

Theresa DeWald Rubalcava  
319 Lebeau St.  
Clearwater, FL 33755

March 16, 2023

Second District Court of Appeal  
1700 N. Tampa Street, Suite 300  
Tampa, Florida 33602

Case No. 2D22-3637

Dear Clerk:

Enclosed you will find the Motion for Substitution of Appellant, the Appendix to it, and the Appellant's Motion to Enlarge Time.

Please file these documents.

Thanks,

A handwritten signature in black ink, appearing to read "Theresa DeWald Rubalcava", written in a cursive style.

Theresa DeWald Rubalcava

Enclosures

IN THE DISTRICT COURT OF APPEAL  
FOR THE SECOND DISTRICT  
STATE OF FLORIDA

CLAY G. COLSON,

Case No.: 2D22-3637

L.T. No.: 21-005793-CI

Appellant,

v.

THE CITY OF TARPON SPRINGS,  
FLORIDA,

Appellee. /

**MOTION FOR SUBSTITUTION OF APPELLANT**

COMES NOW, THERESA DEWALD RUBALCAVA, pursuant to Florida Rule of Appellate Procedure 9.360(c)(1) and files her Motion for Substitution of Appellant showing:

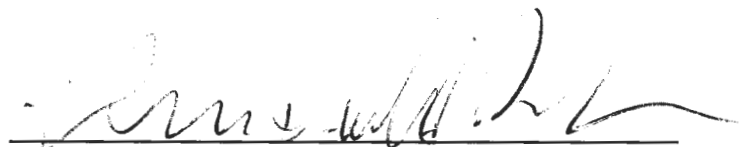
1. “Under Florida law, parties can assign causes of action derived from a contract or statute.” *Forgione v. Dennis Pirtle Agency, Inc.*, 701 So.2d 557, 558 (Fla. 1997).
2. The Appellant, CLAY G. COLSON, transferred his interest in this action to THERESA DEWALD RUBALCAVA on February 20, 2023. See the transfer of interest in this cause of action in Appendix A.

**WHEREFORE**, the undersigned respectfully requests to be

substituted as the Appellant in this case.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this motion and its appendix have been served by U.S. Mail to Andrew J. Salzman, Esq. of Unice Salzman Jenson, P.A. at 1815 Little Rd., Second Floor in Trinity, FL 34655 and to Shane T. Costello, Ed Armstrong, and A. Evan Dix of Hill, Ward & Henderson, P.A. at 101 East Kennedy Blvd., Suite 3700 in Tampa, FL 33602 on this 16th day of March, 2023.



THERESA DEWALD RUBALCAVA  
319 Lebeau St.  
Clearwater, FL 33755  
727-418-7125

IN THE DISTRICT COURT OF APPEAL  
FOR THE SECOND DISTRICT  
STATE OF FLORIDA

CLAY G. COLSON,

Case No.: 2D22-3637

L.T. No.: 21-005793-CI

Appellant,

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THE CITY OF TARPON SPRINGS,  
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**APPENDIX TO MOTION FOR SUBSTITUTION OF APPELLANT**

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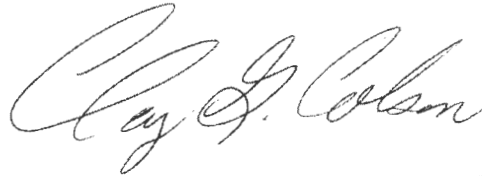
**Transfer of Interest**

**Appendix A**

# Appendix A

## Transfer of Interest

On this 20th day of February of 2023, I, Clay G. Colson, hereby transfer all of the causes of action which I brought in the civil action that I filed in the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida against the City of Tarpon Springs, Florida in Case Number 21-005793-CI and all claims arising from or as a result of such civil action to Theresa DeWald Rubalcava for the good and valuable consideration of her promise to pursue such causes of action and claims.



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CLAY G. COLSON  
4318 Joy Drive  
Land O'Lakes, FL 34638

IN THE DISTRICT COURT OF APPEAL  
FOR THE SECOND DISTRICT  
STATE OF FLORIDA

CLAY G. COLSON,

Case No.: 2D22-3637

L.T. No.: 21-005793-CI

Appellant,

v.

THE CITY OF TARPON SPRINGS,  
FLORIDA,

Appellee. /

**APPELLANT'S MOTION TO ENLARGE TIME**

COMES NOW, the Appellant, THERESA DEWALD  
RUBALCAVA, to file this Motion to Enlarge Time showing:

1. THERESA DEWALD RUBALCAVA has contemporaneously filed her Motion for Substitution of Appellant.
2. The record shows that the Appellant, CLAY G. COLSON, had indigent status, and in spite of such status, the Clerk of the lower court had refused to prepare the record and transmit the same to this Court.
3. Due to the Clerk of the lower court's failure to prepare and transmit the record, the undersigned is going to have to arrange for preparation of the record, and as the undersigned

also has limited income, the undersigned would be unduly burdened if she had to pay for preparation of the record before her Motion for Substitution of Appellant was approved.

4. Alternatively, as the record is limited in this case, this Court could allow the undersigned to proceed with an appendix instead of having to allow time for the Clerk of the lower court to prepare the record.

**WHEREFORE**, the undersigned respectfully requests an enlargement of time of at least 20 days after service of this Court's order on her Motion for Substitution of Appellant in which to make arrangements with the Clerk of the lower court to prepare the record or an enlargement of time of at least 30 days after service of this Court's order on her Motion for Substitution of Appellant in which to file her initial brief with an appendix instead of having the record prepared by the Clerk of the lower court.

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this motion has been served by U.S. Mail to Andrew J. Salzman, Esq. of Unice Salzman Jenson, P.A. at 1815 Little Rd., Second Floor in Trinity, FL 34655 and to Shane T. Costello, Ed Armstrong, and A. Evan Dix of Hill, Ward &



Henderson, P.A. at 101 East Kennedy Blvd., Suite 3700 in Tampa,  
FL 33602 on this 16th day of March, 2023.

A handwritten signature in black ink, appearing to read "Theresa Dewald Rubalcava", written over a horizontal line.

THERESA DEWALD RUBALCAVA  
319 Lebeau St.  
Clearwater, FL 33755  
727-418-7125