

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

ATLANTIC LENDING, L.L.C. as to an  
undivided 50% interest and STEPHEN  
ZARON, M.D., as to an undivided  
50% interest,

GENERAL JURISDICTION DIVISION  
CASE NO.: 04-7035-CA-24

Plaintiffs,  
v.

FANTASY OF THE OCEAN, L.L.C. a Florida  
limited liability company, NORTH BEACH  
DEVELOPMENT GROUP, INC. a Florida  
corporation, GOPMAN CONSULTING  
ENGINEERS, INC., a Florida corporation,  
and LANGAN ENVIRONMENTAL SERVICES,  
INC., a Florida Corporation,

Defendants.

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**AMENDED MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF,  
STEPHEN ZARON, M.D. AND NOTICE OF CHANGE OF ADDRESS**

GABRIELLE LYN D'ALEMBERTE, of the law firm of THE LAW FIRM OF ROBERT L. PARKS, P.L., files this, its Amended Motion to Withdraw as Counsel for Plaintiff, STEPHEN ZARON, M.D., pursuant this Court's Order of February 11, 2009 (a copy of the transcript is attached hereto) and to Fla. R. Jud. Admin. 2.505, and as grounds therefore would state as follows:

1. In December of 2007, undersigned counsel was asked to substitute in as counsel for JAMES GASSENHEIMER when he moved law firms to join Berger Singerman. JAMES GASSENHEIMER had been counsel for Plaintiff, STEPHEN ZARON, in this action, as well as counsel for BERMAN MORTGAGE CORP., THE BERMAN GROUP and DANA

BERMAN in a companion case, Case No. 05-14867-CA-01.<sup>1</sup>

2. Both lawsuits involve issues involving a real estate transaction and subsequent foreclosure which the Berman Group and Berman Mortgage Company ("BMC") were the lending conduit, and until December 2007, James Gassemheimer had been the corporate lawyer for the various entities.
3. In December 2007, (the exact time that Gabrielle Lyn D'Alemberte, Esq. substituted in for James Gassemheimer, Esq.), the organizations, businesses, mortgage loans and developments related to Berman Mortgage Company, MAMC and Dana J. Berman were brought into Receivership in front of the Honorable Tam Wilson, Eleventh Judicial Circuit Court, Receivership, Case No. 07-43672-CA-09.
4. The Receiver appointed is Michael Goldberg, Esq. of Akerman Senterfitt. He continues to serve in this capacity as of the filing of this Motion. The Receiver retained James Gassemheimer to act as his counsel in the various lawsuits in which the companies were involved.
5. The Court has previously been provided with the Order Granting Motions for Relief from Temporary Injunction dated September 17, 2008, which modifies the Order for Injunctive Relief, signed by Judge Wilson on December 11, 2007, all actions which involve BMC, MAMC and/or Dana Berman are stayed and are subject to the jurisdiction of the Receivership Court and as such, permission to subject the above-described entities to involvement, by appearance, testimony or otherwise, should be obtained through the Receivership Court.

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<sup>1</sup> On May 21, 2008, the undersigned withdrew as counsel in the companion matter, Case No. 05-14867-CA-24. (A copy of said Order has previously been provided).

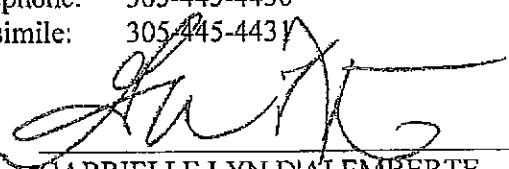
6. Considering that there only a few weeks between the Substitution in this matter, and the Receivership take over of the various corporations, this case was essentially put on hold until further action of this and the Receivership Court.
7. Since that time, the Receiver has reached a settlement with Atlantic Lending which is attached. The Settlement was approved and noticed to all MAMC/BMC Lenders through the Receivership's E-Blast Email system and also posted on the Receiver's website for the MAMC/BMC Lenders. This is the mechanism that Judge Wilson has approved for giving notice to Lenders who have an interest in these matters. The BMC/MAMC Lenders are not a party to this instant action but in an abundance of caution, notice has been sent to the Receiver to post should he see fit.
8. It would be in the best interests of the client if the undersigned counsel is allowed to withdraw, and for the Client to be given sufficient time to obtain new counsel who is independent of the Receivership proceedings.
9. At no time has the undersigned counsel been paid for services in this matter.
10. That notice of this Motion has been served on the Client by certified mail and on opposing counsel in accordance with Fla. R. Jud. Admin. 2.505(f)(1), which states that an attorney can withdraw “[b]y order of court, where the proceeding is continuing, upon motion and hearing, on notice to all parties and the client, such motion setting forth the reasons for withdrawal [see above] and the client's last known address [see below].”
11. Plaintiff's last known address is: 4333 Nautilus Drive, Miami Beach, Florida 33140. A copy of this Motion, as well as the previously filed Motion to Withdraw and Notice of Hearing from February 11, 2009 was and has been mailed to the client's last known address.

12. The Court has already granted said Motion with the provisions that proper notice is given to the parties and the client pursuant to Fla. R. Jud. Admin. 2.505(f)(1). Accordingly, a proposed Order GRANTING said Motion is attached.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 4<sup>th</sup>, 2009, a true and correct copy of the foregoing was furnished via Certified Mail No. 7007 1490 0002 4075 4808 to: **Stephen Zaron, MD**, 4333 Nautilus Drive, Miami Beach, Florida 33140; and via fax to: **Robert Miller, Esq.**, Tabas, Freedman, Soloff, Miller, & Brown, PA, One Flagler Building, Penthouse, 14 NE 1<sup>st</sup> Avenue, Miami, FL 33132/ Fax (305) 381-7708; and via U.S. Mail to: **Oscar Sanchez, Esq.**, Akerman Senterfitt, One Southeast Third Avenue, 28<sup>th</sup> Floor, Miami, Florida 33131; and **KPKB Registered Agents, Inc.**, f/k/a Miami Center Registered Agents, LLC, 201 South Biscayne Blvd., Suite 1700, Miami, Florida 33131.

**GABRIELLE LYN D'ALEMBERTE, ESQ.**  
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By: 

**GABRIELLE LYN D'ALEMBERTE**  
FLORIDA BAR NO.: 0169722

cc: Michael Goldberg, Esq. (Via U.S. Mail)