

IN THE SUPREME COURT OF FLORIDA

Supreme Court Case No.: SC19-1545

CATHERINE ELIZABETH CZYZ,

Respondent/Appellant,

vs.

THE FLORIDA BAR ASSOCIATION,

Complainant/Appellee.

_____ /

RESPONDENT'S/APPELLANT'S EMERGENCY MOTION
FOR RETROACTIVE APPLICATION OF SUSPENSION,
MOTION TO ABATE, AND MOTION
FOR CLARIFICATION OF ORDER

Respondent/Appellant, files this, her Emergency Motion for Retroactive Application of Suspension, Motion to Abate, and Motion for Clarification of Order, and states as follows:

1. This Honorable Court's issued an Order on January 6,

2022 suspending her from the practice of law for two years in Florida.

2. Upon receipt of the Order Respondent/Appellant began assigning her active law firm's clients to another attorney.

3. Respondent/Appellant has not retained counsel for herself, her dissolved companies, nor her active law firm for personal cases in Florida Courts.

4. Respondent/Appellant filed two motions after receiving the Order from this Honorable Court and this pleading combines those motions as an emergency due to Respondent/Appellant needing direction from this Court before the thirty day expiration of time for licensure.

5. The Florida Bar Association filed this action in 2019 against Respondent/Appellant as a result of a Florida Bar Complaint/Inquiry filed by Erin Neitzelt in or about May, 2017 and payment was made by Erin Neitzelt in 2016 for representation.

6. As a result, Respondent/Appellant was unable to attain work as an attorney and did not represent clients in the two year period from the date of filing, other than representing herself and her law firm's claims against Erin Neitzelt.

7. The litigation and decision by the Referee in the present case was delayed and extended multiple times due to the Referee requesting extensions of time to the Court.

8. As such, Respondent/Appellant requests this Honorable Court to deem the two year suspension period to have been served from 2019, retroactively, from when the action was filed, to 2021, and that she will not be penalized for any representations of being in good standing during that time period, and to have a waiver of any required paperwork of application for re-instatement and/or to continue as instated as an attorney to practice law as of present date.

9. Also, Respondent/Appellant requests this Honorable Court to abate the payment to Erin Neitzelt and to The Florida Bar Association for costs, as cases are pending in Circuit Courts

involving the same issues and Respondent/Appellant may receive a judgment in her favor and/or evidence in these cases may reveal addition new evidence for a pleading to be filed for a dismissal of this action by The Florida Bar Association.

10. The case styles are: *Neitzelt v. Czyz/Czyz v. Neitzelt*, 2018 CA 1244; *Czyz v. Neitzelt* , 2022-0063 (appeal of non-final Order in *Czyz v. Neitzelt/Neitzelt v Czyz* based upon Venue and/or Jurisdiction); and *Czyz v. Atwood, et al.*, 2021 CA 2874.

11. Florida law holds that the Referee's decision will be abated for good cause shown, *The Florida Bar v. Lusskin*, 661 So.2nd 1211 (Fla., 1995).

12. It was held that in *Florida Bar v. Winn*, 593 So.2d 1047 (Fla.1992), "we refused to hold disbarment proceedings in abeyance pending the respondent's federal appeal. We felt that "this would entangle this Court in speculation about the outcome of a federal proceeding." Id. at 1048.

While we refused to abate the proceedings in Winn, this Court clearly has authority to abate any disciplinary proceeding if good cause is shown. How...

The Florida Bar v. Lusskin, 661 So.2d 1211 (Fla. 1995)

13. In the present case, evidence of this representation of Erin Neitzelt for an employment law case and the Complaint/Inquiry filed by her, as part of an orchestrated fraud, in part, by the witnesses used by the Florida Bar Association in the present case, biases of the attorneys involved may be found, and/or a money judgment or settlement in Respondent's/Appellant's favor would be good cause to set-aside the Referee's findings.

14. Further, Florida law holds that suspensions may be retroactively applied, *The Florida Bar v. Milan*, 499 So.2d 829 (Fla., 1986).

15. As such, Respondent/Appellant moves for her

suspension to be retroactively applied under the circumstances and for an abatement, in part, for the money payments, or an abatement in whole.

16. If Respondent/Appellant motion to retroactively apply the suspension or for abatement is denied, she requests direction as to whether she may represent herself pro se for any past, present or future claim in Florida Courts during the suspension period and of herself and the dissolved companies and active law firm in the above mentioned cases and in *Czyz and Royal Atlantic Title v. Wells Fargo Bank, N.A.*, 4D21-2967.

17. Respondent/Appellant does not want to be found as violating the Order or practicing law without a license by pro se representation.

18. The Czyz Law Firm, P.A. is a dissolved Florida Professional Association or law firm, where Respondent/Appellant was the sole owner, shareholder, officer, and representative of it and it is named in the above lawsuit(s).

19. Respondent/Appellant moves for clarification as to whether she may represent her dissolved law firm, The Czyz Law Firm, P.A., pro se, for any past, present or future claim in Florida Courts during the suspension period.

20. The Czyz Law Firm, PLLC is an active Professional Limited Liability Company and law firm, and Respondent/Appellant is the sole member, and it is named in the above referenced law suits.

21. Respondent/Appellant moves for clarification as to whether she may represent her active law firm, The Czyz Law Firm, PLLC, pro se, for any past, present or future claim in Florida Courts during the suspension period.

22. Royal Atlantic Title, LLC is a dissolved Florida Limited Liability Company and Respondent/Appellant was the sole member of the company, and it is named in the above referenced law suits.

23. Respondent/Appellant moves for clarification as to

whether she may represent her dissolved title company, Royal Atlantic Title, LLC, pro se, for any past, present or future claim in Florida Courts during the suspension period.

24. Respondent/Appellant is registered as an attorney in the Florida Courts e-portals for state and Federal Southern District of Florida, and she requests clarification as to whether she would have to re-register for any allowed pro se representation for the purposes of filing pleadings.

25. Respondent/Appellant certifies that in accordance with the Florida Rules of Appellate Procedure, she requested The Florida Bar Association to advise whether it objects to this motion, but she was not given a response as of the time of filing.

WHEREFORE, the Respondent/Appellant requests this Honorable Court to issue an Order retroactively applying the suspension, abating the Referee's findings and holding in part or in whole, and clarifying the Order issued on January 6, 2022, and any other relief this Honorable Court feels is just

and proper.

RESPECTFULLY SUBMITTED,

/s/ Catherine E. Czyz

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-courts on January 29, 2022 to:

Shanee L. Hinson, Esq. and
Tiffany Roddenberry, Esq. and

Kevin Cox, Esq. and/or the attorneys listed as counsel of record at this time.

By: ___/s/ *Catherine E. Czyz*_____

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