

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROCA LABS, INC.,

Plaintiff,

MOTION TO SHORTEN TIME FOR
FOR DEFENDANTS PURSUANT TO
FED. R. CIV. P. 11

Vs.

Case No: 8:14-cv-2096-T-33EAJ

CONSUMER OPINION CORP. and
OPINION CORP. d/b/a
PISSSEDCONSUMER.COM

Defendants.

**PLAINTIFF’S ROCA LABS, INC. MOTION TO SHORTEN TIME FOR
DEFENDANTS PURSUANT TO FED. R. CIV. P. 11**

COME NOW Plaintiff Roca Labs, LLC (“Roca”) and hereby move this Court for entry of an Order shortening the time period from Twenty One days to Three days (or less) pursuant to Fed. R. Civ. P. 11(C)(2) when the Plaintiff can file or Present a Fed. R. Civ. P. 11 Motion after notice is given to Defendants Consumer Opinion Corp. and Opinion Corp (Collectively “Pissed Consumer”) and in support thereof, states as follows:

1. The case was originally filed in state court on August 15, 2014 and then removed to this Court by Defendants.
2. Contemporaneously with filing its Complaint, Plaintiff filed a Motion for Temporary Injunction (deemed a Preliminary Injunction in Federal Court).
3. On September 12, it was Ordered by the Court that a hearing be held on October 8, 2014 on Plaintiff’s Motion.

4. On September 22, Defendants filed a Motion for an Emergency Temporary Restraining Order.
5. On September 23, 2014 this Motion was denied.
6. On September 26, 2014 Defendants renewed their Motion (“Renewed Motion”) on purported new facts and law.
7. Defendants are desirous to have their Renewed Motion heard on October 8, 2014.
8. Plaintiff does not believe that the Renewed Motion was based upon any new facts or law.
9. Plaintiff believes that Defendants pleading has no reasonable factual basis, it is based on a legal theory that has no reasonable chance of success and the pleading was filed for an improper purpose of harassing Roca.
10. Plaintiff has drafted a Rule 11 Motion for Sanctions (See Exhibit 1 draft), but cannot file this Motion without permission from the Court to shorten the 21 day notice period pursuant to Fed. R. Civ. P. 11(C)(2).
11. According to Fed. R. Civ. P. 11(C)(2) “A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets.”
12. Given the time frame when the Defendants’ Renewed Motion was filed and the previously scheduled hearing, there is not sufficient to provide Defendants with 21 day notice.

13. As defendant is desirous to have its frivolous Renewed Motion heard on October 8, we respectfully request the Court shorten the notice provision to three days or less, so that Plaintiff may file its Rule 11 Motion for Sanctions.

Date: September 30, 2014

Respectfully Submitted,

Jeffrey C. Young
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been filed with the Clerk of Court using CM/ECF, which will transmit the motion to all counsel of record including Marc Randazza, ecf@randazza.com, Randazza Legal Group, 3625 S. Town Center Drive, Las Vegas, Nevada 89135 this 30th day of September, 2014.

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