

**IN THE SUPREME COURT OF FLORIDA**

**CASE NO. SC19-1602**  
**CASE NO. SC19-1502(REALTED)**  
**CASE NO. SC19-1120(REALTED)**  
**CASE NO. SC19-1127(REALTED)**  
**CASE NO. SC19-1233(RELATED)**  
CASE NO. 4D19-1226  
CASE NO. 4D19-1349(RELATED)  
CASE NO. 4D19-2081(RELATED)  
L.T. Case Number 2014CA000281(BC)  
L.T. Case Number 562019CA000055(FRIVOLOUS)

**ROBERT WALKER AND TAMIKO WALKER,**  
**Appellant-Petitioners,**

vs.

**JANET CARNEY CROOM, BARBARA W BRONIS, ELIZABETH METZGER, JAMES E. ALERTELLI. P.A., ALBERTELLI LAW., JUSTIN A SWOSINSKI, QUARLES & BRADY LLP, ZACHARY SCOTT FOSTER, DEBI RUMPH, SUZANNE MCLEAN, HIDEN, MCLEAN & ARBEITER, P.A., BARRY MITTELBERG, REGENT BANK, CENTENNIAL BANK, U.S. BANK N.A., U.S. BANK HOME MORTGAGE, U.S. BANCORPOLYMPUS INSURANCE COMPANY, PROPERTY TRANSFER SERVICES INC., LAW OFFICE OF DEBI V RUMPH, DIANA ROWLAND, ETHAN L HODSKINS, SHANNON TROUTMAN SIANI, VICTORIA LYNN RUIZ PAGAN, JASON BRIAN PHILLIPS, The Law Offices of Travis R. Walker, et al**  
**Appellees-Respondents.**

On Appeal From a Non-Final, Non-Remanded to Reassume Jurisdiction as to a Federal Notice of Removal Currently on Appeal in the United States Court of Appeals for the Eleventh Circuit Petition as to Writ of Mandamus and Prohibition, of Orders of the Circuit Court of the Nineteenth Judicial Circuit, in the St. Lucie County, Florida

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**APPELLANT’S INITIAL BRIEF ON MERITS AS TO THE DISCRETIONARY REVIEW**

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**II.** THE DECISION OF THE FOURTH DISTRICT IS IN EXPRESS AND DIRECT CONFLICT WITH OPINIONS AND ORDERS., in *WALKER V KONE INC. et al L.T.* Case Number CACE 14-011824 as the Florida Fourth District Court of Appeals gave Conflicting and Unfavorably Ruling to the WALKERS in Cases 4D16-1756, 4D18-3770, 4D19-1226 AND

4D19-2081 on Discretionary in this Court Under Case SC19-501, SC19-1120, SC19-1127, SC19-1233 and SC19-1507. Those Decisions of the Fourth District is in Express and Direct Conflict pursuant to THE FEDERAL NOTICE OF REMOVAL 28 U.S.C.A. § 1446(d) and Case Law: Steamship Co. v. Tugman, 106 U.S. 118, 122, 1 S. Ct. 58, 60, 27 L. Ed. 87 (1882)., Maseda v. Honda Motor Co., Ltd., 861 F.2d 1248, 1254 (11th Cir. 1988) and City of Delray Beach v. Dharma Props., Inc., 809 So. 2d 35 (Fla. 4th DCA 2002). ON THE SAME QUESTION OF LAW Conflicting and Favoring Insurance Companies, Insurance Carriers, Bankers, Banks and the Officers of the Courts that serve those sectors. Discretionary Review WILL ELIMINATE AND DELETE ANY ADDITIONAL CONTROVERSY as to Matters Present on Review.

**III. THE FOURTH DISTRICT(4DCA) JUDGE ROBERT M. GROSS  
DECISION PASSES ON A QUESTION CERTIFIED TO BE OF GREAT  
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## STATEMENT OF THE CASE AND FACTS

1 Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56 (2007) U.S. 544, 555-56 (2007) ("Factual allegations must be enough to raise a right to relief above the speculative level ... on the assumption that all the allegations in the complaint are true (even if doubtful in fact)."). There must be sufficient factual matter to state a facially plausible claim to relief. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). The facial plausibility standard is satisfied when the complaint's factual content "allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Id.

2. "Pro se pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed." Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998). However, they still must meet "**minimal**" Pleading standards. Pugh v Farmers Home Admin, 846 F. Supp. 60, 61 (M.D. Fla 1994)

3. Once a Complaint has been Filed in the State Arena, and the Party has Removed that action as in a Federal Notice of Removal within the Northern, Middle or Southern Division of the United States District Court of Florida, No entity, Judicial Officer, and or Officers of the Court that serve them shall opiniated, order and or file any such action within that Removed action absent an Order from the Federal Arena after Final Disposition that gives the State back power and

jurisdiction to reassume Jurisdiction as to that Complaint. See City of Delray Beach v. Dharma Props., Inc., 809 So. 2d 35 (Fla. 4th DCA 2002) (finding that, absent an order of remand, the state court could not reassume jurisdiction of a case which was removed to federal court and subsequently dismissed).

4. Judge Robert M Gross, also lacks jurisdiction to rule on all pending motions filed in 4D19-2081. In, Maseda v. Honda Motor Co., Ltd., 861 F.2d 1248, 1254 (11th Cir. 1988) ("after removal, the jurisdiction of the state court absolutely cease and the state court has a duty not to proceed any further in the case." (citing Steamship Co. v. Tugman, 106 U.S. 118, 122, 1 S. Ct. 58, 60, 27 L.Ed. 87 (1882)); see also 28 U.S.C.A. § 1446(d) ("the State court shall proceed no further unless and until the case is remanded.")). On April 2, 2019 in Case 4D18-3770, Fourth District Court of Appeals(4DCA) JUDGE GROSS, et al **Issued an order** in which it cited Delray Beach v. Dharma Props., Inc., 809 So. 2d 35 (Fla. 4th DCA 2002), Maseda v. Honda Motor Co., Ltd., 861 F.2d 1248, 1254 (11th Cir. 1988) Steamship Co. v. Tugman, 106 U.S. 118, 122, 1 S. Ct. 58, 60, 27 L.Ed. 87 (1882); and 28 U.S.C.A. § 1446(d) as to the WALKERS Entire Matters on Review that are Directly Related as to Fl Statute 1.540, Evidentiary Hearings, Federal Removal guidelines, Non-Remands and the Reassuming if Jurisdiction. Causing for a Discretionary Review as to Supreme Court **SC19-1120, SC19-1127, SC19-1602, SC19-1233 and SC19-1502**(Exhibit A, App No.1-2 to Exhibit G, App No.12-13)

5. However Immediately after the Respondents answered in Case 4D18-3770, under Review in this Court as to SC19-501. The Respondents in this matter that is related to the previous Case Mentioned Filed an Frivolous, Unlawful, Time Barred ,additional Action outside of the Original Action, that caused for the Case to be removed in the Federal Arena. While in the Federal Arena, Zachary Foster, Kimberly Leach Johnson, Justin Swoswki, James Edward Albertelli, Shannon Troutman Siani, Rebecca Wilt, Judge Elizabeth Metzger, Barbara W Bronis, Suzanne Mclean and Matthew Tornincasa, but not limited to Paid a \$50.00 Reopen Fee to the State, regarding Federal TILA, RESPA, FCRA, FDCPA, a Counterclaim and other Matters without any Order of Remand and Reassume and Unlawfully with Lack OF Candor issued Orders, Opinions and Scheduled Hearings. That caused for the WALKERS to and without any Legal training, file a Writ of Prohibition, mandamus and All Writs as to the Respondents and Presiding Judge Not abiding by the Rule of Law

6. Soon thereafter **On July 17, 2019** in Case 4D19-2081, Fourth District Court of Appeals(4DCA) JUDGE GROSS, et al **Issued an order** ORDERED stating,” having considered the notice of related cases filed by petitioners on July 8, 2019, case numbers 4D19-1226, 4D19-1349, and 4D19-2081 are consolidated for purposes of resolution by the same panel. Case number 4D19-2081 is dismissed as the petition states no basis for relief. Petitioners are cautioned that abusive filing

may result in sanctions. See *Johnson v. Bank of New York Mellon Tr. Co.*, 136 So. 3d 507 (Fla. 2014).” In additional, ORDERED that “the motion for extension of time that petitioners filed in 4D19-2081 is denied as moot. No initial brief is permitted in a mandamus proceeding.” Contradicting what he Ordered in 4D18-3770, in which it cited *Delray Beach v. Dharma Props., Inc.*, 809 So. 2d 35 (Fla. 4th DCA 2002), *Maseda v. Honda Motor Co., Ltd.*, 861 F.2d 1248, 1254 (11th Cir. 1988) *Steamship Co. v. Tugman*, 106 U.S. 118, 122, 1 S. Ct. 58, 60, 27 L.Ed. 87 (1882); and 28 U.S.C.A. § 1446(d).

7. The Conflict Shows that in relations to the Insurance Company, Insurance Carrier and the Officers of the Court that Service them, when they file for Removal the 4DCA cannot get involved, However when the Eggshell PRO-SE Floridan Litigant file a Removal, the 4DCA can not only intervene but issue favorable orders that greatly favorable the establishment, while allocating wealth, assets and resources from the Eggshell PRO-SE Floridan, in essence Robbing them from Due Process and if you filed Motions in contest, you are threaten with life altering consequences in Violation if the United States and Florida Constitution as to Freedom of Speech and Due Process Appellate review, In the 4DCA and GROSS conflicting opinions and judgments, the Fourth District certified the following question of great public importance: Does The Federal Notice Of Removal, Differ Depending on the Party Involved and Subject Matter at stake and Does The state

Have The Discretion to Violate the Federal Statute Pursuant Section 28 U.S.C.A. § 1446(d).

### **SUMMARY OF THE ARGUMENT**

8. The Fourth District's decision passes on a question certified to be of great public importance, and expressly conflicts with decisions of the Federal Removal Statutes, That Trial and District Courts Discretions presents issues that affect all Floridian in seeking justice as to State and or Federal claims that can be hidden under the **“loophole”** of Federal Removal and allow Person that are Damaged to Not Recover and Recourse. This Court should accept jurisdiction.

### **ARGUMENT**

**I. Florida’s Notice Of Removal, TILA and Relief under 1.540 Conflicts with the Ruling Law as to Notice Of Removal, TILA and Relief under 1.540., Pursuant to 28 U.S.C. § 1441(a), JESINOSKI ET UX. v. COUNTRYWIDE HOME LOANS, INC., ET AL(United States Supreme Court, April 2014) Singleton v. Greymar Associates, 882 So. 2d 1004 (Fla. 2004) and Bartram v. U.S. Bank National Assn’s(Fla. 2017) leaves the Trial and Appellants Court in Continuing Conflicts as to “Ordo Ab Chao, that do not bring a peaceful resolution of disputes that are Fair and Accessible to all the Floridians Constitutional Standing.**

9. *Florida’s Notice of Removal Policies and Procedures must adhered to Federal Notice of Removal Policy and Procedures Pursuant to 28 U.S.C. § 1441(a.)* In *Maseda v. Honda Motor Co., Ltd.*, 861 F.2d 1248, 1254 (11th Cir. 1988) "after removal, the jurisdiction of the state court absolutely ceases and the

state court has a duty not to proceed any further in the case." The 4DCA proceeded as there were no remanded given in violation of 28 U.S.C.A. § 1446(d) and *Steamship Co. v. Tugman*, 106 U.S. 118, 122, 1 S. Ct. 58, 60, 27 L.Ed. 87 (1882) in which the 4DCA and GROSS opined previous in *ROBERT WALKER V UNITED PARCEL SERVICE INC., LIBERTY MUTUAL INSURANCE CO., LIBERTY MUTUAL GROUP., KONE, INC., HELMSMAN MANAGEMENT SERVICES INC., TEAMSTERS LOCAL UNION 769 HOLDINGS et. al Case SC19-501*, causing Direct Conflict. The Rule Must Apply to All in the Arena of the Appellate, Not Just to a Select Few that Proceed to Make the Rules, however not expected nor willing to abide by them.

10 *Florida's Real Estate/ Homestead as to Singleton v. Greymar Associates, 882 So. 2d 1004 (Fla. 2004) and Bartram v. U.S. Bank National Assn's (Fla. 2017) must adhered to Federal TILA Policy and Procedures Pursuant to JESINOSKI ET UX. v. COUNTRYWIDE HOME LOANS, INC., ET AL (United States Supreme Court, April 2014)*. Just as the courts should not encourage mortgage delinquency, so too should they avoid encouraging lenders from abusing Florida law and Floridians by "retroactively reinstating" mortgages after many of those lenders initially slept on their own rights to seek foreclosures. See Bernhard, supra, at 27. After the Rescission was timely filed. Per **Bartram v. U.S. Bank National Assn's, and** in *Singleton v. Greymar Associates, 882 So. 2d 1004 (Fla. 2004)*, *Bartram v.*

U.S. Bank National Assn's in Singleton v. Greymar Associates, 882 So. 2d 1004 (Fla. 2004), Foerster v. Regent Bank, 110 So. 3d 526 (Fla. 4th DCA 2013), Gee v. U.S. Bank Nat. Ass'n, 72 So. 3d 211 (Fla. 5th DCA 2011), Kimmick v. U.S. Bank Nat. Ass'n, 83 So. 3d 877 (Fla. 4th DCA 2012), Pino v. Bank of New York, 38 Fla. L. Weekly S78 (Fla. 2013), Servedio v. U.S. Bank Nat. Ass'n, 46 So. 3d 1105 (Fla. 4th DCA 2010), Vidal v. Liquidation Properties, Inc., 104 So. 3d 1274 (Fla. 4th DCA 2012)

11. *Florida's Policies and Procedures as to 1.540 must adhere to Federal Relief Policy and Procedures Pursuant to 60(B) U.S.C. § 1441(a)* The Respondents removed the Additional Matters, as the Respondents bought outside the original action as to claims based upon the note and mortgage cannot legally exist after the notice of effectuate of the TILA Rescission is sent. 15 U.S. Code § 1635.

Additionally. In Richardson v. Johnson, 598 F.3d 734, 740 (11th Cir. 2010)., and Pino v. Bank of New York, 38 Fla. L. Weekly S78 (Fla. 2013) gives the Petitioners, the opportunity to present newly discovered pleading through a Evidentiary Hearing that was not available when the Suzanne McLean, Zachary Foster, et al through their Clients that uttered a different set of forged, altered, backdated, robo signing, fraudulent documents in a new initiated action.

**II. THE DECISION OF THE FOURTH DISTRICT IS IN EXPRESS AND DIRECT CONFLICT WITH OPINIONS AND ORDERS., in WALKER V KONE INC. et al L.T. Case Number CACE 14-011824 as the Florida Fourth District Court of Appeals gave Conflicting and Unfavorably Ruling to the WALKERS in Cases 4D16-1756, 4D18-3770, 4D19-1226 AND 4D19-2081 on Discretionary in this Court Under Case SC19-501, SC19-**

1120, SC19-1127, SC19-1233 and SC19-1507. Those Decisions of the Fourth District is in Express and Direct Conflict pursuant to THE FEDERAL NOTICE OF REMOVAL 28 U.S.C.A. § 1446(d) and Case Law: Steamship Co. v. Tugman, 106 U.S. 118, 122, 1 S. Ct. 58, 60, 27 L. Ed. 87 (1882)., Maseda v. Honda Motor Co., Ltd., 861 F.2d 1248, 1254 (11th Cir. 1988) and City of Delray Beach v. Dharma Props., Inc., 809 So. 2d 35 (Fla. 4th DCA 2002). ON THE SAME QUESTION OF LAW Conflicting and Favoring Insurance Companies, Insurance Carriers, Bankers, Banks and the Officers of the Courts that serve those sectors. Discretionary Review WILL ELIMINATE AND DELETE ANY ADDITIONAL CONTROVERSY as to Matters Present on Review.

12. On July 2, 2019 Petitioners were forced to file a Petition for a Writ of Prohibition, Mandamus, Certiorari and All writs as to the Constant Unlawful behavior of the Appellees and their Counsel's Lack OF Candor.

13. Quickly thereafter and immediately after the United States District Court of the Eleventh Court of Appeals, On July 17, 2019 4DCA Judges Gross, Cory J. Cilkin and Conner gave an elaborated decision in Johnson v. Bank of New York Mellon Tr. Co., 136 So. 3d 507 (Fla. 2014).

14. That ORDERED stating, "having considered the notice of related cases filed by petitioners on July 8, 2019, case numbers 4D19-1226, 4D19-1349, and 4D19-2081 are consolidated for purposes of resolution by the same panel. Case number 4D19-2081 is dismissed as the petition states no basis for relief. Petitioners are cautioned that abusive filing may result in sanctions. See Johnson v. Bank of New York Mellon Tr. Co., 136 So. 3d 507 (Fla. 2014). GROSS, CIKLIN and CONNER, JJ., concur." constituted a Notice of Discretionary Jurisdiction Review

on appeal in This Court under SC19-1507, In which opinion with explanation given without an Order to Reassume Jurisdiction, in Violation of 28 U.S.C.A. § 1446(d) ("the State court shall proceed no further unless and until the case is remanded."), The State proceeded Further and Dismissed the case Contradicting and creating Direct Conflict as to Law under Maseda v. Honda Motor Co., Ltd., 861 F.2d 1248, 1254 (11th Cir. 1988) ("after removal, the jurisdiction of the state court absolutely ceases and the state court has a duty not to proceed any further in the case." (citing Steamship Co. v. Tugman, 106 U.S. 118, 122, 1 S. Ct. 58, 60, 27 L.Ed. 87 (1882); see also 28 U.S.C.A. § 1446(d) ("the State court shall proceed no further unless and until the case is remanded.")).

**II. THE 4DCA JUDGE ROBERT M GROSS DECISION PASSES ON A QUESTION CERTIFIED TO BE OF GREAT PUBLIC IMPORTANCE**

15. "In a given case, a federal district court must have at least one of three types of subject matter jurisdiction: (1) jurisdiction under a specific statutory grant; (2) federal question jurisdiction pursuant to 28 U.S.C. § 1331; or (3) diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)." Baltin v. Alaron Trading Corp., 128 F.3d 1466, 1469 (11th Cir. 1997). For a court to have diversity jurisdiction pursuant to 28 U.S.C. § 1332(a), "all Respondent must be diverse from all defendants [,]" and the amount in controversy must exceed \$75,000. See Univ. of S. Ala., 168 F.3d at 412. The foregoing requirements of subject matter jurisdiction are applicable to all cases brought in federal court, including cases removed from

state court. See 28 U.S.C. § 1441(a) (authorizing removal only of actions “of which the district courts of the United States have original jurisdiction”); see also *Henson v. Ciba Geigy Corp.*, 261 F.3d 1065, 1070 (11th Cir. 2001) (per curiam). Petitioner contends that the Fourth District Court of Appeals(4DCA), Federal Removal Opinions and Orders is an egregious and a transparent attempt to derail Federal and State court proceedings as to the WALKERS and others similarly situated and if allowed, will continue to cause irreparable harm thereafter.

### **THE COURT’S POWER TO GRANT RELIEF**

The WALKERS empowers this Court to grant any appropriate legal or equitable relief with respect to violations of any and all State and Federal Laws, as to consumer financial law, including, without limitation, a permanent or temporary injunction, rescission or reformation of contracts, refund of moneys paid, restitution, compensation for unjust enrichment, and civil money penalties.

### **CONCLUSION**

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.” *Reverend Dr. Martin Luther King Jr.*

**WHEREFORE**, Petitioners respectfully requests this Honorable Court to accept jurisdiction to review the Fourth District's Conflict, pursuant to Florida Rule of Appellate Procedure 9.030(a)(2)(iv) and/or (v).

Respectfully submitted,

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*Plaintiff's-for-Plaintiff(s)*

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on October 23, 2019 Plaintiff filed the foregoing document with the Clerk of Court as a “PRO SE” litigant and the conventional way as “PRO SE” are required to do. Plaintiff certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, whether via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing. Note ***U.S. BANK TRUST N.A.***, have been filing matters under the caption in Case SC19-1127 on July 11, 2019 that was Requested to be ***Removed*** and this Case. Additionally, ***U.S. BANK TRUST N.A. is not a party in the matter and never have been and have been excluded from the servicing list.***

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**CERTIFICATE OF COMPLIANCE**

This brief complies with the font requirements of Fla. R. Civil Procedures