

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL
CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION

MICHAEL T. FLYNN,

Plaintiff,

v.

JIM STEWARTSON, et al.,

Defendants.

Case No. 2023-CA-004264 NC

Division C Circuit

BOATMAN RICCI, P.A.'S AMENDED MOTION TO WITHDRAW AS COUNSEL

Pursuant to Florida Rule of Judicial Administration 2.505(f)(1) and Florida Rule of Professional Conduct 4-1.16(b), James A. Boatman, Jr., Esq., Jonathan R. Huffman, Esq., and their law firm, Boatman Ricci, P.A. (collectively, "Boatman Ricci"), respectfully request the entry of an order terminating their representation of Plaintiff in this matter.

Plaintiff's lead attorneys from the Binnall Law Group requested Boatman Ricci's appearance, essentially as local counsel, to assist with hearings on the Defendants' dispositive motions in late 2023. After such hearings concluded, Boatman Ricci's involvement has been very limited. Boatman Ricci did not participate in the appeal(s) that were filed, and the parties' *First Amended Agreed Case Management Report*, which directs the parties to "identify all known attorneys currently appearing for each party," does not list Boatman Ricci.

Since the time of Boatman Ricci's appearance, additional attorneys have appeared from lead counsel's firm, such that Boatman Ricci's services are no longer needed. Plaintiff and his attorneys from Binnall Law Group indicated that they support this request for termination of representation, and Defendant Rick Wilson was just dismissed, but counsel for Defendant Jim Stewartson has said he will not consent to such termination while his 57.105 motion is pending.

Mr. Stewartson did not address a safe harbor letter to Boatman Ricci or its attorneys, as required by the statute. Boatman Ricci's attorneys are merely Cc'd on the letter, along with counsel for (former) Defendant Rick Wilson. Nevertheless, Boatman Ricci will appear, upon receipt of notice, to defend itself at any hearing on a motion directed to the firm, regardless of whether it remains counsel of record, and there is no good reason for the pendency of such a motion to hold up the termination of redundant representation.

It is well-settled that "an attorney of record has the right to terminate the attorney-client relationship upon due notice to his client and approval by the Court." *Becker & Poliakoff v. King*, 642 So.2d 821, 822 (Fla. 4th DCA 1994), citing *Fisher v. State*, 248 So.2d 479, 486 (Fla. 1971) ("Approval by the Court should be rarely withheld and then only upon a determination that to grant said request would interfere with the efficient and proper functioning of the Court").

This motion is made in good faith and will not result in prejudice to any party or interfere with the efficient and proper functioning of the Court. Accordingly, we respectfully request the entry of an order terminating Boatman Ricci's (and its attorneys') representation of Plaintiff in this matter, along with all related relief the Court deems to be just and proper.

Respectfully submitted on May 21, 2025.

BOATMAN RICCI

s/ Jonathan R. Huffman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 21, 2025, I electronically transmitted the attached document to the Clerk of Court using the Florida Courts E-Filing Portal (“FCEP”) for filing and transmittal of electronic mailing to the FCEP registrant(s) listed therein.

BOATMAN RICCI

s/ Jonathan R. Huffman

Jonathan R. Huffman, Esq.
Fla. Bar No. 56047