST OF ALL THE SPEEDY TRIAL IS A RULE AND YOU PRETTY MUCH HAVE CARTE BLANCHE TO ALLOW ANY TYPE OF EXTENSIONS YOU WANT IN THAT CONTEXT BECAUSE WE ARE NOT DEALING WITH THE STATUTE.

WE ARE DEALING WITH RULES, SO YOU HAVE UNLIMITED POWER IN THAT REGARD.

SECONDLY, WHEN YOU HAVE A SPEEDY TRIAL CASE IF YOU LOOK AT THE

TWO CASES THAT ARE INVOLVED IN HEARNDON AND-- THE STATE COULD NOT DATE COULD NOT TRY THE CASES BECAUSE OF THE STORMS.

YOU HAD ONE WHERE THERE WERE SEVERAL DAYS LEFT AND THE COURTHOUSE WAS CLOSED, SO THE STATE COULDN'T COMPLY WITH ITS OBLIGATION TO TRY THAT CASE TIMELY.

IN SULLIVAN I BELIEVE THERE WERE THREE HURRICANES WITHIN A SHORT PERIOD OF TIME SO YOU HAVE AN ACTUAL IMPACT ON THE PARTIES BY THE WEATHER EMERGENCY.

THE DISTINCTION IN OUR CASE IS YOU HAVE NO IMPACT WHATSOEVER UPON THE PARTIES BY THE EMERGENCY.

>> WITH THAT, YOU HAVE USED YOUR TIME.

IF YOU WOULD LIKE TO MAKE ONE CONCLUDING STATEMENT.

>> I WOULD ASK THE COURT TO CONSIDER THE JURISDICTIONAL ISSUE AND WHEN YOU DO THAT CAREFULLY, THERE REALLY ISN'T ANY EXPRESS OR DIRECT CONTACTS WITH ANOTHER CASE AND WHEN YOU CONSIDER THE COURTS ORDERS, CLEARLY THE ORDERS WERE NEVER MEANT TO APPLY TO A SITUATION TO GRANT WINDFALL BUT ONLY THE ABILITY TO COMPLY WITH COURT DEADLINES WERE TEMPORARILY IMPEDED.

THIS IS NOT ONE OF THOSE CASES.  
THE TRIAL DECISION SHOULD BE  
AFFIRMED.

>> THANK YOU.

YOU HAVE USED YOUR TIME BUT I  
WILL GIVE YOU ONE MINUTE IF YOU  
HAVE SOMETHING YOU WOULD LIKE TO  
ADD FOR THE COURT.

>> THANK YOU JUSTICE QUINCE.

JUST BRIEFLY, WE ARE ASKING THE  
COURT ALL LITIGANTS WHO MAY OR  
MAY NOT HAVE RELIED SIMPLY  
BECAUSE THE LANGUAGE EMPLOYED IN  
THEM OPERATED TO DEFEND THE  
TOLLING ORDER AND START THE  
CLOCK AGAIN.

IN THIS CASE IT EXTENDED THE  
STATUTE OF LIMITATIONS.

WE ARE ASKING THE 3RD DISTRICT  
BE CROSSED ON THAT BASIS AND ON  
THE BASIS IN THE DECISIONS WHICH  
ARE SIMPLY NOT ENFORCED BY LAW.  
95051 GIVES AN EXHAUSTIVE LIST  
OF SITUATIONS.

>> THANK YOU VERY MUCH BOTH OF  
YOU FOR YOUR ARGUMENTS.

THE COURT WILL TAKE ITS MORNING  
RECESS FOR 10 MINUTES.

>> PLEASE RISE.