**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA**

Daniel J Stermer

Plaintiff,

v.

Peter Beck,

Defendant.

_____/

Case No.:  50-2021-CA-008718-XXXX-MB

CIVIL DIVISION

**MOTION TO CONTINUE SPECIAL SET HEARING AND PERMIT A UMC HEARING
FOR THE PURPOSE OF PRESENTING TO COURT ARGUMENT FOR A SPECIAL
SET HEARING MORE THAN 30 MINUTES**

COMES NOW, the Defendant, Peter Beck, by and through undersigned counsel, and respectfully moves this Court to adjourn the Special Set Hearing currently scheduled for January 7, 2025, and in support thereof, states as follows:

1. The Special Set Hearing was scheduled by Counsel for the Plaintiff without prior consultation with opposing counsel, in violation of the judge's local rules for parties to confer and mutually agree upon a date.

2. Counsel for Plaintiff set for January 7, 2025 at 2:00 pm the Special Set Hearing on Defendant's Motion to Dismiss without conferring with Defendant's counsel as to the appropriate amount of time to set aside for the hearing. Nevertheless, counsel for the Plaintiff scheduled the Special Set Hearing for 30 minutes. Defendant maintains that 15 minutes per side is insufficient to present his arguments in a fair, reasonable, and non-prejudicial manner.

3. Plaintiff has also set a UMC hearing for December 4, 2024. Both Court Orders setting these respective hearings identify that the Court will hear a "Motion to Dismiss". There is only one Motion to Dismiss filed by Beck. Yet, the Order setting the December 4, 2024 Hearing references Case No. 50-2021-CA-008718-XXXX-MB and the Hearing Setting the January 7, 2025, references Case No. 50-2023-CA-015245-XXXA-MB. Separately, Beck has filed
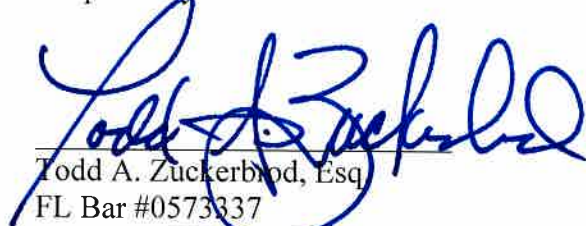
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a motion to cancel the UMC Hearing on December 4, 2024 Hearing.

4. As to the Hearing on January 7, 2025, Defendant asserts that additional time is warranted on the grounds that the Motion to Dismiss sets forth twelve (12) independent legal arguments, any one of which would be sufficient to grant Defendant's motion. In addition, each independent ground for dismissal is supported by case law. Therefore, Defendant would have little more than a minute to present each argument and cite case law for each of the respective 12 grounds for dismissal. Such a circumstance would be impractical and result in undue prejudice to Defendant.

5. As argued in its Motion to Dismiss, Plaintiff has litigated in bad faith. The Plaintiff's unilateral scheduling of a thirty (30) minute hearing on January 7, 2025, is in contravention of the judges' own local rules for Special Set Hearings. The 30-minute hearing is not only a thinly veiled attempt by Plaintiff to gain a litigation advantage by truncating Defendant's time for argument; it manifests a pattern of bad faith litigation tactics in this and other cases before this Court.

THEREFORE, Defendant respectfully requests that the Court issue an order to continue the January 7, 2024 hearing date, and permitting Defendant to schedule a UMC hearing in order to schedule a Special Set Hearing for longer than 30 minutes.

Dated: November 27, 2024

Respectfully submitted

Todd A. Zuckerbrod, Esq.
FL Bar #0573337
TODD A. ZUCKERBROD, P.A.
40 SE 5th Street, Suite 400
Boca Raton, FL 3342
Telephone: 561.544.8144
Email: tz@tzbrokerlaw.com
Attorney for Defendant

## CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2024 the foregoing was filed using the Florida E-Portal Filing System, which will serve a copy of the foregoing to the Plaintiff electronically upon electronic service.

Dated: November 27, 2024

Todd A. Zuckerbrod, Esq.

Brian G.Rich,
Albert Gregory Melchior
Bernard Charles Carollo Jr.
Gavin C. Gaukroger
Kerry L. Burns
Daniel J. Stermer
David L Luikart
Gary A. Woodfield
Gavin C. Gaukroger
George C Bedell III
Harris J Koroglu,
Ian M. Ross,
James C. Moon
Joshua W. Dobin
Jeffrey H Sloman
John Jeremy Truitt
Bernard Charles Carollo Jr.
William Leve
Joshua W. Dobin
Carey D. Schreiber
Michael Niles
Robert W Pearce
Scott A Orth
Steven Aaron Roth
Susan B Yoffee
Gary A. Woodfield
Victoria R Morris