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Subject: Activity in Case 1:21-cv-23472-RNS Birmingham et al v. Rofx.net et al Motion for Extension of Time to File Response/Reply/Answer

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U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered by Gonzalez, Dennis on 5/28/2024 at 5:26 PM EDT and filed on 5/28/2024

Case Name: Birmingham et al v. Rofx.net et al

Case Number: [1:21-cv-23472-RNS](#)

Filer: Steven Hansen
Roman Leonov
Jonathan Zarley

WARNING: CASE CLOSED on 03/08/2024

Document Number: [258](#)

Docket Text:

Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to [257] Answer to Writ of Garnishment by Steven Hansen, Roman Leonov, Jonathan Zarley. (Attachments: # (1) Text of Proposed Order)(Gonzalez, Dennis)

1:21-cv-23472-RNS Notice has been electronically mailed to:

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Portsmouth, NH 03801

Global E-Advantages LLC
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North Tonawanda, NY 14120

Grovec, LLC
717 N. Union St. Suite 45

Wilmington, DE 19805

Mayon Solutions Ltd
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Mayon Solutions, LLC
159 Main Street
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Notus, LLC
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Profit Media Group LP
4 Queen Street
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Document description:Text of Proposed Order

Original filename:n/a

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[STAMP dcecfStamp_ID=1105629215 [Date=5/28/2024] [FileNumber=24455900-1] [2ec916fd4fe4103d6f04f23e1418bc30c09cee92a7734f6328e9083ab5bf82218df05da592b13f777d17a5a212cd7e2be1b737b9afdd39270698891d9adf70e8]]

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

RYAN BIRMINGHAM, ROMAN LEONOV,
STEVEN HANSEN, MITCHELL PARENT, and
JONATHAN ZARLEY,

Case No. 21-CV-23472-RNS

Plaintiffs,

v.

ALEX DOE, *et al.*,

Defendants,

and

BANK OF AMERICA, N.A.,

Garnishee.

**PLAINTIFFS/JUDGMENT CREDITORS' UNOPPOSED MOTION FOR EXTENSION
OF TIME TO REPLY TO BANK OF AMERICA'S ANSWER**

Plaintiffs/Judgment Creditors Roman Leonov, Steven Hansen, and Jonathan Zarley (“Judgment Creditors”), by and through undersigned counsel, pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, hereby file their *Unopposed* Motion for Extension of Time to reply to Bank of America, N.A.’s “Answer of Garnishee and Demand to Plaintiff for Payment of Attorney’s Fees” [ECF No. 257]. Judgment Creditors request an additional fourteen (14) days to file their reply, whereby Judgment Creditors would have until June 11, 2024. In support of this Motion, Judgment Creditors state:

1. On March 8, 2024, the Court entered a Final Default Judgment in favor of Judgment Creditors and against Defendant/Judgment Debtor ShopoStar, LLC (“ShopoStar”) totaling \$1,116,000.00. *See* ECF No. 253.

2. On April 23, 2024, Judgment Creditors filed a Motion for Writ of Garnishment, requesting that the Clerk of Court issue a Writ of Garnishment directed to Bank of America, N.A. (“Garnishee”). *See* ECF No. 254. The Clerk of Court issued the Writ of Garnishment the following day [ECF No. 255, the “Writ”], and on April 30, 2024, Judgment Creditors served the Writ and its corresponding motion on Shopostar [ECF No. 256].

3. On May 8, 2024, Garnishee filed its answer to the Writ, stating that “Garnishee was not indebted to Defendant(s), Shopostar, LLC.” ECF No. 257 ¶ 1 (the “Answer”). Pursuant to prior correspondence with Garnishee, Judgment Creditors believe this was an error and have communicated with Garnishee’s counsel regarding same. Garnishee’s counsel has confirmed that Garnishee is in fact indebted to Shopostar and plans to file an amended answer, but it requires additional time to complete a search of its records and file its amended answer.

4. Judgment Creditors 20-day deadline to respond to Garnishee’s Answer is today, May 28, 2024. *See* § 77.061, Fla. Stat. In light of the foregoing, Judgment Creditors hereby request an additional fourteen (14) days to file their reply, or until June 11, 2024.

5. Enlargements of time are permitted with good cause by Federal Rule of Civil Procedure 6(b). Such enlargements of time should be liberally granted absent a showing of bad faith or undue prejudice. *See, e.g., Lizarazo v. Miami-Dade Corrections & Rehab. Dept.*, 878 F.3d 1008, 1012 (11th Cir. 2017) (citing *U.S. v. Miller Bros. Constr. Co.*, 505 F.2d 1031, 1035 (10th Cir. 1974)).

6. The extension of time is necessary for Garnishee to file its amended answer and prevent unnecessary filings—such as the Judgment Creditors reply to an Answer that Garnishee will soon be amending.

7. Based on the foregoing, pursuant to Fed. R. Civ. P. 6(b)(1)(A), Judgment Creditors have demonstrated good cause to extend the time to respond to Garnishee's Answer. Moreover, no party will be prejudiced by the relief requested in this Motion, and the Motion is not filed for the purposes of delay.

8. On May 28, 2024, Judgment Creditors conferred with Garnishee's counsel regarding the relief sought in this Motion, and Garnishee's counsel agreed to the fourteen (14) day extension, up to and including June 11, 2024.

9. A proposed Order granting the instant unopposed Motion is attached hereto.

WHEREFORE, Judgment Creditors respectfully request the Court to enter an Order granting the extension of time for Judgment Creditors to respond to Garnishee's Answer, up to and including June 11, 2024.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(3)

Pursuant to Local Rule 7.1(a)(3), I hereby certify that I conferred with Joseph Noa, Jr. (counsel for Garnishee) regarding the relief requested herein. Joseph Noa, Jr. does not oppose the requested extension of time, until June 11, 2024, to Respond to Garnishee's Answer.

Dated: May 28, 2024.

Respectfully submitted,

/s/ Dennis A. González

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 New York, New York 10019

Attorneys for Plaintiffs/Judgment Creditors

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about May 28, 2024, a true and accurate copy of PLAINTIFFS/JUDGMENT CREDITORS’ UNOPPOSED MOTION FOR EXTENSION OF TIME TO REPLY TO BANK OF AMERICA’S ANSWER was served on counsel of record via the CM/ECF system. A copy of the foregoing document was served upon Defendants at the addresses listed below via mail or as otherwise indicated:

Art Sea Group Ltd. Via publication on Plaintiffs’ website	Auro Advantages, LLC Via publication on Plaintiffs’ website
Easy Com, LLC Via publication on Plaintiffs’ website	Marina Garda Via publication on Plaintiffs’ website
Global E-Advantages LLC c/o Registered Agent North West Registered Agent LLC 8 The Green, Suite B, Dover, DE 19901	Grovee, LLC Via publication on Plaintiffs’ website
Ivan Hrechaniuk Via publication on Plaintiffs’ website	Borys Konovalenko Via email to borys.konovalenko@gmail.com
Mayon Solutions Ltd Via email to info@mayon.solutions and sales@mayon.solutions	Mayon Solutions, LLC Via email to Mayon.llc@gmail.com
Notus, LLC Via publication on Plaintiffs’ website	Profit Media Group LP Via publication on Plaintiffs’ website
Shopostar, LLC c/o Registered Agent Colorado Registered Agent LLC 1942 Broadway Street, Suite 314C, Boulder, CO 80302	Olga Tielly Via publication on Plaintiffs’ website
Trans-Konsalt MR Ltd. Via publication on Plaintiffs’ website	

Respectfully submitted,

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No.: 1:21-cv-23472-RNS

RYAN BIRMINGHAM, ROMAN LEONOV,
STEVEN HANSEN, MITCHELL PARENT, and
JONATHAN ZARLEY,

Case No. 21-CV-23472-RNS

Plaintiffs,

v.

ALEX DOE, *et al.*,

Defendants,

and

BANK OF AMERICA, N.A.,

Garnishee.

**[PROPOSED] ORDER GRANTING PLAINTIFFS/JUDGMENT CREDITORS'
UNOPPOSED MOTION FOR EXTENSION OF TIME TO REPLY TO BANK OF
AMERICA'S ANSWER**

THIS CAUSE came before the Court on Plaintiffs/Judgment Creditors Roman Leonov, Steven Hansen, and Jonathan Zarley ("Judgment Creditors") *Unopposed* Motion for Extension of Time to reply to Bank of America, N.A.'s "Answer of Garnishee and Demand to Plaintiff for Payment of Attorney's Fees" [ECF No. 257]. (the "Motion"). The Court having considered the Motion, and otherwise being duly advised herein, it is hereby:

ORDERED AND ADJUDGED that the *Unopposed* Motion is **GRANTED**. The deadline for Judgment Creditors to file a reply to Garnishee's answer is extended by fourteen (14) days, or until June 11, 2024.

DONE and ORDERED in chambers in Miami-Dade County, Florida, on this __ day of
May, 2024.

Judge Robert N. Scola, Jr.
United States District Court for the Southern
District of Florida