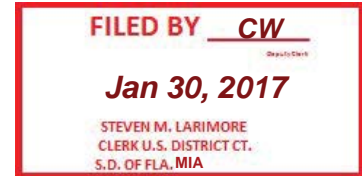


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2017-6

In re: **ERWIN ROSENBERG**
FLORIDA BAR# 163279



ORDER OF SUSPENSION

The Supreme Court of Florida entered an Order of Suspension dated May 28, 2015, suspending Erwin Rosenberg from the practice of law. *See The Florida Bar v. Rosenberg*, 169 So.3d 1155 (Fla. 2015). The suspension was predicated on a report of the referee. On June 26, 2015, the Clerk served attorney Rosenberg by certified mail with an Order to Show Cause as to why this Court should not impose the same discipline, accompanied by the Supreme Court of Florida's Order of Suspension. Service at attorney Rosenberg's court record and Florida Bar address was signed for by Mr. Rosenberg. Subsequent to this Court's Order to Show Cause the Florida Supreme Court issued an order disbaring attorney Rosenberg. *See The Florida Bar v. Rosenberg*, No. SC15-2237, 2016 WL 1566420 (Fla. April 15, 2016).

The delay in proceeding with reciprocal discipline is the result of two independent actions that have now concluded. On September 24, 2012, Chief United States District Court Judge Federico A. Moreno referred the conduct of Mr. Rosenberg as counsel in the case of *Nadja Abreu v. Alutiiq-Mele, LLC*, Case No. 11-20888-CIV-SEITZ/SIMONTON to the Ad Hoc Committee on Attorney Admissions, Peer Review and Attorney Grievance. In a June 29, 2015 Order, the Court adopted the Committee's Report and Recommendation. In the second action, Mr. Rosenberg filed a section 1983 suit against the State of Florida in *Rosenberg v. The State of Florida et al*, Case No. 15-22113-CIV-LENARD/MCALILEY. The case was terminated on May 3, 2016. The

postponement of the reciprocal disciplinary proceedings was intended to allow Mr. Rosenberg to file in those two cases without impediment. As the two cases have concluded, postponement of further disciplinary proceedings is no longer necessary.

Rule 5(a) of the Rules Governing Attorney Discipline, Local Rules of the United States District Court for the Southern District of Florida, requires that “[a]n attorney admitted to practice before this Court shall, upon being subjected to suspension or disbarment . . . promptly inform the Clerk of the Court of such action.” Rule 5(d) provides in pertinent part that after expiration of the time for submitting a response to an Order to Show Cause, “the Court may impose the identical discipline or may impose any other sanction the Court may deem appropriate.” Given this background, pursuant to Rule 5(a) and (d) and the Court’s inherent power to regulate membership in its bar for the protection of the public interest, *see Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (“[A] federal court has the power to control admission to its bar and to discipline attorneys who appear before it.”),

IT IS ORDERED that said attorney be suspended from practice in this Court, effective immediately. The attorney may not resume the practice of law before this Court until reinstated by order of this Court. *See* Rule 9(a). The Clerk of Court shall strike this attorney from the roll of attorneys eligible to practice in the United States District Court for the Southern District of Florida, and shall also immediately revoke the attorney’s CM/ECF password.

IT IS FURTHER ORDERED by this Court that said attorney advise the Clerk of Court of all pending cases before this Court in which he is counsel or co-counsel of record.

IT IS FURTHER ORDERED by this Court that the Clerk of Court attempt to serve by certified mail a copy of this Order of Suspension upon the attorney at his court record address.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 30th day of January, 2017.

Kevin Michael
Moore

Digitally signed by Kevin Michael Moore
DN: o=Administrative Office of the US Courts,
email=k_michael_moore@flsd.uscourts.gov,
cn=Kevin Michael Moore
Date: 2017.01.30 13:46:41 -05'00'

K. MICHAEL MOORE
CHIEF UNITED STATES DISTRICT JUDGE

c: All South Florida Eleventh Circuit Court of Appeals Judges
All Southern District Judges
All Southern District Bankruptcy Judges
All Southern District Magistrate Judges
United States Attorney
Circuit Executive
Federal Public Defender
Clerks of Court – District, Bankruptcy and 11th Circuit
Florida Bar and National Lawyer Regulatory Data Bank
Library
Erwin Rosenberg