

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF FLORIDA (MIAMI)**  
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IN RE:	§	LEAD CASE NO. 23-20514-CLC
	§	
BIRD GLOBAL, INC.	§	Chapter 11
	§	
Debtor.	§	(Jointly Administered)
	§	

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**EX PARTE MOTION TO ALLOW CALIFORNIA PLAINTIFFS’  
PERSONAL INJURY COUNSEL TO APPEAR AND  
TESTIFY REMOTELY AT THE JUNE 10, 2024, HEARINGS**

Brenda Wright, Lindsay Thompson, Marc Perkins-Carrillo, Gregory Buce, Borna Eslami, Tracy Squire, Benjamin Michael Palajac, John Francis Foley, Yaman Fejleh., and Destiny Smith (collectively, the “Movants”), pursuant to subsection (d) of the Court’s “Requirements and Procedures for Remote Attendance at Hearings” and Fed. R. Civ. P. 43, respectfully request that the Court permit their counsel in their state-court personal injury proceedings, to appear and testify remotely at the hearing to consider confirmation of the plan of liquidation, as well as adequacy of the disclosure statement on June 10, 2024, at 10:00 a.m. (“Hearing”). *See* Docket No. 644. In support of this request, the Movants state as follows:<sup>1</sup>

1. The Movants are each a plaintiff in non-bankruptcy litigation pending in California Superior Court (the “PI Litigation”). Each of the Movants has asserted claims against non-debtor defendants only.
2. On April 29, 2024, the Court set a hearing on the Debtors’ joint plan of liquidation, including a final hearing to consider the adequacy of the disclosure statement, to commence on June 10, 2024, at 10:00 a.m. at the U.S. Bankruptcy Court, C. Clyde Atkins United States Courthouse, 301 North Miami Avenue, Courtroom 7, Miami, FL 33128.

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<sup>1</sup> Debtor, Purchaser, the Municipalities, and the Underwriters consent to the relief requested in this motion.

3. On June 3, 2024, Movants filed an objection to plan confirmation (“Confirmation Objection”), with supporting declarations (“Declarations”). Docket Nos. 789, 794.
4. On June 6, 2024, bankruptcy counsel to the Movants first learned that the underwriters intended to admit expert testimony of Brad Safon in support of the Debtors’ plan of liquidation during the Hearing.
5. To cross-examine Mr. Safon during the Hearing, the Movants seek leave for Brett Schreiber, Esq.,<sup>2</sup> of Singleton Schreiber LLP to appear remotely.
6. Mr. Schreiber maintains offices in San Diego, California, and is available to appear at the Hearing via Zoom but is unavailable to travel to Florida on such short notice.
7. In support of the Movants’ objection to plan confirmation, Movants have submitted Declarations of the following (collectively, the “Declarants”):
  - a. Brett Schreiber, Esq., on behalf of Brenda Wright;
  - b. Aida Van Herk, Esq., on behalf of Lindsay Thompson;
  - c. Richard P. Morse, III, Esq., on behalf of Marc Perkins-Carrillo;
  - d. Ryan Conger, Esq., on behalf of Gregory Buce;
  - e. Kevin O’Hara, Esq., on behalf of Borna Eslami;
  - f. Kevin O’Hara, Esq., on behalf of Tracy Squire;
  - g. Kaveh Keshmiri, Esq., on behalf of Benjamin Palajac;
  - h. Shawn Elliott, Esq., on behalf of John Foley;
  - i. Shawn Elliott, Esq., on behalf of Yaman Fejleh; and
  - j. Rosalio Munoz, Esq., on behalf of Destiny Smith.
8. Debtor, Purchaser, the Municipalities, and the Underwriters have agreed to the admissibility of the Declarations at the Hearing on the condition that the Declarants be available for cross-examination via Zoom at the Hearing.

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<sup>2</sup> Mr. Schreiber’s *pro hac vice* application is being filed concurrently with this motion.

9. All the above-listed Declarants maintain offices in California and serve as counsel to the Movants in the PI litigation. The Declarants are available to appear at the Hearing to be cross examined via Zoom but are unavailable to travel to Florida on such short notice.

10. The Movants have retained local bankruptcy counsel, Shraiberg Page P.A., who will take the lead at the Hearing in person.

Pursuant to section (d) of the Court's "Requirements and Procedures for Remote Attendance at Hearings," parties must attend hearings in person unless "the Court has granted leave to attend remotely for good cause shown by *ex parte* motion filed not later than (i) two business days before the hearing, or (ii) in emergency or unforeseen circumstances, as soon as reasonably practicable in advance of the hearing" (emphasis in original). This *Ex Parte* Motion is being filed as soon as reasonably practicable after Movants learned that the underwriters would be seeking to introduce expert testimony at the Hearing. Specifically, Movants first learned of the underwriters' purported expert on June 6, 2024. The request for the Movants' personal injury counsel to appear for cross-examination is in connection with the underwriters' proposed expert report and testimony. Between the need to have the Declarants available due to the knowledge they have regarding the PI Litigation, the expense associated with traveling to Miami, and the short notice to the Declarants and Movants, and that local counsel will be attending the Hearing in person, Movants respectfully submit that good cause exists for the Declarants to attend and to testify at the June 10, 2024, Hearing remotely.

DATED: June 7, 2024

SHRAIBERG PAGE P.A.

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#### **ATTORNEY CERTIFICATION**

**I HEREBY CERTIFY** that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A).

#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished via Notice of Electronic Filing by CM/ECF to all parties registered to receive such service in this case on this the 7th day of June 2024.

/s/ Bradley S. Shraiberg  
BRADLEY S. SHRAIBERG