

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-81298-CV-MARRA/MATTHEWMAN

JULIAN BIVINS, as Personal Representative  
of the Ancillary Estate of Oliver Wilson Bivins,

Plaintiff,

v.

CURTIS CAHALLONER ROGERS, JR. as  
former guardian, STEPHEN M. KELLY, as  
successor guardian, BRIAN M. O'CONNELL,  
ASHLEY N. CRISPIN, CIKLIN LUBITZ &  
O'CONNELL, KEITH B. STEIN, BEYS  
LISTON MOBARGHA & BERLAND, LLP  
f/k/a BEYS STEIN MOBARGHA & BERLAND,  
LLP, and LAW OFFICES OF KEITH B. STEIN,  
PLLC, n/k/a STEIN LAW, PLLC,

Defendants.

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**DEFENDANT, CURTIS CAHALLONER ROGERS, JR.'S  
MOTION TO DISMISS OR STAY**

Defendant, Curtis Cahalloner Rogers, Jr. hereby adopts and joins Defendant, Beys Liston Mobargha & Berland, LLP's Amended Motion to Dismiss or Stay, with Integrated Memorandum of Law [D.E. 25], specifically sections III and IV of the Motion, as well as Defendants, Kelly's, O'Connell's, Crispin's, Stein's, the Cloe Law Firm's, and the Stein Law Firm's, Motion to Dismiss or Stay, with Integrated Memorandum of Law [D.E. 20, 21] as if fully stated herein.

WHEREFORE, Defendant, Curtis Cahalloner Rogers, Jr. requests that this Court grant this Motion to Dismiss or Stay, dismiss this action, or enter a stay of this federal action pending the conclusion of the parallel proceedings in the Florida State Probate/Guardianship Court, and for other such relief as the Court deems just and proper.

Dated: January 29, 2016.

Respectfully submitted,

/s/Wendy J. Stein

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### **CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that on this 29<sup>th</sup> day of January, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List via transmission of Notices of Electronic Filing generated by CM/ECF.

By: /s/Wendy J. Stein

Wendy J. Stein

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