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**STATE OF FLORIDA
DEPARTMENT OF EDUCATION**

DOE Case Number: 2006-1239

JOHN L. WINN, as
Commissioner of Education

Petitioner

vs.

**SUCCESS ACADEMY CHRISTIAN
SCHOOL, INC.**

Respondent.

**EXPEDITED MOTION TO CONTINUE HEARING AND MOTION
FOR REHEARING AND RECONSIDERATION AS TO ORDER
GRANTING MOTION TO EXPEDITE DISCOVERY**

COMES NOW RESPONDENT, SUCCESS ACADEMY CHRISTIAN SCHOOL, INC., by
and through the undersigned counsel, and files this **EXPEDITED MOTION TO CONTINUE
HEARING AND MOTION FOR REHEARING AND RECONSIDERATION AS TO ORDER
GRANTING MOTION TO EXPEDITE DISCOVERY** and says:

1. On or about November 29, 2006, this court issued its Initial Order requiring action of the parties within seven (7) days of the date of the Order; the undersigned only received the Order in question on or about December 5, 2006.
2. On or about December 6, 2006, this court sua sponte issued a Notice of Hearing setting the matter for a contested hearing for January 25, 2007, presumably for one day.
3. After several telephone conferences and emails, counsel for both parties were belatedly able to serve a response to the Initial Order on December 18, 2006, stating certain matter, inter alia:
 - a. The Respondent estimated the length of time necessary for final hearing is five (5) days. (e.s.) The Department estimated the length of time necessary to conduct the final hearing is three (3) days. (e.s.)

b. The Respondent suggests the geographic location for the hearing is Jacksonville. Although the hearing is currently set in Tallahassee, due to the location of potential witnesses, the Department has no objections to changing the location of hearing to Jacksonville.

c. The parties noted that the hearing is currently set for January 25, 2007. Respondent requests scheduling the hearing no earlier than March, 2007. However, the Department is available for hearing on any and all dates between January 25 and February 9, 2007.

4. In light of the Response to the Initial Order as stated in paragraph 5 above, the parties anticipated that the court would consider said pleading and continue sua sponte the January 28, 2007 hearing to accommodate the multi- day hearing times, the inconvenience to the witnesses who all reside in Jacksonville, Florida and the tacit agreement of the parties that the January 25, 2007 hearing date was impractical.

5. In the same view, the Petitioner, in an abundance of caution, over objection, sought and obtained an Order expediting discovery in light of the January 25, 2007 previously scheduled hearing date.

6. This case involves voluminous number of documents; the initial document discovery hovers around 4, 000 pages of documents originating from 2003 onwards and also, nearly 24 anticipated witnesses.

7. There is a parallel criminal investigation which began over two (2) years ago in which Petitioner fully participated but did not involve Respondent (until September 2006 when the initial criminal arrests were made); there are some fifth amendment issues intertwined with this proceeding occurring simultaneous to the pending criminal prosecution/ investigation. Further, there is no imminent danger nor public hazard to continuing the hearing for a reasonable period since the Petitioner has successfully instituted and implemented strong safeguards which has prevented any further financial

fraud for the past two (2) school years. Hence, there is no urgency, emergency nor immediacy to an expedited hearing of the complaint.

8. For purposes of the statutes, and the record, Respondent unequivocally and expressly waives any and all times limitations or statutory requirements for an expedited hearing; deposition discovery alone is anticipated to last at least two (2) weeks en toto. As such, a hearing scheduled subsequent to the extenuated discovery, involving several hours and pages of documents and over twenty- four (24) trial witnesses would be more prudent and would inure to the interest of judicial economy and convenience.

9. Additionally, the undersigned as emeritus member of the Florida Board of Bar Examiners, is participating in their hearings scheduled for several months previously at Coral Gables, Florida from Thursday, January 25, 2007 to Saturday, January 27, 2007.

10. The undersigned contacted Jason Hand, Esquire by telephone on January 5, 2007 and January 8, 2007, and left a telephonic message on January 8, 2007 and was unable to ascertain the Petitioner's current position on this request for continuance.

11. This motion is filed in good faith and not for any dilatory reasons.

WHEREFORE, the Respondent humbly requests that this Honorable Court grant this motion, continue the final hearing until late end March 2007, vacate and set aside Order granting Motion to Expedite Discovery and grant any other relief just and equitable.

Respectfully submitted,

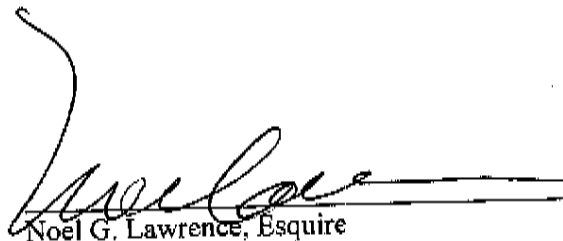
LAW OFFICES OF
NOEL G. LAWRENCE, P.A.



Noel G. Lawrence, Esquire
101 East Union Street, Suite 200
Jacksonville, Florida 32202
(904) 356-9928 Fax: (904) 356-6762
Florida Bar No.: 844251
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been furnished to **Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399** by REGULAR US MAIL; a copy of the foregoing has been furnished to **Don W. Davis, Administrative Law Judge** by FACSIMILE TRANSMISSION (850) 921- 6847; **Jason M. Hand, Esquire, 2109 Croydon Drive, Tallahassee, Florida 32303** by REGULAR U.S. MAIL and FACSIMILE TRANSMISSION (850) 245- 9379 and **Daniel J. Woodring, Esquire, 3030 Stillwood Court, Tallahassee, Florida 32308** by REGULAR U.S. MAIL and FACSIMILE TRANSMISSION (850) 245-9379 on this 9th day of January, 2006.

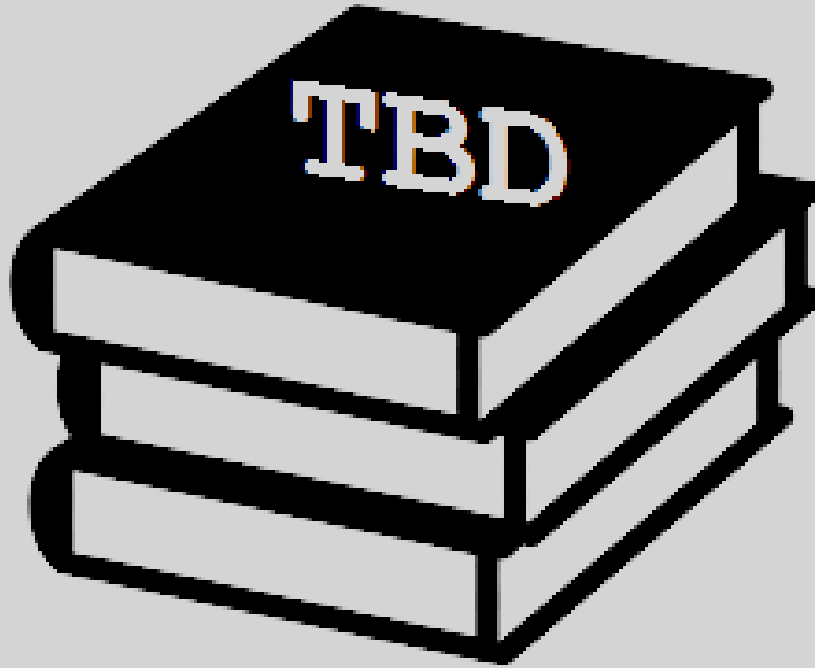


Noel G. Lawrence, Esquire

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