

ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT  
via email 4:44 pm  
FEB 23 2024  
KP  
PALATKA, FLORIDA  
DISTRICT CLERK

STATE OF FLORIDA  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

BEAR WARRIORS UNITED, INC.,  
THE SWEETWATER COALITION  
OF VOLUSIA COUNTY, INC.,  
DEREK LAMONTAGNE, an individual,  
and BRYON WHITE, an individual,

Petitioners,

DOAH No. 23-1512

v.

SJRWMD F.O.R. No. 2023-06

FLORIDA DEPARTMENT OF  
TRANSPORTATION and ST.  
JOHNS RIVER WATER  
MANAGEMENT DISTRICT,

Respondents.

**PETITIONERS' MOTION FOR AN EXTENSION OF TIME FOR FILING  
RESPONSE(S) TO RESPONDENTS' EXCEPTIONS TO (AMENDED)  
RECOMMENDED ORDER**

Pursuant to Rule 28-106.217, Florida Administrative Code, and other relevant Florida Rules and Statutes, Petitioners herein make a Motion for an Extension of Time for Filing Response(s) to Respondents' Exceptions to the (Amended) Recommended Order ("RO"), for which the RO was entered by the Honorable Administrative Law Judge E. Gary Early ("ALJ") on January 29, 2024 and Exceptions filed on February 13, 2024. The same abbreviation of terms as Petitioners used in their Proposed Recommended Order will be used here. In support of this Motion and Request, Petitioners' state:

1. The ALJ previously found it reasonable to grant additional time to Petitioners (and actually all parties) to file their Proposed Recommended Orders, giving them 20 days instead of

10, with part of the reason being due to the length and quantity of materials in this case, and another that Petitioners are only represented by a single, non-attorney, qualified representative.

2. Petitioners and their qualified representative are still under the same disadvantages as before, and as such additional time to file is reasonable, especially when it is only a few days.

3. Additionally, Petitioners' qualified representative was under the weather over the past week, and unable to work on this case during that time. Petitioners' qualified representative is also not an attorney, and has personal and professional obligations which means that this case can only be worked on in his free time, whereas it goes without saying that Respondents representatives are attorneys by trade, employed to work on this case during business hours.

4. Petitioners' also have TWO documents to which to Respond (both the St. Johns River Water Management District's AND the Florida Department of Transportation's Exception), while each Respondent only has ONE (namely, the Petitioners', if they so choose).

5. Petitioners consulted with Respondents' counsel, and both Respondents responded (via email on February 23, 2024) that they do not consent to an extension of time.

6. As it is unlikely or at least unexpected that other parties will work during the weekend, Petitioners do not feel that asking for an extra business day or two will cause any major disruption in review or preparation of upcoming meetings, including potentially the March 12, 2024, meeting of the St. Johns River Water Management District Board.

As such, Petitioners' humbly request, via the Motion herein, to be granted until end of business day Tuesday, February 27<sup>th</sup>, 2024, to file any Response(s) to Exceptions to the RO, so that their voice(s) may continue to be heard.

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> of February, 2024.

/s/ DEREK LAMONTAGNE

Derek LaMontagne

[lamontagne@gmail.com](mailto:lamontagne@gmail.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was provided to the Clerk of the St. Johns River Water Management District (Clerk@sjrwmd.com); Kathleen Patricia Toolan (Kathleen.Toolan@dot.state.fl.us); Carson Zimmer (Carson.Zimmer@dot.state.fl.us); Thomas Mayton (TMayton@sjrwmd.com); Jessica Pierce Quiggle (JQuiggle@sjrwmd.com); Robert Diffenderfer (rdiffenderfer@llw-law.com); and Frederick L. Aschauer (faschauer@llw-law.com) on this 23<sup>rd</sup> day of February, 2024, via email.

/s/ DEREK LAMONTAGNE

Derek LaMontagne

[lamontagne@gmail.com](mailto:lamontagne@gmail.com)