

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO.: 23-CV-80820**

BOCA VIEW CONDOMINIUM  
ASSOCIATION, INC.,

Plaintiff,

vs.

ELEANOR LEPSALTER and  
EDWARD LEPSALTER,

Defendants.

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**MOTION TO WITHDRAW AS COUNSEL FOR BOCA VIEW CONDOMINIUM  
ASSOCIATION, INC., AND REQUEST FOR EXTENSION OF TIME**

John R. Sheppard, Jr., Esq., and the law firm of Fowler White Burnett, P.A. (collectively, "Fowler White"), moves this Court to withdraw as counsel for the Plaintiff, Boca View Condominium Association, Inc., ("Association"), and to have no further responsibility to represent the Association in this matter upon further order of this Court, and in support states as follows:

1. Fowler White presently represents the Association in the above-captioned matter.
2. Irreconcilable differences have arisen between the Association and Fowler White, preventing Fowler White from continuing to represent them.
3. As a result, Fowler White request permission with withdraw from representing the Association and further requests that Fowler White be relieved of all further responsibility in the representation.
4. The current mailing address for the Association is: 3600 S. Congress Avenue, Suite C, Attn: Eric Estebanez, LCAM, Boynton Beach, FL 33426.

5. Plaintiff has acquired new counsel to take over representation in this case but due to new counsels schedule cannot respond to the Rule 12 motion until July 14, 2023.

6. In addition to the above request to withdraw, the undersigned also requests that the Association be granted a brief extension of time to respond to Defendants Rule 12 Motion to Dismiss [DE 17] so that it may have adequate time to have new counsel appear and respond to the motion.

7. This motion is not filed for dilatory purposes.

WHEREFORE, Fowler White Burnett, P.A., requests that this Court: (1) enter an Order granting the withdrawal of John R. Sheppard, Jr., Esq., and Fowler White Burnett, P.A., as counsel of record for the Association, and relieving Fowler White Burnett, P.A., of all further responsibility in said representation; (2) grant the Association additional time to reply to Defendant's Rule 12 motion [DE 17] until July 14, 2023, (3) grant any other relief this Court deems just and proper.

Dated: June 30, 2023

FOWLER WHITE BURNETT  
*Counsel for Plaintiff*  
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By: /s/ John R. Sheppard, Esq.  
John R. Sheppard, Esq.  
Fla. Bar No. 867152

**CERTIFICATE OF CONFERRAL CONFERENCE**

Pursuant to Local Rule 7.1(a)(3), counsel for Plaintiff has conferred with Defendant's counsel (Christopher S. Salivar, Esq.) who: (1) consents to the undersigned's withdrawal request; and (2) does not consent to the extension of time request.

/s/ John R. Sheppard, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of June, 2023, a true and correct copy of the foregoing has been filed through the Court's CM/ECF filing portal and served this day on all counsel of record or pro se parties identified on the below service list in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically, Notices of Electronic Filing. that a true copy has been served through the portal upon all counsel of record in this action.

/s/ John R. Sheppard, Jr.  
John R. Sheppard, Jr.

**SERVICE LIST:**

Christopher S. Salivar, Esq.  
Christopher S. Salivar, P.L.L.C.  
301 W Atlantic Avenue, Suite O-5  
Delray Beach, FL 33444  
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Plaintiff, Boca View Condominium Association, Inc.,  
3600 S. Congress Avenue, Suite C  
Att: Eric Estebanez, LCAM  
Boynton Beach, FL 33426

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**ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF AND  
REQUEST FOR EXTENSION OF TIME**

John R. Sheppard, Jr., Esq., and the law firm of Fowler White Burnett, P.A., ("Counsel") move to withdraw as counsel for Plaintiff, Boca View Condominium Association, Inc., ("Association"). Counsel seeks to withdraw due to irreconcilable differences with the Association which it claims prevents it from continuing to represent them. *Id.* Based on the representations in the Motion, the Defendants consent to Counsel's withdraw. Accordingly, it is hereby:

**ORDERED AND ADJUDGED** as follows:

1. John R. Sheppard, Jr., Esq., and the law firm of Fowler White Burnett, P.A., are relieved of all further duties and responsibility for the Association in this matter.
2. Counsel shall send via U.S. mail and email a copy of this Order to Plaintiff forthwith.
3. All papers must be served on Plaintiff at the following address: 3600 S. Congress Avenue, Suite C, Attn: Eric Estebanez, Boynton Beach, FL 33426.

4. Plaintiff is responsible for updating their address by filing a notice of new address with the Clerk of Court.

5. On or before July 14, 2023 at 5:00 p.m., Eastern Time, Plaintiff shall retain new counsel and their new counsel shall file a notice of appearance. Boca View Condominium Association, Inc., and Point Management Group, Inc., are cautioned that "[t]he rule is well established that a corporation is an artificial entity that can act only through agents, cannot appear *pro se*, and must be represented by counsel." *See Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385-1386 (11<sup>th</sup> Cir. 1985), *cert. denied*, 474 U.S. 1058 (1986); *Natl Indep. Theatre Exhibitors, Inc. v. Buena Vista Distribution Co.*, 748 F.2d 602, 609 (11<sup>th</sup> Cir. 1985), *cert. denied*, 471 U.S. 1056 (1985). Failure to retain new counsel may result in sanctions. *Acosta v. Eagle Eye Comm'ns LLC*, No. 17-MI-83, 2018 WL 4474640, at \*3 (N.D. Ga. June 7, 2018), *report and recommendation adopted*, 2018 WL 4481971 (N.D. Ga. July 11, 2018).

6. The Association shall respond to the Rule 12 Motion no later than July 14, 2023.

**DONE AND ORDERED** in Chambers at West Palm Beach in the Southern District of Florida, this \_\_\_\_ day of June, 2023.

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ROBIN L. ROSENBERG  
United States District Judge