

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR FLAGLER COUNTY, FLORIDA

CHELSEA HERBERT,

Petitioner,

vs.

Filed Pursuant to Fla. R.  
App. P. 9.100(f)

Case No. 26-CA-2026 CA 000018

CITY OF BUNNELL, FLORIDA, NELL  
J. BROWN, JAMES M. BROWN, SR.,  
ALBERT B. JOHNSTON, JR.,  
SUZANNE B. JOHNSTON, JOLY  
ALLEN LANDS, LLC, ARTHUR H.  
DURSHIMER, III, GEORGIA L.  
DURSHIMER THIBODAU, STEVEN  
L. DURSHIMER, AND VIOLET T.  
DURSHIMER AS TRUSTEE OF THE  
TRUST OF VIOLET T. DURSHIMER,

Respondents.

**MOTION FOR LEAVE TO SERVE AN AMENDED PETITION  
FOR WRIT OF CERTIORARI AND AN AMENDED APPENDIX**

Petitioner CHELSEA HERBERT (“Petitioner”), by and through her undersigned counsel, pursuant to Florida Rule of Appellate Procedure 9.300, moves for leave to serve an Amended Petition for Writ of Certiorari and an Amended Appendix, and, as grounds therefor, states as follows:

1. At the conclusion of a public hearing held on December 8, 2025, Respondent City of Bunnell, Florida (“City”), adopted Ordinance No. 2025-06, thereby rezoning 1,259± acres of agricultural property to authorize the development of more than 13 million square feet of light and heavy industrial uses in close proximity to the Petitioner’s home.

2. Pursuant to Florida Rule of Appellate Procedure 9.100, review of the City’s decision to rezone the subject property can only be had by a Petition for Writ of Certiorari filed in this Court within thirty (30) days of rendition of the subject Ordinance. Consequently, in order to be timely filed and to invoke the jurisdiction of this Court, the Petitioner must file her Petition for Writ of Certiorari on or before January 8, 2026.<sup>1</sup>

3. The thirty (30) day time-frame established by the Florida Rules of Appellate Procedure for the filing of a petition for writ of certiorari is considerably shorter than the seventy (70) day time-frame for filing an initial brief in a routine appeal, and the burden placed upon a petitioner – preparing and compiling the record for review – is far greater. For these reasons, the courts should liberally grant reasonable requests for additional time to prepare the record and complete the petition for writ of certiorari. See, e.g.,

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<sup>1</sup> The Ordinance was rendered on December 9, 2025, when a copy was filed with the Clerk.

*Cook v. City of Winter Haven Police Dep't*, 837 So. 2d 492, 494 (Fla. 2d DCA 2003) (“As a general policy, all parties should be given a full and fair opportunity to have their disputes settled on the merits.”); see also *N. Beach Ass’n of St. Lucie Cty., Inc. v. St. Lucie Cnty.*, 706 So. 2d 62, 63 (Fla. 4th DCA 1998); *DSA Marine Sales & Serv., Inc. v. Manatee Cty.*, 661 So. 2d 907, 909 (Fla. 2d DCA 1995); Committee Notes to Fla. R. App. P. 9.040 (providing amendments should be liberally allowed under this rule).

4. Due to the condensed time-frames associated with the preparation and filing of a petition for writ of certiorari and an appendix and the need to obtain transcripts of the public hearings held in this matter, the Petitioner’s undersigned counsel will not be able to complete the Petition for Writ of Certiorari and the Appendix within the thirty (30) day time frame.

5. Accordingly, the Petitioner requests leave to serve an Amended Petition for Writ of Certiorari and an Amended Appendix within forty (40) days of an Order granting this Motion. *Cf. Penate v. State*, 967 So. 2d 364, 364 (Fla. 5th DCA 2007) (reiterating that a petitioner who receives an order shortly before the expiration of the thirty (30) day jurisdictional deadline for seeking certiorari review should file a “bare bones” petition along with a request for leave to amend).

6. This Motion is being filed solely for the purpose of allowing sufficient time to complete an Amended Petition for Writ of Certiorari and an Amended Appendix, and not for purposes of delay or any other improper purpose.

WHEREFORE, Petitioner CHELSEA HERBERT moves for leave to serve an Amended Petition for Writ of Certiorari and an Amended Appendix within forty (40) days of an Order granting this Motion.

RESPECTFULLY SUBMITTED on this 7th day of January 2026.

*/s/ S. Brent Spain*

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COUNSEL FOR PETITIONER  
CHELSEA HERBERT

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court by using the *ePortal* system and served a copy thereof via Electronic Mail to the **Honorable Catherine Robinson**, Mayor, City of Bunnell, Florida (crobinson@bunnellcity.us), **Paul Waters, Esquire** (paul@voselaw.com), and **Tara Tedrow, Esquire** (tara.tedrow@lowndes-law.com), on this 7th day of January 2026.

*/s/ S. Brent Spain*

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S. BRENT SPAIN, B.C.S.