

**IN THE DISTRICT COURT OF APPEAL  
THIRD DISTRICT OF FLORIDA**

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CASE NO. 3D2023-2151  
L.T. CASE NO. 2019-9489 CA 01

RAZ OFER,

Appellant,

v.

OPUSTONE, LLC., et al.

Appellee.

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**MOTION TO STRIKE  
REPLY BRIEF**

**COMES NOW** the Appellee by and through its undersigned attorney and hereby moves this Honorable Court to strike the Reply Brief filed on March 4, 2024, and as grounds therefore would state:

1. On March 4, 2024, the Appellant filed his reply brief in the above captioned matter. The Reply Brief does not contain a table of contents or table of citations in violation of Rule 9.210(d) Fla R. App.

P<sup>1</sup>.

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<sup>1</sup> Contents of Reply Brief. The reply brief must contain argument in response and rebuttal to argument presented in the answer brief. A table of contents, a table of citations, a certificate of service, and, for computer-generated briefs, a certificate of compliance must be included in the same manner as in the initial brief.

2. Moreover, while the Reply Brief contains the required certificate pursuant to Rule 9.045(e), Fla. R. App. P. , the certification pursuant to Rule 9.210(a)(2)(B) Fla R. App. P. states that the brief does contain more than 3400 words<sup>2</sup>. The actual word count is 4591 words<sup>3</sup> which exceeds the limits set forth in the aforementioned rule.
3. While Mr. Ofer claims to be producing documents *pro-se*, it is pellucidly clear that the documents filed in this case are being drafted by an attorney, albeit one who is unlicensed. Additionally, the signature block on the Reply Brief does not contain Mr. Ofer's address in violation of Rule 2.515 Fla. R. Jud. Admin<sup>4</sup> made applicable by Rule 9.045(d), Fla. R. App. P. The omission of Mr. Ofer's address is intentional since he is currently a fugitive concealing his whereabouts and is subject to an outstanding arrest warrant without bond. See *State v. Ofer* Case No. F-19-008963 (Miami-Dade Cir. Ct.).

**WHEREFORE**, it is respectfully requested that this Honorable Court

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<sup>2</sup> Rule 9.210 Fla. R. Civ. P. (B) Except as provided in subdivisions (a)(2)(C) and (a)(2)(D) of this rule, the initial and answer briefs must not exceed 13,000 words or 50 pages and **the reply brief must not exceed 4,000 words** or 15 pages.

<sup>3</sup> Excluding words in the caption, cover page, table of contents, table of citations, certificate of compliance, certificate of service, and signature block.

<sup>4</sup> Rule 2.515(b) Pro Se Litigant Signature. A party who is not represented by an attorney must sign any document and state the party's address; primary e-mail address and secondary e-mail addresses, if any; and telephone number, including area code.

strike the Reply Brief or alternatively, direct Mr. Ofer to personally appear before this Court at a time and date certain and show cause why his filings should not be stricken, direct him to identify author(s)/consultants and award appropriate sanctions including, but not limited to, dismissal of this appeal.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that on April 4, 2024, pursuant to and in compliance with Rule 2.516, Florida Rule of Judicial Administration, a copy of the foregoing was filed through eDCA and served on all parties of record.

/s/ Roniel Rodriguez IV

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