

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

DENISE A. GUNN,

Respondent.

Supreme Court Case No.
SC-

The Florida Bar File Nos.
2022-10,464(20B)
2023-10,598(20B)

_____ /

COMPLAINT

The Florida Bar, complainant, files this complaint against Denise A. Gunn, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar admitted on February 24, 1997, and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent resided and practiced law in Collier County, Florida, at all times material.
3. The Twentieth Judicial Circuit Grievance Committee "B" found probable cause to file this complaint pursuant to Rule 3-7.4 of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

COUNT I TFB File No. 2022-10,464 (20B)
(Complaint of Trevor Stanislaus)

4. Respondent was retained by Trevor Stanislaus in May 2021 for a family law matter.

5. On May 18, 2021, Mr. Stanislaus signed a representation agreement for a flat fee of \$4,000.00, and he promptly paid respondent \$1,500.00 toward the flat fee.

6. Throughout May and June 2021, Mr. Stanislaus contacted respondent by phone for status updates, but respondent failed to answer or return his calls.

7. On July 4, 2021, Mr. Stanislaus text messaged respondent requesting a signed copy of his representation agreement, or, to cancel his contract and receive a refund of his \$1,500.00 if respondent was unable to assist him.

8. On July 7, 2021, respondent text messaged Mr. Stanislaus stating she mailed the fully executed contract back to him and was almost finished with his petition.

9. After not receiving the fully executed contract or a draft of his petition, Mr. Stanislaus left more unanswered messages for respondent asking for a refund, and on August 17, 2021, respondent texted him stating his petition was ready.

10. Thereafter, respondent did not communicate any further with Mr. Stanislaus, and she failed to take any action on his behalf.

11. On February 28, 2022, Mr. Stanislaus filed a grievance against respondent with The Florida Bar.

12. Respondent failed to respond to official bar inquiries concerning Mr. Stanislaus' matter, and the Supreme Court indefinitely suspended respondent until she fully responds in writing to the bar's inquiries by order dated July 19, 2023, in Supreme Court Case No. SC23-0727.

13. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.3** (Diligence).

14. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.4** (Communication).

15. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-8.4(g)** (Failure to respond in writing to an official bar inquiry).

COUNT II TFB File No. 2023-10,598 (20B)
(Complaint of Xavier Gressett)

16. Respondent was retained by Xavier Gressett in October 2021 for a family law matter.

17. On October 25, 2021, Mr. Gressett signed a representation agreement for a flat fee of \$3,500.00, and he began making payments toward the flat fee.

18. On November 1, 2021, respondent filed a notice of appearance in Mr. Gressett's case.

19. On January 5, 2022, respondent attended a hearing with Mr. Gressett in his matter.

20. In or around April 2022, Mr. Gressett completed all payments toward the \$3,500.00 flat fee.

21. Thereafter, Mr. Gressett was unable to contact or communicate with respondent, and respondent took no further action on Mr. Gressett's case.

22. Respondent failed to withdraw from her representation of Mr. Gressett or otherwise protect his interests in his case, and Mr. Gressett retained other counsel to assist with his matter in July 2023.

23. On April 24, 2023, Mr. Gressett filed a grievance against respondent with The Florida Bar.

24. To date, respondent has failed to respond to the bar's inquiries concerning Mr. Gressett's matter.

25. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.3** (Diligence).

26. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.4** (Communication).

27. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.16** (Declining or Terminating Representation).

28. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-3.2** (Expediting Litigation).

29. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: **Rule 4-8.4(g)** (Failure to respond in writing to an official bar inquiry).

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.

Kimberly Walbolt

Kimberly Anne Walbolt, Bar Counsel
The Florida Bar, Tampa Branch Office
Post Office Box 270729
Tampa, Florida 33688
(813) 875-9821

Florida Bar No. 105593
kwaltbolt@floridabar.org



Patricia Ann Toro Savitz, Staff Counsel
The Florida Bar
651 E. Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5839
Florida Bar No. 559547
psavitz@floridabar.org

CERTIFICATE OF SERVICE

I certify that this document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Denise A. Gunn, at her record bar email address of dgunnlaw@outlook.com; and that a copy has been furnished by United States Mail via Certified Mail No. 7020 1810 0000 0813 5529, return receipt requested to Denise A. Gunn, whose record bar address is 2800 Davis Blvd, Ste 206, Naples, FL 34104-4370 and via email to Kimberly Anne Walbolt, Bar Counsel, kwaltbolt@floridabar.org, on this 16th day of October, 2023.



Patricia Ann Toro Savitz
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND
DESIGNATION OF PRIMARY EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Kimberly Anne Walbolt, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tampa Branch Office, Post Office Box 270729 Tampa, Florida 33688, (813) 875-9821 and kwalbolt@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.