

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SUNLUST PICTURES LLC,

Plaintiff,

Case No. 8:12-CV-01685-MSS-MAP

v.

TUAN NGUYEN,

Defendant.

**MOTION FOR EXTENSION OF TIME ON BEHALF OF NON-PARTIES
DUE TO EXPECTED FILING OF MOTION TO WITHDRAW**

On behalf of Non-Parties Paul Duffy and John Steele, it is respectfully requested that the Court extend the time to respond to the newest sanctions motion in this matter, Doc. 52, until the Court has decided the motion to withdraw that the Non-Parties' counsel expect to file as soon as they have been able to provide the required notice. The requested extension of time is necessary to avoid prejudice to the Non-Parties resulting from counsel's inability to effectively represent them in this matter due to an actual conflict that has arisen among the Non-Parties. The grounds supporting this Motion are set forth in the following Memorandum.

MEMORANDUM

Counsel for the Non-Parties expect to move to withdraw from representing the Non-Parties in this matter on the ground that an actual conflict appears to have arisen among the Non-Parties that precludes their multiple representation. Counsel are not in a position as of this date to file the planned motion to withdraw due to notice that is required before the filing

of such a motion. Middle District of Florida Local Rule 2.03(b) requires that counsel provide ten days' notice to the clients and opposing counsel before moving for leave to withdraw. Counsel provided the required notice to the Defendant's Counsel on April 16, 2013, and also attempted to provide notice to each of the Non-Parties on that date. The Non-Parties' Counsel have learned, however, that one of the Non-Parties, Mr. Gibbs, is currently out of the country on a wedding and honeymoon trip and is not expected to return from this trip until May 6, 2013. As a result, the Non-Parties' Counsel have not been able to confirm that Mr. Gibbs has received notice of their intention to withdraw and have not been able to discuss the matter with Mr. Gibbs. Additionally, an attorney who represents Mr. Gibbs in a different matter has specifically requested that the Non-Parties' Counsel wait to move to withdraw in this case until Mr. Gibbs has had an opportunity to discuss the planned motion with the Non-Parties' Counsel. Counsel intend to move to withdraw once they have provided Mr. Gibbs the necessary notice.

Due to the actual conflict that has arisen, the Non-Parties' Counsel are unable to ethically and effectively assist the Non-Parties with responding to the recently-filed motion. Given the timing of the motion and the delay that may take place before the Non-Parties' counsel are in a position to move to withdraw, however, the Non-Parties would be prejudiced in the absence of an extension of time to respond to the motion, because it is expected that the time to respond to the new motion may have elapsed by the time the motion is filed and decided.

Accordingly, it is requested that the Court extend the time for the Non-Parties to respond to the new motion until after the Court has ruled on the expected motion to

withdraw, and that the Court provide the Non-Parties a reasonable time after such a ruling to respond to the motion.

CONCLUSION

For these reasons, it is respectfully requested that the Court enter an Order extending the time for Non-Parties Paul Duffy and John Steele to respond to the Defendants' new sanctions motion (Doc. 52), until a reasonable time to be set by the Court when it rules on the expected motion of the Non-Parties' Counsel to withdraw from representing all of the Non-Parties in this matter.

CERTIFICATE OF CONFERENCE

Pursuant to Middle District of Florida Local Rule 3.01(g), undersigned counsel conferred with counsel for Defendant, Graham Syfert, Esquire. Mr. Syfert has authorized the Non-Parties' counsel to represent that the Defendant does not oppose the requested extension of time.

Respectfully submitted,

/s/ Katherine Earle Yanes

James E. Felman (FB# 775569)
Katherine E. Yanes (FB #159727)
KYNES, MARKMAN & FELMAN, P.A.
Post Office Box 3396
Tampa, Florida 33601
Telephone: (813) 229-1118
Facsimile: (813) 221-6750
jfelman@kmf-law.com
kyanes@kmf-law.com

*Counsel for Non-Parties Prenda Law,
Inc., Paul Duffy, Brett Gibbs and John
Steele*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 1, 2013, I electronically filed the foregoing with the Clerk of the Court which will send a notice of electronic filing to:

Graham W. Syfert
graham@syfert.com

s/ Katherine Earle Yanes

Katherine Earle Yanes