

**IN THE DISTRICT COURT OF APPEAL OF FLORIDA  
THIRD DISTRICT  
CASE NO. 3D2024-1430  
Circuit Court Case 24-2930-CA01**

**JOSÉ YEYILLE**

*Appellant*

**v.**

**GREENBERG TRAURIG, P.A.,**  
(A.K.A. “Owner of the justices of the Florida Supreme Court,  
the judges of the Florida Third District Court of Appeal,  
and Neil Gorsuch justice of the U.S. Supreme Court”)  
***in its individual and official capacity;***  
**JOHN K. LONDOT, ESQ., *in his***  
***individual and official capacity;***  
**FLORIDA SUPREME COURT**

*Appellees*

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On Appeal of a Final Order from the Eleventh Judicial  
Circuit Court, in and for Miami-Dade County, Florida

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**APPELLANT’S INITIAL BRIEF**

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## **STATEMENT OF THE CASE AND OF THE FACTS**

This appeal concerns the erroneous dismissal with prejudice of Plaintiff/Appellant **José Yeyille** (“**Citizen José**”)’s lawsuit against

—Defendants/Appellees **Grenberg Traurig, P.A.** in its individual, and official capacity, and its attorney **John Londot** in his individual, and official capacity for compensatory, and other damages, and injunctive relief for violation of Citizen José’s civil rights protected by the First and Fourteenth Amendments to the Constitution of the United States (*Amended Complaint*, First Claim for Relief, Counts I through 4) pursuant to the **well-established** legal theories of liability of ostensibly private parties and organizations for violations of a person’s constitutional rights on account of acting as “**state actors**” who engage in a “**symbiotic relationship**” with the government, the **Florida Supreme Court**, whose interests are “**intertwined**” with those of the **Florida Supreme Court** and the justices of the **Florida Supreme Court**), and who are “**joint participants**” with the **Florida Supreme Court** and the justices of the

**Florida Supreme Court**), and perform a “**public function**”

associated with the **Florida Supreme Court**.

—Defendant/Appellee **Florida Supreme Court** for injunctive relief for violation of Citizen José’s civil rights protected by the First and Fourteenth Amendments to the Constitution of the United States (*Amended Complaint*, Second and Third Claim for Relief); and compensatory damages for violation of “Citizen José”’s rights protected by the First Amendment to the Constitution of the United States pursuant to Florida Statute §768.295 *et seq.*

— and declaring Plaintiff/Appellant a “vexatious litigant.”

### **FACTS AND PROCEDURAL HISTORY**

The genesis of this case is the case *José Yeyille v. Justin Cole Speigel, M.D., in his individual capacity*, 2021-24767-CA01. On November 9, 2021, Citizen José submitted a Complaint for compensatory and punitive damages against Justin Cole Speigel, a low-life, scumbag, psychopathic doctor who resides in 9330 SW 104 Street, Miami, Florida 33176, and works in Baptist Hospitals located at 8900 N. Kendall Drive, Miami, Florida

33176, and 9555 SW 162 Avenue, Miami, Florida 33196, **in his individual capacity.** (**APPENDIX 1, Amended Complaint.**)

Justin Cole Spiegel **ordered** Arturo Pena, a low-life, scumbag, psychopathic nurse whom Spiegel **knew** to be a low-life, scumbag, psychopathic nurse, who had, **in his presence**, and Citizen José's presence, previously mocked his dying and dead mother and Citizen José while other nurses were applying CPR to her, to perform CPR in a deliberately inhumane mocking manner to Citizen José's dead mother mockingly mishandling her dead body while fixedly staring at Citizen José, smirking in a contemptuous manner. **COUNT I: Intentional Infliction of Emotional Distress.** **COUNT II:** Failure to supervise Arturo Pena; and **COUNT III:** Negligent Infliction of Emotional Distress.

**Counts II** and **Counts III** are for **ordinary negligence**, not medical malpractice. **Intentional Infliction of Emotional Distress** is an **intentional tort**. Intentional torts are **not** and have never been negligence medical or otherwise. Torts 101.

A proud former nurse ("Judge Manno-Schurr brings nursing background to courtroom". *Law.com. DBR Daily*

*Business Review*, June 19, 2015), judge Valerie Manno-Schurr dismissed Plaintiff's case **without opinion** on March 23, 2022, and his motion for rehearing **without opinion** on April 8, 2022; his motions to disqualify Valerie Manno-Schurr **all without opinions** on February 22, 2022, April 11, 2022, and June 1, 2022 (Motion for Relief of its Order of March 23, 2022, pursuant to Fla. R. Civ. P. 1.540(b) seeking the retroactive disqualification of judge Manno-Schurr for violating Citizen José's Due Process and Equal Protection rights protected by the U.S. Constitution) also **without opinion**.

Judge Valerie Manno-Schurr repeatedly refused to rule on Citizen José's motions to supplement the record with notarized statements of hearings undertaken without court reporters. On April 6, 2022, Appellees' counsels failed to appear at the Zoom Hearing for Citizen José's Motion to Settle and Approve his Notarized Proposed Statements of the Hearing of March 2, 2023, *en lieu* of the Record. Concerning her Approval, judge Manno-Schurr said: **"I let you know."** Notarized Statement of April 6, 2022 Hearing. (Notarized Statements of the Hearings of March

2, 2022, March 23, 2022, and April 6, 2022 sworn under oath, submitted April 7, 2022. This Hearing was most significant because, officially, it never took place: judge Manno-Schurr's COURTMAP's events has the **April 6, 2022** Hearing **cancelled at 8:55AM**, that is, **five minutes before it took place**. In other words, judge Manno-Schurr disappeared it from the official record of the court.

Citizen José appealed the trial court's dismissal of his case and Motion for Relief of Order. Now a consolidated appeal to the third district court of appeal **3D22-624** and **3D22-625**, on September 5, 2022, Citizen José submitted a Motion to Relinquish Jurisdiction for the Purpose of Supplementing the Record on appeal with a notarized statement of the Hearing of **March 2, 2022**, in lieu of the record, because the Hearing took place without a court reporter.

On September 13, 2022, the third district court of appeal issued an **unsigned** unelaborate Order denying Citizen José's Motion to Relinquish Jurisdiction.

On appeal, in addition to his legal arguments, Citizen José

questions the integrity, constitutionality, and legitimacy of the judiciary of the State of Florida whose judges and justices are chosen and owned by law firms like **Greenberg Traurig, P.A.** which regularly present their cases before these judges and justices, and which **never receive orders without opinions**; in particular, its pernicious habit of issuing orders without opinions **only** to indigent, and indigent PRO•SE Black and Hispanic parties; and that court and the trial court's refusal to allow Citizen José to get a proper record for his appeals allowed by the Florida Rules of Appellate Procedure. (*Initial Brief*, September 18, 2023. *Reply Brief*, January 15, 2023. *Motions for Written Opinion and Rehearing*, March 7, 2023, lawfully again raising these constitutional challenges).

On February 22, 2023, the third district court of appeal issued its PER•CVRIAM affirmance **without opinion** of the **trial court's Orders without opinions**. A separate panel of the third district court of appeal later dismissed his other appeal also **without an opinion** seeking the disqualification of judge Valerie Manno-Schurr in Case 3D22-1125.

**Enters Defendant Justin Cole Spiegel's  
attorney Dinah Stein.**

Dinah Stein is an associate of the law firm Hicks, Porter, Ebendfeld & Stein, PA. During at least the last six years, Dinah Stein has been the president of a “non-profit corporation” known by the lofty name of the Third District Court of Appeal Historical Society, which is in reality **THE ENTERTAINMENT DIVISION OF GREENBERG TRAUIG, P.A. AND ASSOCIATE LAW FIRMS, MIAMI BRANCH.**

Stein’s law firm is a “Distinguished Sponsor” of the “Historical Society” which means that her law firm contributes financially to it. In addition, on the IRS Form 990EZ Return of Organization Exempt from Income Tax of 2017, the titled “Third District Court of Appeal Historical Society” reported that attorney Dinah Stein spends one hour “per week devoted to her position”. Source: **ProPublica**. That is some devotion right there.

Deciding that she could become more than that court’s FACTOTVM, Stein decided to become that court’s white knight, too. And it came to pass that Stein, claiming to have taken no

small umbrage at the legality and prose in Citizen José's Motion for Written Opinion and Constitutional Challenges, asked her court to deny Citizen José's Motions for Written Opinion and Rehearing and sanction Citizen José. In so doing, Stein joined her co-counsel Rolando Diaz, accusing Citizen José of being an attorney pretending to proceed PRO•SE and defrauding the courts by pretending to be indigent.

When Citizen José instantly sued Stein, Diaz, and their client Justin Cole Speigel for defamation PER•SE (crimes), Stein instantly filed copies of those complaints and urged her Third District Court of Appeal to consider them retaliation for her motion for sanctions. These appeals are currently pending in the third district court of appeal. They will test that court's impartiality when they rule whether their malicious and defamatory lies are entitled to the **absolute litigation privilege that was denied to** my client, **Citizen José**. Their tactic of frightening the trial court judges who ruled on these defamation cases by waving the sanction imposed against Citizen José by the Third District Court of Appeal have paid off so far.

On May 3, 2023, the Third District Court of Appeal stopped the presses and made history: it finally issued an Order **with an opinion** to an indigent PRO•SE Party of Hispanic descent, but it was an Order To Show Cause, on motion from Dinah Stein, why sanctions should not be imposed against Citizen José for criticizing the Florida judiciary.

In Citizen José's Response to that Order dated May 17, 2023, he repeated his constitutional challenges already repeatedly stated at the trial court and elsewhere including the Supreme Court of the United States, that he has the right to criticize the judiciary without fearing to be sanctioned, and warned this court that an order barring him from further proceedings and appeals in his individual capacity **would deprive** him of his constitutional rights protected by the First and Fourteenth Amendments and their equivalent provisions in the Florida Constitution; and rejected that court's contention that my Motions for Written Opinion and Rehearing lacked legal merit because constitutional challenges have always been allowed to be raised in a Motion for Rehearing (in fact, **state courts are**

**legally compelled to rule on federal constitutional challenges raised by parties in a motion for rehearing.**

***Brinkerhoff-Faris Co. v. Hill, 281 U.S. 673, 680 (1930)***; and a written opinion will elucidate why that court ignored binding precedents not only from other districts and the Florida Supreme Court, but also its own, as well as respecting his constitutional rights to it.

On June 14, 2023, the Third District Court of Appeal fulfilled its threat to bar **Citizen José** from submitting further appeals in his **individual capacity**. It also referred “the matter” to the Florida Bar. Forbidding Citizen José from submitting further appeals is a most grievous aggression against his rights protected by the Constitution of the United States. The Florida Bar does not have jurisdiction to harrass and investigate, let alone prosecute nonlawyers. The sanction was designed to retaliate and punish him for exercising his constitutional rights. Citizen José **never proceeded in the capacity as an attorney**, not even as a PRO•SE attorney, because it did not involve a **“situation[] involving the practice**

**of law in order to ensure that the First Amendment rights of lawyers are not unduly burdened.**” *Florida Bar re Amendments to Rules*, 624 So. 2d 720, 721 (Fla. 1993).

**17.** Third district court of appeal’s judges are most tender and servile regarding motions for rehearing filed by lawyers from law firms who own these judges. See “However, we write to clarify that our affirmance is based on the clear record before us...” *Brent Blake v. American Sales and Management Organization LLC, d/b/a Eulen America*, No. 3D19-0505, May 12, 2021 (Fla. 3d DCA 2021) (Two of the law firms were Kula & Associates, P.A. and **Greenberg Traurig, P.A.**←every-single-time). What ticked off the panel of that court was Citizen José’s direct, glorious, and righteous attack against the judiciary of the state of Florida, from Miami to Tallahassee, for their utter lack of integrity, and especially, their deliberate and criminal discrimination against indigent, and indigent PRO•SE Black and Hispanic parties encouraged by past and current justices of the Florida Supreme Court. ***Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).**

On June 27, 2023, Citizen José submitted his Motions for Written Opinion and Rehearing of that Court's Order forbidding him from filing further appeals in that court and refusing to rule on his constitutional challenges **deprived him** of his constitutional rights. That court denied it without opinion on July 17, 2023.

The Florida Supreme Court refused to grant discretionary jurisdiction to rule on Citizen José's appeal challenging the Third District Court of Appeals order on its Order to Show Cause on federal constitutional grounds, and denied All Writs, and MANDAMVS (SC2023-0975, SC23-1113, SC2023-1116). Days later, the Florida Supreme Court denied discretionary jurisdiction review on another appeal on a related case on account of being a PCA, and his Writ of MANDAMVS (SC2023-1018 and SC2023-1143).

**HOW GREENBERG TRAUIG, P.A. CHOOSES  
AND BUYS JUDGES AND JUSTICES**

Justice Antonin Scalia assured us that the “the [United States Supreme] Court does not even have a consistent theory

about what it means by “judicial integrity.” ***Williams-Yulee v. Florida Bar*, 135 S. Ct. 1656, 1680 (2015)**[emphasis]. That is because it does not have any. Eight of its justices are corrupt to the core: John Roberts receives bribes through his wife (*Forbes*, January 31, and April 28 2023); Sonia Sotomayor through Penguin Random House (New York Post. May 4, 2023); Clarence Thomas through his wife’s “donors” (*Politico*, 2/5/2011, *Newsweek*. March 29, 2023) and his owner Harlan Crow (*ProPublica*. April 13, 2023); Amy Coney Barrett through “*Javelin Group LLC for a book deal*.” (The Hill. June 10, 2022, and Penguin Random House.” *National Review*. October 21, 2020); Ketanji Brown Jackson through Random House (*Bloomberg*, January 7, 2023); Elena Kagan, a former Harvard dean, through Harvard’s salary “while a sitting Supreme Court Justice.” *Reddit.com*, by Texas-duckhunter). (ProPublica Supreme Court Connections, Harvard salary from 2011 through 2019); Samuel Alito through his owner, Paul Singer, brazenly ruling in favor of his business. (*ProPublica*, June 20, 2023); and Neil Gorsuch through book deals for faux-highbrow books, and a bribe from **Greenberg**

## **Traurig, P.A.**

The judiciary of the state of Florida from the circuit courts to the Florida Supreme Court do not have to worry about judicial integrity because they do not have any. Law firms start auctioning, choosing, and buying the judges and future justices at the circuit and county levels. Candidate judges are allowed to “know the names or persons who contributed to the candidate’s campaign”, “know the names or persons who contributed to the candidate’s campaign”, and thank the contributors personally.” (An Aid to Understanding Canon 7. Guidelines to Assist Judicial Candidates in Campaign and Political Activities. Florida Code of Judicial Conduct), but may only be auctioned, chosen, and bought by so-called “**committees of responsible persons**”.

No “**responsible person**” is more successful auctioning, choosing, and buying judges and justices than Appellee

## **Greenberg Traurig, P.A.**

The Campaign to re-elect judge Alex Spicola Bokor, currently a judge of the Third District Court of Appeal, took place on July 25, 2019, at Appellee **Greenberg Traurig, P.A.**’s

law office at 333 SE 2<sup>nd</sup> Avenue, 44<sup>th</sup> floor, Miami, Florida 33131, and cohosted by one of its lawyers, Barry Rothberg, who happened to be a member of a Judicial Nominating Committee appointed by the governor to nominate Third District Court of Appeal's judges. In that capacity, Rothberg chose Bokor for his job as judge.

Due to the Chinese virus panic, fundraisers have gone virtual. During the Campaign to re-elect judge Thomas Rebull, 7/23/2020, **Greenberg Traurig, P.A.** was not only a fundraiser but also one of the hosts.

Judicial Nominating Commissions (JNC) are composed of nine members. Invariably, **Greenberg Traurig, P.A.'s attorneys, former Greenberg Traurig, P.A.'s attorneys, and relatives of former Greenberg Traurig, P.A.'s attorneys** sit on those Commissions.

The JNC that nominated the Supreme Court's three new justices included two former prosecutors, and the ubiquitous **Greenberg Traurig, P.A.** During the 2019 term the Florida Supreme Court became a subsidiary of **Greenberg Traurig,**

**P.A.** when three justices, including two former U.S. attorneys who also worked for **Greenberg Traurig, P.A.**, **Barbara Lagoa** and **Robert Luck**, sojourned there. (*Law360* “Ex-Greenberg Traurig Attys Get 11<sup>th</sup> Circ. Nods. 11<sup>th</sup> Cir. Flips as Senate Confirms Traurig Alums.”).

**Fred Karlinsky** is an attorney of **Greenberg Traurig, P.A.** Fred is not bashful. Fred crows about his power to select and buy justices of the Florida Supreme Court: “Fred Karlinsky is a Shareholder and Co-Chair of Greenberg Traurig’s Global Insurance Regulatory and Transactions Practice Group....**Since 2014 Fred has served on and currently chairs the Florida Supreme Court Judicial Nominating Commission (JNC), where five of the seven current sitting Justices of the Florida Supreme Court have been appointed during Fred’s tenure on the JNC.**” **Greenberg Traurig, P.A.** Website. Fred’s address is Greenberg Traurig, PA, 401 E. Las Olas Blvd. Suite 2000, Fort Lauderdale, FL 33301.

Fred is everywhere; especially in the Florida Supreme Court. Fred is also a “Platinum Sponsor” and the Vice-President (Fred

is now the President :) of the so-called Florida Supreme Court Historical Society, which is in reality, **THE ENTERTAINMENT DIVISION OF GREENBERG TRAUIG, P.A. AND ASSOCIATE LAW FIRMS, THE TALLAHASSEE BRANCH.** Fred generously supports the Historical Society's events where Fred exhibits the justices of the Florida Supreme Court, and the justices of the Florida Supreme Court fawn over Fred. Fred has to keep an eye out for **Greenberg Traurig, P.A.**'s investment, you see.

**Greenberg Traurig, P.A.**'s CEO Brian Duffy is hardly less discreet. When U.S. Supreme Court justice Neil Gorsuch could not sell his Colorado property in a seller's market, Duffy bought Gorsuch's "40-acre property in Colorado" for "\$1.830,000" and then justice Neil Gorsuch ruled in Greenberg Traurig, P.A.'s favor "in eight out of 12 cases" ("Gorsuch Reportedly Sold Property to Law Firm Executive After Joining Supreme Court" by Katherine Hamilton. *Forbes*. April 25, 2023)("Law Firm Head bought Gorsuch-owned property: The Supreme Court justice did not report the identity of the purchaser, whose firm has had numerous cases before the court" by Heidi Przybyla. *Politico*.

The JNC to nominate third district court of appeal’s judges included one assistant U.S attorney, one assistant county attorney for Miami-Dade County, one former **Greenberg Traurig, P.A.** attorney, one **Greenberg Traurig, P.A.** attorney; and **Paul Huck**, an attorney whose wife used to be an assistant U.S. attorney and worked for **Greenberg Traurig, P.A.**, and whose father, Paul C. Huck, a federal judge who warns lawyers that “Judges do not like surprises!” and to “Learn about your judges, including her background...” (Senior Judge Paul C. Huck, U.S. District Court for the Southern District of Florida website), attended a “small luncheon” for twenty Federal Bar members at **Greenberg Traurig, P.A.**, 1221 Brickell Avenue, at \$50 per person on October 1<sup>st</sup>, 2009 (sdfla.blogspot.com, Wednesday, September 23, 2009).

Here are recent JNCs for the Third District Court of Appeal:

**THIRD DISTRICT COURT OF APPEAL JUDICIAL NOMINATING COMMISSION, February 28, 2023.**

—**Paul Huck, Jr.** THE HUCK LAW FIRM (former attorney of JONES DAY, LLP.) [\* Governor’s Direct Appointment]. (Paul Hauck is the husband of current United States Eleventh Circuit Court judge **Barbara Lagoa**—a former attorney for

**GREENBERG TRAURIG, P.A.)**

—Adam Foslid. WINSTON & STRAWN, LLP (former attorney of **GREENBERG TRAURIG, P.A.)**). [\*Governor’s Direct Appointment].

—John Meagher. SHUTTS & BOWEN LLP. [\*Governor’s Direct Appointment].

—Lauren Morse. ASSISTANT COUNTY ATTORNEY. MIAMI DADE COUNTY ATTORNEY’S OFFICE. [\* Governor’s Direct Appointment].

—Lilly Ann Sanchez. THE LS LAW FIRM

—Michael Pineiro. MARCUS NEIMAN RASHBAUM & PINEIRO LLP.

—Daniel Schwartz. **AKERMAN LLP.** [\* Governor’s Direct Appointment].

—Lindsey Friedman. UNITED STATES ATTORNEY’S OFFICE SOUTHERN DISTRICT. (attorney appears connected to COLSON HICKS EIDSON).

—Eric Hernandez. HERNANDEZ LEE MARTINEZ, LLC.

**THIRD DISTRICT COURT OF APPEAL JUDICIAL NOMINATING COMMISSION, FEBRUARY 22, 2019.**

—Harout Samra. DLA PIPER LLP

—Richard Lara. SPANISH BROADCASTING SYSTEM, INC

—Adam Foslid. **GREENBERG TRAURIG, P.A.**

—Eric Hernandez. HERNANDEZ LEE MARTINEZ LLC

—Lindsey Lazapoulos Friedman. UNITED STATES ATTORNEY’S OFFICE SOUTHERN DISTRICT OF FLORIDA

—Michael Pineiro. MARCUS NEIMAN RASHBAUM & PINEIRO LLP.

—Raquel Rodriguez. MCDONALD HOPKINS LLC

—Justin Sayfie. SAYFIE LAW FIRM

—Robert Spottswood. SPOTTSWOOD COMPANIES INC

**THIRD DISTRICT COURT OF APPEAL JUDICIAL**

**NOMINATING COMMISSION, JUNE 24, 2020.**

—Adam Foslid. STUMPHAUZER FOSLID SLOMAN ROSS & KOLAYA PPLC.

—Eric Hernandez. HERNANDEZ LEE MARTINEZ LLC

—**Paul Huck, Jr.** JONES DAY, LLP. (Paul Huck is the husband of current United States Eleventh Circuit Court judge **Barbara Lagoa**—a former attorney for **GREENBERG TRAUIG, P.A.**)

—Lindsey Lazapoulos Friedman. UNITED STATES ATTORNEY'S OFFICE SOUTHERN DISTRICT OF FLORIDA

—BARRY ROTHBERG. **GREENBERG TRAUIG, P.A.**

—Lilly Ann Sanchez. THE LS LAW FIRM

—Daniel Schwartz. **AKERMAN LLP**

—Robert Spottswood. SPOTTSWOOD COMPANIES INC

**THIRD DISTRICT COURT OF APPEAL JUDICIAL NOMINATING COMMISSION, JULY 23, 2021.**

—Adam Foslid. STUMPHAUZER FOSLID SLOMAN ROSS & KOLAYA PPLC

—Eric Hernandez. HERNANDEZ LEE MARTINEZ LLC

—**Paul Huck, Jr.** JONES DAY, LLP (Paul Huck is the husband of current United States Eleventh Circuit Court judge **Barbara Lagoa**—a former attorney for **GREENBERG TRAUIG, P.A.**)

—Lindsey Lazapoulos Friedman. UNITED STATES ATTORNEY'S OFFICE SOUTHERN DISTRICT OF FLORIDA

—Barry Rothberg. **GREENBERG TRAUIG, P.A.**

—Lilly Ann Sanchez. THE LS LAW FIRM

—Daniel Schwartz. **AKERMAN LLP**

—Robert Spottswood. SPOTTSWOOD COMPANIES INC

**THIRD DISTRICT COURT OF APPEAL JUDICIAL NOMINATING COMMISSION, OCTOBER 18, 2018.**

—Harout Samra. DLA PIPER LLP (Election interviews took place at this law firm’s Office in 200 S. Biscayne Boulevard Suite 2500).

—Richard Lara. SPANISH BROADCASTING SYSTEM, INC

—Adam Foslid. **GREENBERG TRAURIG, P.A.**

—Eric Hernandez. HERNANDEZ LEE MARTINEZ LLC

—Lindsey Lazapoulos Friedman. UNITED STATES ATTORNEY’S OFFICE SOUTHERN DISTRICT OF FLORIDA

—Michael Pineiro. MARCUS NEIMAN RASHBAUM & PINEIRO LLP.

—Raquel Rodriguez. MCDONALD HOPKINS LLC

—Justin Sayfie. SAYFIE LAW FIRM

—Robert Spottswood. SPOTTSWOOD COMPANIES INC

The Third District Court of Appeal has its Third District Court Historical Society, too. They call it “Third District Court of Appeal Historical Society”, which is, in reality, **THE ENTERTAINMENT DIVISION OF GREENBERG TRAURIG, P.A. AND ASSOCIATE LAW FIRMS, MIAMI BRANCH.**

In both these “Historical Societies”, **Greenberg Traurig, P.A.** exhibit themselves and the judges and justices whom they have chosen and bought and to whom they present their lawsuits. **Greenberg & Traurig P.A.** is a **Supreme Sponsor**

The Miami branch “hosts its biennial luncheon for its members and the judiciary. Often held at prestigious location,

the luncheon is a **wonderful opportunity to mingle with other members of the Historical Society and with the Court**. (**emphasis**). (“Historical Society” Website). “Mingle” is an euphemism for **own**. “Court” is an euphemism for **judges**. The Tallahassee branch is more discreet. **Greenberg Traurig, P.A.** owns the justices without any embarrassing references to mingling. Still, at their events, judges and justices give head time to their owners. Like the judiciary of the U.S. Supreme Court justices, they receive bribes through their “Historical Society”. The justices of the United States Supreme Court in their “Historical Society” give head time to their donors, and their bribers, through book deals, trips, and networking. (*A Charity Tied to the Supreme Court Offers Donors Access to the Justices*. The New York Times. December 30, 2022).

Check out a **Greenberg Traurig, P.A.**’s advertisement for one of them powwows in **Greenberg Traurig, P.A.**’s website:

“This is a brief highlight video of the Third District Court of Appeal Society Members “Only” Biennial Luncheon With the Judges” Luncheon Highlight 2015. Youtube. 25 views, 2 years ago. Comments are turned off.” **Wonder why :)**

“The Third District Court of Appeal Historical Society sincerely thanks the sponsors of the Biennial Luncheon with the Judges

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**“Greenberg & Traurig PA WEBSITE**

Third District Court of Appeal Historical Society 2022

Biennial Luncheon with the Judges. September 15, 2022, 12:00 PM-2:00 PM”. Location Details Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables 33134. United States.”

**“Greenberg Traurig** is a sponsor of the Third District Court of Appeal Historical Society 2022 Biennial Luncheon with

the judges on September 15, 2022 at 12:00PM. The luncheon will feature Chief Judge Ivan Fernandez as the keynote speaker and present an opportunity to meet the Third District Court of Appeal members.”

If you want to become a member of the “Historical Society”, you have to send \$35 dollars to

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CechSamoleB@gtlaw.com”

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**ENTERS THE FLORIDA BAR\***,

**THE FLORIDA SUPREME COURT BY ANOTHER NAME**

(\*“The Supreme Court of Florida by these rules establishes the authority and responsibilities of The Florida Bar, an official arm of the court.” *Rules Regulating The Florida Bar*. Chapter 1)

On September 29, 2023, Citizen José received a Notice of Grievance Committee Review signed by William W. Chung, Bar Counsel of the Florida Bar, Miami Branch Office threatening to have the Eleventh Judicial Circuit Grievance Committee vote “as to whether probable cause is present for further proceedings”.

On October 13, 2023, Citizen José sent a letter to the Grievance Committee informing them that “The Florida Bar and its grievance committee does not have jurisdiction against citizens and nonlawyers, or any person representing himself in his individual capacity.” To illustrate the fact that the Florida Bar, that is, the government of the state of Florida (i.e. the Florida Supreme Court) was fixing to punish Citizen José, for exercising his constitutional rights, in the guise and pretext of disciplining an attorney, undersigned counsel referred them to an article in [Law.com](#) :)

**“Third DCA Sanctions Miami Lawyer But Avoids Underpinning Issues.” Michael A. Mora. June 16, 2023 at 01:34 PM.**

**““All of these issues are central to the bar and bench in Florida, all are surfaced in Yeyille v. Speigel, and all remain unresolved to the detriment**

**of the rule of law.”” Said Anthony V. Alfieri of the University of Miami School of Law, who is not involved in the litigation.”**

**““[The Third DCA per curiam opinion issued on June 14, 2023] was noteworthy for its avoidance on vital issues underpinning them,”” said Anthony V. Alfieri of Miami School of Law. Alfieri, the founding director of the Center for Ethics and Public Service and a professor at Miami Law, who is not involved in the matter, said in an email that three issues stood out that ““remain unresolved to the detriment of the rule of law.””**

**““First, the increasing court use of per curiam affirmances on appeal; In fact, from 1983 to 1998, the number of PCAs increased by 92.7% in Florida District Courts of Appeal,”” Alfieri said. ““Second, the growing impact of law firm financing of increasingly costly judicial election campaigns. And third, the rising state-wide controversy over the role of race in litigation and adjudication.””**

On October 23, 2023, undersigned counsel received from William W. Chung the Notice of Finding Probable Cause for Further Disciplinary Proceedings.” This Notice informed undersigned counsel that the “Eleventh Judicial Circuit Grievance Committee “I” had found probable cause to prepare a formal complaint accusing undersigned counsel of violating Rules Regulating the Florida Bar (“**RRTFB**”) that are undistinguish-

able from criminal law statutes: **RRTFB 3-4.3.** Misconduct and Minor Misconduct. **RRTFB 4-3.1.** Meritorious Claims and Contentions. **RRTFB 4-8.2. (a)** Impugning Qualifications and Integrity of Judges or Other Officers. **RRTFB 4-8.4(d)** engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.

On October 29, 2023, Citizen José submitted a Complaint for Declaratory Judgment against The Florida Bar's officials, counsel William W. Chung, and Elena Otero, and The Florida Bar for injunctive relief and compensatory damages pursuant to Florida ANTI-SLAPP statute and 42 USC §1983 for **harassing, investigating, and threatening to prosecute Citizen José.**

*José Yeyille v. William W. Chung, Elena Otero, The Florida Bar,* 2023-25430-CA01. The **Florida Supreme Court** through The Florida Bar appointed and hired **Greenberg Traurig, P.A.** to represent the **Florida Supreme Court** (The Florida Bar).

**Greenberg Traurig, P.A.**'s attorney is Appellee John K. Londot.

On December 14, 2023, trial court judge Carlos Guzman issued the Order setting the trial for the two week period

commencing **March 4, 2024**. (Uniform Order Setting For Live/ In-Person Jury Trial, Mediation, and Pre-Trial Instructions Calendar Call on Zoom/ Virtual Hearing on **February 22, 2024 at 2:30PM**).

Ignoring that order, on February 15, 2024, The Florida Bar (the Florida Supreme Court), William W. Chung, and Patricia A. Toro Savitz filed a complaint against Citizen José in the Florida Supreme Court accusing Citizen José of violating rules amounting to crimes against the Government, that is, the judiciary of the state of Florida and the Florida Supreme Court.

By filing their Complaint in the Florida supreme court, Chung and Toro contemptuously wiped their noses with the trial court and judge Mavel Ruiz, and referee Carlos Guzman; for judge Carlos Guzman himself set Citizen José case for trial for March 4, 2024, in his Uniform Order Setting Cause for Live/in-Person Jury Trial, Mediation, and Pre-Trial Instructions issued on December 14, 2023.

In response, on **February 20, 2024**, Citizen José submitted a Complaint for declaratory judgment and for compensatory

damages and injunctive relief against The Florida Bar, Chung, and Toro, and the Florida Supreme Court for **prosecuting** **Citizen José** depriving him of his rights protected by the First and Fourteenth Amendment (against the first three parties pursuant to 42 U.S.C. §1983) and all parties except the state Attorney General, pursuant to the Florida Anti-SLAPP statute §768.295 *et seq.* *José Yeyille v. Attorney General of the State of Florida; The Florida Bar; William W. Chung; Patricia A. Toro Savitz; Florida Supreme Court, 2024-2924-CA01.*

That same day, **February 20, 2024**, Citizen José also submitted a Complaint for compensatory damages against **Greenberg Traurig, P.A.** and **Greenberg Traurig, P.A.** attorney, **John Londot**, in their individual and official capacities, and for injunctive relief against the Florida Supreme Court.

**On March 13, 2024**, Citizen José learned that the **Florida Supreme Court** through The Florida Bar appointed and hired **Greenberg Traurig, P.A.** again to represent the **Florida Supreme Court** (The Florida Bar) in *José Yeyille v. Attorney General of the State of Florida; et al.*, 2024-2924-CA01.

**Greenberg Traurig, P.A.**'s attorney is John K. Londot, again, for that case, too. **This development is the main reason why Citizen José amended his Complaint.** Therefore, on **March 14, 2024**, Citizen José submitted his *Amended Complaint* seeking compensatory and injunctive relief against **Greenberg Traurig, P.A.** and **Greenberg Traurig, P.A. attorney, John Londot**, in their individual and official capacities for violation of Citizen José's civil rights protected by the First and Fourteenth Amendments to the Constitution of the United States; and injunctive relief for violation of Citizen José's First and Fourteenth Amendments, and compensatory relief pursuant to Florida Statute **§768.295 et seq.** (Anti-SLAPP) against the Florida Supreme Court. Appellant demands a jury trial.

Because **Greenberg Traurig, P.A.** owns the Florida Supreme Court, the Florida Supreme Court (The Florida Bar) appoints and hire **Greenberg Traurig, P.A.** to defend the Florida Supreme Court. *Petersen v. Fla. Bar*, 720 F. Supp. 2d 1351 (M.D. Fla. 2010). *Rubenstein v. Fla. Bar*, 69 F. Supp. 3d 1331 (S.D. Fla. 2014).

The Florida Supreme Court (The Florida Bar) and **Greenberg Traurig, P.A.** have a vested interested in shaking down attorneys. For that purpose, they will a label of “attorney” even to those who have criticized the judiciary of the Florida Supreme Court in their capacity as common citizens, like Citizen José. Those inevitably held liable for criticizing the judiciary of the state of Florida and the Florida Supreme Court are declared “guilty”, in the same manner as criminal defendants (deprivation of liberty rights), and subject to extortionate costs incurred in their inquisition (deprivation of property and liberty rights), and deprivation of their law licenses (deprivation of property and liberty rights).

### **RELEVANT PROCEDURAL HISTORY**

Leon County Sheriff was unable to serve summons to the Florida supreme court: “By returning said writ unserved for the reason that after due diligence, the named person to-wit:

**FLORIDA SUPREME COURT** could not be served in LEON County, Florida due to: Unable to serve on federal property.” (March 18, 2024). Florida supreme court, federal? OK.....

On **April 12, 2024**, Appellees filed their motion to dismiss.

On **April 21, 2024**, Citizen José filed his Response to Appellees' motion to dismiss. (**APPENDIX 2**).

On **May 4, 2024**, Citizen José served Requests for Admissions and Production to Defendants Greenberg Traurig, P.A. and John Londot.

On **May 14, 2024**, Citizen José submitted as supplemental authority to his Response to Appellees' Motion to Dismiss a copy of **Greenberg Traurig P.A.**'s complaint filed in the U.S. District Court of the Eastern District of Virginia designed to harass and extort money from university students protesting the Zionist genocide against Palestinians. *Maya Parizer, et al. v. AJP Educational Foundation, Inc. et al.*, 1:2024CV00724 (May 1, 2024) for the purpose of proving that **Greenberg Traurig P.A.** is adept at performing the function of the government (the judiciary) when they seek to silence voices criticizing them and their hacks in the courts and in the government. *Parizer's* significance is that **Greenberg Traurig P.A.** is employing the means of the government, the courts, and judges and justices

they buy, to silence and violate the constitutional rights of those criticizing the government by harassing and extorting them by means of the courts. **(APPENDIX 3)**.

On **May 14, 2024**, Citizen José requested, and the court approved, a Special Sets Hearing for his filings and Appellees' motion to dismiss. On **May 16, 2024**, undersigned counsel submitted his Notice of Appearance. **(APPENDIX 4)**.

On **May 16, 2024**, Appellees filed a motion to declare Citizen José a “vexatious litigant.” On **May 18, 2024**, undersigned counsel submitted a request to the court to deny Appellees' motion on account that Citizen José is represented by undersigned counsel. **(APPENDIX 5)**.

The Hearing took place on **May 21, 2024**, without a court reporter. *AFFIDAVIT of the Special Sets Hearing of May 21, 2024* **(APPENDIX 6)**. The court dismissed Citizen José's *Amended Complaint* with prejudice because “it fails to state a cause of action...[Defendants Greenberg Traurig, P.A. and John Londot] “are immune [pursuant to 42 U.S.C. §1983 from legal liability for damages for violations of Citizen José's civil rights

protected by the First and Fourteenth Amendments to the Constitution of the United States] for representing the Bar in the action against you. And I am going to declare you a vexatious litigant.” [emphasis added by undersigned counsel]. *AFFIDAVIT*, ID. at page 10, ¶65. Whereupon the court ordered the parties to submit “competing orders”. ID. at page 11, ¶76.

On **May 24, 2024**, Appellee John Londot submitted his proposed “Order Granting Defendants’ Motion to Dismiss with Prejudice and Declaring Plaintiff a Vexatious Litigant.”

**(APPENDIX 7)**.

On **May 25, 2024**, Citizen José submitted his “Revised Proposed Order Denying Defendants Greenberg Traurig, P.A.’s And John Londot’s Motion to Dismiss Plaintiff José Yeyille’s Amended Complaint. Defendants’ Motion to Declare Attorney José Yeyille a Vexatious Litigant is Denied.” **(APPENDIX 8)**.

On **June 4, 2024**, the court copied and pasted **Greenberg Traurig, P.A.** and John Londot’s “Order Granting Defendants’ Motion to Dismiss with Prejudice and Declaring Plaintiff a Vexatious Litigant” and issued it as its own Order. **(APPENDIX 9)**.

On **June 9, 2024**, Citizen José submitted his Motion for Rehearing. Constitutional Challenges. **(APPENDIX 10)**.

On **July 1, 2024**, Citizen José submitted his Notice of Supplemental Authority to Plaintiff’s Motion for Rehearing: *Dianne Hensley v. State Commission on Judicial Conduct, et al.*, NO.22-1145 (Tex. June 28, 2024) for the proposition that the trial court failed to determine whether in harassing and prosecuting Citizen José, Appellees **Greenberg Traurig, P.A.**’s **“Longtime Client”**, The Florida Bar, acted beyond their jurisdiction: VLTRA•VIREs; and that Appellees are not entitled to any immunity from lawsuits. And that “questions of law that determine the constitutionality of an agency’s decision fall ““outside the competence of administrative agencies”” because the power of constitutional construction is inherent in, and exclusive to, the judiciary.”” *Hensley* at page 27 (quoting from *City of Dallas v. Stewart*, 361 S.W. 562, 578-579 (Tex. 2012)). **(APPENDIX 11)**.

On **July 2, 2024**, Citizen José submitted his Notice of Supplemental Authority to Plaintiff’s Motion for Rehearing:

*Loper Bright Enterprises, et al. v. Raimondo, Secretary of Commerce, et al.*, 22-451 June 28, 2024. 603 U.S. \_\_\_\_ (2024). Decided the same day as *Hensley* (SVPRA), *Loper* holds that “[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority.” (ID. at page 35). (**APPENDIX 12**).

On **July 15, 2024**, Citizen José submitted his Notice of Supplemental Authority: *Smith v. Fisher*, 965 So.2d 205 (Fla. 4<sup>th</sup> DCA 2024) for the proposition that “**Lawsuits filed by an attorney do not count on the vexatious equation.**” (**emphasis added**). (ID. at 209). (**APPENDIX 13**).

On **August 13, 2024**, the trial court denied Plaintiff’s motion for Rehearing. (APPENDIX 14). That same day, Citizen José appealed it to this court.

### **SUMMARY OF ARGUMENT**

Ostensibly a private law firm, Appellee **Greenberg Traurig, P.A.** chooses and controls the justices of the Florida supreme court, and its symbiotic relationship and interests are intertwined to such extent that this law firm performs a public

function and joint action as a state actor when the Florida supreme court, through The Florida Bar, hires them to harass attorneys or defend it against lawsuits brought against it for violations of their rights protected by the U.S. Constitution.

*Edmonson v. Leesville Concrete Co.*, 500 U.S. 614 (1991). *Terry v. Adams*, 345 U.S. 461 (1953). *Brentwood Acad. v. Tenn. Secondary Sch. Athletic Ass'n*, 531 U.S. 288 (2001). *Evans v. Newton*, 382 U.S. 296 (1966). *Burton v. Wilmington Pkg. Auth.*, 365 U.S. 715 (1961).

Appellees Greenberg Traurig, P.A. and John Londot are **not** entitled to any immunity either in their official or individual capacity pursuant to 42 U.S.C. §1983. *Dennis v. Sparks*, 449 U.S. 24 (1980).

State courts **must** rule on constitutional claims in a complaint. *Howlett v. Rose*, 496 U.S. 356 (1990). The trial court **must** determine whether the Florida supreme court through its “**agency**” The Florida Bar (*Liberty Counsel v. Florida Bar Board of Governors*, 12 So. 3d 183 (2009)), acted beyond its jurisdiction, VLTRA·VIREs, by harassing and

prosecuting a common citizen (*Warren v. DeSantis*, 90 F.4<sup>th</sup> 1115 (Cir. 2024)). *Dianne Hensley v. State Commission on Judicial Conduct, et al.*, No. 22-1145 (Tex. Jun. 28, 2024). *Loper Bright Enterprises v. Raimondo, Secretary of Commerce*, 22-451 June 28, 2024, 603 U.S. \_\_\_\_ (2024).

Neither RES·IVDICATA nor collateral estoppel apply. In this case, Appellant is suing Appellees **Greenberg Traurig, P.A.** and John Londot, and the Florida supreme court, not The Florida Bar and its officials. *José Yeyille v. William W. Chung, et at.*, 2023-25430-CA01. None of the four identities in *Topps v. State of Florida*, 865 So. 2d 1253 (Fla. 2024) are present. Appellees' wielding a *privity* exception is good news for Appellant, not so good for Appellees. ***Stogniew v. McQueen*, 656 So. 2d 917, 919 (Fla. 1995).**

The trial court judge's VERBATIM adoption of the attorney for Appellees' "proposed order" violated Appellant's rights protected by the First and Fourteenth Amendments to the U.S. Constitution. *Jefferson v. Upton*, 560 U.S. 284 (2010). *Anderson v. City of Bessemer City, North Carolina*, 470 U.S. 564 (1985).

## ARGUMENT

- I. **Greenberg Traurig, P.A., ostensibly a private law firm, influences and controls the justices of the Florida supreme court to such extent that this law firm and one of its attorneys are rendered state actors under 42 U.S.C. §1983 when they represent the Florida supreme court (The Florida Bar) against lawsuits brought against it by a private citizen alleging violations of his constitutional rights in disciplinary proceedings.**

Standard of Review/Motions to Dismiss: “When a court determines the sufficiency of a complaint to state a cause of action, it applies the so-called “four corners rule” in the analysis...the court’s review is limited to an examination solely of the complaint and its attachments.” ***Santiago v. Mauna Loa Investments, LLC., 189 So. 3d 752, 755 (Fla. 2016)***. The court “examine[s] a complaint de novo to determine whether it satisfied the requirements of Florida Rule of Civil Procedure 1.110 to state a cause of action. In our review, we applied the standard of “[w]hether, if the factual allegations of the complaint are established by proof or otherwise, the plaintiff will be legally or equitably entitled to the claimed relief against the defendant.”” ID. 755-56.

In VERBATIM copying and pasting Appellees **Greenberg Traurig, P.A.** and John Londot's proposed order as her own, judge Ariana Fajardo Orshan adopted its mistakes and deliberate omissions and errors. At once, Citizen José notices that the order is most remarkable for its failure to support its decision with any reference to the facts of the case, and its conspicuous absence of citation to any binding legal authorities.

The trial court failed its **first** task: to determine whether **Greenberg Traurig, P.A.**, an ostensibly private law firm, influences and controls the justices of the Florida supreme court to such extent that **Greenberg Traurig, P.A.** and one of its attorneys are rendered state actors under 42 U.S.C. §1983 when they represent the Florida supreme court (The Florida Bar) against lawsuits brought against it by a private citizen, or an attorney, alleging violations of his constitutional rights in disciplinary proceedings. The answer to that question is dispositive of this case. **The answer is Yes.**

The court answered no, and unwittingly incriminated Appellees (Appellees incriminated themselves) with this

unavailing and odd explanation:

“The G[reenberg and] T[raurig, P.A.] Defendants are entitled to so-called “absolute immunity” (similar to prosecutorial immunity) because the allegations against them are consistent with their performance as **agents of the Florida Bar.**”

[emphasis/**emphasis** added]. (Order, page 3)(**APPX. 9, p. 194**).

Undersigned counsel is aware about the awkward position in which his client’s lawsuit places the judiciary of the state of Florida, particularly this court, and the Florida supreme court whose judges and justices are chosen and owned by Appellee **Greenberg Traurig, P.A.**, and who perform secretarial and stenographical services for Appellee **Greenberg Traurig, P.A.**

**Greenberg Traurig, P.A.** is not an ordinary law firm. As Richard A. Rosenbaum, executive Chairman of Greenberg Traurig, P.A. himself candidly acknowledges: **“We are a firm that does things other firms don’t do”**. *Jerusalem Post*.

November 30, 2023. Elected President of the Florida Supreme Court on July 2, 2024, **Fred Karlinsky**...a shareholder of Greenberg Traurig P.A....[s]ince 2014 Fred has served on and

currently chairs the Florida Supreme Court Judicial Nominating Commission (JNC), **where five of the seven current sitting Justices of the Florida Supreme Court have been appointed during Fred’s tenure on the JNC.**”(emphasis added)(Amended Complaint, p. 14, ¶30)(**APPX. 1, p.18**).

**Greenberg Traurig P.A.**, a militant rabid Zionist law firm at the service of the outlaw, ethnic-cleansing-loving DE•FACTO régime of Israel which owns servile and traitorous Americans in our Congress, the presidency, the Supreme Court of the United States, and this court, the Florida supreme court, **wields the means of the judiciary of its vassal state, United States**, to deprive the rights of university students to exercise their rights to Free Speech and to Petition the Government for a redress of grievances protected by the First Amendment to the Constitution.

**Maya Parizer v. AJP Educational Foundation, Inc. A/K/A American Muslims for Palestine and National Students for Palestine, 1:2024CV-00724 (May 1, 2024).**(**APPX. 3, p. 77**).

**“Richard A. Rosenbaum, executive Chairman of Greenberg Traurig, one of the world’s largest law firms, spent a day in Israel visiting the firm’s Israeli**

**office as a sign of support and solidarity...In the course of the one-day visit, Rosenbaum visited the United Hatzalah organization, met soldiers at an IDF base, and participated in an emotional ceremony held at the Greenberg Traurig office, marking 30 days since the Hamas attacks.” (IBID. ““We are a firm that does things other firms don’t do”.**

When the Florida supreme court harassed, and muzzled a Black lawyer’s freedom of speech, prosecuted, publicly reprimanded her, and extorted from her the cost of her bizarre prosecution, the Florida supreme court hired Greenberg Traurig P.A. to represent it in the Supreme Court of the United States against her appeal there. ***Williams-Yulee v. Florida Bar*, 135 S. Ct. 1656 (2015). “Greenberg Traurig P.A.’s Barry Richard Obtains Supreme Court Decision in Favor of Longtime Client The Florida Bar.” (emphasis).** May 1, 2015. (Greenberg Traurig P.A.’s website).

The following are just a sample of cases where The Florida Supreme court, through its **ALTER•EGO**, The Florida Bar, hired **Greenberg Traurig, P.A.** to represent it:

*Spano v. Hoffman*, 968 So. 2d 674 (Fla. 4<sup>th</sup> DCA 2007).

*Henry v. City of Mount Dora*, No. 5D21-1387 (Fla. 5<sup>th</sup>

Dec. 22, 2022).

*Kee v. Bailey*, 634 So. 2d 654 (Fla. 3d DCA 1994).

*Cole v. Owens*, 766 So. 2d 287 (Fla. 4<sup>th</sup> DCA 2000).

*Rubenstein v. Fla. Bar*, 69 F. Supp. 3d 1331 (S.D. Fla. 2014).

*Robert Rubenstein & Rubenstein Law, P.A. v. Fla. Bar & Arlene K. Sankel*, 72 F. Supp. 3d 1298 (S.D. Fla. 2014).

*Petersen v. Fla. Bar*, 720 F. Supp. 2d 1351 (M.D. Fla. 2010).

*Thompson v. Fla. Bar*, 526 F. Supp. 2d 1264 (S. D. Fla. 2007).

*Lawson v. Ivashuk*, 974 So. 2d 522 (Fla. 4<sup>th</sup> DCA 2008).

*The Florida Bar v. James*, 329 So. 3d 108 (Fla. 2021).

*Harrell v. The Florida Bar*, 603 F.3d 1241 (11<sup>th</sup> Cir. 2010).

*Searcy v. The Florida Bar*, 140 F. Supp. 3d 1290 (N.D. Fla. 2015).

*The Florida Bar v. Gold*, 937 So. 2d 652 (Fla. 2006).

*José Yeyille v. William W. Chung, et al.*, 2023-25430-CA01. (Pending in the Eleventh Judicial Circuit).

*José Yeyille v. Attorney General of the State of Florida; et al.*, 2024-2930-CA01. (This case).

*José Yeyille v. Greenberg Traurig, P.A., et al.*, 2024-2930-CA01. (this case, on account of their representation

of The Florida supreme court (The Florida Bar in the previous two cases).

**A. Greenberg Traurig, P.A. and John Londot are State Actors pursuant to 42 U.S.C §1983.**

That Citizen José’s lawsuit is one of first impression does not mean that it is not safely anchored in binding legal precedents that presaged this moment. Citizen José is not urging this court to write on a TABULA•RASA. **Private attorneys have been found to be state actors. *Edmonson v. Leesville Concrete Co., 500 U.S. 614 (1991)***. Donald Edmonson, a black man, sued Leesville Concrete Company for negligence. “During *voir dire*,” Leesville’s attorney “used two of its three peremptory challenges...to remove black persons from the prospective jury.” (ID. at 616). The impaneled jury consisting of “11 white persons and 1 black person...rendered a verdict for Edmonson for \$90,000” but “attributed 80 of the fault to Edmonson's contributory negligence, however, and awarded him the sum of \$18,000.” (ID. at 617). The Court held that this use of peremptory challenges violated the “equal protection rights of the challenged jurors” **because peremptory**

**challenges by private attorneys to jurors in civil cases were made pursuant to state action because they are not possible “without the overt, significant participation of the government, the peremptory challenge system, as well as the jury trial system of which it is a part.”** (ID. at 622).

Appellee **Greenberg Traurig, P.A.** conducts itself also in a manner undistinguishable from a political organization. Governors of the state of Florida invariably appoint **Greenberg Traurig, P.A.**, former **Greenberg Traurig, P.A.**'s attorneys, and relatives of former **Greenberg Trauri, P.A.** to Judicial Nominating Commissions to choose judges and justices. “[W]hen a state structures its electoral apparatus in a form which devolves upon a political organization the uncontested choice of public officials, that organization itself, in whatever disguise, takes on those attributes of government which draw the Constitution's safeguards into play.” ***Edmonson v. Leesville Concrete Co.***, **500 U.S. 614, 626 (1991)**(quoting ***Terry v. Adams***, **345 U.S. 461, 484 (1953)**).

Citizen José's Amended Complaint states a cause of action for compensatory damages against Appellees Greenberg Traurig, P.A. and John Londot for violations of his civil rights protected by the First and Fourteenth Amendments to the U.S. Constitution because it alleges plausible facts that establish a sufficiently **close nexus** between the **Florida supreme court** and **Greenberg Traurig P.A.** and the "challenged action" by **Greenberg Traurig P.A.** that "may be fairly treated as that of the Florida supreme court itself. *Jackson v. Metropolitan Edison Co.*, 419 U.S. 345, 351 (1974); but he also alleges acts that plausibly support and state Plaintiff's claims that **Greenberg Traurig P.A.** engages in a **sybiotic relationship** and its interests are **intertwined** with those of the justices of the Florida supreme court and the selection of justices of the Florida supreme court, and its presence in, and financial support of the "Florida Supreme Court Historical Society that allows **Greenberg Traurig P.A.** to control the Florida supreme court to the extent that the Florida supreme court is a mere tool, agent, and ALTER•EGO of **Greenberg Traurig P.A.**;" so

that in employing **Greenberg Traurig, P.A.** to defend the Florida supreme court against Citizen José, a party who criticized, and criticizes, the legitimacy of the state’s judiciary, including the Florida supreme court. Appellees the Florida supreme court (which refused to accept service of summons) and Greenberg Traurig, P.A. and John Londot acted in concert, undertaking joint action against Citizen José in which **Greenberg Traurig, P.A.** performs a **public function**. “We have treated a nominally private entity as a state actor when it is controlled by an ““agency of the State””, ***Pennsylvania v. Board of Directors of City Trusts of Philadelphia*, 353 U.S. 230, 231 (1957) (per curiam)**, when it has been delegated a public function by the State...***Edmonson v. Leesville Concrete Co.*, 500 U.S. 614, 627-628 (1991)**, when it is “entwined with governmental policies” or when government is “entwined in [its] management or control, ***Evans v. Newton*, 382 U.S. 296, 299, 301 (1966).**” ***Brentwood Acad. v. Tenn. Secondary Sch. Athletic Ass’n*, 531 U.S. 288, 296 (2001)**. “Only by sifting facts and weighing circumstances can the nonobvious involve-

ment of the State in private conduct be attributed its true significance.” ***Burton v. Wilmington Pkg. Auth.*, 365 U.S. 715, 722 (1961)**. “[N]ecessarily fact-bound inquiry.” ***Brentwood Acad.***, at 298, quoting ***Lugar v. Edmonson Oil Co.*, 457 U.S. 922, 939 (1982)**.

**B. Appellees Greenberg Traurig, P.A. and John Londot are Not Entitled to any Immunity either in their Official or Individual Capacity pursuant to 42 U.S.C. §1983.**

Standard of Review/Sovereign Immunity: “We review the trial court’s determination regarding sovereign immunity, a question of law, de novo.” *Dist. Bd. Of Trs. of Mia. Dade Coll. v. Verdini*, 339 So. 3d 413, 417 (Fla 3d DCA 2022).” ***Victoria Mendez v. Jose R. Alvarez*, 3D23-1341, May 29, 2024**.

Whereas the Florida supreme court **has**, and its agency The Florida Bar **can try to claim**, immunity against 42 U.S.C. §1983 lawsuits, Appellees **Greenberg Traurig, P.A.** and John Londot clearly **cannot**. In ***Dennis v. Sparks*, 449 U.S. 24, 27-32 (1980)**, the Court refused to extend the mantle of judicial immunity to defendants sued pursuant to **42 U.S.C. §1983** regarding an “injunction [that] had been corruptly issued as

the result of a conspiracy between the judge and the other defendants, thus causing a deprivation of property...without due process of law” to the latter. [emphasis]. (ID. at 26). Even though **Greenberg Traurig, P.A. DE•FACTO** owns the justices of the Florida supreme court and the judges of the third district court of appeal, **Greenberg Traurig, P.A. and John Londot are state actors, not the government or one of its agencies.** ***Edmonson v. Leesville Concrete Co., 500 U.S. 614 (1991).***

Immunity is “determined not by the mere names of the titular parties but by the essential nature and effect of the proceeding, as it appears from the entire record.” ***Ex parte New York, 256 U.S. 490, 500 (1921). Scheuer v. Rhodes, 416 U.S. 232, 237 (1974).***

**C. Citizen José is a Person pursuant to 42 U.S.C. §1983. Warren v. DeSantis: “Private Citizen”. Trial court erred in claiming that it does not have jurisdiction to rule on constitutional claims. The Hensley-Loper Bright Enterprises Revolution: Good news for Citizen José, not so good for the Florida supreme court and its ALTER•EGO The Florida Bar.**

Standard of Review/Supremacy Clause: “The Supremacy

Clause forbids state courts to dissociate themselves from

federal law because of disagreement with its content or a refusal to recognize the superior authority of its source.”

***Howlett v. Rose*, 496 U.S. 356, 371 (1990).**

At all relevant times, Citizen José prominently proceeded in his capacity as a common citizen and layperson. Recently, in ***Warren v. DeSantis*, 90 F.4<sup>th</sup> 1115 (Cir. 2024)**, the U.S. Eleventh Circuit Court of Appeal ruled that a state attorney (emphasis on attorney) “spoke as a **private citizen**” (ID. at 1132) (**emphasis**) because he “**did not sign the statements under his official duties**”. (ID. at 1131). Citizen José predicts that **Greenberg Traurig P.A.’s judges Lagoa and Robert Luck** will vote to reverse it if that court rules *en banc*.

In ***Liberty Counsel v. Florida Bar Board of Governors*, 12 So. 3d 183, 191 (2009)**, the court referred to The Florida Bar as an **agency** by comparing it to a “corporation...a municipality, county, or town” subject to **VLTRA•VIRES** review by the courts to determine whether The Florida Bar’s actions are “outside the Bar's authority...”“unauthorized; beyond the scope of power allowed or granted by a corporate charter or by law.””

(quoting from *Black's Law Dictionary* 1559 (8th ed. 2004). Two precedential cases issued the same day checked agencies' extravagant ideas about their authority and jurisdiction. In ***Dianne Hensley v. State Commission on Judicial Conduct, et al., No. 22-1145 (Tex. Jun. 28, 2024)***, the Texas supreme court reversed the lower courts' dismissal of a judge's claims for lack of jurisdiction and barred her lawsuit on the ground of sovereign immunity (ID. at 4-5) and remanded the case to the lower court to determine whether the Commission and its officers (commissioners) acted beyond their jurisdiction **(VLTRA•VIRES)** when they issued a public warning against a judge who refuses to marry homosexuals in violation of her rights to Free Speech and Free Exercise of Religion protected by the First Amendment to the U.S. Constitution. (ID. at 28). "[Q]uestions of law that determine the constitutionality of an agency's decision fall ""outside the competence of administrative agencies" because "the power of constitutional construction is inherent in, and exclusive to, the judiciary."" (quoting from *City of Dallas v. Stewart*, 361 S.W. 562, 578-579 (Tex. 2012)). (ID.

at 27). **(APPX. 11, page 372)**.

In **Loper Bright Enterprises v. Raimondo, Secretary of Commerce, 22-451 June 28, 2024, 603 U.S. \_\_\_\_ (2024)**, the Court commanded that thenceforth “[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority.” *Id.* at page 35. ERGO, whether the agency acted constitutionally and **VLTRA•VIRES**. **(APPX. 12, page 377)**.

**D. Citizen José states claims upon which relief can be granted.**

“[A] State may not, under the guise of prohibiting professional misconduct, ignore constitutional rights.” ***N.A.A.C.P. v. Button, 371 U.S. 415, 439 (1963)***. “[T]he State is not free either to restrict appellant's speech to certain topics or views or to force appellant to respond to views that others may hold.” ***Pacific Gas Elec. Co. v. Public Util. Comm’n, 475 U.S. 1, 11 (1986)***. “For good reason, ““no court of last resort in this country has ever held, or even suggested, that prosecutions for **libel on government** have any place in the American system of juris-

prudence.””(emphasis).***New York Times Co. v. Sullivan*, 376 U.S. 254. 291-292 (1964)**. Indeed, “The freedom to criticize judges and other public officials is necessary to a vibrant democracy.” Sandra Day O’Connor. (Source: Marianne Schnall, *My Exclusive Interview with Justice Sandra Day O’Connor*, 5/29/2009, *Huffington Post*). The late Sandra Day O’Connor was the first woman Justice of the United States Supreme Court. Bans on political speech critical of the government and its officials violate the First Amendment to the Constitution of the United States. ***Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991)**. The Florida Bar, the Florida supreme court by another name, is the judiciary of the state of Florida. Besides being nothing but statutes proscribing libel against the government parading as “rules of discipline”, citizen against the government judiciary) of the state of Florida; their enforcement amounts to glorified contempt proceedings against a private citizen for criticizing the government (judiciary) of the state of Florida. NEMO•IVDEX•IN•CAVSAM•SVAM. “There are special reasons why judicial action in punishing for contempt should be subject

to **scrutiny on constitutional grounds**. Where legislative action or executive action is in question, review is by a different branch of government. Not so in contempt cases. Here the judiciary reviews the acts of its own members. Moreover, in many cases...the action under review was taken by the very judge criticized in the publication complained of. And in all cases the procedure is summary, without the safeguard of trial by jury.” ***Bridges v. California*, 314 U.S. 252, 253 (1941)(emphasis added)**.

**II. Plaintiff’s claims are not barred by RES•IVDICATA or Collateral Estoppel.**

Standard of Review: DE•NOVO. *Fernandez v. Cruz*, 341 So. 3d 410, 412 (Fla. 3d DCA 2022).

In its Order, p. 3, (**APPX. 9, p.194**), the court ruled that “Mr. Yeyille’s claims are barred by res judicata or collateral estoppel because the facts set forth in the operative complaint arose out of the same facts and conduct complained of in Case No. 23-25430 (of which the Court takes judicial notice), which was dismissed with prejudice.”

Citizen José's operative *Amended Complaint* in this case include material additional superseding factual allegations that have not yet occurred and were not present in *José Yeyille v. William W. Chung, et al*, 2023-25430-CA01. Placed in a similar situation as judge *Hensley's* whose lawsuit arose from a **public warning**, (SVPRA), in that case Citizen José sued two Bar officials and The Florida Bar for issuing a **notice of probable cause**.

In addition to the factual allegations in that case, Citizen José's lawsuit against Appellees **Greenberg Traurig, P.A.** and John Londot includes these material factual allegations: William Chung and Patricia Toro filed a complaint against Citizen José in the Florida supreme court (**Amended Complaint, page 30, ¶56**) which prompted Citizen José to sue them and the Attorney General, *José Yeyille v. Attorney General of the State of Florida, et al.*, 2024-2924-CA01 (**ID. at ¶58**), and Appellees, *José Yeyille v. Greenberg Traurig, P.A., et al.*, 2024-2930-CA01, and the Florida supreme court (The Florida Bar)'s hiring **again** Appellees **Greenberg Traurig, P.A.**

and John Londot to represent it in that other case, too. (**ID. at pgs. 59-61**). Naturally, these additional claims could not have possibly be raised in that previous case because they did not exist and had not occurred yet. ***Kimbrell v. Paige*, 448 So. 2d 1009, 1012 (Fla. 1984)**.

Therefore, Citizen José’s Amended Complaint contain material facts about events that **postdate** the filing of that case. ***Whole Woman’s Health v. Hellerstedt*, 136 S. Ct. 2292, 2305 (2016); *Fernandez v. Cruz*, 341 So. 3d 410, 416 (2022)**. “The filing of a suit does not entitle the defendant to continue or repeat the unlawful conduct with immunity from further suit.” ***Smith v. Potter*, 513 F. 3d 781, 783 (7<sup>th</sup> Cir. 2008)** citing as authority ***Lawlor v. National Screen Service Corp.*, 349 U.S. 322, 328 (1955)**.

Not only was *José Yeyille v. The Florida Bar*, 2023-25430-CA01 pending at the time that the trial court dismissed this case, but Citizen José’s Motion for Rehearing is still pending in the Eleventh Judicial Circuit, and Citizen José **will appeal it** to this court if it is denied.

Needless to say none of the “four identities are present: (1) identity of the thing sued for; (2) identity of the cause of action; (3) identity of persons and parties to the action; and (4) identity of the quality of the persons for or against whom the claim is made.” ***Topps v. State of Florida*, 865 So. 2d 1253, 1255 (Fla. 2024).**

In their motion to dismiss, page 13, Appellees **Greenberg Traurig, P.A.**, and John Londot concede that they are involved in a ““**substantive legal relationship**”” :) with the Florida supreme court and its ALTER•EGO The Florida Bar and that because they were **in privity** with them this entitles them to wield the shield of RES•IVDICATA against Citizen José’s lawsuit. In so doing, Appellees Grenberg Traurig, P.A. incriminate themselves. “Generally, an attorney serves as agent for his client; the attorney's acts are the acts of the principal, the client.” ***Andrew H. Boros v. Arnold P. Carter*, 537 So. 2d 1134, 1135 (Fla. 3d DCA 1989).** Appellee **Greenberg Traurig, P.A.** and its personal secretaries and stenographers, the justices of the Florida supreme court share, indeed, a keen interest in

muzzling and neutralizing Mr. Yeyille, a common citizen, and attorneys for exercising their First Amendment rights. However, that interest is not the sort of “interest in the action such” that Appellees “will be bound by the final judgment as if” they “were a party.” ***Stogniew v. McQueen*, 656 So. 2d 917, 920 (Fla. 1995). *Fernandez v. Cruz*, 341 So. 3d 410, 414 (Fla. 3d DCA 2022).** See also ***Edmonson v. Leesville Concrete Co.*, 500 U.S. 614 (1991)**, and ***Dennis v. Sparks*, 449 U.S. 24 (1980)**. “Out of an attorney's status as an officer of the court arise duties that are public as distinguished from the purely private duties owed to one’s client.” ***Rucker v. Schmidt*, 794 N.W. 2d 114, 120 (Minn. 2011)**.

In its haste to rubberstamp **Greenberg Traurig, P.A.**’s attorney’s proposed order having this court finding that Citizen José’s case must be barred under RES•IVDICATA, the trial court neglected to identify “with specificity what the rendering court allegedly decided and [to] determine[] [whether] it was, indeed, actually decided,” ***Graham v. R.J. Reynolds Tobacco Co.*, 857 F.3d 1169, 1216 (11<sup>th</sup>. Cir. 2017)**[emphasis]. In so

doing, this court violated Citizen José due process rights protected by the Fourteenth Amendment to the Constitution of the United States. IBID. (See Constitutional Challenges to the court's Order, INFRA.).

In Florida “collateral estoppel may be asserted only when the identical issue has been litigated between the same parties or their privies.” ***Fernandez*, at 410, 414 (citing *Stogniew v. McQueen*, 656 So. 2d 917, 919 (Fla. 1995)(citing *Trucking Employees of North Jersey Welfare Fund, Inc. v. Romano*, 450 So.2d 843, 845 (Fla. 1984).** Therefore, Appellees’ appeal to collateral estoppel to bar my client’s lawsuit is unavailing.

**III. Plaintiff is represented by counsel. Florida Statute §68.093 is inapplicable to parties represented by an attorney.**

Standard of Review/Statutory Interpretation: “The issue before this Court is a matter of statutory construction, which we review de novo.” ***Diamond Aircraft Indus., Inc. v. Horowitch*, 107 So. 3d 362, 367 (Fla. 2013).**

Despite the command of ***Smith v. Fisher*, 975 So. 2d 205, 209 (Fla. 4<sup>th</sup>. DCA 2004)** that “**(l)awsuits filed by an attorney**

**do not count on the vexatious equation” under Florida Statute §68.093** and **Appellees’ attorney’s reluctant concession at the Hearing of May 21, 2024, that “the Third DCA did say it’s OK for him [attorney José Yeyille] to file as an Esquire”** [emphasis] (**APPENDIX 6**, p.151), in its Order, p. 4, (**APPENDIX 9**, p.195-196) the trial court copied and pasted **Greenberg Traurig, P.A.**’s attorney’s “Proposed Order” and found that “José Yeyille is hereby declared a vexatious litigant pursuant to the Florida Vexatious Litigant Law, section 68.093, Florida Statutes.”

Florida Statute §68.093 is exclusively applicable to parties who are not represented by attorneys, **not** attorneys representing a party. In its Motion for Rehearing, Citizen José informed the trial court that the third district court of appeal has on three occasions decided that Citizen José can proceed there if he is represented by counsel “even if that client happens to be Mr. Yeyille.” ***Jose Yeyille v. Dinah Stein, Esq., et al., 3D2024-418, April 3, 2024.*** (**APPENDIX 10**, pgs.235 and 311-316).

Even if this court decides to contemplate the extravagant

notion that my client, Citizen José, somehow must be considered to be a “vexatious litigant” under §68.093, then the undersigned counsel contends that the trial court neglected to perform a “**Spencer** test”: “providing notice and an opportunity to respond through the issuance of an *order to show cause*...to generate a more complete record.” **State v. Spencer, 751 So. 2d 47, 48-49 (Fla. 1999). Humes v. Solanki, 305 So. 3d 334, 336 (Fla. 3d DCA 2020).** (ID. at p.236).

**IV. Constitutional challenges: The Trial Court’s Order deprived Appellant of his right to access the courts and to petition the Government (judiciary) for a redress of grievances protected by the First Amendment to the Constitution of the United States; and his rights to access the courts, to a fair trial and property protected by the Due Process and Equal Protection of the laws clauses of Section 1 of the Fourteenth Amendment to the Constitution of the United States.**

Standard of Review/Constitutional Claims: DE·NOVO. **A.B.**

***v. Dept. of Children and Family, 901 So. 2d 324, 326 (Fla. 3<sup>rd</sup> DCA 2005).***

A Motion for Rehearing is the appropriate avenue to

challenge a court's order on constitutional grounds<sup>1</sup>. Courts are the government<sup>2, 3</sup>

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<sup>1</sup> “The Plaintiff seasonably filed a petition for a rehearing in which he recited the facts above and asserted, in addition to his claims on the merits [that] in refusing relief...the court transgressed [his constitutional rights to Due Process and Equal Protection]... Already repeatedly stated, the additional federal claim thus made was timely, since it was raised at the first opportunity.” ***Brinkerhoff-Faris, Co. v. Hill*, 281 U.S. 673, 677-678 (1930)**[emphasis added]. ““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]. “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)**.

<sup>2</sup> “The federal guaranty of **due process** [and **equal protection**] extends to **state action through its judicial** as well as through its legislative, executive or administrative branch of government.” ***Brinkerhoff-Faris Co. v. Hill*, 281 U.S. 673, 680 (1930)**(**emphasis**).

<sup>3</sup> “This Court has held that the Declaration of Rights of the Constitution of the state of Florida does apply to ***State***

**Fourteenth Amendment—Fair Trial**<sup>4</sup>. Trial court judge

Ariana Fajardo Orshan plagiarized VERBATIM Appellees’

**Greenberg Traurig, P.A.** and John Londot’s attorney John

Londot’s proposed order that she requested from them and

that they sent to Appellant’s undersigned counsel. (See

**APPENDIX 7**, pgs.155-160). Compare Appellees’ proposed

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**government** and to the Legislature. *Spafford et al. v. Brevard County, Florida*, 92 Fla. 617, 110 So. 451 (1926).” *Kluger v. White*, 281 So. 2d 1, 4 (Fla. 1973)(**emphasis**).

<sup>4</sup> “A fair trial in a fair tribunal is a basic requirement of due process.” ***In re Murchison*, 349 U.S. 133, 136 (1955)**. “[T]he question is whether, ““under a realistic appraisal of psychological tendencies and human weakness,”” the interest ““poses such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented.”” ***Caperton v. A.T. Massey Coal Co.*, 129 S. Ct. 2252, 2255 (2009)**. “The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases.” ***Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980)**.

“[I]t is not merely of no importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done... The answer to that question depends not upon what actually was done but upon what might appear to be done.” REX v. Sussex Justices, EX•PARTE McCarthy [1924] 1 King’s Bench 256, 259.

order with the court's Order of June 4, 2024. (See **APPENDIX 9**, pgs. 191-197). This unlawful delegation of judicial function to Appellees **Greenberg Traurig P.A.** and John Londot violated Appellant's rights to petition the judiciary for a redress of grievances protected by the First Amendment, and his rights to due process, property, and equal protection of the laws protected by the Fourteenth Amendment to the Constitution of the United States. Abdication of judicial labor has been consistently denounced by the courts and the Supreme Court of the United States.<sup>5</sup>

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<sup>5</sup> Court remanded case because trial court judge "adopted verbatim approximately 54 out of 55 pages of Andre's post-trial brief...including footnotes, citations and spelling and typographical errors." ***Andre v. The Bendix Corporation*, 774 F. 2d 786, 800-801 (7<sup>th</sup> Cir. 1985).**

***Bright v. Westmoreland County*, 300 F.3d 729, 732 (3<sup>rd</sup> Cir. 2004):**

Here, however, we are not dealing with *findings of fact*. Instead, we are confronted with a District Court *opinion* that is essentially a verbatim copy of the appellees' proposed opinion. This fact, even standing alone, would be enough for us to distinguish the holdings in *Anderson [v. Bessemer City, N.C., 470 U.S. 564, 572 (1985)]*...

The trial court judge rubberstamped Appelles' proposed order's conclusions of law that conspicuously—and conveniently—omitted **any** reference to the **facts** and the **binding legal authority** that purportedly decided this case.

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[emphasis added]. We agree with the Court of Appeals for the Fourth Circuit's observation that:

“There is authority for the submission to the court of proposed findings of fact and conclusions of law by the attorneys for the opposing parties in a case, and the adoption of such of the proposed findings and conclusions as the judge may find to be proper.... But there is no authority in the federal courts that countenances the preparation of the opinion by the attorney for either side. *That practice involves the failure of the trial judge to perform his judicial function.*”  
**Chicopee Mfg. Corp. v. Kendall Co., 288 F.2d 719, 725 (4<sup>th</sup> Cir. 1961).**

Judicial opinions are the core work-product of judges. They are much more than findings of fact and conclusions of law; they constitute the logical and analytical explanations of why a judge arrived at a specific decision. They are tangible proof to the litigants that the judge actively wrestled with their claims and arguments and made a scholarly decision based on his or her own reason and logic. When a court adopts a party's proposed opinion as its own, the court vitiates the vital purposes served by judicial opinions. We, therefore, cannot condone the practice used by the District Court in this case. (emphasis).

It fails to address at all what previous courts decided that supposedly bars my client's lawsuit against Appellees

**Greenberg Traurig P.A.** and John Londot on their vaunted RES•IVDICATA and collateral estoppel grounds. Courts must

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“ “[T]he greater the extent to which the court's eventual decision reflects no independent work on its part, the more careful we are obliged to be in our review.” ” ***Ramey Construction Company, Inc. v. The Apache Tribe of the Mescalero Reservation***, 616 F. 464, 467 (10th Cir. 1980) (quoting ***In re Las Colinas, Inc.***, 426 F.2d 1005, 1010 (1<sup>st</sup> Cir. 1970)...“This court cannot determine what, if anything, was decided.” (IBID).

In ***Jefferson v. Upton***, 560 U.S. 284, 294 (2010) the court remanded the case “for the lower courts to determine on remand whether the state court's factual findings warrant a presumption of correctness, and to conduct any further proceedings as may be appropriate in light of their resolution of that issue” because Respondent drafted the state court’s final order at that court’s request and that the order was adopted verbatim...and ““did not seek a proposed order from Petitioner””.

“We, too, have criticized courts for their verbatim adoption of findings of fact prepared by prevailing parties, particularly when those findings have taken the form of conclusory statements unsupported by citation to the record.” ***Anderson v. City of Bessemer City, North Carolina***, 470 U.S. 564, 572 (1985).

provide facts “with specificity what the rendering court allegedly decided and [to] determine[] [whether] it was, indeed, actually decided,” ***Graham v. R.J. Reynolds Tobacco Co.*, 857 F.3d 1169, 1216 (11<sup>th</sup>. Cir. 2017)**[emphasis]. Henry J. Friendly, “Some Kind of Hearing”. *University of Pennsylvania Law Review*. Vol. 123:1267 (1975).

**In its plagiarized order, the trial court judge remarkably failed to cite any binding legal authority for its legal conclusions** that Appellees are “entitled to...“absolute immunity””; that the court “has no jurisdiction over Mr. Yeyille’s claims”; that my client cannot sue **state actors** Appellees **Greenberg Traurig P.A.** and **John Londot** for deprivation of his constitutional rights; and that an attorney can somehow be declared a “vexatious litigant” pursuant to Florida Statute § 68.093. The trial court adopted Appellees’ lies, without any factual findings because there are not any, that my client was involved in misconduct “in this Circuit in case No. 2023-025430-CA-01.” (Order, page 4). Undersigned counsel was most respectful towards judge Mavel Ruiz, and judge Mavel

Ruiz was most courteous towards undersigned counsel during **three hearings** totaling 114 minutes. (February 22, 2024; February 26, 2024; February 26, 2024, and February 27, 2024. (It is rather odd that the Clerk of the Eleventh Judicial Circuit’s official record has “**Hearing Details Total of Hearings: 0**”).

**Fourteenth Amendment—Equal Protection.** By plagiarizing Appellees’ proposed order in its Order, the trial court treated Appellant and his attorney in a markedly different manner than it did Appellees **Greenberg Traurig P.A.** and John Londot. “Central both to the idea of the rule of law and to our own Constitution’s guarantee of equal protection is the principle that government and each of its parts remain open on impartial terms to all who seek its assistance.” ***Romer v. Evans*, 517 U.S. 620, 633 (1996).**

**Fourteenth Amendment—Property**<sup>6</sup>. This court deprived

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<sup>6</sup> “[A] cause of action is a species of property protected by the Fourteenth Amendment’s Due Process Clause.” ***Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428 (1982).** “[A] tort or a discrimination action” is “a property interest”. ***Logan*, n.5.** “A right of action to recover damages for an injury is **property**.”

Appellant of his property without due process of law.

**First Amendment—Right to Petition the Government for a redress of Grievances (Right to Access the Courts)**<sup>7</sup>. By plagiarizing Appellees’ proposed order, the trial court violated Citizen José’s rights to access the courts and to petition the Government (the judiciary) for a redress of grievances protected by the First Amendment to the Constitution of the United States. **“Lawsuits filed by an attorney do not count on the**

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***Angle v. Chicago, St. Paul, Minneapolis and Omaha Railway Co.* 151 U.S. 1, 19 (1894). (emphasis)**. “[W]e do not mean to suggest that transferability is essential to the existence of “property” or “rights to property”. ***Drye v. United States*, 528 U.S. 49, 60 n.7 (1999).**

<sup>7</sup> “[T]he right to petition extends to all departments of the Government. The right of access to the courts is indeed but one aspect of the right of petition.” ***California Transport v. Trucking Unlimited*, 404 U.S. 508, 510 (1972).** “[T]he Petition Clause protects the right of individuals to appeal to courts... established by the government for resolution of legal disputes. “[T]he right of access to courts for redress of wrongs is an aspect of the First Amendment right to petition the government.” ***Borough of Duryea v. Guarnieri*, 564 U.S. 379, 387 (2011).** “Courts, too, are bound by the First Amendment.” ***Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 326 (2010).**


**vexatious equation” under Florida Statute §§68.093. *Smith v. Fisher*, 975 So. 2d 205, 209 (Fla. 4<sup>th</sup>. DCA 2004).** The trial court judge was aware that that the third district court of appeal has repeatedly confirmed that Citizen José can proceed there if he is represented by counsel “even if that client happens to be Mr. Yeyille.” ***Jose Yeyille v. Dinah Stein, Esq., et al.*, 3D2024-418, April 3, 2024. (APPENDIX 10, pgs.235 and 311--316).** (See Section **III**, SVPRA.).

### **Conclusion**

WHEREFORE, Appellant José Yeyille, by and through the undersigned counsel, requests that this court **reverse** the trial court’s “Order Granting Defendants Motion to Dismiss with Prejudice and Declaring Plaintiff a Vexatious Litigant; and **remand** this case to the trial court.

**CERTIFICATE OF SERVICE TO JOHN LONDOT, ESQ.,  
COUNSEL FOR APPELLEES GREENBERG TRAURIG, P.A.  
AND JOHN LONDOT**

I, Plaintiff's attorney, José Yeyille, Esq., hereby certify that on September 8, 2024, a true and correct copy of this Initial Brief on the Merits has been filed with the Florida Courts e-Filing Portal and thereby served in compliance with Florida Rule of General Practice and Judicial Administration 2.516(b)(1) upon counsel for Appellees.

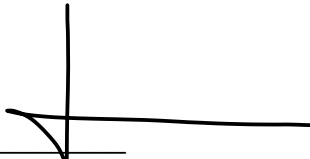


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**CERTIFICATE OF COMPLIANCE**

I hereby certify that this Initial Brief on the Merits has been prepared in Microsoft Word, “Bookman Old Style”, 14-point font, contains 12,779 words exclusive of the specific portions of the Brief deemed exempt by Florida Rule of Appellate Procedure 9.045(e), and complies with the requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

  
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