

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No.: 9:20-CV-81205**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

COMPLETE BUSINESS SOLUTIONS GROUP,
INC. d/b/a/ PAR FUNDING, et. al.

Defendants, and

L.M.E. 2017 FAMILY TRUST,

Relief Defendant.

**MOTION FOR RELIEF OR, ALTERNATIVELY, ALLOW COUNSEL BETTINA
SCHEIN TO APPEAR WITHOUT LOCAL COUNSEL**

COMES NOW, Defendant, JOSEPH COLE BARLETA, (“Appearing Defendant”) by and through undersigned counsel and pursuant to this Court’s inherent authority, hereby requests Counsel Bettina Schein to appear without local counsel (undersigned counsel) Andre G. Raikhelson, Esq. at the March 11, 2021 “Show Cause” hearing. Defendant states the following in support:

1. This Court has scheduled an evidentiary hearing on Receiver Ryan K. Stumphauzer’s Motion for Order to Show Cause why Appearing Defendant should not be held in contempt of Court on March 11, 2021 at 2:00 PM EST [D.E. 496].
2. Undersigned counsel (“Appearing Defendant’s Local Counsel”) has a conflict on that date with a previously scheduled bench trial in Palm Beach County in front of Judge Kastrenakes where Undersigned is lead counsel for the defendant in that case¹.

¹ Florida Injury Law Team, LLC. v. Linda Sarmiento, et. al., 50-2018-CA-016015-XXXX-MB (Palm Beach County)

3. Instead of continuing a very important hearing in which the Court has already been fully briefed by the parties, Undersigned respectfully asks this Court to allow lead counsel for Joe Cole Barleta, Bettina Schein, to appear without being accompanied by Appearing Defendant's Local Counsel (something this Court has allowed before when Ms. Schein had not had the opportunity to procure Local Counsel) for this one particular hearing.
4. Moreover, there will be no prejudice in allowing Ms. Schein to appear without the presence of Local Counsel as Ms. Schein has been, or will be, apprised of all local rules governing evidentiary hearings in the Southern District of Florida.
5. Undersigned Counsel **Certifies** that he has met and conferred with relevant counsel of record on March 2, 2021 by electronic mail in compliance with Local Rule 7.3.

MEMORANDUM OF LAW

A. The Court Has Wide Discretion In Allowing the Relief Sought

A district court judge has wide discretion in who he or she allows to practice in front of the Court. So vast is this discretion that district court judges have granted *pro hac vice* status to attorney's that are not even licensed anywhere in the United States. *See Agjunction, LLC. v. Agrain, Inc.*, Case No. 2:14-cv-02069 (D. Kansas, May 1, 2014); *see also Rudick v. Metro Goldwyn Mayer Studio, Inc.*, No. 08-cv-389-bbc, 2008 WL 4693409, at *1 (W.D. Wis. Aug. 28, 2008); *In re Livent, Inc.*, No. 98 Civ.5686(VM)(DFE), 98 Civ.7161(VM)(DFE), 2004 WL 385048, at *3 (S.D.N.Y. Mar. 2, 2004).

Moreover, the discretion of the district court judge is so wide in granting appearances of counsel that a district court judge can even bypass aspects of the local rules. See generally *In re Livent*, 2004 WL 385048, at *3 (“[A]dmission *pro hac vice* is a sensible exercise of discretion on the particular facts of this litigation.”).

WHEREFORE, Appearing Defendant asks this Court to exercise its discretion in allowing Ms. Schein, lead counsel for Appearing Defendant, to appear at the March 11, 2021 hearing without the appearance of Local Counsel.

Respectfully submitted,

Law Offices of Andre G. Raikhelson, LLC.
Local Counsel for Defendant
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Boca Raton, FL 33431
Telephone: (954) 895-5566
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/s/ Andre G. Raikhelson
Andre G. Raikhelson, Esq.
Bar Number: 123657

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 2, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Andre G. Raikhelson
Andre G. Raikhelson Esq.

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_____ /

**ORDER GRANTING JOSEPH COLE BARLETA'S LOCAL COUNSEL MOTION FOR
RELIEF OR, ALTERNATIVELY, ALLOW COUNSEL BETTINA SCHEIN TO APPEAR
WITHOUT LOCAL COUNSEL**

THIS CAUSE having come before the Court on the Motion For Relief or, Alternatively, to Allow Counsel Bettina Schein to Appear on the Show Cause hearing scheduled for March 11, 2021 hearing at 2:00 PM without her local counsel. This Court having considered the motion and all other relevant factors, it is hereby

ORDERED AND ADJUDGED that:

The Motion is GRANTED. Bettina Schein, Esquire may appear and at the March 11, 2021 hearing scheduled at 2:00 PM on behalf of Joseph Cole Barleta without the presence of her local counsel.

DONE AND ORDERED in Chambers in the United States District Court, Southern District
of Florida – Ft. Lauderdale Division, this _____ day of March, 2021

HONORABLE RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

Copies furnished to: All Counsel of Record