

IN THE SUPREME COURT OF FLORIDA

CASE NO: SC21-1071

WPB HOTEL PARTNERS, LLC,

Petitioner,

v.

POINT CONVERSIONS, LLC,

Respondents.

_____ /

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF RESPONDENTS**

I, Kenneth Woodard, in accordance with Rule 9.370(a), Fla. R. App. P., respectfully requests this Court grant leave for me to file an amicus curiae brief in support of Respondents, Point Conversions, LLC (“PC”). As grounds, I state the following:

1. A good lawyer once said, be careful how you judge the law, because in the same manner, the law will judge you. (Matthew 7:1-2) I speak on behalf of thousands of law students who also would be interested in this case if they knew it

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existed. In all my legal education career, I have never come across a more confusing set of legal discussions as the decisions attached to these PC cases.

2. Based on discussions with my law professors, I believe I can assist the court by laying out the impact an adverse ruling would have on law students; further confusing them on how state courts and federal courts deal with subject matter jurisdiction. It would be a missed opportunity if I did not convey the frustration created by the various Florida courts' adjudication of PC's cases.

3. Truly, the law is being stretched to non-existent bounds in the 47 cases that PC has sought redress for. Never again can anything like this happen if Florida's legal system will be able to retain any semblance of respect. I have discussed this case with several professors and law colleagues. All of them have been astounded by the twists and turns these cases have taken.

4. As a first-year law student at UIC Law, I have been disappointed, not with the outcome of many of these cases, but with the manner in which the outcome has come about. In both my Constitutional Law course and my Civil Procedure course, I was required to research and write about various contemporary cases. I have tracked this case, and its companions, to better understand the complexities of Subject Matter Jurisdiction and the various kinds of motions that can be brought before an appellate body.

5. Every one of the 34,000 law students in the United States today, including myself, are required to review cases arising out of states that may not be our home state – for example – how a statute in Florida may be interpreted differently than a statute in Illinois.

6. The issue in this case is about which court can hear PC's claim. More specifically, this Court will determine whether the trial court did have subject matter jurisdiction over PC's claims; or whether PC's claims are patent infringement claims disguised as state-law claims.

7. The decision this Court will make is critical to law students because we will be responsible for sorting out and understanding why both federal and state courts have ruled that they do not have subject matter jurisdiction on these cases.

8. I have conferred with Nancy Gregoire, Esquire, counsel for the Respondents, and Kenneth Wayne Ferguson, Esquire, counsel for the Respondents. Both consent to me filing an amicus brief. Undersigned has conferred with counsel for Petitioners via e-mail who opposed this motion. A copy of our correspondence has been included for the Court's review and attached as Exhibit A.

WHEREFORE, I, Kenneth Woodard, respectfully requests this Court grant leave for me to file an amicus curiae brief in support of Respondents, Point Conversions, LLC ("PC").

Respectfully submitted,

/s/ Kenneth La-Verne Woodard Jr.

KENNETH LA-VERNE WOODARD, JR.

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Second Year Law Student

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this motion conforms to the font requirements of Florida Rule of Appellate Procedure 9.100(j) in that it was computer generate utilizing Times New Roman 14 point-font type.

Respectfully submitted,

/s/ Kenneth La-Verne Woodard Jr.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email through the Florida eFiling Portal on February 8, 2022, to those named on the attached service list.

Respectfully submitted,

/s/ Kenneth La-Verne Woodard Jr.

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EXHIBIT A

1.) EMAIL FROM LAW STUDENT TO COUNSEL FOR PETITIONS

- a. FROM: Kenneth La-verne Woodard, kwood7@uic.edu
- b. TO: Matthew R. Chait, mchait@shutts.com; Sean M. Smith, ssmith@shutts.com;
- c. CC: Kenneth Wayne Ferguson, wayne@fergusonlawpa.com; Nancy W. Gregoire, gregoirecourt@kblglaw.com
- d. TIME/DATE: Tuesday, 2/8/2022 9:24 AM
- e. SUBJECT: Request for Consent

Hello Matthew and Sean,

I am a 2L at UIC Law (formerly John Marshall Law School). For academic purposes, I have been tracking and writing about the Point Conversion cases throughout my first year of law school. Eventually, I decided that it would be advantageous as an academic exercise to write an Amicus Brief to the Florida Supreme Court in support of Respondents, Point Conversions SMJ claims.

I have obtained Kenneth Ferguson and Nancy Gregoire's consent to petition the Court for leave to file an Amicus Curiae Brief. I have also obtained the support of my Civil Procedure professor, Sonia Green, who will be working with me for academic credit.

The Ask:

I would also like to request your consent to file an amicus brief. Again, this is based on genuine interest as a law student and as an academic exercise.

Kindly,

Kenneth

Kenneth Woodard
Second Year Law Student
John Marshall Law School (now UIC Law)
kwood7@uic.edu

309-310-4654

2.) EMAIL FROM COUNSEL FOR PETITIONS TO LAW STUDENT

- a. FROM: Matthew R. Chait, mchait@shutts.com;
- b. TO: Kenneth La-Verne Woodard, kwood7@uic.edu
- c. CC: Sean M. Smith, ssmith@shutts.com; Kenneth Wayne Ferguson, wayne@fergusonlawpa.com; Nancy W. Gregoire, gregoirecourt@kblglaw.com; Joseph W. Bain, jbain@shutts.com; Daniel E. Nordby, dnordby@shutts.com; Garrett A. Tozier, gtozier@shutts.com;
- d. TIME/DATE: Tuesday, 2/8/2022 10:53 AM
- e. SUBJECT: Request for Consent

We do not consent to your filing an amicus brief.

Matthew R. Chait

Partner | Shutts & Bowen LLP

Tel: (561) 650-8550

3.) EMAIL FROM COUNSEL FOR RESPONDENTS TO COUNSEL FOR PETITIONS

- a. FROM: Kenneth Wayne Ferguson, wayne@fergusonlawpa.com;
- b. TO: Matthew R. Chait, mchait@shutts.com;
- c. CC: Kenneth La-Verne Woodard, kwood7@uic.edu; Sean M. Smith, ssmith@shutts.com; Nancy W. Gregoire, gregoirecourt@kblglaw.com; Joseph W. Bain, jbain@shutts.com; Daniel E. Nordby, dnordby@shutts.com; Garrett A. Tozier, gtozier@shutts.com;
- d. TIME/DATE: Tuesday, 2/8/2022 11:16 AM
- e. SUBJECT: Request for Consent

Matt,

Can you provide a REASON why you do not consent to a 2L law student filing in our case?

As Amicus Briefs happen all the time in both state and federal court, Mr. Woodard ought to include in his motion why you oppose other than to be an obstructionist. If there is legitimate reason — fine. Provide it.

Sent from my iPhone

4.) EMAIL FROM COUNSEL FOR RESPONDENTS TO COUNSEL FOR PETITIONS

- f. FROM: Kenneth Wayne Ferguson, wayne@fergusonlawpa.com;
- g. TO: Matthew R. Chait, mchait@shutts.com;
- h. CC: Kenneth La-Verne Woodard, kwood7@uic.edu; Sean M. Smith, ssmith@shutts.com; Nancy W. Gregoire, gregoirecourt@kblglaw.com; Joseph W. Bain, jbain@shutts.com; Daniel E. Nordby, dnordby@shutts.com; Garrett A. Tozier, gtozier@shutts.com;
- i. TIME/DATE: Tuesday, 2/8/2022 12:08 PM
- j. SUBJECT: Second Request for Consent

Matt,

Allow this to serve as a formal, second request. Please advise on your reason(s) why you do not consent to a 2L law student filing in our case.

Thanks.