

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re

CASE NO. 9:08-bk-04360-MGW

ULRICH FELIX ANTON ENGLER,
PRIVATE COMMERCIAL OFFICE, INC.,
and PCO CLIENT MANAGEMENT, INC.,

CHAPTER 7
(Substantively Consolidated)

Debtors.

**CERTIFICATION OF NECESSITY OF REQUEST FOR
EXPEDITED; ALBEIT, NON-EMERGENCY HEARING**

I HEREBY CERTIFY, as a member of the Bar of the Court, that I have carefully examined the matter under consideration and to the best of my knowledge, information and belief formed after reasonable inquiry, all allegations are well grounded in fact and all contentions are warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law can be made, that the matter under consideration is not interposed for any improper purpose, such as to harass, to cause delay, or to increase the cost of litigation, and there is just cause to request consideration of the following pleading on an *expedited*; albeit, non-emergency basis:

***CHAPTER 7 TRUSTEE, ROBERT E. TARDIF, JR. 'S, MOTION TO
COMPEL PRODUCTION OF DOCUMENTS AND TESTIMONY AND FOR
SANCTIONS AGAINST SUNTRUST BANK AND INCORPORATED
MEMORANDUM OF LAW IN SUPPORT THEREOF [DOC. NO. 801]***

I CERTIFY FURTHER that there is a true necessity for an *expedited*; albeit, non-emergency hearing; specifically, the Trustee's ongoing investigation of potential viable litigation claims against SunTrust Bank, N.A. ("SunTrust"). SunTrust has managed to delay and obstruct the Trustee's investigation of claims for the past year by persistently failing to comply with its obligations under Federal Rule of Civil Procedure 30(b)(6) as well as prior court Orders, and has

thereby continued to improperly impede the Trustee's investigation of potentially viable litigation claims and has attempted to erode the applicable limitations period for asserting such claims. To this day, the Trustee has been prevented from obtaining discoverable information as a result of SunTrust's delay and obstruction. The Trustee requests an expedited, albeit, non-emergency hearing, be set as soon as possible.

I CERTIFY FURTHER that the necessity of this expedited, albeit, non-emergency hearing has not been caused by a lack of due diligence on my part, but has been brought about only by circumstances beyond my control or that of my client. I further certify that this motion is filed with full understanding of F.R.B.P. 9011 and the consequences of noncompliance with same.

DATED: February 29, 2012

Respectfully submitted,

KOZYAK TROPIN & THROCKMORTON, P.A.
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By: /s/ David A. Samole

David A. Samole
Florida Bar No. 582761
Jessica E. Elliott
Florida Bar No. 89021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this 29th day of February, 2012 (i) via the Court's CM/ECF notification to those parties who are registered CM/ECF participants in this case, including SunTrust Bank c/o Mark David Schellhase, Esq. (mark.schellhase@gray-robinson.com), and (ii) was furnished by U.S. Mail on: Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. (Non-Debtor), 1217 Cape Coral Parkway, Apt. 121, Cape Coral, FL 33904.

By: /s/ David A. Samole
David A. Samole

SERVICE LIST

**IN RE ULRICH FELIX ANTON ENGLER
CASE NO. 08-bk-04360-MGW**

9:08-bk-04360-MGW Notice will be electronically mailed to:

C Stephen Allen on behalf of Defendant Mississippi Realty Trust
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Bankruptcy Estates of Ulrich Felix Anton Engler and Private Commercial Office, Inc.
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