

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA, OFFICE OF  
FINANCIAL REGULATION,

CASE NO. 50-2021-CA-008718-XXXX-MB

Plaintiff,

v.

BRIAN J. SCHWARTZ and  
AMERITONIAN ENTERPRISES, LLC, *et*  
*al.*,

Defendants.

\_\_\_\_\_ /

**MOTION TO WITHDRAW AS COUNSEL FOR**  
**BRIAN J. SCHWARTZ AND AMERITONIAN ENTERPRISES, LLC**

Jeffrey H. Sloman, Esq. and the law firm of Stumphauzer Kolaya Nadler & Sloman, PLLC, pursuant to Rule 2.505(f)(1) of the Florida Rules of Judicial Administration, respectfully request permission to withdraw as counsel for Defendants, Brian J. Schwartz and Ameritonian Enterprises, LLC and state:

1. On September 14, 2021, Jeffrey H. Sloman, Esq. and the law firm of Stumphauzer Kolaya Nadler & Sloman, PLLC f/k/a Stumphauzer Foslid Sloman Ross & Kolaya, PLLC (“Counsel”) entered their appearance in this action on behalf of Brian J. Schwartz and Ameritonian Enterprises, LLC.
2. Ameritonian Enterprises, LLC is a limited liability company controlled by Mr. Schwartz, who served as its sole member. *See* Complaint, ¶ 28.
3. On or about April 12, 2023, defendant Brian J. Schwartz died.
4. On or about April 25, 2023, undersigned counsel filed a Suggestion of Death as to defendant Brian J. Schwartz.

5. Prior to defendant Brian J. Schwartz's death and continuing through the filing of this motion, irreconcilable differences arose between Counsel and Brian J. Schwartz and Ameritonian Enterprises, LLC, making Counsel's continued representation of them impossible.

6. Undersigned has conferred with counsel for Brian J. Schwartz's family attorney, Sandford Topkin, Esq. who has confirmed that Mr. Schwartz's family does not oppose the Court granting the relief requested in this motion.

7. On March 17, 2023, undersigned counsel confirmed with Counsel for the Monitor that Mr. Schwartz, personally and on behalf of Ameritonian, did not oppose the Monitor's motion to convert from monitorship to receivership scheduled to be heard on May 10, 2023.

8. Counsel is serving a copy of this motion on Sandford Topkin, Esq. at stopkin@topkinlaw.com.

9. A proposed Order granting this motion is attached as **Exhibit 1**.

**WHEREFORE**, based upon the above and foregoing, Jeffrey H. Sloman, Esq. and the law firm of Stumphauzer Kolaya Nadler & Sloman, PLLC respectfully request the Court to grant the instant motion and allow Counsel to withdraw as counsel for Brian J. Schwartz and Ameritonian Enterprises, LLC in this action.

Dated: May 1, 2023

Respectfully submitted,

**STUMPHAUZER KOLAYA  
NADLER & SLOMAN, PLLC**  
Two South Biscayne Boulevard, Suite 1600  
Miami, FL 33131  
Telephone: (305) 614-1400

/s/ Jeffrey H. Sloman  
JEFFREY H. SLOMAN  
Florida Bar No. 378879  
jsloman@sknlaw.com

*Counsel for Brian J. Schwartz & Ameritonian  
Enterprises, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of May, 2023, I electronically filed the foregoing document with the Clerk of the Court using the Florida Courts E-Filing Portal. I also certify that the foregoing document is being served on counsel on the Service List below via e-mail generated by the E-Portal system.

/s/ Jeffrey H. Sloman  
JEFFREY H. SLOMAN

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Defendants.

\_\_\_\_\_ /

**ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL FOR  
BRIAN J. SCHWARTZ AND AMERITONIAN ENTERPRISES, LLC**

THIS CAUSE having come before the Court on \_\_\_\_\_, on the Motion to Withdraw as Counsel for Defendants, Brian J. Schwartz and Ameritonian Enterprises, LLC (the “Motion”), and appropriate notice having been given to all parties of the hearing before the Court, it is hereby **ORDERED AND ADJUDGED** as follows:

The Motion is **GRANTED**. Jeffrey H. Sloman, Esq. and the law firm of Stumphauzer Kolaya Nadler & Sloman, PLLC f/k/a Stumphauzer Foslid Sloman Ross & Kolaya, PLLC (“Counsel”) are permitted to withdraw as attorneys for Brian J. Schwartz and Ameritonian Enterprises, LLC in this action, forthwith. Counsel shall have no further obligation in this matter.

**DONE AND ORDERED** in Chambers, at Palm Beach County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bradley Harper  
Circuit Judge

Copies to:

Counsel of Record and Corporate Monitor