

**IN THE SUPREME COURT OF FLORIDA
(Before a Referee)**

THE FLORIDA BAR,

**Supreme Court Case
No. SC19-983**

Complainant,

v.

**The Florida Bar File
No. 2018-90,035(02S)**

**JONATHAN STEPHEN
SCHWARTZ,**

Respondent.

_____ /

**RESPONDENT'S UNOPPOSED MOTION FOR STAY OF REVIEW
OF REPORT OF REFEREE**

The Respondent, Jonathan Stephen Schwartz, pursuant to Article V, Section 15 of the Constitution of the State of Florida, and Florida Rules of Appellate Procedure 9.300, hereby files this Unopposed Motion for Stay of Review of Report of Referee.

1. On October 16, 2020, the Honorable Lizzet Martinez filed her Report of Referee in this Florida Bar disciplinary action. The Referee found Respondent guilty of misconduct justifying disciplinary measures and recommended a ten (10) day suspension from the practice of law. On December 4, 2020, Complainant, The Florida Bar filed a letter with the Clerk of Court indicating that it will not file a notice of intent to seek review of the report of referee.

RECEIVED, 12/15/2020 06:25:29 PM, Clerk, Supreme Court

2. Also on October 16, 2020, the Honorable Lizzet Martinez filed her Report of Referee in case number SC17-1391, a separate Florida Bar disciplinary action. The Referee also found the Respondent guilty of misconduct justifying disciplinary measures and recommends a 90-day suspension from the practice of law followed by a one (1) year term of probation with conditions. On December 4, 2020, Complainant, The Florida Bar filed a letter with the Clerk of Court indicating that it will file a notice of intent to seek review of the report of referee. On December 14, 2020, Complainant, The Florida Bar filed its Notice of Intent to Seek Review of Report of Referee. On December 15, 2020, Respondent filed his Notice of Intent to Seek Review of Report of Referee.

3. The Report of Referee in case number SC19-983 recommends that the ten (10) day term of suspension be served concurrently with the ninety (90) day term of suspension in case number SC17-1391.

4. In order to give effect to the recommendation by the Referee of concurrent discipline in both cases, Respondent moves this Honorable Court to stay its review of the Report of Referee in case number SC19-983 until it completes its review of the Report of Referee in case number SC17-1391, or conduct and issue its ruling in both matters concurrently. By so doing, Respondent will not be potentially subjected to two separate periods of suspension, each of which would require him to

notify several hundred clients, opposing counsel and courts of his suspension, a voluminous task¹.

5. Barry M. Wax, Counsel for the Respondent hereby certifies that he has discussed the foregoing Motion for Stay of Review of Report of Referee with Jennifer Falcone, Bar Counsel who does not oppose the relief requested.

WHEREFORE, the Respondent, Jonathan Stephen Schwartz moves this Honorable Court to grant this Motion for Stay of Review of Report of Referee.

Respectfully submitted,

LAW OFFICES OF BARRY M. WAX

701 Brickell Avenue

Suite 1550

Miami, Florida 33131

Tel: (305) 373-4400

Email: barry@barrywax.com

BY: /s/ Barry M. Wax

Barry M. Wax

Florida Bar Number 509485

¹ By this request, Respondent does not imply or mean to suggest that this Honorable Court may not independently determine whether the recommended disciplinary action in the Reports of Referee should be imposed.

CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing was emailed on this 15th day of December, 2020 to:

Jennifer R. Falcone
Bar Counsel
The Florida Bar – Miami Branch Office
444 Brickell Avenue, Suite M-100
Miami, FL 33131-2404
jfalcone@floridabar.org

Richard Baron
Baron, Breslin & Sarmiento
169 E. Flagler Street
Suite 700
Miami, Florida 33131
rbaron@richardbaronlaw.com

Patricia Ann Toro Savitz
Bar Counsel
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399-2300
psavitz@floridabar.org

Benedict P. Kuehne
Kuehne Davis Law, P.A.
100 S.E. 2nd Street
Suite 3105
Miami, Florida 33131
ben.kuehne@kuehnelaw.com

Hon. Lizzet Martinez, Referee
Richard E. Gerstein Justice Bldg.217
1351 N.W. 12th Street
Miami, FL 33125
F002@jud11.flcourts.org
dmeneses@jud11.flcourts.org
lmartinez@jud11.flcourts.org