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**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

THOMAS G. MOSHER,

Petitioner,

and

PRESERVE OUR PARADISE, INC.,

Intervenor,

vs.

**DOAH Case No. 13-4254
OGC Case No. 13-1263**

**DAN A. HUGHES COMPANY, L.P. and
STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Respondents.

MATTHEW SCHWARTZ,

Petitioner,

vs.

**DOAH Case No. 13-4920
OGC Case No. 13-1264**

**DAN A. HUGHES COMPANY, L.P. and
STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

Respondents.

**RESPONDENT, DAN A. HUGHES COMPANY, L.P.'S,
RESPONSE IN OPPOSITION TO PETITIONER MATTHEW SCHWARTZ'S
MOTION FOR EXTENSION OF TIME
TO FILE MOTION TO ENTER EXHIBITS INTO EVIDENCE**

Respondent, Dan A. Hughes Company, L.P., ("Hughes") by and through undersigned counsel, pursuant to Rule 28-106.206, Florida Administrative Code, without waiving any objections, responds and objects to the Petitioner, Matthew Schwartz's ("Schwartz") Motion for

an extension of time to file a motion to enter exhibits into evidence, and in support thereof Hughes states as follows:

1. Schwartz offers no credible or substantiated excuse as to why he cannot comply with the relief offered by the Administrative Law Judge to consider the potential admission of dozens of exhibits after the conclusion of the relevant portion of the Final Hearing. To the best available knowledge of the undersigned counsel, **Schwartz is represented by a team of attorneys** who have been preparing his pleadings, motions, and related filings on his behalf. This team includes Mara Shlackman (Florida Bar No. 988618) and James Porter (Florida Bar No. 443239). Schwartz is represented by the Florida International University's Environmental Law Clinic, as well. Moreover, at the Final Hearing Schwartz received the assistance of a second year FIU law student of the law clinic, Benjamin Hughes. Respectfully, Schwartz is well represented and his team of attorneys should have been more than capable of filing the motion within the time allotted.

2. Schwartz's excuses for delay are without merit.

a. Specifically, Schwartz complains that there are too many exhibits to address. Respondents waived viable objections to the admission of over a dozen exhibits in an effort to resolve the matter at the Final Hearing. The failure of Schwartz and his legal team to properly prepare for the admission of a 148 exhibits at the hearing is borne solely by them, and now it is incongruous to ask leave for further delay after the Final Hearing to offer the balance.

b. Schwartz articulates no basis to substantiate why "the press of related matters" would preclude following the order of the administrative law judge.

c. Finally, Schwartz's so-called "preparation" for the Big Cypress Swamp Advisory Committee is meritless. Schwartz is not a member of the Committee. He has not been invited to

offer testimony before the committee. The undersigned counsel is unaware of the format or public participation of the actual committee itself, but Schwartz's lengthy cross examination of witnesses and case-in-chief, as well as an exhibit list exceeding over a 100 documents, demonstrates that Schwartz is more than capable of arguing his concerns about panthers, which is well documented even before filing his first Petition last fall.

WHEREFORE, Hughes respectfully asks that the administrative law judge deny Petitioner's Motion for Extension of Time to File Motion to Enter Exhibits into Evidence.

Respectfully submitted this 6th day of March 2014.

HOPPING, GREEN & SAMS, P.A.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail on this 6th day of March, 2014, to the following:

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