

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC19-1127
CASE NO. SC19-1120(REALTED)
CASE NO. SC19-1602(REALTED)
CASE NO. SC19-1507(REALTED)
CASE NO. SC19-1233(RELATED)
CASE NO. 4D19-1226
CASE NO. 4D19-1349(RELATED)
CASE NO. 4D19-2081(RELATED)
L.T. Case Number 2014CA000281(BC)
L.T. Case Number 562019CA000055(FRIVOLOUS)

ROBERT WALKER AND TAMIKO WALKER,
Appellant-Petitioners,

vs.

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

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

APPELLANT’S MOTION FOR APPELLATE FEES AND COSTS

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APPELLANT ROBERT WALKER AND TAMIKO WALKER
MOTION FOR APPELLATE FEES AND COSTS

Appellant ROBERT WALKER AND TAMIKO WALKER, (“Walkers”), by and through themselves, File their Motion pursuant to Florida Rule 9.120, 9.030(a)(2)(A), P. 9.030(a)(2)(A)(iv), 9.900 and 9.400(b), Florida Rules of Appellate Procedure, moves for this court to issue An Order, Granting Fees and Costs as to the Appellees Non-Opposition and Non-Objection that was Originally Filed on August 7, 2019 in 4DCA lower Directly Related Cases: **4D19-1226**, **4D19-1349** and **4D19-2081** as to all matters on Appeal and states:

LEGAL STATEMENT

1. U.S. 544, 555-56 (2007) ("Factual allegations must be enough to raise a right to relief above the speculative level ... on the assumption that all the allegations in the complaint are true (even if doubtful in fact)."). There must be sufficient factual matter to state a facially plausible claim to relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The facial plausibility standard is satisfied when the complaint's factual content "allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* ("Where a complaint pleads facts that are merely consistent with a Counter defendant's liability, it stops short of the line between possibility and plausibility of entitlement to relief." (quotation marks omitted)).

2. “Pro se pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed.” *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998). However, they still must meet “**minimal**” Pleading standards. *Pugh v Farmers Home Admin*, 846 F. Supp. 60, 61 (M.D. Fla 1994) Under Rule 8 of the Federal Rules of Civil Procedure, a plaintiff must provide a short and plain statement of the basis of the Court's jurisdiction, the plaintiff's entitlement to relief, and a demand for relief. Fed. R. Civ. P. 8(a). Federal Rule 9. Pleading Special Matters, Federal Rule 9(a)(b) allows

a) CAPACITY OR AUTHORITY TO SUE; LEGAL EXISTENCE. (1) *In General*. Except when required to show that the court has jurisdiction, a pleading need not allege:(A) a party's capacity to sue or be sued;(B) a party's authority to sue or be sued in a representative capacity; or(C) the legal existence of an organized association of persons that is made a party.(2) *Raising Those Issues*. To raise any of those issues, a party must do so by a specific denial, which must state any supporting facts that are peculiarly within the party's knowledge. (b) FRAUD OR MISTAKE; CONDITIONS OF MIND. In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally.

3. The Appellant, Robert Walker and Tamiko Walker, brought an original action in 2014 after the Appellees Refusal to Remove and Rescind Fraudulent

alleged Mortgage Documents. Mortgage Loans and Promissory Notes from the St. Lucie County of Clerks from an Attempted 2009 Streamline Refinance Mortgage Transaction with REGENT BANK an action that took place in the Florida at the Appellants home on December 26, 2010. As of to date REGENT BANK AND U.S. BANK has not been rescinded the alleged Loan pursuant to the under Federal TILA and State Statutes causing for the Judicial Officer Lower State Judges Janet Carney Croom, Barbara W Bronis and Elizabeth Metzger to reinstate a Contract and Loan that was either never signed by the Walkers and or Forged by the Appellees.

4. Appellant Robert Walker and Tamiko was contractually, obligated and paid a substantial amount of monetary to compensate former undersigned counsels unknown at the time for their unethical duty , pursuant to the Florida Rules Regulating the Florida Bar, to charge fair and reasonable fees, regardless of the terms of the fee agreement.” That was not the case and due to but not limited to the Professional Malpractice Excessive, Overcharging Substantial Unprofessional legal services and costs expended in this appeal the Travis Walker, Suzanne Mclean, Zachary Foster, William Convey, Colleen Miller, Shannon Troutman Sinai, Justin Swoski ,and Matthew Tornincasa, Barry Mittelberg and Jason Phillips, along with Appellees but not limited to, have decided to keep delaying and expanding frivolous lawsuits in hopes of the theft of conversion of the

WALKERS, Residential Properties and Assets, by this Unlawful any means approach, even if it is unlawful and illegal as to the Florida Statues and Constitution.

5. The Appellees never bought up any Damages nor Counterclaims in the Original Pleading in the original action in Related Case on Appeal 4D19-1226, 4D19-1349 and 4D19-2081 that is the subject of this WRIT that contains a finding that the Appellant, Robert Walker and Tamiko Walker, Notice of Removal that was never Remanded to State Court to reassume Jurisdiction had been inappropriately Reopened by Zachary Scott Foster and Rebecca Writ of fir,m Quarles and Brady. However, there is no order of remand such that the state court could reassume jurisdiction of the Appellant's Counterclaim and or Notice of Removal. *City of Delray Beach v. Dharma Props., Inc.*, 809 So. 2d 35 (Fla. 4th DCA 2002) (finding that, absent an order of remand, the state court could not reassume jurisdiction of a case which was removed to federal court and subsequently not dismissed). Further, Zachary Scott Foster, U.S. Bank N.A. or any Judicial Officer of any Competent Court also lacks jurisdiction to rule on all pending motions filed in this case. *Maseda v. Honda Motor Co., Ltd.*, 861 F.2d 1248, 1254 (11th Cir. 1988) ("after removal, the jurisdiction of the state court absolutely ceases, and the state court has a duty not to proceed any further in the case." (citing *Steamship Co. v. Tugman*, 106 U.S. 118, 122, 1 S. Ct. 58, 60, 27

L.Ed. 87 (1882); see also 28 U.S.C.A. § 1446(d) ("the State court shall proceed no further unless and until the case is remanded.").

6. Again Noticing that the Appellee were on the losing side of the continued litigations, Reopened up an Fourth(4th) additional Case, even though he was not attorney of Record and Begin Filing Motions in which the Clerk of Clerks and the Judicial Officer Lower State Judge Elizabeth Metzger entertained and or is entertaining, even though with her Role as Former Chief Judge she is fully aware of the Ruling Law, but is under the Notion that She can "Do what thou wilt shall be the whole of the Law" and Continue to Violate the WALKERS constitutional standing.

7. Appellant Robert Walker and Tamiko Walker is not an indigent and has not received an Order of Indigency in this case. However is not in the business of allocating Wealth and Income on Frivolous Claims while exhausting Assets away to Greedy Lack OF Candor Lawyers gaining Wealth off the Walkers through corrupt Bankers Coblentz agreements that could possibly cause the WALKERS to become on a Fixed Income and have Limited funds as to the Frivolous Litigations at the hands on the Current Notice of Appearance Appellees Counsel Shannon Troutman Siani, Suzanne Mclean, Zachary Foster, Albertelli Law, Joshua Knight, Justin Swoskiwi, Colleen Miller, William Convey and Matthew Tornincasa has been filed with this court.

8. Furthermore, there was a prior Final Order in a related case involving Appellant WALKERS, which Appellant contends the Appellee Agency used Fraudulent Forgeries Documents to gain a Favorable Summary Judgment and Premature Final Judgment causing the WALKERS significant damages. A hearing evidentiary was requested as to a Motion to Vacate Under Rule 1.540, however even though scheduled and held on November Appellant's attorney was a NO SHOW, causing for the Lower State Judge Carney Croom to make no Ruling. Appellant WALKERS prevailed in the prior Pleadings before Judge Janet Carney Croom came on the Cases All Motions to Dismiss were Denied and Trial was set. However over the objection of the WALKERS, Judicial Officer Lower State Judge Janet Croom Struck all the WALKERS witnesses and refuse to disqualify herself as to her financial interest with Centennial Bank and Judicial Officer Lower State Judge Barbara Bronis Financial Interest with BB&T. Which are direct party's in relations to the matter causing for Ethics, Judicial Misconduct and Due process violations to say the least.

9. Section 120.595(1), Florida Statutes (2004), provides for an award of reasonable fees and costs to the prevailing party in an administrative action upon the Courts finding that the agency action which precipitated the appeal was a gross abuse of the agency's discretion, such as in the instant case where the Appellee's and Respondents participated the proceedings primarily to cause unnecessary delay

and needlessly increase the cost of litigation to the Appellant, constituting a gross abuse of the Appellee's and Respondents discretion and justifying an award of reasonable attorney's fees and costs to the Appellant. Section 120.595(5), Florida Statutes (2004), authorizes appellate attorney's fees in such cases.

10. In the present case, in May 2018, Appellant Robert Walker and Tamiko Walker were assured by the Barry Mittelberg that he would be appealing the Court's adverse decision in a timely manner and would requested a formal hearing pursuant to Chapter 120, Florida Statutes, in accordance with state law, federal law and the regulations as to the Ruling Law. Appellant's Previous lawyer Barry Mittelberg failed to act on Robert Walker and Tamiko Walker hearing request, failed to schedule a hearing and sent a correspondence regarding other litigation and advised the Appellant that He did not file for an Appeal and would File a Motion for an Evidentiary and Motion To Vacate as the Appellees were not entitled to the Ruling as to the Concealment and Fraudulent Activities. After multiple letters to the undersigned Barry Mittelberg and No Action, the Appellants, made a Request to have him removed from the Case after his Fulfillment of his Duties as an Evidentiary Hearing and Evidentiary Trial was still pending to the When Lower Trial Judicial Officer Judge Janet Croom and Judicial Officer Lower State Judge Barbara W Bronis allowed counsel to Withdraw but allowed him to still make appearance and pleadings after the Order. Months after her Order. This

Abuse of the Judicial System against a United States American, Non-Criminal Floridian Citizen needs to Cease as the continued, Judicial Misconduct, Lack Of Candor and Unclean, with the Respondents-Appellees “Do what *thou wilt shall be the whole of the Law*” needs to Cease as it is Unlawful and does not bring a peaceful resolution of disputes that are Fair and Accessible to all the Floridians Constitutional Standing a This legal position was contrary to the fact that federal law, state law, federal regulations and the Florida Administrative Code, and the TILA and is the Ruling Law and the Appellants did not have to Sue, even though they did, however only need to place them on Notice as to the Rescission all stated that she was entitled to a hearing.

11. Appellees continued to urge its unfounded legal position throughout the last almost Decade that the Walkers gave them Power of Attorney to Utter and File Forged Falsified Documents in which the WALKERS have a Contract with them and agreed to Pay and or Repay them any Monetary or any Asset, however have Theft By Conversion and Confiscated Closing Cost, Homeowners Insurance Full Premium Payments and Property Tax Payments while creating additional Extensive and Expensive Litigations, Pleadings and hearings on this and other matters, that seem to never end and have yet Reimbursed the Appellant for the Decade of Legal Fees and Costs.

12. Finally, on or about April 2019 after Two Previous Judges Ruled Against them in which One have since Reneged Barbara W Bronis and issued a Non-Final and Final Order entered and Favored the Appellees and their Counsel. However, the information that was used to get the Favorable was Forgeries, Fraudulent and Not Signed by the Walker and Not Notarized by any Notary the WALKERS ever met, causing for Notary Fraud as well. Then to bring insult into unethical fraud on the court. The Appellees through counsel filed this action and used another ser of different forgeries alleged Contract and Documents that was not presented in the original that gained them a favorable Summary Judgment and Final Judgment.

13. This appeal was completely avoidable and should have never been filed, however evetime the Appellants are in the Federal Arena the Zachary Foster continue to be pleadings, motions and litigations that cause for additional State Litigations in hopes of making the Federal matters Moot and gain a Judicial Notice. Zachary Foster and Suzanne Mclean Ethics is disgusting, and appropriate measures need to be taken by this court to punish such gross, blunt behavior.

14. Section 120.569(2)(e), Florida Statutes (2004), provides that an appropriate sanction may be imposed in the form of payment of the other party's attorney's fees and reasonable expenses incurred when a party files pleadings, motions and papers in a proceeding for improper purposes, such as to cause

unnecessary delay or to needlessly increase the cost of litigation such as the Appellee, their counsel Zachary Foster, Shannon Troutman Sinai, Justin Sowoski, Suzanne Mclean and William Convey actions in this matter have done.

15. To date the Appellees NEVER opposed not objections, in fact the Court never ordered them to answer any of the Factual Allegations as to Merits and Lack of Candor. Therefore the timing to answer has expired and the Appellees are indebted to Appellants for continued Costs and Fees as to this Petition that was filed knowing that this matter with merit was Removed to Federal Court is in the Eleventh Circuit For Review, stripping this court from Ruling on any matter and any Further. Appellants Request Immediately to the Eleventh Circuit where jurisdiction lies and allow the proper Court to continuing Ruling of Federal Matters as it relates to TILA, RESPA, FDCPA, but not limited to.

THE COURT'S POWER TO GRANT RELIEF

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

CONCLUSION

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

WHEREFORE, Respondents-Appellants ROBERT WALKER, Robert Walker a real person TAMIKO WALKER and Tamiko Peele a real person, respectfully requests that the Court enter an Order

(1) GRANTING this Motion;

(2) Additionally, the Appellees constant Non Objection and None Opposing of the Factual Statements in relation to matters before this court and in relation to, This Abuse of the Judicial System against a United States American, Non-Criminal Floridian Citizen needs to Cease, as the Appellees-Respondents “Do what thou wilt shall be the whole of the Law” needs to Cease as it is Unlawful and does not bring a peaceful resolution of disputes that are Fair and Accessible to all the Floridians Constitutional Standing. The Appellant, Robert Walker and Tamiko Walker, requests that this Honorable Court enter an Opinion and order awarding reasonable appellate fees and costs, pursuant to Sections 120.569(2)(e), 120.595(1) and 120.595(5) and Florida Statutes (2004), and remand this matter to the Eleventh Circuit United States Court Of Appeals who currently have jurisdiction as to all matters and or Nineteenth Judicial Circuit, in and for St. Lucie County, Florida and

or the for a hearing on the proper amount of such fees as to Case L.T. Case Number 2014CA000281(BC). The Originated Case that is still pending.

(3) Providing any and all such Further Relief as the Court deems just and Proper.
WALKER V U.S. BANK N.A. Case No: 2:19-cv-14037 United States Federal District Southern Division; Federal Notice of Removal and on Appeal

October 24, 2019

Respectfully submitted,

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Plaintiff's-for-Plaintiff(s)

CERTIFICATION OF SERVICE

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

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CERTIFICATE OF COMPLIANCE

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