**IN THE SUPREME COURT OF FLORIDA**

FILED
THOMAS D. HALL
2005 DEC 15 A 11: 38
CLERK, SUPREME COURT

INQUIRY CONCERNING
A JUDGE, NO. 02-487

Supreme Court Case
No.: SC03-1171

**RESPONDENT'S UNOPPOSED MOTION TO TOLL TIME**

Respondent, the Honorable Gregory P. Holder ("Judge Holder"), by counsel, and pursuant to Florida Rule of Appellate Procedure 9.300(d) respectfully moves the Court for an Order tolling the time in which to serve his Initial Brief pending the Court's ruling on his Unopposed Motion for Enlargement of Time filed contemporaneously with this motion. The grounds upon which this Motion is based are set forth below.

1. On December 2, 2005, this Court entered an Order granting Judge Holder's Request for Oral Argument and directing that Judge Holder file an Initial Brief on the merits on or before December 28, 2005.

2. Judge Holder has moved this Court for an enlargement of time in which to serve his Initial Brief due to multiple matters of his counsel that conflict with the timely preparation of the Initial Brief. These matters are fully set forth in the Unopposed Motion for Enlargement of Time, and include, but are not limited to, counsel's prior commitment to represent individuals in connection with out of state proceedings concerning a federal criminal investigation during the weeks

commencing December 5 and 12, 2005. A copy of the Unopposed Motion for Enlargement of Time is attached as Exhibit "A."

3. Accordingly, due to the rapidly approaching December 28, 2005 deadline, and other pending matters, counsel for Judge Holder respectfully request that this Court toll the time to serve the Initial Brief until this Court has ruled on the Unopposed Motion for Enlargement of Time.

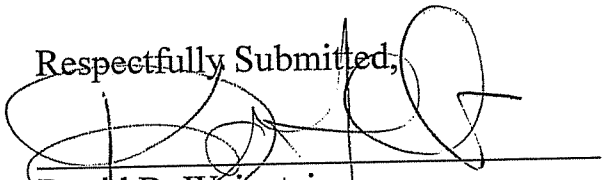
4. Pursuant to Florida Rule of Appellate Procedure 9.300, Kimberly S. Mello certifies that Judge Holder's counsel has conferred with Charles Pillans, Special Counsel for the Judicial Qualifications Commission, regarding the requested tolling of time. Mr. Pillans has represented that he does not object to this motion.

Wherefore, Respondent, the Honorable Gregory P. Holder, respectfully requests that the Court enter an Order tolling the time to serve his Initial Brief pending the Court's ruling on his Unopposed Motion for Enlargement of Time.

Dated: December 12, 2005

***(Attorney signature on following page)***

Respectfully Submitted,



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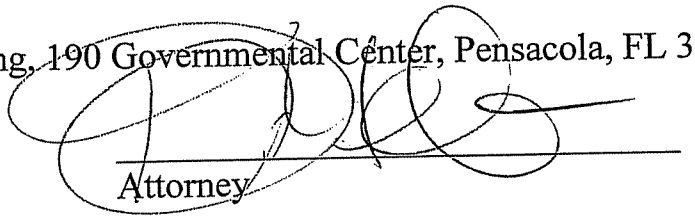
Counsel for Judge Gregory P. Holder

CERTIFICATE OF SERVICE

I certify that on December 12, 2005, a copy of the Respondent's Unopposed Motion to Toll has been served by regular U.S. Mail to: Ms. Brooke Kennerly, Hearing Panel Executive Director, 1110 Thomasville Road, Tallahassee, FL 32303; John Beranek, Counsel to the Hearing Panel, Ausley & McMullen, P.O. Box 391, Tallahassee, FL 32302; Thomas C. MacDonald, Jr., JQC General Counsel, 1904 Holly Lane, Tampa, FL 33629; and Charles P. Pillans, III, Esq., JQC Special Counsel, Bedell, Ditmar DeVault, Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 32202. A courtesy copy has been provided by U.S. Mail to the Honorable John P. Kuder, Chairman of the Hearing Panel, Judicial Building, 190 Governmental Center, Pensacola, FL 32501.



Attorney

# IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING
A JUDGE, NO. 02-487

Supreme Court Case
No.: SC03-1171

## RESPONDENT'S, THE HONORABLE GREGORY P. HOLDER, UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO SERVE INITIAL BRIEF DUE DECEMBER 28, 2005

Respondent, the Honorable Gregory P. Holder ("Judge Holder"), by counsel, respectfully moves the Court for an enlargement of time in which to serve his Initial Brief as directed by Order of this Court dated December 2, 2005. The grounds upon which this Motion is based are set forth below.

1. Judge Holder was the subject of an investigation by an Investigative Panel of the Judicial Qualifications Commission ("JQC'), which resulted in the filing of formal charges. A trial was conducted on the charges from June 6 to June 13, 2005 before the JQC Hearing Panel.

2. On June 23, 2005, the JQC Hearing Panel entered an Order unanimously dismissing the charges against Judge Holder.

3. As a result, on July 28, 2005, Judge Holder filed Respondent's Motion for Award of Attorneys' Fees. Subsequently, on August 18, 2005, after receiving a reply from the JQC, Judge Holder served a supporting memorandum of law and Request for Oral Argument.

4. On December 2, 2005, this Court entered an Order granting Judge Holder's Request for Oral Argument and directing that Judge Holder file an Initial



EXHIBIT
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A

Brief on the merits on or before December 28, 2005. The Order specifically requests that the following issues be addressed:

a) The specific basis and authority for an award of attorneys' fees in this case;

b) Any prohibitions or limitations with regard to a monetary award in this case including, but not limited to, issues of sovereign immunity or otherwise; and

c) The joinder of any additional parties, if any, necessary or proper for a full determination of issues presented.

5. David B. Weinstein and Kimberly S. Mello will be the attorneys primarily responsible for the preparation of the Initial Brief.

6. In addition to other significant responsibilities, David Weinstein is currently representing individuals in a federal criminal investigation in Baton Rouge, Louisiana. Prior to the issuance of the Court's Order, Mr. Weinstein committed to representing some of these individuals in interviews in Washington D.C., as well as government interviews and grand jury appearances in Baton Rouge, during the weeks commencing December 5 and 12, 2005. Furthermore, Ms. Mello currently has appeals and other pending matters that conflict with the preparation of the Initial Brief. Moreover, many of the staff that will be responsible for providing assistance with the preparation of the Initial Brief have pre-approved vacation time and attendant travel plans over the upcoming holidays. In addition, the current deadline falls during the Hanukah holiday, during which Mr. Weinstein

has significant family obligations.

7. Granting the requested enlargement of time will allow counsel for Judge Holder to have sufficient time to research and analyze the issues presented and prepare a thorough, well-reasoned Initial Brief for the Court's consideration. Given the commitments described above, counsel for Judge Holder respectfully request an enlargement of time up to and including February 3, 2006 in which to serve the Initial Brief.

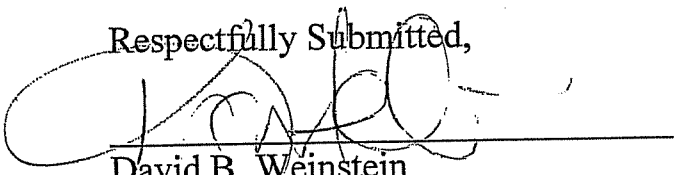
8. Pursuant to Florida Rule of Appellate Procedure 9.300, Kimberly S. Mello certifies that Judge Holder's counsel has conferred with Charles Pillans, Special Counsel for the JQC, regarding the requested enlargement of time. Mr. Pillans has represented that he does not object to the granting of the enlargement of time requested in this motion.

Wherefore, Respondent, the Honorable Gregory P. Holder, respectfully requests that the Court enter an Order granting the requested enlargement of time to serve the Initial Brief up to and including February 3, 2006.

Dated: December 12, 2005

***(Attorney signature appears on following page)***

Respectfully Submitted,



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Counsel for Judge Gregory P. Holder

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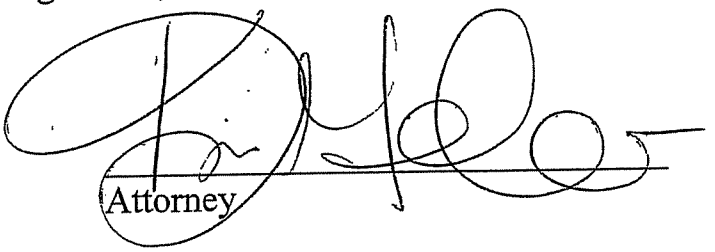

Attorney