

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SUNLUST PICTURES LLC,

Plaintiff,

Case No. 8:12-CV-01685-MSS-MAP

v.

TUAN NGUYEN,

Defendant.

NOTICE OF INADVERTENT FAILURE TO APPEAR BY MATTHEW WASINGER

I, Matthew T. Wasinger, former counsel for Plaintiff Sunlust Pictures LLC, hereby advises this Court of his inadvertent failure to appear the Court Ordered hearing in the above styled case on November 27, 2012 on the various Motions filed. I had filed an unopposed Motion to Withdraw and an Unopposed Motion to Extend Time with the Court on November 8, 2012 after advising and coordinating with Mr. Syfert my intention to withdraw as local counsel for the Plaintiff and its California counsel, Prenda Law, due to multiple issues with the case, as well as multiple other cases currently open with Prenda Law.

Mr. Brett Gibbs, attorney for Prenda Law, who was the undersigned's main contact, advised that they had found counsel to substitute for myself in the open cases, Mr. Jonathan Torres. Mr. Gibbs represented to me that Mr. Torres had been advised of all outstanding issues regarding the case. As such, on November 12, 2012, a Joint Motion to Substitute Counsel and Withdraw was filed on November 12, 2012 in not only the above styled case, but multiple other cases associated with Prenda Law the same day. Due to the multiple Orders being entered granting the Motion to Substitute Counsel, I (mistakenly) believed that an Order granting

substitution of Counsel had been granted in the above case as well. As such, I believed I was not required to attend the hearing on November 27, 2012.

After speaking with Mr. Torres directly regarding the hearing November 27, 2012, I can assure the Court that I had no knowledge or part in any of the parties that appeared on behalf of Sunlust Pictures LLC. I came into the case after it had been initiated and after learning more about the case I felt it was in my best interests to withdraw from all outstanding cases associated with Prenda Law. My Motion to Withdraw and Substitute Counsel were made in good faith and for the purposes of avoiding any further involvement with the case and Prenda Law. The failure to appear was completely inadvertent and is not indicative of how I handle my practice. I apologize for any inconvenience this caused the parties and the Court.

DATED: November 27, 2012

Respectfully submitted,

By: /s/ Matthew T. Wasinger
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 27, 2012, all counsel of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document using the Court's CM/ECF system.

/s/ Matthew T. Wasinger

Matthew T. Wasinger