

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

MICHAEL T. FLYNN,

Plaintiff,

v.

JIM STEWARTSON, et al.,

Defendants.

Case No.: 2023 CA 004264 NC

Division C Circuit

NON-CONTESTED MOTION FOR CONTINUANCE OF TRIAL

Plaintiff, Michael T. Flynn, moves this Court to grant a continuance of trial currently scheduled on the October 13 through 17, 2025, and in support states as follows:

1. Pursuant to this Court's Order Setting Case for Jury Trial dated March 11, 2025 and Pretrial Conference Order dated August 28, 2025, this matter is currently scheduled for trial to commence on October 13, 2025.
2. At the Docket Sounding on September 26, 2025, the undersigned counsel notified the Court of Plaintiff's and undersigned counsel's conflicts during the October trial docket.
3. In addition to the general information provided at the Docket Sounding, Plaintiff submits this information concerning the conflicts with trial.
4. Plaintiff has a pre-existing contractual obligation to appear as a keynote speaker and participant at the CEO Summit at Liberty University for October 15 through 17 in Lynchburg, VA. Plaintiff's travel plans require him to be out of the

State of Florida from October 14 through October 17. Plaintiff is also scheduled to appear at an event in Pennsylvania on October 10 - the date of jury selection in this matter.

5. In addition to attending the CEO Summit as a Speaker and participant, Plaintiff is scheduled to confer with University officials and Board members regarding future, long-term engagements.

6. Plaintiff is unable to re-schedule the above-mentioned events/meetings.

7. In addition, as communicated to the Court at the Docket Sounding, the undersigned counsel is scheduled to be in North Carolina for a personal event on October 16. The undersigned counsel has non-refundable airline tickets to attend this event.

8. Fl. R. Civ. P. 1.460 permits parties to move for a motion for continuance.

9. Trial courts are endowed with rather broad discretion in deciding whether to grant or deny a motion for continuance. *Onett v. Ahola*, 780 So.2d 979 (Fla. 5th DCA 2001). This is the first request for a continuance of trial. (This case had been previously set for trial at an earlier date that followed very shortly after a prolonged appellate proceeding.)

10. The requested continuance is not sought for purposes of delay but to accommodate this unavoidable conflict and ensure Plaintiff's full participation in the trial proceedings.

11. Plaintiff has diligently prepared for trial and remains ready to proceed at the earliest feasible alternative date.

12. The undersigned counsel contacted opposing counsel regarding this motion and opposing counsel stated that Defendant does not contest the continuance of this trial.

WHEREFORE, Plaintiff respectfully requests this Court to grant this continuance and any other relief or remedy the Court deems just and proper.

Dated: October 7, 2025

Respectfully submitted,

/s/ Jared J. Roberts

Jared J. Roberts, FBN 1036550
Stephen B. French, FBN 0078761
BINNALL LAW GROUP, PLLC
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Counsel for Michael T. Flynn

CERTIFICATE OF CONSENT

I, Michael T. Flynn, have conferred with my counsel, and have been advised on the contents of this motion, and consent to the relief requested herein.

/s/ Michael T. Flynn

Michael T. Flynn

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2025, I have caused a true and accurate copy of the foregoing to be delivered to counsel of record via e-filing.

/s/ Jared J. Roberts _____

Jared J. Roberts
(Fl. Bar No. 1036550)

Counsel for Michael T. Flynn

**IN THE CIRCUIT COURT OF THE TWELTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

Michael T. Flynn,
Plaintiff,

v.

Case No.: 2023 CA 004264 NC

Jim Stewartson,
Defendant.

_____ /

**DEFENDANT’S WRITTEN RESPONSE TO PLAINTIFF’S MOTION FOR
CONTINUANCE OF TRIAL**

Defendant, Jim Stewartson, by and through undersigned counsel, hereby files this response to Plaintiff’s Motion for Continuance and states as follows:

1. The Defendant acknowledges that the decision to grant or deny a continuance is within the sound discretion of the Court pursuant to Florida Rule of Civil Procedure 1.460, and accordingly takes no position on the Plaintiff’s Motion.
2. The conflicts cited by the Plaintiff do not warrant a motion for continuance on the eve of trial. At the docket sounding held on September 26, 2025, Plaintiff’s counsel apprised the Court of the scheduling conflicts now cited as grounds for continuance. After considering these conflicts, the Court set

the trial to proceed on the currently scheduled dates and advised the Plaintiff and his counsel that “work” conflicts such as those cited by the Plaintiff are not good cause as the Court frequently requires that parties to litigation or fact witnesses miss work to participate in judicial proceedings.

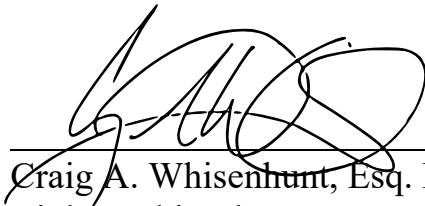
3. At and before Docket Sounding, Plaintiff was informed of the option and the need to make appropriate security arrangements for the trial which the Court took initial steps to initiate. The Court’s Judicial Assistant reiterated this obligation via email on October 1, 2025, (Exhibit 1) and again on October 7, 2025 (Exhibit 2). Plaintiff has not demonstrated diligence in fulfilling this requirement and has not made the necessary arrangements per his email reply to the Court’s Judicial Assistant at 11:09 am, October 7, 2025 (Exhibit 3).
4. Plaintiff did not promptly file a written motion to continue either before or immediately following the September 26, 2025 docket sounding, nor has Plaintiff shown that any sincere efforts were made to proceed with the case as scheduled. The circumstances presented in the Motion for Continuance are not materially different from those previously disclosed to the Court when the trial was set or at Docket Sounding. They are being filed nearly two weeks after the conflict was known to exist, with less than 3 days before jury selection is to commence. There is no explanation as to why this matter was not brought before the court earlier.

5. By all appearances, Plaintiff has been aware of the intent to seek a continuance and delayed filing the motion until the eve of trial, as evidenced by the lack of prompt filing and lack of effort to coordinate security matters, while Defendant has continued to prepare to proceed as scheduled.

6. Defendant stands ready to proceed to trial as scheduled and respectfully requests that, should the Court consider granting the continuance, it take into account Plaintiff's lack of diligence and the resulting inconvenience to Defendant.

WHEREFORE, Defendant neither consents to, nor opposes the motion, but defers to the discretion of the Court regarding Plaintiff's Motion for Continuance. However, Defendant respectfully requests that the Court consider the foregoing circumstances in ruling on the motion.


Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed in the Twelfth Judicial Circuit Court in and for Sarasota County through the Florida Court's E-Filing Portal with e-service to counsel for the Plaintiff, Stephen French, at his registered email address stephen@binnall.com, and Jared Roberts, at his registered email address: jared@binnall.com, on October 7, 2025.



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EXHIBIT

1



Craig Whisenhunt <craig@rightingwrongsflorida.com>

Flynn/Stewartson Case # 2023-CA-004264-NC

Sarah E. Scibak <SScibak@jud12.flcourts.org>

Wed, Oct 1, 2025 at 9:25 AM

To: Craig Whisenhunt <craig@rightingwrongsflorida.com>

Cc: Stephen French <stephen@binnall.com>, Jared Roberts <jared@binnall.com>, Shawnay <shawnay@binnall.com>, "GThurlow@rahdertlaw.com" <GThurlow@rahdertlaw.com>, "TMcCreary@rahdertlaw.com" <TMcCreary@rahdertlaw.com>, "grahdert@rahdertlaw.com" <grahdert@rahdertlaw.com>, Sophia Snead <sophia@binnall.com>

Thank you for the update.

Lieutenant Dumer asked me to pass along to Attorney French – he has not heard from General Flynn's people regarding security. Please have them contact Lieutenant Dumer as soon as possible so we can make any necessary arraignments.

Thank you,

Sarah

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EXHIBIT
2



Craig Whisenhunt <craig@rightingwrongsflorida.com>

Flynn/Stewartson Case # 2023-CA-004264-NC

Sarah E. Scibak <SScibak@jud12.flcourts.org>

Tue, Oct 7, 2025 at 9:54 AM

To: Craig Whisenhunt <craig@rightingwrongsflorida.com>

Cc: Stephen French <stephen@binnall.com>, Jared Roberts <jared@binnall.com>, Shawnay <shawnay@binnall.com>, "GThurlow@rahdertlaw.com" <GThurlow@rahdertlaw.com>, "TMcCreary@rahdertlaw.com" <TMcCreary@rahdertlaw.com>, "grahdert@rahdertlaw.com" <grahdert@rahdertlaw.com>, Sophia Snead <sophia@binnall.com>

Good morning,

Judge Carroll instructed me to reach out for an update – this case is #2 on the week two trial docket with jury selection on Friday. Is there a possibility of settlement? Do you plan to proceed to trial? If this case is going to trial, security arrangements need to be made asap. As of this morning, Lieutenant Dumar has NOT heard from General Flynn's people. Please advise.

Thank you,

Sarah Scibak

Judicial Assistant to the Honorable Hunter W. Carroll

Silvertooth Judicial Center

2002 Ringling Blvd

Sarasota, FL 34237

Phone: 941 861 7946

****Please review the [Civil Division](#) website for the most up to date information including Calendars, Form Orders, Zoom information and Judge Carroll's [Requirements & Information \(flcourts.org\)](#). Most questions can be answered after review.**

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EXHIBIT

3



Craig Whisenhunt <craig@rightingwrongsflorida.com>

Flynn/Stewartson Case # 2023-CA-004264-NC

Stephen French <stephen@binnall.com>

Tue, Oct 7, 2025 at 11:09 AM

To: "Sarah E. Scibak" <SScibak@jud12.flcourts.org>

Cc: Craig Whisenhunt <craig@rightingwrongsflorida.com>, Jared Roberts <jared@binnall.com>, Shawnay <shawnay@binnall.com>, "GThurlow@rahdertlaw.com" <GThurlow@rahdertlaw.com>, "TMcCreary@rahdertlaw.com" <TMcCreary@rahdertlaw.com>, "grahdert@rahdertlaw.com" <grahdert@rahdertlaw.com>, Sophia Snead <sophia@binnall.com>

General Flynn is scheduled for an event this week and his security detail should be in touch with the Sheriff's Office shortly. Thank you for the follow up.

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