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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

JAMES HASSELBACK,

Petitioner,

DOAH Case No. 07-5216
DEP Case Nos. 07-1856, 07-1968

vs.

DANIEL G. WENTZ, DORIS WENTZ, AND
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Respondents.

**MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS
AND
MOTION FOR RECONSIDERATION OF ORDER GRANTING MOTION TO DISMISS**

Petitioners, Richard Barnett and Laurie Hosford ("Petitioners"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby file this Motion for Extension of Time to Respond to Motion to Dismiss and Motion for Reconsideration of Order Granting Motion to Dismiss. In support thereof, Petitioners state:

1. Today, counsel for Petitioners Barnett and Hosford received Administrative Law Judge Alexander's Order Granting Motion to Dismiss by U.S. Mail (the "Order"). The Order grants the Motion to Dismiss filed by Respondent's Daniel G. and Doris Wentz as to the Amended Petition for Formal Administrative Hearing of Petitioners Barnett and Hosford (the "Motion to Dismiss").

2. The Order notes that Petitioners Barnett and Hosford did not file a response to the Motion to Dismiss before the time to file such a response expired. Petitioners did not file a response to the Motion to Dismiss because counsel never received the Motion to Dismiss.

Counsel first learned of the Motion to Dismiss upon receiving the Order Granting Motion to Dismiss in the mail today.

3. The Motion to Dismiss notes that it was served by e-mail and U.S. Mail. Petitioners' counsel have reviewed their e-mail records and paper file and do not have a record of ever receiving the Motion to Dismiss. Counsel also notes that the address for Petitioners' counsel on the certificate of service is incorrect. The certificate of service contains the wrong zip code for mailing to counsel's physical address: the zip code should be 32301 not 32302, which is the zip code for counsel's post office box address. In addition, the address on the certificate of service does not contain the suite number for Petitioners' counsel.

4. Based on the foregoing, Petitioners Barnett and Hosford respectfully request a one week extension of time — until Monday, February 4, 2008 — to respond to the Motion to Dismiss. Petitioners Barnett and Hosford further respectfully request that Administrative Law Judge Alexander reconsider his Order Granting Motion to Dismiss based on the arguments to be made in Petitioners' response to the Motion to Dismiss.

5. The undersigned counsel has conferred with counsel for the Wentzes. Counsel for the Wentzes confirmed that the Petitioners' counsel were not sent a copy of the Motion to Dismiss via e-mail, and that the certificate of service for the Motion to Dismiss bears an incorrect address for Petitioners' counsel. Counsel for the Wentzes indicated that they would file an amended certificate of service with the Division, and are not opposed to Administrative Law Judge Alexander considering a response by Petitioners Barnett and Hosford to the Motion to Dismiss.

6. The undersigned has also conferred with counsel for DEP who takes no position on the motions.

RESPECTFULLY SUBMITTED this 28th day of January 2008.



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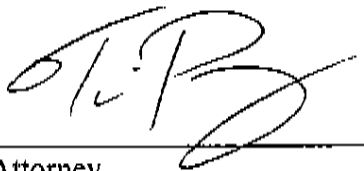
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original of the foregoing Motion for Extension of Time to Respond to Motion to Dismiss and Motion for Reconsideration of Order Granting Motion to Dismiss was filed on this 28th day of January 2008 with the Division of Administrative Hearings and a copy served by U.S. Mail and e-mail to the following:

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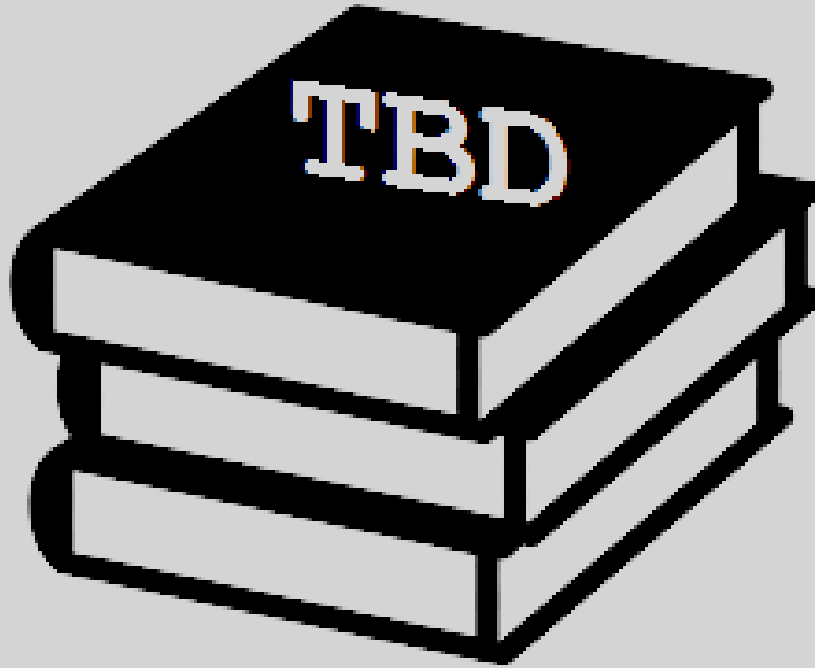


Attorney

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