

IN THE FOURTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

EVAN S. GUTMAN,

CASE NO.: 4D22-2201

LT NO.: 50-2021-CA-000114-XXXX-XB

Petitioner,

vs.

CAVALRY SPV I, LLC as
Assignee of CITIBANK, N.A.,

Respondent.

**RESPONDENT, CAVALRY SPV I, LLC, AS ASSIGNEE OF
CITIBANK, N.A.'S MOTION FOR CLARIFICATION**

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TABLE OF CONTENTS

REQUESTED RELIEF AND GROUNDS THEREFOR..... 3
CONCLUSION 4
CERTIFICATE OF COMPLIANCE 5
CERTIFICATE OF SERVICE..... 5

REQUESTED RELIEF AND GROUNDS THEREFOR

Petitioner, Evan S. Gutman (“Gutman”) sought a writ of certiorari in response to summary judgment (“Judgment”) entered against him in favor of Respondent, Cavalry SPV I, LLC,¹ as Assignee of Citibank, N.A. (“Cavalry”), on an account stated claim. The Judgment included execution language rendering it immediately enforceable by Cavalry against Gutman. (Appx. 258-59.)²

Cavalry did not oppose that part of the petition for writ of certiorari insofar as it sought to quash the inclusion of execution language in the Judgment. Cavalry did oppose the request to quash the Judgment.

This Court entered an Order on January 4, 2023 granting the petition for certiorari and ordering that the immediate execution language be quashed.

Cavalry respectfully requests clarification of this Order. Although the Court quashed the immediate execution of the

¹ Gutman incorrectly identifies Cavalry SPV I, LLC as “Calvary SPV 1, LLC.”

² In light of the Court’s determination that the record on appeal is considered an Appendix, Cavalry’s citations are to “Appx.” rather than “R.”

Judgment pursuant to the parties' agreement, Cavalry specifically seeks clarification pursuant to Rule 9.330, Florida Rules of Appellate Procedure, that the Court's January 4, 2023 Order does not address Petitioner's remaining arguments or otherwise impact the Judgment, and that the Court will issue a separate order or mandate addressing how it is handling Petitioner's remaining arguments relating to the Judgment. *Cf. Cowan v. People ex rel. Fla. Dental Ass'n*, 463 So. 2d 285, 288-89 (Fla. 4th DCA 1984) (granting clarification to address impact of order granting certiorari).

CONCLUSION

For the reasons set forth herein, Cavalry respectfully requests clarification that the Court's January 4, 2023 Order only quashes the language in the Judgment allowing immediate execution and does not address Petitioner's remaining arguments or otherwise impact the Judgment.

Respectfully submitted this 17th day of January, 2023.

/s/ Gennifer L. Bridges
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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Motion meets the length and typeface requirements of the Florida Rules of Appellate Procedure. This Response consists of 295 words and is prepared in Bookman Old Style 14-point font.

/s/ Gennifer L. Bridges
Gennifer L. Bridges
Florida Bar No. 0072333

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 17, 2023, a true and correct copy of the foregoing was filed via the eDCA E-Filing Portal and served via U.S. Mail on Evan S. Gutman, 1675 N. W. 4th Avenue, Apt. 511, Boca Raton, Florida 33432.

/s/ Gennifer L. Bridges
Gennifer L. Bridges
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