

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

HEATHER MARIE KOTIS and RACHEL  
CHRISTINE MILL

Plaintiffs,

v.

CASE NO.: 8:07-00447-JSM-EAJ

DESLIN HOTELS, INC., IRENE L. DEVLIN,  
DENNIS B. DEVLIN, GOLDRUSH DISC JOCKEYS, INC.,  
DAVID L. BARTON, BV & BK PRODUCTIONS, LLLP,  
CHAD W. CIANI, MRA HOLDINGS, LLC, AMX  
PRODUCTIONS, LLC, d/b/a AMX Video, a/k/a GM Video,  
a/k/a George Martin Video a/k/a Action Matrix, a/k/a Aztec  
Media Co., MANTRA FILMS, INC., d/b/a Girls Gone Wild,  
JOSEPH R. FRANCIS, SVOTHI, INC., d/b/a PPVNetworks  
and nakedontv.com; and JUCCO HOLDINGS, INC.,  
d/b/a drunkspringbreak.com,

Defendants.

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**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE  
RESPONSE TO DEFENDANTS CHAD CIANI AND BV & BK  
PRODUCTION, LLLP'S MOTION TO DISMISS AND DEFENDANTS  
DESLIN HOTELS, INC., IRENE L. DEVLIN AND DENNIS B. DEVLIN'S  
MOTION TO DISMISS, OR ALTERNATIVELY, MOTION TO STRIKE**

Plaintiffs, by and through their undersigned counsel and pursuant to Local Rule 3.01, respectfully move this Court for the entry of an Order granting them leave to file a response to Defendants Chad Ciani and BV & BK Productions, LLLP's Motion To Dismiss and Defendant Deslin Hotels, Inc., Irene L. Devlin and Dennis B. Devlin's Motion To Dismiss, or Alternatively, Motion To Strike. In support of this Motion, Plaintiffs refer the Court to the Supporting Memorandum, below:

**SUPPORTING MEMORANDUM**

Plaintiffs seek leave to file a response in opposition to Defendants' Motions to Dismiss or Strike to assist the Court in making a ruling on the Motions. No prejudice will result to Defendants, as this action is in its early stages. Moreover, Defendants do not object to the granting of this Motion.

Plaintiffs filed the Complaint on March 21, 2007. Defendants Deslin Hotels, Inc., Irene L. Devlin and Dennis B. Devlin filed their Motion to Dismiss on June 7, 2007. Defendants Chad W. Ciani and BV & BK Productions, LLLP filed their Motion to Dismiss or Strike on June 11, 2007. At the time the Motions to Dismiss were filed, Plaintiffs were represented by The Solomon Tropp Law Group, P.A. ("Solomon Tropp"). However, Solomon Tropp filed a Motion to Withdraw as Counsel for Plaintiffs on June 21, 2007. This Court entered an Order granting Solomon Tropp's Motion on June 26, 2007. Thereafter, on July 17, 2007, the undersigned's law firm, Mechanik Nuccio Hearne & Wester, P.A. ("Mechanik Nuccio"), filed a Notice of Appearance on behalf of Plaintiffs. On July 27, 2007, Mechanik Nuccio received the Court's Notice of Hearing on the Motions to Dismiss, scheduling a hearing on the Motions for August 23, 2007.

Since assuming the representation of Plaintiffs, Mechanik Nuccio has attempted to obtain Plaintiffs' file from Solomon Tropp. However, to date, Mechanik Nuccio has not received any part of the file. Pursuant to communications with Solomon Tropp, Mechanik Nuccio expects to receive Plaintiffs' file in the next three business days.

Pursuant to Fed. R. Civ. P. 6(b), this Court may enlarge any act that is required to be done at or within a specified period of time for cause shown. Here, good cause exists

to allow Plaintiffs to file a response to the Motions to Dismiss, in that shortly after the Motions were filed, Plaintiffs' counsel of record, Solomon Tropp, withdrew. Therefore, no response was filed on Plaintiffs' behalf to the Motions to Dismiss. Mechanik Nuccio now desires to file a response opposing the Motions to Dismiss to assist the Court in reaching its rulings.

Accordingly, Plaintiffs respectfully request that the Court enter an Order allowing them leave to file a response in opposition to the Motions to Dismiss or Strike filed by Defendants Chad W. Ciani, BV & BK Productions, LLLP, Deslin Hotels, Inc., Irene L. Devlin and Dennis B. Devlin.

**CERTIFICATE OF GOOD FAITH**

In accordance with Local Rule 3.01(g), I hereby certify that counsel for Defendants Deslin Hotels, Inc., Irene L. Devlin, Dennis B. Devlin, Chad W. Ciani and BV & BK Productions, LLLP have been consulted in a good faith effort to resolve by agreement the issues raised by this Motion, and counsel has advised that Defendants have no objection to the granting of this Motion.

Respectfully submitted,

/s/Richard S. Shankman  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 1, 2007 the foregoing Motion was electronically filed with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to the following:

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