

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROCA LABS, INC.,

Plaintiff,

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

Vs.

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

Defendants.

**PLAINTIFF, ROCA LABS, INC.'S RESPONSE TO ORDER TO SHOW CAUSE
AND UNILATERAL PRE-EVIDENTIARY STATEMENT**

COME NOW, Plaintiff, Roca Labs, Inc. ("Roca"), and hereby files this Response to the Order to Show Cause (ECF No. 32), and states:

1. On October 7, 2014, this Court entered the Order (ECF No. 32) ("Order") requiring each party to show cause as to why sanctions should not be imposed for the parties failure to file a joint pre-evidentiary statement in accordance with the Court's Order Setting Hearing (ECF No. 10).

2. Undersigned counsel for Plaintiff appeared in this matter on October 3, 2014, the same day that the joint pre-evidentiary statement was due. Undersigned counsel was not aware at the time that the deadline for the filing of the Joint Pre-Evidentiary Statement was the date that the Notice of Appearance was filed.

3. Since being retained and appearing in this matter, undersigned counsel has been diligently working to comply with the Court's Order Setting Hearing (ECF No. 10).

4. Since appearing on October 3, 2014, undersigned counsel and co-counsel for Plaintiff made attempts to agree upon and stipulate to facts with opposing counsel in accordance with the Order Setting Hearing (ECF No. 10) including email exchanges between the parties.

5. The failure to comply with the Order requiring the filing of the Joint Pre-Evidentiary Statement was an inadvertent error, as the parties were communicating in an effort to determine what matters could be stipulated to in connection with the hearing.

6. Following the entry of this Court's Order, the undersigned counsel made a prompt attempt to reach Defendants' counsel in an effort to complete the Joint Pre-Evidentiary Statement. However, Defendants' counsel has not yet responded to Plaintiff's counsel's attempts to reach him in this regard.

7. In an attempt to comply with the Order Setting the Hearing to the best of Plaintiff's ability at this time, Plaintiff is filing a Unilateral Pre-Evidentiary Statement concurrent with this Response.

WHEREFORE, Defendant, Roca Labs, LLC, for good cause shown, respectfully requests the Court not impose sanctions upon Plaintiff for the inadvertent failure to comply with the Order Setting Hearing (ECF No. 10), and grant such other and further relief as the Court deems just and proper.

Dated: October 7, 2014

Respectfully submitted,

/s/ W Mason

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Attorneys for Roca Labs, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October, 2014, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send a Notice of Electronic Filing to all counsel of record that are registered with the Court's CM/ECF system.

/s/ W Mason
W Mason, Esq.

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