

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FT. LAUDERDALE DIVISION

Case No.: 0:21-cv-60515-MORENO

PRESTIGE INSURANCE GROUP, LLC,  
a Delaware Limited Liability Company and  
ULISES CICCARELLI, an individual,

Plaintiffs,

v.

ALLSTATE INSURANCE COMPANY,  
An Illinois Corporation,

Defendant.

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**JOINT MOTION TO CONTINUE PRETRIAL DEADLINES AND TRIAL**

Defendant, ALLSTATE INSURANCE COMPANY, (“Allstate” or “Defendant”), and Plaintiffs, PRESTIGE INSURANCE GROUP, LLC and ULISES CICCARELLI (“Plaintiffs”), pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and Local Rules 7.1(a) and 7.6 of the Local Rules for the Southern District of Florida, respectfully move the Court for a 60-day continuance of the pretrial deadlines and trial date (currently scheduled to begin on December 19, 2022). Good cause exists for the granting of this Motion, as set forth herein.

1. On March 5, 2021, Plaintiffs filed their Complaint [ECF No. 1].
2. On October 14, 2021, after the Court entered its Order Dismissing Complaint Without Prejudice, Plaintiffs filed their First Amended Complaint [ECF No. 19].
3. On April 12, 2022, the Court entered its Order Dismissing Counts II, IV and V of Plaintiffs’ First Amended Complaint with prejudice [ECF No. 28].

4. On May 13, 2022, Defendant filed its Answer to the Remaining Claims in Plaintiffs' First Amended Complaint [ECF No. 33].

5. On May 18, 2022, the Court, *sua sponte*, entered its Scheduling Order Setting Trial [ECF No. 34], which set the trial in this matter for the two-week period beginning on December 19, 2022, and set the pretrial deadlines in this matter.

6. *Pro hac vice* and co-lead counsel for Defendant, Katherine I. Heise, Esq., will be unavailable and out of the state, as Ms. Heise planned to be home in Washington, D.C. together with her family during the week of Christmas and the week before New Year's Day, the same time as the currently scheduled trial period in this matter (beginning on December 19, 2022). *See* Declaration of Katherine I. Heise, attached hereto as **Exhibit A**. Ms. Heise's planned time at home for the holidays is particularly significant because she has young children who will be out of school during the two-week holiday period, and Ms. Heise (and her husband) are in the process of adopting a daughter from Taiwan, who will be joining the family later this year and spending her first holiday with the family. *See* Ex. A.

7. Ms. Heise had no reason to believe that trial in this matter would be set for the period covering the Christmas and New Years' holidays, such that her aforementioned plans would interfere with her availability for trial in this matter. *See* Ex. A.

8. *Pro hac vice* and co-lead counsel for Defendant, Robert G. Lian, Jr., Esq., will also be unavailable and out of the state during the two-week trial period. Mr. Lian, who resides in Virginia near Washington, D.C., will be gathering together with his family during the week of Christmas (with all of his children planning to return home) for the holiday. He also has planned a trip to visit his elderly parents in Massachusetts during the week between Christmas and New

Year's Day, the same time as the currently scheduled trial period in this matter (beginning on December 19, 2022). *See* Declaration of Robert G. Lian, Jr., attached hereto as **Exhibit B**. In particular, Mr. Lian's planned time to visit his elderly parents is significant, as Mr. Lian has not been able to spend the holidays with them for the last two years because of the pandemic. *See* Ex. B.

9. Mr. Lian had no reason to believe that trial in this matter would be set for the period covering the Christmas and New Years' holidays, such that his aforementioned plans would interfere with his availability for trial in this matter. *See* Ex. B.

10. Additionally, the Defendant's representative, Erin Latuso, will also be unavailable and out of the state, as Ms. Latuso planned to be at home with her two young children during the holidays, which is the same time as the current trial period (beginning on December 19, 2022). *See* Exs. B.

11. Plaintiffs' lead counsel, Eric Parzianello planned to be in Michigan with his wife, daughter and son-in-law who live in Grand Rapids, Michigan and his son and daughter-in-law who live in Nashville, Tennessee and planned to also travel to Michigan.

12. In light of Ms. Heise's, Mr. Lian's, Ms. Latuso's, and Mr. Parzianello's previously planned family obligations, undersigned counsel respectfully request a continuance of the trial date. Specifically, Plaintiffs and Defendant request the trial in this matter be continued for 60-days, or until early 2023.

13. Moreover, the parties request a 60-day continuance of the pretrial deadlines set forth in the Court's Scheduling Order Setting Trial [ECF No. 34].

14. While any continuance of the trial date would necessarily provide additional time for discovery and other deadlines, Plaintiff's counsel otherwise had a good faith belief that the 90-day period for discovery would not be sufficient to complete document discovery, address any objections and schedule depositions of necessary witnesses. Although the parties have been diligently working to comply with the deadlines set forth in the Court's Order Scheduling Trial, it has become necessary to modify the dates set forth therein to properly complete discovery, disclose experts, and prepare the matter for trial.

15. In light of the aforementioned issues, Plaintiffs and Defendant respectfully request a 60-day continuance of the pretrial deadlines in the Court's Scheduling Order Setting Trial to adequately complete discovery and prepare this case for trial. Specifically, Plaintiffs and Defendant request that the pretrial deadlines be continued for 60-days, with the proposed new deadlines set forth in the attached proposed Order, **Exhibit C**.

16. Plaintiffs' counsel and Defendant's counsel have conferred in good faith regarding the requested continuances of the pretrial deadlines and trial date herein, and all parties agree to the relief sought herein.

17. This Motion is filed in good faith and not for the purpose of delay. Granting the requested continuances will not prejudice any of the parties.

18. As required by Local Rule 7.6, attached are declarations from Defendant's counsel, Katherine I. Heise, Esq. and Robert G. Lian, Jr., Esq., in support of this Motion. *See* Exs. A & B.

19. As required by Local Rule 7.1(a)(2), this Motion is accompanied by a proposed Order. *See* Ex. C.

WHEREFORE, Plaintiffs, PRESTIGE INSURANCE GROUP, LLC and ULISES CICCARELLI, and Defendant, ALLSTATE INSURANCE COMPANY, respectfully request: (1) a 60-day continuance of the pretrial deadlines and trial date; or, (2) in the alternative, a 60-day continuance of the trial date.

**CERTIFICATE OF COMPLIANCE WITH S.D. FLA. L.R. 7.1(a)(3)**

Pursuant to Local Rule 7.1(a)(3)(A), undersigned counsel for Plaintiffs, Eric A. Parzianello, Esq., and undersigned counsel for Defendant, Ingrid H. Ponce, Esq., have conferred with all parties or non-parties who may be affected by the relief sought in this Motion in a good faith effort to resolve the issues and there is no objection to the relief sought herein.

Dated: June 14, 2022  
Miami, Florida

Respectfully submitted,

By: *s/Ingrid H. Ponce*

INGRID H. PONCE, ESQ.

Florida Bar No.: 166774

E-mail: [iponce@stearnsweaver.com](mailto:iponce@stearnsweaver.com)

STEARNS WEAVER MILLER WEISSLER

ALHADEFF & SITTERSON, P.A.

Museum Tower, Suite 2200

150 West Flagler Street

Miami, Florida 33130

Telephone: (305) 789-3200

Facsimile: (305) 789-3395

ROBERT G. LIAN, JR., ESQ.

DC Bar No. 446313 (*pro hac vice*)

[blian@akingump.com](mailto:blian@akingump.com)

KATHERINE I. HEISE, ESQ.

DC Bar No. 1672558 (*pro hac vice*)

[kheise@akingump.com](mailto:kheise@akingump.com)

AKIN GUMP STRAUSS HAUER & FELD LLP

2001 K Street, N.W.

Washington, DC 20006

Telephone: (202) 887-4000

Facsimile: (202) 887-4288

*Attorneys for Defendant*

*ALLSTATE INSURANCE COMPANY*

-AND-

By: s/Eric A. Parzianello

ERIC A. PARZIANELLO, ESQ.

Florida Bar No.: 161225

E-mail: [eparzianello@hspplc.com](mailto:eparzianello@hspplc.com)

JOHN HUBBARD, ESQ.

Florida Bar No.: 100925

E-mail: [jhubbard@hspplc.com](mailto:jhubbard@hspplc.com)

HUBBARD SNITCHLER & PARZIANELLO,  
PLC

999 Vanderbilt Beach Road, Suite 200

Naples, Florida 34108

Telephone: (313) 672-7300

Facsimile: (313) 672-7301

*Attorneys for Plaintiffs*

*PRESTIGE INSURANCE GROUP and ULISES  
CICCIARELLI*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14th day of June, 2022, a true and correct copy of the foregoing was electronically filed with the Clerk of Court and served electronic mail via transmission of Notices of Electronic Filing generated by CM/ECF to: Eric A. Parzianello, Esquire, ([eparzianello@hspplc.com](mailto:eparzianello@hspplc.com); [jhubbard@hspplc.com](mailto:jhubbard@hspplc.com)) Hubbard Snitchler & Parzianello PLC, 999 Vanderbilt Beach Road, Suite 200, Naples, Florida 34108.

*/s/ Ingrid H. Ponce*  
\_\_\_\_\_  
INGRID H. PONCE, ESQ.



**EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FT. LAUDERDALE DIVISION

Case No.: 0:21-cv-60515-MORENO

PRESTIGE INSURANCE GROUP, LLC,  
a Delaware Limited Liability Company and  
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Defendant.

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**DECLARATION OF KATHERINE I. HEISE UNDER 28 U.S.C. § 1746 IN SUPPORT OF  
THE JOINT MOTION TO CONTINUE PRETRIAL DEADLINES AND TRIAL**

I, Katherine I. Heise, a resident of Washington, D.C., under penalty of perjury and from personal knowledge make the following declaration.

1. I am an associate in the Washington, D.C. office of Akin Gump Strauss Hauer & Feld, LLP, and along with Ingrid Ponce with the firm of Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., I represent Defendant Allstate Insurance Company (“Allstate”) in the above-captioned action.

2. On May 18, 2022, the Court, *sua sponte*, entered its Scheduling Order Setting Trial [ECF No. 34], which set the trial in this matter for the two-week period beginning on December 19, 2022, and set the pretrial deadlines in this matter.

3. Because the proposed trial dates in this action would require that I be away from home during the Christmas and New Years' holidays, I respectfully request the court reset the trial for early 2023.

4. My husband and I have two young children who will be out of school during the Christmas break. We also are in the process of adopting a daughter from Taiwan, who will be joining the family later this year and spending her first Christmas with us this year.

5. I had no reason to believe that trial in this matter would be set for the period covering the Christmas and New Years' holidays, such that my aforementioned plans would interfere with my availability for trial in this matter.

UNDER PENALTIES OF PERJURY UNDER 29 U.S.C. § 1746, I DECLARE THAT I HAVE READ THE FOREGOING DECLARATION AND THAT THE FACTS STATED IN IT ARE TRUE AND CORRECT.

DATED: June 14, 2022

/s/ Katherine I. Heise

KATHERINE I. HEISE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FT. LAUDERDALE DIVISION

**EXHIBIT B**

Case No.: 0:21-cv-60515-MORENO

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**DECLARATION OF ROBERT G. LIAN, JR. UNDER 28 U.S.C. § 1746 IN SUPPORT OF  
THE JOINT MOTION TO CONTINUE PRETRIAL DEADLINES AND TRIAL**

I, Robert G. Lian, Jr., a resident of Alexandria, Virginia, under penalty of perjury and from personal knowledge make the following declaration.

1. I am a partner in the Washington, D.C. office of Akin Gump Strauss Hauer & Feld, LLP, and along with Ingrid Ponce with the firm of Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., I represent Defendant Allstate Insurance Company (“Allstate”) in the above-captioned action.

2. On May 18, 2022, the Court, *sua sponte*, entered its Scheduling Order Setting Trial [ECF No. 34], which set the trial in this matter for the two-week period beginning on December 19, 2022, and set the pretrial deadlines in this matter.

3. Because the proposed trial dates in this action would require that I be away from home during the Christmas and New Years' holidays, I respectfully request the court reset the trial for early 2023.

4. Two of my four children live on their own away from home and a third will be away at college come the fall. The last two weeks of December is one of the only times of year when we are able to be together as a family. In addition, we plan to visit my elderly parents in Massachusetts during the week between Christmas and New Years'. We have not been able to spend the holidays with them for the past two years due to the pandemic and hope to be able to do so this year.

5. I had no reason to believe that trial in this matter would be set for the period covering the Christmas and New Years' holidays, such that my aforementioned plans would interfere with my availability for trial in this matter.

6. Our client representative from Allstate, Erin Latuso, also has two young children who will be home during the holidays.

UNDER PENALTIES OF PERJURY UNDER 29 U.S.C. § 1746, I DECLARE THAT I HAVE READ THE FOREGOING DECLARATION AND THAT THE FACTS STATED IN IT ARE TRUE AND CORRECT.

DATED: June 14, 2022

/s/ Robert G. Lian, Jr.

ROBERT G. LIAN, JR.

**EXHIBIT C**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FT. LAUDERDALE DIVISION

Case No.: 0:21-cv-60515-MORENO

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\_\_\_\_\_ /

**ORDER ON JOINT MOTION TO CONTINUE PRETRIAL DEADLINES AND TRIAL**

THIS CAUSE having come before the Court on the Joint Motion to Continue Pretrial Deadlines and Trial, or, in the Alternative, to Continue Trial. The Court being otherwise fully advised, hereby orders and adjudges as follows:

1. The Joint Motion to Continue Pretrial Deadlines and Trial is hereby **GRANTED**.
2. This case is hereby removed from the Court’s two-week trial period commencing on December 19, 2022, and reset to the two-week trial period commencing on \_\_\_\_\_, 2023, with a calendar call on \_\_\_\_\_, 2023, in Miami, Florida.
3. The following pretrial deadlines are also hereby adopted for this matter:

Deadline to join additional parties or to amend pleadings:	August 15, 2022
In the unlikely event that experts are needed, disclosure of experts’ names and their reports are required at least 30 days before the discovery deadline.	October 18, 2022
Deadline to complete all discovery (including expert	

discovery):	
Deadline for the filing of all motions for summary judgment:	November 1, 2022
Deadline for the filing of pretrial motions (including motions <i>in limine</i> and <i>Daubert</i> motions):	December 19, 2022
Mediation to be completed no later than:	December 19, 2022
Plaintiffs' witness and exhibit lists:	January 30, 2023
Defendant's witness and exhibit lists:	February 1, 2023
Pretrial stipulations to be filed by:	February 6, 2023

4. All other pretrial deadlines and requirements listed in this Court's May 18, 2022 Scheduling Order Setting Trial [ECF No. 34], shall remain in effect.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Counsel of Record