

In the District Court of Appeal
Of the State of Florida
In and for the Third District

Case Number: 3D2024-0318
L.T. Case No.: 2021-022094-CA-01

Ekaterina Zakharova,
Appellants,

v.

Ferrari Financial Services, Inc.,
Et. Al.,
Appellees.

**APPELLANTS' RESPONSE TO
FERRARI FINANCIAL
SERVICES, INC.'S MOTION
FOR EXTENSION OF TIME TO
FILE INITIAL BRIEF**

Appellant, Ekaterina Zakharova, responds to Appellee, Ferrari Financial Services, Inc.'s Motion for Extension of Time to File Initial Brief for material misrepresentations to this Court and states as follows:

1. On May 15, 2024, Appellee, Ferrari Financial Services, Inc. filed Motion for Extension of Time to File Initial Brief.
2. Initially, the title is a misnomer, as Appellees need to file Answer Brief's; the Initial Brief was filed by Appellant on April 19, 2024.
3. The opening paragraph of the motion falsely states that the motion is an "Unopposed Motion for Extension of Time to File Answer Brief."
4. The Motion is opposed, and the statement that it is unopposed

is contradicted by paragraph 9, stating that counsel conferred and Appellant objects to the Motion.

5. The two reasons given for requesting an extension of time are misleading and intended for the sole purpose of intentional and unnecessary delay as follows:

“... the parties have filed cross motions for summary judgment as to the surplus proceeds on the sale of the real property. Appellee believes that the lower court’s disposition of the summary judgment motions will directly impact the legal arguments in this appeal.”

a. The assertion made is exactly the opposite of the circumstances in the trial court. Specifically, Ferrari relies upon the language of the Order appealed in this matter to support its claim for surplus in the foreclosure case. Thus, a reversal by this Court would be detrimental to Ferrari’s arguments made in their motion for summary judgment.

b. Therefore, Appellee intentionally seeks to delay this Court’s ruling, as it can only weaken their arguments in the foreclosure case.

c. Appellant’s position is that the Order appealed has no

relevance regarding the claim for surplus, as the trial court has already found that Ferrari has no lien against the property at issue. And the order appealed deleted language regarding a *nunc pro tunc* date of Appellant's equitable lien but doesn't affect the application of their lien against the property (nor the relation back to the recording of the *lis pendens* for purposes of priority.)

d. Thus, the result of the motions in the trial court will have no effect on the issues appealed in the instant case. Except that, should the trial court improperly rely upon the instant appealed order and somehow grant Ferrari an alleged priority lien, Appellant will also appeal that decision and notify this court of the related issues.

“As further reason for the extension of time, lead counsel for the case has been out of the country on a prepaid vacation for two weeks leaving insufficient time upon her return to file and serve the Answer Brief.”

a. The alleged “lead counsel,” Michelle G. Novick, is a foreign attorney who is not licensed to practice in Florida. See attached email correspondence and attached Orders.

b. Ms. Novick has not filed any request for pro hoc vice appearance in this case. See Record of Appeal, generally.

6. As the reasons set forth in the Motion for extension of time are intentionally misleading, intended solely for the purpose of unreasonable delay and to manipulate this Court, Appellant objects to the request.

I hereby certify that on May 16, 2024 a true and correct copy of this Response was furnished by e-service to: salatsv@gmail.com, Sergey Slastikhin, individually and as President of Innovative Technologies and Consulting Limited Corp., 16436 NE 32nd Avenue, North Miami Beach, FL 33160; bprober@proberlaw.com, Bruce Prober, Esq., The Law Offices of Bruce Prober, P.A., 500 NE 4th Street, Suite 200, Fort Lauderdale, FL 33301; jason@ddwlaw.net, Jason B. Dubow, Esq., 215 N Federal Hwy, Dania Beach, FL 33004; gaaronson@aspalaw.com, tmckeown@aspalaw.com, lbenavides@aspalaw.com, Geoffrey S. Aaronson, Esq., Aaronson Schantz Beiley, P.A., 2 S Biscayne Blvd, Ste 3450, Miami, FL 33131; carmen.contreras-martinez@aol.com, aida.mc.aughlin@saul.com, Carmen Contreras-Martinez, Esq, 701 Brickell Avenue, 17th Floor, Miami, FL 33131; and michelle.novick@saul.com, Michelle Novick, Esq., 161 N Clark Street, Suite 4200, Chicago, IL 60601.

LAW GUARD®
Attorney for Appellant
PO Box 16207
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Phone: (754) 222-8085
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/s/ Mark W. Rickard
Mark W. Rickard
FBN: 86266

From: [Mark Rickard](#)
To: [Contreras-Martinez, Carmen](#)
Cc: [Evelina Libhen](#); [McLaughlin, Aida](#)
Subject: RE: SERVICE OF COURT DOCUMENT CASE NUMBER 3D2024-0318 Ekaterina Zakharova v. Innovative Technologies & Consulting Limited Corp., et al.
Date: Wednesday, May 15, 2024 8:39:00 AM

Ms. Novick is a foreign attorney who never requested to appear pro hoc vice in this case.
Again, the requests are not made in good faith, and I object to any extension of time on either of the grounds stated.

Mark W Rickard
Attorney

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HELPING ATTORNEYS
PROTECTING CLIENTS

-----Original Message-----

From: Contreras-Martinez, Carmen <carmen.contreras-martinez@saul.com>
Sent: Wednesday, May 15, 2024 7:50 AM
To: Mark Rickard <mark@lawguard.us>
Cc: Evelina Libhen <eve@libhenlaw.com>; McLaughlin, Aida <aida.mclaughlin@saul.com>
Subject: Re: SERVICE OF COURT DOCUMENT CASE NUMBER 3D2024-0318 Ekaterina Zakharova v. Innovative Technologies & Consulting Limited Corp., et al.

Good morning,

Noted. In addition as you are aware, Ms Novick is out of the country the last few weeks leading up to the deadline on a prepaid vacation.

Please advise if any objection on that basis as well.

Thank you.

Carmen

On May 14, 2024, at 4:33 PM, Mark Rickard <mark@lawguard.us> wrote:

Your reason you want additional time is that you are waiting to see how the judge rules on a motion in a separate case.
Then I will object, as that is not reasonable grounds for additional time.

Mark W Rickard
Attorney

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[image001.png] ®

HELPING ATTORNEYS
PROTECTING CLIENTS

From: Contreras-Martinez, Carmen <[Subject: RE: SERVICE OF COURT DOCUMENT CASE NUMBER 3D2024-0318 Ekaterina Zakharova v. Innovative Technologies & Consulting Limited Corp., et al.](https://urldefense.proofpoint.com/v2/url?u=http-3A__carmen.contreras-2Dmartinez-40saul.com&d=DwlGaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpnVfiiMM&r=5nDlk1iV-YQlwjXTpeEe4Pqlzo0QV4ITjyvbJisTY1&m=gZy46zrsHzrcShcpQumrGtxXb_DNya5DQtoOdOMbfsjuhh1X4QPPLIKJ2RGCQsZK&s=8rAAOh3wDr-yN0yeV5kQhnZ4csbPekyrwXZBH78X4IU&e=>>
Sent: Tuesday, May 14, 2024 2:53 PM
To: Mark Rickard <mark@lawguard.us>; Evelina Libhen <eve@libhenlaw.com>
Cc: McLaughlin, Aida <<a href=)

Hello counsel,

We will be seeking an extension of time to file the response brief in this appeal, 20 days from entry of the Court's ruling on the pending cross motions for summary judgment. Please advise whether you have any objection or whether we may file the motion as unopposed.

Regards,

Carmen Contreras-Martinez
Partner
SAUL EWING LLP
|
Miami
Office:
(305) 428-4528 <tel:(305)%20428-4528>
Cell:
(305) 331-8075

From: eservice@myflcouraccess.com <<mailto:eservice@myflcouraccess.com>> <eservice@myflcouraccess.com> <<mailto:eservice@myflcouraccess.com>>>
Sent: Friday, April 19, 2024 2:38 PM
Subject: SERVICE OF COURT DOCUMENT CASE NUMBER 3D2024-0318 Ekaterina Zakharova v. Innovative Technologies & Consulting Limited Corp., et al.

EXTERNAL EMAIL - This message originates from outside our Firm. Please consider carefully before responding or clicking links/attachments.

Notice of Service of Court Documents

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2019-025346-CA-01

SECTION: CA11

JUDGE: Carlos Lopez

Ferrari Financial Services, Inc.

Plaintiff(s)

vs.

Kofi Ampim et al

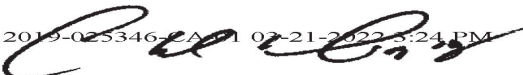
Defendant(s)

ORDER ADMITTING ATTORNEY MICHELLE G. NOVICK PRO HAC VICE

THIS CAUSE having come before the Court upon the *Verified Motion for Admission to Appear Pro Hac Vice Pursuant to Florida Rule of General Practice Judicial Administration 2.510, Consent to Designation, and Request to Receive Notices of Electronic Filing* (the "**Motion**") filed on behalf of Michelle G. Novick, and the Court having reviewed the Motion, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Motion is hereby **GRANTED**.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 21st day of March, 2022.


2019-025346-CA-01 03-21-2022 3:24 PM

2019-025346-CA-01 03-21-2022 3:24 PM

Hon. Carlos Lopez

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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Physically Served:

IN THE CIRCUIT COURT OF THE FIRST
JUDICIAL CIRCUIT IN AND FOR
ESCAMBIA COUNTY, FLORIDA

CASE NO. 2022 CA 001355

AUTO VAULT, INC.,
Plaintiff,

v.

NANCY STEELE, as the Personal Representative
of the Estate of Dane Steele, Deceased, SHAWN
STEELE, and FERRARI FINANCIAL SERVICES, INC.,
Defendants.

**ORDER GRANTING *EX PARTE* MOTION FOR ADMISSION TO APPEAR PRO
HAC VICE PURSUANT TO FLORIDA RULE OF GENERAL PRACTICE
AND JUDICIAL ADMINISTRATION 2.510, CONSENT TO DESIGNATION,
AND REQUEST TO RECEIVE NOTICES OF ELECTRONIC FILING**

THIS CAUSE coming before the Court upon the *Ex Parte* Motion For Admission To Appear Pro Hac Vice Pursuant To Florida Rule of General Practice and Judicial Administration 2.510, Consent to Designation, and Request to Receive Notices of Electronic Filing ("**Motion**"). The Court having reviewed the Motion, and being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED that the Motion is **GRANTED**. Michelle G. Novick may appear before this court *pro hac vice* as counsel for Ferrari Financial Services, Inc.

DONE and ORDERED in Pensacola, Escambia County, Florida.


eSigned by CIRCUIT COURT JUDGE THOMAS H. WILLIAMS in 2022 CA 001355
on 12/29/2022 13:55:10 vZJNj1p

THOMAS H. WILLIAMS
Circuit Judge

Parties will receive service from the Courts at the email designations on the electronic service list of the Florida Courts e-Filing Portal.

Per Administrative Directive ECAD2021-03, “In cases wherein one party is unrepresented (*pro se*), it is the responsibility of the sole attorney in the case to serve within five business days this [order or judgment] upon any *pro se* party who does not have access to and is not a registered user of the Florida Courts e-Filing Portal.”

Electronic Service List

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**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2020-011570-CA-01

SECTION: CA02

JUDGE: William Thomas

Great Ocean Properties LLC

Plaintiff(s)

vs.

Sergey Slastikhin et al

Defendant(s)

ORDER ADMITTING ATTORNEY MICHELLE G. NOVICK PRO HAC VICE

THIS MATTER came before the Court upon the *Ex Parte Motion of Michelle G. Novick for Admission to Appear Pro Hac Vice Pursuant to Florida Rule of General Practice and Judicial Administration 2.510, Consent To Designation, and Request to Receive Notices of Electronic Filing* (the "Motion") [Filing # 173126086], filed on behalf of Michelle G. Novick, and the Court having reviewed the Motion, and being otherwise fully advised in the premises, does hereby

ORDER and ADJUDGE that the Motion is **GRANTED**.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 17th day of May, 2023.


2020-011570-CA-01 05-17-2023 2:55 PM

2020-011570-CA-01 05-17-2023 2:55 PM

Hon. William Thomas

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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