

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

TIKD SERVICES LLC,  
A Foreign Limited Liability Company,

and

CHRISTOPHER RILEY,  
individually and as Founder of  
TIKD SERVICES LLC,

Respondents.

Supreme Court Case  
No. SC2018-149

The Florida Bar File  
Nos. 20174035(11B) and  
20174045(11B)

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**PETITIONER’S REPLY TO RESPONDENTS’  
AFFIRMATIVE DEFENSES,  
THE FLORIDA BAR’S MOTION TO STRIKE, AND  
MOTION FOR APPOINTMENT OF A REFEREE**

Petitioner, The Florida Bar, through undersigned counsel, hereby files its Reply to Affirmative Defenses, The Florida Bar’s Motion to Strike, and Motion for Appointment of a Referee, and states as follows:

Respondents’ Affirmative Defenses do not constitute an avoidance or affirmative defense under Rule 1.110, Rules of Civil Procedure. The matters raised by Respondents’ Affirmative Defenses do not defeat The Florida Bar’s claim.

Respondents raise challenges to this action based on the constitutions of both Florida and the United States. Petitioner responds to the affirmative defenses and constitutional issues listed by Respondents as follows:

**1. Affirmative Defense.**

Petitioner denies and avoids Respondents' affirmative defense. The affirmative defense does not constitute an avoidance or affirmative defense under Rule 1.110, Rules of Civil Procedure. Respondents raise no new matters which would defeat Petitioner's claim and should be stricken accordingly.

**2. Affirmative Defense.**

Petitioner denies and avoids Respondents' affirmative defense. The affirmative defense does not constitute an avoidance or affirmative defense under Rule 1.110, Rules of Civil Procedure. Respondents raise no new matters which would defeat Petitioner's claim and should be stricken accordingly.

**3. Affirmative Defense.**

Petitioner denies and avoids Respondents' affirmative defense. The affirmative defense does not constitute an avoidance or affirmative defense under Rule 1.110, Rules of Civil Procedure. Respondents raise no new matters which would defeat Petitioner's claim and should be stricken accordingly.

**4. Affirmative Defense.**

Petitioner denies and avoids Respondents' affirmative defense. Respondents lack standing to assert the rights of its customers. The affirmative defense does not constitute an avoidance or affirmative defense under Rule 1.110, Rules of Civil Procedure. Respondents raise no new matters which would defeat Petitioner's claim and should be stricken accordingly.

**Respondents' Response to Rule to Show Cause**

The Respondents denied allegations of the petition and raised issues of fact in their answer and response to the Order to Show Cause. Pursuant to Rule 10-7.1(6), Petitioner respectfully requests that this Court order the appointment of a referee to preside in this matter, make findings of fact and rulings of law, and render a report and recommendation.

WHEREFORE, Petitioner, The Florida Bar, for the above stated grounds, respectfully requests that this Court enter an order striking Respondents' affirmative defenses.

Petitioner also requests the court refer this case pursuant to Rule 10-7.1(c)(1) to a referee in Miami-Dade County, Florida, the county where the alleged offenses were committed, and where Respondent corporation was located at the time of the offenses.

Respectfully submitted,

/s/ Algeisa Maria Vazquez

Algeisa Maria Vazquez

Florida Bar No. 899968

Branch UPL Counsel

The Florida Bar

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### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Petitioner's Reply to Respondents' Affirmative Defenses, The Florida Bar's Motion to Strike, and Motion for Appointment of a Referee has been filed via the statewide e-portal and true and correct copies were furnished via email using the statewide e-portal to Christopher Michael Kise, Respondents' Counsel, Foley & Lardner, LLP, 106 East College Avenue, Suite 900, Tallahassee, Florida 32301-7732, primary email address [ckise@foley.com](mailto:ckise@foley.com); and by email using the statewide e-portal to William A. Spillias, UPL Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, Primary E-Mail: [wspillias@floridabar.org](mailto:wspillias@floridabar.org) on this 20th day of April, 2018.

/s/ Algeisa Maria Vazquez

Algeisa Maria Vazquez

Bar Counsel