

OCT 18 2024

IN THE FLORIDA SUPREME COURT OF FLORIDA

Fla. Supreme Court: _____

4DCA Case No. (s): 4D13-1796, 4D13-1901, 4D13-2880, 4D13-2880.
4D13-2882, 4D13-2952 [Order by Clerk of Court no review by judge];
4D15-2435¹

LT. CIRCUIT COURT: 50-2007-DR-006680XXXXNB

L.T. CIRCUIT COURT: 50-2011-CA-013139XXXXMB

L.T. CIRCUIT COURT: 50-2015-CA-000453(BC)

Janice Edwards Knecht,
Petitioner

v.

Michael C. Knecht, Esq., Edward Reagan, Esq., Karen Steger, Esq., Chet
Weinbaum, Esq.
Respondent(s)

_____/

MOTION FOR CONSTITUTIONAL CHALLENGE TO FLORIDA VEXATIOUS LITIGANT
STATUTE 68.093 IN REGARDS TO THE NEED, AT A BARE MINIMUM TO INCLUDE
THE ADDITION OF A CAUTION MUST BE USED IN REGARDS TO THE
MISSAPPLICATION OF THE FLORIDA STATUTE IN DENYING DUE PROCESS COURT
FILINGS & PROCEDURALLY MANDATED HEARINGS

COMES NOW, the Petitioner, Janice Edwards Knecht, pro se, and
respectfully moves this Honorable Court to declare Florida's Vexatious
Litigant Statute, Section 68.093, unconstitutional as applied in this
case. In support of this motion, Petitioner states as follows:

THE FLORIDA FOURTH DCA, two Head Clerks, Marilyn Beutmueller,
on a ruling on October 13th, 2015, (Exhibit A) and recently, on August 8th,
2024, Head Clerk Lonn Weissbaum, Esq. (Exhibit B) denied the

¹ In 4D15-2435, the St. Lucie Clerk, appropriately filed the Notice of Appeal, but did receive case acknowledgment in the mail. Egregious misapplication of Fla. Statute 68.093, due to JANICE, asked for a stay for a status conference and was denied same, by a non-presiding judge, with no transfer to his tribunal.

Petitioner's filings, of a timely filed Writ of Prohibition and/or All Writs Petition of Extra-Ordinary Writs was denied her right to file her extensive evidentiary, documents and pleadings that the Family Law Judge refused to file to support docket number 1000 "Former Wife's Petition to the Court Under a "Change of Circumstances' to Enter Her Motion to Compel to Compel Attorney's Fees Pursuant to the Husband's Proposed Final Judgment, for a Retainer for New Counsel of the Former Wife's Upon Judicial Agreement She Will Have the Attorney Send an Invoice and Cost Retainer Directly to the Former Husband", dated 07/12/2004, and date stamped 07/10/2024, sent certified return receipt number: 7018-1830-0000-9326-3823. Stamped by Judge Scher for approval on July 27th, 2024. This filing was filed by Judge Scher, but then, she refused to file my Notice of Hearing on same, and she would not allow the Clerks of Court, to file and issue my Summons.

A SPECIFIC REQUEST FOR JUDICIAL APPROVAL WAS REQUESTED by the Petitioner, JANICE [on docket number 1000, with new evidence, and case law, and Agreement of the Family Law Judge when she filed her petition, asking for Judicial Permission on a date stamped July 10th, 2024 court document of a ninety-one (91) page Petition with an extensive chart of monies due to her and the "critical date of valuation" was missing of an unfinalized oral mediation transcript, with new evidence and caselaw supporting same. Judge Rosemarie Scher, after reviewing the case file for seventeen (17) days, agreed that Mr. Manoff, Esq.'s and Mrs. Marie Calla-Quartell, Esq.'s, motions and orders gave the Petitioner, JANICE, the right to file pro se, and that the top of the docket had not been changed to reflect those court entries. As well were addressed and charted were the Husband's Fraudulent Fact Trial Statement and Fraudulent

Financial Affidavit, and the conflicting monetary amounts in those two (2) documents and in the June 2008 oral mediation transcript the attorney husband attached to his, unagreed upon, no Answer, Waiver and Consent was filed by the Petitioner, Respondent Wife, JANICE, approving that the parties could ignore May v. Barthlett, 934 So. 2nd 1184 (Fla. 2006) Marital Settlement Agreement and the supporting findings of fact were to be done, and the Petitioner's counsel, Karen Steger, Esq. agreed to fix everything with the credits and debits provisions, and to correct the record, due to the Petitioner, JANICE's concerns about the rental properties' income that was not on his Financial Affidavit, and the missing income from their jointly owned medical arbitration company of which she was a 50/50 out of 100 shares stockholder on same.

WE HAVE FOR REVIEW, Conflicting Opinions on the Fourth District Court of Appeals, sole application of the Conflicting opinion, and misapplication of May v. Barthet, 934 So. 2d 1184 (Fla. 2006), and a Constitutional Challenge of a Florida Statute Rule Robinson v. Weiland, 936 So. 2d 777, 781–82 (Fla. 5th DCA 2006), of the Fla. Vexatious Litigant 68.093, in regards to the procedural rules and the discussion on the Petitioner's meritorious claims were never heard at proper hearings on same with the right to defend.

WHEREFORE, THE PETITIONER, JANICE, believes that due to three (3) lower tribunals and the Fourth DCA misapplying the vexatious issue, as simply, a 'catch-all' to estop her, in respectfully, fundamental and error of law rulings, should surely be a matter of grave Great Public Importance, of public interest to not only the Petitioner, but others.

Importantly, after a review of *May v. Barthlett*, 934 So. 2nd 1184 (Fla. 2006), the Petitioner, JANICE found that Mr. May, the Petitioner in that case never addressed that he like JANICE, never lost five (5) cases against one (1) such named entity or party in five (5) years, or otherwise.

FURTHER, Mr. May's case states he had a Motion to Show Cause on him to explain the merits, and a right to post a small bond of \$1,500.00, to defend his case, when in the year of 2015 Mrs. Karen Steger, Esq. whom was clearly, and undeniably as docket entry 1000 in Case Number 50-2007-DR-006680XXXXNB, is non-disputed by the attorney Former Husband, of the missing date of valuation ever being discussed in the oral mediation transcript, but it was addressed in the attorney husband's Fraudulent Fact Trial Statement of a reference to the date of Separation as May 15th, 2007, and again when he agreed on the record that his Wife on June 6th, 2008 was not responsible for a Promissory Note that he was the only signor on same, and his son, of which Mr. Knecht, Esq. stated on the record that that he was releasing the son from same, when he stipulated to 'It was a gift to his son.', which was signed on May 17th, 2007 after the Wife fled the house due to an adultery issue of her husband going out every night with another woman.

NOW, of interest, is a part of the Petitioner's argument as to the Fla. Vexatious Litigant Statute not being completely, Constitutional and at least in needs clarification within the statute, and must be modified, on the bond issue, to reflect the 'ability' to pay, and the amount, is that Mr. May was only asked to come up with a \$1,500.00 bond, and Karen Steger, Esq. in a Malpractice case filed a Motion without asking the Petitioner, opposing

counsel, Janice Knecht, to review the proposed motion ahead of time, so that she could have prevented Mrs. Steger, Esq. from misrepresenting to the court that JANICE, was truly a Fla. Vexatious Litigant, because that ruling was based on egregious misrepresentations, by Mr. Knecht, Esq. and his counsel, Mr. Edward Reagan, Esq. (whom also did not fact check Mr. Knecht, Esq.'s, his client's misrepresentations on the matter), nor did Mr. Reagan, Esq. call the Petitioner, Plaintiff, in that case or review that file, because the promissory note and the oral mediation transcript was in same, in regards to the attorney husband had already agreed he owed the debt.

IN THE PETITIONER's case in Case Number L.T. CIRCUIT COURT: 50-2015-CA-000453(BC), 4th DCA Case No: 4D15-2435, this Clerk of Court in St. Lucie, Florida must have known the law that an appeal must be filed or any additional document supporting documents, just like the Petitioner's request for a Stay to have another status conference, which one would think even Karen Steger, Esq. would want, as opposing counsel, because she wanted the indigent Petitioner, JANICE, to pay a one-hundred thousand dollar bond, to purportedly represent other parties (Of which she never specified as to whom were the parties, she was purportedly representing.) The Petitioner, JANICE, which was denied by Judge Sweet in Okeechobee, Florida under Chief Judge Croom's jurisdiction to have a hearing. Clear violation of Judge Sweet filing an Order on the Petitioner,

JANICE, that she was a Fla. Vexatious Litigant, due to he, clearly, did not review the Court file, because the Petitioner, JANICE, won already. The Plaintiff, Janice Knecht, won same, when the Request for Admissions and Requests for Production time passed and were deemed admitted by the presiding judge, Judge Janet Croom, the Chief Judge in that division, when Mr. Chet Weinbaum, Esq. could not produce the supporting documents on the oral pronouncement/ mediation. The Petitioner, JANICE later subpoenaed Mrs. Karen Steger, Esq. her original counsel, involved in the unfinalized oral pronouncement, whom was very upset, because she had been reviewed by the Fla. Bar, on this issue, of her not doing the court mandated Marital Settlement Agreement.

HOWEVER, it is self-evident that, Karen Steger, Esq. ex-parte tried to get Judge Croom to allow her to change jurisdiction to Judge Levin, a judge Karen Steger, Esq. believed would show her favoritism. But, that judge called another judge in the Fifteenth Judicial Circuit, and he for some reason without a Motion to Transfer filed by anyone in the Court file, kicked out Chief Judge Croom, whom was following the rules of procedure, and strangely Okeechobee judge, Judge Sweet came in and took over. The Plaintiff, JANICE, decided to get out of there because something was afoot, and file for a Notice of Appeal, then without warning, JANICE, did not go

through with filing her Appellate Brief, and there was no fifteen-day notice sent to her on same, so a Fourth DCA judge came in and filed something about the rules of procedure should be followed, and the Petitioner, JANICE, had already asked Judge Sweet to allow her to Stay the case, to have the other Status Conference, first, and he denied her same. Again, no due process right to a hearing, and without her being heard on the rest of her merits he ruled her a Fla. Vexatious Litigant, when she had a meritorious claim. This is obstruction of justice, and improperly changing jurisdiction.

UNFORTUNATELY, JANICE was not present, in Case No: 013139XXXMB, 50-2007-DR-006680XXXNB, 50-2015-CA-000453(BC) and there was no hearing with reference to Fla. Statute 68.093, and right to defend her cases were meritorious, and most likely Mr. Michael Knecht, and Karen Steger, Esq. used the face of the Respondent, Mr. Michael C. Knecht, Esq.'s proposed final judgment to protect himself, which is what a couple of judges referenced the face as if it was a separate document than the transcript (that he referenced on the face of same was incorporated therein. However, is an attorney, judge, or pro se person has to read the entire 'official record book' recorded document to see that the transcript is recorded and incorporated into the fifty (50) page numbering and recording

of same.

Karen Steger, Esq. comes in, when subpoenaed, adds herself as a party Defendant, and files that all the title people, the mediator, and others have had to pay tens of thousands of dollars in having to pay attorneys, accountants, etc. to defend them, but no results or clarification ever came to fruit on same. As well, as she states they had to pay increased premiums on their malpractice insurance, so she steps in and says that the Petitioner, JANICE, should be ordered to pay a bond, as a sworn, to Indigent case filer, of \$100,000.00 to the judicial circuit or some kind of holder of those monies, so that Karen Steger, Esq., whom one can easily find when reading that file, is in malpractice, due to all the parties have agreed to pay her attorney's fees to defend them, for violating the FIRPTA laws, and mediation and Special Master rules of procedure, namely Kalman Gerb, Esq., and they all gave away rightfully owed monies to her own client.

NOW, Karen Steger, Esq. never makes a list of these parties for the judge to review, nor does she present contracts from the person's defrauding JANICE. But, it is hard for JANICE to understand if Karen Steger, Esq. is purportedly signed agreement to represent them, then she just admitted they all had to pay money to defend them to other attorneys'

after they dropped Mr. Michael Knecht, Esq. as counsel, whom was previously representing them.

CLEARLY, Karen Steger, Esq. was bullying and harassing the Petitioner, JANICE, because she even stated that if JANICE could not pay the [borrowed money from her disabled veteran father] to pay the bond, her case would be subsequently dismissed. This is where G.B.B. Inv., Inc. v. Hinter Kopf, 343 So. 2d 899 (Fla. 1977), see as referenced below, as to the application of same, comes into effect, to preserve the Petitioner's due process rights. Now, of considerable interest, due to Karen Steger, Esq.'s and Jeffrey Cutler, Esq.'s negligence in not doing the proposed final judgments, and finalizing all of the property transfers, corporate transfers, stock holder issues, the written MSA, include the missing properties, promissory notes, cash monies, rental income, medical insurance corporation income, missing equity line information, etc. We have as Mr. Manoff, Esq. stated to the Petitioner and Judge McSorely in 2010 at a hearing a complete disaster of a case.

THE KEY TO THE ENTIRE CASES, LIES IN THE FAMILY LAW COURT ON DOCKET NUMBER 1000, IN CASE NO: 50-2007-DR-006680XXXXNB, OF WHICH THE RESPONDENT, MR. KNECHT, ESQ. NEVER RESPONDED TO NOR EVEN AGREED WITH THE PETITIONER TO HAVE A HEARING ON SAME

IN REFERENCE THERETO, the Petitioner, JANICE, asserts that the Honorable Florida Supreme Court with the new evidence of docket number

1000, document entitled: “Former Wife’s Petition to the Court Under a ‘Change of Circumstances’ to Enter Her Motion to Compel to Compel Attorney’s Fees Pursuant to the Husband’s Proposed Final Judgment, for a Retainer for New Counsel of the Former Wife’s Upon Judicial Agreement She Will Have the Attorney Send an Invoice and Cost Retainer Directly to the Former Husband”, dated 07/12/2004, and date stamped 07/10/2024, sent certified return receipt number: 7018-1830-0000-9326-3823 submitted to the Court and stamped in on July 10th, 2024, by the Clerk and signed by Judge Scher, “Clerk Approved to File by Judge Rosemarie Scher, clearly had to be heard to discover the date of valuation and fraud was explicitly substantiated, there has to be a hearing on same. Rule 12.540(b) there is no time limit, as well as under Rule 12.540 (d) and (e) are applicable as is stated herein. Robinson v. Kalmanson, 882 So. 2d 1086, 1088 (Fla. 5th DCA 2004). Where, as here, a party pleads fraud with specificity and particularity, the trial court must conduct an evidentiary hearing to determine whether the motion should be granted. See Robinson v. Weiland, 936 So. 2d 777, 781–82 (Fla. 5th DCA 2006).

THE FAMILY LAW JUDGE, IN 2024, denied the Petitioner that right, and to argue new evidence, of her ninety-one (91) page Petitioner and supporting caselaw, so that Motion to Re-Open is still an ‘open’ motion. Yet, the judge closed the re-opened docket, and the \$50.00 invoice of cashed payment was processed, see docket on same.

THE PETITIONER, JANICE, has a constitutional challenge, under Fla. Supreme Court 9.425, and Fla. Appellate Rule 1.170, to the Florida Vexatious Litigant Statute 68.093, in regards to *May v. Barthet*, used by the

Fourth DCA. The Petitioner's filings were refused to be filed on a timely filed Writ of Prohibition and Amended Motion to Vacate the Florida Vexatious Litigant Statute as being exempt from Family Law Court filings in the lower tribunal, and void ab initio, in another civil matter of a debt owed and agreed upon by the attorney husband, in the Dissolution of Marriage Case. Both cases evolved out of ex-parte and sua sponte communications and misrepresentations, without hearings, between the judge and the attorney husband.

IN THE CASE of *May v. Barthet*, the Florida Supreme Court ruled in a manner that appears to conflict with several other decisions and fundamental principles of access to the courts as enshrined in the Florida Constitution, Article I, Section 21. This Motion for Challenge, is asking the Fla. Supreme Court to explore these conflicts and arguments in regards to the Florida Vexatious Litigant Statute should include the cases below, as to ensure that we don't have four (3) lower courts, and the Fourth DCA being confused as its application, and the court filings in 'all' courts must be filed and hearings allowed on the merits:

1. *G.W. v. Rushing*, 22 So. 3d 819 (Fla. 1st DCA 2009)

IN *G.W. v. Rushing*, the court held that clerks are, absolutely, not to refuse filings, for Fla. Vexatious Litigants. This decision underscores the principle that lower tribunals and appellate courts must file pleadings before ruling or dismissing same. This is in direct contrast to the decision in *May v. Barthet*, where procedural barriers were placed that effectively denied the petitioner the right to have his pleadings filed and considered. The *Rushing* decision supports the notion that access to the courts should not be impeded by administrative actions unless explicitly ordered by a judge.

2. *Harris v. Gattie*, 263 So. 3d 829 (Fla. 2d DCA 2019)

The *Harris v. Gattie*, *id.*, *Harris* was granted certiorari and quashed a sanctions order because the trial court failed to follow proper procedures before imposing sanctions that barred the litigant from filing further pro se pleadings. This decision highlights the necessity of due process and the right to be heard, which was not adequately protected in *May v. Barthet*.

3. *Bolton v. SE Property Holdings, LLC*, 127 So. 3d 746 (Fla. 1st DCA 2013)

In *Bolton v. SE Property Holdings, LLC*, the court reinforced the right to be heard and the necessity for the court to file pleadings with a case number. The decision in *Bolton* aligns with the fundamental right of access to the courts, ensuring that litigants are not denied their day in court due to procedural technicalities. This stands in stark contrast to the barriers faced by the petitioner in *May v. Barthet*.

4. *David Hutto v. State of Florida*, 1D16-1587 (Fla. 1st DCA 2016)

IN *David Hutto v. State of Florida*, Attorney General Pam Bondi ruled in favor of a mandamus that required the Florida 1st DCA to file the person's pleadings. This decision reinforces the principle that courts have a duty to accept and file pleadings, ensuring that litigants have access to judicial review. The ruling in *May v. Barthet* appears to undermine this principle by allowing procedural barriers to prevent the filing and consideration of pleadings. And, does this insofar as to accuse a Clerk in one division of purportedly 'accidentally' filed Mr. May's pleading, when Florida Statute 68.093 mandates allowing a Fla. Vexatious Litigant to be allowed the right to file same. Simply, how can a judge, even review a complaint on the merits as to the amount of bond, if a person is not allowed to file same, it is respectfully, is illogical as to the whole application of the statute itself. Further, Mr. May, was threatened, by one (1) judge with a Motion to Show Cause and a contempt of court, or to have to produce a \$1,500.00 bond on same, and he was so scared he didn't show up for the hearing. What the Petitioner, JANICE, doesn't understand, that should be an issue of a Constitutional Challenge is that under the U.S. and Florida Constitution that should for all purposes run parallel to the law, and the Civil Rights Act of 1866, is that a person must have a right to present evidence, and subpoena same, but the Petitioner, JANICE, always gets sabotaged, and erroneous objections filed by opposing attorney's forbidding her to obtain same.

5. G.B.B. Inv., Inc. v. Hinter Kopf, 343 So. 2d 899 (Fla. 1977)

IN *G.B.B. Inv., Inc. v. Hinter Kopf*, the court ruled that a judge, knowing a person could not pay the bond, determined that preventing the case from going forward would violate the plaintiff's due process rights. This decision highlights the importance of ensuring that financial barriers do not impede access to justice, a principle that seems to be overlooked in *May v. Barthelet*.

6. Florida Constitution, Article I, Section 21

Article I, Section 21 of the Florida Constitution guarantees that the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial, or delay. The decision in *May v. Barthelet* seems to contravene this constitutional guarantee by allowing procedural impediments to deny a litigant access to the courts.

7. Additional Constitutional and Statutory References

- Article V, § 5(b), Fla. Const.; § 26.012(1): These provisions outline the jurisdiction of the circuit courts and emphasize the importance of access to the courts.
- Fla. R. App. P. 9.030©(1)(A): This rule provides for the jurisdiction of the district courts of appeal, ensuring that litigants have a pathway to appellate review.
- Article V, Section 3(b)(3), Fla. Const. (1980): This section grants the Florida Supreme Court jurisdiction to review decisions that expressly affect a class of constitutional or state officers, underscoring the importance of judicial oversight and access to the courts.

CONCLUSION

THE DECISION IN THE FOURTH DCA which has now denied the Petitioner, JANICE, due process right to access to the courts in *May v. Barthelet* conflicts with established case law and constitutional principles that protect the right of access to the courts. The conflicting rulings in *G.W. v. Rushing*, *Harris v. Gattie*, *Bolton v. SE Property Holdings, LLC*, *David Hutto v. State of Florida*, and *G.B.B. Inv., Inc. v. Hinter Kopf*, 343 So. 2d 899

(Fla.1977) all emphasize the importance of ensuring that litigants have their pleadings filed and heard, and due process rights to access to the courts.

THESE CASES collectively argue for a more inclusive and accessible judicial process, in line with the guarantees provided by the Florida Constitution and relevant statutory provisions. As well as, Petitioner's due process rights for proper hearings, etc., under ARTICLE 1 SECTION 21, 900, Florida Constitution; Art. V, § 5(b), Fla. Const.; § 26.012(1); Fla. R. App. P. 9.030 (c)(1)(A); Art. V. Sec. 3(b)(3) Fla. Const. (1980); Art. V. Sec. 3(b)(3) Fla. Const. (1980); Florida Constitution, Article I, Section 21; Florida Constitution ARTICLE V, § 5(b), Fla. Const.; § 26.012(1), et al., inter alia, see Table of Authorities.

EXTREMELY, concerning is that Fourth DCA cases of substantial filings are being dismissed without docketing same, see the letter on August 16th, 2024 from the 4th DCA Clerk, stating: 1) the Fourth DCA is not giving her a 4DCA number; 2) that her Writ Petition(s) are not being even put in an administrative court file, as they are supposed to be under the law, 'after a hearing, and after the appeal is filed"; 3) that the Head Clerk, apparently is sending the letter due to he doesn't believe that one judge, let alone an en banc hearing should have been held, and that he is returning same to her (Exhibit C) face of returned envelope of a two (2) pound Writs Petition and fourteen (14) motions that the Family Law Judge denied her to file, and now she edited same to file in the 4th DCA and without any judge signing off on that there will be no hearing, or docketing on her extra-ordinary Writ Petition, as to even a judge filing a Motion to Show Cause on her on same, as to reviewing the filing as to the merits on same it is upsetting to JANICE,

and the fact, like the Sheriff's Office Process Server's Office said, after they called their legal department for over an hour, for her to go see if she could get her Summons in the Family Law Division if they would deny the right for her to file same. The Petitioner, JANICE, filed extensive Memorandums of law, in her Disqualification of Judge Scher, and cited that the Fla. Vexatious Litigant Statute does not pertain to any of her meritorious court filings.

PETITIONER, JANICE's case is a clear Violation of Due Process, she filed supporting new evidence, that the Family Law Judge will not allow to be heard: The application of Florida Statute 68.093 in this case has denied Petitioner the right to a proper procedural, informed hearing, violating the due process clause of the Florida Constitution.

DENIAL OF Right to COURT FILINGS AND ACCESS TO THE COURTS: Article I, Section 21 of the Florida Constitution guarantees the right to access the courts. The statute, as applied, unduly restricts this right by labeling Petitioner a vexatious litigant without proper procedural safeguards.

CLEAR, AND UNREFUTABLE, Misapplication of Law: Four (4) courts have misapplied the law on meritorious claims, resulting in void ab initio rulings based on fundamental errors of law. This misapplication is concerning as it indicates a lack of proper judicial review and fact-checking. As well, as Family Law Courts are specifically exempt from this statute.

THE FLA. VEXATIOUS LITIGANT STATUTE SHOULD INCLUDE A Fact-Checking Provision: Petitioner believes that before a person is placed in the Vexatious Litigant Registry, there should be a mandatory fact-

checking provision to ensure that previous rulings are accurate and just. All courts should fact-check another judge's rulings on the same issues to prevent erroneous classifications.

THE Mandatory Procedural Hearings are being ignored: It is imperative that mandatory procedural hearings be held to ensure that individuals are not falsely labeled as vexatious litigants without a thorough and fair review of their claims on the meritoriousness of same.

Inapplicability of May v. Barthet: The case of May v. Barthet, 934 So. 2d 1184 (Fla. 2006), is inapplicable to Petitioner's case. In James Weaver v. School Board of Leon County, Florida, CASE NO. 1D03-4894 (March 5th, 2005), a lower tribunal judge ruled there was no abuse of process, by the Petitioner, further supporting Petitioner's position.

CLERKS AND NOT JUDGES IN THE FOURTH DCA Cases, are making dismissals, and sending letters, unsigned by judges, and not filing her court filings:

The Fourth District Court of Appeal cases (4D13-1796, 4D13-1901, 4D13-2880, 4D13-2882, 4D13-2952) involved orders by the Clerk of Court without review by a judge. The face of the Clerk's orders was void of six lower tribunal case numbers, causing confusion in other courts.

WE HAVE, Void Ab Initio Rulings, and no res judicata: All aforementioned cases were void ab initio under Florida Rules of Civil Procedure 1.540(d) and Family Law Rule 12.540(d), which allow for the vacating of judgments that are void.

Case Law & Summary Case Dispositions/Clarifications to Supporting
Petitioner's Position in Regards to Conflicts

On September 13th, 2016, Attorney General Pam Bondi, agreed with

Mr. Hutto, when she represented the State of Florida, as a Respondent, she ruled, as a Respondent for the State of Florida, in favor of Mr. Hutto being able to file his re-consideration, and the right to hearings must not be denied, in the 1st DCA of Florida, in Dennis T. Hutto, Petitioner, v. State of Florida, David Hutto, 1D16-1587, (Fla. 1st DCA2016), Respondent, should be allowed to file his Motion for Reconsideration, with Attorney General Pam Bondi, citing, an Opinion filed September 13, 2016. In G.W. v. Rushing, 22 So. 3d 819 (Fla. 1st DCA 2009), the court held that clerks should not refuse filings unless directed by a court order. See, also, Harris v. Gattie, 263 So. 3d 829 (Fla. 2d DCA 2019), the court emphasized the right to have pleadings filed and heard, and Bolton v. SE Property Holdings, LLC, 127 So. 3d 746 (Fla. 1st DCA 2013), the court reinforced the right to be heard and the necessity for the court to file pleadings with a case number.

Grounds for Constitutional Challenge Include Denial of Writs of Prohibition, and Motions to Vacate the Florida Vexatious Litigant Ruling, Mandamus & other Relief

1. Misapplication of Law &/or Authorities: May v. Barthlett, 934 So.2nd 1184 (Fla. 2006) was misapplied, as sole authority to dismiss numerous appellate cases, and the Florida Vexatious Statute 68.093; and citing the conflicting decisions and relevant legal principles and precedents in the Constitutional Authority of Florida Constitution, Article I, Section 21; Florida Constitution, Article V, § 5(b); § 26.012(1); Fla. R. App. P. 9.030©(1)(A); Florida Constitution, Article V, Section 3(b)(3) (1980); Florida Constitution, Article V, Section 3(b)(3) (1980); Florida Rules of Civil Procedure 1.540(d); Florida Family Law Rule 12.540(d), right to access to

the Courts. As well as, the express conflicting cases of G.W. v. Rushing, 22 So. 3d 819 (Fla. 1st DCA 2009), and David Hutto v. State of Florida, 1D16-1587 (Fla. 1st DCA 2016), Harris v. Gattie, Bolton v. SE Property Holdings, LLC, and G.B.B. Inv., Inc. v. Hinter Kopf, 343 So. 2d 899 (Fla.1977).

2. Error and Misunderstanding: Petitioner, JANICE argue that numerous orders were entered in error and due to a misunderstanding, misunderstanding, and misapplication of the Fla. Vexatious Litigant Statute 68.093, and of May v. Barthlet, id., by various tribunals. Resulting in confliction opinions with the Fla. Supreme Court laws, U.S. Supreme Court Laws, laws of Contract formation, no hearings to defend, and there were many issues in that ruling that did not pertain to the Petitioner, JANICE.

3. Manifest Injustice: The spiral of cases evolving out of the highly erroneous ruling in May v. Barthlet, id., and the Fla. Vexatious Litigant Statute is an abuse of process, being used as 'a proverbial catch all' without proper procedural mandated hearings. Petitioner, JANICE, references the issues and conflicting issues in regards to citizens not receiving due process, in relationship to the Fla. Statute 68.093 being referenced herein, and the consequences of the original order in Case No: 013139XXXMB, order, is a clear manifestation of injustice that has been created. Because that was a promissory note solely signed by the Respondent, Former Husband he promised to take the debt on same, as part of the parties' settlement agreement.

4. Legal Basis: Citing application of Fla. Civ. Pro. Rule 1.540(b)

and Fla. Family Law Rule 12.540(b), and/or Fla. Civ. Pro. 1.540(d) and Fla. Family Law Rule 12.540 (d) and the legal basis of my motion, and/or any other reason justifying relief, ore tenus. The Petitioner, JANICE could have filed same and a Fla. Rule 1.530 Re-Hearing, and handled these cases, but she is afraid to go in these courts, due to those judges might error and file that the Petitioner, JANICE, is a Fla. Vexatious Litigant under Fla. Statute 68.093, falsely. None, of those other attorneys in other cases filed that issue, because they knew it was false, because if you have any merit at all, such as the April 29th, 2009 order was void as a matter of law, that Mr. Knecht, Esq. procured by keeping the Petitioner, JANICE, out of the Family Law Court room, with Troy Klein, Esq. whom just wanted to keep the \$10,000.00 for the marital home closing and the \$25,000.00 he was supposed to do the Family Rule 12.540 (a) mistake on that he told the Petitioner that it was too late, she tried to dismiss him from the marital home closing, due to he was not a real estate attorney, and he refused to get her the Good Faith Estimate that is mandatory, from Daversa & Martyn, P.A. So, what Klein did was do the April 29th, 2009 order with Mr. Knecht, Esq. without going over the order with his client, and Mr. Knecht, Esq. later hand delivered same to Judge McSorely, in the afternoon, in Chambers, and they changed the closing time behind the Petitioner's back from April 30th, 2009, behind the Petitioner's back, with the Petitioner, JANICE, not being allowed to review, same, and she was a party in that case. When, JANICE could not get Troy Klein, Esq. to return her calls for the closing time on April 30th, 2009 he told her, 'Sorry, we closed last night, and Mr. Knecht, Esq. hand delivered my \$10,000.00 check to me last night and that

he had attended by phone.” Troy Klien, Esq. then stated that there was an order, but he didn’t have to give it to her, because he withdrew as her attorney, after the closing. He then, stated he also would be keeping the \$25,000.00 and that she only had five (5) days left to set the final judgment aside. He also, told her, he approved additional deductions from her side of closing, but it was too bad, he had allowed Daversa & Martyn, P.A. and Kalman Gerb, Esq. to do same, without her consent. This was after the Petitioner, JANICE, filed in the Family Court division on April 24th, or 25th, 2009 she had told Mr. Klein, Esq. to withdraw due to he was not getting the Good Faith Effort of Closing Costs for her to review with a minimum of seventy-two hours to review and the supporting documents, other than hearsay by the attorney, husband to support a distribution of the marital property monies between the parties.

5. No Res Judicata: When there are no hearings, and/or no action was taken, in a Motion for Status Conference, by Mr. Michael Dyer, Esq. in 2013 for Karen Steger, Esq. and Jeffrey Cutler, Esq., the two (2) attorneys of record on page 2 of the unfinalized oral pronouncement/mediation. Including the Petitioner was denied the right to a Marital Settlement Agreement by Judge Krista Marx with no hearing, of a request for Karen Steger, Esq. and Jeffrey Cutler, Esq. to be compelled to do the ‘written clarification of MSA’, which was specified to be done in the oral pronouncement/mediation for clarifications’ and clarities’ sake by the judge, filed by Marie Calla-Quartell, Esq., a former prosecutor, and Family Law attorney. A ‘no action’ ruling taken on another valid filing of a Motion for Status Conference for Karen Steger, Esq. and Jeffrey Cutler, Esq. to come

in and, simply explain the issue of the face of the final judgment does not match the incorporated June 2008 oral transcript, in which the Wife, clearly expressed her confusion in same, as to monies and properties due to her. There is no res judicata issue on that as well. Further, the Respondent, Mr. Michael Knecht, Esq. did not even argue that neither proper allegation was not true.

6. Petitioner respectfully requests this Court to issue a Writ of Mandamus directing the Clerk of the Fourth District Court of Appeal to assign a case number and accept Petitioner's filings.

7. As stated, Sanctions for lost monies and psychological devastation of having to live on poverty level, and losing all her properties, rental income, real estate brokerage lucrative business, etc., to be determined, and as in Chart Form in the Family Division in the year of 2024, due to Husband's Fraudulent Fact Trial Statements, and Fraudulent Financial Affidavits and dissipation of assets and monies due to the Petitioner, Former Wife. Attorney's fees due to false filings, egregious misrepresentations, fraud, estopping justice, duress, etc.

2. Issue a Writ of Prohibition on Judge Rosemarie Scher for truncating Fla. Statute 68.093, and tampering with the court docket. When the Petitioner, tried to file a Motion to Vacate the Fla. Vexatious Litigant Ruling, advising the Family Law Judge that the matter was exempt from Family court matters, and that she truncated the statute using a fraud on the court ruling in the other court, on misrepresentations by the Respondent, Former Husband, Mr. Michael Knecht, Esq.

3. Issue a Mandamus, and Writ of Prohibition on Judge Rosemarie

Scher, to step aside and the Family Law Administrative Law judge, to handle the fourteen (14) Evidentiary Motions, with Memorandums of law Supporting JANICE's position, to file the Petitioner's Amended Motion to Vacate the Fla. Vexatious Litigant ruling, and to correct the Petitioner's Court docket heading in a second heading saying that JANICE is not a Fla. Vexatious Litigant and that same was entered in error.

4. Of Great Public Importance, is that all law schools, and judges in all lower tribunals, and Florida Appellate Courts, including the U.S. Supreme Court be given a copy of the Procedures for Fla. Vexatious Litigant Chart (Exhibit D) that JANICE found, or for the Fla. Supreme Court to do their own procedural Chart.

5. Modification of the Fla. Vexatious Litigant Statute to include the caselaw, herein, including that if a bond if a person can not afford same as in G.B.B. Inv., Inc. v. Hinter Kopf, 343 So. 2d 899 (Fla. 1977), not to be required, to deny a person due process rights in the courts, if they don't have liquid assets, before they have been able to present their evidence and have a full hearing on same, is a violation of a person's due process rights, and is prejudicial to Court Petitioners.

6. All other relief, ore tenus, under the law, that should be properly assigned.

7. A Writ of Prohibition, and/or All Writs Petition.

WHEREFORE, Petitioner prays that this Honorable Court grant the

relief requested herein and any other relief deemed just and proper.

ADDITIONAL RELIEF:

1. Petitioner respectfully requests this Honorable Court to:

(a) Declare Florida Statute 68.093 unconstitutional as applied in this case.

(b) Vacate all orders declaring Petitioner a vexatious litigant.

(c) Grant Petitioner a proper procedural, informed hearing on the merits of the case. d. Implement a mandatory fact-checking provision for all courts before placing individuals in the Vexatious Litigant Registry.

(e) For the Fla. Supreme Court to take original jurisdiction on the Writs' issues and conflicting due process Florida Constitutional provisions and other conflicting opinions, on the efficacy of the face of the October 15th, 2013 order, and the Letter of Judge Rosemarie Scher, of August 27th, 2024, in relation to 4DCA Case No. (s): 4D13-1796, 4D13-1901, 4D13-2880, 4D13-2880. 4D13-2882, 4D13-2952, 4D15-2435, lower tribunal numbers: LT. 50-2013-CA-006982XXXXMB; 50-2013-CA-006868; L.T. 50-2013-CA-006866XXXXMB; 50-2013-CA-006863XXXXMB; 50-2013-CA-062013CA-006863XXXXMB; 50-2013-CA-00681XXXXMB, 50-2007-DR-006680XXXXNB. LT. CIRCUIT COURT: 50-2007-DR-006680XXXXNB, L.T. CIRCUIT COURT: 50-2011-CA-013139XXXXMB, and L.T. CIRCUIT COURT: 50-2015-CA-000453(BC)

ALL OF THESE CASES AROSE OUT of not having a bonafide, jointly signed Marital Settlement Agreement, missing properties, missing promissory notes, missing credit card debt, missing cash assets, missing valuations on four (4) companies, owned by the parties. Of which the Respondent's knowingly enriched themselves with, and/or gave away to other parties for hiding and concealing documents, and estopping appraisals of both corporations and businesses. Forcing the Petitioner to pay invoices of water bills, Nozzle Nolen bills, \$25,000.00 of late mortgage

payments JANICE was forced to pay, she needed those monies to pay her bills and properties she received. They gave away her real estate commissions away from her of \$14,000.00, etc. Mr. Knecht, Esq., JANICE, just now discovered had received \$40,000.00 back on a bond, that was paid out of the parties' equity line on or around the first or second week of March 2009, which those monies were not on his Fraudulent Financial Affidavit, he didn't pay the \$25,000.00 in purportedly back mortgage payments, because JANICE, never received proof of same, nor did Mr. Kalman Gerb, Esq. Half of the \$40,000.00 should have been split with the Former Wife, JANICE, to pay her bills. Mr. Knecht, Esq. misrepresented to the Court, Mr. Gerb, Esq. and Troy Klien, Esq. that he had to take out a business loan to pay the mortgage.

The Respondent, Mr. Knecht, Esq. intentionally sabotaged and abused the process of not doing any kind of rendition of the mediation/ oral pronouncement, not even by line item clarification, so that he could sabotage monies due to the Petitioner, JANICE, he did so knowingly and with mal intent. Mr. Kalman Gerb, Esq. failed to do same as well.

Karen Steger, Esq. and Jeffrey Cutler, Esq. sabotaged the entire oral pronouncement/mediation because no one would listen to the Petitioner, JANICE, about this was court mandated to be done by the first judge,

Judge Colbath, in the mediation/oral pronouncement, non-finalized with the missing properties, missing promissory notes, missing debts, etc. Karen Steger, Esq. only had the case for one (1) month, never had her own client, in that thirty (30) days due her own Financial Affidavit, updated at home. Did not give the Petitioner, a blank copy of a form Pre-Trial Stipulation to do in draft, did not give JANICE, a copy, of the Respondent, Husband's Fraudulent Fact Trial Statement, he filed the morning of the cancelled final hearing, turned oral pronouncement/ mediation seventy-two (72) hours in advance, or even at the cancelled final hearing that day for her to dispute hundreds of thousands of dollars in errors and omissions.

AS WELL AS, Fourth DCA Number: 4D15-2435, L.T. CIRCUIT COURT: 50-2015-CA-000453(BC), in this case in the lower tribunal she just found an order from a Fourth DCA judge saying for the Parties to follow the rule of procedure, which is confusing because Karen Steger, Esq. wa grossly not complying with the Petitioner's request of subpoenaed documents, and neither was the accountant, in fact, the accountant, misrepresented to the court that they had given the Petitioner/Plaintiff, JANICE, same when they had not. Then, when the Petitioner, JANICE, brought same to the court, and asked for a hearing for them to produce those documents they said her request was too ambiguous, because she

wanted supporting documents for the 'oral transcript' and they didn't know what that was, when it was the complete crux of the entire matter.

(f) Any other relief this Court deems just and proper. Including a Mandamus on the 4th DCA, and in all of the that Clerks of Court, and/or judges cannot dismiss, lower tribunal cases without due process rights to hearings, if substantive law and monies are due to the Petitioner. Fact Checking assertions by attorneys, that may be unsubstantiated, should have been done on lower tribunal and Fourth DCA, appellate filings, and the misapplication of *May v. Barthlet, id.*, should have been done, under *G.W. v. Rushing*, 22 So. 3d 819 (Fla. 1st DCA 2009), and *David Hutto v. State of Florida*, 1D16-1587 (Fla. 1st DCA 2016), *Harris v. Gattie*, *Bolton v. SE Property Holdings, LLC*, and *G.B.B. Inv., Inc. v. Hinter Kopf*, 343 So. 2d 899 (Fla.1977).

(g) Right to attorney's fees, and sanctions, for abuse of process, to be paid by Respondent, Michael C. Knecht, Esq. to pay for the Petitioner, to have counsel in all her cases, due to undue delay, and her already having to pay \$259,000.00 in attorney's fees. Everything arises out of the Petitioner, JANICE, being denied the right to a Marital Settlement Agreement in 2013. The attorney, Former Husband, is a contract law attorney, and should want one as well. As well as he knows that all the Florida Vexatious Litigant rulings are false, because they were meritorious claims, and that the face of the October 15th, 2013 order is invalid on its face due to it shows only the lower tribunal Family Law case number, for one (1) Family Law case, and the other six (6) cases all had different lower tribunal case numbers, which is why there are so many attorneys, because the other persons knew that they had a problem. This would mislead the Florida Supreme Court, and the U.S. Supreme Court due to the face of the October 15th, 2013 order is misleading on its face.

(h) Right to Sanction Karen Steger, Esq. for not appearing in 2013, at hearings set for her to assist the court, by attorneys to assist her own client, in obtaining a final resolution to the Petitioner's case, and a Motion to Show Cause on her as to why she didn't handle this in 2009, when she had five (5) days to simply file a Fla. Rule 12.540(a), as Mr. Troy Klien, Esq. said

needed to be done in five (5) days. Mr. Manoff, Esq., later said, at a meeting in 2010, with JANICE, that the whole thing should have been dismissed the first year, in a Fla. Family Rule 12.540 (a) mistake as well.

ALL OF THE POST-PROPOSED final judgment attorneys, knew that the transcript had so many issues as to its veracity, and efficacy as well as the face of the final judgment of dissolution of marriage. As, the Respondent, Mr. Michael Knecht, Esq. always said to his contract law clients [whom JANICE worked for him for free for over fifteen (15) years putting her career on hold], "You must have a clear, and unrefutable meeting of the minds by the involved parties in the case, no confusion as to the terms, the attorneys' fees and costs approved and we negotiated same to get a settlement, with the joint signatures of the clients, to have a closed case and settlement." In all of the fifteen (15) years she worked for her attorney husband, did she ever see 'billing time slips' or 'designated billing numbers' for 'oral/mediation pronouncements". The harm Karen Steger, Esq. has caused to other persons she represents or their spouses, for doing same without Financial Affidavits and Pre-Trial Joint Stipulations, and the pretense of mediators, like Kalman Gerb, Esq. filing an 'impasse' by the parties, when JANICE, was never present at same to make it appear we were ready, is beyond unconscionable.

FURTHER, there has to be an Answer, Waiver & Consent signed for a party to skip the final hearing that was cancelled and was supposed to be re-set, for the Petitioner, JANICE, to allow a transcript to be filed in the court record like this. Judge Colbath, did not say on the record, that he wanted the parties to waive their rights to a bona-fide jointly signed Marital Settlement agreement and nowhere in the transcript does it say the parties

are handing the judge their proposed final judgments and Marital Settlement Agreements.

THE PETITIONER, JANICE, cited, on point case law in “Ramano v. Ramano, 632 So. 2nd (Fla. 4th DCA 632 So. 2nd 1994), Bobb v. Bobb (Fla. 4th DCA 552 So. 2nd 334 1989), Buttner v. Buttner, 484 So. 2nd 1265 (Fla. 4th DCA 1986), Plyler v. Plyler, 622 So. 2nd 573 (Fla. 5th DCA 1993), Walz v. Walz, 652 So. 2nd, Fla. 1st DCA 1995), in the Family Law Court, and all discuss the necessity of specific finding of facts, and the critical necessity of a dates of valuation for properties and business interests are discussed, as well as how to divide marital home costs, fees, mortgages, and special equities, and JANICE, did not nod her head in agreement, she continuously professed her confusion and reservations in regards to taking on properties, foreclosures, and it is more than apparent her confusion, distress, coercion and duress.

CERTIFICATE OF SERVICE: I CERTIFY that I have sent a copy of this document on this day of October ____, 2024, to the Florida Supreme Court, 500 Duval Street, Tallahassee, Florida 32399-1927, Michael C. Knecht, Esq., 658 W. Indiantown Rd., Suite 211, Jupiter, FL 33458, email: mck@michaelknecht.com, phone: 561-745-2110. Edward Reagan, Esq., 658 W. Indiantown, Rd., Suite 209, Jupiter, Florida 33458, Steger & Steger, P.A., email: edward.d.reagan@gmail.com; Judge Rosemarie Scher, in Division FI, North County Court House at 3188 P.G.A. Blvd., Palm Beach Gardens, Florida, Steger & Steger, P.A., 603 S.W. Cleveland Avenue, Stuart, Florida 34996, email: www.stegerlaw.com, 772-763-1390, Florida 33458; Chet Weinbaum, Esq., 133 So. 2nd Street, Suite 202, Ft. Pierce, Florida 34450, 772-460-5070, email: lawofficescew@bellsouth.net.

Respectfully submitted,

/s/ Janice Edwards Knecht

Janice Edwards Knecht, Petitioner/Appellant, Pro Se

PROPRIA PERSONA AFFIRMATION & REQUEST:

JANICE, asserts under the included caselaw in regards to Propria Persona Representation by Plaintiff, JANICE: I, JANICE, am a pro se litigant, not an attorney, and further state, that the pleadings in this case are being filed as 'propria persona', in which I, humbly put before this honorable court that by law. It is my understanding that due to my not being an attorney, that my pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection lawyers. See Haines v. Kerner 92Set 594. also See Power 914 F2d 1459 (HthCir1990), also See Hulsey v. Ownes 63 F3d 354 (5th DCA, 1995). also See in Re: HALL v. BELLMON, W5 F.2d 1106 (10th Cir. 1991)."Pro se litigants' court submissions are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence."

Certificate of Compliance:

I hereby certify that this brief complies with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2). This brief has been prepared using [Arial 14-point font/Bookman Old Style 14-point font].

Respectfully submitted:

/s/ Janice Edwards Knecht
JANICE EDWARDS KNECHT

Exhibit A: Head Clerk, Lonn Weissenbaum, Esq.'s letter of September 16th, 2024, sending back my documents knowing he needed to put them in an Administrative Court file, and that JANICE, had told a Clerk that told her the Head Clerk was not going to file her Writ of Prohibition, & or All Writs Petition, that she would be going up to the Fla. Supreme Court then due to a manifest injustice of false Fla. Vexatious Litigant Rulings. He must not have known that, under the law, that May v. Barthlet, id., doesn't pertain, to JANICE's case, and he must not have understood, that JANICE, had put on the face of the documents, that this was not a Family Matters' case it was an issue arising out of the Fla. Vexatious Litigant Statute that was being misapplied from lower tribunal, Case No: 50-2011-CA-013139XXXMB. Plus, Lonn Weissbaum, Esq., was bound to file the Petitioner's brief on the court docket, and then send and record the letter, in case the case was remanded back to the 4th DCA.

Exhibit B: Head Clerk, Marilyn Beutmueller's 'Order of the Court' signed by her and not a reviewing judge.

Exhibit C: Face of returned envelope from Fourth DCA, of a two (2) pound Writs Petition and fourteen (14) motions that the Family Law Judge denied her to file, and now she edited same to file in the 4th DCA

Exhibit D: Procedures for Fla. Vexatious Litigant Chart