

IN THE SUPREME COURT OF FLORIDA

STEVEN J. PINCUS,

Appellant,

v.

AMERICAN TRAFFIC SOLUTIONS, INC.,

Appellee.

Case No. SC21-159

**OFFICE OF FINANCIAL REGULATION’S MOTION FOR LEAVE
TO FILE AMICUS BRIEF IN SUPPORT OF APPELLEE
AND FOR EXTENSION OF TIME TO SERVE BRIEF**

Pursuant to Florida Rule of Appellate Procedure 9.370, the Florida Office of Financial Regulation (OFR) moves for leave to file a brief as amicus curiae in support of Appellee and for an extension of time to serve its brief.

1. The United States Court of Appeals for the Eleventh Circuit asks this Court to decide, among other things, whether Appellant has stated a violation of Section 560.204(1), Florida Statutes, which requires licensure for those “engage[d] in . . . the activity of a money transmitter[] for compensation.” *See Pincus v. Am. Traffic Sols., Inc.*, 986 F.3d 1305, 1320 (11th Cir. 2021). The Circuit also asks whether the alleged violation can support Appellant’s claim for unjust

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enrichment. *See id.* at 1321.

2. OFR administers and enforces Florida's laws regulating money transmitters. §§ 560.105, 560.103(25), Fla. Stat. It thus has an interest in advancing the correct interpretation of Section 560.204(1) and in whether that statute can be privately enforced through an unjust enrichment claim. Drawing from its experience with the statutory scheme, OFR intends to explain why Appellant does not state a Section 560.204(1) violation and why, in any event, such a violation cannot support a claim for unjust enrichment. It does not intend to address the other questions presented except to the extent that such discussion is necessary to the understanding of the application of Section 560.204(1) to the instant claim.

3. If granted leave, OFR's brief is due Monday, May 24th. *See* Fla. R. App. P. 9.370(c). To ensure that the brief thoroughly addresses these complex issues, OFR requests that the Court extend the time to serve its brief by 10 days, from Monday, May 24, 2021, through and including Thursday, June 3, 2021. This request is not intended to cause delay, and an extension will cause neither party prejudice.

4. Counsel for OFR has contacted the parties' Counsel. Counsel for Appellant takes no position on OFR's motion. Counsel for Appellee

does not oppose.

Respectfully submitted,

/s/ David M. Costello

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by electronic service through the Florida Courts E-Filing Portal, or by email, on May 24, 2021 to the following counsel of record:

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