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IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

NADIA MARY METROKA,

Respondent.

_____________________________/

Supreme Court Case No.
SC2024-1794

The Florida Bar File Nos.
2021-50,014(17G);
2023-50,114(17G);
2023-50,466(17G);
2024-70,352(17G).

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS

The undersigned was appointed as Referee under R. Regulating Fla. Bar 3-7.6 to preside over the proceedings in this case.

On December 16, 2024, The Florida Bar ("the Bar") filed its Complaint against the Respondent, Nadia Mary Metroka ("Ms. Metroka"), in these proceedings. The Supreme Court of Florida entered an Order on December 16, 2024, designating the Chief Judge of the Fifteenth Judicial Circuit of Florida to appoint a referee in this case. The Honorable Glenn Kelley appointed the undersigned to serve as the referee on December 18, 2024.

On January 7, 2025, Respondent filed a Motion for Summary Judgment (with an unsigned, not notarized Affidavit attached) as her response to the Complaint. On January 13, 2025, the Bar filed its Motion for Default, in part based on the Respondent failing to submit an Answer pursuant to the requirements of R. Regulating Fla. Bar 3-7.6(h)(2) within twenty (20) days of service of the Complaint, and in part based under Fla.R.Civ.P. 1.500(a) and (b) because the Respondent had failed to file any written defense to this action. The Bar's Motion for Default referred to and attached emails from counsel for the Bar to Respondent advising the Respondent that the Rules require an Answer to be filed and questioning whether Ms. Metroka was going to file an Answer. There was an exchange of emails and Ms. Metroka advised that she double checked the case law and that the Bar was correct that a motion for summary judgment was not a responsive pleading and that she would be filing a motion to dismiss in addition to an amended motion for summary judgment. Respondent did then file an Amended Motion for Summary Judgment on January 13, 2025 (with an unsigned, not notarized Affidavit attached), followed by a Motion to Dismiss (although not filed within the 20 days required by Rule 3-7.6(h)(2)) and a Motion for Leave to File a Motion to Dismiss on January 14, 2025. The Respondent's Motion for Leave to File a Motion to Dismiss advises in the second paragraph that "2. Upon considering Petitioner's correspondence and consulting with various mentors, Respondent decided that it is prudent and appropriate for her to file a motion to dismiss in resolving this matter." Respondent made a conscious decision not to file an answer at that time, despite the advice of the Bar that the Rule required an answer to be filed.

A case management hearing was held on February 3, 2025. Thereafter, hearings on the Bar's Motion for Default and Respondent's Motion to Dismiss and Amended Motion for Summary Judgment were heard.

On April 2, 2025, this Referee denied the Respondent's Motion for Leave to File Motion to Dismiss and Motion to Dismiss. On April 2, 2025, the Referee entered an Order on the Florida Bar's Motion for Default that the Bar's Motion for Default was not granted at this time, despite Respondent's knowing and conscious decision to not file an answer to the Complaint. Instead, this Referee entered an Order noting that although there is a legal basis to enter a default against Respondent for her failure to answer the Complaint as required by Rule 3-7.6(h)(2), Respondent would be given one more opportunity to Answer the Complaint ***on or before Monday, April 7, 2025, at 5:00 P.M., Eastern time***. Respondent was also specifically advised in the Order that, "If the Respondent does not file an Answer to the Bar's Complaint on or before Monday, April 7, 2025, at 5:00

p.m., Eastern time, then a Default will be entered against the Respondent." The deadline was written twice and once in bold in the Referee's order. Nevertheless, Respondent filed her Answer on April 7, 2025, at ***7:49 p.m.;*** followed by a corrected Answer on April 7, 2025, at ***11:39 p.m***.

Subsequently, on April 8, 2025 at 03:18:16 PM the Bar filed a Motion to Strike Untimely Answer and Request for Entry of Default Judgment, because the Respondent did not file her Answer by 5:00 PM on April 7, 2025 as ordered. It should be noted that on April 8, 2025 at 5:14:09 PM (less than 2 hours after the Bar had filed their Motion to Strike her untimely Answer), Ms. Metroka filed a Request for Admissions to the Florida Bar with a single request for the Bar to admit that: "1. The Florida Bar is permitted to file a frivolous lawsuit against one of it's members so long as the Florida bar can win on a technicality."

On April 9, 2025, Ms. Metroka filed a Response in Opposition to Petitioner's Motion For Default. In her Response in Opposition and at the hearing on the Bar's Motion to Strike Respondent's Untimely Answer, Ms. Metroka argued excusable neglect because she misplaced her notes regarding when the Court ordered her Answer to be filed on April 7, and rather than looking for and finding her notes, and rather than finding and looking at the Order itself, she "used her knowledge of the deadlines for filing pursuant to Jud. Admin. Rule 2.514, that provides midnight as the deadline for filing." (*See*, paragraph 1 in Respondent's Response in Opposition filed April 10, 2025). However, in the General Practice & Judicial Administration Rules, Rule 2.514. Computing and Extending Time, (a)(4) defines "Last Day" and provides that "Unless a different time is set by a statute, local rule, **or court order**, the last day ends (A) for electronic filing or for service by any means, at midnight…" (emphasis supplied). So according to the Rule Ms. Metroka relied on would have also indicated that Respondent's Answer was due to be filed by 5:00 PM on April 7, not midnight.

Respondent also argued against the Bar's Motion to Strike her Untimely Answer that because the Referee denied the Bar's original Motion for Default when there was a legal basis to do so because the Referee would prefer to decide the case on its merits, Ms. Metroka relied on the Referee to have the same perspective if her Answer was filed late. Ms. Metroka asserted that rather than take the time to find her notes or the Court's Order to determine exactly when the Answer was ordered to be filed, she again made a conscious decision as stated in her April 16, 2025 Motion for Rehearing that:

“8. Respondent felt well advised to dedicate the entirety of her time to the substance of the Answer because the Court’s April 2, 2025 Order acknowledged the necessity to have the matter determined on the merits. 9. In filing the answer, the Respondent placed her focus on the merits pursuant to the Court’s April 2, 2025 Order.”

On April 14, 2025, this Referee did not find excusable neglect by Ms. Metroka and entered an Order Granting The Florida Bar's Motion to Strike Untimely Answer and Request for Entry of Default Judgment.

On April 15, 2025, a motions hearing was held on various motions—The Florida Bar’s Motion for Protective Order and Motion to Quash Respondent’s Subpoena for NSU Shepard Broad College of Law (referred to more specifically later below); Respondent’s Motion Requesting An Order to Show Cause re: Notice of Correction to the Record; The Florida Bar’s Motion to Permit Witnesses to Testify Telephonically Via Zoom; and The Florida Bar’s Motion to Exclude Witness Soloway.

The original Order on Case Management Conference scheduled the Final Hearing for April 28-30, 2025. After granting the Bar’s Motion for Entry of Default Judgment, the Bar filed a Notice of Final Hearing on Sanctions Only scheduled for April 29, 2025 at 9:30 a.m. with 1 day reserved.

On the eve of trial, on April 21, 2025 Respondent filed a Motion Requesting a Continuance so that Respondent May Retain Counsel. At a hearing held April 28, 2025, Respondent's Motion was addressed. The Referee found the Motion was insufficiently pled as to the requirements of Fla. R. Civ. P. 1.460, Motions to Continue Trial, and on the eve of trial, was "disfavored and should rarely be granted and then only upon good cause shown." However, Respondent orally expressed her desire to retain counsel for the Final Hearing on Sanctions only. Noting the seriousness of a sanctions hearing following entry of a default judgment, and concerns that Respondent could benefit from counsel to assist her at this juncture in the proceedings, the Motion to Continue the Final Hearing on Sanctions was granted. A new Amended Order on Case Management was entered on May 15, 2025 scheduling the Final Hearing on June 26 and June 27, 2025.

On May 20, 2025, the second Case Management Hearing was held via Zoom. It was requested that if counsel for Respondent had been retained, that counsel also appear. Respondent appeared pro se. Respondent advised the Referee that she was waiting for a retainer agreement from an attorney. She advised that the attorney may enter an appearance in the next few days. However, Respondent was unwilling to provide the name of this attorney to potentially represent her. Respondent then advised the Court that this same unnamed attorney had a conflict for the June 26, 2025, Final Hearing date and requested the dates be moved. The Referee advised that any motion for continuance must be in writing with the detail required for compliance with Rule 1.460 of the Fla.R.Civ.P.

On June 6, 2025, another Case Management Hearing was held via Zoom. Respondent advised she had not yet retained counsel. Respondent again requested a continuance of the final hearing, which was denied. Respondent did not file a motion for continuance in writing to comply with the requirements of Rule 1.460 of the Fla.R.Civ.P.

Respondent sought to appeal the Referee's rulings in this matter on several issues before the Final Hearing. The Bar filed a Motion to Strike the Notices based on prematurity. The Florida Supreme Court struck the notices. Respondent filed a Motion for Reconsideration and the Florida Supreme Court denied this Request for Reconsideration.

Consequently, a Final Hearing on Sanctions was scheduled solely to determine appropriate discipline in this matter on June 26-27, 2025. Due to Respondent's lengthy examination of the Bar's witnesses, additional time was scheduled to allow for the Bar's final witness, Brian Conley, and for completion of Respondent's cross examination of Bar Staff Investigator John Berrena, and Respondent's presentation of her witnesses for purposes of mitigation. The Final Hearing on sanctions only was continued to Monday, July 14, 2025, 8:30 am to 12:30 pm; and July 17, 2025, from 12:30 pm to 5:00 p.m. At the Final Hearing on Sanctions, the following exhibits were entered into evidence: 1, 2A, 2B, 2C, 2D, 2E, 3[1], 4, 6A, 6C, 10,11, 14A, 17, 18, 19, 20, 21, 22, 23A, 23B, 24A, 24B, 25A, 25B, 25C, 25D, 26.

Respondent admitted the following exhibits into evidence: Comp Exhibit A1- Affidavit dated January 11, 2025 (44 pages); Exhibit A, emails on traffic issue; Exhibit B, Affidavit dated April 8, 2025 (5 pages); and Exhibit C, Telephone Record as filed July 14, 2025.

The Referee accepted into evidence the following Court's exhibits: Exhibit A, December 2019 email; Exhibit B, January 27, 2023, email; and Exhibit C, Arbitration Decision.[2]

At the sanctions hearing, the Bar called John Richards, Esq., Florida Bar Staff Investigator John Berrena, former Judge and Arbitrator Charles Greene, and Brian Conley, Esq. to testify; the Respondent testified on her own behalf.

1. Admitted with exhibits.
2. A copy of the decision was admitted under seal.

During the time the sanctions hearing was pending, on July 11, 2025, Respondent filed a Motion to Dismiss Based on Account of Prosecutorial Misconduct—Bar Counsel Knowingly Elicited and Failed to Correct False Testimony. On July 14, 2025, that Motion was heard following testimony. The Referee denied that Motion to Dismiss and the relief requested. During these proceedings there were many Motions filed by the Respondent. The Referee will attempt to provide written orders on those Motions consistent with R.Regulating Fla.Bar Rule 3-7.6(h)(4) that whenever heard, rulings on any motions may be reserved until termination of the final hearing. The Referee advises that all pending Motions filed by the Respondent that do not have an order entered have been considered by the Referee and are Denied.

On July 24, 2025, the Bar filed a Motion to Assess Costs.

All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence, and the Report of Referee constitute the record in this case and are filed or will be filed with the Supreme Court of Florida.

For The Florida Bar: Keri T. Joseph, Bar Counsel
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323

For Respondent: Nadia Mary Metroka, *pro se*
204 NW 3rd Ave.
Ocala, Florida 34475-6634

II. FINDINGS OF FACT

Jurisdictional Statement. The Respondent is, and at all times mentioned during these proceedings was, a member of The Florida Bar, subject to the jurisdiction and Rules Regulating The Florida Bar adopted by the Supreme Court of Florida.

Narrative Summary Of Case. In granting The Florida Bar's Motion to Strike Untimely Answer and Request for Entry of Default Judgment, the allegations as pled in the Bar's four Count Complaint were admitted. The Bar's Complaint contained exhibits attached. The allegations were as follows:

COUNT I
THE FLORIDA BAR FILE NO. 2021-50,014(17G)

Criminal Charges in 2020

1. On July 4, 2020, Respondent was arrested for disturbing the peace.

2. The arrest report indicates Respondent was asked to leave a restaurant, Stoner's Pizza Joint, multiple times by four police officers as she was causing a disturbance, prompting multiple people to leave the business. However, Respondent continued to argue with the

officers that Stoner's Pizza Joint was allowing violence. (See Exhibit A to Complaint, Arrest Report).

3. As a result, Respondent was charged by Information with disorderly intoxication and resisting without violence, both misdemeanors, in *State of Florida v. Metroka*, case number 20004103MM10A, Broward County, Florida. (See Exhibit B to the Complaint, Information).

4. On or around August 10, 2022, Respondent was found not guilty of disorderly intoxication and guilty of resisting without violence. (See Exhibit C to the Complaint, Disposition).

Criminal Charges in 2021

5. On or around October 23, 2021, Respondent was criminally charged in *State of North Carolina v. Nadia Mary Metroka*, case number 21CR707068-420, Harnett County, North Carolina, with reckless driving-wanton disregard, a second-degree misdemeanor, and cited for speeding in a work zone and failing to wear a seat belt. (See Exhibit D to the Complaint, Online docket).

6. The matter was disposed of on or around June 8, 2022, with Respondent's guilty plea to the charge of reckless driving.

COUNT II
THE FLORIDA BAR FILE NO. 2023-50,466(17G)

7. On or around June 21, 2022, Respondent was arrested in Lower Moreland Township, Pennsylvania, following a domestic dispute involving Respondent and her parents. Charges were filed in Montgomery County, Pennsylvania, and titled *Commonwealth of Pennsylvania v. Nadia Mary Metroka*, CP-46-CR-0004359-2022. (See Exhibit E, Criminal Docket). This arrest did not result in either a judgment of guilt or a determination of guilt, as defined in Rule 3-7.2 of the Rules Regulating the Florida Bar.

8. Following Respondent's arrest in the Lower Moreland Township on or around June 21, 2022, arrest details were posted on the Lower Moreland Township Police Department's website crimewatchpa.com.

9. Respondent sought to have the post removed.

10. To this end, Respondent filed a lawsuit against the Police Department; first in the Montgomery County Court of Common Pleas, which was dismissed November 23, 2022, and then in U.S. District Court for Eastern Pennsylvania by filing a Request for Emergency Injunction and a Complaint.

11. Respondent's federal lawsuit asserted several claims against the Police Department, including defamation, fraud, publicity to a

private matter, and negligent infliction of emotional distress, among others.

12. Attorney Brian C. Conley was retained by Lower Moreland Township Police Department to defend the Police Department in the civil lawsuit brought by Respondent, who was *pro se*.

13. While the lawsuit was pending, Respondent sent a series of emails to opposing counsel Conley on the night of February 12, 2023, from her record Florida bar designated e-mail address at nadiametroka@gmail.com.

14. The subject of the email was: “Brian, is this you?” Enclosed was a pornographic photograph[3] with no accompanying text in the email.

15. Respondent sent a second email with the following message: “I have a reasonable belief that that is you. Must be ok for me to post, right?”

16. Respondent sent a third email with the following message: “Using your logic, this is perfectly acceptable to post with the caption—Brian Conley- Sex Offender—”

17. Mr. Conley was not depicted in the pornographic photograph and adamantly advised Respondent of same.

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3. A copy of the photograph was received into evidence under seal.

18. On February 13, 2023, Mr. Conley replied to Respondent's emails advising her that he was not either of the individuals in the image:

Ms. Metroka: I am in receipt of your three (3) emails from the night of February 12, 2023, in which you attached a pornographic image of two men. In those emails you suggested that you might publicize the image with a caption identifying me as one of the individuals and describing me as a "sex offender."

As I am sure you are aware - and in the event you are not, I am advising you now - neither of the individuals in the image is me. . . .

COUNT III
THE FLORIDA BAR FILE NO. 2023-50,114(17G)

Respondent represented the plaintiff in the civil case styled *Desilus v. Kelgard*, *et al.*, Case Number CACE15 019582, Broward County, Florida.

Attorney John Richards was present and has personal knowledge of the issues related to Ms. Metroka's conduct leading to a mistrial. Mr. Richards was called by the Bar as a witness to testify at the Final Hearing. In that case, the Judge and attorneys prequalified jurors on Thursday, July 23, 2021. After prequalifying jurors, the parties argued various motions in limine. The defense attorneys in that case filed basic motions in limine, with basic issues and the Judge went through all of the motions with counsel. Mr. Richards had been concerned about a mistrial before 2021 because of Ms. Metroka. It was clear that Ms. Metroka did not have the same experience as the Defense lawyers. It seemed like her first civil trial. During the litigation she took positions on issues in the case that were not supported by the law. Some of the Defendant parties had travelled into Florida from Arizona for trial. There were a number of lawyers involved in the case, it was difficult to schedule trial, so there was an effort to get everyone to trial with a common cause of wanting to resolve the case. Mr. Richards testified that in part the Defendants' motions in limine were intended to be a trial primer for Ms. Metroka to review various trial issues before trial to make sure there was not a mistrial.

Florida Bar Exhibit number 4 in evidence is a transcript of the hearing July 23, 2021 prequalifying the jurors, as well as the motion in limine and review of other do's and dont's for trial. Also included in Exhibit number 4 is a trial transcript when the Monday morning trial began with jury selection on July 26, 2021.

On July 23, 2021, at a pre-trial hearing on Defendant's motion in limine, the trial Judge granted paragraph ten, and ordered that insurance not be mentioned in the presence of the prospective jury. The court unequivocally reiterated same to Respondent multiple times during the hearing as follows:

> MR. PETERS: Number ten. Plaintiff should be precluded from making statements with reference to insurance.
>
> THE COURT: Correct.
>
> MS. METROKA: What about asking in voir dire questions about, you know, a lot of people believe there is insurance fraud all the time. What about those types of questions?
>
> THE COURT: Well, I mean, this isn't against a UM carrier or something like that. This is against third parties. You can ask if you believe that there's too many lawsuits out there and questions along that line. Just don't veer off. **We are going to get into a big thing about insurance, because insurance is not going to be mentioned in this case.**
>
> . . .
>
> THE COURT: If you want to do that outside the presence to lay your groundwork or something, I don't know, **but again, that's not going to be in front of the jury that we are going to talk about an insurance policy**.
>
> . . .
>
> THE COURT: . . .**Again, if you want to do something with an insurance policy, please do not do that in front of a jury. We will do it outside the presence of a jury. You can put it on the record and proffer whatever evidence you wish. Don't do it in front of the jury.**
>
> MS METROKA: Absolutely will not.
>
> THE COURT: I know it's been a long time coming for your client to get this far today and he's been waiting for a long time. The last thing I want to see happen here, and with difficulty getting jurors in this situation, and all the trial backed up, the last thing I want to see happen is that some type of mistrial occurs.

MS. METROKA: I agree with you completely.

(See Exhibit F to the Complaint, Exhibit 4 in Evidence. Transcript Excerpt, 47:4-51:16, July 23, 2021).

Mr. Richards testified that in selecting a jury for that trial on July 26, 2021, Ms. Metroka on behalf of the plaintiff first began asking the potential jurors questions. After a lunch break, Ms. Metroka began to bring up the issue of insurance. He testified there were objectionable statements made during Ms. Metroka's questions to the jury panel in the morning, but the defense was trying to be lenient with objections to select a jury. However, there was a point in the afternoon when Ms. Metroka referred to insurance, Attorney Richards objected and they went to sidebar with the Judge. The trial transcript in Bar's Exhibit 4 in evidence indicates Ms. Metroka was asking potential jurors if they were uncomfortable with the idea of someone getting paid money after an injury, and specifically referred to Mr. Nunez. His response in the discussion from the transcript was as follows:

> MR NUNEZ: No, if someone gets injured I understand that they have to pay them. It is worker's comp, isn't it essentially, if you get hurt on the job?
>
> MS. METROKA: What if there's no evidence of any workman's comp.

MR. NUNEZ: From my personal opinion, I haven't had anyone get injured, but if they do get injured I understand that you have to stay home for a while and I will pay that out-of-pocket.

MS. METROKA: So that's a great-- you are full of great segways. I think someone really did plant you.

So if someone doesn't have insurance, and they are negligent, and their negligence causes someone to—

MR. RICHARDS: Objection, Judge. Can we go sidebar?

THE COURT: Sure.

(Thereupon, the sidebar was held.)

MR. RICHARDS: By the question it is suggesting to the jury that one or more of the defendants don't have insurance. If somebody has insurance that should have nothing to do with the voir dire process.

MS. METROKA: Well, I guess, I am just trying to find out, you know, we have defendants that are in business and defendants that are homeowners, so I am just trying to find out if they are going to have any bias or favor towards the homeowners, and may be put liability of the business and vice versa and that sort of thing. I am shaking still.

THE COURT: You can ask if they are going to treat everything equally, but, again, there is nothing about insurance that should be raised. We talked about this on Friday.

MS. METROKA: The gentleman brought up workman's comp.

THE COURT: But you said that was a great segway.

MS. METROKA: Right. Because I started thinking what if they are assuming that there is workman's comp and immediately put blame on Mr. Dudley and forget about the homeowners altogether?

THE COURT: Well, you can ask can you treat each defendant equally, you know, there is lots of questions that can be asked.

MS. METROKA: I am shaking like a leaf.

MS. MERLO: Maybe she needs a jacket.

THE COURT: I'm sorry.

MS. METROKA: It is okay.

THE COURT: Just keep moving around. All right.

MS. METROKA: So we'll just ask you every one can be—

MR. ACKERMAN: Treated equally.

THE COURT: Treated equally.

MS. METROKA: All right. Thanks.

(Thereupon the sidebar was concluded.)

MS. METROKA: I was just reminded by my esteem colleagues and the judge that I am not supposed to bring up insurance during voir dire. So I am going to just stop talking about insurance altogether.

MR. RICHARDS: Judge, this is—

MS. METROKA: What?

(Thereupon a sidebar was had.)

THE COURT: Okay. So you just blew that up.

MR. RICHARD: I don’t know how to cure it.

THE COURT: Instead of staying away from it, you literally through [sic] it out there and dropped it like a bomb.

MS. METROKA: Well, I just wanted to make sure that they understood that I wasn’t---

THE COURT: No, no.

MR. ACKERMAN: I don’t know how we unring the bell is the problem now because—

THE COURT: Well, you guys have to do what you have to do.

MS. METROKA: People know that there is insurance.

MR. RICHARDS: You move.

THE COURT: The difficulty is you have to play by the rules. You have to play in bound. This isn’t a touchy feeling—

MS. METROKA: I don’t want them to think that because they are not going to hear about insurance—

MR. ACKERMAN: Judge, I am going to move for mistrial at this point. I think that her continuously injecting insurance, especially with the last comment, after she was warned by the court, still brings up insurance. I agree with Mr. Richards that this cannot be cured and I am really concerned about this, Judge.

MS. METROKA: people know that there is insurance. They know that sometimes it is not insurance—

MR. RICHARDS: On top of the insurance fraud.

THE COURT: I don’t care what they think. It is inappropriate. We talked about this for a half-hour I think—

MS. METROKA: I will not bring it up.

THE COURT: Stop cutting me off. We have talked about this for a half-hour on Friday. I told you don’t go there. Don’t go there. Don’t go there. And I explained it very nice and tried to answer all of the questions. Then we just had a sidebar and I said don’t go there. Just ask if they can treat everybody fairly, and then you get up and you said-- not only that you talked about what

> we just talked about on the sidebar, that's why we are having the sidebar, and you said counsel and the judge just told me that I can't talk about this, and so you just related out there like a bomb. Mistrial is granted. (133-137)

With regard to the motion in limine prior to trial related to insurance not being mention during trial, at one point Respondent suggested that it looked like the motion was directed to insurance not coming into trial as evidence, and evidence was not an issue in jury selection. However, at the sidebar Ms. Metroka was again told clearly and directly by Judge Phillips not to mention insurance in front of the jury, and she immediately violated the judge's order and made reference to insurance. The Referee reading what Ms. Metroka said to the jury after the sidebar finds that Ms. Metroka inappropriately suggested there was something she wanted to tell the jury about insurance, that she thought was important to tell the jury about insurance, but the judge and the other lawyers would not let her do that. In addition to violating a direct court order, I find her comment to be an inappropriate suggestion to the jury that insurance really was some factor in the lawsuit. It appears that Ms. Metroka thought it was important to get this insurance concept in front of the jury for some reason and she was determined to do so, despite a court order.

During cross-examination of Mr. Richards at the Final Hearing, Respondent continually questioned Mr. Richards about why she still felt it was appropriate to ask jurors questions about insurance. She was concerned that if jurors did not hear about insurance one way or the other, can they still be fair? During the Final Hearing and through these proceedings, it is clear Ms. Metroka believes she should have been able to ask her questions during voir dire regarding insurance and that Judge Phillips was wrong on the law. Ms. Metroka still seems to miss the point that regardless of what she believes is important, Judge Phillips was very clear that Ms. Metroka could not say any more about insurance in front of the jury in voir dire following the sidebar. She claimed to be worried about being rude to the jurors if she did not explain why she was not going to ask them questions about insurance. A lawyer has to live by the Rules, no excuses, you just cannot do something when a court orders you not to do it. There is a serious concern that Ms. Metroka still does not agree.

The Referee finds it instructive to review Judge Phillips' order awarding Sanctions for Ms. Metroka's conduct in causing a mistrial in the *Desilus* lawsuit for the insights of the trial Judge evaluating and dealing with Ms. Metroka's conduct. Florida Bar Exhibit 5 in evidence is Judge Carroll-Lisa Phillips' June 6, 2022 Order Granting Defendant's Motion for Sanctions as a result of and directly related to the mistrial in that case caused by Ms. Metroka's violation of the court's order in limine regarding insurance. Several times during the Final Hearing in these Bar proceedings Ms. Metroka has argued that because Judge Phillips decided not to refer Ms. Metroka to the Florida Bar for attorney misconduct, the Florida Bar should not have pursued a grievance against her and brought Count III against her in this Complaint. Ms. Metroka also argues that the Referee should not find her guilty of misconduct regarding Count III in this matter of causing a mistrial through her improper voir dire questioning because Judge Phillips did not refer Respondent for attorney misconduct. The referee is not persuaded by this argument. As she often does, from the arguments Respondent has made based upon the evidence throughout this Bar grievance proceeding, Ms. Metroka does not recognize, or chooses to ignore, the reality of what is occurring, what she has done, and the impact on others that have brought her before the Referee for this Bar grievance proceeding. The conduct of Ms. Metroka described by Judge Phillips in the June 6, 2022 order granting defendant's motion for sanctions described Ms. Metroka's pattern of thinking and pattern of conduct that supports the Referee here finding Ms. Metroka is guilty of misconduct justifying disciplinary measures to include a recommendation of disbarment.

19. Judge Phillips' June 6, 2022 order describes that Ms. Metroka responded to the motion for sanctions by "arguing that Ms. Metroka's conduct was but passionate advocacy and zealous representation. Ms. Metroka claims her statements were made in 'the heat of battle and in accordance with Florida case law.'" (Order pages 1-2). These are the same arguments Ms. Metroka makes in defending every claim against her in all four Counts of the Florida Bar's Complaint against her… That her actions are passionate advocacy and zealous representation, or a passionate exercise of her First Amendment rights of free speech. Judge Phillips order identifies Ms. Metroka's belief that the question she was asking about insurance in voir dire was legally permitted and, therefore, Ms. Metroka did not need to follow a clear and direct order of Judge Phillips to not talk about insurance in front of the jury. This is also a pattern of Ms. Metroka's thinking and a pattern of her conduct that supports the Referee finding Ms. Metroka of his guilty of misconduct justifying disciplinary measures to include a recommendation of disbarment. There is a pattern. Ms. Metroka believed the law allowed her to file an Answer to the Bar's Complaint up until midnight on April 7, 2025, so she did

not follow this Referee's direct Order to file an answer timely by 5:00PM on April 7, 2025.

Judge Phillips order describes that Ms. Metroka also argued there was a misunderstanding of expression and communication occurred on her part. However, in her order Judge Phillips states: "The court does not find there to have been any misunderstanding by or from Ms. Metroka in terms of expression or communication…) (page 4). Judge Phillips order goes on to state that; "as soon as the sidebar ended, Ms. Metroka stated to the jury that she was just reminded by the judge not to bring up insurance during voir dire. This statement and act by Ms. Metroka was in direct contravention of the court's direction and the court finds it to have been stated both willfully and wantonly…. The court is convinced Ms. Metroka would have continued to discuss insurance thereafter…. The court finds her conduct to have been in bad faith and with intentional, consistent, deliberate, and contumacious disregard for the authority of the court…. Ms. Metroka's continued actions clearly display an intentional indifference for consequences with a clear knowledge of the damage that could occur." (page 7). Again, Ms. Metroka argues June 6, 2022 order of Judge Phillips supports a finding of no guilt as to Count III of the Florida Bar's Complaint because Judge Phillips did not refer Ms. Metroka to the Florida Bar for attorney misconduct. Ms. Metroka also argues that she has never been found in contempt of court, with no order ever finding she was in contempt of court. Ms. Metroka's arguments in that regard are also consistent with a pattern of her not ever admitting any degree of wrongdoing or improper conduct regarding any of the complaints against her. Ms. Metroka argues the law allows her to ask the question she wanted to ask in voir dire because a successful and experienced plaintiff's attorney told her those questions should be asked to properly represent her client. Therefore, Ms. Metroka was determined to ask those questions regardless of any direction or order from the court. Ms. Metroka is adamant that Arbitrator Greene's arbitration award did not follow Florida law, and Arbitrator Greene found the plaintiff's claims for loss of enjoyment of life were diminished because the plaintiff was imprisoned, must indicate Arbitrator Greene was biased and prejudiced against her client, and was colluding with the defendant's and/or defense attorneys. There is a pattern that if Ms. Metroka believes that a judge, arbitrator or attorney is not following what she perceives the law to be, Ms. Metroka chooses to not follow an order and then will attack personally whoever opposes her or her client. There was testimony regarding a status conference on trying to reset the *Desilus* case for trial again after the mistrial caused by Ms. Metroka. Respondent had plaintiff's family members attend, they were all late for the hearing, where the judge wanted to get the case back on schedule for a trial. At one point, Respondent suggested that her clients were being discriminated against as being from Haiti, because the time frame to get the case back into trial was too far in the future. Mr. Richards testified recalling the Judge giving Respondent a tongue lashing that he did not discriminate against anyone because of their nationality. Respondent also charged bias and prejudice against a Defendant and defense counsel as explained below.

Evidence was that the sanctions order for the mistrial in the *Desilus* matter is apparently still on appeal at the time of our Final Hearing, and the case is stayed until the sanctions are satisfied. This obviously has worked a hardship on the Respondent's client who is alleged to have been seriously injured in the accident which is the subject of that lawsuit. It had taken many years for that client to get to trial, but because of the mistrial, he still has not had a trial, with uncertainty when there could potentially be trial of his personal injury claims.

Apparently that *Desilus* lawsuit was filed in 2015 and had been going on for approximately 6 years at the time of the mistrial. Mr. Richards' client was affected by the mistrial, because at the time that Defendant and his company were sued, they were covered by Federation National Insurance Company, and would have been provided insurance coverage at the time of trial had there not been a mistrial. However, after the mistrial, in 2022 Federation National Insurance Company went into receivership. What was $500,000 in coverage before the receivership with a chance of possible bad faith against the insurance carrier if there was an excess verdict, changed to only $300,000 of insurance coverage after the receivership when FIGA took over, and there is no possibility of extracontractual damages in coverage for the insured because there is no bad faith against FIGA. That is the current situation for Mr. Richards' clients. His clients had additional travel expenses and the additional cost and attorney's fees, experts fees and other litigation costs leading up to the original attempt at trial, which will continue as a case goes to trial again.

COUNT IV
THE FLORIDA BAR FILE NO. 2024-70,352(17G)

Following the mistrial in *Desilus v. Kelgard*, *et al.*, the court ordered non-binding arbitration to take place prior to the new trial date set for January 2023. Respondent requested retired Judge Greene ("Arbitrator Greene") serve as the Arbitrator. Arbitrator Greene did serve and pursuant to a November 13, 2023, agreement, all parties were to share in the cost of the arbitration at a rate of $650 per hour. (*Id*. at ¶4). Each party was required to provide a security deposit prior to the scheduled November 2023, arbitration.

The Arbitrator finished his report on December 6, 2023, and requested payment from all parties of the balance owed, noting that the arbitration decision would be filed and emailed to each counsel upon receipt of all payments. Respondent failed to make timely payment when requested, alleged the fee was unreasonable, expensive, and illegal, and advised the arbitrator she was unable to pay due to personal financial hardship.

Respondent withheld her portion of payment to Arbitrator Greene, because she took the position that all parties agreed to have a three-hour arbitration hearing, so she argued only being responsible for one third of that three-hour hearing. She did not understand or accept that Mr. Greene had been given voluminous medical records, pleadings and other documents he was required to review before rendering his opinion. Mr. Richards testified it was clear that Arbitrator Greene could not possibly do everything he was required to do in a total of 3 hours to review all of the evidence and render an opinion. Arbitrator Greene testified Respondent was among the parties who provided him supplemental information following the hearing, but she was adamant to not pay more than her portion of 3 hours, in addition to the initial deposit which was paid.

Respondent provided the Arbitrator section 44.103, *Florida Statute* in support of her position that his fee should not be more than $1,500 per diem. However, Respondent was advised that the complete sentence in the statute stated, “At no time may an arbitrator charge more than $1,500 per diem, ***unless the parties agree otherwise***.” § 44.103(3), Fla. Stat. (emphasis added). Ms. Metroka had already agreed otherwise.

As a result of Respondent’s non-payment, emails to him, and the looming January trial date, on December 7, 2023, Arbitrator Greene reached out to the court for direction, requesting a hearing on enforcement of Respondent’s financial obligation with respect to his fee for his arbitration services. Judicial Assistant Joshua Carrasco replied to the email stating, “Please advise if this can be heard tomorrow at 10 a.m. via Zoom.”

Respondent responded around 2:12 p.m. stating, “We don’t need a hearing. Thank you.” Arbitrator Greene confirmed he was available and that a hearing was necessary due to non-payment of his fee. The court then directed all parties to appear that day, December 7, 2023, at 3:30 p.m. A Zoom link was provided. Respondent did not appear. All other parties were present.

Following Respondent’s failure to appear, the court set a Show Cause hearing for Monday, December 11, 2023, as to why Plaintiff (Respondent) should not be held in contempt for failure to pay the arbitration fee owed, among other things. (See TFB Exhibit I ¶12).

On or around December 11, 2023, the court orally ordered that the Arbitrator should withhold the arbitration decision until Respondent paid the sums owed. An order memorializing the oral order was subsequently entered on January 16, 2024, but that written order did not include the ruling that Arbitrator Greene not release his decision until he was paid. Respondent was present at the December 11, 2023, hearing. Following the hearing, Respondent acknowledged in her pleadings that the court granted the Arbitrator’s request to withhold his decision pending receipt of respondent’s payment. However, in those same pleadings and in communications with the Arbitrator, Respondent made inconsistent statements with respect to the issue.

On January 10, 2024, Respondent filed a document titled "Supplement To Show Further Evidence of Misconduct and/or Incompetency Rising to the Level of Inability to Trust the Arbitrator Charles M. Greene Esq.'s Decision," thereby impugning the qualifications and integrity of Arbitrator Greene.

Prior to Arbitrator Greene's release of his decision on or around January 12, 2024, Respondent proceeded to send Arbitrator Greene emails accusing him of fraud, collusion, and defamation, and threatened to file a §57.105 notice:

- January 6, 2024 – Former Judge Greene, I am really truly in shock by how you have acted. You keep making statements that you know or should know are not true.

  Your most recent filing you provided sworn statements that are not true.

  Your conduct has only served to create further fear in me and at this point, I believe it is almost certain that you've been communicating with Rand Ackerman about this case and that you may have planned all of this in collusion with same to create delay.

- January 11, 2024— In addition to violating the Florida rules of ethics that require candor, you are also negatively impacting my salvation.

  See below.

  I want to remind you of the laws pertaining to religious freedom in his country.

> If you fail to withdraw your motion I will be forced to take further action against you.

The Referee finds that the record evidence does not reasonably support Ms. Metroka's allegations that Arbitrator Greene was in collusion with Rand Ackerman or any other defense attorney or their clients, and does not support the serious comments made in these emails, or in the pleadings she filed impugning Arbitrator Greene's qualifications, integrity or character. To the Referee, this is another personal attack by Ms. Metroka against someone who opposes her in a legal setting or does not give her what she thinks she deserves from that person, in this case a decision or favorable decision from Arbitrator Greene.

During this time, Arbitrator Greene had retained counsel, Todd Payne, to represent Arbitrator Greene and the Upchurch Watson firm. On January 11, 2024, Respondent sent an email to Mr. Greene stating: "Mr. Greene, You keep defaming me in your filings. I am warning you right now via email that you need to cease and desist in your conduct immediately. Formal 57.105 notice to follow."

Respondent was reminded by attorney Payne on January 11, 2024, that Mr. Greene was represented by counsel and of the rule prohibiting a lawyer from contacting someone represented by counsel. Respondent replied to attorney Payne acknowledging receipt of his recent motion on behalf of Arbitrator Greene, but nevertheless, she had emailed the Arbitrator directly.

Following Respondent's payment of the arbitration fee, the arbitration decision was served and/or filed. Respondent then filed a Request for Trial De Novo After The Abirtrator [sic] Made Antiquated, and Erroneous Decision Inconsistent With Florida Law and Any and All Notions of Equality. Therein, Respondent casted aspersions against the Arbitrator:

> 1. It is more likely than not that there was fraud and collusion with the Defense in this case. We know this in part by the arbitrator's persistence and willingness to provide sworn testimony that is false and defamatory about Plaintiff's Counsel.
>
> **Erroneous Findings Regarding the Facts, Law, and Damages all of which are not supported by the law and were as a result of the arbitrator's prejudice and bias toward convicted felons."[1]**
>
> FN1, To put his findings into perspective- it's the same as an oncologist deciding not to treat a patient that presents with cancer because that patient is a convicted felon. There are professions where being shallow and judgmental of others is perfectly acceptable. Unfortunately, law, like medicine is not one of them.
>
> . . .
>
> 3. The arbitrator made an erroneous finding as to damages as well. He came up with a number that is unsupported by verdicts. He decided that his ***feelings*** about damages is more important than Florida law. People in positions of power that make decisions about others' lives are required to be unemotional and measured. There is no place for decisions based on emotion in the law.

Again, the Referee finds no reasonable record evidence to support Respondent's allegations in that filing.

<u>The Final Hearing On Sanctions</u>

A Final Hearing on sanctions was held over several days commencing on June 26-27, 2025; and continuing for two half days on July 14, 2025, and July 17, 2025. At the Final Hearing on sanctions, the Bar presented the testimony of attorney John Richards, Bar investigator John Berrena, Arbitrator former Judge Charles Greene, and attorney Brian Conley, respectively.

John Richards testified related to Count III (Mistrial) and Count IV (Arbitration Fee Dispute). Mr. Richards has been an attorney for 39 years. He met Respondent through the subject *Desilus v. Kelgard* lawsuit. He was one of the defense opposing counsel. He described their professional relationship as guarded and indicated he tried to mediate and stay out of arguments Respondent had with other defense attorneys in that lawsuit. Although Mr. Richards testified there came a point in that lawsuit where he blocked Ms. Metroka from calling him because of her multiple calls, including harassing calls and other email communications. He testified that this is the only time in his career Mr. Richards blocked an attorney from being able to call him directly.

Mr. Richards testified difficulty regarding Respondent's paying her financial obligations in that underlying *Desilus* litigation. Respondent took the deposition of defense expert Dr. Sugarman and then refused to make payment to that expert. Also, Mr. Richards learned from the prior mediator in that lawsuit, Alvin Capp, who was affiliated with the Upchurch Watson mediation firm, that Respondent failed to pay his fees. This testimony was consistent with the testimony of Arbitrator Greene, also with the Upchurch Watson firm, who testified Ms. Metroka was the only attorney in that lawsuit that Upchurch Watson required to pay a deposit before the Arbitration began, because she never did pay Mediator Capp's fee.

Mr. Richards affirmed that attorney Rand Ackerman was not involved in the litigation at the time that Arbitrator Greene was appointed Arbitrator. While Mr. Ackerman was actively involved in this litigation prior to Arbitration, Mr. Ackerman was terminally ill at the time of the Arbitration and communication with him was very limited. Mr. Richards testified that Respondent's allegation of collusion or improper conduct with attorney Ackerman and Arbitrator Greene was very doubtful.

Mr. Richards discussed unprofessional emails sent by Respondent both to him and other defense counsel in the *Desilus* lawsuit. Mr. Richards was copied on an unprofessional email to another defense opposing counsel, Miriam Merlo. Mr. Richards described ongoing problems between Ms. Metroka and attorney Merlo, including yelling at each other and arguments in the courthouse, with both not acting professionally at times.

For some detail, which may be instructive, Bar Exhibit number 22 in evidence is a January 30, 2019 email Mr. Richards was copied on and received. He remembers the subject matter, which was an attempt by Ms. Metroka to move the *Desilus* case into the Complex Case Division in Broward County. In evidence is a string of emails January 30, 2019, after Ms. Metroka on behalf of the plaintiff requested that case be transferred to the Complex Case Division, in part so she could have more and sufficient time to conduct voir dire, which she argued would not be allowed in a standard circuit civil court. After her motion was denied by the Judge, Ms. Metroka was seeking to have the attorneys in the *Desilus* case all agree that the case should go forward in the Complex Case Civil Division and agree to submit a proposed agreed order to the Judge to that effect, even though the Judge had denied her request. Attorney Merlo responded with:

> "This is the second time this judge sends this back from the complex division, and this time after a hearing with all of us. This is a simple case and the only thing "complex" with this case is you. I am not agreeing to stipulate to anything that the Judge's already ruled upon as this is improper."

Ms. Metroka response to Ms. Merlo was: “One of my mentors, Ken Cooper Esq., once told me the following (adopted quote): “some lawyers learn the tricks of the trade without having ever learned the trade, the real lawyers learn the trade.” As plaintiff’s counsel, I’m the captain of the ship and we’re all going to conduct ourselves as real lawyers. If you don’t want to participate, then file a withdrawal.”

Mr. Richards described this as one of the more benign emails when there was a dispute about an issue compared to other emails Respondent was known to have sent to attorneys within that case. He testified that a common theme of an improper contact by Ms. Metroka was more often late at night. He describe Ms. Metroka as sending an extreme amount emails, and a lot of telephone calls, with 10% to 20% of her emails “off the chart” and should not have been sent.

Court Exhibit A introduced in evidence during Mr. Richards testimony was an email from Respondent to Mr. Richards on December 28, 2019 at 11:15 PM. As context, Mr. Richards explained that this email from Respondent was sometime after the parties had attempted settlement and Respondent was upset that Mr. Richards defendant clients’ insurance carrier did not offer her their policy limits to settle her client’s, Mr. Desilus, personal injury claim. Also for context, Respondent’s earlier email to Mr.

Richards asked him how he perceived his position as an insurance defense lawyer. Mr. Richards response in a December 22, 2019 was: “While I commonly do describe myself as an insurance defense lawyer, the more accurate description is that I am just a dumb trial lawyer, smart lawyers do not become trial lawyers.” With that context, on December 28, 2019 Ms. Metroka emailed her response Mr. Richards:

> JR:
> I’ve been meaning to respond to the rest of your email.
>
> One of my good friends in the criminal defense world uses that tactic (self deprecating humor and words) on the regular to manipulate jurors.
>
> Let’s face the facts:
>
> My client’s Haitian.
> Your clients are racist.
> You are racist.
> Racism is not trendy.
>
> Don’t ever try to manipulate me again and don’t ever try to make me feel bad for you again.
>
> Your better than that.
>
> Why don’t you use the evidence, facts, and your brain to try to come up with persuasive arguments as to why my client is not entitled to the full policy limits recovery, if not more, from your client.
>
> I’m sure there are plenty of KKK members that would testify in your clients’ favor.

Mr. Richards referenced this December 28, 2019 email, sent by Ms. Metroka in response to a professional email from Mr. Richards, as an example of the type of email Respondent would send him, in which Ms. Metroka made several comments that lacked civility, professionalism or decorum, including, calling Mr. Richards and his clients racist with no basis for those statements. All because his clients' insurance carrier would not pay her client policy limits in a case which Mr. Richards described as being very defensible on liability. In questioning Mr. Richards on cross examination during our Final Hearing, Ms. Metroka suggested that the email was intended as a joke. However, Mr. Richards testified that he did not view the email as appropriate or funny. He had also previously warned Respondent that several of her prior emails rose to the level of a Bar Complaint and she should stop. Again, Mr. Richards estimated that 10-20% of the emails Respondent sent were personal attacks that should not have been sent.

Mr. Richards also testified regarding an email that Respondent sent to him and another male attorney in the underlining litigation, Jay Green, in which Ms. Metroka inquired if they were unable to have sexual relations because of their age. Mr. Richards testified to Ms. Metroka using the word "limp" in her comments. Again during her cross examination of Mr.

Richards during our Final Hearing, Respondent asked Mr. Richards if "impotent" has more than one definition and downplayed the emails as "sassy and spicy." Ms. Metroka explained that impotent can be general, not sexual. Mr. Richards responded that she used "limp body part" to him. She asserted that could be used to mean he was not paying attention to her. Mr. Richards testified this was another type of comment that a lawyer should not use. Mr. Richards found her using the term impotent with older attorneys offensive with no other purpose than Ms. Metroka being mean spirited. Mr. Richards made clear in his testimony that to him the emails were not the type of commentary he would expect from a colleague, the emails were not invited in any way, and he believed her emails to be wholly inappropriate and unprofessional.

Richards testified as to the events that gave rise to the mistrial. He described respondent as a zealous advocate for her client, but inexperienced and often taking positions that are not supported by law. It was for this reason he filed the Motion in Limine to serve as a primer, in hopes of avoiding a mistrial. Respondent mentioned insurance 20 times before he finally objected during voir dire. The goal was to get through the trial, not to move for a mistrial. Mr. Richards spoke of the harm that resulted from the mistrial, in addition to the expenses incurred by everyone traveling for the trial.

The Referee finds Mr. Richards testified candidly and credibly regarding his interactions with Respondent.

Bar Staff Investigator John Berrena testified that he contacted the Clerk in North Carolina Regarding Respondent's conviction in 21CR707068-420. He spoke to Beverly Denning and confirmed the guilty misdemeanor conviction.

Mr. Berrena also testified as to his contacts with individuals in the community related to Respondent. He spoke to attorney Todd Payne who advised Respondent continued to email his client, Arbitrator Greene, directly after she was advised Arbitrator Green was represented by Mr. Payne.

Mr Berrena spoke to defense attorney Jay Green, the counsel who took over representation of one of the Defendants in the *Desilus* case after Mr. Ackerman became ill. Attorney Green told Mr. Berrena he had no personal or business dealings with Respondent outside of the *Desilus* litigation. Mr. Berrena testified that he received an email from Respondent's record bar email address, nadiametroka@gmail.com, to attorney Jay Green. Mr. Green confirmed he received this email. Florida Bar Exhibit 26 received in evidence was the June 5, 2023 email from Ms. Metroka to defense attorney Jay Green in the *Desilus* case as follows:

Subject: Geriatric Senility

Good morning Jay,

I hope this email finds you well. I'm starting to have questions about your ability to practice law.

For several months I've been trying to communicate with you in hopes of resolving the Desilus case and haven't heard back.

I know that as men get older their minds stop working as well and I'm concerned.

I'm concerned you may be becoming too senile to continue to work and that's why you have been unable to communicate with me-- and with how much money your firm has billed State Farm to fight a case where your clients have no defense-- it's very concerning and irrational.

Hope you're ok and I hope to hear back from you soon. As you know, in this profession we're required to be mentally astute and be able to problem solve-- something you haven't shown yourself to be capable of doing.
Thanks.
-- Nadia

During the Final Hearing, Respondent explained that she sent emails like this to seek attention and try and promote communication with her and Jay Green and other attorneys on the other side of her cases. The Referee finds this email improper and unprofessional in any context, but certainly in the context of communicating with opposing counsel in litigation.

Mr. Berrena also spoke to attorney Matthew Haar, Esq., counsel opposing Ms. Metroka, in an unrelated litigation involving Respondent as the Plaintiff in a lawsuit seeking insurance coverage from a medical insurance carrier for her mother's medical bills. Mr. Haar provided Mr. Berrena an email string he received from Respondent's record Bar email address, nadiametroka@gmail.com, on January 27, 2023. The email string contained a series of emails all sent the same day.

Mr.Berrena spoke to Attorney Matthew Haar, Esq. who was opposing counsel against Ms. Metroka in a case involving medical insurance coverage that Ms. Metroka filed on behalf of her mother seeking insurance coverage for some of her mother's medical bills. Mr. Haar represented the medical insurance company, Capital Blue. In that lawsuit Attorney Haar found several emails and letters from Ms. Metroka to be inappropriate and offensive. Capital Blue was not willing to pay medical expenses that Ms. Metroka thought that insurance company should pay for her mother's medical bills. Court Exhibit B received in evidence at the Final Hearing is a portion of emails Ms. Metroka sent to Attorney Haar on January 27, 2023 as follows:

Jan 27, 2023 at 2:49 PM:
Mr. Haar,

I have made several attempts to communicate with you to resolve this situation without the frivolousness of involving a court of law.

Remember that lawyer Michael Avenatti that was disbarred for allegedly extorting Nike. Also, there was a man named Hitler. He killed millions of people relying on the same faulty and sick logic your client and you are relying upon.

I'm concerned that maybe you have some kind of mental hindrance that is preventing you from seeing the situation for what it is and encouraging you to engage in reckless litigation. Either that or you are suffering from a mental derangement more akin to that of Hitler.

Please keep in mind, you are not immortal. You're engaging in behavior that would indicate that you have mental deficits.

Do we need to get you help?

Let me know.
Sincerely,
Nadia Mary Metroka

Jan 27, 2023 at 3:01 PM:
If you don't understand basic human anatomy, it's quite concerning that you're in a leadership position.

You're a danger, Mr. Haar. More dangerous than any radical politician and that's reason for people to be concerned especially given you were on the board of pa lawyers.

Jan 27, 2023 at 3:04 PM:
It's quite obvious that you hate women. That's not something you can hide. Sad for you that you are living in evil but you likely deserve it.

January 27, 2023 4:50 PM:
If you were a criminal defense attorney that was told by their client that they killed someone, you would not be permitted to argue they were innocent.

And despite the rules, you're defending this insurance company's clearly criminal activity.

You're not claiming they are not guilty. You're claiming they have a right to harm people.

You're out of control, Mr. Haar.

Mr. Berrena also spoke to members of the judiciary who referenced the substantial sanction order entered by Judge Philips, and Respondent's non-compliance with orders.

The Referee finds the testimony of Mr. Berrena to be credible.

Former Judge Greene testified as to his interactions with Respondent in his capacity as an Arbitrator related to Count IV. Judge Greene retired from the bench after over 30 years of service, served U.S. Coast Guard Auxiliary, and is currently part of the Upchurch, Watson, White and Max Mediation Group.

He was appointed as the Arbitrator by the court. He had no prior interactions with Respondent, although she advised him that she observed him when she was in law school while he was on the bench in probate court. While preparing to testify at the sanctions hearing in the underlying *Desilus* lawsuit, Arbitrator Greene testified that he reviewed the online court file and noticed that the presiding judges' order indicated that Respondent, Ms. Metroka, insisted on his appointment and that the other attorneys initially objected. He surmised in retrospect that Respondent may have requested his appointment because of his visible eye injury. He was familiar with the opposing counsels and knew they would have been familiar with his eye injury as it was readily obvious. The plaintiff, Jimmy Desilus, in that subject litigation had a catastrophic eye injury. When Judge Greene realized this, he shared his personal story of losing his eye as a child, explained how he overcame insecurities related to it and could relate to how the plaintiff felt, but did not believe that it would impact his ability to arbitrate the case. Arbitrator Greene requested that all of the parties confer with their clients and if anyone was opposed to his serving as the Arbitrator, he would ask the judge to appoint someone else. Everyone agreed to keep Mr. Greene as the Arbitrator. The parties also agreed to the arbitration fee schedule.

Judge Greene testified to the process in which Upchurch Watson usually does not charge attorneys deposits before an engagement to serve as a Mediator or Arbitrator. However, due to Respondent's history of non-payment with the Upchurch Watson firm, the case manager requested that Respondent be required to pay a deposit. Respondent was the only party required to pay the deposit. Then after the parties were advised Arbitrator

Greene's decision was ready to be published, Respondent indicated that she was unable to pay, shared personal information directly to Arbitrator Greene related to her inability to pay, while also stating that the funds were on the way. Ms. Metroka advised Arbitrator Greene that his fee was in violation of the statute, but also sent a photo of a check and said it was in the mail, in lieu of wiring fees that were due for her portion of the shared Arbitration fees. Respondent said she made payment, but it was not received. She indicated that Truist Bank could not verify the wire transfer.

Arbitrator Greene had to attend several hearings and engage in motion practice because of Respondent's non-payment. Counsel was retained to represent Arbitrator Greene and Upchurch Watson regarding the fee dispute with Ms. Metroka. As a result of the additional expenditure of time, a motion was made to compensate Arbitrator Greene for the time lost caused by Respondent. Sanctions were granted against Respondent in the amount of $2,600.00. Respondent never paid this sanction, and the Upchurch Watson firm did not pursue that award after they received Ms. Metroka's payment for Arbitrator Greene's fees related to the Arbitration.

The testimony was that during a hearing regarding the issue of the Respondent not paying the Arbitration fees she owed, Judge Olefson orally ordered that the Arbitration report not be released until payment was made to Arbitrator Greene. However, Respondent took the position that since the Judges' written order entered some time after the hearing did not memorialize the Judge's verbal ruling in court on the issue of delaying release of the Arbitration report until the Arbitrator was paid, that the Arbitrator's report should be released without waiting for payment by Respondent.

The testimony was that during the time when Upchurch Watson received the check and waited for the funds to clear, Respondent attempted to learn the result of the report from Arbitrator Greene, threatened via email to file a §57.105 motion against him, despite the fact that Upchurch Watson and Arbitrator Greene were non-parties It was during this time that Attorney Payne advised Ms. Metroka continued to contact Arbitrator Greene after she was advised by his attorney Todd Payne of the representation.

I find the testimony credible regarding Respondents' knowledge and note that the email from Todd Payne to Respondent states, "As you know" (See TFB Exhibit 3, at pg 18). Also, during a previous hearing, Respondent acknowledged she observed Mr. Payne's name on the motion filed by Mr. Payne.

Arbitrator Greene testified that he also received an email in which he was accused of colluding with another attorney, Rand Ackerman. Attorney Greene testified that he was shocked by the email accusing him of colluding with a man who was terminally ill and no longer involved with the case. The testimony was that Respondent sent an email indicating that Arbitrator Greene was impacting her salvation with the Fifth of the 10 Commandments (Thou Shall Not Kill) attached. Passages were underlined reading, "…not to bring any deadly evil upon his name and fame, since with many fame and life go hand in hand." and "…and if the fear of the law and of retaliation and revenge were taken away from them, they would burst forth into act;" (See TFB Exhibit 6).

Ms. Metroka took the position that Arbitrator Greene intentionally delayed releasing his Arbitration report because he was trying to help the defendants delay the trial, which she believed the Defendants would want to do. Arbitrator Greene testified that he was eager to file his decision and be done with the case. However, the court ordered him not to file the decision until he received his fee from Respondent. Once he received his fee from Respondent and was permitted to, he released his decision.

The Referee finds Arbitrator Greene testified credibly on these issues, and finds there was no reasonable basis in the record evidence to support Respondent's allegations that he purposely delayed releasing his decision. Arbitrator Greene filed a motion and came before the Judge in hearings a couple of times to get paid and release his decision. Arbitrator Greene testified that in his career he has never had his integrity questioned. Although Arbitrator Greene indicated his report was prepared and ready to be released after being paid his fee, Respondent believed that Arbitrator Greene might change his Arbitration opinion during the delay, because he was not being paid his fees by Respondent and he was trying to help the Defendants, again with no reasonable record evidence support for such a belief. Arbitrator Greene testified that he was happy that he emailed the decision to himself when he finished it, when Respondent made such allegations, which included fraud, impropriety, and inability to trust the arbitrator's decision, so he had the original decision with the early date to support no tampering.

During the Final Hearing Respondent questioned Arbitrator Green extensively on the Arbitration Decision.[4] Respondent took the position that Judge Greene was incorrect on the law.

Arbitrator Greene testified that in large part because of this incident he no longer does non-binding arbitrations. His focus now is on mediations.

4. A copy of the decision was admitted under seal.

He spent a great deal of unnecessary time seeking the fees that were previously agreed to by the parties from Respondent and ultimately the Upchurch Watson firm and Arbitrator Greene had to hire counsel to represent them in this collection effort. He lost a great deal of time seeking fees. During Final Hearing in these proceedings, Mr. Greene called and rescheduled a planned mediation so that Respondent could conclude her lengthy cross examination of him.

I find the testimony of former Judge Greene credible these issues as well. He testified extensively regarding his recollection of his interactions with Respondent.

Attorney Brian Conley was the Bar's final witness. He has been an attorney practicing law in Pennsylvania for 14-years and his practice area consists primarily of representing municipalities. Many of his cases involve pro se litigants. Although Respondent was pro se, he became aware that she was a Florida lawyer.

Mr. Conley testified to his interactions with Respondent when he was opposing counsel representing Lower Mooreland Police Department, in a defamation case Respondent filed where she sought to remove her mug shot and arrest details from the internet.

Mr. Conley testified persuasively as to the harm he suffered when he received three emails from Respondent on the evening of February 12, 2023. When he received the first email at 10:07 pm, he initially thought that Respondent's email may have been hacked. The email contained the subject: "Brian, is this you?" and a pornographic image of two men engaged in sexual intercourse. No text was in the body of the first email. However, he promptly realized Respondent was not hacked and that she was actually the author of these emails when he received two more emails from her at 10:16 p.m. and then again at 10:20 p.m., still displaying on the same page as the emails the pornographic picture of two men as described, which stated, "I have a reasonable belief that that is you. . . .Must be ok for me to post, right?"; and "Using your logic, this is perfectly acceptable to post with the caption- Brian Conley-Sex offender," respectively.

Mr. Conley believed the emails to be a threat by Ms. Metroka to gain an advantage over him and through him in the civil defamation lawsuit, to extort a result and somehow force his clients to remove the post, i.e. Respondent's mugshot and arrest details from the internet.

Mr. Conley testified credibly that he was afraid that Respondent would post something that would be damaging to his legal career and would possibly expand on the threat contained in the email that was sent to him. He testified believably being worried about the safety of his family, as he found Ms. Metroka's conduct to be unpredictable and threatening. Mr. Conley credibly testified as to his personal harm and belief as it related to Respondent's conduct.

Mr. Conley also testified regarding his knowledge of inappropriate emails Respondent sent to his supervising attorney and partner in his law firm, David MacMain. These emails were unprofessional and crude. These emails were received in Evidence at the Final Hearing as Bar's Exhibit 2B and 2C. Exhibit 2B is an email from Ms. Metroka to Attorney MacMain as follows:

<u>July 14, 2023 10:30 AM</u>
<u>Subject:</u> Re: "Ex-Parte"
I see also that evidently you are unaware of basic legal concepts. You saying me contacting you was "ex parte".

It's hard to believe you're a licensed attorney—I gave you way too much credit.

<u>July 14, 2023 10:33AM</u>
Also, your face looks like an 80 year old man's ball sac.

Bar's Exhibit 2C is an email from Ms. Metroka to Attorney MacMain after she stopped by unexpectedly to his office and dropped off a jar of Olives (picture of the jar of olives attached to the Exhibit 2C email). The email reads:

July 19, 2023 11:44:37 AM
Subject: Olives
Tried dropping this off to you (I'm in town).
Thought it would be a fun gesture to keep communication between us open and directed toward resolution. Also, thought I might be able to catch you during a free moment… The girls there weren't very friendly. They said you weren't there and were adverse to giving you a jar of olives. (I'm not judging if you have a drinking problem—that's not what the olives are meant to symbolize)

These emails in Exhibits 2B and 2C were sent to Mr. Conley's law firm after he had earlier received the highly inappropriate and extremely offensive emails with the pornographic picture attached in February of 2023.

Mr. Conley testified to Respondent's repeated calls to his law office and how his office eventually placed Ms. Metroka on written only communications with the law firm, no more telephone calls from her were to be received. This testimony is consistent with his sworn grievance in which he states Respondent called several times demanding the removal of the information and threatening legal action. Mr. Conley testified that after Ms. Metroka sent him the three emails on February 12, 2023, she appeared unexpectedly at the law offices with a jar of olives as identified above, which concerning for what she was doing or might do.

Mr. Conley described Respondent's conduct as far and away the most unethical conduct he has ever seen. He testified that he reported the conduct to the police. He also reported Respondent to the Bar out of his obligation to the profession, out of concern for the public, and fear that others would suffer the same mistreatment by Respondent.

I find the testimony of attorney Brian Conley compelling and credible.

Respondent testified on her own behalf on Monday, July 14, 2025, and then again following Mr. Conley’s testimony on Thursday, July 17, 2025. Respondent testified that it was not her intention to offend anyone.

As to her arrests and misdemeanor convictions, Respondent explained as to the 2020 arrest, she was exercising her First Amendment Right to speak out against wrongs and disputed her location when arrested, stating she was on a sidewalk outside and not inside Stoner’s Pizza Joint. Whatever explanation, and accepting Ms. Metroka’s version of the facts that she was outside the establishment on the sidewalk at the time of her arrest, the Referee finds that the evidence supports Ms. Metroka was causing a disturbance for the people around her, the police were called, the police could not calm the situation for Ms. Metroka to stop the behavior and move on, and she was arrested and subsequently found guilty of resisting arrest without violence.

As to the 2021 charge and misdemeanor conviction in North Carolina, Ms. Metroka maintains she was under distress because her mother was unwell, and that is why she was speeding and driving the way she was when stopped. She also testified that she did not understand from her attorney that she was pleading to a criminal charge. Ms. Metroka believed she was pleading to a traffic citation.

In 2021, Respondent was a nearly 7-year licensed attorney. There was no evidence that she investigated the consequences of her plea to understand she was entering into a criminal plea, but rather relied on her out of state attorney. There was no reasonable explanation why Ms. Metroka could not speak to her attorney or conduct her own research into the consequences of her plea, and exactly what she was pleading to. There is a concern that if Ms. Metroka is not adequately doing what is necessary to protect herself from personally entering a plea to a criminal charge that she did not want enter, and would not have entered if she knew the true facts, whether her clients will be protected and adequately represented in a similar situation.

As to the emails sent to Mr. Conley, Respondent presented several explanations. She contends that the emails were not sent to gain any type of advantage in the pending civil case, but to encourage discussion through use of an “extreme hypothetical.” Respondent maintains that her religion guides her and her intentions were good.

The Court finds Mr. Conley's testimony credible and believable in every respect. Ms. Metroka was one or two clicks of keys on her computer away from sending the offensive email she had prepared from going out on the internet. It was wholly reasonable that Mr. Conley would view these emails as threatening given the context of a pending defamation proceeding and the emails themselves. It is difficult to objectively know what Ms. Metroka's purpose or thinking was in sending those pornographic emails to Mr. Conley, but whatever her purpose, those emails to Mr. Conley were unprofessional, threatening, extremely offensive, vulgar and should never have been prepared or sent to him for any reason.

Ms. Metroka has displayed a pattern of sending mean spirited emails to opposing counsel in other circumstances documented in this Report, and that may have been her purpose in sending those emails to Mr. Conley, because he was not giving her what she wanted in their lawsuit. Ms. Metroka has a pattern of also personally attacking opposing counsel in lawsuits when she does not get what she wants, or does not get what she believes her client deserves in that litigation from the opposing party.

Assuming Ms. Metroka's explanation of her purpose in sending those emails to Mr. Conley is true and she perceived those pornographic pictures and her threat to publish them on the internet against Mr. Conley to be an extreme hypothetical that has legal significance to the issues they were litigating, then the Referee finds Ms. Metroka is lacking the judgment, understanding and perspective to interact with other attorneys in a professional and civil way or represent clients. Ms. Matroka's conduct and statements are way outside the bounds of appropriate conduct of what is expected between individuals in society, and even more shocking and unacceptable between attorneys practicing law within the requirements of our profession. There is absolutely no reasonable legal purpose in preparing and sending those emails to Mr. Conley.

The Oath of Admission Nadia Metroka took to be admitted to practice law in the State of Florida included her agreeing that: "To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communication." This Report documents multiple examples in her written words and her spoken words wherein Ms. Metroka has violated this oath as to both opposing parties and their counsel. The Oath of Admission also includes a statement that "I will abstain from all offensive personality…", which has also been violated on multiple occasions documented in the evidence presented.

III. RECOMMENDATIONS AS TO GUILT

Irrespective of the default entered, the undersigned Referee has independently reviewed the formal Complaint with exhibits and heard arguments of both parties' Motions for Summary Judgment and would affirm my decision as to guilt. Because the Default was entered the Referee did not enter any order on the parties' competing Motions for Summary Judgment. However, the parties' competing Motions for Summary were fully briefed and fully argued. The Referee advises, that if the Referee had not deemed it necessary to enter the Default against Ms. Metroka under the facts of Respondent's conduct in making a conscious decision not to file an Answer to the Complaint when the Rule required, when the Bar advised and encouraged her to do so, and when the Referee gave her a clear second chance to file an Answer, then the Referee would have entered an Order granting the Bar's Motion for Summary Judgment and denying the Respondent's Motion for Summary Judgment on the merits of the summary judgment evidence. There were few genuine disputes as to any material facts, and certainly no genuine disputes as to any material facts that would have prevented entry of summary judgment in favor of the Florida Bar and against Ms. Metroka. The undisputed evidence included transcripts of hearings in prior lawsuits at issue, Ms. Metroka's emails, court orders including findings and pronouncements in prior lawsuits, including evidence such as emails on their face with the words used and image that establish unprofessional, offensive a completely unacceptable behavior that supports recommendations that Ms. Metroka should be found guilty of misconduct justifying disciplinary measures. All of that evidence existed before this lawsuit was filed and was uncontested a summary judgment evidence that would have supported summary judgment in favor of the Bar, if an order had been entered.

During these proceedings, Respondent did not deny virtually all of the material facts as alleged, but attempted to provide excuses and explanations for why the conduct did not amount to a Rule violation. It should be noted that during these disciplinary proceedings, Respondent disagreed with the Bar on the position that there were no genuine issues of material fact in dispute while simultaneously pursuing summary judgment, exhibiting a lack of understanding of the fundamental standard for the relief sought.

For the reasons explained above, I recommend that the Respondent be found guilty of violating the following Rules Regulating The Florida Bar, as follows:

As to Count I, The Florida Bar File No. 2021-50,014(17G), respondent is guilty of the following: Rules 3-4.3 (Misconduct and Minor Misconduct) and 3-4.4 (Criminal Misconduct).

As To Count II, The Florida Bar File No. 2023-50,466(17G), respondent is guilty of the following: Oath of Admission to The Florida Bar; R. Regulating Fla. Bar: 3-4.3 (Misconduct and Minor Misconduct); and 4-8.4(d) (A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice . . .).

As To Count III, The Florida Bar File No. 2023-50,114(17G), respondent is guilty of the following: 3-4.3 (Misconduct and Minor Misconduct) and 4-3.4 (Fairness to Opposing Party and Counsel).

As to Count IV, The Florida Bar File No. 2024-70,352(17G), respondent is guilty of the following: 3-4.3 (Misconduct and Minor Misconduct); 4-4.2 (Communication with Person Presented by Counsel); 4-8.2(a) (Impugning Qualifications and Integrity of Judges or Other Officers); and 4-8.4(a) (A lawyer shall not violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through acts of another).

IV. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Before recommending discipline under R. Regulating Fla. Bar 3-7.6(m)(2)(D), I considered the following:

Personal History of Respondent:

Age: 39

Date admitted to the Bar: December 24, 2014

Prior Discipline: None

V. <u>STANDARDS FOR IMPOSING LAWYER SANCTIONS</u>

I considered the following Standards for Imposing Lawyer Sanctions before recommending discipline:

1.3 PURPOSE AND NATURE OF SANCTIONS

> (a) Purpose of Lawyer Disciplinary Proceedings. The purpose of lawyer disciplinary proceedings is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely to properly discharge their professional duties to clients, the public, the legal system, and the legal profession.

4.5 LACK OF COMPETENCE

> (a) Disbarment. Disbarment is appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures and causes injury or potential injury to a client.

5.1 FAILURE TO MAINTAIN PERSONAL INTEGRITY

> (b) Suspension. Suspension is appropriate when a lawyer knowingly engages in criminal conduct which is not included elsewhere in this subdivision or other conduct involving dishonesty, fraud, deceit, or

misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

6.2 ABUSE OF THE LEGAL PROCESS

(a) Disbarment. Disbarment is appropriate when a lawyer causes serious or potentially serious interference with a legal proceeding or knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another and causes serious injury or potentially serious injury to a party.

7.1 DECEPTIVE CONDUCT OR STATEMENTS AND UNREASONABLE OR IMPROPER FEES

(a) Disbarment. Disbarment is appropriate when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes serious or potentially serious injury to a client, the public, or the legal system.

(b) Suspension. Suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system

3.2 AGGRAVATION:

I find the following aggravating factors under standard 3.2:

(3) a pattern of misconduct;**—**The Supreme Court views cumulative misconduct more seriously than an isolated instances of misconduct. The Florida Bar v. Horton, 332 So. 3d 943 (Fla. 2019) The bar provided significant evidence in aggravation to support a pattern of misconduct. Respondent exhibits of pattern of conduct of failing to comply with court orders and rules. Respondent also displays a pattern of conduct of sending emails to colleagues that are vulgar and lacking in professionalism, civility or decorum. She does so and finds that there is no violation of the Rules Regulating The Bar. Rather she cites her First Amendment Rights.

However, the practice of law is a privilege. 3-1.1, R. Regulating Bar. The Supreme Court recognized the importance and necessity of civility in the practice, when it amended the Oath of Admission to include, "To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications." In re The Florida Bar, 73 So. 3d 149, 150 (Fla. 2011); The Florida Bar v. Norkin, 132 So. 3d 77, 90 (Fla. 2013) ("The Oath of Admission to The Florida Bar requires attorneys to 'maintain the respect due to courts of justice and judicial officers.' Further, as provided in the Guidelines for Professional

Conduct, a lawyer 'always should interact with parties, counsel, witnesses, jurors or prospective jurors, court personnel, and judges with courtesy and civility, and should avoid undignified or discourteous conduct that is degrading to the court or the proceedings.'").

(7) refusal to acknowledge the wrongful nature of the conduct**;**

— At no point did Respondent acknowledge the wrongful nature of her misconduct. In fact, she arduously maintains that the bar is violating her Constitutional rights by bringing this action. Respondent has also consistently maintained during the course of the proceedings that her actions do not violate any of the Rules of Professional Responsibility, as evinced by the fact that no judge has filed a complaint with The Florida Bar against her or found her in contempt of court.

(9) substantial experience in the practice of law**—**Respondent has been an attorney in Florida since December 2014. What is more, the Court has stated, this factor "is not parsed by expertise in specific areas of the law, but instead applies to experience related to the capability of determining whether conduct is violative of the rules." Florida Bar v. Watson, 405 So. 3d 338, 345 (Fla. 2025) (quoting Fla. Bar v. Bander, 361 So. 3d 808, 817 (Fla. 2023)).

(5) Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency—Respondent willfully and knowingly refused to file an Answer to the bar's formal complaint for over 90-days as required by Rule 3-7.6(h)(2).

Respondent was warned by counsel for the Florida Bar that she must file an Answer to the Complaint, but she did not. The Referee entered an Order advising Ms. Metroka that there was a legal bases to grant the Bar's Motion for Default against her, but that the Referee was giving her a second chance to file an Answer, with a clearly identified time within which to file the Answer. Respondent was ordered by the Referee to file an Answer to the Bar's Complaint by on or before Monday, April 7, 2025, at 5:00 P.M., Eastern time. Respondent was advised in the Order that, if she did not file an Answer to the Bar's Complaint on or before Monday, April 7, 2025, at 5:00 p.m., Eastern time, then a Default would be entered against her. The deadline was written twice and once in bold in the Referee's Order. Nevertheless, Respondent filed her untimely Answer on April 7, 2025, at 7:49 p.m.; followed by a corrected Answer on April 7, 2025, at 11:39 p.m. Respondent failed to timely comply first with the advice of Bar counsel and then with the referee's Order. Respondent proceeded to place blame on the Referee for her failure to comply citing the order provided "one more opportunity to Answer the Complaint, so the issues raised in the Complaint can be decided on the merits."

Respondent failed to comply with the Referee's Orders. She was also found to be recording disciplinary proceedings on her cellphone without permission from the Referee at the April 15, 2025, hearing.

Respondent filed two subpoenas in this case. The first directed to Bar counsel's law school for Bar counsel's academic record and bar exam results. The Bar's Motion for Protective Order was heard April 15, 2025, Respondent was advised that in disciplinary proceedings a subpoena should be issued in compliance with 3-7.11(d), R. Regulating Bar, with Referee signature. Subsequently, she filed a second Subpoena for Non Party-Verizon Wireless bearing Respondent's rather than the Referee's signature in violation of the Bar rule and procedure. Respondent was again reminded that the subpoena should be issued in compliance with 3-7.11(d), R. Regulating Bar.

At the final hearing held July 27, 2025, Respondent appearing via Zoom continuously spoke over the witness, former Judge Charles Greene, and interrupted his testimony. After several warnings, Respondent was ordered to place herself on mute until the witness finished his answer. She did not comply with this order and persisted with interrupting the witness while he was answering respondent's question.

At the same hearing, Respondent refused to move along with her questions when directed to by the court on several occasions when the course of questioning became repetitive and lacked in relevance to the issue of sanctions.

Ms. Metroka argues that there should not be any finding of guilt against her, or any level of discipline leveled against her because of her conduct in this Bar grievance proceeding. The Referee recognizes this argument and position of Ms. Metroka, but also finds that it is appropriate to identify and comment on Ms. Metroka's conduct, arguments and positions taken in this Bar grievance proceeding to the extent they evidence a pattern of conduct consistent with the conduct complained of in the Florida Bar's Complaint. The Referee finds that the conduct of Ms. Metroka in defending the claims against her in this Bar proceeding can also reasonably be considered in any disciplinary measures to be applied.

Any other factors—

This Referee received into evidence documents related to Respondent suing the Clerk of U.S. Supreme Court under 42 USC § 1983, following a return of her petition for writ of certiorari that failed to conform with the Rules of the Court. See TFB Exhibit 23

The US. District Court of Pennsylvania filed an order with an extensive footnote detailing the frivolous filing where Respondent sought declaratory and injunctive relief against an insurance company that provides insurance to her mother. However, her mother was not a party. Respondent based her standing based on shared DNA. Respondent also acknowledged in these proceedings that her parents were unaware of this lawsuit. (See TFB Exhibit 24).

In October 2021, Respondent was sanctioned in Broward County Circuit Court for failure to comply with courts orders. (See TFB Composite Exhibit 26).

Behavior toward counsel for The Bar and other individuals during the disciplinary process.

On January 4, 2024, Respondent admits she emailed from her record bar email address a cease and desist letter to members of the grievance committee. The letter not only threatens legal action against members of the grievance committee, which is made up of lawyer and non-lawyer volunteers, but casts aspersions on the bar. (See TFB Exhibit 10).

Using discovery tools to harass and in an abuse of process—Although not docketed, the Referee received a Notice of Service of Court Documents on April 8, 2025, at 05:15:05 p.m., Filing # 220588910 from filer Nadia M Metroka ESQ, which included a Third Request for Admissions to Florida Bar. This discovery request was made outside of the close of discovery, which was on April 4, 2025, pursuant to the February 26, 2025, Order on Case Management.

Disturbingly, the Request for Admission stated: “The Florida Bar is permitted to file a frivolous lawsuit against one of its members so long as the Florida Bar can win on a technicality.” Notably, Respondent’s filing came shortly after the bar’s April 8, 2025, 03:18:16 p.m. filing for its Motion to Strike Untimely Answer and Request for Entry of Default. See also April 15, 2025 hearing. This is an example of Respondent’s pattern of behavior with personal attacks against opposing counsel and ignoring the facts and the law. In that instance the fact was that the Respondent made conscious decisions that led her to not filing her Answer on time and having a Default entered against her. The Florid Bar’s Motion was correct on the law and the facts, but because both were adverse to Respondent she personally attacked the Bar and their attorney. The Referee has a concern for the Respondent representing clients, especially when her client’s freedom to be in the community can be threatened in a criminal proceeding. Ms. Metroka talks in a derogatory way about the Bar trying to “win on a technicality”. What she describes as a technicality was a clear and specific order of the Referee. In the law, technicalities matter. In the criminal law setting technicalities clearly matter, and complying with those “technicalities” is a very important part of a lawyers job, especially in the representation of criminal defendants.

During these proceedings, respondent’s conduct has been replete with personal attacks. During the April 15, 2025, hearing, respondent raised her hand and placed it in the face of bar counsel. Thereby halting proceedings. She was instructed to put her hand down and failed to immediately comply with this Referee’s order. Her podium and person when then moved to the other side of the courtroom away from bar counsel.

At a subsequent hearing, where respondent appeared via Zoom and the bar in-person, respondent advised this Referee that she did not want to deal with bar counsel and felt threatened. She alleged bar counsel engaged in unprofessional conduct during these proceedings. The Referee advised that he did not witness any of the alleged conduct described by respondent from bar counsel or anyone from the bar. The Referee noted his presence for all proceedings. Noting, nothing but professional conduct had been observed on behalf of the bar. Rather, it was respondent that exhibited the misconduct respondent described.

Early in these proceedings, Respondent attempted to issue a subpoena to obtain Bar Counsel's law school transcript for her grades in Constitutional law and other school records, in addition to a Request for Production seeking any training in Constitutional law given the Bar's counsel. This discovery is only harassing and mean spirit as part of the personal attacks against anyone opposing her, rather than deal effectively and reasonably with the legal issues involved.

Respondent is devoid of insight as to the lack of professionalism she exhibits. Further, respondent demonstrated a lack of understanding of fundamental legal doctrines or procedures, which is deeply troubling. For example, respondent filed a Motion to Strike the bar's witness and exhibit list when no such filing was yet filed. Respondent was served initial discovery disclosures, which she sought to strike.

Respondent spent a great deal of time maintaining that the Referee and bar counsel were using the wrong version of the Florida Rules of Civil Procedure that caused her to miss a time deadline in filing something she wanted to file in opposition to the Bar's Motion for Summary Judgment.

Respondent presented to the Referee a piece of paper with what appeared to be a marked-up of a version of the Rule on summary judgment. Respondent appeared unable to locate the current Rule or advise the Referee where she obtained the version of the rule she presented at the hearing. Bar counsel was directed to show respondent where the updated court rules were located on the bar website.

On Respondent's motion to compel production from the bar, respondent argued that the bar should have to produce documents outside its possession and control.[5] Respondent adamantly argued same. Respondent took the position that this was part of the bar's obligation and

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5. Respondent's Motion to Compel included a footnote that is another example of Respondent's lack of professionalism and civility in these proceedings, "A lawyer that is worth their salt does not feel that questions about the U.S. Constitution and constitutional rights is harassment. Metroka and every lawyer she knows feels tremendous pride toward the U.S. Constitution and cherishes it- it is the lighthouse in a storm. As has been observed during these proceedings, Metroka becomes emotional when speaking on the U.S. Constitution and constitutional rights. This is because Metroka was raised on American beliefs and values and raised to understand, appreciate, and cherish our republic (in fact this is one of the reasons Metroka became a lawyer) - seeing the lack of regard and lack of knowledge of these rights and freedoms as evidenced by Petitioner has caused tremendous distress to Metroka. People that don't understand and don't cherish the U.S. Constitution and constitutional rights are not permitted to be members of the Florida Bar nor any Bar because they threaten American rights, freedoms, and values. Right now, the federal government's approach to handling such folks is to remove such folks from the country."

due diligence to obtain and provide her with documents outside of the bar's possession and control.

Respondent filed several motions during these proceedings and failed to cite any authority. As to her second Motion to Strike the Bar's witness and exhibit list, she sought to strike it on the basis that the Bar failed to indicate what each witness would testify to at the Final Hearing. Respondent directed the Referee to the rule on experts as authority, however, the pertinent witnesses were lay witnesses. Respondent went on to insist that the rule she sought was *so basic and commonly known* she did not realize she would have to provide it. The Referee knows of no rule or order in place that would require what Respondent deems as a basic tenet of law to occur. Neither has Respondent provided any authority to support her position.

Also troubling are statements Respondent has made during the course of the final hearing on sanctions only.

In the underlying *Desilus* case, on July 23, 2021, at a pre-trial hearing on defendant's motion in limine, the trial judge granted paragraph ten, and ordered that insurance not be mentioned in the presence of the prospective jury. (Count III) The court unequivocally reiterated same to respondent multiple times. During the testimony of attorney John Richards, the hearing was described as a *primer* and the motion in limine filed by the defense out of concern that respondent's conduct would cause a mistrial. After much discussion the Friday before trial, the trial court advised respondent, ". . .Again, if you want to do something with an insurance policy, please do not do that in front of a jury. We will do it outside the presence of a jury. You can put it on the record and proffer whatever evidence you wish. Don't do it in front of the jury." During voir dire respondent mentioned "insurance" multiple times, including direct references to insurance fraud to prospective jurors, as detailed in the court's order.

In these proceedings, during the testimony of Mr. Richards, Respondent stated that it is well-known that a trial has *not* commenced until the jury is selected and sworn, to explain her conduct.

Further, Respondent fails to appreciate the seriousness and purpose of the proceedings asking that the sanction hearing be a "session for healing" to resolve the misunderstanding she perceived to have with retired Judge Greene. Respondent's statement is consistent with the statement she made the prior day, with witness attorney John Richards, where she accused the bar of interfering with her relationship with Mr. Richards. Mr. Richard clarified that there was no relationship other than the professional one he had as opposing counsel in the single case Desilus v. Kelgard, et al., case number CACE15019582, Broward County, Florida.

Respondent engaged in conduct that was an abuse of process. Between April 14 and April 15, respondent filed numerous motions to strike the Bar's Complaint in a piecemeal fashion after default was entered. She also proceeded to cross-examine witnesses for over five hours on the same issue, attempting to ask the same questions after the witness provided an answer and speaking over the witnesses.

Respondent, who has been an attorney for over 10 years, also advised this Referee that she had never heard of an attorney stipulating to the admission of evidence for trial. Respondent accused the bar of shirking its obligations under the evidence code by suggesting the parties stipulate to exhibits, including exhibits that were on both respondent and the bar's exhibit lists.

Misrepresentations during bar proceedings—

Respondent did not appear for the February 3, 2025, case management conference. The Referee called her office and she indicated she mis-calendared the date for February 4, 2025.(T.6). Respondent stated she was in a client meeting and requested a moment indicating she was going to her office and would see if she could have the clients go to a conference room. When Respondent did not call back, another phone call was made. At that time, she advised she was going home for privacy instead. (T.12).

On April 15, 2025, respondent alleged that the venue was never discussed and that the Bar was forum shopping placing the Bar disciplinary case in Palm Beach County.

> MS. METROKA: So I just want to correct some of the things that have just been said. **We actually never had a hearing about venue**, and given that my motion to dismiss has been dismissed -- I mean, has been denied, I'm fairly certain that -- well, I think I can still potentially question venue but that's neither here nor there. **The point is we never actually had a conversation about venue**, and the Florida Bar did not -- the Florida Supreme Court did not choose to put this complaint here in Palm Beach. Florida Bar filed it in Palm Beach and the chief judge here in Palm Beach selected Your Honor to be the judge.

(April 15, 2025, T. 38-39) (emphasis added)

However, a case management hearing was held on February 3, 2025, and at that hearing, there was significant discussion about venue. Further, the issue of venue was memorialized in the order on case management.

During the time of the sanctions hearing, on July 11, 2025, Respondent filed a Motion to Dismiss Based on Account of Prosecutorial Misconduct—Bar Counsel Knowingly Elicited and Failed to Correct False Testimony. The Motion alleged Bar counsel “knew or should have known the substance of Mr. Greene’s testimony and that it was materially false.”

Most concerning is Respondent's allegation that Judge Greene's testimony regarding Respondent's "several evictions" was false, was patently incorrect and a flagrant misrepresentation to this Referee in Bar disciplinary proceedings, as there are four eviction cases in which Respondent is a party in Broward County.[6]

When questioned, Respondent admitted the cases exist at the Final Hearing, and submitted she was appealing one and was merely constructively evicted in another. Respondent also admitted to misquoting a Supreme Court holding in her Motion. This parsing of words lacks candor and is a violation of the Rules Regulating The Bar in Bar disciplinary proceedings.

3.3 MITIGATION:

I considered the following mitigating factors under standard 3.3:

(1) absence of a prior disciplinary record; —The Respondent has no prior disciplinary record, however, this factor in mitigation does not change the recommendation of disbarment.

6. The bar requested judicial notice of the following cases: Camden Summit Partnership LP vs. Nadia Metroka, case number CONO20013204; Camden Summit Partnership LP vs. David Metroka, et. al, case number CONO20025426; Camden Summit Partnership LP vs. David Metroka, et. al., case number CONO21023095; and Camden Summit Partnership LP vs. Nadia Metroka, case number CONO22000586.

(3) personal or emotional problems; — Does not apply in this case. The Florida Bar v. Russell-Love, 135 So. 3d 1034, 1037 (Fla. 2014) (finding "the stress created by [respondent's] personal hardships was not sufficient to excuse her misconduct.")

(5) full and free disclosure to the bar or cooperative attitude toward the proceedings; — Does not apply in this case. "The mitigating factor of cooperation in the Bar discipline process contemplates something above and beyond the normal cooperation expected of every member of the Bar." The Florida Bar v. Herman, 8 So. 3d 1100, 1107 (Fla. 2009). There was no evidence presented as to this factor.

(12) Remorse not found. — The Florida Bar v. Shwartz, 382 So. 3d 600 (2025) (finding respondent's expression of acceptance of responsibility for misconduct distinguishable from remorse under Standard. 3.3(b)(12) where record reflected respondent blamed the bar for his troubles and stating, "[t]he Bar's doing everything they can to take away my license." See Fla. Bar v. Horton, 332 So. 3d 943, 949 (Fla. 2019) (finding of remorse was clearly erroneous and evidence was insufficient, where lawyer accused the Bar of prosecuting him like a "trophy being hunted" and that the proceedings were like "facing a firing squad for a traffic violation" [and respondent continuously attempted to minimize his misconduct]); Florida

Bar v. Schwartz, 382 So. 3d 600, 613 (Fla. 2024) ("As we have previously stated, a lawyer's asserted motive or the purpose in acting is not determinative of whether a rule was violated and is not a factor in determining the appropriate sanction to impose.")

In these proceedings, Respondent blamed the Bar for the entry of the Default on more than one occasion, calling it trying to win on a technicality. Ms. Metroka suggested the Referee's reference to the court's preference to cases being heard on the merits gave her a false sense of security that she could wait until midnight to file her Answer, when the Referee's Order clearly stated 5:00 pm. At the May 20, 2025, hearing, Respondent engaged in personal attacks against the Bar, and referencing the Default stated she was uncomfortable being part of an elitist organization, referring to The Florida Bar. At one point in the proceedings, Respondent stated that the rules do not matter.

Given the necessary push toward civility and case after case in which the Florida Supreme Court has warned attorneys that incivility will not be tolerated, Respondent nevertheless shamelessly engaged in this type of misconduct. Respondent completely misses the point with regard to this misconduct, which is surprising from a seasoned member of The Florida Bar.

(11) imposition of other penalties or sanctions;

VI. <u>CASE LAW</u>

I considered the following case law before recommending discipline:

The practice of law is not a right. It is a privilege that is revocable for cause. See R. Regulating Fla. Bar 3-1.1 and <u>Petition of Wolf</u>, 257 So. 2d 547, 548 (Fla. 1972). The Supreme Court of Florida also generally imposes a greater sanction for cumulative misconduct than for isolated misconduct. <u>The Florida Bar v. D'Ambrosio</u>, 25 So. 3d 1209, 1213 (Fla. 2009).

Cumulative misconduct may be found when the misconduct occurs near in time to other offenses or where a course of misconduct exists. <u>The Florida Bar v. D'Ambrosio</u>, 25 So. 3d 1209, 1213 (Fla. 2009); <u>The Florida Bar v. Strems</u>, 357 So. 3d 77, 93 (Fla. 2022) ("When all the violations are considered together, the totality of Strems' misconduct warrants disbarment, which would achieve the three purposes of attorney discipline. <u>See Fla. Bar v. Dupee</u>, 160 So. 3d 838, 853 (Fla. 2015) ("The purposes of attorney discipline are: (1) to protect the public from unethical conduct without undue harshness towards the attorney; (2) to punish misconduct while encouraging reformation and rehabilitation; and (3) to deter other lawyers from engaging in similar misconduct.")

<u>The Florida Bar v. Leigh</u>, 405 So. 3d 347 (Fla. 2025) ("While Leigh has no prior disciplinary record and we typically approach discipline incrementally, we have disbarred attorneys with no prior history when the violations are egregious enough. *See Strems*, 357 So. 3d 77. Here, Leigh's conduct demonstrates a failure to grasp the most fundamental legal doctrines or procedures, and despite numerous warnings, he has demonstrated a propensity to flout court rules and orders.")

<u>The Florida Bar v. Williams</u>, 604 So. 2d 447, 452 (Fla. 1992) ("'[D]isbarment is the extreme measure of discipline and should be resorted to only in cases where the lawyer demonstrates an attitude or course of conduct wholly inconsistent with approved professional standards.' *The Fla. Bar v. Pahules,* 233 So.2d 130, 131 (Fla.1970) (quoting *State ex rel. The Fla. Bar v. Murrell,* 74 So.2d 221, 223 (Fla.1954)). We find that Williams' cumulative misconduct demonstrates an attitude and course of conduct

that is inconsistent with Florida's standards for professional conduct, and thus, warrants disbarment.")

The Florida Bar v. Kandekore, 766 So. 2d 1004, 1007 (Fla. 2000), the Court has held that a referee may not 'go behind' a conviction to determine whether or not the attorney is actually guilty of the offense. The attorney may only testify as to facts, which may be considered in mitigation of the sanctions to be imposed.")

The Florida Bar v. Kinsella, 260 So. 3d 1046 (Fla. 2018), the Court held that a three-year suspension was appropriate rather than disbarment where an attorney entered a no contest plea to petit theft, a first-degree misdemeanor. On three separate occasions, the Respondent stole money from the cash register at a Kohl's Department store where she worked. She was subsequently arrested for grand larceny, a felony, which was reduced to petit theft, a misdemeanor, and received probation with adjudication withheld.

The Florida Bar v. Levine, 571 So. 2d 420 (Fla. 1990), the Court held that pleading guilty to security fraud warranted disbarment despite mitigation evidence that included that the attorney did not participate in illegal activities as a partner in the scheme, did not receive any profit or share in the scheme, and participated fully with the Securities and Exchange Commission (SEC). The respondent had no disciplinary history.

The Florida Bar v. Broome, 932 So. 2d 1036, 1044 (Fla. 2006) (approving a 1-year suspension followed by probation for three years with conditions for multiple violations, including failure to comply with court orders).

The Florida Bar v. Scheinberg, 129 So. 3d 315, 320 (Fla. 2013) (approving a 2-year suspension where the prosecutor and the judge had numerous undisclosed communications completely personal and unrelated to the litigation that created an appearance of impropriety and caused harm to the judicial process in violation of 4-8.4(d)(conduct prejudicial to the administration of justice causing the matter to be retried).

The Florida Bar v. Norkin, 132 So. 3d 77, 90 (Fla. 2013), respondent was suspended for 2 years for misconduct that involved the sending of a series of vitriolic e-mails to opposing counsel accusing him of lying, dishonesty, as well as threatening a variety of things. He also disrupted numerous hearings in front of several judges. Additionally, he accused a retired judge, who served as provisional director appointed by the court, of being a conspirator. Respondent had prior disciplinary history.

The Florida Bar v. Helinger, 620 So. 2d 993 (1993), respondent was suspended for 2 years after having pled guilty to multiple counts of making obscene phone calls and having a selfish motive.

The Florida Bar v. Sayler, 721 So. 2d 1152 (Fla. 1998), respondent sent a letter to opposing counsel in a workers compensation case, a letter that referenced the recent murder of an attorney that represented employers and agents in workers' compensation cases. "[R]espondent quoted the news headlines used in The Palm Beach Post to announce the story and attached a printout of the subject articles." The Court approved the referee's findings that the inappropriate and unprofessional conduct had no bearing on the actual litigation before the parties, and that respondent knew or should have known the letter with attached articles would only serve to embarrass or frighten opposing counsel in violation of the rules regulating lawyer conduct.

The Florida Bar v. Committe, 136 So. 3d 1111 (Fla. 2014), approving a 3-year suspension for multiple violations, including knowingly disobeying an obligation under the rules of a tribunal, and providing false statements to a referee in disciplinary proceedings with a prior disciplinary history.

The Florida Bar v. Bischoff, 212 So. 3d 312, 319 (Fla. 2017), approving a 1-year suspension for attorney who failed to comply with court orders, made false statements of fact or law to a tribunal, and filed baseless objections and appeals not supported by applicable law.

The Florida Bar v. Watson, 76 So. 3d 915, 922 (Fla. 2011), finding "in order to satisfy the element of intent it must only be shown that the conduct was deliberate or knowing. . . . The motive behind the attorney's action is not the determinative factor. Rather, the issue is whether the attorney deliberately or knowingly engaged in the activity in question."

The Florida Bar v. Ratiner, 46 So. 3d 35 (Fla. 2010) ("Contrary to the respondent's argument, it is not necessary for misconduct to have been a basis for discipline in order for it to be considered in aggravation. Here, the respondent's pattern of engaging in abusive conduct is relevant to the appropriate sanction to be imposed for the violations at issue in this case.")

The Florida Bar v. Abramson, 3 So. 3d 964 (Fla. 2009), approving a 91 days suspension for disrespectful behavior toward a judge during jury selection in a criminal proceeding. *But see* Florida Bar v. Patterson, 257 So. 3d 56, 65 (Fla. 2018) ("[T]his Court has become increasingly concerned by the lack of respect and professionalism exhibited by many Florida lawyers during judicial proceedings and would in all likelihood impose a much lengthier suspension on the respondent in *Abramson* were he to appear before us today." citing *Norkin*, 132 So.3d at 89-92 (imposing a two-year suspension on a lawyer who engaged in pattern of disrespectful and unprofessional conduct toward judges and opposing counsel)).

The Florida Bar v. Mirabal, 390 So. 3d 1172, 1188 (Fla. 2024) (approving disbarment where respondent "exhibited basic, fundamental dishonesty with his conduct in this case, and we have repeatedly made plain that such a serious flaw 'cannot be tolerated by a profession that relies on the truthfulness of its members.' Fla. Bar v. Schwartz, 334 So. 3d 298, 303 (Fla. 2022)")

The Florida Bar v. Graham, 605 So. 2d 53, 56 (Fla. 1992), opinion corrected on denial of reconsideration (Oct. 8, 1992) ("Dishonesty and a lack of candor cannot be tolerated by a profession that relies on the truthfulness of its members.")

The Florida Bar v. Wasserman, 675 So. 2d 103, 104–05 (Fla. 1996) ("[W]e reject Wasserman's contention that his statements to the judicial assistant are protected by the First Amendment to the United States Constitution and article I, section 4 of the Florida Constitution. It is clear that the right to free speech under the federal and Florida Constitutions does not preclude the disciplining of a lawyer for speech directed at the judiciary.")

The Florida Bar v. Rosenberg, 169 So. 3d 1155, 1158 (Fla. 2015) ("The Referee has strong doubts about the Respondent's fitness to practice law. It is obvious Respondent possesses above-average intelligence. It appears, however, that he lacks either the common sense or the intellectual honesty to distinguish appropriate and rational arguments from inappropriate and irrational arguments. The ability to read precedent, while a necessary condition for practicing law, is not sufficient. A lawyer must be able to apply legal principles correctly and honestly. There are times when a lawyer must yield to the facts, precedent, or court orders. Respondent appears incapable of discerning when to yield a legally unsupportable position.")

The Referee also notes that the Rosenberg Court cited *The Florida Bar v. Adler*, 126 So. 3d 244, 247 (Fla. 2013) (citing *Fla. Bar v. Rotstein,* 835 So. 2d 241 (Fla. 2002) (stating that some of the cited cases "are dated and do not reflect the evolving views of this Court.... In recent years, this Court has moved towards stronger sanctions for attorney misconduct."), for the proposition that the Court has moved toward imposing stronger sanctions for unethical and unprofessional conduct.

VII. <u>RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE IMPOSED</u>

I recommend that the respondent be found guilty of misconduct justifying disciplinary measures and she be disciplined by:

A. Disbarment.

Based on evidence identified in this Report, it is clear to the Referee that Ms. Metroka is guilty of misconduct which justifies disciplinary measures. An issue for the Referee in making a recommendation on the disciplinary measures to be applied is that Ms. Metroka is adamant that she believes and maintains that she has committed no violation and there should be no punishment. She seems to genuinely believe that the Florida Bar is trying to punish her for passion and patriotism. That is not the case. She believes she is justified in every action she has taken and in sending every offensive, unprofessional and vulgar email she has authored and sent that are described in more detail above. The Referee therefore finds there is not identified or presented any means for education, mentoring or suspension that would result in any change of her perspective towards opposing counsel, respect for judges orders, and what professionalism and stability means in the practice of law. She is offered no mitigating factors that can assist in rehabilitation or correction of behavior or perception for the Referee to find Ms. Metroka could be suspended in the practice of law or disbarred for a specific amount of time to work on the personality or other traits causing her to attack others in the practice of law who oppose her, or to establish the necessary respect for the technical and other Rules of Court and court orders.

B. Payment of The Florida Bar's costs in these proceedings.

Respondent will eliminate all indicia of respondent’s status as an attorney on email, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia of respondent’s status as an attorney, whatsoever. Respondent will no longer hold herself out as a licensed attorney.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Administrative Fee	$1,250.00
Court Reporters' Fees	$7,161.44
Bar Counsel Travel Expenses	$580.81
Investigative Costs	$988.95
TOTAL	$9,981.20

I recommend that the above costs be charged to the respondent and that interest accrue at the statutory rate. The respondent will be delinquent 30 days after the judgment in this case becomes final unless the respondent pays the costs in full or the Board of Governors of The Florida Bar defers payment under R. Regulating Fla. Bar 1-3.6.

Dated this ____27___ day of _______August___________, 2025.

___________/S/__________________
Honorable Gregory Keyser, Referee

Filed with the Supreme Court of Florida via the Florida Courts E-Filing Portal with copies served via the Portal to:

Keri T. Joseph, Bar Counsel, The Florida Bar, kjoseph@floridabar.org and rcorzo@floridabar.org

Nadia Mary Metroka, Respondent, nadiametroka@gmail.com

Patricia Ann Toro Savitz, Staff Counsel, psavitz@floridabar.org