

**IN THE SUPREME COURT
STATE OF FLORIDA**

THE FLORIDA BAR,

CASE NO. SC18-149

Petitioner,

v.

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

TIKD SERVICES LLC,
A Foreign Limited Liability Company,

and

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

Respondents.

**RESPONDENTS' CORRECTED RESPONSE TO MOTION OF AMICI
CURIAE FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT**

Respondents, TIKD Services LLC (“TIKD”) and Christopher Riley, pursuant to Florida Rule of Appellate Procedure 9.300, hereby respond to the Motion for Leave to Participate in Oral Argument (“Motion”) filed by The Ticket Clinic (“The Ticket Clinic”), Joseph LoRusso, P.A., The Law Offices of Lou Arslanian, Steven Bell, Esq., and The Law Offices of H. A. Rodriguez (collectively, the “Private Practice Lawyers”) in support of Petitioner, the Florida Bar (the “Bar”) Petition Against the Unlicensed Practice of Law (“Petition”).

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The Private Practice Lawyers request in the Motion to be allowed five minutes of oral argument because their Amici Brief “makes numerous points, advances legal theories, and identifies significant real-world issues raised by TIKD’s business practices” that “will not be represented adequately at the hearing unless they are afforded a brief opportunity to argue orally.” (Motion at ¶ 2).

But, as they acknowledge, most of the Private Practice Lawyers view themselves as competitors of TIKD, (Motion at ¶ 3, 4), and all appear associated with the Ticket Clinic, either former employees or close associates. (Respondents’ Resp. Br. at 11 n.6). What the Private Practice Lawyers really seek is an opportunity to continue to argue against the TIKD business model and engage in the same sort of anti-competitive behavior which led to the filing of a separate federal action against The Ticket Clinic. *See TIKD Servs. LLC v. Fla. Bar*, No. 17-24103 (S.D. Fla., filed Nov. 8, 2017) (naming Gold & Associates, P.A., Ted Hollander, and other Ticket Clinic associates as defendants). Obviously concerned that the Bar has failed to present any actual evidence in support of the Petition, the Private Practice Lawyers want five minutes at oral argument to present purported “policy” arguments which have no bearing on the issues herein presented.

This case involves the sufficiency of the actual evidence before the Referee, and now this Court, to sustain the Bar's allegations in the Petition.¹ The Referee found that the Bar failed to mount a sufficient case and that the undisputed evidence established that TIKD is not providing any legal services. "Policy" arguments advanced by a competitor do not alter the record evidence.

Second, the Private Practice Lawyers have no different position than that of the Bar or indeed of any Florida lawyer required to comply with the Rules regulating the Florida Bar. Thus, the Bar can and should advance such arguments. An additional argument by a competitor of TIKD further obfuscates the Court's duty to look beyond the protectionary tendencies of the Bar. *Fla. Bar v. Brumbaugh*, 355 So. 2d 1186, 1189 (Fla. 1978) ("Because of the natural tendency of all professions to act in their own self interest, however, this Court must closely scrutinize all regulations tending to limit competition in the delivery of legal services to the public, and determine whether or not such regulations are truly in the public interest.").

Finally, the Motion is improper and untimely. Rule 9.320 provides that a "request for oral argument shall be in a separate document **served by a party**" and "not later than 10 days after the reply is due to be served." Fla. R. App. P. 9.320

¹ As noted in Respondents' Response Brief (at 22), in view of the complete lack of any evidence supporting the Petition, Respondents submit, respectfully, that the Court could decide this case and dismiss the Petition without conducting oral argument. Given same, Respondents certainly do not believe adding to the Court's and parties' burden by expanding oral argument is necessary or warranted.

(emphasis added). The Private Practice Lawyers are obviously not a party. The order attached to the Motion was originally denied, and granted only after the party supported by the Amici filed in support. Next, the Bar's Reply was due July 23, 2019, the Motion was filed 31 days later, well in excess of the 10 days allowed.

The Motion should therefore be denied.

Respectfully submitted,

By: /s/ Christopher M. Kise

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing was served by electronic mail on September 4, 2019 on all recipients listed below:

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