

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 11-22657-Civ-COOKE/TURNOFF

R.K./FL MANAGEMENT, INC., *et al.*,

Plaintiffs,

v.

JOHN DOE,

Defendant.

PLAINTIFFS' NOTICE OF COMPLIANCE WITH LOCAL RULE 7.1

Plaintiffs, R.K./FL MANAGEMENT, R.K. ASSOCIATES VII, INC., 17070 COLLINS AVENUE SHOPPING CENTER, LTD., RAANAN KATZ, and DANIEL KATZ (collectively, the "Plaintiffs"), through their undersigned counsel, hereby file this Notice of Compliance with Local Rule 7.1 in connection with Plaintiffs' Motion to Remand and their Request for Attorneys' Fees filed in connection therewith, and state as follows:

Plaintiffs filed their Motion to Remand this case on July 27, 2011. [D.E. 10]. Plaintiffs' Motion to Remand was essentially a response to Defendant's Notice of Removal. [D.E. 1]. Defendant's counsel, Robert Kain ("Mr. Kain"), personally hand-delivered the Notice of Removal to the undersigned, who advised Mr. Kain at that time that Plaintiffs would be seeking remand to state court. Mr. Kain did not agree to the remand, as further evidenced by Defendant's Opposition to Motion to Remand. [D.E. 13].

Undersigned counsel did not include a certification of good faith compliance with Local Rule 7.1(a)(3) in the Motion to Remand because the motion was in essence a response to the

Notice of Removal and because it was obvious that Defendant opposed the remand. Undersigned counsel has since attempted to resolve the issues raised in Plaintiffs' Motion to Remand with Defendant, and Defendant remains unwilling to agree to the Motion to Remand or Plaintiffs' Request for Attorneys' Fees [D.E. 30] that was filed in connection therewith.¹ Plaintiffs will include certifications of good faith conferences in all forthcoming motions that are subject to such certification if and as this case proceeds in this Court.

Respectfully submitted,

By: s/Alan J. Kluger

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¹ It is noteworthy to point out that Plaintiffs recently filed Requests for Oral Argument in connection with Plaintiffs' Motion to Remand and Defendant's Motion to Dismiss. Defendant stated in Defendant's Opposition to Plaintiffs' Motion for Attorneys Fees [D.E. 30] that Plaintiff was required to include a certification of good faith compliance with each of these requests. This is incorrect. According to Rule 7.1(a)(3), movant's counsel must confer with opposing party's counsel regarding "motions" before filing. Plaintiffs filed their Requests for Oral Argument pursuant to Rule 7.1(b)(1), which is not subject to the provisions of Rule 7.1(a)(3). Moreover, Plaintiffs' Request for Attorneys' Fees was merely a supplement to Plaintiffs' Reply in Support of the Plaintiffs' Motion to Remand and is addressed above in this Notice of Compliance.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 6, 2011, I electronically filed the foregoing document with the Clerk of Court through the CM/ECF System. **I FURTHER CERTIFY** that a true and correct copy of the foregoing has been furnished via e-mail this 6th day of September 2011 to: **Robert C. Kain, Jr.**, Kain & Associates, Attorneys at Law, P.A., 900 Southeast Third Avenue, Suite 205, Ft. Lauderdale, Florida 33316.

By: s/Alan J. Kluger
Alan J. Kluger