

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 06-20734-CIV-SEITZ/MCALILEY

CARLOS PEREZ, ERIC ZIMELMAN,
ANGELA D. RIEKE and DOROTHY
HAYS, individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

ASURION CORPORATION; ASURION
INSURANCE SERVICES, INC.; ASURION
FLORIDA WARRANTY SERVICES, INC.;
LOCK/LINE, LLC; and LOCK/LINE
WARRANTY SERVICES OF FLORIDA, LLC,

Defendants.

_____/

**MOTION FOR LIMITED APPEARANCE, CONSENT TO
DESIGNATION AND REQUEST TO ELECTRONICALLY RECEIVE
NOTICES OF ELECTRONIC FILINGS**

In accordance with Local Rule 4.B of the Special Rules Governing the Admission and Practice of Attorneys of the United States District Court for the Southern District of Florida, the undersigned respectfully moves for the admission of Paul D. Kamenar, of the public interest law firm of Washington Legal Foundation, 2009 Massachusetts Ave., NW, Washington, DC 20036, (202)588-0302, for purposes of limited appearance as co-counsel on behalf of Objector Glenn Lammi herein, in the above-styled case only, and pursuant to Rule 2B, Southern District of Florida, CM/ECF Administrative Procedures, to permit Paul D. Kamenar to receive electronic filings in this case, and in support thereof states as follows:

1. Paul D. Kamenar is not admitted to practice in the Southern District of Florida and is a member in good standing of the District of Columbia Bar and the U.S. District Court for

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SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

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et al.,

Plaintiffs,

vs.

ASURION CORPORATION; et al.

Defendants.

**CLASS COUNSEL'S RESPONSE TO POTENTIAL OBJECTOR
GLENN LAMMI'S MOTION TO APPEAR IN CASE
FOR ALL PURPOSES RELATED TO THESE PROCEEDINGS**

The Court has established a clear and organized procedure for all 10.5 million class members to follow if they desire to object to this proposed settlement and have those objections heard by the Court. The Court recently reiterated that it is important to keep this process organized and efficient. Any class member that desires to object will file an objection by May 21, 2007 and may enter an appearance at the Final Fairness Hearing individually or through counsel of his or her own choice. Omnibus Order at para. 70 [DE-89]. Accordingly, Class Counsel certainly has no objection to Objector Glenn and/or his counsel entering an appearance solely to appear and present a possible objection at the Final Fairness Hearing.

However, the Motion submitted by Mr. Glenn goes beyond this. It seeks to admit his counsel "... to appear before this Court on behalf of Objector Glenn Lammi for *all purposes* relating to the proceedings in the above-styled matter and directing the Clerk to

provide notice of electronic filings to Paul D. Kamenar.”¹ (e.s.). We know from past experience that general appearances by objectors are both unnecessary and typically lead to satellite litigation. Mr. Glenn has made no showing why he should be treated differently from other class members to justify these additional requests. They should be denied.

Respectfully submitted this 18th day of May, 2007.

HARKE & CLASBY LLP
155 S. Miami Ave., Suite 600
Miami, Florida 33130

KOZYAK TROPIN & THROCKMORTON, P.A.
2525 Ponce de Leon , 9th Floor
Coral Gables, Florida 33134
T: 305-372-1800 / F: 305-372-3508

/s/Adam M. Moskowitz
Adam M. Moskowitz, FBN 965723

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served via transmission of Notices of Electronic Filing generated by CM/ECF this 18th day of May, 2007 upon all parties, and was filed with the Clerk of the Court using CM/ECF.

By: /S/Adam M. Moskowitz

¹ Mr. Kamenar is not just counsel to Mr. Glenn but also his colleague. Mr. Kamenar is director of the Washington Legal Foundation (“WLF”), a business and tort reform advocacy group that travels around the country and has objected in various courts to class action settlements. Mr. Kamenar’s client (Mr. Glenn) is the chief counsel of the legal studies division of the WLF. Mr. Kamenar has corresponded with us demanding various information and we have responded with all of the requested information. To date, neither Mr. Kamenar nor Mr. Glenn have formally filed an objection in this case (although we expect they will do so prior to the deadline), and/or replied or otherwise communicated with Class Counsel regarding any of the provided information.

the District of Columbia.

2. Movant, Nicolas J. Gutiérrez Jr., Esquire, of the law firm of Borgognoni & Gutiérrez, LLP, 2665 South Bayshore Dr., Suite 701, Miami, FL, 33133-5402, (305)860-2060, is a member in good standing of The Florida Bar and the United States District Court for the Southern District of Florida, maintains an office in this State for the practice of law, and is authorized to file through the Court's electronic filing system. Movant consents to be designated as a member of the Bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case, upon whom filings shall be served, who shall be required to electronically file all documents and things that may be filed electronically, and who shall be responsible for filing documents in compliance with the CM/ECF Administrative Procedures. See Section 2B of the CM/ECF Administrative Procedures.

3. In accordance with the local rules of this Court, Paul D. Kamenar has made payment of this Court's \$75 admission fee. A certification in accordance with Rule 4B is attached hereto.

4. Paul D. Kamenar, by and through designated counsel and pursuant to Section 2B, Southern District of Florida, CM/ECF Administrative Procedures, hereby requests the Court to provide Notice of Electronic Filings to Paul D. Kamenar at email address: pkamenar@wlf.org.

WHEREFORE, Nicolas J. Gutiérrez Jr. moves this Court to enter an Order permitting Paul D. Kamenar to appear before this Court on behalf of Objector Glenn Lammi for all purposes relating to the proceedings in the above-styled matter and directing the Clerk to provide notice of electronic filings to Paul D. Kamenar.

Dated: May 17, 2007

Respectfully submitted,

/s Nicolas J. Gutiérrez, Jr.

Nicolas J. Gutiérrez, Jr.

(Fla. Bar # 0796786)

Borgognoni & Gutiérrez, LLP

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Attorneys for Objector Glenn Lammi

**UNITED STATES DISTRICT COURT
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Defendants.

_____ /

CERTIFICATION OF PAUL D. KAMENAR

Paul D. Kamenar, Esquire, pursuant to Rule 4B of the Special Rules Governing the Admission and Practice of Attorneys, hereby certifies that (1) I have studied the Local Rules of the United States District Court for the Southern District of Florida; and (2) I am a member in good standing of the District of Columbia Bar and U.S. District Court for the District of Columbia.

/s Paul D. Kamenar
Paul D. Kamenar

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings was served by First Class Mail, postage prepaid on May 17, 2007, on all counsel or parties of record on the service list.

/s/ Nicolas J. Gutiérrez, Jr.
Nicolas J. Gutiérrez, Jr.

SERVICE LIST

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**UNITED STATES DISTRICT COURT
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Defendants.

**ORDER GRANTING MOTION FOR LIMITED APPEARANCE
OF PAUL D. KAMENAR, CONSENT TO DESIGNATION
AND REQUEST TO ELECTRONICALLY
RECEIVE NOTICES OF ELECTRONIC FILINGS**

THIS CAUSE having come before the Court on the Motion for Limited Appearance of Paul D. Kamenar and Consent to Designation, requesting, pursuant to Rule 4B of the Special Rules Governing the Admission and Practice of Attorneys in the United States District Court for the Southern District of Florida, permission for a limited appearance of Paul D. Kamenar in this matter and request to electronically receive notice of electronic filings. This Court having considered the motion and all other relevant factors, it is hereby

ORDERED and ADJUDGED that:

Case No. 06-20734-CIV-SEITZ/MCALILEY

The Motion for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings is GRANTED. Paul D. Kamenar is granted to appear and participate in this action on behalf of Objector Glenn Lammi. The Clerk shall provide electronic notification of all electronic filings to Paul D. Kamenar at pkamenar@wlf.org.

DONE AND ORDERED in Chambers at _____, Florida this _____ day of _____.

United States District Judge

Copies furnished to:
All Counsel of Record