

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA

CLARK L. DURPO, JR. and  
CLARK L. DURPO,

Plaintiffs,  
vs.

CASE NO.: 13-CA-001057

BELLA LAGO CONDOMINIUM AT  
BAY BEACH CONDOMINIUM  
ASSOCIATION, INC., *et al.*

Defendants.  
\_\_\_\_\_ /

ESTERO BAY IMPROVEMENT  
ASSOCIATION, INC., *et al.*,

Plaintiffs,

*Consolidated with*  
CASE NO.: 14-CA-000083

vs.

CLARK L. DURPO and CLARK L.  
DURPO, JR.,

Defendants.  
\_\_\_\_\_ /

**MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO DISCOVERY**

COMES NOW, Defendants, ROYAL PELICAN ASSOCIATION, INC., THE PALMS OF BAY BEACH CONDOMINIUM ASSOCIATION, INC., CASA MARINA III CONDOMINIUM ASSOCIATION, INC., HIBISCUS POINTE CONDOMINIUM ASSOCIATION, INC., HARBOUR POINTE CONDOMINIUM ASSOCIATION, INC., MANATEE BAY AT BAY BEACH CONDOMINIUM ASSOCIATION, INC., SUNSET GULF CONDOMINIUM ASSOCIATION, INC., WATERSIDE III AT BAY BEACH CONDOMINIUM ASSOCIATION, INC., and WATERSIDE IV AT BAY BEACH CONDOMINIUM ASSOCIATION, INC., (hereinafter "Defendants"), by and through the

undersigned counsel, hereby respectfully request an Enlargement of Time in which to file and serve responses to Plaintiff, Clark L. Durpo, Jr.'s ("Durpo, Jr."), First Interrogatories to Defendants, pursuant to Rule 1.090 of the Florida Rules of Civil Procedure, Rule 2.514(b) of the Judicial Rules of Administration, and Florida law, and in support thereof, state as follows:

1. On August 21, 2014, Durpo, Jr. served his First Interrogatories to Defendants.
2. Durpo, Jr.'s father, Clark L. Durpo ("Durpo"), previously served his First Set of Interrogatories to the Defendants on August 8, 2014. On that same date, the Durpos both served a First Request for Admission and Request for Production upon Defendants.
3. The Defendants filed a Motion for Extension of Time to Respond to Discovery with regard to Durpo's First Set of Interrogatories; and anticipate serving those responses on October 23, 2014.
4. The Defendants are gathering information necessary to comply with Durpo, Jr.'s discovery request. Accordingly, Defendants also require additional time to respond to Durpo, Jr.'s First Interrogatories to Defendants and now seek an enlargement of time in which to do so.
5. Rule 1.090(b) of the Florida Rules of Civil Procedure states in pertinent part as follows:

When an act is required or allowed to be done at or within a specified time by order of the Court, by these rules, or by notice given there under, for the cause shown the Court at any time, in its discretion (1) without notice, may order the period enlarged if request therefore is made before expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made and notice after the expiration of the specified period, may permit the act to be done when failure to act was the result of excusable neglect...

6. Judicial Rule of Administration 2.514(b) states in pertinent part as follows:

“[w]hen a party may or must act within a specified time after service and service is made by mail or e-mail, 5 days are added after the period that would otherwise expire under subdivision (a).”

7. The Defendants’ request is based on the complexity of the issues involved, the claims made by the Plaintiffs, and the types of questions being posed in the interrogatories. Defendants estimate that they will require an additional forty-five (45) days to serve their responses to Durpo, Jr.’s First Interrogatories to Defendants, making the new deadline to respond November 6, 2014.
8. On or about September 18, 2014 the Defendants, through their counsel, inquired if Plaintiffs would agree to the foregoing enlargement of time to respond to discovery. As of the filing of this Motion, Defendants have not received a response to their request.
9. We note, Defendants previously granted a fifty-one (51) day enlargement of time to the Plaintiffs to respond to Defendants’ First Set of Interrogatories.
10. There is no prejudice to either the Court or the parties in affording Defendants an enlargement of time to respond to discovery, and this motion is not filed for an improper purpose or to delay the cause.

WHEREFORE, the Defendants, respectfully request that this Honorable Court enter an Order Granting Defendants an Enlargement of Time through November 6, 2014, in which to respond to Durpo, Jr.’s First Interrogatories to Defendants, and for such other and further relief deemed proper and just under the circumstances.

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that on the 22nd day of September, 2014, that a true and correct copy of the foregoing has been furnished by electronic mail (email) to all parties listed on the attached Servicer List and we have electronically filed the foregoing with the Clerk of Lee County by using the Florida Courts e-Filing Portal.

**COLE, SCOTT & KISSANE, P.A.**

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<p><i>Association, Inc., Manatee Bay at Bay Beach Condominium Association, Inc., Royal Pelican Association, Inc., Sunset Gulf Condominium Association, Inc., Valencia Villas at Bay Beach Association, Inc., Waterside I at Bay Beach Condominium Association, Inc., Waterside II at Bay Beach Condominium Association, Inc.</i></p>	<p><i>IV: Easement by Necessity; Count V: Easement by Implication; County VII: Cost Share Agreement of the Counterclaim</i></p>
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	<i>Bella Lago Condominium at Bay Beach Condominium Association, Inc. and Waterside III at Bay Beach Condominium Association, Inc.</i>
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