

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION**

AMADO MEDEROS and  
MANUELA GARCIA,

Plaintiffs,

CASE NO.: 19-CA-005837

vs.

CITIZENS PROPERTY INSURANCE  
CORPORATION,

Defendant.

\_\_\_\_\_ /

**DEFENDANT'S MOTION TO STAY PROCEEDINGS PENDING COURT APPROVED  
SUBSTITUTION OF COUNSEL, OR ALTERNATIVELY, ACKNOWLEDGEMENT OF  
PRO SE REPRESENTATION**

Defendant Citizens Property Insurance Corporation (hereinafter "Citizens"), moves this Honorable Court for an order staying this litigation until a Court approved order of substitution of counsel has been entered or alternatively, the Plaintiffs acknowledge that they are going to continue the litigation pro se. The facts asserted in support of this motion are reflected in the attached exhibits.

**Factual Background**

1. This matter arises out of a dispute over property insurance benefits.
2. On February 5, 2020, Plaintiffs filed this lawsuit against Citizens and at that time was represented by the The Stremms Law Firm, P.A. ("the Stremms Firm").
3. The Stremms Firm was incorporated as a Professional Association on or about October 14, 2008. A copy of the Division of Corporations printout is attached hereto as Exhibit A.

4. Scot Strems (“Strems”) was the sole shareholder of the Strems Firm. See a copy of the Division of Corporations printout wherein he signed as the “sole shareholder” attached hereto as Exhibit B.
5. On or about June 9, 2020, the Florida Supreme Court entered an Emergency Suspension Order against Strems that went into effect 30 days from that date (“Emergency Order”). See Exhibit C.
6. On or about June 26, 2020, Strems filed a Motion to Dissolve Order of Suspension during the pendency of the Bar proceedings (“Motion to Dissolve”).
7. On or about July 1, 2020, Strems changed the name of the firm from The Strems Firm to The Property Advocates, P.A. (“Property Advocates”). See Exhibit B.
8. On or about July 7, 2020, during the hearing held on Strems’ Motion to Dissolve, Strems testified that he was the sole owner of the Strems Firm, now Property Advocates, and that if the emergency suspension was to be upheld, he would be required to sell the firm.
9. On or about July 9, 2020, an Amended Annual Report was filed for Property Advocates wherein Strems no longer holds the positions of officer or director and now there are new directors listed. See Exhibit D.
10. Strems’ suspension went into effect on July 10, 2020.
11. As a result of the Emergency Order, Strems was required to cease the practice of law.
12. Unless the Strems Firm, now known as Property Advocates, had shareholders other than Strems who were allowed to practice law, it was also required to cease the practice of law as of the date of Strems’ suspension.

13. In order to have other shareholders of the firm, it is believed that Strems must sell some or all of his shares in the firm.
14. On or around July 13, 2020, Citizens started receiving pleadings in its cases wherein Property Advocates sends “Notice” to the Court and all parties that the name of the firm, email address, and attorneys have changed and that “any other attorneys of record should be removed as counsel”. See Exhibit E.
15. On or about July 15, 2020, the referee hearing Strems’ Motion to Dissolve Order of Emergency Suspension recommended that the Supreme Court deny the motion and that the emergency order continue in full force and effect. See Exhibit F. To date the Supreme Court has not dissolved, modified, or reversed the emergency suspension and Strems currently remains disqualified to render legal services in the State of Florida.
16. Upon information and belief, Strems, as the sole shareholder of The Strems Law Firm, P.A., may be in the process of selling the law practice which is now known as The Property Advocates, P.A.

**Applicable Rules**

17. The Florida Rules of Professional Conduct provide:  
  
**Cessation of Legal Services.** Whenever all shareholders of a professional service corporation, or all members of a professional limited liability company, the proprietor of a solo practice, or all partners in a limited liability partnership become legally disqualified to render legal services in this state, the authorized business entity must cease the rendition of legal services in Florida. R. Regulating Fla. Bar 4-8.6 (f). (emphases added).
18. The sale of a law practice in Florida must comply with Rule 4-1.17 of the Rules Regulating The Florida Bar, Rules of Professional Conduct which provide:

A lawyer or a law firm may sell or purchase a law practice, or an area of practice, including good will, provided that:

(a) **Sale of Practice or Area of Practice as an Entirety.** The entire practice, or the entire area of practice, is sold to 1 or more lawyers or law firms authorized to practice law in Florida.

(b) **Notice to Clients.** Written notice is served by certified mail, return receipt requested, on each of the seller's clients of:

- (1) the proposed sale;
- (2) the client's right to retain other counsel; and
- (3) the fact that the client's consent to the substitution of counsel will be presumed if the client does not object within 30 days after being served with notice.

(c) **Court Approval Required.** If a representation involves pending litigation, there will be no substitution of counsel or termination of representation unless authorized by the court. The seller may disclose, in camera, to the court information relating to the representation only to the extent necessary to obtain an order authorizing the substitution of counsel or termination of representation.

(d) **Client Objections.** If a client objects to the proposed substitution of counsel, the seller must comply with the requirements of rule 4-1.16(d).

(e) **Consummation of Sale.** A sale of a law practice may not be consummated until:

- (1) with respect to clients of the seller who were served with written notice of the proposed sale, the 30-day period referred to in subdivision (b)(3) has expired or all these clients have consented to the substitution of counsel or termination of representation; and
- (2) court orders have been entered authorizing substitution of counsel for all clients who could not be served with written notice of the proposed sale and whose representations involve pending litigation; provided, in the event the court fails to grant a substitution of counsel in a matter involving pending litigation, that matter may not be included in the sale and the sale otherwise will be unaffected. Further, the matters not involving pending litigation of any client who cannot be served with written notice of the proposed sale may not be included in the sale and the sale otherwise will be unaffected.

(f) **Existing Fee Contracts Controlling.** The purchaser must honor the fee agreements that were entered into between the seller and the seller's clients. The fees charged clients may not be increased by reason of the sale.

19. In the instant case, while it is currently unknown if, and when, Stremms as the selling attorney gave notice to each of its clients in litigation of the proposed sale, it is

known that the 30 days could not have yet run on the clients to object or to find new counsel since as of July 7, 2020, he testified a sale would not be necessary should the Emergency Order be dissolved. Thus, under the Rule 4-1.17(e), the consummation of sale of the law practice (Property Advocates) could not have occurred yet.

20. Further, this Court has not entered the required order under the Rule 4-1.17(c), authorizing the substitution of new counsel or termination of representation and thus any “Notice” filed by the attorneys of Property Advocates is a nullity.

21. Thus, since any sale of the Property Advocates had not consummated as of July 10, 2020, Strems was still the sole shareholder of Property Advocates on that date. Pursuant to Rule 4-8.6(f), Property Advocates was required to cease rendering legal services as of July 10, 2020.

22. Finally, the Plaintiffs have the right to choose new counsel regardless of the potential sale. In this circumstance, Rule 2.5(e)(2) of the Fla. R. Jud. Admin. provides that:

**(e) Appearance of Attorney.** An attorney may appear in a proceeding in any of the following ways:

...

(2) By substitution of counsel, but only by order of court and with written consent of the client, filed with the court....

**Requested Relief**

23. Based on the above, neither the Stremms Firm nor Property Advocates appear to be properly before this Court as counsel for the Plaintiffs and therefore, the Plaintiffs may currently be unrepresented.
24. As a result, Citizens is concerned that any action taken by the law firm may not be binding on the Plaintiffs and may later be deemed void or voidable. If indeed the law firm is not properly authorized to represent the Plaintiffs, Citizens has no opposing counsel with which to actively pursue this litigation, including but not limited to,
  - a. setting hearings, depositions, inspections, mediation, and trial,
  - b. attending hearings, depositions, inspections, mediation, and trial,
  - c. conducting discovery, and
  - d. negotiation of possible settlement.
25. Citizens requests that this action be stayed pending the proper substitution of counsel for the Plaintiffs.
26. If the substitution is occurring due to a sale of the law practice known as The Property Advocates, P.A., a court order is required pursuant to Rule 4-1.17(c) of the R. Regulating Fla. Bar.
27. Alternatively, if the substitution is occurring due to the Plaintiffs hiring new counsel, written consent of the client must be filed with the court and an order is required pursuant to Rule 2.5(e)(2) of the Fla. R. Jud. Admin.
28. As a final alternative, the Plaintiffs as individuals, have the right to represent themselves, and no substitution of counsel would be necessary. While this does

appear to be the situation with the Plaintiffs currently, it is assumed that that this is not intended by the Plaintiffs and Citizens does not wish to proceed as if it is intended by the Plaintiffs. As a result, if it is the Plaintiffs' intention to proceed pro se, Citizens would request that the Plaintiffs acknowledge that choice in writing so there is no confusion on the matter.

### **Memorandum**

29. This Court has broad discretion in which to determine the appropriateness and conditions of a stay of litigation. Sunbeam Television Corp. v. Clear Channel Metroplex, Inc., 117 So. 3d 772 (Fla. 3d DCA 2012) The trial court's decision is then subject to review by this Court under the highly deferential abuse of discretion standard. *Parker v. Estate of Bealer*, 890 So.2d 508, 512 (Fla. 4th DCA 2005). The idea is that the court most familiar with the controversy is in the best posture to determine the appropriateness and conditions of a stay. *See City of Sarasota v. AFSCME Council '79*, 563 So.2d 830, 830 (Fla. 1st DCA 1990) (“Generally, the lower tribunal has broad discretion in the matter of a stay.”); *see also Pabian v. Pabian*, 469 So.2d 189, 191 (Fla. 4th DCA 1985) (“[T]he trial court has considerable latitude in controlling the circumstances under which the proceedings may be stayed pending review.”) (citation and internal quotations omitted).
30. Given the unique circumstances surrounding the representation in this case and the confusion that can be caused with unknowingly and unintended pro se litigants, Citizens requests this Court stay this matter until a proper substitution of counsel order is entered or the Plaintiffs acknowledge in writing their intention to proceed pro se.

WHEREFORE, Defendant, Citizens Property Insurance Corporation, respectfully requests this Court enter an order staying this action until such time as an attorney has been properly substituted for the Plaintiffs or the Plaintiffs have acknowledged in writing their intention to proceed pro se and any other relief this Court deems necessary.

/s/ Claire B. Carter, Esq.  
DAVID J. TONG, ESQUIRE  
[dtong@saxongilmore.com](mailto:dtong@saxongilmore.com)  
Florida Bar No. 437085  
CLAIRE. B. CARTER, ESQUIRE  
[ccarter@saxongilmore.com](mailto:ccarter@saxongilmore.com)  
Florida Bar No. 85754  
SAXON GILMORE & CARRAWAY, P.A.  
201 E. Kennedy Blvd., Ste. 600  
Tampa, FL 33602  
PH (813) 314-4500

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been served by Electronic Mail to Jonathan Drake, Esq., [jdrake@stremslaw.com](mailto:jdrake@stremslaw.com); [pleadings@stremslaw.com](mailto:pleadings@stremslaw.com); and [team8@stremslaw.com](mailto:team8@stremslaw.com), this 30<sup>th</sup> day of July, 2020.

/s/ Claire B. Carter  
Attorney



# **EXHIBIT “A”**

**Electronic Articles of Incorporation  
For**

P08000093338  
FILED  
October 14, 2008  
Sec. Of State  
jshivers

THE STREMS LAW FIRM , P.A.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

**Article I**

The name of the corporation is:

THE STREMS LAW FIRM , P.A.

**Article II**

The principal place of business address:

155 SOUTH MIAMI AVENUE  
PENTHOUSE 1-D  
MIAMI, FL. 33130

The mailing address of the corporation is:

155 SOUTH MIAMI AVENUE  
PENTHOUSE 1-D  
MIAMI, FL. 33130

**Article III**

The purpose for which this corporation is organized is:

LEGAL SERVICES AND REPRESENTATION

**Article IV**

The number of shares the corporation is authorized to issue is:

100

**Article V**

The name and Florida street address of the registered agent is:

SCOT STREMS  
155 SOUTH MIAMI AVENUE  
PENTHOUSE 1-D  
MIAMI, FL. 33130

I certify that I am familiar with and accept the responsibilities of registered agent.

P08000093338  
FILED  
October 14, 2008  
Sec. Of State  
jshivers

Registered Agent Signature: SCOT STREMS

### **Article VI**

The name and address of the incorporator is:

SCOT STREMS  
155 SOUTH MIAMI AVENUE  
PENTHOUSE 1-D  
MIAMI, FLORIDA 33130

Incorporator Signature: SCOT STREMS

### **Article VII**

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P  
SCOT STREMS  
155 SOUTH MIAMI AVENUE, PENTHOUSE 1-D  
MIAMI, FL. 33130

### **Article VIII**

The effective date for this corporation shall be:

10/13/2008

# **EXHIBIT “B”**



**ARTICLES OF AMENDMENT TO  
THE ARTICLES OF INCORPORATION  
OF  
THE STREMS LAW FIRM, P.A.**

Pursuant to the provisions of Section 607.1006, Florida Statutes, this Florida Profit Corporation hereby adopts the following amendment(s) to its Articles of Incorporation:

1. The name of the Corporation is THE STREMS LAW FIRM, P.A.
2. The Articles of Incorporation for the Corporation were filed with the Florida Department of State effective October 14, 2018, and the Florida document number assigned to this Corporation is P08000093338.
3. Article I of this Corporation's Articles of Incorporation is hereby amended in its entirety so as to read, after amendment, as follows:

**"ARTICLE I**

The name of the Corporation shall be THE PROPERTY ADVOCATES, P.A."

4. Article IV of this corporation's Articles of Incorporation is hereby amended in its entirety so as to read, after amendment, as follows:


**"ARTICLE IV**

This corporation shall be authorized to issue One Million (1,000,000) shares of ten cents (\$0.10) per share."

5. These Articles of Amendment shall be effective upon filing with the Florida Department of State.
6. These Articles of Amendment have been adopted by Written Action in lieu of a Special Meeting of the sole Shareholder and Director of this Corporation on June 29, 2020, which vote is sufficient for approval.

IN WITNESS WHEREOF, the undersigned has executed and delivered these Articles of Amendment on behalf of this Corporation this 1 day of July, 2020.

**THE STREMS LAW FIRM, P.A.**

By:   
SCOT STREMS  
Registered Agent

2020 JUL -1 PM 12:12

6352648

# EXHIBIT “C”

# Supreme Court of Florida

TUESDAY, JUNE 9, 2020

**CASE NO.: SC20-806**

Lower Tribunal No(s):  
2018-70,119 (11C-MES);  
2019-70,311 (11C-MES);  
2020-70,440 (11C-MES);  
2020-70,444 (11C-MES)

THE FLORIDA BAR

vs. SCOT STREMS

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Petitioner(s)

Respondent(s)

The Petition for Emergency Suspension filed pursuant to Rule 3-5.2 of the Rules Regulating the Florida Bar is approved and it is hereby ordered that Respondent is suspended from the practice of law until further order of this Court, and Respondent is ordered:

a. to accept no new clients from the date of this Court's order and to cease representing any clients after thirty days of this Court's order. In addition, Respondent shall cease acting as personal representative for any estate, as guardian for any ward, and as trustee for any trust and will seek to withdraw from said representation within thirty days from the date of this Court's order and will immediately turn over to any successor the complete financial records of any estate, guardianship or trust upon the successor's appointment;



b. to immediately furnish a copy of Respondent's suspension order to all clients, opposing counsel and courts before which Respondent is counsel of record and to furnish Staff Counsel of The Florida Bar with the requisite affidavit listing all clients, opposing counsel and courts so informed within thirty days of this Court's order;

c. to stop disbursing or withdrawing any monies from any trust account related to Respondent's law practice without approval of the Florida Supreme Court or a referee appointed by the Florida Supreme Court or by order of the circuit court in which an inventory attorney has been appointed. In addition, Respondent shall deposit any fees or other sums received in connection with the practice of law or in connection with the Respondent's employment as a personal representative, guardian or trustee, paid to the Respondent within thirty days of this Court's order from which withdrawal may only be made in accordance with restrictions imposed by this Court, and to advise Bar Counsel of the receipt and location of said funds within thirty days of this Court's order;

d. to stop withdrawing any monies from any trust account or other financial institution account related to Respondent's law practice or transfer any ownership of real or personal property purchased in whole or part with funds properly belonging to clients, probate estates for which Respondent served as personal

representative, guardianship estates for which Respondent served as guardian, and trusts for which Respondent served as trustee without approval of the Florida Supreme Court or a referee appointed by the Florida Supreme Court or by order of the circuit court in which an inventory attorney has been appointed;

e. to immediately notify in writing all banks and financial institutions in which Respondent maintains an account related to the practice of law, or related to services rendered as a personal representative of an estate, or related to services rendered as a guardian, or related to services rendered as a trustee, or where Respondent maintains an account that contains funds that originated from a probate estate for which Respondent was personal representative, guardianship estate for which Respondent was guardian, or trust for which Respondent was trustee, of the provisions of respondent's suspension and to provide said financial institutions with a copy of this Court's order, and furthermore, to provide Bar Counsel with a copy of the notice sent to each bank or financial institution; and

f. to immediately comply with and provide all documents and testimony responsive to a subpoena from The Florida Bar for trust account records and any related documents necessary for completion of a trust account audit to be conducted by The Florida Bar.

CASE NO.: SC20-806

Page Four

The Court hereby authorizes any Referee appointed in these proceedings to determine entitlement to funds in any trust account(s) frozen as a result of an Order entered in this matter.

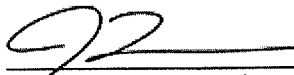
Not final until time expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this suspension.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, and MUÑIZ, JJ., concur.

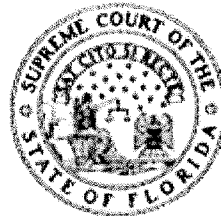
COURIEL, J., did not participate.

A True Copy

Test:



John A. Tomasino  
Clerk, Supreme Court



ca

Served:

JOHN DEREK WOMACK  
MARK ALAN KAMILAR  
SCOTT KEVORK TOZIAN  
PATRICIA ANN TORO SAVITZ

# **EXHIBIT “D”**

**2020 FLORIDA PROFIT CORPORATION AMENDED ANNUAL REPORT**

**FILED  
Jul 09, 2020  
Secretary of State  
2885321407CC**

DOCUMENT# P08000093338

**Entity Name:** THE PROPERTY ADVOCATES, P.A.

**Current Principal Place of Business:**

2525 PONCE DE LEON BLVD,  
SUITE 600  
CORAL GABLES, FL 33134

**Current Mailing Address:**

2525 PONCE DE LEON BLVD,  
SUITE 600  
CORAL GABLES, FL 33134 US

**FEI Number:** 26-3531714

**Certificate of Status Desired:** No

**Name and Address of Current Registered Agent:**

LAW OFFICE OF MARK A. KAMILAR  
2921 SW 27TH AVE.  
COCONUT GROVE, FL 33133 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

**SIGNATURE:** MARK KAMILAR

07/09/2020

Electronic Signature of Registered Agent

Date

**Officer/Director Detail :**

Title            PRESIDENT, DIRECTOR  
Name            PATTERSON, HUNTER  
Address        2525 PONCE DE LEON BLVD,  
                  SUITE 600  
City-State-Zip: CORAL GABLES FL 33134

Title            DIRECTOR  
Name            MENDIZABAL, CECILE  
Address        2525 PONCE DE LEON BLVD,  
                  SUITE 600  
City-State-Zip: CORAL GABLES FL 33134

Title            TREASURER  
Name            NARCHET, CHRISTOPHER  
Address        2525 PONCE DE LEON BLVD,  
                  SUITE 600  
City-State-Zip: CORAL GABLES FL 33134

Title            SECRETARY  
Name            ROMERO, ORLANDO  
Address        2525 PONCE DE LEON BLVD,  
                  SUITE 600  
City-State-Zip: CORAL GABLES FL 33134

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

**SIGNATURE:** HUNTER PATTERSON

P

07/09/2020

Electronic Signature of Signing Officer/Director Detail

Date

# **EXHIBIT “E”**

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
CIVIL DIVISION

CASE NO: 2019-027248-CA-01

EDUARDO TRUJILLO AND ELVIRA TRUJILLO,

Plaintiff(s),

vs.

CITIZENS PROPERTY INSURANCE CORPORATION,

Defendant.

NOTICE OF CHANGE OF FIRM NAME AND EMAIL ADDRESSES

TO THE COURT AND ALL ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT the firm name changed from The Strems Law Firm, P.A. to The Property Advocates P.A. This name change affects the firm's email addresses as well, changing them from @stremslaw.com to @thepropertyadvocates.com as seen below. Counsel's mailing addresses and telephone numbers remain unchanged.

PLAINTIFF'S NOTICE OF CHANGE OF ATTORNEY OF RECORD WITHIN FIRM,  
DESIGNATION OF EMAIL ADDRESS & DIRECTIONS TO CLERK TO UPDATE  
ATTORNEY INFORMATION

COMES NOW, Orlando Romero, Esq., The Property Advocates, P.A. as the new attorney of record and does hereby file this Notice of Change of Attorney of Record within Firm and Designation of E-mail Address for the Defendant in the above-styled matter. Thus, it is respectfully requested that that undersigned be copied in all pleadings, motions and documents filed in this action. Any other Attorneys of Record should be removed as counsel of record on behalf of Plaintiff.

Plaintiff hereby designates the following primary and secondary electronic mail address for this matter pursuant to Florida Supreme Court's Amendment to the Florida Rule of Civil Procedure #SC10-2101 on behalf of Plaintiff:

Primary Electronic Mail Address: [pleadings@thepropertyadvocates.com](mailto:pleadings@thepropertyadvocates.com)

Secondary Electronic Mail Address: [team6@thepropertyadvocates.com](mailto:team6@thepropertyadvocates.com)

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy was served via E-Mail to:

Myrabelle Roche, Esquire. [mroche@mrnlawpa.com](mailto:mroche@mrnlawpa.com) and [courtdocuments@mrnlawpa.com](mailto:courtdocuments@mrnlawpa.com)  
on this 13<sup>th</sup> day of July, 2020.

**THE PROPERTY ADVOCATES, P.A.**

Attorney for Plaintiff

2525 Ponce de Leon Boulevard, Suite 600

Coral Gables, Florida 33134

Telephone: (786) 430-0882

Facsimile: (305) 459-1589

Primary E-Service: [pleadings@thepropertyadvocates.com](mailto:pleadings@thepropertyadvocates.com)

Secondary E-Service: [team6@thepropertyadvocates.com](mailto:team6@thepropertyadvocates.com)

My Paralegal: [trial6@thepropertyadvocates.com](mailto:trial6@thepropertyadvocates.com)



By: /s/ ORLANDO ROMERO

**ORLANDO ROMERO, ESQUIRE**

**FLORIDA BAR NO.: 102823**



# **EXHIBIT “F”**

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

SCOT STREMS, ESQ.,

Respondent.

Supreme Court Case  
No. SC20-806

The Florida Bar File Nos.  
2018-70,119(11C)(MES)  
2019-70,311(11C)(MES)  
2020-70,440(11C)(MES)  
2020-70,444(11C)(MES)

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**REPORT OF REFEREE ON RESPONDENT'S  
MOTION TO DISSOLVE EMERGENCY SUSPENSION**

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule Regulating the Florida Bar 3-5.2(g), the following proceedings occurred:

On June 5, 2020, The Florida Bar filed its Petition for Emergency Suspension, alleging that Respondent was causing great public harm by “a vast campaign of unprofessional, unethical, and fraudulent conduct.”

On June 9, 2020, the Supreme Court of Florida entered an Order suspending Respondent from the practice of law in Florida.

Also, on June 9, 2020, the Supreme Court of Florida designated the Chief Judge of the Eleventh Judicial Circuit of Florida to appoint a referee for the Court within fourteen days of the Order.

By Order dated June 24, 2020, the Chief Judge of the Eleventh Judicial Circuit designated and appointed the undersigned as referee to hear and determine the matters presented.

On June 26, 2020, Respondent filed “Respondent’s Motion to Dissolve Order of Suspension Dated June 9, 2020.”

Also, by Order dated June 26, 2020, the Chief Justice of the Supreme Court of Florida designated the Chief Judge of the Eleventh Judicial Circuit to immediately appoint a referee to hear, conduct, try and determine the “matters presented within seven days from the date of the assignment and . . . submit a report and recommendation to the Supreme Court of Florida within seven days of the date of the hearing as provided in rule 3-5.2(g).”

The undersigned conducted a three-day hearing commencing on July 7, 2020 and concluding on July 10, 2020 on “Respondent’s Motion to Dissolve Order of Suspension Dated June 9, 2020.” Over the course of the hearing, Respondent appeared with counsel, Scott K. Tozian, Esq., Mark A. Kamilar, Esq., Kendall Coffey, Esq., Benedict P. Kuehne, Esq., and Gwendolyn Daniel, Esq. The Florida Bar was represented by John Derek Womack, Esq. and

Arlene Kalish Sankel, Esq. At the evidentiary hearing, the undersigned considered all the evidence presented and the arguments of counsel for The Florida Bar and Respondent.

## II. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

Standard of Review. Pursuant to Rule Regulating the Florida Bar 3-5.2(i), the Standard of Review governing this matter is as follows:

**Hearing on Petition to Terminate or Modify Suspension.** The referee will hear a motion to terminate or modify a suspension or interim probation imposed under this rule within 7 days of assignment and submit a report and recommendation to the Supreme Court of Florida within 7 days of the date of the hearing. The referee will recommend dissolution or amendment, whichever is appropriate, to the extent that bar counsel cannot demonstrate a likelihood of prevailing on the merits on any element of the underlying rule violations.

Narrative Summary of Case. Judges Rex Martin Barbas and Gregory P. Holder of the Thirteenth Circuit submitted affidavits and testified on behalf of The Florida Bar. The Judges' affidavits were previously submitted to the Florida Supreme Court as support for the June 9, 2020 Florida Bar's Petition for Emergency Suspension. During the instant hearing they testified that Respondent's actions conducting litigation have inordinately used and wasted the Court's time, energy, and judicial resources, as well as the time, effort,

and resources of the litigants. They admonished Scot Strems, Esq. and his law firm, Strems Law Firm, P.A. (SLF), for numerous violations of the Rules Regulating the Florida Bar. They proffered that this conduct was willful, deliberate, and contumacious.

Scot Strems, Esq. testified that there was no course of conduct undertaken by himself or his law firm that was directed to impede the orderly administration of justice. Additionally, the Respondent presented evidence that the conduct of himself and members of the law firm were and are consistently conducted with professionalism and respect for the Court.

William Joseph Schifino, Jr., Esq. testified on behalf of Respondent.

Jonathan Drake, Esq., who worked as a supervisor for SLF in the Tampa office, testified on behalf of Respondent as a rebuttal witness. He stated that any admonishments and criticisms by the Court were afterwards disseminated to Scot Strems, Esq. and SLF, with corrective actions subsequently taken.

Findings. The referee finds that Circuit Court Judge Gregory Holder and Circuit Court Judge Rex Barbas are both credible and qualified witnesses. Both Judges have had extensive dealings with SLF over the past few years. Scot Strems, Esq. is the owner and sole named partner of SLF.

Judge Barbas testified to personally witnessing Mr. Strems and his firm's continued violations of the Rules Regulating the Florida Bar. He pointed out that Mr. Strems signed complaints and coversheets on cases that were in his division. The Judge testified to personally presiding over cases where members of SLF engaged in consistent patterns of delay, unprofessional conduct, repeated violations of court orders, and to how and why judicial resources were wasted because of the firm's actions and inactions. Additionally, he testified to sanctions imposed on SLF and that written orders were directed to Mr. Strems.

Judge Holder testified that he personally presided over hundreds of SLF cases. He testified to blatant obstruction in almost every case the firm had before him and the firm's dilatory tactics. He testified at length to duplicitous filings within his division and in the Thirteenth Judicial Circuit, the failure of SLF's attorneys to attend properly noticed hearings, and to numerous violations of court orders. Judge Holder remarked as to how and why various cases were dismissed with prejudice due to Mr. Strems' and his associates' practices, to the detriment of their client's interests. He stated that notice was given to Mr. Strems through his attorneys to stop the unethical behavior, but these patterns continued.


Judge Holder testified that Jonathan Drake, Esq. had to be admonished by him on several occasions for his failure to appear in court and other delay tactics. Elaborating, Judge Holder testified that he has a vivid memory of Mr. Drake tearfully apologizing to him outside of court and telling him in private that Mr. Stremms had directed him to violate many of the Rules Regulating the Florida Bar. Specifically, Mr. Drake stated that Mr. Stremms told him to file and prosecute cases without proper supporting evidence, to initiate cases not supported by proper contracts of insurance, to refuse their clients participation in EUO examinations and depositions, and to allege and seek unsupported damages. Mr. Drake denied that this out of court conversation took place.

III. RECOMMENDATION AS TO WHETHER THE ORDER OF EMERGENCY SUSPENSION AS ENTERED BY THE SUPREME COURT OF FLORIDA SHOULD BE DISSOLVED OR AMENDED

Having reviewed The Florida Bar's petition, all of the evidence, memoranda, exhibits, documents presented in this cause, other materials and exhibits filed, and having heard testimony of witnesses as well as the argument of counsel, the undersigned finds that The Florida Bar has met its burden and has satisfied the burden of establishing a likelihood of prevailing on any element of the underlying rule violations. *See* R. Regulating Fla. Bar 3-5.2(i).

I recommend that the Supreme Court of Florida deny “Respondent’s Motion to Dissolve Order of Suspension Dated June 9, 2020” and that the Emergency Suspension Order continue in full force and effect.

Dated this 15<sup>th</sup> day of July, 2020.

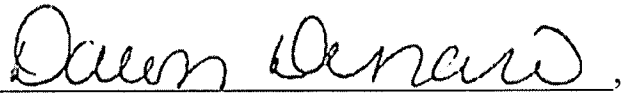
  
\_\_\_\_\_  
Hon. Dawn Denaro, Referee

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the original of the foregoing Report of Referee has been furnished this 15<sup>th</sup> day of July, 2020, to The Honorable John A. Tomasino, Clerk, Supreme Court of Florida, at [e-file@flcourts.org](mailto:e-file@flcourts.org); and a true and correct copy has been provided by email to: John Derek Womack, Esquire, Bar Counsel, The Florida Bar, [jwomack@floridabar.org](mailto:jwomack@floridabar.org); Patricia Ann Savitz, Esquire, Staff Counsel, The Florida Bar, [psavitz@floridabar.org](mailto:psavitz@floridabar.org); Arlene Kalish Sankel, Esquire, Chief Branch Discipline Counsel, The Florida Bar, [asankel@floridabar.org](mailto:asankel@floridabar.org); and Mark A. Kamilar, Esquire, Counsel for Respondent, [kamilar@bellsouth.net](mailto:kamilar@bellsouth.net); Benedict Kuehne, Esquire, Counsel for Respondent, [ben.kuehne@kuehnelaw.com](mailto:ben.kuehne@kuehnelaw.com);



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Kendall Coffey, Esquire, Counsel for Respondent, [kcoffey@coffeyburlington.com](mailto:kcoffey@coffeyburlington.com).

A handwritten signature in cursive script that reads "Dawn Denaro". The signature is written in black ink and is positioned above a horizontal line.

Hon. Dawn Denaro, Referee  
Circuit Court Judge  
Miami-Dade Children's Courthouse  
155 N.W. 3rd Street, Suite 13339  
Miami, FL 33128