

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO.: 22-cv-20201-GAYLES/TORRES**

**BANCOR GROUP INC., et al.,**

Plaintiffs,

v.

**GABINA RODRIGUEZ, et al.,**

Defendants.

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**ORDER**

**THIS CAUSE** comes before the Court on Defendants’ Objection to Magistrate Judge’s Order on Plaintiff’s Motion to Disqualify Defendants’ Counsel Michael Diaz, Jr. & the Law Firm of Diaz, Reus & Targ, LLP (“Defendants’ Objection”), [ECF No. 289], and Plaintiffs’ Response in Opposition to Defendants’ Objection to Magistrate Judge Torres’ Order on Disqualification and Request for *Sua Sponte* Disqualification of Diez, Reus & Targ, LLP (“Plaintiffs’ Request”), [ECF No. 324]. The Court has considered Defendants’ Objections, Plaintiff’s Request, and the record and is otherwise fully advised.

The action was referred to Chief Magistrate Judge Edwin Torres, pursuant to 28 U.S.C. § 636(b)(1)(B), for a ruling on all pretrial, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. [ECF No. 9]. On November 3, 2022, Plaintiffs filed their Motion to Disqualify Counsel for Defendants (the “Motion to Disqualify”). [ECF No. 146]. On April 13, 2023, Judge Torres issued his Order granting in part the Motion to Disqualify (the “Order”). [ECF No. 251]. In particular, Judge Torres found that Michael Diaz should be

disqualified from representing Defendants in this action based on his previous relationship with Plaintiff's beneficial owner while at his prior law firm, but that his current law firm—Diaz, Reus & Targ, LLP (“DRT”)—should not be disqualified. *Id.* Defendants object to the Order, arguing that (1) Plaintiffs had no standing to move for disqualification; (2) the Order applied the wrong Rule of Professional Responsibility; and (3) under the proper rule, Mr. Diaz should not be disqualified. [ECF No. 289]. Plaintiffs, on the other hand, argue that the Court should *sua sponte* reconsider Judge Torres's denial of the Motion to Disqualify with respect to DRT. [ECF No. 324].

The Motion to Disqualify is a non-dispositive matter. *See Kobarid Holdings, S.A. v. Reizen*, No. 03-23269, 2005 WL 8169268, at \*1 n.1 (S.D. Fla. Mar. 31, 2005) (“[A] Motion to Disqualify Counsel is a non-dispositive motion within the meaning of 28 U.S.C. § 636(b)((1)(A).”). Pursuant to Federal Rule of Civil Procedure 72(a), a district court reviews a magistrate judge's order on a non-dispositive matter under a “clearly erroneous or [] contrary to law” standard. Fed. R. Civ. P. 72(a). “Clear error is a highly deferential standard of review” and a finding of clear error is only appropriate “if the district court ‘is left with the definite and firm conviction that a mistake has been committed.’” *Bradford Emergency Group, LLC. v. Blue Cross and Blue Shield of Florida, Inc.*, No. 21-62139, 2022 WL 4545177, at \*1 (S.D. Fla. Sep. 29, 2022) (quoting *Holton v. City of Thomasville School Dist.*, 425 F.3d 1325, 1351 (11th Cir. 2005)). “A magistrate judge's order is contrary to law when it fails to apply or misapplies relevant statutes, case law, or rules of procedure.” *Id.* (internal quotation omitted). “The standard for overturning a Magistrate Judge's Order is a very difficult one to meet” *Id.* (internal quotation omitted). Moreover, under Southern District of Florida Local Rule 4(a)(1), a “District Judge may also reconsider *sua sponte* any matter determined by a Magistrate Judge under this rule.” S.D. Fla. L.R. 4(a)(1).

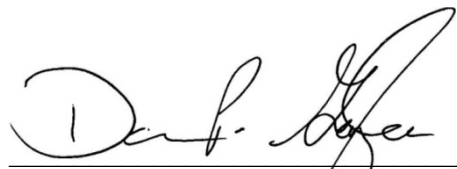
The Court has reviewed the Order and finds that it is not clearly erroneous or contrary to

law. Moreover, the Court does not find a basis to *sua sponte* reconsider Judge Torres's well-reasoned findings of fact or conclusions of law. Accordingly, it is

**ORDERED AND ADJUDGED** that

1. Defendants' Objection to Magistrate Judge's Order on Plaintiff's Motion to Disqualify Defendants' Counsel Michael Diaz, Jr. & the Law Firm of Diaz, [ECF No. 289], is overruled.
2. Plaintiffs' Request for *Sua Sponte* Disqualification of Diez, Reus & Targ, LLP [ECF No. 324] is denied.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 18th day of May, 2023.

  
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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE