

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

MICHAEL and KATHERINE HENRY,
Respondents/Appellants,

CIRCUIT CASE NO: 2023-30711 CICI

vs

CITY OF ORMOND BEACH, FLORIDA
Petitioner/Appellee.

Lower Court CASE NOS: 22-112237
22-112246
22-112247

APPELLANTS' MOTION FOR ORAL ARGUMENT

COME NOW APPELLANTS MICHAEL HENRY and KATHERINE HENRY [hereinafter, "Henrys"], appearing on their own behalf, and file this Motion for Oral Argument (administrative in nature), and in support thereof state:

1. Rule 9.320 of the Florida Rules of Appellate Procedure allows for oral argument in any proceeding at the request of a party.
2. Rule 9.320(1) requires the request to be filed within 15 days after the last brief is due to be served.
3. The last brief in this case is the Reply Brief. Given the Answer Brief was filed on June 30, 2023, the Reply Brief is due to be served by July 30, 2023. Thus, this request is due by August 14, 2023.
4. Although the overall issue is quite simple - the Magistrate's Orders go far beyond his authority under state law or the city's LDC, and in fact violate the Henrys' constitutionally and statutorily protected private property rights - the case has vulnerability to being mischaracterized, as was attempted in OB's Answer Brief (discussed in Henrys' Reply Brief).
5. Further, OB has cited many nonbinding and/or irrelevant cases, and even misstated state statutes (as addressed in Henrys' Reply Brief). These have the opportunity to create confusion about the laws of this case.

6. While this case might be just another day at work for those representing OB, this case literally impacts the Henrys' entire home, and has caused turmoil and stress for the entire Henry family for the last 11 months. The Henrys want to ensure the Court can get questions answered and any areas of ambiguity resolved. Oral argument is the best avenue to do that.
7. Henrys thus ask for oral argument of at least 20 minutes for each side, per Rule 9.320(b).
8. Henrys also reiterate their prior request for ADA accommodations, due to Katherine Henrys' hearing disability, and thus request this hearing be held with all parties appearing in person.
9. Henrys have attached the proposed order hereto.

Respectfully Submitted: July 27, 2023

/s/ Katherine Henry
/s/ Michael Henry
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**ORDER ON APPELLANTS' MOTION
FOR ORAL ARGUMENT**

This cause comes before this court through an administrative appeal, with jurisdiction invoked on 3/24/23 by the Henrys' filing of the Notice of Appeal and payment of the filing fee. The issue of oral argument is before this court by motion of the Henrys. Henrys made their Motion for Oral Argument prior to the deadline of August 14, 2023. Having reviewed the motion administrative in nature, reviewed Rule 9.320, and being fully advised in this matter, this Court hereby Orders:

1. This matter shall be set for oral argument to be heard by this Court with all parties physically present.
2. Per Rule 9.320, each party will be allowed 20 minutes for oral argument.

Dated: _____

Hon. Mary G. Jolley