

IN THE CIRCUIT COURT, THIRTEENTH
JUDICIAL CIRCUIT, IN AND FOR
HILLSBOROUGH COUNTY, FLORIDA

CASE NUMBER: 20-CA-006289

DONNA L. PETTIS, an individual,
LYNDA L. SANCHEZ, an individual,
GALE L. RATHBONE, an individual and
ANNE MCQUEEN, an individual,

Plaintiffs,

v.

CAROLE BASKIN, an individual,
SUSAN BRADSHAW, an individual,
KENNETH WAYNE FARR, an individual,
HOWARD BASKIN, an individual,
BIG CAT RESCUE CORP a Florida corporation
and d/b/a "BIG CAT RESCUE," and
BIG CAT RESCUE AND SANCTUARY
a Florida corporation and d/b/a "BIG CAT RESCUE,"

Defendants.

**PLAINTIFFS' MOTION TO DETERMINE QUALIFICATIONS OF ERIC HUSBY, ESQ.
AS COUNSEL FOR DEFENDANT KENNETH WAYNE FARR**

COMES NOW, Plaintiffs DONNA L. PETTIS, LYNDA L. SANCHEZ, GALE L. RATHBONE, and ANNE MCQUEEN, by and through their undersigned counsel and hereby move to determine the qualifications of Eric Husby, Esq. as defense counsel in this matter and as grounds thereof states as follows:

1. Florida Rules of Professional Conduct 4-1.7(a) and (b) holds, a lawyer must not represent a client if the representation of one client will be directly adverse to another client; or if there is substantial risk that the representation of one or more clients will be materially limited by

the lawyer's responsibility to another client, former client or third person or by personal interest of the lawyer.

2. The Rule further explains, "Loyalty and independent judgment are essential elements in the lawyer's relationship to a client. Conflicts of interest can arise from the lawyer's responsibilities to another client, a former client or a third person, or from the lawyer's own interests."

3. More importantly, Florida Rule of Professional Conduct 4-1.9, "a lawyer who has formerly represented a client in a matter must not afterwards: (a) represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent; (b) use information relating to the representation to the disadvantage of the former client except as these rules would permit or require with respect to a client or when the information has become generally known; or (c) reveal information relating to the representation except as these rules would permit or require with respect to a client."

4. The Rule further is explained, "Matters are "substantially related" for purposes of this rule if they involve the same transaction or legal dispute, or if the current matter would involve the lawyer attacking work that the lawyer performed for the former client."

5. Mr. Husby has and does represent numerous defendants in this matter and the facts of the prior representation are substantially related to this legal dispute, as they dealt with the crux of the matter here, the truth of certain allegations made by his clients. Unlike the Baskin and Big Cat Rescue Defendants, Mr. Farr is separate, and may have knowledge which is to the detriment of Defendants and thus a conflict may be present.

6. Plaintiffs simply don't know enough about the prior representation arrangements, but Attorney Eric Husby has represented Carole Baskin, Howard Baskin, Big Cat Rescue Corporation, Big Cat Rescue and Sanctuary, or some combination of the above.

7. Additionally, in 2009, Big Cat Rescue noted, "Big Cat Rescue was recently a finalist in the Tampa Bay Business Journal's annual Non Profit of the Year contest. We were judged to be in the top five animal related non profits but lost this year to the Clearwater Aquarium Museum in our category. It was an honor to be considered among such a group of worthy charities. Howie and I were joined at our table by donors Jill Reagan from Panther International, Mindi Lasley, Esq., **Eric Husby Esq.** and Big Cat Rescuers Susan Mitchell and Jessica Allen."

8. In 2013, Big Cat Rescue published an article indicating, "Late last year we began an active dialog with staff and counsel at the Florida Wildlife Conservation Commission (FWC) about the impact this was having with the generous pro bono help of two passionately cat loving attorneys, David Ganje and **Eric Husby**. The dialog with FWC staff and counsel was a mixture of brainstorming together on both the legal and practical aspects of the issue, including how to balance the concerns on which the rule was originally based against the benefits of creating more public interest and knowledge about rehab work that is now made possible by the widespread use of images and video on social networking platforms." This was also published to Big Cat Rescue's website here- <https://bigcatrescue.org/advocat-2013-06/>.

9. In 2011, Attorney Husby wrote David Parrent a cease and desist letter on behalf of Big Cat Rescue and its "founder" Carole Baskin. (Attached hereto as **Exhibit "A"**)

10. Given the prior representation and similarity of the motions, Plaintiffs serve this Motion in an abundance of caution.

11. Since filing the original Complaint, Plaintiffs have added Defendants Big Cat Rescue Corp and Big Cat Rescue and Sanctuary to this action, thus presenting new analysis to address regarding possible conflicts.

12. It is believed that Defendants Kenneth Farr, Carole Baskin, and Big Cat Rescue have adverse interests factually and legally.

13. This motion is brought in good faith and not for the purposes of delay. Plaintiffs simply want this matter to progress fairly and without any undue influence. They defer to counsel and the Court, but the above issues seem to present an appearance of possible impropriety or future conflict of interest which could complicate discovery or lead to delay or change in counsel at a later date.

WHEREFORE, Plaintiffs move for a hearing to determine the qualifications of Eric Husby, Esq. as counsel for Defendant Kenneth Wayne Farr, given prior representation of other named Defendants to this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that pursuant to Florida Rules of Judicial Administration, Rule 2.516 a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and a copy was electronically sent to Craig E. Rothburd, and David Caldevilla, attorneys for Carole Baskin, Eric Husby, Esq., attorney for Kenneth Farr and Susan Bradshaw, via U.S. Mail at 4702 Cooper Road, Plant City, FL 33565 this 22nd day of September, 2020.

PHILLIPS & HUNT

/s/ John M. Phillips

John M. Phillips, B.C.S.

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Attorneys for Plaintiff

jmp@floridajustice.com

April 19, 2011

Mr. David Parrent
[REDACTED]

Re: Big Cat Rescue

Dear Mr. Parrent:

Thank you for taking my call on March 25. To confirm our discussion, my clients, Big Cat Rescue (BCR) and its owners/managers, was informed by a representative of Whiskey Joe's restaurant that you had called Whiskey Joe's and made defamatory statements about BCR's founder. Whiskey Joe's representative mentioned that you identified yourself as "David," and you gave your phone number as (727) 457-0182. When you and I spoke, you admitted making the call to Whiskey Joe's and warning them to do research about BCR before donating to them, but you denied making defamatory statements.

By this letter, my clients demand that you cease and desist making defamatory statements about BCR or its founders/managers. The false and defamatory statements are injurious and damaging to my clients, and they cause and will continue to cause my clients irreparable harm.

If this activity persists, my clients may pursue all available legal remedies, including but not limited to a civil suit for money damages.

Please govern yourself accordingly.

Regards,


Eric O. Husby, Esq.

cc: Big Cat Rescue

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PLAINTIFF'S
EXHIBIT

"A"

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