

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC22-566

v.

The Florida Bar File
No. 2022-70,419(11D)(MFC)

DANIEL MARKOVICH,
Respondent.

_____ /

MOTION FOR EXTENSION OF TIME TO FILE REPORT OF REFEREE

COMES NOW, The Florida Bar on behalf of the Honorable Mavel Ruiz, and moves this court for an extension of time for the referee to file her report and says:

1. The report of referee in this cause is due on August 16, 2022.
2. Respondent is the subject of a Florida Bar disciplinary proceeding, wherein The Florida Bar seeks disbarment as the appropriate sanction arising from Respondent's felony conviction.
3. On March 29, 2022, Respondent file his Notice of Appeal from his criminal conviction in the United States Court of Appeals for the Eleventh Circuit.
4. On July 26, 2022, Respondent, through counsel, filed a Motion to Stay Case Pending Final Resolution of Criminal Appeal.

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5. On August 8, 2022, the Referee entered an order granting Respondent's Motion to Stay Case Pending Final Resolution of Criminal Appeal. See Exhibit A, attached. The Referee's order requires bi-annual reporting by Respondent's counsel to update the Referee on the status of the appeal.

6. In the interest of judicial economy and to preserve the Respondent's right against self-incrimination, a stay would be proper in this case.

7. All parties and the Referee are in agreement that more time is necessary for submission of a Report of Referee and would respectfully request that this Court stay this proceeding through the date of any ruling from the United States Court of Appeals for the Eleventh Circuit, and up to sixty (60) days thereafter, to allow the Referee sufficient time to complete and serve her report in this matter.

8. Both parties are in agreement with the relief requested in this motion. This motion is filed in good faith and not for purposes of delay.

9. Respondent agrees that, if this Court grants the instant motion to stay, he or his counsel will provide bi-annual status reports concerning the appeal to the Referee and to the Bar; and that he or his counsel will promptly petition to lift the stay when the appeal is concluded.

WHEREFORE, The Florida Bar respectfully requests that this Honorable Court issue an order approving the stay of this proceeding and granting the Referee an extension of time to file her Report, up to and including sixty days following the ruling from the United States Court of Appeals for the Eleventh Circuit resolving the criminal matter.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this document has been e-filed using the E-filing Portal with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida; with a copy provided to the Honorable Mavel Ruiz, via email to the referee's judicial assistant at rayala@jud11.flcourts.org; and to Bruce S. Rogow, and Tara A. Champion, Attorneys for Respondent, via email at brogow@rogowlaw.com and tcampion@rogolaw.com; and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, via email at psavitz@floridabar.org, on this 9th day of August, 2022.



Jennifer R. Falcone, Bar Counsel

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**ORDER GRANTING RESPONDENT'S MOTION TO STAY CASE
PENDING FINAL RESOLUTION OF CRIMINAL APPEAL**

THIS CAUSE came on to be heard on Respondent's Motion to Stay Case Pending Final Resolution of Criminal Appeal, and having heard from counsel for the respective parties, and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED THAT:

1. Respondent's Motion to Stay Case Pending Final Resolution of Criminal Appeal is GRANTED. In accordance with R. Reg. Fla. Bar 3-7.2(i), Respondent will continue under suspension until such time as the United States Court of Appeals for the Eleventh Circuit resolves this case.

EXHIBIT
A

2. The Florida Bar is directed to advise the Florida Supreme Court of this order and to secure an appropriate extension of time to file a Report of Referee in this matter.

3. Further, Respondent's counsel is to provide this Referee with the status of the appeal on a bi-annual basis, with the first such status report being due no later than December 10, 2022.

DONE and ORDERED in Chambers, Miami, Miami-Dade County Courthouse, Florida, this 8th day of August, 2022.



Honorable Mavel Ruiz, Referee

Copies provided to:

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