

IN THE DISTRICT COURT OF APPEAL
SIXTH DISTRICT OF FLORIDA

BRUCE BURTOFF, ESQ.

Petitioner,

vs.

HON. JOHN W. MINA., as
Sheriff of Orange County, Florida, and

NORTH SHORE AT LAKE HART
HOMEOWNER'S ASSOCIATION, INC. et al.,

Respondents.

Case No.
L.T. No. 2020-CA-009504-O

EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS

ORIGINAL JURISDICTION

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STATEMENT OF THE CASE

Petitioner, Attorney Bruce Burtoff, has represented Plaintiff, Lynn Sandford, in this litigation against the North Shore at Lake Hart Homeowner's Association ("the Association") since the original Complaint was filed on September 22, 2020. For a short period of time, Mr. Burtoff also represented two anonymous plaintiffs in this litigation, Jane Doe 1 and Joe Doe 1 (the "Does"). Mr. Burtoff's representation of the Does concluded after the trial court issued the Order Dismissing the original Complaint and Amended Complaint on September 15, 2021. The Does were not included as Plaintiffs in any of the subsequent Amended Complaints. The litigation on the merits of this case officially ended on October 4, 2023 when the trial court issued the Order Dismissing the Fifth Amended Complaint with Prejudice. The case is currently pending before the trial court to determine and assess reasonable attorney's fees and costs.

On February 11, 2026, Orange County Circuit Judge John Jordan held an ex parte contempt hearing on a Motion for Indirect Criminal Contempt filed against Mr. Burtoff by counsel for the Defendant, Attorney Todd Hoepker. Judge Jordan and Mr. Hoepker were notified via multiple separate pleadings and other correspondence that Mr. Burtoff was outside of the jurisdiction and unavailable to appear at the contempt hearing. Judge

Jordan declined to reschedule the contempt hearing despite multiple requests and objections from Mr. Burtoff. On February 12, 2026, Judge Jordan signed an Order of Contempt and Writ of Bodily Attachment against Mr. Burtoff. The Orange County Sheriff's Office executed the Writ of Bodily attachment and took Mr. Burtoff into custody on March 4, 2026. Mr. Burtoff, who is currently 77 years old, continues to be held against his will in the Orange County Jail.

STATEMENT OF JURISDICTION

The people of the State of Florida have conferred "all writs" jurisdiction on this Court by Art. V, § 4(b)(3), Fla. Const. This is an appeal of a non-final order of civil contempt and writ of bodily attachment. This Court has jurisdiction pursuant to rules 9.030(3) and 9.100, Fla. R. App. P. Petitioner is being held unlawfully within the territorial jurisdiction of this Court.

THE PARTIES

Petitioner, Attorney Bruce Burtoff, is currently detained against his will in Orange County, Florida. Petitioner is represented by undersigned counsel in the contempt proceedings before the trial court and in this Petition.

Respondents, the Honorable John Mina is the Sheriff of Orange County, Florida, and the North Shore at Lake Hart Homeowner's Association ("the Association"). Pursuant to § 951.061, Fla. Stat., John Mina is the chief correctional officer of the County, in which capacity he operates the Orange County Jail on behalf of the Orange County Board of County Commissioners. As Petitioner's custodian, Sheriff John Mina is the appropriate nominal party defendant. The Association is the real party in interest.

STATEMENT OF CASE AND FACTS

1. The litigation on the merits of this case between Plaintiff, Lynn Sandford, and the Association ended on October 4, 2023 when the trial court issued an Order Dismissing the Fifth Amended Complaint with Prejudice.
2. On November 10, 2023, Defendant filed a Motion to Compel Disclosure of the Contact Information of Plaintiffs Jane Doe 1 and Joe Doe 1. (A-006).
3. On January 29, 2024, Attorney Burtoff filed a Response in opposition to Defendant's Motion to Compel the Does' identities. (A-010).
4. On February 12, 2024, Circuit Judge Eric Netcher entered an Order denying Defendant's Motion to Compel Disclosure of the Does'

Identities without prejudice until the issue of entitlement is decided.
(A-018).

5. In November 2025, the appellate court remanded the case back to the trial court to determine entitlement and award reasonable attorney's fees and costs to Defendants.
6. On December 23, 2025, before the issue of entitlement was decided, Defendant's filed a Renewed and Amended Motion to Disclose the Identity and Contact Information for Plaintiffs Jane Doe 1 and Joe Doe 1. (A-020).
7. Attorney Burtoff filed a Notice of Unavailability in the trial court on January 6, 2026, which stated he would be outside of the jurisdiction and unavailable for hearings from February 6 through February 15, 2026. (A-040).
8. On January 29, 2026, Judge Jordan entered an Order on Defendant's Renewed and Amended Motion to Disclose the Identity and Contact Information for Plaintiffs Jane Doe 1 and Joe Doe 1 ("the January 29 Order"), compelling Attorney Burtoff and Plaintiff, Lynn Sandford, to disclose the identities of the two former anonymous Plaintiffs, (the "Does") by 5:00 P.M. on February 3, 2026. (A-042).
9. On February 2, 2026, Attorney Burtoff filed a Notice of Appeal and

Petition for a Writ of Certiorari in Sixth District Court of Appeal Case Number 6D26-0296 challenging the trial court's January 29 Order compelling disclosure of the Does' identities. (A-046).

10. On February 2, 2026, Attorney Burtoff filed an Emergency Motion to Stay enforcement of the January 29 Order in the trial court pending appellate review of the Petition for a Writ of Certiorari. (A-047).
11. On February 3, 2026, Attorney Hoepker filed a Motion for Indirect Criminal and Civil Contempt against Attorney Burtoff (the "Contempt Motion") for not disclosing the Does' identities pursuant to the January 29 Order. (A-055).
12. On February 3, 2026 at 5:21 P.M., Attorney Hoepker sent an email to Attorney Burtoff as his lone "attempt to meet and confer" regarding the Motions for Contempt. Attorney Hoepker, knowing that Attorney Burtoff filed a Notice of Unavailability from February 6 through 15, states in the email, "Please let me know whether you are available during Judge Jordan's short matter hours on Thursday, February 5, 2026 and/or Monday, February 9, 2026 and/or Tuesday, February 10, 2026 and/or Wednesday, February 11, 2026. If I do not hear back from you by 12:00 p.m. tomorrow, February 4, 2026, I will schedule the hearing on the four motions on one of those days." (A-063).

13. On February 4, 2026, less than 24 hours after sending the “meet and confer” email, Attorney Hoepker filed a Notice of Hearing for February 11, 2026 on the Motion for Indirect Criminal and Civil Contempt, before receiving any bilateral correspondence from Attorney Burtoff. Attorney Hoepker’s Notice for the February 11 Contempt Hearing [Filing # 241006475 E-Filed 02/04/2026 03:31:57 PM] contains no explanation for why the hearing was not properly coordinated with Attorney Burtoff. (A-065).
14. Judge Jordan’s Division 40 Procedures require that parties comply with the "meet and confer" requirement of Fla. R. Civ. P. 1.202 and the Ninth Circuit Administrative Order No. 2012-03-01.
15. Judge Jordan’s Ninth Circuit Court Calendar Web Page explicitly states that while [Ex Parte/Short Matter hearings] are not coordinated with the Judicial Assistant (JA), they MUST be coordinated with opposing party or Notice of Hearing MUST reflect the reason for lack of coordination for the short matter hearing.”¹
16. Upon receiving Attorney Hoepker’s Notice for the February 11 Contempt Hearing, Attorney Burtoff immediately notified both Mr.

¹ Honorable John E. Jordan, *Orange - Circuit Civil - Division 40*, Ninth Judicial Circuit of Florida, (last updated February 2, 2026), <https://calendar.ninthcircuit.org/Calendar/Orange/1519>

Hoepker and Judge Jordan by filing correspondence with the court on February 6, 2026, regarding the Notice of Unavailability previously filed on January 6, 2026, the Petition for Writ of Certiorari filed on February 2, 2026, and the Motion for Emergency Stay Pending Appellate Review filed on February 2, 2026. (A-067).

17. On February 5, 2026, Attorney Burtoff filed an objection to the February 11 contempt hearing date which stated he would be out of the country and was unable to attend the contempt hearing. (A-068).
18. On February 6, 2026, Attorney Burtoff filed a renewed objection to the February 11 contempt hearing date which stated he would be out of the country and was unable to attend the contempt hearing. (A-070).
19. On February 11, 2026, Judge Jordan held an ex parte hearing (the “Contempt hearing”) on Defendant’s Motion for Indirect Criminal and Civil Contempt against Attorney Burtoff. The court minutes from the ex parte contempt hearing indicate that no court reporter was present. Therefore, no record or transcript exists for appellate review. It is unknown whether Judge Jordan conducted an indirect criminal contempt hearing, or a civil contempt hearing, or both. (A-072).
20. Following the ex parte contempt hearing, Judge Jordan signed an Order of Civil Contempt and Writ of Bodily Attachment dated

February 12, 2026, requiring Attorney Burtoff to turn himself in to the Orange County Jail and pay the Defendants \$500.00 a day starting at 1:01 P.M. on February 18, 2026. The Order contained a purge provision requiring disclosure of the names, addresses, and telephone numbers of Plaintiffs Jane Doe 1 and Joe Doe 1. (A-074).

21. On February 17, 2026, Attorney Burtoff filed an Emergency Motion to Vacate the Orders of Contempt and Bodily Attachment arguing lack of proper notice and an opportunity to be heard for the February 11 contempt hearing. (A-079).
22. On March 2, 2026, Judge Jordan signed an Amended Order of Civil Contempt & Writ of Bodily Attachment to correct a defect in the original order (nunc pro tunc to February 12, 2026). (A-084).
23. On March 4, 2026, the Orange County Sheriff executed the Amended Order of Contempt and Writ of Bodily Attachment and held Attorney Burtoff in the Orange County Jail. (A-089).
24. On March 4, 2026, Attorney Burtoff filed a Motion to Set Aside and Dismiss the Amended Order of Contempt and Writ of Bodily Attachment. (A-095).
25. On March 11, 2026, Judge Jordan held a hearing on the Motion to Set Aside and Dismiss the Amended Order of Contempt and Writ of

Bodily Attachment. At the hearing, Attorney Burtoff renewed his objections to disclosure, citing privilege, Florida Bar Rule 4-1.6(d), the Petition for a Writ of Certiorari pending in the Sixth District Court of Appeal Case No. 2D26-0296. Judge Jordan entered an Order denying the Motion and continued to hold Attorney Burtoff in jail under the March 2, 2026 Contempt Order. (A-102).

26. On March 17, 2026, Judge Jordan held a second status hearing on the Writ of Bodily Attachment. At the hearing, Attorney Burtoff renewed his objections to disclosure, citing privilege, Florida Bar Rule 4-1.6(d), and the Petition for a Writ of Certiorari pending in the Sixth District Court of Appeal Case No. 2D26-0296. Judge Jordan continued to hold Attorney Burtoff in jail under the March 2, 2026 Contempt Order.
27. On March 18, 2026, Plaintiff, Lynn Sandford, filed a *pro se* Motion to Disqualify Judge Jordan. In the Motion to Disqualify, Plaintiff claimed that Judge Jordan displayed open animosity towards Attorney Burtoff, made disparaging comments about Attorney Burtoff's competence during a hearing on February 26, 2026. Plaintiff claimed that Judge Jordan allowed Attorney Hoepker to engage in repeated scheduling abuses against her and Attorney Burtoff, including setting the

February 11, 2026 ex parte contempt hearing while Mr. Burtoff was unavailable. (A-105).

28. On March 23, 2026, Judge Jordan signed an Order granting Plaintiff's Motion to Disqualify. (A-115).
29. On March 24, 2026, the case was reassigned to the Honorable Judge Kevin Weiss in Division 36. (A-117).

SUMMARY OF ARGUMENT

THE TRIAL COURT VIOLATED PETITIONER'S RIGHT TO DUE PROCESS OF LAW BY CONDUCTING AN EX PARTE CONTEMPT HEARING ON A MOTION FOR INDIRECT CRIMINAL AND CIVIL CONTEMPT AGAINST PETITIONER WITHOUT PROVIDING ADEQUATE NOTICE AND AN OPPORTUNITY TO BE HEARD. THE TRIAL COURT ABUSED ITS DISCRETION AND DENIED PETITIONER DUE PROCESS OF LAW BY IGNORING PETITIONER'S OBJECTIONS TO THE CONTEMPT MOTION BEING NOTICED FOR HEARING ON A DATE WHEN PETITIONER WAS OUTSIDE OF THE JURISDICTION AND UNAVAILABLE TO ATTEND THE HEARING.

Article I, Section 9 of the Florida Constitution guarantees every person the fundamental right to due process of law. Fla. Const. art. I, § 9. The right to due process is both procedural and substantive. The most basic procedural requirements are notice and a meaningful opportunity to be heard.

While a person facing civil contempt sanctions is not entitled to the full panoply of due process rights afforded to a person facing indirect criminal contempt charges, he or she is nonetheless entitled to a proceeding that meets the fundamental fairness requirements of the due process clause of the Fourteenth Amendment to the United States Constitution. See *Andrews v. Walton*, 428 So.2d 663 (Fla.1983). Fundamental fairness includes providing the alleged contemnor with adequate notice and an opportunity to be heard. See *International Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821 (1994).

Because Petitioner is currently incarcerated without the benefit of a lawful hearing or a record for review, he faces irreparable harm each day he remains in custody. Immediate intervention is required to restore his liberty. Petitioner's only recourse is to request relief from this Court. Petitioner seeks an order quashing the lower Court's Amended Order of Contempt and Writ of Bodily Attachment dated March 2, 2026 (nunc pro tunc to February 12, 2026), and releasing Petitioner immediately from the custody of the Orange County Sheriff.

STATEMENT OF PRESERVATION

The issue of whether the trial court improperly conducted an ex parte hearing on a motion for indirect criminal contempt without adequate notice

or an opportunity to be heard was raised by Petitioner in An Emergency Motion to Vacate the Order of Contempt and Bodily Attachment (A-079), and a Motion to Set Aside and Dismiss Order of Contempt and Writ of Bodily Attachment (A-095), and ruled upon in the trial court's order denying the Motion to Set Aside and Dismiss Order of Contempt and Writ of Bodily Attachment (A-102). Because the trial court conducted the contempt hearing against Attorney Burtoff ex parte without a court reporter, no record or transcript of the hearing exists for appellate review. Nevertheless, the lack of due process issue is presented as fundamental error.

ARGUMENT

The Fourteenth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law. While a person facing civil contempt sanctions is not entitled to the "full panoply" of rights afforded in criminal proceedings, they are nonetheless entitled to a proceeding that meets the fundamental fairness requirements of the Due Process Clause. *Bresch v. Henderson*, 761 So. 2d 449, 451 (Fla. 2d DCA 2000). This mandate specifically requires that an alleged contemnor be provided with adequate notice and a meaningful opportunity to be heard.

I. The Notice was Legally Insufficient Under Established Florida Law

"It is a fundamental tenet of our system of civil justice that a party must have actual notice of and time to prepare for a contested hearing". *Dileo v. Dileo*, 939 So. 2d 181, 184 (Fla. 5th DCA 2006). Florida appellate courts have consistently held that even two days' notice is legally insufficient to meet the fundamental fairness requirements of the Due Process Clause. In *Woolf v. Woolf*, 901 So. 2d 905 (Fla. 4th DCA 2005), the court reversed a contempt order because the contemnor received the motion only two days prior to the hearing, depriving him of an adequate opportunity to prepare.

In the instant case, the due process violation is far more egregious. Attorney Hoepker sent a "meet and confer" email to Petitioner after 5:21 P.M. on February 3, 2026, and filed the Notice of Hearing less than 24 hours later. This procedural ambush occurred despite Petitioner having filed a Notice of Unavailability on January 6, 2026, explicitly stating he would be outside of the jurisdiction and unavailable for hearings from February 6 through February 15, 2026. If two days' notice was held to be insufficient in *Woolf*, the sub-24-hour notice provided to Petitioner—setting the hearing during a known period of his absence from the jurisdiction—constitutes a “studied indifference to procedural due process” that requires

the resulting order to be vacated. See *Conley v. Cannon*, 708 So.2d 306, 307 (Fla. 2d DCA 1998). Attorney Hoepker failed to meaningfully engage in the meet and confer process prior to noticing the February 11, 2026 hearing on the Motion for Contempt against Attorney Burtoff.

II. The Trial Court Erred by Proceeding on the Motion for Indirect Criminal and Civil Contempt Ex Parte Without a Verbatim Record

In *Ramirez v. Ramirez*, the appellate court reversed an order of contempt following an evidentiary hearing where appellant was prevented from presenting rebuttal evidence before the contempt order was entered. 84 So. 3d 434, 435 (Fla. 4th DCA 2012). Due process requires a hearing where a contemnor may "challenge the allegation of noncompliance and defend". *Id.* By proceeding ex parte on February 11, the trial court stripped Petitioner of any meaningful opportunity to exculpate himself.

Furthermore, the lack of a court reporter or verbatim record from the February 11 hearing is a distinct violation of Petitioner's rights. As the appellate court noted in *Conley v. Cannon*, a contempt prosecution conducted in a party's absence, without substantiation of actual notice and "without the benefit of a verbatim record from which review could be sought," is a violation of the Fourteenth Amendment. 708 So. 2d 306 (Fla. 2d DCA 1998). Because there is no record of what evidence—if any—was

presented to the trial court during the February 11 hearing, the Order of Contempt that followed it is legally infirm.

III. The Order of Contempt Must Be Vacated Because of the Trial Court's Failure to Provide Fundamental Due Process

Despite the clear instructions published on Judge Jordan's Ninth Circuit Web Page, Attorney Hoepker flouted the trial court's mandatory procedures for coordinating and scheduling hearings which stripped Petitioner of his right to due process in the contempt proceeding.

Petitioner was denied adequate notice and time to prepare for the contempt hearing. Petitioner was also prevented from presenting any rebuttal evidence concerning the legal privileges and Bar Rules that Petitioner believes preclude him from disclosing the Does' identities.

Petitioner was also prevented from raising the issue of whether the trial court had jurisdiction to hold a contempt hearing while the January 29 Order was on appeal. If a trial court conducts a contempt proceeding without providing proper notice and time to prepare, the order of contempt and writ of bodily attachment must be vacated. *Lucky v. Ryan*, 973 So. 2d 668 (Fla. 3d DCA 2008). Because Petitioner was denied his right to fundamental due process in the form of adequate notice and an opportunity

to be heard, this Court should grant the Emergency Writ and vacate the March 2, 2026 Order of Contempt.

CONCLUSION

For all of the foregoing reasons, Petitioner respectfully requests that this Court:

- (1) enter an Order vacating the Amended Order of Contempt and Writ of Bodily Attachment dated March 2, 2026 (nunc pro tunc to February 12, 2026);
- (2) enter an Order releasing Petitioner from the Orange County Jail;
- (3) enter an Order remanding this matter for further proceedings that satisfy fundamental fairness and the Due Process Clause of the Fourteenth Amendment to the United States Constitution;
- (4) enter an Order awarding reasonable attorney's fees and costs associated with filing this Emergency Petition, and remanding the case to the trial court for an evidentiary hearing to determine the specific amount of such an award;
- (5) granting any other relief that this Court finds just and proper.

Respectfully submitted,

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Counsel for the Petitioner

VERIFICATION

I, Richard B. Parker, B.C.S., counsel for the Petitioner, hereby declare under penalties of perjury, pursuant to Section 92.525, Florida Statutes, that I have read the foregoing Emergency Petition for a Writ of Habeas Corpus and the facts stated in it are true and correct to the best of my knowledge and belief.

Dated: April 6, 2026.

/s/Richard B. Parker
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 6, 2026, I electronically filed the foregoing Emergency Petition for a Writ of Habeas Corpus with the Clerk of Court for the Sixth District Court of Appeal by using the Florida Courts E-filing Portal, and served to Counsel for the Respondents, Todd Hoepker and Kyle Mixson, by e-service to toddhoepker@hoepkerlaw.com and kyle@condolaw.com, and the General Counsel to the Orange County Sheriff's Office, Austin Moore, by e-service austin.moore@ocfl.net.

I further certify that a true and correct copy of the Emergency Petition for Writ of Habeas Corpus (with Appendix) was hand-delivered to the Honorable Kevin Weiss, Circuit Judge.

/s/Richard B. Parker
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CERTIFICATE OF FONT COMPLIANCE WITH RULE 9.045

I HEREBY CERTIFY that this computer-generated document complies with the font and word count requirements of Florida Rules of Appellate Procedure 9.045 and 9.210. The document was prepared using Arial 14-point font, 1-inch margins, and contains 3,177 words.

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