

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No.: 9:20-CV-81205**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

COMPLETE BUSINESS SOLUTIONS GROUP,
INC. d/b/a/ PAR FUNDING, et. al.

Defendants, and

L.M.E. 2017 FAMILY TRUST,

Relief Defendant.

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**MOTION TO ALLOW COUNSEL
BETTINA SCHEIN TO APPEAR WITHOUT LOCAL COUNSEL**

COMES NOW, Defendant, JOSEPH COLE BARLETA, (“Appearing Defendant”) by and through undersigned counsel and pursuant to this Court’s inherent authority, hereby requests Counsel Bettina Schein to appear without local counsel (undersigned counsel) Andre G. Raikhelson, Esq. at the April 21, 2022 hearing. Defendant states the following in support:

1. This Court has scheduled a hearing on Receiver Ryan K. Stumphauzer’s Motion to Compel Defendant Joseph Cole Barleta to Comply with Court Order on April 21, 2022 at 10:30 AM EST [D.E. 1210].
2. Undersigned counsel (“Appearing Defendant’s Local Counsel”) has a conflict on that date with a previously scheduled contempt hearing in another case in the Southern District of Florida, Case No. 20-24480-CIV-CANNON/OTAZO-REYES that is starting at 11:00 AM.
3. Undersigned counsel apologizes for not raising this instant issue earlier, as undersigned counsel assumed that he would be able to get coverage counsel.

4. Instead of continuing a very important hearing in which the Court has already been fully briefed by the parties, Undersigned respectfully asks this Court to allow lead counsel for Joe Cole Barleta, Bettina Schein, to appear without being accompanied by Appearing Defendant's Local Counsel (something this Court has allowed before when Ms. Schein had not had the opportunity to procure Local Counsel) for this one particular hearing.
5. Moreover, there will be no prejudice in allowing Ms. Schein to appear without the presence of Local Counsel as Ms. Schein has been appraised of all local rules governing such hearings in the Southern District of Florida.

MEMORANDUM OF LAW

A. The Court Has Wide Discretion In Allowing the Relief Sought

A district court judge has wide discretion in who he or she allows to practice in front of the Court. So vast is this discretion that district court judges have granted *pro hac vice* status to attorney's that are not even licensed anywhere in the United States. *See Agjunction, LLC v. Agrain, Inc.*, Case No. 2:14-cv-02069 (D. Kansas, May 1, 2014); *see also Rudick v. Metro Goldwyn Mayer Studio, Inc.*, No. 08-cv-389-bbc, 2008 WL 4693409, at *1 (W.D. Wis. Aug. 28, 2008); *In re Livent, Inc.*, No. 98 Civ.5686(VM)(DFE), 98 Civ.7161(VM)(DFE), 2004 WL 385048, at *3 (S.D.N.Y. Mar. 2, 2004).

Moreover, the discretion of the district court judge is so wide in granting appearances of counsel that a district court judge can even bypass aspects of the local rules. See generally *In re Livent*, 2004 WL 385048, at *3 (“[A]dmission *pro hac vice* is a sensible exercise of discretion on the particular facts of this litigation.”).

WHEREFORE, Appearing Defendant asks this Court to exercise its discretion in allowing Ms. Schein, lead counsel for Appearing Defendant, to appear at the April 21, 2022 hearing without the appearance of Local Counsel.

Respectfully submitted,

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/s/ Andre G. Raikhelson
Andre G. Raikhelson, Esq.
Bar Number: 123657

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 21, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Andre G. Raikhelson
Andre G. Raikhelson Esq.