

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LUIS A. GARCIA SAZ, and wife,
MARIA DEL ROCIO BURGOS GARCIA,

Plaintiffs,

vs.

CASE NO. 8:13-CV-220-T27 TBM

CHURCH OF SCIENTOLOGY RELIGIOUS
TRUST; CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC.; CHURCH
OF SCIENTOLOGY FLAG SHIP SERVICE
ORGANIZATION, INC d/b/a MAJESTIC
CRUISE LINES; U.S. IAS MEMBERS TRUST.

Defendants.

/

**PLAINTIFFS' MOTION FOR LEAVE TO FILE TEN-PAGE MEMORANDUM IN
RESPONSE TO DEFENDANTS FSO AND FSSO'S RESPONSE TO THE
JOINT MOTION OF OTHER DEFENDANTS TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION**

Plaintiffs Luis A. Garcia Saz and Maria Del Rocio Burgos Garcia, pursuant to Rule 3.01(d) of the Rules of the United States District Court for the Middle District of Florida, respectfully request leave to file a memorandum of not more than 10 pages in response to Defendants Church of Scientology Flag Service Organization (õFSOö) and Church of Scientology Flag Ship Service Organization (õFSSOö) Memorandum in Support of the Motion of Defendants Church of Scientology Religious Trust, International Association of Scientologists Administrations, Inc., and United States IAS Members Trust (collectively, the õother Defendantsö) Joint Motion to Dismiss for Lack of Subject Matter Jurisdiction [D.E. 92] (the õMemorandum In Support of the Joint Motionö).

FSO and FSSO's Memorandum in Support of the Joint Motion, styled as a "Response," was filed on the evening of the deadline for Plaintiffs' Memorandum in Opposition to the Joint Motion (the "Opposition"), shortly before Plaintiffs filed their Opposition. Due to Defendants' election to bifurcate their collective challenge to this Court's subject matter jurisdiction, Plaintiffs were unable to incorporate their responses to the distinct points raised by FSO and FSSO in the Opposition.

Specifically, FSO and FSSO allege that with respect to Counts III, VIII and IX of the Complaint, this Court is without authority to dismiss the other Defendants (if they are in fact non-diverse) and must consider the other Defendants' citizenship insofar as Plaintiffs allege a "joint venture" between the other Defendants, FSO and FSSO. [D.E. 92 at pp. 9-15]. FSO and FSSO further dispute that the other claims pled against them meet the minimum jurisdictional amount in controversy. [D.E. 92 at pp. 15-17].

Pursuant to Local Rule 3.01(d), Plaintiffs respectfully request that they be permitted to file a brief response memorandum not to exceed 10 pages to address these arguments. The instant request is necessitated by the manner in which the Defendants have chosen to proceed in their briefing and the timing of FSO and FSSO's separate submission. Plaintiffs hereby allege that an additional response memorandum would benefit the Court, as it would help clarify the newly raised issues before the Court in FSO and FSSO's Memorandum in Support. Under the Local Rules, a party is permitted to file a Response Memorandum not to exceed twenty pages. *See* Local Rule 3.01(b). Given that Plaintiffs' Opposition was under 10 pages, permitting an additional ten pages of briefing would not be inconsistent with the Court's prescribed limitations.

Dated: November 6, 2013

Respectfully submitted,

s/ Amanda M. McGovern
Ronald P. Weil (FBN 169966)
Amanda M. McGovern (FBN 964263)
WEIL QUARANTA MCGOVERN, P.A.
Southeast Financial Center, Suite 900
200 South Biscayne Boulevard
Miami, FL 33131
T: 305.372.5352
F: 305.372.5355
RPW@weillaw.net
amcgovern@weillaw.net

- and -

Theodore Babbitt, Esq.
Florida Bar No: 091146
**BABBITT JOHNSON OSBORNE &
LECLAINCHE, P.A.**
1641 Worthington Road, Suite 100
West Palm Beach, FL 33409
T: 561.684.2500
F: 561.684.6308
tedbabbitt@babbitt-johnson.com

*Counsel for Plaintiffs Luis A. Garcia Saz and
Maria Del Rocio Burgos Garcia*

CERTIFICATE OF SERVICE

We hereby certify that, on November 6, 2013, we electronically filed the foregoing document with the Clerk of the Court using CM/ECF. We also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified below in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filings.

F. Wallace Pope, Jr., Esq.
FBN 124449
Johnson, Pope, Bokor, Ruppel
& Burns, LLP
P.O. Box 1368
Clearwater, FL 33757
Phone: (727) 461-1818
Fax: (727) 462-0365
E-mail: wallyp@ipfirm.com
Counsel for Defendants

Nathan M. Berman, Esq.
FBN 329230
E-mail: nberman@zuckerman.com
Lee Fugate, Esq.
FBN 170928
E-mail: lfugate@zuckerman.com
Jack E. Fernandez, Esq.
FBN 843751
E-mail: jfernandez@zuckerman.com
Mamie V. Wise, Esq.
FBN 65570
E-mail: mwise@zuckerman.com
Zuckerman Spaeder LLP
101 E. Kennedy Blvd., Suite 1200
Tampa, FL 33602
Phone: (813) 221-1010
Fax: (813) 223-7961
Counsel for Church of Scientology Religious Trust

Marie Tomassi, Esq.
FBN 772062
Trenam Kember Scharf Barkin Frye,
O'Neill & Mullis, P.A.
Bank of America Building
200 Central Avenue, Suite 1600
St. Petersburg, FL 33701
Phone: (727) 820-3952
Fax: (727) 820-3972
E-mail: mtomassi@trenam.com
*Counsel for IAS Administrations, Inc.
and U.S. IAS Members Trust*