

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-61338-CIV-COHN

IN RE:

ROTHSTEIN ROSENFELDT ADLER, P.A.,

Debtor.

COUNSEL FOR SCOTT W. ROTHSTEIN'S
RESPONSE TO TRUSTEE'S EXPEDITED MOTION TO AMEND
WRIT OF HABEAS CORPUS AD TESTIFICANDUM

COMES NOW, the undersigned MARC S. NURIK, as counsel for SCOTT W. ROTHSTEIN and files this Response to the Trustee's Expedited Motion to Amend Writ of Habeas Corpus Ad Testificandum pursuant to the Court's Order requesting certain information dated November 14, 2011, and states as follows:

1. Since October 31, 2011 undersigned counsel has been representing Defendant, Daniel Eremian, as his trial counsel¹ in Case No. 10-10159-CR-PBS in the United States District Court of Massachusetts. The trial in that matter had been postponed several times and was originally estimated to last approximately three weeks. It is now expected that the jury will begin deliberations no later than the middle of the week of November 28th.² However, it is unclear as to what will happen in the event the jury does not reach a verdict by the end of the week as the Presiding Judge will not be available the following week due to her duties on the United States Sentencing Commission. The Court has not yet advised whether or not jury deliberations will be suspended for a week.

¹ In counsel for Gibraltar Bank's Response to the Trustee's expedited Motion, he apparently misunderstood the PACER documents to erroneously suggest that the undersigned is one of four attorneys that represent Defendant, Daniel Eremian. Undersigned counsel is Mr. Eremian's *only* trial counsel.

² This is the latest information as of Court proceedings today.

2. Undersigned counsel represents to the Court that Mr. Rothstein requires undersigned counsel to be present at his deposition. Mr. Rothstein is unwilling to proceed with substitute counsel, nor is it practical.³

3. Mr. Rothstein does not object to the rescheduling of his deposition, but strenuously objects to the bifurcation thereof.

Respectfully submitted,

LAW OFFICES OF MARC S. NURIK
One East Broward Boulevard, Suite 700
Fort Lauderdale, FL 33301

By: /s/ Marc S. Nurik
MARC S. NURIK
Fla. Bar No. 272817

³ To date, undersigned counsel has spent literally thousands of hours on this matter to be able to properly represent Mr. Rothstein's legal interest. New counsel would simple be "unprepared" to assume any form of representation.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed and furnished by transmission of notice of electronic filing generated by CM/ECF upon all counsel of record or via U.S. Mail for those counsel or parties who are not authorized to receive electronic notices of electronic filing this 21st day of November, 2011.

/s/ Marc S. Nurik
MARC S. NURIK