

Third District Court of Appeal

State of Florida

Opinion filed August 21, 2024.
Not final until disposition of timely filed motion for rehearing.

No. 3D24-1141
Lower Tribunal No. 24-003037-CA-01

José Yeyille,
Appellant,

vs.

The Florida Bar, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Valerie R. Manno Schurr, Judge.

José Yeyille, for appellant.

Shutts & Bowen LLP, and Ricky L. Polston (Tallahassee), for appellee The Florida Bar; Pryor Cashman LLP, and Brendan S. Everman, for appellees ALM Global, LLC and Michael A. Mora.

Before LOGUE, C.J., and LOBREE and BOKOR, JJ.

PER CURIAM.

After review of José Yeyille's initial brief, we conclude that "no preliminary basis for reversal has been demonstrated." Fla. R. App. P. 9.315(a). Accordingly, we summarily affirm the order(s) on review.

Affirmed.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA

THIRD DISTRICT

August 21, 2024

Jose Yeyille,

3D2024-1141

Appellant(s),

Trial Court Case No. 24-3037-CA-01

v.

The Florida Bar, et al.,

Appellee(s).

Upon consideration, Appellees' Joint Motion to Dismiss is hereby
denied as moot.

LOGUE, C.J., and LOBREE and BOKOR, JJ., concur.

A True Copy
ATTEST

[Signature: Mercedes M. Prieto]
3D2024-1141 8/21/24
Mercedes M. Prieto, Clerk
District Court of Appeal
Third District



CC: Brendan Stuart Everman

Ricky Polston
Jose Yeyille

NS

**IN THE DISTRICT COURT OF APPEAL OF FLORIDA
THIRD DISTRICT
CASE NO. 3D24-1141
Circuit Court Case 2024-3037-CA01**

JOSÉ YEYILLE

Appellant

v.

**THE FLORIDA BAR;
ALM GLOBAL LLC;
MICHAEL A. MORA**

Appellees

_____/

**MOTIONS FOR WRITTEN OPINION PURSUANT TO FLA. R.
APP. P. 9.330(a)(2)(D), AND CLARIFICATION PURSUANT
TO FLA. R.APP. P. 9.330(a)(2)(B)**

Pursuant to Florida Rule of Appellate Procedure 9.330(a)(2)(D), Appellant, José Yeyille, by and through the undersigned counsel, moves this court to issue a written opinion *en lieu et place* of this court's order of July 31, 2024, summarily affirming the order on review.

On August 21, 2024, this court issued the following "written" opinion (Florida Third District Court of Appeal Website): "After

review of José Yeyille's initial brief, we conclude that “no preliminary basis for reversal has been demonstrated.” Fla. R. App. P 9.315(a). Accordingly, we summarily affirm the orders on review.” (Copy attached).

In *Leonard v. State*, 760 So. 2d 114, 119 (Fla. 2000) the Florida supreme court held that “the district courts should affirm summarily utilizing the procedure set forth in Florida Rule of Appellate Procedure 9.315(a) when the court determines that an appeal does not present: (1) a legally dispositive issue that was expressly reserved for appellate review...[or] (2) an issue concerning whether the trial court lacked subject matter jurisdiction...” [emphasis added].

In *Monroe v. State of Fla. Dep't or Revenue*, 374 So. 3d 76 (Fla. 3d DCA 2022) another panel of the third district court of appeal summarily affirmed a final administrative order “concluding that its findings are supported by competent, substantial evidence”, and furnishing what it considered to be **binding legal authorities consisting of three cases.**

Kindly do the same for Appellant. It can be done.

Duties of the Third district court of appeal.

Florida supreme court's website:

The purpose of Florida's District Courts of Appeal is to provide the opportunity for thoughtful review of decisions of lower tribunals by multi-judge panels. District Courts of Appeal correct harmful errors and ensure that decisions are consistent with our rights and liberties. This process contributes to the development, clarity, and consistency of the law.

.....
Jurisdiction.

The fundamental reasons for appeals from trial courts are to correct harmful errors by having review by a multi-judge panel of experienced judges and to promote clarity and consistency in the law by publishing opinions that set forth the relevant facts of the case and the proper application of the law to those facts. The district courts of appeal can hear appeals from final judgments in circuit court cases and in most county court cases and can review certain non-final orders. (emphasis added).

Appellant does not hereby abandon his federal

constitutional claims raised in this appeal.

I, José Yeyille, Esq., counsel for Appellant, express a belief based upon a reasoned and studied professional judgment, that a written opinion will provide a legitimate basis for Florida supreme court review because a brief statement of the pertinent facts related to the appeal regarding a final order in favor of

Appellees ALM Global Inc. and Michael Mora's Anti-SLAPP Motion to Dismiss or, Alternatively, for Summary Judgment, and the trial judge's plagiarized order without opinion, the Florida supreme court would be likely to grant review.

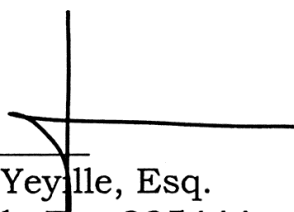
It is Appellant's counsel's learned opinion that if the panel of this court issue a written opinion would provide

- (i) a legitimate basis for supreme court review;
- (ii) an explanation why the panel of this court's decision flouted the Florida supreme court's command in *Leonard v. State*, 760 So. 2d 114 (Fla. 2000).
- (iii) offer guidance, and stern rebuke to the lower tribunals because

- (b) the failure of the panel of this court to address and warn the trial judges against acting as finders of fact (the rôle of the jury) denying the right to jury trial to indigent parties in **motions to dismiss hearings**; questioning their credibility in **motions to dismiss hearings**; fawning over a former justice of the Florida supreme court; and contemptuously issuing **orders without opinions** without the

slightest hint of judicial labor only serves to encourage them to continue these pernicious, unconstitutional, and abusive practices;

(d) the issue of the trial judge's improper finding of fact and questioning the credibility in a hearing for a motion to dismiss may be one of first impression; and the issue of Appellees ALM Global, LLC. and Michael Mora's Anti-SLAPP claim is one of first impression.

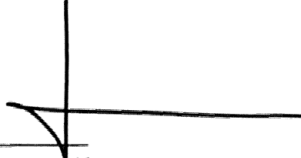


José Yeyille, Esq.
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(Motion for Clarification starts next page)

MOTION FOR CLARIFICATION PURSUANT TO
FLA. R. APP. P. 9.330(a)(2)(B)

Appellant José Yeyille, by and through the undersigned counsel, kindly requests that the panel of this court correct its **erroneous inclusion** in its order affirming the trial court's final order of "Shutts & Bowen LLP, and Ricky Polston (Tallahassee), for appellee The Florida Bar. **This appeal exclusively concerns the trial court's final order granting Appellees ALM Global, LLC and Michael Mora's Anti-SLAPP Motion to Dismiss or, Alternatively, for Summary Judgment.** A notice of appeal exclusively concerning the trial court's order granting "Defendant, The Florida Bar's Motion to Dismiss Counts I and II of the Amended Complaint" was submitted to this court on August 21, 2024: **3D2024-1459**.

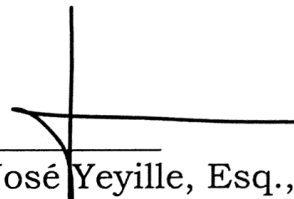


José Yeyille, Esq.
Florida Bar 885444
joseyeyilleesq@yahoo.com
Attorney for Appellant
Mr. José Yeyille
5505 SW 135th Court
Miami, FL 33175

**CERTIFICATE OF SERVICE TO ATTORNEY FOR
APPELLEES ALM GLOBAL, LLC AND MICHAEL MORA**

I, José Yeyille, Esq., attorney for Appellant, hereby certify that on August 28, 2024, a true and correct copy of these Motions was sent through myfloridacourtaccess.com to Brendan Everman, Esq., attorney for Respondents ALM Global, LLC and Michael Mora.

August 28, 2024



José Yeyille, Esq.,
Florida Bar 885444
joseyeyilleesq@yahoo.com
Attorney for Appellant
Mr. José Yeyille
5505 SW 135th Court
Miami, FL 33175

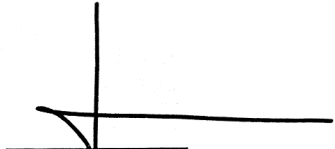
Brendan S. Everman,
Attorney for Appellees
ALM Global, LLC and
Michael Mora,
Pryor Cashman LLP
255 Alhambra Circle, 8th Floor,
Miami, Florida 33134
beverman@pryorcashman.com

NOTICE OF COMPLIANCE

Petitioner's attorney, José Yeyille, Esq., hereby certifies that a true and correct copy of these Motions comply with Fla. R. App.

P. 9.045(b). Font: Bookman Old Style. Words: 1051.

Pages: 6.



José Yeyille, Esq.,
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Attorney for Appellant
Mr. José Yeyille
5505 SW 135th Court
Miami, FL 33175

Third District Court of Appeal

State of Florida

Opinion filed August 21, 2024.

Not final until disposition of timely filed motion for rehearing.

No. 3D24-1141

Lower Tribunal No. 24-003037-CA-01

José Yeyille,
Appellant,

vs.

The Florida Bar, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Valerie R. Manno Schurr, Judge.

José Yeyille, for appellant.

Shutts & Bowen LLP, and Ricky L. Polston (Tallahassee), for appellee The Florida Bar; Pryor Cashman LLP, and Brendan S. Everman, for appellees ALM Global, LLC and Michael A. Mora.

Before LOGUE, C.J., and LOBREE and BOKOR, JJ.

PER CURIAM.

After review of José Yeyille's initial brief, we conclude that "no preliminary basis for reversal has been demonstrated." Fla. R. App. P. 9.315(a). Accordingly, we summarily affirm the order(s) on review.

Affirmed.

IN THE DISTRICT COURT OF
APPEAL

OF FLORIDA

THIRD DISTRICT

September 6, 2024

Jose Yeyille,

3D2024-1141

Appellant(s),

Trial Court Case No. 24-3037-CA-
01

v.

The Florida Bar, et al.,

Appellee(s).

Upon consideration, Appellant's Motion for Written Opinion Pursuant to Fla. R. App. P. 9.330(a)(2)(D), and Clarification Pursuant to Fla. R. App. P. 9.330(a)(2)(B) is hereby denied.

LOGUE, C.J., and LOBREE and BOKOR, JJ., concur.

A True Copy
ATTEST

3D2024-1141 9/6/24
Mercedes M. Prieto, Clerk
District Court of Appeal
Third District



CC: Brendan Stuart Everman
Ricky Polston
Jose Yeyille

LA

**IN THE DISTRICT COURT OF APPEAL OF FLORIDA
THIRD DISTRICT**

3D2024-1141

Lower Court Case 2024-3037-CA01

JOSÉ YEYILLE,

Petitioner,

Case No. _____

v.

**NOTICE TO INVOKE
DISCRETIONARY
JURISDICTION**

THE FLORIDA BAR;

ALM GLOBAL, INC.;

MICHAEL A. MORA,

Respondents

**U.S. CONSTITUTION,
ARTICLE VI
SUPREMACY CLAUSE**

_____/

**NOTICE TO INVOKE THE DISCRETIONARY JURISDICTION
OF THE FLORIDA SUPREME COURT AND
ARTICLE VI, SUPREMACY CLAUSE OF THE
CONSTITUTION OF THE UNITED STATES**

Notice is hereby given that Petitioner José Yeyille, the
Petitioner in the Third District Court of Appeal, by and through
the undersigned counsel, invokes the discretionary jurisdiction
of the supreme court pursuant to Florida Constitution, Article
3(b)(3) and the Supremacy Clause of Article VI of the U.S.

Constitution.

Florida Constitution Article 3(b)(3). The Florida supreme court “**May review any decision of a district court of appeal that...expressly and directly conflicts with a decision...of the supreme court on the same question of law**” in *Leonard v. State*, 760 So. 2d 114, 119 (Fla. 2000) to review the decision of the third district court’s “written opinion” (See Florida Third District Court of Appeal’s website) rendered on August 21, 2024, affirming judge Valerie Manno-Schurr’s Order on Defendants ALM Global, LL.C. and Michael Mora’s Anti-SLAPP Motion to Dismiss or, Alternatively, for Summary Judgment → → **without opinion** ← ← on account that “After review of José Yeyille’s initial brief, we conclude that ‘no preliminary basis for reversal has been demonstrated’. Fla. R. App. P. 9.315(a). Accordingly, we summarily affirm the order(s) on review” (dated **August 21, 2024**); and the third district court of appeal’s denial of Petitioner’s Motions for Written Opinion and Clarification (dated **September 6, 2024**).

In his Motions for Written Opinion, Petitioner informed the panel composed of judges Thomas Logue, Fleur Lobree, and Alexander Bokor that they had neglected to issue a written opinion furnishing the binding legal authorities that compelled them to conclude that Petitioner's Appeal did not present "a legally dispositive issue that was expressly reserved for appellate review" which is required by ***Leonard v. State*, 760 So. 2d**

114, 119 (Fla. 2000). A written opinion would have provided

- (i) a legitimate basis for supreme court review;
- (ii) an explanation why the panel of this court's decision flouted the Florida supreme court's command in ***Leonard v. State*, 760 So. 2d 114 (Fla. 2000)**.

- (iii) offer guidance, and stern rebuke to the lower tribunals because

- (b) the failure of the panel of this court to address and warn the trial judges against acting as finders of fact (the rôle of the jury) denying the right to jury trial to indigent parties in **motions to dismiss hearings**; questioning their credibility in **motions to dismiss hearings**; fawning over

a former justice of the Florida supreme court; and contemptuously issuing **orders without opinions** without the slightest hint of judicial labor only serves to encourage them to continue these pernicious, unconstitutional, and abusive practices;

(d) the issue of the trial judge's improper finding of fact and questioning the credibility in a hearing for a motion to dismiss may be one of first impression; and the issue of Appellees ALM Global, LLC. and Michael Mora's Anti-SLAPP Motion to Dismiss is one of first impression.

In the panel of the third district court of appeal's defense, in refusing to perform its judicial labor to issue a proper written opinion with facts, binding legal authority, and judicial analysis (as all federal judges afford even to indigents and prisoners) the panel of the third district court of appeal adhered to the command of the Florida supreme court of *Jenkins v. State*, 385 So. 2d 1356 (1980) to the district court of appeals of Florida deliberately to issue orders without opinions to indigents and parties who are not represented by law firms

who choose judges and justices to their offices to bar access to them to the Florida supreme court

Because Petitioner timely raised his constitutional challenges against the trial court's orders without opinions, and did not abandon them in his appeal to the third district court of appeal, the Florida supreme court is bound to review them and cannot legally refuse to consider them in this notice to invoke its discretionary jurisdiction even though the third district court of appeal refused to rule upon them. "U.S. Constitution. Article VI. This Constitution, and the Laws of the United States...shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." "The power of a State to determine the limits of the jurisdiction of its courts and the character of the controversies which shall be heard in them is...subject to the restrictions imposed by the Federal Constitution." ***McKnett v. Saint Louis & S. F. Ry.*, 292 U.S. 230, 233 (1934).** "“Whatever springes the state may set for those who are endeavoring to assert rights that the state confers, the

assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice.”” ***Brown and Western R. Co. of Alabama*, 338 U.S. 294, 298 (1949)** (quoting *Davis v. Wechsler*, 263 U.S. 22, 24 (1923). [J]udges in every State shall be bound [by federal laws and the United States Constitution] thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding.” ***Howlett v. Rose*, 496 U.S. 356, 371 (1990)** [emphasis].

Duties of the Third district court of appeal

Florida supreme court’s website:

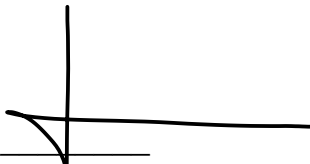
Jurisdiction.

The fundamental reasons for appeals from trial courts are to correct harmful errors by having review by a multi-judge panel of experienced judges and to promote clarity and consistency in the law by publishing opinions that set forth the relevant facts of the case and the proper application of the law to those facts.

This is the second time that a panel of this court summarily affirms a trial court order (See *José Yeyille v. Arturo Pena, RN, RT*, 3D2024-0360 (April 17, 2024)) after another panel of this court banned Mr. José Yeyille from filings appeals in the third

district court of appeal in his capacity as common citizen
“pro se filings”, and referred “José Yeyille, Esquire to The
“Florida Bar for appropriate disciplinary proceedings.” *José
Yeyille v. Justin Cole Spiegel, M.D. in his individual capacity*,
373 So. 3d 1238, 1241 (Fla. 3d DCA 2023).

September 15, 2024



José Yeyille, Esq.
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Miami, FL 33175

**CERTIFICATE OF SERVICE TO ATTORNEY FOR
RESPONDENTS ALM GLOBAL, LLC AND MICHAEL MORA;
AND JUDGE VALERIE MANNO-SCHURR**

I, José Yeyille, Esq., attorney for Petitioner, hereby certify that on August 17, 2024, a true and correct copy of this document was sent through myfloridacourtaccess.com to Brendan Everman, Esq., attorney for Respondents ALM Global, LLC and Michael Mora.



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Mr. José Yeyille
5505 SW 135th Court
Miami, FL 33175

Brendan S. Everman,
Attorney for Respondents
ALM Global, LLC and
Michael Mora,
Pryor Cashman LLP
255 Alhambra Circle, 8th Floor,
Miami, Florida 33134
beverman@pryorcashman.com

CERTIFICATE OF COMPLIANCE

I hereby certify that this petition complies with the
formatting requirements of Florida Rule of Appellate
Procedure P. 9.045(b). Bookman Old Style 14-point font.

José Yeyille, Esq.
885444

Third District Court of Appeal

State of Florida

Opinion filed August 21, 2024.
Not final until disposition of timely filed motion for rehearing.

No. 3D24-1141
Lower Tribunal No. 24-003037-CA-01

José Yeyille,
Appellant,

vs.

The Florida Bar, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Valerie R. Manno Schurr, Judge.

José Yeyille, for appellant.

Shutts & Bowen LLP, and Ricky L. Polston (Tallahassee), for appellee The Florida Bar; Pryor Cashman LLP, and Brendan S. Everman, for appellees ALM Global, LLC and Michael A. Mora.

Before LOGUE, C.J., and LOBREE and BOKOR, JJ.

PER CURIAM.

After review of José Yeyille's initial brief, we conclude that "no preliminary basis for reversal has been demonstrated." Fla. R. App. P. 9.315(a). Accordingly, we summarily affirm the order(s) on review.

Affirmed.

IN THE DISTRICT COURT OF
APPEAL

OF FLORIDA

THIRD DISTRICT

September 6, 2024

Jose Yeyille,

3D2024-1141

Appellant(s),

Trial Court Case No. 24-3037-CA-
01

v.

The Florida Bar, et al.,

Appellee(s).

Upon consideration, Appellant's Motion for Written Opinion Pursuant to Fla. R. App. P. 9.330(a)(2)(D), and Clarification Pursuant to Fla. R. App. P. 9.330(a)(2)(B) is hereby denied.

LOGUE, C.J., and LOBREE and BOKOR, JJ., concur.

A True Copy
ATTEST

3D2024-1141 9/6/24
Mercedes M. Prieto, Clerk
District Court of Appeal
Third District



CC: Brendan Stuart Everman
Ricky Polston
Jose Yeyille

LA

THOMAS LOGUE
CHIEF JUDGE
KEVIN EMAS
IVAN. F. FERNANDEZ
EDWIN A. SCALES, III
NORMA S. LINDSEY
BRONWYN C. MILLER
MONICA GORDO
FLEUR J. LOBREE
ALEXANDER S. BOKOR
KANSAS R. GOODEN
JUDGES



DISTRICT COURT OF APPEAL
THIRD DISTRICT
2001 S.W.117 AVENUE
MIAMI, FLORIDA 33175-1716

TELEPHONE: (305) 229-3200

MERCEDES M. PRIETO
CLERK

VERONICA ANTONOFF
MARSHAL

MELISSA GULLA
CHIEF DEPUTY CLERK

MARIA E. MIHAIC
CHIEF DEPUTY MARSHAL

September 16, 2024

Case Name: Jose Yeyille v. The Florida Bar, et al.
Case No: 3D2024-1141
Trial Court No.: 24-3037-CA-01
Trial Court Judge: Hon. Valerie R. Manno Schurr

Dear Mr. Tomasino:

I hereby certify the attached Notice to Invoke Discretionary Jurisdiction/Notice of Appeal to the Supreme Court of Florida pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

Petitioner/Appellant has been previously determined insolvent by the circuit court or our court.

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

Mercy Prieto
Clerk of the Court

By: /s/ Eddy Abaunza
Deputy Clerk