Filing # 203089002 E-Filed 07/23/2024 12:17:41 AM

IN THE DISTRICT COURT OF APPEAL OF FLORIDA,
FOURTH DISTRICT

CASE NO. 4D24-1193
Lower Tribunal Case No. CACE23-021874

JEAN DOMINIQUE MORANCY,

Appellant,

vs

GERALD FRANCIS ZNOSKO ET AL,

Appellees,

On Appeal: A non-Final Judgment entered by the Seventeenth Judicial Circuit in and for Broward County, Florida

---

APPELLANT'S REPLY BRIEF

JEAN DOMINIQUE MORANCY
Pro se Appellant
13096 SW 53rd Street,
Miramar, Florida 33027
(786) 523-3179
ubmojedo@yahoo.com

CONTENTS

Cases

Statutes

Rules

Book

PREFACE

Jean Dominique Morancy will be referred to throughout this brief as “Appellant” except when quoting from the trial, he will be referred to as Petitioner as required by context. Znosko & Reas, P.A., Gerald Francis Znosko, Angela Lynn Lambiase, Wanda Marie Reas Znosko will be referred to throughout this brief as Appellees except when quoting from the trial or required by context.

References to the Appellant’s appendix shall be by the designation "R. " followed by the appropriate page number as set forth in the appendix, e.g., “R. 1”.

References to the Appellees’ appendix shall be by the designation " AE App. " followed by the appropriate page number as set forth in the related appendix, e.g., “AE App. 1”.

I. REPLY TO APPELLES' ARGUMENTS

This appeal is in regard to a case for legal malpractice and grand theft brought against the Appellees (Angela Lynn Lambiase, Gerald Francis Znosko, Wanda Marie Reas, Znosko Reas, P.A.). The Appellees failed to address the substance of the brief in their answer brief. They failed to address their false statements, the ex parte communication, and where the cause of action of grand theft accrued. The Appellees are trying to distract the court with irrelevant issues that they have not raised in the lower court. Issues not raised in the lower court cannot be brought in this court. See *Reddy v. Zurita*, 172 So.3d 481, 484 n.5 (Fla. 5th DCA 2015) ("Issues not raised in the trial court are waived."); *Greenberg v. Bekins of S. Fla.*, 337 So.3d 372, 375 (Fla. 4th DCA 2022) ("It is generally inappropriate for a party to raise an issue for the first time on appeal.")

II. SOME APPELLEES ARE IMPROPERLY REPRESENTED IN THIS APPEAL

The defendants/Appellees are pro se in the lower court except for Znosko & Reas, P.A that is represented by Wanda Marie Reas. No defendants/appellees are represented by counsel in this appeal. There has been no appearance of counsels for Angela Lynn Lambiase

and Znosko & Reas, P.A. in this appeal. Mr. Gerald Francis Znosko is pro se in this proceeding and cannot represent the other defendants in this proceeding. Mr. Gerald Francis Znosko noted prominently in his cover page and in the conclusion section that he is “pro se, for all defendants.” A pro se party cannot appear as a "pro se attorney for another pro se party. “It is well recognized that a corporation, unlike a natural person, cannot represent itself and cannot appear in a court of law without an attorney."” *Opella v. Bayview Loan Servicing*, 48 So. 3d 185, 187 n.2 (Fla. Dist. Ct. App. 2010). There is no notice of appearance of counsel for Znosko & Reas, P.A. or the other defendants in this appeal. Additionally, the Appellees’ answer brief is signed by one pro se. In re Amendments to Fla. Rules Procedure, 346 So. 3d 1105, 1124 (Fla. 2022) or Fla. R. Gen. Prac. Jud. Admin. 2.515(b) “Pro Se Litigant Signature. A party who is not represented by an attorney must sign any document.…” As such, the answer brief filed by a pro se on behalf of a corporation and another pro se must be dismissed as it does not abide by Florida Rules.

III. FAILED TO ADDRESS ISSUES RAISED IN THE INITIAL BRIEF

The defendants/Appellees failed to address the issues raised on the initial brief. They failed to argue that the Ninth Judicial Circuit Court order was entered with jurisdiction. The Appellees only confirmed the Appellant's contention that they were pending interlocutory appeals with the Florida Sixth District Court of Appeal when the final order was entered (See Appellees' answer brief page 5-6). The interlocutory appeals 6D2023-1323, 6D2023-1677 were decided on October 31, 2023, after the final order was entered on August 29, 2023 and amended on September 14, 2023 (AE App. 180-210) thus the final order was entered without subject matter jurisdiction.

This Court stated the invalidity of an order may be attacked at any time and any place. See *McKenna v. Camino Real Vill Ass'n*, 8 So.3d 1172, 1174 (Fla. 4th DCA 2009) (holding that the final judgment was entered without jurisdiction while a nonfinal appeal was still pending). A void judgment is "[a] judgment that has no legal force or effect, the invalidity of which may be asserted by any party whose rights are affected at any time and any place, whether directly

or collaterally. . . . It is incapable of being confirmed, ratified, or enforced in any manner or to any degree." *Black's Law Dictionary*, 848 (7th ed. 1999). See *Gibson v. Progress Bank of Florida*, 54 So. 3d 1058, 1060-61 (Fla. Dist. Ct. App. 2011). An order entered without jurisdiction is a nullity, and cannot be considered harmless error." See *Dragomirecky v. Town of Ponce Inlet*, 891 So. 2d 633, 634 (Fla. Dist. Ct. App. 2005).

This court was right to state that a void order was not a harmless error because in this case it led to grand theft in another venue.

IV. THE APPELLEES WANT TO REWRITE FLORIDA STATUTE §47.011.

The Appellees' position is that their grand theft should only be litigated in the Florida Ninth Judicial Circuit because that's where the invalid court order originated. Their position is that no other authority can look at the validity of the Ninth Judicial Court order when it's used to commit grand theft in another district. For example, if a crime is committed outside of Orange County using an invalid order, only the Orange County court has jurisdiction to prosecute the crime. Imagine for an instance, someone bought an illegal gun in

Duval County and committed a crime in Broward County. Those appellees would argue given that the illegal gun was sold in Duval County, the prosecution has to take place in Duval County and Broward County has no authority to prosecute the crime in its jurisdiction or the victim cannot file a civil complaint against the perpetrator in Broward County. Essentially, the Appellees are saying that the rule of law that this Court established for Broward County has to take a step back for other jurisdiction rules.

Those Appellees are essentially saying "where the cause of action accrued" does not matter. The day the Appellees decided to cross the Orange County city boundaries with a void order to enforce, it was the day they submitted themselves to the jurisdiction of another county and its related court of appeal.

V. THE APPELLEES ARE TRYING TO DISTRACT THIS COURT WITH PRIOR COURT FILINGS THAT HAVE NO BEARING WITH THE VENUE ISSUE AND GRAND THEFT COMMITTED IN BROWARD COUNTY.

The Appellees are trying to bring other court's actions into this appeal without any direct connection with the cause of action of grand theft in Broward County. The Appellees are subtly trying to raise a res judicata issue. If a res judicata claim were to be raised in

this venue, it would have failed. The US Supreme Court stated in *Kremer v. Chemical Construction Corp.*, 456 U.S. 461 (1982) that res judicata applies unless "there is reason to doubt the quality, extensiveness, or fairness of procedures followed in prior litigation."

As noted in the Appellant's initial appendix page 9-11, the Appellant was not afforded an opportunity to agree to the final hearing date. The Court and the Appellees were the only ones that decided the final hearing date. As it can be seen from the Florida Ninth Judicial Court assistant's email[1] (R page 9-11), the fairness of the procedure was not followed and res judicata will fail due to the due process violation. Any reasonable person would doubt the quality of prior hearings given the violation of the Appellant's due process rights in setting the final hearing. As such, any respectable legal scholar would doubt the quality and the fairness of the issues the Appellees are trying to bring to this Court.

The Florida Supreme Court in *Chemrock Corporation v. Tampa Electric Co.*, No. SC09-2263, 15 (Fla. Jun. 30, 2011) stated given the

[1] Within two hours of the email being sent and without any input from the Appellant, the ninth judicial court rescheduled the final hearing.

due process requirement that "the responsibility of a trial date is shared by both the parties and the court."

As such, given this critical due process violation, a final order emanated from a final hearing scheduling that was coordinated by one party and the court would be void. Any decision tainted by a violation of due process has no effect and is void. See *McDonald v. Mabee*, 243 U.S. 90, 92, 37 S.Ct. 343, 61 L.Ed. 608 (1917); *Haddock v. Haddock*, 201 U.S. 562, 567-68, 26 S.Ct. 525, 50 L.Ed. 867 (1906).

The lower court did not regain subject matter jurisdiction before issuing its final order. "[A] lack of subject matter jurisdiction renders a judgment void, 'and a void judgment can be attacked at any time, even collaterally." See *Hardman v. Koslowski*, 135 So. 3d 434, 436 (Fla. 1st DCA 2014).

VI. THIS COURT HAS ACCESS TO THE WHOLE RECORD ON APPEAL TO MAKE AN INFORMED DECISION

The Appellees want this Court to ignore the fact that it has already reviewed the interlocutory order on appeal sua sponte and determined it was not a final order. The Appellant has unfortunately failed to re-incorporate the interlocutory order in his appendix but

this Court nonetheless has access to this interlocutory order in the notice of appeal and in the Appellee's appendix (AE App. 255-257).

VII. CONCLUSION

Some Appellee's failed to have proper representation in this appeal. They failed to defend the issue raised on appeal. This court needs to address the ex parte communication that led to the transfer order of the lower court to the Ninth Judicial Court.

The issue presented to this Court pertains to a void order that is collaterally attacked in this venue where the void order was used to commit grand theft.

The interlocutory order is due to be reversed due to the failure of the Appellees to defend it. The court should remand with instructions to accept the amended complaint as the active complaint that added defendant Wanda Marie Reas as co-defendant.

VIII. CERTIFICATE OF SERVICE

I certify that a copy of this document was electronically served via the Florida Courts E-Filing Portal to the persons and entity listed below on July 23, 2024.

Gerald F. Znosko Florida Bar No. 0900310 4798 New Broad St Ste 250 Orlando, FL 32814-6436 Telephone (407) 786-2900 Email: gznosko@znoskoreas.com	**Wanda Marie Reas Znosko.** Florida Bar No. 163228 4798 New Broad St Ste 250 Orlando, FL 32814-6436 Telephone (407) 786-2900 Email:WReas@znoskoreas.com
Znosko & Reas, P.A. **Wanda Marie Reas Znosko.** Florida Bar No. 163228 4798 New Broad St Ste 250 Orlando, FL 32814-6436 Telephone (407) 786-2900 Email: WReas@znoskoreas.com	**Angela Lynn Lambiase** Florida Bar: 1022347 Znosko & Reas, P.A. 4798 New Broad St Ste 250 Orlando, FL 32814-6436 alambiase@znoskoreas.com

Respectfully submitted,

By: **Jean Dominique Morancy**
13096 SW 53rd St., Miramar, Florida, 33027
(786) 523-3179
ubmojedo@yahoo.com

IX. CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Brief complies with the font requirements of Fla. R. App. P. 9.210(2).