

IN THE SUPREME COURT OF FLORIDA

NANCY HOOKER,

Petitioner,

v.

CASE NO. SC15-1881

L.T. CASE NOS:

4DCA NO. 4D13-1841

15th CIR. 502010DR004790XXXXNB

TIMOTHY I. HOOKER,

Respondent.

TIMOTHY I. HOOKER,

Petitioner,

v.

CASE NO. SC16-589

L.T. CASE NOS:

4DCA 4D13-1841

15th CIR. 502010DR004790XXXXNB

NANCY HOOKER,

Respondent.

**UNOPPOSED MOTIONS TO: (1) DISPENSE WITH JURISDICTIONAL BRIEFING IN CASE NO. SC16-589; (2) TO CONSOLIDATE FOR ALL PURPOSES; AND (3) TO SET MERITS BRIEFING SCHEDULE**

Former husband, TIMOTHY I. HOOKER (respondent in Case No. SC15-1881 and petitioner in Case No. SC16-589), with the agreement of former wife, NANCY HOOKER (petitioner in Case No. SC15-1881 and respondent in Case No. SC16-589), moves to dispense with jurisdictional briefing in Case No. SC16-589. In addition, former husband moves, with the agreement of former wife, to consolidate the above cases for all purposes, and to set a single merits briefing

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schedule analogous to a cross-appeal under Florida Rule of Appellate Procedure 9.210.

1. Both notices to invoke jurisdiction were filed to review the same decision of the Fourth District Court of Appeal, *Hooker v. Hooker*, 174 So. 3d 507 (Fla. 4th DCA 2015) (Case No. 4D13-1841) (A4-A14), based on express and direct conflict.

2. In Case No. SC15-1881, former wife filed a timely notice to invoke this Court's discretionary jurisdiction based on express and direct conflict. This Court accepted jurisdiction on March 18, 2016 (A16). The briefs on the merits have not yet been filed. Former wife received a short extension from this Court, which makes her Initial Brief due April 27, 2016.

3. After this Court accepted jurisdiction in Case No. SC15-1881, former husband moved to file a belated cross-notice to invoke jurisdiction on the same basis as former wife. This Court granted former's husband motion on April 6, 2016 (A19). The order treated former husband's cross-notice to invoke as separate case, Case No. SC16-589, and ordered former husband to file a jurisdictional brief by April 18, 2016 (A19).

4. It is respectfully suggested that this Court should dispense with jurisdictional briefing in Case No. SC16-589. The parties already briefed the identical issue of jurisdiction, which this Court addressed in Case No. SC15-1881. It issued an order on jurisdiction on March 18, 2016 (A16).

5. As a matter of law, this Court's existing order accepting jurisdiction in Case No. SC15-1881 gave it the power to consider all issues raised in the same district court case, Case No. 4D13-1841. *See, e.g., Savoie v. State*, 422 So. 2d 308, 312 (Fla. 1982) (“[O]nce this Court has jurisdiction of a cause, it has jurisdiction to consider all issues appropriately raised in the appellate process, as though the case had originally come to this Court on appeal.”). In an abundance of caution, former husband filed the cross-notice to invoke jurisdiction to preserve the ability to ask this Court to reverse those aspects of the Fourth District's decision adverse to him. *See, e.g., A-1 Racing Specialties, Inc. v. K&S Imports of Broward County, Inc.*, 576 So. 2d 421, 422 (Fla. 4th DCA 1991).

6. Former husband respectfully suggests that requiring both parties to again brief jurisdiction serves no discernable purpose. The parties submitted jurisdictional briefs on the identical issue and this Court issued an order (A16).

Accordingly, former husband asks this Court to dispense with this requirement to file jurisdictional briefs as ordered April 6, 2016 (A19). Former wife agrees.

7. For similar reasons, former husband, with the agreement of former wife, asks this Court to consolidate the two cases for all purposes and order a single briefing schedule on the merits. The parties fear that two separate briefing schedules will slow the work of this Court, result in piecemeal review, and create the risk of inconsistent rulings. In addition, briefing the two cases separately will needlessly increase the costs of litigation for both parties.

8. Former husband therefore requests that this Court to treat former wife as the Petitioner/Cross-Respondent and former husband as the Respondent/Cross-Petitioner. This Court should order the parties to follow a briefing schedule analogous to the schedule used for cross-appeals in Florida Rule of Appellate Procedure 9.210. In other words, after former wife files her Initial Brief, former husband will file an Answer Brief/Cross-Initial Brief, former wife will file a Reply/Cross-Answer Brief, and former husband will file a Cross-Reply Brief.

9. Counsel for former husband and counsel for former wife have conferred in detail regarding this motion. Counsel for former wife reviewed this

motion and authorized former husband to represent that: (1) former wife agrees to the granting of this motion in its entirety; (2) counsel for former wife believes it should be granted; and (3) granting this motion would assist this Court in the efficient resolution of this case, while reducing litigation expense for the parties.

WHEREFORE, former husband moves this Court to dispense with the requirement in the April 6, 2016, order requiring the parties to file new jurisdictional briefs in Case No. SC16-589; to consolidate these two cases for all purposes; and to set a merits briefing schedule analogous to a cross-appeal under Florida Rule of Appellate Procedure 9.210.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been e-mailed this 8th day of April, 2016, to:

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