

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CONSOLIDATED ACTION
Case No. 18-62758-CIV-DIMITROULEAS

IN RE: MARJORY STONEMAN DOUGLAS
HIGH SCHOOL SHOOTING FTCA LITIGATION

**MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION FOR AN AWARD
OF COMMON BENEFIT FEES**

The undersigned counsel hereby respectfully moves for an extension of time to respond to the Motion for an Award of Common Benefit Fees, [DE 418], as follows:

It should be quite clear to the Court from the Motion to Remove Podhurst Orseck, P.A., as Lead Counsel filed yesterday, [DE 421], the undersigned – every single lawyer and law firm in this consolidated case other than the lawyers in, and the law firm of, Podhurst Orseck, P.A. (“Podhurst”) and their cohort Robert Stein, Esq. – will oppose, in the strongest terms possible, Podhurst’s Motion for an Award of Common Benefit fees. In simple language, it is a money-grab, as will be demonstrated to the Court.

However, we first need to finish our job for our respective clients – our fiduciaries. While Podhurst and Stein are now focused on fees by requesting the Court to approve their receipt of 40% of the attorneys’ fees to which we are entitled to receive pursuant to standard contingency fee contracts (controlled by the Federal Tort Claims Act), we are focused on facilitating the allocation of the \$127,500,000 settlement among all of the Plaintiffs. This includes Podhurst’s two clients and Stein’s one, whose interests Podhurst and Stein have subjugated to their own self-interest, as will now be explained.

Our efforts to allocate the settlement fund have been nearly endless since immediately after the settlement was achieved. And we are hopeful that they will result in an agreement among all

of the Plaintiffs. But if they do not, then the Plaintiffs will be forced to engage in additional litigation or some other form of alternative dispute resolution to resolve this issue.

In either event, our clients need our full attention and assistance to complete the enormously important task of allocating the settlement funds. These are clients who have lost their children, husband, father, or who have been injured themselves by deadly and maiming gunfire. We can turn our attention to our fees when either the Plaintiffs reach agreement on the allocation or, failing that, to another agreed upon method to allocate the funds.

An extension is also required to afford time for the parties to engage in discovery necessary to respond to the fee motion.

WHEREFORE, the undersigned respectfully requests that this Honorable Court enter an Order giving us an extension of time to respond to the Motion for an Award of Common Benefit Fees, [DE 418], by giving us until January 21, 2022, to respond.

Respectfully submitted,

s/ Alex Arteaga-Gomez, Esq.

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Counsel for Plaintiffs WILLIAM OLSON and MARIAN KABACHENKO

LOCAL RULE 7.1(A)(3) CERTIFICATION

Undersigned counsel hereby certifies that multiple attempts were made to confer with Kristina Infante, Esq., of Podhurst Orseck, P.A., in a good faith effort to secure her agreement for the relief sought, however, these attempts were unsuccessful. Specifically, Alex Arteaga-Gomez, Esq., e-mailed Ms. Infante at 6:00 p.m. on December 16, 2021, asking for her agreement, but as of this writing Ms. Infante did not respond. At 10:58 a.m. on December 17, 2021, undersigned called the offices of Podhurst Orseck, P.A., and asked to speak with Ms. Infante, The receptionist

advised that Ms. Infante was not in the office. A minute later, undersigned called Ms. Infante, but the call went to her voicemail. Undersigned left a detailed message, including that the undersigned wanted to file this Motion at noon.

s/ David W. Brill
David W. Brill, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record by the Court CM/ECF system on this 17th day of December, 2021.

s/ David W. Brill
David W. Brill, Esq.