

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

GABE HOFFMAN, an individual,

Plaintiff,

v.

CASE NO.: 50-2019-CA-013860-XXXX-MB

THOMAS SCHOENBERGER, an individual,

Defendant.

MOTION TO EXTEND TIME TO RESPOND
TO 'PLAINTIFF'S MOTION TO COMPEL RESPONSE TO
"PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO DEFENDANT"
AND RESPONSE TO
"PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT" '

COMES NOW, the Defendant Thomas Schoenberger (hereinafter "SCHOENBERGER"), and files this Motion to Extend Time to Respond to 'Plaintiff's Motion to Compel Response to "Plaintiffs First Request for Production to Defendant" and Response to "Plaintiff's First Interrogatories to Defendant," and further states:

Pursuant to Florida Rule of Civil Procedure 1.100(b), Florida Rule of Appellate Procedure 9.300(a), and other applicable law; Defendant SCHOENBERGER, hereby moves on the following grounds for an order of this Court, to EXTEND TIME TO RESPOND, based on facts and circumstances herein presented.

1. The Plaintiff filed the Motion on or about the 17th of September, 2020.

2. The Defendant does not have the medical ability to complete said request due medical conditions exacerbated by these court proceedings. Letters from three (3) attending physicians can be made available to the court, upon oral argument at the hearing scheduled for October 8, 2020 at 8:30AM. Defendant has experienced not only continued gang cyberstalking by associates of Plaintiff Gabe Hoffman (hereinafter "HOFFMAN"), but said libel, slander, defamation, false accusations, bullying, including but not limited to attacking SCHOENBERGER on social media accounts and monetized youtube channels has increased, and now including friends of SCHOENBERGER which have nothing to do with HOFFMAN nor this case, but also includes potential business colleagues of SCHOENBERGER. This illegal behavior negatively effects SCHOENBERGER'S ability to provide for himself and to care for his well being/healing and serious health condition(s). The events of said increased gang cyberstalking rendered SCHOENBERGER in the hospital with broken bones, lacerations, and stitches on or about September 26, 2020.

HOFFMAN and/or associates continue to make "daily" "credible threats" which places SCHOENBERGER targeted by the threat, and SCHOENBERGER is in reasonable fear for his safety, the safety of his family, friends and business colleagues, who have also been cyberbullied, stalked, threatened life, via electronic means, including but not limited to intimidation by HOFFMAN associates, daily. (Fla. Stat. Ann. § 784.048.) SCHOENBERGER'S fear of a threat is reasonable since HOFFMAN has the ability and intent to carry out these threats through this aggravated misconduct already exhibited in the evidence put forth herein and in HOFFMAN'S own filings. (Fla. Stat. Ann. § 784.048.)

The actionable misconduct by HOFFMAN may or may not be the totality, SCHOENBERGER reserves all rights regarding additional evidence of HOFFMAN misconduct, unknown to SCHOENBERGER at the time of this filing. Harassing another person using an electronic form of communication is a crime in Florida. Florida law also prohibits bullying (including cyberbullying via electronic means). Unlike most states, Florida explicitly defines "cyberbullying." "Bullying through the use of technology or any electronic communication." (Fla. Stat. Ann. §1006.147.) The statute includes email, internet communications, instant

messages, faxes, websites, and blogs in its descriptive and non-exclusive list of electronic means of bullying. (Fla. Stat. Ann. §1006.147.) Florida stalking law covers “cyberstalking” as well. (Fla. Stat. Ann. § 784.048.) A person is guilty of a misdemeanor crime if he or she willfully, maliciously, and repeatedly harasses or cyberstalks another person. (Fla. Stat. Ann. § 784.048.) Cyberbullying is a felony crime if the person engaging in it also makes a credible threat to the victim. “Harassing” conduct as a course of conduct serving no legitimate purpose that is directed at a specific person, causing that person substantial emotional distress. (Fla. Stat. Ann. § 784.048.)

3. The Defendant needs an additional sixty (60) days to allow attending physicians time to continue treating, examining and testing SCHOENBERGER for solutions to a serious, life-altering medical condition. This extension may provide SCHOENBERGER with additional time to review the documents and provide the response to the Plaintiff.

REQUEST PERSONAL HEALTH INFORMATION BE SEALED

Due to the prevailing attitude of HOFFMAN and/or associates in increasing their modus operandi of cyber gangstalking and "daily" "credible threats," SCHOENBERGER respectfully asks the Court to seal all medical information submitted to the court, from the public. In accordance with Florida's Department of Health, Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, protecting the privacy of health information, without authorization to disclose SCHOENBERGER'S private health information to the public, be protected.

The concern Defendant had of Plaintiff's weaponization of information Plaintiff garners in this case, as SCHOENBERGER argued before this court on or about August 20, 2020 hearing, has not only happened but is also occurring to SCHOENERBERGER associates/friends and this weaponization is negatively effecting SCHOENBERGER'S health.

Further perpetuating of this behavior is preyed for relief before the court, to end by sealing Defendant's personal health information.

CERTIFICATE OF GOOD FAITH

I HEREBY CERTIFY that this Motion for Extension of Time to Respond to 'Plaintiff's Motion to Compel Response to "Plaintiff's First Request for Production to Defendant" and Response to "Plaintiff's First Interrogatories to Defendant,"' is made in good faith and is not intended to delay or hinder these proceedings.

Defendant certifies that the movant as pro se has consulted Plaintiff's counsel and that the Defendant represents that opposing counsel has informed Defendant, Plaintiff objects.

DATED this 6th day of October, 2020.

/s/ Thomas Schoenberger

THOMAS SCHOENBERGER, pro se
1726 Willowbrook Drive, Provo, UT 84604
tsger13@gmail.com

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on the 6th day of October, 2020 this document was filed using the Florida Courts E-filing Portal. This document is being served on counsel of record by the Florida Courts E-filing Portal, pursuant to and in compliance with Fla. R. Jud. Admin. 2.516. The mailing and electronic addresses are: Attorney for Plaintiff Dennis S. Klein at dklein@kelleykronenberg.com; 10360 West State Road 84, Fort Lauderdale, FL 33324.

By /s/ Thomas Schoenberger .

THOMAS SCHOENBERGER, pro se