

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY, FLORIDA

WELLS FARGO BANK, N.A.

Plaintiff,

Case No. 2010 14157 CIDL

v.

RONALD FIGUEROA and MEKISHA RIVERA, *et. al.*

Defendants,

\_\_\_\_\_ /

**RENEWED, EMERGENCY MOTION TO CONTINUE HEARING  
OR APPEAR TELEPHONICALLY**

Defendants, RONALD RIGUEROA and MEKISHA RIVERA, by and through undersigned counsel, moves this Court for entry of an Order continuing the December 6, 2013 docket sounding, and would show:

1. This Court unilaterally scheduled a docket sounding to take place on December 6, 2013 at 10:00 am. The Court gave the undersigned no input on the date and has set it up so phone appearances are not permitted.
2. Long before this hearing was scheduled, the undersigned scheduled an out-of-town Christmas party on December 6, 2013 for the entire office.
3. The undersigned moved to continue the hearing on this basis, which the Court denied without hearing and without explanation.
4. Now, the undersigned has come to learn the Court is not allowing a phone appearance.
5. With all due respect, Defendants and their counsel should not be made to be at the beck and call of this Court, attending hearings in person whenever convenient for the Court,

particularly where the undersigned is given no input on the hearing date. If the Court is not going to reschedule the unilaterally-scheduled hearing, it should at least permit phone appearances. Otherwise, an attorney from this office has to miss the firm's pre-planned Christmas party. Respectfully, that is patently unfair.

6. The Florida Rules of Judicial Administration require phone appearances for hearings of 15 minutes or less absent "good cause." There is no good cause to prevent a phone appearance on these facts.

7. If the requested relief is not granted, the undersigned requests a written Order be provided forthwith so the undersigned can pursue appellate relief before the scheduled hearing.

WHEREFORE Defendants request relief in accordance with the foregoing.

#### **VERIFICATION**

I hereby certify under penalty of perjury that I have read the foregoing and the facts set forth herein are true and correct.



Mark P. Stopa, Esq.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to [eservice@wolfelawfl.com](mailto:eservice@wolfelawfl.com), Ronald R. Wolfe & Associates, P.L., on this 3 day of December, 2013.



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