

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
www.flmb.uscourts.gov

In re:

RAD DIVERSIFIED REIT, INC.,

Chapter 11
Case No. 8:26-bk-01636-CPM

RAD DIVERSIFIED OZ FUND, LP,
DHI FUND, LLC,
DHI HOLDINGS, LP, and
DDH FUND, LLC,

Jointly Administered with
Case No. 8:26-bk-01637-CPM
Case No. 8:26-bk-01638-CPM
Case No. 8:26-bk-01639-CPM
Case No. 8:26-bk-01640-CPM

Debtors.

**NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING**

If you object to the relief requested in this paper you must file a response with the Clerk of Court at Sam M. Gibbons United States Courthouse, 801 N. Florida Avenue, Suite 555, Tampa, Florida 33602, within 14 days from the date of the attached proof of service, plus an additional three days if this paper was served on any party by U.S. Mail.

If you file and serve a response within the time permitted, the Court will either notify you of a hearing date or the Court will consider the response and grant or deny the relief requested in this paper without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, and the Court may grant or deny the relief requested without further notice or hearing.

You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated if you do not timely file and serve a response.

**MOTION TO WITHDRAW
AS COUNSEL TO BRANDON “DUTCH” MENDENHALL**

Jeffrey W. Warren, Esq., Kathleen L. DiSanto, Esq., and the law firm Bush Ross, P.A. (collectively, “**Bush Ross**”), pursuant to Local Rule 2091-2 and Florida Bar Rule 4-

1.16(b), file this Motion to Withdraw as Counsel for Brandon “Dutch” Mendenhall (the “**Motion**”) in this case and each of the jointly administered cases, effective as of March 18, 2026, and in support state as follows:

Relevant Factual Background

1. On March 1, 2026, each of the Debtors filed a voluntary petition seeking relief under Chapter 11 of the Bankruptcy Code.

2. On March 2, 2026, Mr. Warren and Ms. DiSanto each filed a notice of appearance on behalf of Brandon “Dutch” Mendenhall (“**Mendenhall**”) in each of the jointly administered cases.

Relief Requested

3. Bush Ross seeks the entry of an order authorizing the firm’s withdrawal as counsel for Mendenhall in this case and each of the jointly administered cases and release from any additional duties and responsibilities as of March 18, 2026, or at the earliest possible date ordered by the Court.

Argument and Basis for Relief

4. Pursuant to Florida Bar Rule 4-1.16, a lawyer may be permitted to withdraw from a case for a number of reasons, including situations where (i) the withdrawal can be accomplished without material adverse effect on the interests of the client, (ii) the client fails to substantially fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled, (iii) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client, or (iv) other good cause for withdrawal exists. In other words, an attorney may be permitted to withdraw if the withdrawal will not prejudice the client or good cause exists, and withdrawal should not be

permitted merely for economy or convenience of the attorney.

5. As a result of the attorney-client privilege, counsel seeking withdrawal may not be able to disclose the specifics or nature of the conflict giving rise to irreconcilable differences which warrant withdrawal. *Horan v. O'Connor*, 832 So. 2d 193, 194 (Fla. 4th DCA 2002). Accordingly, an attorney may simply cite that irreconcilable differences exist between the client and the attorney and that representation can be sufficient to establish that good cause exists for the withdrawal. *Horan*, 832 So. 2d at 194; see also *Hallmark Capital Corp. v. Red Rose Collection, Inc.*, 1997 WL 6611146, at *3 (S.D.N.Y. Oct. 21, 1997) (court may permit withdrawal solely on the basis of “irreconcilable differences” and “it is not necessary for the Court to decide who or what caused the irreconcilable differences.”); *Shea v. F.C. Fin. Servs., Inc.*, 1994 WL 649176, at *1 (S.D.N.Y. Nov. 16, 1994) (the existence of acrimony between the lawyer and the client provides sufficient grounds for a court to conclude that counsel is no longer in a position to best represent the client’s interests).

6. Bush Ross seeks authority to withdraw and be relieved of any additional duties or responsibilities as counsel for Mendenhall. Bush Ross submits that multiple grounds exist under Florida Rule of Professional Conduct 4-1.16 that would permit Bush Ross to withdraw as Mendenhall’s counsel.

7. Mendenhall orally consented to the entry of an order granting Bush Ross’s motion to withdraw as counsel of record. Bush Ross proposes the following address for service of any pleading or paper on Mendenhall:

Brandon “Dutch” Mendenhall
805 E. Bloomingdale Blvd
737
Brandon, FL 33607
bdutchm@gmail.com

8. Mr. Warren and Ms. DiSanto also request to be removed from the Court’s

master mailing matrix.

WHEREFORE, Bush Ross requests the entry of an order (i) granting Bush Ross leave to withdraw as counsel of record for Mendenhall in this case and each of the jointly administered cases as of March 18, 2026, or at the earliest possible date ordered by the Court, (ii) removing Bush Ross from the Court's master mailing matrix, and (iii) for such other relief as is necessary and just.

Dated: Tampa, Florida
March 18, 2026

BUSH ROSS, P.A.
P.O. Box 3913
Tampa, FL 33601-3913
(813) 224-9255
(813) 223-9620 fax

By: /s/ Kathleen L. DiSanto
Kathleen L. DiSanto, Esquire
Florida Bar No. 058512
kdisanto@bushross.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 18, 2026, I electronically filed a true and correct copy of the foregoing with the Clerk of the United States Bankruptcy Court for the Middle District of Florida by using the CM/ECF system and I furnished a copy of the foregoing document(s) to the following parties in the manner of service indicated below:

/s/ Kathleen L. DiSanto
ATTORNEY

Via the CM/ECF system which will send a Notice of Electronic Filing to:

- **Reka Beane** reka.beane@mccalla.com, mccallaecf@ecf.courtdrive.com
- **Kelsey Erin Burgess** kburgess@trenam.com, cminott@trenam.com; kburgess@ecf.courtdrive.com; mmosbach@trenam.com; cminott@ecf.courtdrive.com
- **Paul Wilfred Cervenka** paul.cervenka@bonialpc.com, Notices.Bonial@ecf.courtdrive.com
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- **United States Trustee - TPA** USTPRegion21.TP.ECF@USDOJ.GOV
- **Giselle Velez** gvelez@raslg.com
- **Jeffrey W. Warren** jwarren@bushross.com, bankruptcy.eservice@bushross.com;jwarren@ecf.courtdrive.com
- All parties who receive electronic service via the CM/ECF system

Via first class United States Mail, postage prepaid, and email to:

Brandon “Dutch” Mendenhall, 805 E. Bloomingdale Blvd , # 737, Brandon, FL 33607
bdutchm@gmail.com