

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 09-81255-Civ-DIMITROULEAS / SNOW

MARSHA G. RIVERNIDER, :
ROBERT H. RIVERNIDER and :
CHARLES EDWARD LINCOLN, III, :

Plaintiffs, :

vs. :

U.S. BANK NATIONAL ASSOCIATION, :
As Trustee for the C-Bass Mortgage Loan :
Asset-Backed Certificates, Series 2006-CBS, :
and all John & Jane Does, 1-10, :

Defendants. :

PLAINTIFF, CHARLES EDWARD LINCOLN, III's,
MOTION FOR ONE-DAY EXTENSION OF TIME or
TO ACCEPT LATE FILING

COMES NOW, Plaintiff Charles Edward Lincoln, III [hereinafter at times "Lincoln"] by and through his undersigned counsel, Philip J. Berg, Esquire and Inger Garcia, Esquire and files this Motion for One-Day Extension of Time or To Accept Late Filing of his Brief and Exhibits in Support of his (Plaintiff's) position regarding the issues of Sanctions. In support hereof, avers the following good cause for enlargement of time:

Local (Broward County-based) counsel Inger Garcia's law office has been experiencing problems with her e-mail over the past two [2] days due to a computer [server and e-mail system] transition and she did not receive the attached brief and exhibits [that was sent by email on Monday, January 18, 2010] from out-of-town [Philadelphia-based] counsel until today, Wednesday, January 20, 2010, after receiving which she promptly arranged for electronic filing, which electronic filing is now complete.

WHEREFORE, Plaintiff Charles Edward Lincoln, III, respectfully Moves and Requests that this Court Grant a one-day Extension of Time under the new [December 1, 2009] Rule 6 [now that weekends and holidays are no longer excluded from any calculation of time for deadlines] or that, in the alternative, the Court find good cause or reasonable and excusable neglect on the part of Plaintiff's local counsel and allow the filing and acceptance of Plaintiff's Brief with supporting exhibits one-day late.

CERTIFICATE OF CONFERENCE

As required by the Local Rules of the Southern District of Florida, counsel for Plaintiffs attempted to confer by telephone with opposing counsel and counsel for Dr. Taitz prior to the filing of this motion. In addition, counsel's office sent an email regarding Plaintiffs request and asked for all parties' position, see **EXHIBIT "A"**. As of the time of filing, Mr. and Mrs. Rivernider agreed to the extension; Counsel Bradford Cohen counsel for Orly Taitz responded stating "I believe it would be my clients position that she object to the extension of time", see **EXHIBIT "B"**. Defendant, U.S. Bank's attorneys did not respond to Plaintiffs Counsel. Therefore, **NO** agreement having been reached, this motion is submitted as contested to the Court for resolution.

Respectfully submitted,

. Dated: Wednesday, January 20, 2010

s/ Inger Garcia

Inger Garcia, Esquire
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Facsimile: (954) 446-1635

*Local Counsel for Plaintiff,
Charles Edward Lincoln, III*

Dated: Wednesday, January 20, 2010

s/ Philip J. Berg

Philip J. Berg, Esquire
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Email: philjberg@gmail.com
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Telephone: (610) 825-3134
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*Attorney admitted Pro Hac Vice for Plaintiff,
Charles Edward Lincoln, III*

EXHIBIT “A”

From: **Lisa Liberi** <lisaliberi@gmail.com>
Date: Wed, Jan 20, 2010 at 3:53 PM
Subject: Rivernider, et al v. U.S. Bank, Case No. 09-81255-Civ-DIMITROULEAS / SNOW
To: lawronin@aol.com, benjamin.mccomas@akerman.com, BethN@butlerandhosch.com
Cc: inger13@aol.com, Phil <philjberg@gmail.com>

January, 20, 2010

Benjamin Kyle McComas
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Counsel for U.S. Bank

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Bradford Cohen
1132 SE 3rd Ave
Fort Lauderdale, FL 33301
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Counsel for Orly Taitz

Re: *Rivernider, et al v. U.S. Bank, Case No. 09-81255-Civ-DIMITROULEAS / SNOW*

Dear Counsel,

During the Order to Show Cause hearing January 12, 2010 before Magistrate Judge Snow, Judge Snow gave Mr. Lincoln seven (7) days to file a brief and other supporting documentation. Unfortunately, Local Counsel, Inger Garcia, Esquire was having computer difficulties and was unable to access any documents and/or electronically file any documents. As a result, Mr. Lincoln's documents were filed today. We are filing a Motion with the Court seeking a one (1) day continuance. I attempted to reach you by telephone to learn your position on our request for a one (1) day extension, but was unable. I did leave messages. If you could please let us know your position on our request for a one (1) day extension so we can file our Motion for the Continuance.

Thank you for your assistance. Please do not hesitate contacting our office should you have any questions or comments.

Respectfully,

Lisa Liberi
Assistant to Philip J. Berg
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And for:

Inger Garcia, Esquire
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EXHIBIT “B”

From: <lawronin@aol.com>

Date: Wed, Jan 20, 2010 at 4:04 PM

Subject: Re: Rivernider, et al v. U.S. Bank, Case No. 09-81255-Civ-DIMITROULEAS / SNOW

To: lisaliberi@gmail.com

I believe it would be my clients position that she object to the extension of time.

Thank you

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and all John & Jane Does, 1-10, :

Defendants. :

CERTIFICATE OF SERVICE

I, Inger Garcia, hereby certify that a copy of the foregoing was served this 20th day of January 2010 electronically upon the following:

Benjamin Kyle McComas
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Counsel for Orly Taitz

And, by regular mail with postage fully prepaid upon the following:

Marsha G. Rivernider
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Wellington, FL 33414
Plaintiff in *Pro Se*

Robert H. Rivernider
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*Attorney for Plaintiff,
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