Filing # 246425624 E-Filed 04/20/2026 05:16:38 PM

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SIXTH DISTRICT

BRUCE D. BURTOFF,

Petitioner,

v.

CASE NO.: 6D2026-0859
Lower Tribunal: 2020-CA-009504-O

LOUIS A. QUINONES, JR., AS CHIEF OF THE ORANGE COUNTY CORRECTIONS DEPARTMENT AND NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC., et al.,

Respondents,
_____/

THE ASSOCIATION'S RESPONSE AND MEMORANDUM IN OPPOSITION TO BURTOFF'S AMENDED EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS

COMES NOW, Respondent, NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC. (the "ASSOCIATION"), by and through its undersigned attorneys, and files its Response and Memorandum in Opposition to the Amended Emergency Petition for A Writ of Habeas Corpus filed by Petitioner, BRUCE D. BURTOFF ("BURTOFF"). For its Response and Memorandum in Opposition, the ASSOCIATION alleges:

I. INTRODUCTION

1. In a last-ditch attempt to seek another review of his fabricated due process argument, BURTOFF filed his petition for a writ of habeas corpus (the "Petition") after realizing that he had lost the ability to directly appeal the Trial Court's contempt orders which led to his current detention at the Orange County jail. Merely regurgitating the same argument which he has already made at least 3 times to the Trial Court and to this Court on behalf of SANDFORD (and which has been rejected every time by the Trial Court and this Court), BURTOFF seeks his release from detention under the guise of a habeas corpus petition.

2. The Petition attempts to portray BURTOFF as an innocent lawyer: a) who was robbed of the opportunity to explain why he violated the Trial Court's order which merely required him to disclose the names and contact information of his 2 anonymous plaintiff clients; b) who was improperly held in contempt when he failed to appear at the hearing on his own behalf and on behalf of his 3 clients; and c) who has never been in contempt. Nothing can be further from the truth.

3. BURTOFF blatantly disobeyed every warning, directive,

and order requiring disclosure of the true identities of JANE DOE 1 and JOE DOE 1. He is the lawyer for the 2 anonymous plaintiffs and the named plaintiff and all 4 individuals have refused to reveal the identities, thereby preventing the ASSOCIATION from obtaining and collecting the awards of attorney's fees to which they are entitled.

4. The Petition is nothing more than a time-barred disguised certiorari petition which miserably fails to make a prima facie case for habeas corpus relief. BURTOFF and his counsel desperately posit once again in the Petition that he did not receive proper notice of, and did not have the opportunity to defend against the ASSOCIATION'S motion for contempt at, the duly coordinated, scheduled and noticed contempt hearing on February 11, 2026. On behalf of SANDFORD only and not himself, BURTOFF previously claimed without providing any evidence that he was unavailable for the hearing where he was held in contempt, that he could not attend the hearing remotely like numerous other individuals who appeared by Webex at the hearing, and that he was unable to contest the ASSOCIATION's contempt motions as if he and his clients actually had any defense to their contempt.

5. BURTOFF's narrative is false and misleading. He intentionally refused to appear at the hearing so that he could create the only argument which he has ever made and now makes again in the Petition – a frivolous due process argument which ignores that the hearing was coordinated and scheduled with him on February 3, 2026 and February 4, 2026, that he received at least 7 days electronic notice of the hearing, and that all he had to do at the hearing was simply tell the Trial Court why he (and his 3 clients who also refused to appear) did not comply with the Trial Court's disclosure order. There is no doubt that BURTOFF could have appeared either in person or remotely from wherever he now claims he was on the day he was held in contempt by the Trial Court.

6. BURTOFF knew very well that his vague and unsupported assertions of "attorney-client privilege", "client confidentiality", and "work product doctrine" to resist disclosure had already been repeatedly rejected by the Trial Court and that he (and his 3 clients) would undoubtedly be held in contempt if he did appear at the hearing because he and they had no legally-cognizable defense to the ASSOCIATION's contempt motions.

7. For that very reason, BURTOFF, on behalf of himself and

his clients, never: a) moved to continue the contempt hearing; b) provided the Trial Court with any evidence whatsoever that he was in fact unavailable and could not attend the hearing; and c) never scheduled a hearing on an objection to the hearing or a request for continuance.

8. BURTOFF and his 3 clients intentionally failed and refused to comply with the Trial Court's disclosure order and their violations are beyond dispute. BURTOFF has never denied that he disobeyed the Trial Court's disclosure order or that he has been in contempt of the disclosure order. BURTOFF cannot honestly do so because he has been in contempt of the Trial Court's disclosure order since 5:01 PM on February 3, 2026 and his contempt continues to this very day.

9. BURTOFF failed to appeal the contempt orders entered against him and any appeal is now time-barred. Because BURTOFF continues to refuse to do what he is legally and ethically obligated to do – comply with one simple properly-entered order - he remains in contempt and continues to be lawfully detained. BURTOFF can only blame himself for his lawful detention since he can immediately purge his contempt at any time if he complies with the Trial Court's disclosure order and provides the names and contact information of

his 2 anonymous plaintiff clients. He alone holds the key to his freedom but has voluntarily chosen not to comply with his legal and ethical obligations for some inexplicable reason.

10. As demonstrated below, the Petition suffers from numerous insurmountable fatal flaws: a) BURTOFF and his counsel have omitted numerous crucial salient facts in the Petition and have misrepresented the record; b) habeas corpus is not a substitute for a direct appeal and he cannot now attempt to raise issues and matters which could have been raised on appeal; c) BURTOFF failed to timely appeal the Trial Court's contempt orders and he cannot sidestep the 30-day time limit under Rule 9.100(c)(1), Fla.R.App.P by filing a habeas corpus petition; d) BURTOFF cannot make a prima facia case for habeas corpus relief because he has been lawfully detained under the contempt orders which he never appealed; e) BURTOFF received due process because the contempt hearing was coordinated and scheduled with him, he received 7 days electronic notice of the contempt hearing, and he had the opportunity to attend and contest the contempt motion but chose not to do so for tactical strategic reasons; and f) BURTOFF has no right to withhold the names and contact information of JANE DOE 1 and JOE DOE 1 and the Trial

Court correctly ordered him to reveal their identities.

11. The totality of the relevant facts and circumstances show there is no reason whatsoever for this Court to conclude that BURTOFF's current detention is unlawful and the Petition should therefore be dismissed and denied.

II. PROCEDURAL BACKGROUND

12. This unfortunate saga began when SANDFORD, JANE DOE 1, and JOE DOE 1, through their counsel BURTOFF, sued the ASSOCIATION and certain directors, asserting 8 completely baseless claims. They later added and dropped claims and defendant directors whenever they saw fit. They could never plead a legally-cognizable cause of action against the ASSOCIATION or any of the other DEFENDANTS they named throughout the case below despite 7 separate attempts over 3 years.

13. After more than 3 years of litigation and several previous dismissal orders, Senior Judge Emerson Thompson, Jr., the former Fifth District Court of Appeal judge and former Orange County Circuit judge who handled the last two dismissal hearings as a senior judge, finally put a stop to the frivolous lawsuit on May 4, 2023 when

he orally dismissed PLAINTIFFS' Sixth Amended Complaint (misidentified as the Fifth Amended Complaint) with prejudice.

14. On June 5, 2023, the ASSOCIATION and the other DEFENDANTS timely filed their Motion for Attorneys' Fee and Costs and Motion to Compel Disclosure of Identities and Contact Information of Plaintiffs Jane Doe 1 and Joe Doe 1 (the "Prior Fee Motion"). [Appx. 1-16]

15. On October 4, 2023, the Trial Court entered its Final Judgment which dismissed all of the claims in the case below with prejudice. In its October 4, 2023 Final Judgment, the Trial Court expressly reserved "jurisdiction to determine attorney's fees and costs and any other remedy allowed by law." [Appx. 17-20]

16. On June 6, 2023, SANDFORD appealed the Final Judgment to this Court in the appeal styled Lynn Sandford v. North Shore at Lake Hart Homeowners' Association, Inc., et al., Case No.: 6D23-2753, in the District Court of Appeal of The State of Florida, Sixth District (the "First Appeal").

17. On June 20, 2023, the ASSOCIATION and other DEFENDANTS filed a Motion for Appellate Attorneys' Fees in the First Appeal.

18. After briefing by the parties, this Court affirmed the Trial Court's October 4, 2023 Final Judgment per curiam on November 25, 2025 and granted DEFENDANTS' Motion for Appellate Attorneys' Fees, finding that the ASSOCIATION and the other DEFENDANTS were entitled to an award of attorneys' fees incurred in connection with the First Appeal.

19. The ASSOCIATION and the other DEFENDANTS had timely filed the Prior Fee Motion in the Trial Court within thirty (30) days of the Final Judgment. The ASSOCIATION promptly engaged in diligent efforts to seek and obtain an award of attorney's fees against SANDFORD, JANE DOE 1, and JOE DOE 1 in the Trial Court, which obviously required the disclosure of the names and contact information of JANE DOE 1 and JOE DOE 1. Because that critical information and evidence was not revealed despite repeated requests, the ASSOCIATION moved to compel disclosure.

20. As a result of this Court's per curiam affirmance and its November 25, 2025 decision granting DEFENDANTS' entitlement to an award of appellate attorney's fees, the ASSOCIATION renewed and updated the Prior Fee Motion on December 23, 2025. [Appx. 21-40]

21. On December 23, 2025, the ASSOCIATION filed its

Renewed and Amended Motion to Disclose the Identities and Contact Information for Plaintiffs Jane Doe 1 and Joe Doe 1. [Appx. 41-60]

22. The Trial Court quickly recognized that there was no reason or justification whatsoever for why the information should not be revealed by SANDFORD, JANE DOE 1, and JOE DOE 1, and BURTOFF. During a case management conference on January 6, 2026 and at other hearings, the Trial Court warned BURTOFF that there was no basis for him, SANDFORD, JANE DOE 1 and JOE DOE 1 to refuse to disclose the information, but none of them heeded the Trial Court's warnings.

23. After considering the arguments of ASSOCIATION's counsel and BURTOFF, the Trial Court granted the Renewed and Amended Motion to Disclose the Identities and Contact Information for Plaintiffs Jane Doe 1 and Joe Doe 1 and on January 21, 2026 entered a written order (the January 21, 2026 Order") [Appx. 61-62]

24. The January 21, 2026 Order required JANE DOE 1 and JOE DOE 1 to appear before the Trial Court on January 27, 2026 and disclose their names and contact information. JANE DOE 1 and JOE DOE 1 did not object to, move to reconsider, rehear, or stay the Trial Court's January 21, 2026 Order. Neither they nor BURTOFF

filed any pleadings asserting any objection, privilege, or reason which allowed them to refuse to reveal their identities before the January 27, 2026 hearing.

25. JANE DOE 1 and JOE DOE 1 failed to personally appear at the January 27, 2026 hearing. BURTOFF appeared but never explained why his 2 anonymous clients did not appear at the hearing. Even though BURTOFF had no right or standing to assert the "attorney-client privilege", "client confidentiality", or the "work-product doctrine"; he tried to do so on their behalf to justify their refusal to comply with the January 21, 2026 Order. Consistent with its previous rulings, the Trial Court rejected and orally denied BURTOFF's objections.

26. After JANE DOE 1 and JOE DOE 1 failed to appear, the Trial Court entered its Order Requiring Disclosure of Identities and Contact Information of Plaintiffs Jane Doe 1 and Joe Doe 1 on January 29, 2026 (the "January 29, 2026 Order"). [Appx. 63-66]

27. The January 29, 2026 Order unequivocally obligates BURTOFF himself, SANDFORD, JANE DOE 1 and JOE DOE 1 to perform the extremely simple task of disclosing the names and

contact information of the 2 anonymous plaintiffs in signed written disclosure notices no later than 5:00 p.m. on February 3, 2026.

28. In an attempt to justify the refusal to provide the Does' identities, BURTOFF, on behalf of SANDFORD only, filed a Petition for Writ of Certiorari (the "Certiorari Petition") in the proceeding styled Lynn Sandford v. North Shore at Lake Hart Homeowners Association, Inc., et al. Case No.: 6D2026-0296, in the District Court of Appeal of The State of Florida, Sixth District on February 2, 2026 (the "Second Appeal").

29. The Certiorari Petition requests that this Court quash the January 29, 2026 Order requiring her, JANE DOE 1, JOE DOE 1, and BURTOFF himself to reveal the names and contact information of the 2 anonymous plaintiffs. Among other issues, SANDFORD contended that she and BURTOFF would irreparably harmed by the disclosure of the identities of the 2 anonymous plaintiffs and that she did not receive fundamental due process.

30. BURTOFF did not move to rehear, reconsider or stay the January 29, 2026 Order for himself or on behalf of JANE DOE 1 and JOE DOE 1. He and his anonymous clients sat on their hands and did nothing, erroneously relying upon SANDFORD's Certiorari

Petition to contest the January 29, 2026 Order. Neither BURTOFF nor his 2 anonymous clients joined in SANDFORD's Certiorari Petition or filed their own certiorari petitions. Therefore, the only appellate proceeding before this Court concerning the January 29, 2026 Order was initiated only by SANDFORD, who had no standing to seek relief for BURTOFF and her 2 anonymous co-plaintiffs.

31. On February 2, 2026, BURTOFF filed an Emergency Motion for Stay Pending Appellate Review in the Trial Court on behalf of SANDFORD only, contending that the Trial Court's January 29, 2026 Order required SANDFORD and BURTOFF to disclose privileged information and that SANDFORD and BURTOFF would be irreparably harmed if she was required to disclose the information. The Trial Court did not grant a stay before the deadline of 5:00 p.m. on February 3, 2026.

32. BURTOFF and each of his 3 clients knowingly and willfully disregarded and violated the January 29, 2026 Order by failing and refusing to file and serve the requisite signed written disclosure notices by 5:00 p.m. on February 3, 2026. All 4 individuals were therefore in contempt of the disclosure order.

33. Because BURTOFF himself, SANDFORD, JANE DOE 1, and JOE DOE 1 all violated the January 29, 2026 Order by willfully refusing to file the requisite signed written disclosure notices, the ASSOCIATION filed separate contempt motions directed to each individual on February 4, 2026. [Appx. 69-76]

34. The ASSOCIATION's counsel immediately attempted to confer with BURTOFF in good faith concerning the relief requested in each of the 4 contempt motions (while rightfully assuming that none of the 4 individuals would ever agree to the relief requested therein) and to coordinate the scheduling of a hearing on the 4 motions for contempt.

35. At 5:21 p.m. on February 3, 2026, counsel for the ASSOCIATION emailed BURTOFF and provided BURTOFF with 4 different available dates for the hearing on the 4 contempt motions, asking BURTOFF to respond no later than noon the next business day. [Appx. 67-68]

36. When BURTOFF did not timely respond to the February 3, 2026 email, counsel for the ASSOCIATION consequently did exactly what he told BURTOFF he would do if BURTOFF did not respond - schedule the hearing on the contempt motions on 1 of the 4 available

hearing dates provided. In fact, the hearing was scheduled on the latest of the 4 proposed hearing dates, February 11, 2026.

37. On February 4, 2026, the ASSOCIATION electronically served and filed its notice of hearing on the 4 contempt motions. [Appx. 69-76] The notice of hearing confirms that the hearing on the 4 motions for contempt was scheduled 7 days later at 8:30 a.m. on Wednesday, February 11, 2026 and provides the necessary Webex link so that any party, attorney, or person who desired or needed to appear remotely could do so.

38. A hearing on the 4 contempt motions was coordinated and scheduled with BURTOFF and was set for February 11, 2026. The ASSOCIATION's counsel notified the Trial Court of the scheduling of the hearing and sent the Trial Court copies of the contempt motions and the notice of hearing via email, providing copies to BURTOFF by email. [Appx. 79-111]

39. Neither BURTOFF himself nor any of his 3 clients timely responded to the ASSOCIATION's counsel's February 3, 2026 email or to the February 4, 2026 notice of hearing. Despite being required to personally appear at the February 11, 2026 hearing, BURTOFF never filed an objection to the hearing or any opposition to the

contempt motion on his own behalf. Likewise, neither JANE DOE 1 nor JOE DOE 1 never filed any objection to the hearing or any pleadings opposing the contempt motions. Instead, BURTOFF, on behalf of SANDFORD only, filed a single objection to notice of hearing (the "Objection") at 9:52 p.m. on February 5, 2026.

40. In the Objection, BURTOFF represented that: a) he would be out of the country on February 11, 2026 and he would not be able to attend the hearing; and b) undersigned counsel for the ASSOCIATION was apprised on January 6, 2026 that BURTOFF would be out of the country and unavailable from February 6, 2026 through February 15, 2026 through a notice of unavailability filed on January 6, 2026 and by correspondence which BURTOFF sent to the Trial Court.

41. The ASSOCIATION demonstrated the outright falsity of BURTOFF's representations to the Trial Court in its February 10, 2026 Response to SANDFORD's Objection to the Notice of Hearing. [Appx. 113-153]

42. As emphasized in the ASSOCIATION's Response, the January 6, 2026 notice of unavailability filed by BURTOFF does not say that he will be out of the country; BURTOFF vaguely states that

he will be "out of the jurisdiction", not "out of the country". He admits that he would have at least "limited access" by email or telephone; but he does not say that he will have no access by telephone or by Webex, Zoom, etc. for remote appearances.

43. At 10:15 a.m. on Friday, February 6, 2026, counsel for the ASSOCIATION sent BURTOFF an email. [Appx. 112] In the February 6, 2026 email, counsel for the ASSOCIATION requested that BURTOFF provide undersigned counsel via email with "any and all documents and/or records which evidence or demonstrate that [BURTOFF] will be out of the country and unavailable during that time period, including but not limited to, airline tickets, train tickets, cruise line tickets, hotel, Airbnb, Vrbo, or other lodging reservations, car rental agreements, travel itineraries, etc." Undersigned counsel also asked BURTOFF to explain why he "could not appear at the hearing by Webex; the Webex link is clearly referenced in the notice of hearing and can be accessed anywhere in the world."

44. BURTOFF never responded to either question posed in the February 6, 2026 email. He never provided the ASSOCIATION's counsel with any documents or records demonstrating that he would be out of the country and completely unavailable for the February

11, 2026 contempt hearing and never explained why he could not appear at the February 11, 2026 hearing by Webex, by telephone, or by other means.[1]

45. It would be reasonable to assume that: a) any attorney who had failed and refused to comply with a court order (along with his 3 clients) would ensure that he would somehow make himself available for a hearing on contempt motions directed to the attorney himself and directed to his 3 clients; b) if asked by opposing counsel, the attorney would provide some proof or evidence that he was actually going to be unavailable for the hearing and would explain why he could not appear remotely by Webex, telephone, or by other means; and c) would provide the Trial Court with sworn proof and documentary evidence accompanying a filed motion for continuance. Yet in typical BURTOFF fashion, he simply ignored and disregarded

[1] BURTOFF is notorious for abusing "notices of unavailability" as a sword and shield. On March 12, 2026, the Trial Court entered its Order on the Association's Second Renewed and Amended Motion for Award of Attorney's Fees and Costs to Entitlement Based Upon Bad Faith and Inequitable Conduct and found that BURTOFF engaged in bad faith and inequitable conduct in the case below because, inter alia, he "abused notices of unavailability by repeatedly stating he was unavailable for long extended periods of time and used his unavailability to delay hearings and deadlines." [Appx. 164-182]

the ASSOCIATION's counsel's reasonable attempts to understand why BURTOFF claimed that he could not appear at the hearing.

46. Rather than responding to the February 6, 2026 email, BURTOFF chose to email the Trial Court a letter on behalf of SANDFORD only on February 6, 2026, once again claiming that he was unavailable during the entire time period from February 6, 2026 through February 15, 2026 and asserting that he "will be traveling out of the country during that time and will have limited access to internet".

47. There can be no doubt that BURTOFF was in fact "available" when he was able to email a letter to the Trial Court on February 6, 2026. BURTOFF also filed an Emergency Motion for Stay with this Court on February 7, 2026, clearly showing that he was "in the country" and "available" on February 6, 2026 and February 7, 2026.[2]

---

[2] BURTOFF apparently forgot that he previously represented that he would be "unavailable" starting on February 6, 2026 when he corresponded with the Trial Court that very day (February 6, 2026) and when he filed SANDFORD's Emergency Motion to Stay with this Court on February 7, 2026.

48. While he was purportedly "out of the country" and "unavailable", BURTOFF, on behalf of SANDFORD, filed an Emergency Motion for Stay the January 29, 2026 Order in this Court on February 7, 2026. At that time, the Trial Court had not denied the Emergency Motion for Stay Pending Appellate Review which BURTOFF had filed on behalf of SANDFORD in the Trial Court on February 2, 2026. SANDFORD claimed that she and BURTOFF would be irreparably harmed if they were required to disclose the Does' identities. Contending that "this attorney simply cannot abide by these Court orders", BURTOFF noted that "an ex parte hearing on the [above] orders is set for Wednesday, February 11, 2026 while this attorney is out of the country".

49. On February 9, 2026, the Trial Court denied the Emergency Motion for Stay Pending Appellate Review which BURTOFF filed on behalf of SANDFORD only in the Trial Court on February 2, 2026.

50. BURTOFF never attempted to schedule a hearing on the Objection or to obtain a continuance based upon his alleged inability to attend the hearing. BURTOFF's actions clearly demonstrate that his January 6, 2026 notice of unavailability and his February 3, 2026

and February 6, 2026 letters to the Trial Court were false and misleading and part of his strategic plan to avoid being in contempt.

51. BURTOFF never provided the Trial Court or the ASSOCIATION with any sworn testimony or documents proving that he was out of the country or even if he was out of the country, that he was completely unable to attend the hearing remotely by Webex or telephone. The Trial Court had absolutely no evidence before it which demonstrated that BURTOFF was completely unable to attend the hearing by any means and did not have the opportunity to defend against the ASSOCIATION's contempt motion.

52. None of the 4 individuals filed any pleadings asserting any objection, privilege, or substantive response to the ASSOCIATION's allegations in the 4 contempt motions and they failed to appear at the February 11, 2026 hearing, once again flouting the Trial Court's authority. BURTOFF himself did not assert any objection, privilege, sworn testimony, evidence or defensive pleadings explaining why he failed to comply with the January 29, 2026 Order before the February 11, 2026 hearing. He never filed a motion or other pleading requesting a continuance or postponement of the hearing. Presumably content with emailing letters to the Trial Court, he never

tried to schedule a hearing on the only pleading he filed with respect to his purported unavailability.[3]

53. Because BURTOFF and his clients failed to submit anything whatsoever to the Trial Court verifying their inability to attend the hearing or explaining why they should not be in contempt, the Trial Court had every right to hold them in contempt and impose coercive civil sanctions against each of them for their refusal to comply and failure to appear. The Trial Court found BURTOFF and each of his 3 clients in contempt of the January 29, 2026 Order and its previous orders and directives.

54. On February 12, 2026, the Trial Court entered its contempt order directed to BURTOFF (the "February 12, 2026 Contempt Order"). [Appx. 154-158]

---

[3] In its March 12, 2026 Order on the Association's Second Renewed and Amended Motion for Award of Attorney's Fees and Costs as to Entitlement Based Upon Bad Faith and Inequitable Conduct, the Trial Court also found that BURTOFF engaged in bad faith in the case below when he "sent numerous letters to [the Trial Court] which contain factual assertions and legal arguments and which request relief (as if they were motions filed with [the Trial Court] and as if [the Trial Court] could decide the matters presented in the letters without a hearing.)" [Appx. 79-111]

55. In the February 12, 2026 Contempt Order, the Trial Court specifically found that: a) BURTOFF is in contempt of this Court by failing and refusing to comply with the January 29, 2026 Order; b) BURTOFF has shown a willful and contumacious disregard of the January 29, 2026 Order and previous orders and directives of the Court and therefore the imposition of civil coercive sanctions is necessary and appropriate; and c) the Sheriff ...[is] hereby commanded to, and shall, take BURTOFF into custody and to incarcerate her no earlier than 1:00 p.m. on Wednesday, February 18, 2026. Until said time, BURTOFF may purge the contempt by providing the information in paragraph 5(a) as instructed, and contacting the Court's Judicial Assistant so that this Order of Contempt can be recalled. [4]

56. The Trial Court afforded BURTOFF another opportunity to stay out of jail; the February 12, 2026 Contempt Order gave BURTOFF another 6 days to purge his contempt by complying with the January 29, 2026 Order. BURTOFF, however, refused to file the

[4] The Trial Court also entered virtually identical contempt orders against SANDFORD, JANE DOE 1, and JOE DOE 1 on February 12, 2026.

requisite signed written disclosure notice during the extra 6 day period.

57. BURTOFF never filed a motion to rehear or reconsider the February 12, 2026 Contempt Order on his behalf. He never filed an appeal or a petition for writ of certiorari directed to the February 12, 2026 Contempt Order on his behalf or on behalf of his 3 clients.[5]

58. Four days after the Trial Court entered the 4 contempt orders, BURTOFF filed a Renewed Emergency Motion for Stay on behalf of SANDFORD in this Court on February 16, 2026. The arguments made in the Renewed Emergency Motion for Stay mimic the arguments made in the February 7, 2026 Emergency Motion for Stay which BURTOFF had filed on behalf of SANDFORD and expanded upon the due process argument relating to the scheduling of the contempt hearing and BURTOFF's alleged unavailability and failure to attend.

---

[5] On February 17, 2026, BURTOFF, on behalf of SANDFORD only, moved to vacate the contempt order directed to her making the same due process argument advanced in the Petition, but never scheduled SANDFORD's motion to vacate for hearing.

59. The ASSOCIATION responded to the Emergency Motion for Stay and Renewed Emergency Motion for Stay filed by BURTOFF on behalf of SANDFORD on February 17, 2026 and this Court denied both stay motions on February 19, 2026.

60. Since BURTOFF did not purge his contempt during the extra 6 day period, the February 12, 2026 Contempt Order commanded that he be taken into custody and detained until he purged his contempt. At an evidentiary hearing on the ASSOCIATION's Second Renewed and Amended Motion for Attorney's Fees and Costs on February 26, 2026, BURTOFF appeared remotely by Webex knowing that he could be taken into custody pursuant to the February 12, 2026 Contempt Order if he personally appeared. During the hearing, the Trial Court again denied BURTOFF's arguments justifying his violation of the January 29, 2026 Order and requested that he comply by revealing the names, but BURTOFF again refused to do so.

61. The Orange County Sheriff required that BURTOFF's sex, race, and birth date had to appear in the February 12, 2026 Contempt Order and on March 2, 2026, the Trial Court entered an Amended Order of Contempt and Writ of Bodily Attachment (Bruce

Burtoff) (nunc pro tunc to February 12, 2026)(the "March 2, 2026 Amended Contempt Order"). [Appx. 159-163]

62. Until March 4, 2026, BURTOFF never asserted on his own behalf that he himself should not be held in contempt because he was denied due process in connection with the February 11, 2026 hearing; BURTOFF therefore failed to properly preserve the argument that he now makes in the Petition.

63. At a subsequent hearing in the case below on March 4, 2026, BURTOFF personally appeared before the Trial Court with newly-hired counsel. The Trial Court denied his counsel's due process argument and asked BURTOFF again to comply with the January 29, 2026 Order and purge his contempt. BURTOFF refused and the Trial Court had no choice but to continue to enforce the March 2, 2026 Amended Contempt Order. BURTOFF was taken into custody by the Orange County Sheriff.

64. On March 12, 2026, the Trial Court entered its: a) Order on the Association's Second Renewed and Amended Motion for Award of Attorney's Fees and Costs to Entitlement Based Upon Bad Faith and Inequitable Conduct [Appx. 164-182]; and b) Order on the Association's Second Renewed and Amended Motion for Award of

Attorney's Fees and Costs as to Entitlement on Statutory Grounds. [Appx. 183-185]

65. Pursuant to the Trial Court's directives, BURTOFF has been brought to the Orange County Courthouse by the Orange County Sheriff on March 11, 2026, March 17, 2026, March 26, 2026, and April 2, 2026 and the Trial Court has expressly afforded him the opportunity to purge his contempt 4 separate times. At the hearings on March 11, 2026 and March 17, 2026, BURTOFF's counsel repeated the same due process argument which he made at the March 4, 2026 hearing.

66. BURTOFF chose not to file a certiorari petition with respect to the February 12, 2026 Contempt Order or the March 2, 2026 Amended Contempt Order within the required 30 day time period and cannot appeal the contempt orders.

67. Despite foregoing his appellate rights, BURTOFF remains stubborn in his unethical refusal to concede that there is no support whatsoever for the clearly erroneous positions he has unsuccessfully taken continuously to resist disclosure.

68. BURTOFF's utter failure to acknowledge the legions of cases which destroy his assertions, his willful failure to comply with

his ethical obligations after his assertions have been properly rejected, and his illegal withholding of crucial evidence in this case has caused both this Court and the Trial Court to waste valuable time and resources and has exponentially increased the amount of attorney's fees and costs which the ASSOCIATION has incurred while protecting his rights and pursuing its remedies.

III. ARGUMENT

69. In the Petition BURTOFF once again advances the only argument he has tried mightily to fabricate. BURTOFF's sole argument in the Petition is the same argument which he asserted in the emergency stay motion he filed before the Trial Court on behalf of SANDFORD and in the 2 emergency stay motions which he filed for SANFORD in this Court on February 7, 2026 and February 16, 2026. To the extent he has not exhausted his appellate remedies based upon the argument which he asserted on behalf of SANDFORD, he cannot use the Petition as a vehicle to obtain habeas corpus relief for several reasons.

A. The Petition Provides A False Narrative Which Omits Numerous Crucial Facts And Which Misrepresents and Misstates The Record

70. BURTOFF and his counsel have misrepresented the well-

documented procedural history of the case below. The Petition is a completely self-serving and one-sided false narrative which intentionally and knowingly omits numerous critical facts, facts which were previously provided to this Court by the ASSOCIATION in its February 17, 2026 Response and Memorandum in Opposition to the 2 emergency stay motions filed by BURTOFF on behalf of SANDFORD and its April 2, 2026 Response to SANDFORD's Petition for Writ of Certiorari. They have failed to provide this Court with all of the pertinent facts and circumstances in the case below and have misstated and mischaracterized what occurred. The reason is obvious – the facts and circumstances eviscerate BURTOFF's habeas corpus claim.

71. BURTOFF omits and does not tell this Court that:

a) he received 7 days electronic notice of the February 11, 2026 hearing and that it was coordinated and scheduled with BURTOFF and the Trial Court;

b) the ASSOCIATION's counsel provided the Trial Court with copies of the 4 contempt motions to be heard in advance of the hearing and the notice of hearing, and BURTOFF was copied on the transmittal letter and motions [Appx. 79-111];

c) he refused to provide the ASSOCIATION's counsel with any documents, records, or information supporting his claim of unavailability and/or explaining why he could not appear remotely at the hearing by Webex or telephone;

d) he never filed a motion for continuance or a request for postponement of the February 11, 2026 hearing with proof of his unavailability for himself and never scheduled a hearing on SANDFORD's Objection;

e) the February 12, 2026 Contempt Order gave him an additional 6 days to disclose the Does' identities and that during the entire 6 day period he did not file any pleadings with the Trial Court objecting to the February 12, 2026 Contempt Order and did not file motions to rehear, reconsider, or stay for himself;

f) he failed to timely appeal the February 12, 2026 Contempt Order and the March 2, 2026 Amended Contempt Order;

g) he has never explained how and why the Does' identities are protected by the "attorney-client privilege", "client confidentiality", or "work-product doctrine.";

h) he has known since January 6, 2026 that the Trial Court rejected these assertions and that he has been in contempt

since 5:01 p.m. on February 3, 2026; and

i) with only one exception, all of the pleadings which "Attorney Burtoff" filed were not filed on his own behalf, but they were filed on behalf of SANDFORD only.

72. BURTOFF has also mischaracterized and misstated the record:

a) in several instances, BURTOFF refers to the February 11, 2026 hearing as an "ex parte hearing". This is untrue. In common legal parlance, an ex parte hearing occurs when the other side receives no notice of the hearing and has no knowledge of the hearing. BURTOFF received at least 7 days electronic notice before the hearing after it was coordinated and scheduled with him and the Trial Court and after he refused to provide any evidence that he would be unable to attend because he was allegedly "out of the jurisdiction" and could not attend personally or remotely. The notice of hearing provides a Webex link for any party, attorney, or, person who desired or needed to appear remotely at the hearing. The ASSOCIATION's counsel appeared in person at the February 11, 2026 hearing; numerous individuals interested in the case appeared remotely by

Webex and observed the hearing[6];

b) he argues that he represented the 2 anonymous plaintiffs only for a short time. This is untrue. BURTOFF still represents the 2 anonymous plaintiffs and has represented them since the inception of the case below. BURTOFF cannot ethically and plausibly contend that he does not represent them. He tried unsuccessfully to withdraw from representing them in the case below in April 2023, but the Trial Court denied his withdrawal motions, partly on the ground that he refused to disclose their names, addresses and telephone numbers as required by Rule 2.505(1) Fla.R.Jud.Admin. [Appx. 186-187];

c) he asserts that JANE DOE 1 and JOE DOE 1 dismissed their claims early in the case below. This is untrue. The anonymous plaintiffs never filed any notice, pleading, statement or evidence that were no longer plaintiffs or that they dismissed or dropped their claims. BURTOFF's contention is also belied by and

---

[6] In fact, one of the individuals who appeared by Webex was asked by the Trial Court to verbally identify himself. When the Trial Court expressly requested that he disclose his identity, the individual immediately terminated the Webex link and abruptly left the hearing without responding to the Trial Court.

directly contradicted by his own actions – he unsuccessfully moved to withdraw from representing them shortly before all claims in the case below were orally dismissed by Judge Thompson on May 4, 2023, thereby admitting that they were still parties and that he was still their counsel in the case below;

d) he claims that the ASSOCIATION's counsel and the Trial Court were notified "via multiple separate pleadings and other correspondence" that BURTOFF was outside the jurisdiction and unavailable to appear at the contempt hearing. This is untrue. The only pleading was an objection which BURTOFF filed on behalf of SANDFORD only on February 5, 2026. BURTOFF also emailed (not filed) letters to the Trial Court on February 3, 2026 and February 6, 2026. BURTOFF never provided any evidence of his unavailability to the Trial Court and it had no opportunity to hear argument and decide whether the postpone the hearing based on evidence and argument;

e) he alleges twice that he is currently detained against "his will". This is untrue. He would have never been taken into custody and detained if he had chosen to obey the January 29, 2026 Order;

f) BURTOFF claims there is no record of what evidence, if any, was presented during the February 11, 2026 hearing. The Trial Court needed no evidence to determine that BURTOFF was in contempt of the January 29, 2026 Order, which simply required BURTOFF (and his three clients) to file signed written disclosure notices by the deadline. The Trial Court determined from the court docket that he refused to comply because there was no written disclosure notice from BURTOFF (or anyone else) which had been filed;

g) he asserts that he was denied "adequate notice" and "time to prepare" for the contempt hearing. This is untrue. He had 7 days to prepare for the contempt hearing;

h) BURTOFF claims that he was "also prevented from presenting any rebuttal evidence concerning the legal privileges and Bar Rules he believes precluded him from disclosing the Does' identities." This argument would not require the submission of "rebuttal evidence"; it would involve strictly legal argument; and

i) BURTOFF's argues that he was also prevented from raising the issue of whether the Trial Court had jurisdiction to hold him contempt of the January 29, 2026 Order that was on appeal. If

BURTOFF had made such an argument it would have been quickly rejected since the Trial Court had jurisdiction to consider the contempt motions unless and until a stay had actually been granted by either the Trial Court or this Court. BURTOFF's emergency stay motions, all filed on behalf of SANDFORD, were denied.

B. Standards Relating To Habeas Corpus Relief

73. The standards for obtaining habeas corpus relief are well-established. The fundamental characteristic of a habeas corpus claim is an assertion of continued unlawful detention and the "purpose of a habeas corpus proceeding is to inquire into the legality of the petitioner's present detention." Sneed v. Mayo, 66 So.2d 865, 869 (Fla. 1953) (habeas corpus is designed to test solely the legality of petitioner's imprisonment and may not be used as a substitute for appeal.)

74. In order to state a prima facie case for a writ of habeas corpus, the petition must show: 1) that the petitioner is currently detained in custody; and 2) by affidavit or evidence probable cause to believe that he or she is detained without lawful authority. §79.01, Fla.Stat. In a habeas corpus proceeding, the petitioner assumes the burden of a moving party. The burden is on the petitioner to prove

that he is unlawfully restrained. Coleman v. State ex rel. Race, 159 So. 504 (Fla.1935). The applicant for a writ of habeas corpus must first show by evidence or affidavit probable cause to believe that his restraint is illegal if a writ is to issue. Wood v. Cochran, 118 So.2d 193 (Fla. 1960)

75. "Habeas corpus is not a second appeal and cannot be used to litigate or relitigate issues which could have been ... or were raised on direct appeal."); Baker v. State of Florida, 878 So.2d 1236 (Fla. 2004); Mills v. Dugger, 574 So.2d 63, 65 (Fla.1990).

76. The power to discharge from custody by writ of habeas corpus is one that should be exercised with extreme caution and only in a clear case. It should not be so exercised as to needlessly embarrass the administration of justice. Taylor v. Chapman, 173 So. 143 (Fla. 1937).

C. The Petition Is A Disguised Time-Barred Certiorari Petition

77. BURTOFF asks this Court to quash the contempt orders which found him in contempt for refusing to file a signed written disclosure notice on February 3, 2026, 9 days before the February 12, 2026 Contempt Order was first entered. The February 12, 2026 Contempt Order gave BURTOFF an additional 6 days from February

12, 2026 to purge his contempt.

78. BURTOFF himself chose not to move to rehear, reconsider, stay, or appeal the contempt orders by filing a petition for writ of certiorari with this Court. This Court clearly lacks jurisdiction to entertain the Petition because it is a disguised certiorari petition and is procedurally time-barred.

79. Rule 9.100(c)(1) Fla.R.App.P. provides that a petition for writ of certiorari shall be filed within thirty days of the date of rendition of the order to be revised. The time for seeking review by certiorari is jurisdictional. Williams v. Lomeli, 2023 WL 3513583 (Fla. 5th DCA 2023); Excel Auto Group, Inc. v. Ford Motor Credit Co., 777 So.2d 1187 (Fla. 5th DCA 2001); Jones v. Cannon, 750 So.2d 108 (Fla. 1st DCA 1999). Just like an untimely notice of appeal, an untimely petition for writ of certiorari is ineffective to confer jurisdiction on the appellate court. Caldwell v. Wal-Mart Stores, Inc., 980 So.2d 1226, (Fla. 1st DCA 2006).

80. Habeas corpus is not a vehicle for obtaining second appeal of issues which were raised or should have been raised on direct appeal or which were waived at trial. Blanco v. Wainwright v. State of FL, 507 So.2d 1377 (Fla. 1987) Messer v. State, 439 So.2d 875,

879 (Fla.1983); Collingsworth v. Mayo, 37 So.2d 696 (Fla. 1948).

81. Dismissal of a habeas corpus petition is appropriate when a direct appeal would be untimely. Baker v. State, 878 So.2d 1236 (Fla.2004); Denson v. State, 775 So. 2d 288, 290 (Fla. 2000) (issues that were or could have been raised on direct appeal or in a prior postconviction proceeding cannot be litigated in a petition for extraordinary relief); Smith v. State, 453 So. 2d 388, 389 (Fla. 1984).

82. The writ of habeas corpus will not issue where there was a remedy by appeal. Boyd v. Cochran,118 So.2d 627 (Fla. 1960); Sullivan v. State ex rel. Cootner, 44 So.2d 96 (Fla.1950). The Petition should be dismissed because the issues concerning the scheduling of the February 11, 2026 contempt hearing, BURTOFF's purported unavailability, and his alleged inability to attend and defend against the ASSOCIATION's contempt motion should have been appealed by BURTOFF in a certiorari petition filed with this Court within the 30-day period. He is now prohibited from using the vehicle of habeas corpus to seek review of those issues.

D. BURTOFF Has Failed To Present A Prima Facie Case For Habeas Corpus Relief

83. To demonstrate a prima facie entitlement to habeas

corpus relief, the petitioner must show that he is unlawfully deprived of his liberty and is illegally detained against his will. Smith v. Kearney, 802 So.2d 387, 389 (Fla. 4th DCA 2001) Florida law requires a petitioner seeking habeas corpus to do much more than simply make conclusory allegations concerning his or her purported unlawful detention. Pursuant to §79.01, Fla.Stat., the petitioner must "show by affidavit or evidence probable cause to believe that he or she is detained without lawful authority".

84. If the petitioner does not provide a sufficient evidentiary record or affidavits sufficiently showing that his or her current detention is unlawful, habeas corpus relief is unavailable. The petitioner must therefore show with sufficient evidence that he or she is entitled to immediate relief. Martinez v. State of Florida, 373 So.3d 928 (Fla. 1st DCA 2023); Canty v. State of Florida, 311 So.3d 1012 (Fla. 1st DCA 2021); Moralez v. Inch, 313 So.3d 162 (Fla. 1st DCA 2021). BURTOFF has filed no affidavits, sworn testimony, or other evidence to prove his conclusory allegations of unlawful detention because of due process violations.

85. There is another glaring defect in the Petition; it is noticeably silent on the essential element of habeas corpus - that

BURTOFF has been "unlawfully detained". It is well-settled that habeas corpus reliance is unavailable when the petition does not make a prima facie showing that the applicant is entitled to be discharged from custody. Ex parte Aulday, 151 So. 388 (Fla. 1933); State ex rel. Davis v. Hardie, 146 So. 97 (Fla. 1933) Because it is beyond dispute that BURTOFF did not disclose the Does' identities and was and still is in contempt, BURTOFF is currently detained under the lawful authority of the Trial Court's contempt orders.

86. BURTOFF has not alleged and shown that he was not in contempt: a) from 5:01 p.m. on February 3, 2026 (after the deadline for disclosure in the January 29, 2026 Order expired) through February 11, 2026 the day of the contempt hearing; b) on February 12, 2026 (the day the first contempt order expired); and c) any and all times after February 12, 2026. BURTOFF remains in jail because he is still in contempt for his willful and contumacious disregard of the Trial Court's Orders. BURTOFF must surely concede that he has not purged his contempt which began long before he failed to appear at the February 11, 2026 contempt hearing and was formally held in contempt by the Trial Court's February 12, 2026 Contempt Order.

87. Appellate courts regularly dismiss habeas corpus petitions when the petitioners fail to demonstrate a prima facie case that the detention is unlawful, i.e. they should not be confined. Since BURTOFF has not alleged, and in good faith can never allege, that he is factually innocent of the contempt finding, the Petition fails to state a prima facie case for habeas corpus relief. Robenson v. McNeil, 39 So.3d 350 (Fla. 1st DCA 2010); Brown v. McNeil, 22 So.3d 741 (Fla. 1st DCA 2009); Bermudez v. State, 870 So.2d 875. (Fla. 3d DCA 2004).

88. BURTOFF is contesting the Trial Court's contempt orders and the burden placed upon him to obtain habeas corpus relief is extraordinarily high; there is no possible way he can ever sustain his burden.

89. Contempt is an act tending to embarrass, hinder, or obstruct the court in the administration of justice, or to lessen the court's authority or dignity. Richey v. McLeod, 188 So. 228, 229 (Fla. 1939); Courts have the inherent authority to hold a party and a party's attorney in contempt for failure to obey its orders and directives and may impose coercive civil sanctions. Parisi v. Broward County, 769 So.2d 359 (Fla. 2000).

90. The petitioner in Richey was held in contempt of court for testifying about matters prohibited by the trial judge, who had stated that even if he was wrong in his ruling, it was the petitioner's "duty to obey them until corrected on appeal." The Florida Supreme Court found that habeas corpus cannot be used to correct mere irregularities in procedure, and can be used only where there is illegality or lack of jurisdiction. It confirmed the extremely limited scope of habeas corpus and the appropriate burden placed upon the petitioner in the context of contempt. "The scope of efficacy of the writ of habeas corpus to test the validity of judgment of contempt is narrow" and a judgment will be adjudged illegal in habeas corpus proceedings only upon a "clear and unequivocal" showing that the actions of the court were arbitrary and capricious. Id. At 287 (emphasis added) Citing Richey, the Florida Supreme Court in Driggers v. Pearson, 192 So. 881 (Fla. 1940) determined that habeas corpus was not available to collaterally attack the validity of a contempt order because errors, if any, committed by the court in the exercise of its jurisdiction could be remedied by appeal.

91. The federal district court's decision in Heiman v. Stoutamire, 26 F.Supp. 301 (N.D. Fla. 1939), outlines similar

limitations on the use of habeas corpus in connection with a contempt order. "The writ of habeas corpus can never be used to take the place of an appeal, a writ of error, or certiorari." Id. at 303. Relying upon several United States Supreme Court cases, it held that habeas corpus cannot be "used to investigate and consider questions of error that might be raised touching procedure or on the merits" or be "used to question the propriety of a contempt order where the court clearly had jurisdiction to enter the order." Id.(citations omitted).

92. It is beyond dispute that the Trial Court had jurisdiction over BURTOFF as an officer of the court and that it had the power and authority to hold him in contempt for violation of its orders. BURTOFF has never denied that he failed to comply with the Trial Court's January 29, 2026 Order and he was unquestionably in contempt at 5:01 p.m. on February 3, 2026 and thereafter since he has continued to refuse to disclose the identities and purge his contempt. He cannot collaterally attack the Trial Court's contempt orders by alleging that he did not receive proper notice and had no opportunity to be heard at the contempt hearing and can never show that the Trial Court's contempt order was arbitrary or capricious under the relevant facts and circumstances.

E. BURTOFF Cannot Satisfy His Extremely Heavy Burden To Demonstrate That He Has Been Unlawfully Detained

1. The Petition Fails To Show That The Trial Court Failed To Provide Due Process To BURTOFF

93. BURTOFF's due process argument is a classic red herring designed to distract this Court and avoid having to provide any meaningful explanation, analysis or reasoning behind his bald assertions of "attorney-client privilege", "client confidentiality", and "work-product".

94. BURTOFF expressly represents to this Court that he did not receive proper notice of the February 11, 2026 contempt hearing and a meaningful opportunity to be heard. These representations are entirely untrue. BURTOFF was provided with due process; but he voluntarily chose not to appear at the February 11, 2026 hearing, simply obey the Trial Court's January 29, 2026 Order, and immediately purge his contempt.

95. The February 11, 2026 hearing was coordinated and scheduled with BURTOFF on February 3, 2026 and February 4, 2026 and he received at least 7 days' electronic notice of the hearing, he never filed an objection to the hearing on his own behalf, and he never scheduled the Objection he filed on behalf of only SANDFORD for

hearing so that he could argue the Objection before the Trial Court. True to form, BURTOFF merely filed SANDFORD's Objection with the Clerk and then 1 day later sent the Trial Court a letter, as if those 2 steps were sufficient to preserve all objections for SANDFORD and himself. BURTOFF never provided any proof of his alleged unavailability to the ASSOCIATION and the Trial Court and never argued SANDFORD's Objection to the Trial Court. The Trial Court was not therefore given the opportunity to evaluate his claim that he was completely unable to attend and defend with evidence and argument of counsel and to decide whether to postpone the hearing. See W.K., Mother of S.K. v. Department of Children and Families, 832 So.2d 229 (Fla. 5th DCA 2002)(because no request for continuance was filed litigant did not preserve her objection concerning her failure to appear.)

96. BURTOFF has conveniently failed to tell this Court that he was given 4 potential dates for the February 11, 2026 contempt hearing, that he never responded to the ASSOCIATION's counsel's scheduling requests, that he was asked to provide documents, records and information showing that he was unavailable on each of the potential hearing dates and could not possibly attend the

February 11, 2026 hearing by telephone or Webex, and that he refused to do so.

97. It is crystal clear that BURTOFF chose not to attend the February 11, 2026 hearing on the ASSOCIATION's contempt motions for strategic tactical reasons. He had no new untried arguments to make to attempt to avoid the inevitable contempt finding. Significantly, BURTOFF never alleges what he would have argued to the Trial Court had he chosen to appear at the February 11, 2026 hearing. The Trial Court had repeatedly rejected his specious "privilege", "confidentiality", and "work-product" assertions, the same argument that this Court undoubtedly considered and rejected when it denied the 2 emergency stay motions which BURTOFF filed on behalf of SANDFORD in the Second Appeal. If he did not appear, BURTOFF could argue that he was unavailable and could not attend the hearing, which would then allow him to claim a denial of due process.

98. BURTOFF also fails to acknowledge that the Trial Court gave him an extra 6 days to comply with the Trial Court's January 29, 2026 Order and purge his contempt. He could have obeyed the repeated warnings, directives, and the orders of the Trial Court to

make the required disclosure during the 6 day period but refused again to do so. He could have filed a motion to rehear, reconsider, or stay the February 12, 2026 Contempt Order during the 6 day period, but did not do so. He could have filed a petition for certiorari with this Court during the 6 day period, but did not do so.

99. BURTOFF has never asserted any objection, privilege, ground, basis or reason which would allow him to refuse to disclose the identities of his two anonymous clients. BURTOFF has never cited any authority whatsoever which supports his steadfast refusal to comply with the Trial Court's orders to disclose the identities of JANE DOE 1 and JOE DOE 1.

100. BURTOFF has had several opportunities to disclose the names and identities in the presence of the Trial Court. He could have revealed the information on the day he was taken into custody when the Trial Court gave him yet another opportunity to do so. He has been brought before to the Trial Court on March 11, 2026, on March 17, 2026, on March 26, 2026, and on April 2, 2026, but time and time again he refused to comply with the Trial Court's requests to disclose the Does' identities. Given the overwhelming authorities which destroy his specious assertions and his refusal on multiple

occasions to purge his contempt by simple compliance, his current detention can in no way be considered unlawful.

2. BURTOFF Has No Legitimate Excuse For Refusing To Disclose

101. BURTOFF's oft-repeated (and oft-rejected) assertions provide no legitimate good faith justification for his continued violation of the Trial Court's orders, his ongoing contempt, and his withholding and spoliation of crucial evidence.

102. Other than loosely parroting the terms "attorney-client privilege", "client confidentiality", and "work product doctrine" BURTOFF has never, on behalf of himself or his clients, explained how and why the identities of the 2 anonymous plaintiffs are confidential, privileged, or secret and cannot be disclosed. BURTOFF has provided no case law or other authorities which support his argument that the Trial Court required him to reveal any "confidential information" and no such authorities exist.

103. Common sense and logic dictate that the names and contact information of JANE DOE 1 and JOE DOE 1 are not confidential or privileged. It would have been impossible for JANE DOE 1 and JOE DOE 1 to remain anonymous if their claims had survived the motions to dismiss filed by the ASSOCIATION and the

other DEFENDANTS and had not been dismissed with prejudice by the Trial Court on October 4, 2023. The ASSOCIATION and the other DEFENDANTS would have been unable to determine whether the 2 anonymous plaintiffs had standing to sue the ASSOCIATION, unable to investigate and depose the 2 anonymous plaintiffs, and otherwise unable to propound discovery requests upon them. Obviously, the case below could have never been properly tried while they remained anonymous. Because it is well-established that the names and contact information of JANE DOE 1 and JOE DOE 1 are not privileged or confidential. BURTOFF has not satisfied, and can never satisfy, his burden of proving that the Trial Court's contempt orders should be vacated and that he should be set free because he has been unlawfully detained.

The Identities Of JANE DOE 1 And
JOE DOE 1 Are Not Privileged Or Confidential

104. Under Florida law, BURTOFF has the burden of proving that the attorney-client privilege applies. The burden of establishing the existence of the attorney-client privilege and thus the existence of a confidential communication rests on the party asserting the

privilege. S. Bell Tel. & Tel. Co. v. Deason, 632 So.2d 1377, 1383 (Fla.1994).

105. In his pleadings before this Court, just like in the pleadings he filed on behalf of SANDFORD only, BURTOFF conveniently ignores the undeniable fact that the identities of JANE DOE 1 and JOE DOE 1 are not privileged or confidential in any way. BURTOFF, on behalf of himself and/or his 3 clients, has never cited a single authority holding that JANE DOE 1 and JOE DOE 1 had the right to sue anonymously in this case or to keep their identities secret throughout this case for any reason because no such authority exists.

106. Lawsuits are public events and the public has a legitimate interest in knowing the facts involved in them; among those facts is the identity of the parties. Doe v. Weinstein, 484 F.Supp.3d 90, 97 (S.D.N.Y. 2020) Open proceedings benefit the public as well as the parties and also serve the judicial interest in accurate fact-finding and fair adjudication. Id.

107. Although there are legions of federal cases on the issue of proceeding anonymously under a fictitious name, there appears to be only one Florida case which focuses on the issue, Doe v. DeSantis,

390 So.3d 1245 (Fla. 1st DCA 2024). As noted in DeSantis, federal case law is instructive in the absence of developed Florida state law. See City of Jacksonville v. Rodriguez, 851 So. 2d 280, 283 n.3 (Fla. 1st DCA 2003).

108. Florida recognizes a strong presumption of openness for all court proceedings. See Barron v. Fla. Freedom Newspapers, Inc., 531 So. 2d 113, 117–18 (Fla. 1988). While anonymous filings are per se not prohibited in Florida, they should be reserved for those exceptional circumstances which outweigh the public interest in open proceedings. DeSantis at 1249.

109. A threat of economic harm alone does not generally permit a court to let litigants proceed under a pseudonym. The risk that a plaintiff may suffer some embarrassment, ridicule, annoyance, criticism, or possible retaliation is clearly not enough. The very rare instances where federal courts have allowed the use of a pseudonym involve extraordinary facts concerning highly sensitive personal information. In fact, in DeSantis, the First District flatly rejected the petitioner's argument for the use of a pseudonym and highlighted the strong presumption of openness in court proceedings.

110. The 2 anonymous plaintiffs and their counsel BURTOFF never filed a motion requesting the authority to proceed anonymously and sue as JANE DOE 1 and JOE DOE 1. They never provided the Trial Court with any testimonial or documentary evidence which demonstrates that they have any privacy or other rights which could possibly outweigh the customary and constitutionally-embedded presumption of openness in judicial proceedings and the right of the ASSOCIATION and the other DEFENDANTS to know the identities of their accusers. In fact, JANE DOE 1 and JOE DOE 1 have never filed any pleadings whatsoever whereby they asserted a privilege or objected to disclosing their identities and have therefore waived any such objections in light of this Court's repeated orders and have told the Trial Court in no uncertain terms that they would reveal their identities if ordered to do so. There is no plausible way that BURTOFF (or SANDFORD, or JANE DOE 1, or JOE DOE 1) possess some right, privilege, or justification to refuse to disclose the identities of the 2 anonymous plaintiffs under such circumstances.

111. Because it is well-established that the names and contact information of JANE DOE 1 and JOE DOE 1 are not privileged or confidential, BURTOFF has not satisfied his burden of proving that

the Trial Court's contempt orders required him to reveal privileged and/or confidential information.

The Identities And Contact Information Of JANE DOE 1 And JOE DOE 1 Are Not Protected By Attorney-Client Privilege Or By Client Confidentiality

112. Although BURTOFF has no standing to object to or to seek or obtain a stay, protective order, or injunction of orders requiring JANE DOE 1 or JOE DOE 1 to disclose their own identities(and has never attempted to do so on their behalf), he has continued to assert with no explanation or analysis that the identities and contact information of JANE DOE 1 and JOE DOE 1 are somehow protected by the "attorney-client privilege", by "client confidentiality", or by the "work-product doctrine."

113. Under both Florida and federal law, the identities of JANE DOE 1 and JOE DOE 1 are not privileged or confidential. The attorney-client privilege protects only communications to and from a lawyer; it does not protect facts known by the client independent of any communication with the lawyer, even if the client later tells the fact to the lawyer. The communication between the attorney and client is privileged, but the underlying facts are discoverable. Deason at 1387; Carnival Corp. v. Romero, 710 So.2d 690, 694 (Fla. 5th DCA

1998). In other words, a client "may not refuse to disclose any relevant fact within his knowledge merely because he incorporated a statement of such fact into his communication to his attorney." Upjohn Co. v. U.S., 449 U.S. 383, 396 (1981). "The privilege protects confidential communications, not the attorney-client relationship as a whole." Burden v. Church Of Scientology Of California, 526 F.Supp. 44, 45 (M.D. Fla. 1981). For that elementary reason and other reasons, the identity of a client is generally not privileged. Frank v. Tomlinson, 351 F.2d 384 (5th Cir.1965) cert. denied, 382 U.S. 1028 (1966).

114. An attorney may disclose the identity of a client or the generalities of a conflict of interest without disclosing confidential information or violating the duty of confidentiality. Abdool v. Bondi, 141 So.3d 529 (Fla. 2014); Dean v. Dean, 607 So.2d 494, 495 (Fla. 4th DCA 1992) (noting that traditionally the identity of a client has not been protected) "Ordinarily, the attorney-client privilege does not extend to withholding the identity of a client." Wigmore, Evidence s 2313 (McNaughton rev.1961); Florida law is in accord. Silverman v. Turner,188 So.2d 354 (Fla. 3d DCA 1966).

115. Appellate courts routinely hold that "[t]he traditional and still generally applicable rule denies the [attorney-client] privilege for the fact of consultation or employment...." Greenberg Traurig Hoffman Lipoff Rosen & Quentel v. Bolton, 706 So.2d 97, 98 (Fla. 3d DCA 1998) (quotations and citations omitted). "Courts have consistently held that the general subject matters of clients' representations are not privileged. Nor does the general purpose of a client's representation necessarily divulge a confidential professional communication, and therefore that data is not generally privileged." United States v. Legal Servs. for New York City, 249 F.3d 1077, 1081 (D.C.Cir.2001)) (internal citation omitted); In re Grand Jury Subpoena, 204 F.3d 516 (4th Cir.2000).[7]

[7] There is only one exception to this well-established rule, and that exception clearly does not apply to this case. Under "last-link" exception to the rule that client's identity is not privileged, an attorney may not be compelled to disclose a client's identity if the mere identity of the client might expose the client to prosecution for criminal acts previously committed and for which the client consulted the attorney. It is beyond dispute that this case does not involve criminal acts committed by JANE DOE 1 or JOE DOE 1 and the sole exception is inapplicable.

JANE DOE 1 And JOE DOE 1, Not BURTOFF, Hold The Privilege And They Are The Only Ones Who Can Assert It

116. The attorney-client privilege has been raised only by BURTOFF on behalf of SANDFORD, not by BURTOFF on behalf of himself or on behalf of his 2 anonymous clients. It is beyond dispute that the attorney-client privilege belongs solely to the client. See Smith v. Powder Mountain, LLC, 2009 WL 10698489, *3, *4 (S.D. Fla. Nov. 9, 2009); MCC Management of Naples, Inc. v. Arnold & Porter, LLP, 2008 WL 4642835, *2 (M.D. Fla. Oct. 20, 2008); State v. Rabin, 495 So.2d 257, 259 (Fla. 3d DCA 1986).

117. BURTOFF does not possess the privilege and cannot use it for himself or to protect his own interests. The attorney-client privilege is "not intended to protect the attorney" rather, it is "designed to protect confidential information only." Ashcraft v. Harvey, 315 So.2d 530, 531 (Fla. 4th DCA 1975). Two federal cases amply illustrate that BURTOFF does not hold the privilege and cannot use it to further his own interests. In Smith v. Powder Mountain, LLC, 2009 WL 10698489, *3, 4 (S.D. Fla. Nov. 9, 2009), the attorneys raised the attorney-client privilege to prevent the disclosure of communications between them and their clients even

though their clients had not asserted the privilege. The federal district court found that the attorneys' assertion of the privilege was simply "a means of protecting themselves from disclosing evidence that might be harmful in defending against this lawsuit. Such is not a permissible basis for asserting a privilege." In MCC Management of Naples, Inc. v. Arnold & Porter, LLP, 2008 WL 4642835, *2 (M.D. Fla. Oct. 20, 2008), the federal district court found that a law firm did not possess the privilege and had no remedies for violation of the privilege because it had no standing to seek a remedy.

118. BURTOFF's well-worn objections have been improperly asserted to further his own interests, not the interests of his 2 anonymous clients who undoubtedly hold the privilege and have repeatedly waived it. BURTOFF is prohibited from asserting the privilege as to the identities of JANE DOE 1 and JOE DOE 1.

JANE DOE 1 and JOE DOE 1 Have Never Asserted Any Right Or Privilege Which Allows Them To Remain Anonymous And Have Waived Any Right To Object

119. JANE DOE 1 and JOE DOE 1 have never asserted such a right, privilege, or reason allowing them to refuse to disclose their names and contact information. In fact, JANE DOE 1 and JOE DOE 1 have represented to the Trial Court that they would disclose their

identities if the Trial Court required them to do so. On December 24, 2020, BURTOFF filed a Response and Opposition to Motion for a Protective Order of Individual Defendant David Gordon in the case below on behalf of SANDFORD, JANE DOE 1, and JOE DOE 1, expressly stating in paragraph 9 that "Plaintiffs will reveal their identity when the court directs them to do so." [Appx. 188-191]

120. To the extent that JANE DOE 1 or JOE DOE 1 could now assert any right, privilege, or reason which would allow them to continue to refuse to disclose their identities and contact information, they waived any objection by expressly representing to the Trial Court that they would reveal their identities if the Trial Court directed them to do so. The Trial Court clearly directed on several occasions that they do exactly what they said they would do – disclose their identities and contact information.

BURTOFF Cannot Use His Alleged Personal Beliefs
As A Shield To Prevent Court-Ordered Disclosure

121. Litigants and attorneys must comply with a trial court's order unless the litigant or attorney obtains a stay from the trial court or from the appellate court after an appeal it filed and its review of the trial court's stay ruling.

122. Contrary to his counsel's contention, BURTOFF is not using "professional judgment" or complying with his ethical obligations in refusing to comply with the Trial Court's orders; BURTOFF is trying to obfuscate his unethical behavior and dishonesty in an attempt to cover up and withhold critical evidence, evidence which the ASSOCIATION needs so that it can itself receive due process and protect its rights to obtain and collect attorney's fee awards. Because the Trial Court has repeatedly ordered BURTOFF to disclose the names of his 2 anonymous clients, he is in no realistic danger of committing an ethical violation by disclosing the names.

123. It is well-settled that by vigorously invoking the attorney-client privilege in response to discovery requests, an attorney is deemed to "have fulfilled [his] ethical obligations" and that ultimately, a court order directing disclosure of the attorney's confidential client information trumps the ethics rule. In re Duque, 134 B.R. 679, 688 (S.D. Fla. 1991) (citing In re Grand Jury Subpoena, 679 F.Supp. 1403, 1407-08 (N.D. W.Va. 1988)(noting that the attorney's disclosure of client's confidences and secrets does not violate the disciplinary rules where a court so orders); The Florida Bar v. Rubin, 549 So.2d 1000 (Fla. 1989).

III. CONCLUSION

124. The Petition is procedurally time-barred and this Court therefore lacks jurisdiction over the Petition. BURTOFF could have appealed the Trial Court's contempt orders by filing a petition for writ of certiorari within the required 30 days and asserted his due process argument again in yet another appeal. He failed to timely appeal and cannot now use a habeas corpus petition to revive his long-expired opportunity to have this Court once again consider his due process argument, the only argument he makes in the Petition.

125. There can be no doubt that BURTOFF was provided with due process in connection with the Trial Court's contempt orders. The February 11, 2026 contempt hearing was properly coordinated and scheduled with BURTOFF and he received at least 7 days electronic notice of the hearing with a Webex link if he had to appear remotely like several other individuals who appeared that day. Although he asserted that he was unavailable in the Objection he filed on behalf of SANDFORD only, he never called up the Objection for hearing, never filed a motion for continuance with appropriate supporting documentation on his behalf, and never gave the Trial

Court the opportunity to determine whether to postpose the hearing because of his alleged unavailability.

126. BURTOFF created his due process argument out of whole cloth for strategic tactical reasons and voluntarily chose not to attend the February 11, 2026 contempt hearing while claiming that he was unavailable; he obviously knew that the Trial Court would not accept the specious assertions which it had already rejected on numerous occasions.

127. The 2 anonymous plaintiffs, who are the sole holders of the attorney-client privilege, have never asserted any objection, privilege, or justification which would allow them to refuse to disclose their names and contact information and have repeatedly waived the right to assert the privilege. In fact, they previously represented to the Trial Court in a pleading which BURTOFF filed on their behalf that they would reveal their identities if directed to do so. BURTOFF has never asserted the privilege on his own behalf or on behalf of the 2 anonymous plaintiffs. Since they, not he, hold the privilege, he cannot to use it to protect his own interests.

128. BURTOFF has not adduced any evidence to show that he has been unlawfully detained as required by §79.01, Fla.Stat. To the

contrary, BURTOFF is lawfully detained because he knowingly failed and refused to comply with the Trial Court's January 29, 2026 Order and its previous rulings and directives; that is precisely why the contempt orders were entered against him. All BURTOFF had to do was comply with the January 29, 2026 Order, an order which does not require him to do anything which is unethical or improper in any way since the requested information is not privileged or confidential and is in fact crucial evidence.

129. BURTOFF had the choice right before he was taken into custody to disclose the names and contact information of his 2 anonymous clients. He refused, and has continued to refuse, to obey the Trial Court's orders, spouting his "privilege", "client confidentiality", and "work-product" mantra without ever providing any supporting authority or justification for his disobedience.

130. Since he was taken into custody, BURTOFF has had the continuous ongoing opportunity to leave the Orange County jail, and he alone holds the keys to his freedom. For some reason, which no judge, lawyer, or layman can understand, he refuses to accept the Trial Court's power and authority and comply with its orders. Considering all of the facts and circumstances, the Petition does not

come close to proving that BURTOFF has been unlawfully detained.

131. Nothing under Florida or federal law precludes the Trial Court from continuing to hold BURTOFF in contempt and detain him until he complies with its orders. The Petition should be seen as what it truly is – his latest unpersuasive attempt to stall and delay the inevitable disclosure of the identities of JANE DOE 1 and JOE DOE 1. The transparent and desperate ploys by BURTOFF (first attempted on behalf of only SANDFORD and now on behalf of himself), to obstruct the Trial Court's rulings and distract this Court must go unrewarded.

132. BURTOFF has not sustained his extraordinary burden to demonstrate that the Trial Court's contempt orders were arbitrary and capricious, that he was denied due process, and that he has been unlawfully detained. The Trial Court's contempt orders must stay in effect until BURTOFF finally realizes that he is required to comply and provide the crucial evidence which he has withheld from the Trial Court and the ASSOCIATION. This Court should therefore dismiss and/or deny the Petition.

WHEREFORE, Respondent, NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC., respectfully requests that this

Court dismiss and deny BURTOFF's Amended Emergency Petition for A Writ of Habeas Corpus, dismiss this proceeding, award the ASSOCIATION the attorney's fees and costs it has incurred and will incur in this proceeding, and award all such other and further relief as is just and proper.

DATED this 20th day of April, 2026.

TODD M. HOEPKER, P.A.
Post Office Box 3311
Orlando, FL 32802-3311
(407) 426-2060 Telephone
(407) 426-2066 Facsimile
toddhoepker@hoepkerlaw.com
ATTORNEY FOR THE ASSOCIATION

By: _/s/ Todd M. Hoepker_____
TODD M. HOEPKER, ESQUIRE
Florida Bar No: 507611

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Response and Memorandum in Opposition to BURTOFF's Amended Emergency Petition for A Writ of Habeas Corpus is written in Bookman Old Style 14-point font, complies with the type-volume limitation because it contains 12,846 words and therefore complies with the font and type-volume limitation requirement as set forth in Rule 9.045, Florida Rules of Appellate Procedure.

_/s/ Todd M. Hoepker_____
TODD M. HOEPKER, ESQUIRE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been sent via email and the ECF system to: RICHARD B. PARKER, ESQUIRE, 1220 Commerce Park Drive, Longwood, FL 32779; AUSTIN L. MOORE, ESQUIRE, Orange County Sheriff's Office, 2500 W Colonial Dr., Orlando, FL 32804-8005; and BRUCE BURTOFF, ESQUIRE, 9732 Mountain Lake Dr., Orlando, FL 32832 on this 20th day of April, 2026.

_/s/ Todd M. Hoepker_____
TODD M. HOEPKER, ESQUIRE

S:\My Files\26904\2024\SANDFORD\APPEAL - 6D2026-0859\RESPONSE TO PETITION.docx