

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO.: 09-CIV-20865-UNGARO/SIMONTON

JONATHAN E. PERLMAN, Esq., as court	:
Appointed Receiver of Creative Capital	:
Consortium, LLC, et al.,	:
	:
Plaintiff,	:
v.	:
	:
GABRIELLE ALEXIS, et al.,	:
	:
Defendants.	:
	:

**MOTION TO WITHDRAW BY SHENDELL & POLLOCK, P.L. AS CONSEL FOR
DEFENDANTS' GABRIELLE ALEXIS AND LAW OFFICE OF GABRIELLE ALEXIS,
P.A., AND INCORPORATED MEMORANDUM OF LAW IN SUPPORT THEREOF**

Pursuant to S.D. Fla. L.R. 7.1 and 11.1, and Rule 4-1.16(b) of the Rules Regulating the Florida Bar, Kenneth S. Pollock, Esq., of Shendell & Pollock, P.L. hereby files this motion to withdraw as counsel for Defendants, GABRIELLE ALEXIS, and LAW OFFICE OF GABRIELLE ALEXIS, P.A. (collectively "Defendants") and, in support thereof, states as follow:

1. The undersigned counsel has been retained by the Defendants to represent them in connection with this lawsuit against the Plaintiff JONATHAN E. PERLMAN, Esq., as Court Appointed Receiver of Creative Capital Consortium, LLC, et al.,.
2. The undersigned was previously representing the Defendants pursuant to a professional liability insurance policy issued by Medmarc Casualty Insurance Company.
3. Medmarc Casualty Insurance Company, the Defendants' insurer, filed an Amended Complaint in the United State District Court for the Southern District of Florida to

rescind the Policy and for declaratory relief against the Defendants and the Receiver, Case. No. 09-615-CIV-Zloch. (the “Coverage Action”). In the Coverage Action, Judge Zloch entered a Default Final Judgment as to the Defendants and holding that Medmarc Casualty Insurance Company is not liable under liability insurance policy numbers 08APFL02716 as to claims alleged against Defendants and said policy is void ab initio. [D.E. 18].

4. The Defendants are not able to pay the undersigned for legal services going forward, thereby making it impossible for the undersigned counsel to continue to effectively represent them in this action. Thus, the continued representation of the Defendants will present an unreasonable financial burden upon the undersigned counsel and Shendell & Pollock, P.L.

5. The Defendants has been forwarded a copy of this Motion and were informed of the ramifications of the withdrawal of the undersigned counsel at this time and the need for them to take immediate steps to retain successor counsel. Gabrielle Alexis has informed the undersigned that she does not object to the withdrawal of the undersigned counsel on her behalf or on behalf of LAW OFFICE OF GABRIELLE ALEXIS, P.A.

MEMORANDUM OF LAW

6. Pursuant to Rule 4-1 - 16(b) of the Rules Regulating the Florida Bar, a lawyer may withdraw from representing a client “(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled: (5) the representation will result in an unreasonably financial burden on the lawyer or has been rendered unreasonably difficult by the client;...”

7. Given the circumstances outlined above, sufficient good cause exists to permit the withdrawal of the undersigned counsel as counsel of record for the Defendants.

CERTIFICATE OF COUNSEL

The undersigned counsel conferred with counsel for Plaintiff, Carmen Contreras-Martinez, Esq, who does not object to the filing of this Motion.

WHEREFORE, the undersigned counsel respectfully requests that this Court enter an Order: (a) Granting this Motion; (b) Authorizing Kenneth S. Pollock, Esq., and the law firm of Shendell & Pollock, P.L. to withdraw as counsel of record for the Defendants; (c) Relieving Kenneth S. Pollock, Esq., and Shendell & Pollock, P.L. of any and all further obligations on behalf of the Defendants in this action; (d) Providing Defendants with thirty (30) days of the signing of this Order to retain a new attorney and have that attorney file a written appearance or file a written notification with the Clerk advising the Court that the party wishes to be self-represented; (e) Directing that all future pleadings, motions, discovery, and any and all other communications concerning this matter be sent to Gabrielle Alexis, Law Office of Gabrielle Alexis, P.A., 1325 Congress Avenue, Boynton Beach, Florida 33426; Email: Galexis.esq@gmail.com.; until such time as successor counsel enters an appearance; and (f) Awarding such other and further relief as this Court deems just and proper.

Dated: July 9, 2010
Boca Raton, Florida

Respectfully submitted,

By: /s/ Kenneth S. Pollock
Kenneth S. Pollock, Esq.
Florida Bar No.: 0069558
SHENDELL & POLLOCK, P.L.
One Park Place
621 N.W. 53rd Street
Suite 310
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, this 9th day of July, 2010. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Kenneth S. Pollock
Kenneth S. Pollock

SERVICE LIST

David C. Cimo, Esq.
Carmen Contreras-Martinez, Esq,
Genovese Joblove & Battista, P.A.
100 S.E. Second Street, 44th Floor
Miami, FL 33131
VIA CM/ECF

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO.: 09-CIV-20865-UNGARO/SIMONTON

JONATHAN E. PERLMAN, Esq., as court	:
Appointed Receiver of Creative Capital	:
Consortium, LLC, et al.,	:
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Plaintiff,	:
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v.	:
	:
GABRIELLE ALEXIS, et al.,	:
	:
Defendants.	:
	:
	:
	:

ORDER GRANTING SHENDELL & POLLOCK, P.L.’S MOTION TO WITHDRAW

THIS CAUSE having come before the Court, upon the Motion to Withdraw of the law firm of Shendell & Pollock, P.L., as counsel for Defendants, GABRIELLE ALEXIS and LAW OFFICE OF GABRIELLE ALEXIS, P.A., and the Court having reviewed the Motion, and being otherwise fully advised in the premise, it is hereby:

ORDERED AND ADJUDGED that

1. The Motion to Withdraw is hereby GRANTED.

2. Shendell & Pollock, P.L. is hereby permitted to withdraw as counsel for the Defendants, GABRIELLE ALEXIS and LAW OFFICE OF GABRIELLE ALEXIS, P.A., forthwith and shall have no further obligation in this matter.

3. Alexis Defendants shall within thirty (30) days of the signing of this Order, either retain a new attorney and have that attorney file a written appearance or file a written notification with the Clerk advising the Court that the parties wish to be self-represented.

4. All future pleadings, motions, discovery, and any and all other communications concerning this matter shall be sent to Gabrielle Alexis and Law Office of Gabrielle Alexis, P.A., at 1325 Congress Avenue, Boynton Beach, Florida 33426; Email: Galexis.esq@gmail.com until such time as successor counsel enters an appearance. The parties are responsible for notifying the Court and counsel for other parties of any change of address. The above is address is good for service unless notice of change is filed.

DONE AND ORDERED in Chambers in West Palm Beach, Palm Beach County, Florida this ____ day of _____, 2010.

US DISTRICT COURT JUDGE

Copies furnished to:

All attorneys of record

Gabrielle Alexis and Law Office of Gabrielle Alexis, P.A., 1325 Congress Avenue, Boynton Beach, Florida 33426;