

IN THE DISTRICT COURT OF APPEAL OF FLORIDA  
THIRD DISTRICT

CASE NO.: 3D16-2475

L.T. Case No.: 09-93058

CHARLES A. TAVARES,

Appellant,

v.

BRIDGELoAN INVESTORS, INC., a  
Florida corporation,

Appellee.

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**APPELLANT'S NOTICE TO INVOKE DISCRETIONARY  
JURISDICTION OF THE UNITED STATES SUPREME COURT**

NOTICE IS GIVEN that Appellant, CHARLES A. TAVARES ("Tavares"), Pro Se, Pursuant to Fla. R. App. P. 9.030(2)(A)(iv), invokes the discretionary jurisdiction of the United States Supreme Court to review the decision of this Court rendered on March 12, 2018 (See Exhibit "A"), on an Appeal from the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida, denying Tavares' September 13, 2016's third motion to reopen the case due to massive fraud upon the court by Bridgeloan Investors, its attorneys at Hall, Lamb and Hall, P.A. in collusion with Defendant's attorneys, and others to defraud Tavares of all assets, obstruct justice, and deprive Tavares of rights. (See Exhibit "B")

The discretionary review of the US Supreme Court is sought to review issues of same questions of law expressly and directly conflicting with decisions of other District Courts of Appeal, Florida Supreme Court and the United States Supreme Court, stemming from egregious violations of Tavares' basic due process guarantees, offending Art. I, §9, Fla. Const., under due process clause, U.S. Const. Amend. V, U.S. Const., and under due process clause, §1, U.S. Const. Amend. XIV, U.S. Const., causing a grave miscarriage of justice, negatively affecting the public's perception of justice and the courts' ability to render meaningful justice predicated on all US citizens' rights to basic due process and rule of law upon courts of law in Florida, as the uncontroversial evidence clearly shows the trial court, among many egregious violations of due process, issuing a final order against Tavares on an unnoticed and unscheduled bogus trial of April 8, 2011, and Judge Norma S. Lindsey ("Judge Lindsey"), intentionally and knowingly, presiding the case for one year in fatal biased conflict, as wife of opposing counsel<sup>1</sup> in this matter, and in three other Tavares' cases, depriving Tavares of due process, obstructing justice, causing harmful error and a grave miscarriage of justice.

Further, the record displayed<sup>2</sup> on the matter clearly and convincingly

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<sup>1</sup> Opposing counsel Harold Eugene Lindsey III ("Eugene Lindsey"), representing MUNB Loan Holdings, LLC A/K/A The Bank of New York Mellon ("BNY Mellon").

<sup>2</sup> Even the Court's order of March 12, 2018, showing Judge Lindsey, now a Judge on this Court, recusing herself from the *En Banc* decision, clearly shows on the order's face that she knew she could not preside the lower case in fatal biased conflict and prejudice against Defendant Tavares' basic due process rights,

demonstrates the presiding judges, knowingly and intentionally, violating their sworn oath, and Judicial Canons 1., 2.A.B., and 3.A.,B.(1)(2)(5)(7)(8), E.(1)(a)(c) (d)(ii), offending all US Citizens' rights to an impartial and unbiased tribunal.

WHEREFORE, Appellant, CHARLES A. TAVARES, a US citizen, respectfully gives notice to the Court that Tavares is seeking discretionary review of the United States Supreme Court for issues in the case clearly offending basic due process rights of US citizens upon courts of law in Florida.

Respectfully submitted,

By: /s/ Charles A. Tavares

Charles A. Tavares, Appellant Pro Se

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clearly offending the due process clause, causing a grave miscarriage of justice, as well as shown on its face of the October 1, 2016's Circuit Court order issued denying Tavares' third motion to reopen the case, drafted by Hall, Lamb and Hall, P.A., that intentionally omits from the order, "obstruct justice, and deprive Tavares of rights.", in order to deny Tavares a proper and correct record, and showing the corruptive powers of officers of the court implicated in the scheme, among other things, depriving Tavares, a US citizen, of basic rights to due process in a court of law in Florida. (See Exhibit "B")

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 19, 2018 a true and correct copy of the foregoing was electronically submitted to the Third District Court of Appeal's eDCA and further certify that a true and correct copy of the foregoing was furnished by E-Mail to:

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Respectfully submitted,

By: /s/ Charles A. Tavares  
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Tel: (305) 778-0707  
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**CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that this Appellant's notice to invoke discretionary jurisdiction of the United States Supreme Court, seeking review of same questions of law expressly and directly conflicting with decisions of other District Courts, Florida Supreme Court and the United States Supreme Court, offending US citizens' basic due process rights upon courts of law in Florida, was prepared in Times New Roman, 14-point font, in compliance with Rule 9.210(a)(2) of the Florida Rules of Appellate Procedure.

Dated: March 19, 2018.

By: /s/ Charles A. Tavares  
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Tel: (305) 778-0707  
Email: ctavares@bellsouth.net

CASE NO.: 3D16-2475

L.T. Case No.: 09-93058

# **EXHIBIT “A”**

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA

THIRD DISTRICT

MARCH 12, 2018

CHARLES A. TAVARES  
Appellant(s)/Petitioner(s),  
vs.  
BRIDGELoAN INVESTORS, INC.  
Appellee(s)/Respondent(s),

CASE NO.: 3D16-2475

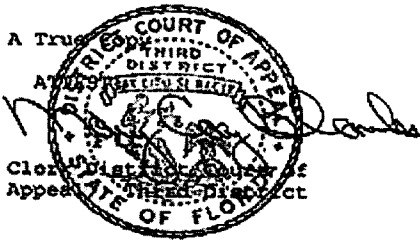
L.T. NO.: 09-93058

Upon consideration, appellant's pro se motion for rehearing, clarification, or, in the alternative, motion for certification are hereby denied.

SUAREZ, LAGOA and SALTER, JJ., concur.

Appellant's pro se motion for rehearing en banc is denied.

ROTHENBERG, C.J., and SUAREZ, LAGOA, SALTER, EMAS, FERNANDEZ, LOGUE, SCALES and LUCK, JJ., concur. LINDSEY, J., recused.



cc: Harold Eugene Lindsey      Victoria Mendez      Patrick J. Rengstl  
Larry Stumpf                      Roy Black              Thomas R. Lehman  
Jorge L. Fors                        Jared M. Lopez        Matthew P. Leto  
Andrew C. Hall                      Charles A. Tavares

CASE NO.: 3D16-2475  
L.T. Case No.: 09-93058

# **EXHIBIT “B”**

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIVIL DIVISION  
CASE NO. 09-93058 CA 30

BRIDGELoAN INVESTORS, INC.,  
a Florida corporation,

Plaintiff,

v.

MIAMI RIVER MARINA PARK, INC., et. al.

Defendants.

\_\_\_\_\_/

**ORDER ON DEFENDANT'S MOTION TO REOPEN THE CASE DUE TO MASSIVE EXTRINSIC  
FRAUD UPON THE COURT BY BRIDGELoAN INVESTORS, ITS ATTORNEYS AT HALL,  
LAMB AND HALL, P.A., IN COLLUSION WITH DEFENDANT'S ATTORNEYS IN ORDER TO  
DEFRAUD TAVARES OF ALL ASSETS**

This cause, having come before the Court on the Defendant, Charles Tavares, Motion to Reopen the Case Due to Massive Extrinsic Fraud Upon the Court by Bridgeloan Investors, its Attorneys at Hall, Lamb and Hall, P.A., in Collusion with Defendant's Attorneys in Order to Defraud Tavares of all Assets, and the Court, having reviewed the relevant pleadings, received testimony and other evidence, and being otherwise advised in the premises, it is hereby ORDERED and ADJUDGED as follows:

1. Defendant. Charles Tavares Motion is DENIED.
2. As more fully articulated on the record, Charles Tavares failed to demonstrate the existence of extrinsic or intrinsic fraud, which would warrant the reopening of this matter.
3. At all times to the case, Mr. Tavares was represented by competent legal counsel and was fully aware of the settlement agreement reached between the parties. That settlement agreement was read in open court on the day the trial in this matter was scheduled to commence. Although Mr. Tavares was not present on the day of trial, his counsel was present and indicated Mr. Tavares' agreement on the record.

4. Additionally, at the hearing on this motion, an email was introduced wherein Mr. Tavares specifically provided authorization to his attorneys to accept the settlement offer made by Plaintiff. Mr. Tavares did not dispute the authenticity of this e-mail.
5. Finally, after considering the evidence and argument of Mr. Tavares, this Court finds that the conduct alleged by Tavares, even if true, would only constitute intrinsic fraud. “[I]ntrinsic fraud is defined as the presentation of misleading information on an issue before the court was tried or could have been tried.” *Greenwich Ass’n, Inc. v. Greenwich Apartments, Inc.*, 979 So. 2d 1116-1118-19 (Fla. 3d DCA 2008)(internal citations omitted). “A challenge to a final judgment based upon intrinsic fraud must be brought by filing a timely motion in the original trial court.” *Id.* “Under rule 1.540(b), relief from a judgment based on intrinsic fraud must be sought by motion within one year of its entry.” *Parker v. Parker*, 950 So. 2d 388, 391 (Fla. 2007).
6. In this case, the Final Judgment was entered by the Court on April 8, 2011, which is more than five year prior to the filing of Tavares’ Motion. Therefore, not only is Mr. Tavares’ Motion denied on the merits, but it is also timed barred.

DONE AND ORDERED IN Chambers at Miami-Dade County, Florida, on 10/01/16.

/s/ Gisela Cardonne Ely  
GISELA CARDONNE ELY  
CIRCUIT COURT JUDGE

**No Further Judicial Action Required on This  
MOTION  
CLERK TO RECLOSE CASE IS POST  
JUDGMENT**

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitted. The Movant shall

**IMMEDIATELY** serve a true copy and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of the Court.

Signed original order sent electronically to the Clerk of the Courts for filing in the Court file.

Matthew P. Leto, Esq.  
Charles Tavares  
Eugene Lindsey, Esq.

# Third District Court of Appeal

## State of Florida

Opinion filed January 24, 2018.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D16-2475  
Lower Tribunal No. 09-93058

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**Charles A. Tavares,**  
Appellant,

vs.

**Bridgeloan Investors, Inc.,**  
Appellee.

An appeal from the Circuit Court for Miami-Dade County, Gisela Cardonne Ely, Judge.

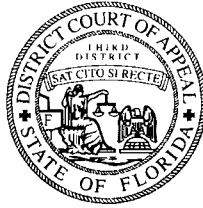
Charles A. Tavares, in proper person.

Hall, Lamb, Hall & Leto, P.A. and Matthew P. Leto, for appellee.

Before SUAREZ, LAGOA and SALTER, JJ.

PER CURIAM.

Affirmed.



LESLIE B. ROTHENBERG  
CHIEF JUDGE  
RICHARD J. SUAREZ  
BARBARA LAGOA  
VANCE E. SALTER  
KEVIN EMAS  
IVAN F. FERNANDEZ  
THOMAS LOGUE  
EDWIN A. SCALES, III  
ROBERT J. LUCK  
NORMA LINDSEY  
JUDGES

DISTRICT COURT OF APPEAL  
THIRD DISTRICT  
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TELEPHONE (305) 229-3200

March 19, 2018

Re: Charles A. Tavares  
v.  
Bridgeloan Investors, Inc.,  
Appeal No.: 3D16-2475  
Trial Court No.: 09-93058  
Trial Court Judge: Gisela Cardonne

Dear Mr. Tomasino:

Attached is a certified copy of the Notice invoking the discretionary jurisdiction of the Supreme Court pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

\_\_\_\_\_ The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this Court and is also attached.

X  The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this Court.

\_\_\_\_\_ Petitioner/Appellant has previously been determined insolvent by the circuit court or our court in the underlying case.

\_\_\_\_\_ Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's motion to proceed without payment of costs in this case.

No filing fee is required because:

- \_\_\_\_\_ Summary Appeal (Rule 9.141)
- \_\_\_\_\_ Unemployment Appeal Commission
- \_\_\_\_\_ Habeas Corpus
- \_\_\_\_\_ Juvenile Case
- \_\_\_\_\_ Other:

If there are any questions regarding this matter, please do not hesitate to contact this Office.

Sincerely,

MARY CAY BLANKS  
Clerk, Third District Court of Appeal

By: Barbara Kelle