

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 MOTION TO WITHDRAW AS COUNSEL OF RECORD

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. 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, but the Defendants have said they will not consent to such termination while their 57.105 motions are pending.

Neither Defendant addressed a safe harbor letter to Boatman Ricci or its attorneys, as required by the statute, and neither motion for sanctions that accompanied such letters lists any sanctionable conduct by Boatman Ricci. Indeed, Boatman Ricci had not even appeared yet when Defendant Rick Wilson's motion for sanctions was filed. Nevertheless, Boatman Ricci will appear 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 motion(s) 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