

No. 18-1041

In the
Supreme Court of the United States

Frances K. Konieczko,
Lawrence W. Konieczko,
Laurie F. Konieczko,

Petitioners,

v.

Adventist Health System/Sunbelt, Inc.,
sponsored by the Seventh-day Adventist Church,
d/b/a AdventHealth Altamonte Springs,
formerly Florida Hospital Altamonte,
and d/b/a AdventHealth Orlando,
formerly Florida Hospital Orlando,
Respondents.

On Petition for Writ of Certiorari
To the Florida Fifth District Court of Appeal

REPLY BRIEF IN SUPPORT OF THE
PETITION FOR WRIT OF CERTIORARI

Frances K. Konieczko
Lawrence W. Konieczko
Laurie F. Konieczko
Self-Represented
PO Box 536253
Orlando, FL 32853

Questions for Review

- 1. This Court, the Supreme Court of the United States, granted enemy combatants the right to be heard, therefore, shouldn't we, American-born citizens of the USA, with the husband of Frances, and the father of Lawrence and Laurie, as well as the grandfather of Lawrence and Laurie, having been honest, decent, patriotic American men who sacrificed for this country, the United States of America, and served honorably in the United States military, be justly granted full and fair opportunities to be heard?**
- 2. Shall this Court allow any judge to abuse his or her power and illegally violate the Constitution of the United States and unconstitutionally deprive us of our right to be heard?**
- 3. Shall this Court allow judges to willfully, intentionally, and maliciously make false statements, refuse to disqualify themselves when served with timely, legally-sufficient motions to disqualify, and illegally not remove a judge when by law they are required to do so?**
- 4. Shall this Court allow judges to illegally refuse to disclose ex parte communications, interactions, and monetary transactions?**
- 5. Shall this Court allow judges, lawyers, and defendants to obstruct justice?**

PARTIES

**The family of William A. Konieczko
Frances K. Konieczko, his wife
Lawrence W. Konieczko, his son
Laurie F. Konieczko, his daughter
Petitioners**

v.

**Adventist Health System/Sunbelt, Inc.,
sponsored by the Seventh-day Adventist Church,
d/b/a AdventHealth Altamonte Springs,
formerly Florida Hospital Altamonte,
and d/b/a AdventHealth Orlando,
formerly Florida Hospital Orlando,
Respondents**

**Attorneys for Respondents
Christian Trowbridge and Charles Ingram
2600 Lake Lucien Dr., Ste. 330
Maitland, FL 32751**

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**Rule 2.330 (j) of the Florida Rules of Judicial
Administration.....Page 10**

Cases

About the right to have a "fair opportunity" to be heard "before a neutral decision-maker":

**United States Supreme Court,
Hamdi v. Rumsfeld (2004).....Page 2**

**United States Supreme Court,
Rasul v. Bush (2004).....Page 2**

Cases confirming that Rule 2.330 (j) of the Florida Rules of Judicial Administration is exactly and literally interpreted, such that if a judge does not issue a decision on a Motion to Disqualify Judge after 30 days, then the Motion is deemed granted:

***Hilliard vs. State*, 109 So. 3d 878, (Fla. 1st DCA, 2013).....Page 8**

***Schisler vs. State*, 958 So. 2d 503, (Fla. 3rd DCA, 2007).....Page 8**

***Overcash vs. Overcash*, (Fla. 5th DCA, 2012).....Pages 8, 10**

INTRODUCTION

We file this Reply Brief for the honor of and out of love for our Lord Jesus Christ and our beloved family member, William A. Konieczko, the very precious husband and father, for whom we seek justice. Also, we seek justice to stop the perpetrators of wrongdoing, so that other innocent people will not be harmed by them.

ARGUMENT

We object to the respondents' brief in opposition in its entirety for reasons including, but not limited to, those stated herein.

The respondents have willingly, knowingly, intentionally, frivolously, and in bad faith made the false statement that there is "no...reason" for this Court to grant a writ of certiorari, when the truth is that it has been absolutely clear that there are very compelling reasons, including those set forth in our Petition, for this Court to grant a writ of certiorari.

All three of the lower tribunals - the Florida Ninth Judicial Circuit Court, the Florida Fifth District Court of Appeal, and the Florida Supreme Court - have violated our rights.

There have been unconscionable violations including, but not limited to, very egregious and unethical violations of our rights guaranteed by the Constitution of the United States, including, but not limited to, our right to be heard, freedom of speech, freedom of religion, equal protection, and our right to petition the government for a redress of grievances. With these violations, there have been unfair, arbitrary, and capricious abuses of power in violation of 18 U.S.C. 242 and 42 U.S.C. 1983.

The Rules of SCOTUS indicate the character of the reasons considered when granting a petition for a writ of certiorari. Pertinent to this case is Rule 10 (c), "a state court...has decided an important federal question in a way that conflicts with relevant decisions of this Court."

There have been state court judges, and also clerks, who have decided that provisions of the federal constitution, the Constitution of the United States, are provisions that they can ignore, deprive us of, and not uphold, even in violation of their oaths. These decisions to violate our rights conflict with relevant decisions of this Court, especially the two United States Supreme Court cases, *Hamdi v. Rumsfeld* (2004) and *Rasul v. Bush* (2004). We presented this argument in our petition on page 2. This Court decided that "enemy combatants" would have a "fair opportunity" to be heard "before a neutral decision-maker."

It is VERY, VERY UNFAIR that terrorists have been granted rights that we have been wrongfully deprived of. There have been MANY EGREGIOUS AND UNCONSCIONABLE VIOLATIONS of our right to have a "fair opportunity" to be heard "before a neutral decision-maker" including, but NOT LIMITED TO, those stated herein.

VIOLATIONS OF OUR RIGHT TO HAVE A "FAIR OPPORTUNITY" TO BE HEARD "BEFORE A NEUTRAL DECISION-MAKER" IN FLORIDA'S NINTH JUDICIAL CIRCUIT COURT:

- Contrary to the false misrepresentations of the respondents, we DID file motions to disqualify the very unfair, biased judge, Robert LeBlanc, and also made motions to disqualify him during the November 6, 2017 hearing, especially because of his violations of our rights to equal protection and to be heard, which are guaranteed by the Constitution of the United States. We filed into the record Statements of Evidence pertinent to this hearing and also a USB flashdrive with a recording of the hearing. Below are important statements, from the hearing, which were made by Lawrence W. Konieczko (LW) and Laurie F. Konieczko (LF).

04:37 LF:Frances Konieczko, who's heartbroken over her husband who she was married to for 57 years, and when she read of the betrayal of trust of Florida Hospital saying there was a signed "Do Not Resuscitate" form, and none of us has ever signed that or seen it, she was very, very upset.

05:05 LF: (Speaking of William Konieczko) He has never signed it, he absolutely never signed it!

05:08 LW: He never signed it.

05:10 LF: And we know that.

05:12 LF: We know that because she (speaking of Frances) was with him (William) almost all the time in the hospital. And so was he (speaking of Lawrence).

05:18 LW: I was with her (Frances) the whole time.

05:20 LF: And we discuss everything. We are a close family.

05:21 LW: He (William) never signed it.

05:22 LF: And furthermore, when doctors and nurses were pushy and saying my father was unresponsive, my brother (Lawrence) went to my father and placed his hand in the hand of my mother and said, "If you want us to continue to be doing everything possible to give you life-sustaining treatment and everything to help you live, squeeze [my mother's] hand," and he took her hand and squeezed it very, very, very, very, hard for a long time and did not let go. (LF chokes up with emotion.)

15:06 LF: The complaint needs to be amended, it hasn't been amended one time.

15:16 LF: ...the evidence. We've said over and over...through the documents, over and over we say we object to you obstructing justice...with the "Do Not Resuscitate" form as I just stated and read to you.

16:39 LF: ...you are obstructing justice... you wouldn't let us see the "Do Not Resuscitate" form.

17:05 LF: I already motioned to disqualify you. We want to write that motion out.

17:14 Judge LeBlanc: No...order denying...

17:15 LF: No right during this hearing for how you're being unfair. It's unfair that you wont wait for us to have an amended complaint, you wont wait for us to have more evidence. That's very unfair and you're being very biased, we hereby motion to disqualify judge.

17:46 Judge L: Motion to Disqualify is denied....

17:51 LF: By law, we should be able to write out our Motion to Disqualify now at this hearing.

18:00 LF: By law we should be allowed to write it out.

18:27 LF: We are not having a full and fair opportunity to argue this motion at this time because he is not giving us a fair and full opportunity to argue.

18:41 LF: I said I've got a whole set of sheets here...obviously we object to the Motion to Dismiss in it's entirety. We object that it's frivolous and it's based on bad faith saying to remove the Constitution of the United States...we are not today having a full and fair opportunity to argue, we must have one or more amended complaints because when we get more evidence we shall be able to amend the complaint more. We object to not having a full and fair opportunity to argue. We object...the defendants are guilty of obstruction of justice and the Florida Hospital has betrayed our trust...it is obvious that we must...have the right to amend, and that is very clear in the Florida Rules of Civil Procedure that we should have a right to amend, we did not amend this one time and we want to proffer that we shall be having evidence to offer and we know that we shall and we want to amend. (Judge LeBlanc interrupts.)

21:19 LF: ...we did not have the evidence to amend it with.

21:31 LF: I'm not done yet. I'm not done with my argument....

22:01 LF: But I'm not done arguing. I'm not done, I've got 12 pages here and I'm only on page 3.

22:09 LF: ...I'm not done, I've got 12 pages here.

22:14 LF: No, I've got 12 pages here. So I motion to disqualify judge because I have 12 pages here of notes and I didn't get to read them all.

22:33 LF: ...it's only fair to cancel the hearing because we did not have a full and fair opportunity to argue, that would have been the fair thing to do.

22:49 LF: But, I said, look, I've got 12 pages of notes here and you wouldn't hear them.

22:56 Bailiff: ...the hearing's over.

As can be seen from the select statements above, we did NOT have a "fair opportunity" to be heard "before a neutral decision-maker."

Subsequently, while the circuit court had jurisdiction, based upon 38.10 of the Florida Statutes, we filed a legally-sufficient Motion to Disqualify Judge LeBlanc, and after a total of 30 days, in which the court had jurisdiction, had passed, he had not issued a decision on the motion.

Therefore, pursuant to the Florida Rules of Judicial Administration, Rule 2.330(j), this Motion to Disqualify was deemed granted. In accordance with that fact, we filed the Motion for Chief Judge Frederick Lauten to Issue an Order to Reassign this Case to a Different Judge. Authorities for this are *Hilliard vs. State*, 109 So.3d 878, (Fla. 1st DCA, 2013); *Schisler vs. State*, 958 So. 2d 503, (Fla. 3rd DCA, 2007); *Overcash vs. Overcash*, (Fla. 5th DCA, 2012). These cases confirm that the rule is exactly and literally interpreted as written, with the Motion to Disqualify being deemed granted after 30 days. However, Judge Lauten did not abide by the law and issue an order to reassign this case.

Pertinent to this, Lawrence W. Konieczko timely filed and paid the filing fee for a PETITION FOR A WRIT OF MANDMUS, on June 11, 2018, in person, at the Florida Fifth District Court of Appeal. The court clerk had just given him a receipt for a computer printout that he had just paid her for right before he handed her the PETITION FOR A WRIT OF MANDAMUS and the money order to pay for the filing fee. However, the clerk refused to give Lawrence a receipt for the filing fee he had just paid her. We were very uncomfortable that she had refused to give a receipt. The court sent an acknowledgement wrongfully stating that the filing date was June 12, instead of the correct date of June 11. Therefore, on June 19, 2018, we filed our Motion for Chief Justice Jay Cohen to Correct the Record.

On June 20, 2018, the court issued an order correcting the filing date to June 11, 2018. (See Appendix-1a.) However, Florida Fifth District Court of Appeal Judges Orfinger, Torpy and Edwards issued an order on September 7, 2018 denying to issue a writ of mandamus, and in that order wrongly stated the filing date as June 12, 2018, instead of the correct date of June 11, 2018. Therefore, we timely delivered a Motion for Rehearing on September 27, 2018, in which one of the issues was that the filing date on the order be corrected. Especially because Judge Torpy had been very unethical after being informed by Laurie F. Konieczko of fraudulently falsified evidence in an animal cruelty case she had previously prosecuted in that court, we included this statement in our Motion for Rehearing, "This must be corrected because the correct date of the filing of the Petition for a Writ of Mandamus was June 11, 2018. If this court does not correct this, then this court is choosing to cause this date to be fraudulently falsified..."

An order dated September 28, 2018 was issued by Judges Orfinger, Torpy, and Edwards in which they not only did NOT correct the filing date to show the date of June 11, 2018, thereby choosing to cause this date to be fraudulently falsified, but they stated that they were denying our Motion for Rehearing as "untimely and on the merits." Therefore, this is a fraudulent order. (See Appendix-3a.)

Judge Torpy was one of the judges who issued the order for *Overcash vs. Overcash*, (Fla. 5th DCA, 2012), one of the cases which we stated as an authority which confirmed that Rule 2.330(j) of the Florida Rules of Judicial Administration is exactly and literally interpreted as written: that a motion to disqualify judge, with no decision issued, is deemed granted after 30 days. Therefore, since Judge Torpy issued this decision on the merits in *Overcash vs. Overcash*, yet did not, according to the law, issue this same decision in our case, he has violated our right to equal protection, which is a very important right guaranteed by the Constitution of the United States. We look to this Court to overturn these fraudulent and extremely unfair decisions.

**OTHER VIOLATIONS OF OUR RIGHT TO
HAVE A "FAIR OPPORTUNITY" TO BE HEARD
"BEFORE A NEUTRAL DECISION-MAKER" IN
THE FLORIDA FIFTH DISTRICT COURT OF
APPEAL:**

Two of the three judges who issued the September 7, 2018 and September 28, 2018 decisions, Judges Torpy and Orfinger, in addition to Judges Cohen, Wallis, Palmer, and Evander, did not have jurisdiction to have any part in this case, being that they were bound by law to disqualify themselves, pursuant to 38.10 of the Florida Statutes, with reasons including, but not limited to, those stated herein.

On August 29, 2018, Lawrence W. Konieczko hand-delivered to the Fifth District Court of Appeal items which included six sealed envelopes, NOT addressed to the clerk of court, but each addressed to one of six judges, which were Judges Torpy, Orfinger, Cohen, Wallis, Palmer, and Evander, for the envelopes to be served upon each of the judges, being that each envelope contained a legally-sufficient motion to disqualify judge. This was all clearly explained in the AMENDED PETITION FOR A WRIT OF MANDAMUS, which was filed in that court on the same date of August 29, 2018, with copies of the six motions to disqualify included in the APPENDIX TO THE AMENDED PETITION FOR A WRIT OF MANDAMUS. Yet none of these judges, who were all bound by law to disqualify themselves, issued any decision in response, and therefore violating our legal rights, including, but not limited to, our right guaranteed in the First Amendment of the Constitution of the United States to petition the government for a redress of grievances, thereby committing egregious violations of 18 U.S.C. 242 and 42 U.S.C. 1983. We look to this Court to rectify this.

As a young woman, with no formal training in the law, Frances K. Konieczko, brought cases against government entities and represented those who could not fight for themselves, because of being disabled or elderly.

Frances would go before the judge and fearlessly speak the truth. Each time the judge would listen respectfully as she presented the facts and the law. She won each case she brought and was highly respected.

The beloved brother of Frances, and dearly loved uncle of Lawrence and Laurie, was not an "enemy combatant," but he was an American soldier who joined the military on his own initiative and had the heartbreakingly experience of being in the second wave on Omaha beach on D-Day and seeing many of his buddies in agony dying around him as he himself was pinned down and injured. Then later, he had the very heartbreakingly experience of entering the Dachau concentration camp by way of tank as one of the American soldiers who liberated the prisoners. His heart broke as he saw the piles of dead bodies and the prisoners who were still alive looking like walking skeletons.

Also, the father of William, the grandfather of Lawrence and Laurie, had been conscripted, as a young man, to serve in the Russian army, but he absolutely did not want to be a part of an evil army, so, with God's help, he escaped and defected, came to the United States, and joined the United States Army in which he served honorably during World War I, and suffered severe injuries from mustard gas, from which he eventually died.

Also, William Konieczko, the cherished husband of Frances, and the beloved, loving, and compassionate father of Lawrence and Laurie, served honorably in the United States Army as a Staff Sergeant and was very dedicated.

Yet, no matter how honorable our family has been, it is TERRORISTS and ENEMY COMBATANTS that have been given the right to have a "fair opportunity" to be heard "before a neutral decision-maker," while our family has been wrongfully and unfairly deprived of that right.

We look to this Court to overturn these unfair decisions.

There has not yet been justice for the honor of William as we have been prosecuting the civil case pertaining to how he was murdered at the Florida Hospital Altamonte, recently renamed as AdventHealth Altamonte Springs, with the entity responsible for the records, now named AdventHealth Orlando, illegally obstructing justice by NOT fully acting upon legally executed paperwork and giving us ALL of the necessary records, especially a copy of the ILLEGALLY FORGED DO NOT RESUSCITATE form, which they claim to have, but which NO MEMBER OF OUR FAMILY has ever seen and NO MEMBER OF OUR FAMILY has ever signed.

On the first page of this Reply Brief, we stated that we object to the respondents' brief in opposition in its entirety for reasons including, but not limited to, those stated herein. Our objections include: all frivolous and bad faith litigation, misrepresenting our complaint, and making irrelevant statements. Also, our objections include: procedural violations of the respondents - photocopied orders instead of reformatted, unnumbered pages, serving one copy, not three, and if they did not file 40 booklets.

We have been putting forth good faith efforts in preparing our court documents. The SCOTUS clerk who docketed our case did not inform us of anything about our documents that needed attention.

Because of the word limitations of this brief, we have not yet been able to address in detail all of the issues that should be considered. There have been more violations of our rights in the three lower tribunals, including the Florida Supreme Court, than addressed herein.

CONCLUSION

For the foregoing reasons, and those stated in our Petition filed in January 2019, and in our Petition which is scheduled to arrive in this Court by early June 2019 (pertaining to the main case), for the efficient use of this Court's time, this Court should consolidate these two cases and grant certiorari.

At His own trial, Jesus Christ said,
"...I came...to testify to the truth.
Everyone on the side of truth
listens to me."

(John 18:37)

Frances K. Konieczko
Lawrence W. Konieczko
Laurie F. Konieczko
Self-Represented
PO Box 536253
Orlando, FL 32853

March 21, 2019

No. 18-1041

In the
Supreme Court of the United States

Frances K. Konieczko,
Lawrence W. Konieczko,
Laurie F. Konieczko,

Petitioners,

v.

Adventist Health System/Sunbelt, Inc.,
sponsored by the Seventh-day Adventist Church,
d/b/a AdventHealth Altamonte Springs,
formerly Florida Hospital Altamonte,
and d/b/a AdventHealth Orlando,
formerly Florida Hospital Orlando,

Respondents.

**On Petition for Writ of Certiorari
To the Florida Fifth District Court of Appeal**

**APPENDIX TO REPLY BRIEF IN SUPPORT OF
THE PETITION FOR A WRIT OF CERTIORARI**

Frances K. Konieczko
Lawrence W. Konieczko
Laurie F. Konieczko
Self Represented
PO Box 536253
Orlando, FL 32853

[Court order correcting the record to show
TRUE FILING DATE of JUNE 11, 2018

**In the District Court of Appeal
of the State of Florida
Fifth District**

Case No.: 5D18-1904

**Frances K. Konieczko, Lawrence W. Konieczko
and Laurie F. Konieczko, Petitioners**
vs.
**Adventist Health System/Sunbelt, Inc. d/b/a
Florida Hospital Altamonte and d/b/a
Florida Hospital, Orlando, Florida, Respondent**

Date: June 20, 2018

By Order of the Court:

Ordered that Petitioners' June 19, 2018, Motion to Correct the Record to reflect a filing date of June 11, 2018, is granted. The parties are advised that an amended acknowledgement to reflect a filing date of June 11, 2018, will issue forthwith.

I hereby certify that the foregoing is
(a true copy of) the original Court order.
s/ Joanne P. Simmons, Clerk

**District Court of Appeal
State of Florida
Fifth District**

**[Order falsely shows wrong filing date of June 12
instead of TRUE FILING DATE of JUNE 11 2018]**

**In the District Court of Appeal
of the State of Florida
Fifth District**

Case No.: 5D18-1904

**Frances K. Konieczko, Lawrence W. Konieczko
and Laurie F. Konieczko, Petitioners**
vs.
**Adventist Health System/Sunbelt, Inc. d/b/a
Florida Hospital Altamonte and d/b/a
Florida Hospital, Orlando, Florida, Respondent**

Date: September 07, 2018

By Order of the Court:

**Ordered that Petition for Writ of Mandamus,
filed June 12, 2018, and the Amended Petition,
filed August 29, 2018, are denied.**

**I hereby certify that the foregoing is
(a true copy of) the original Court order.
s/ Joanne P. Simmons, Clerk**

**District Court of Appeal
State of Florida
Fifth District**

Panel: Judges Orfinger, Torpy, and Edwards

*[Order on **TIMELY MOTION FOR REHEARING** -
order not acknowledging **TRUE FILING DATE** of
JUNE 11, 2018, per order of June 20, 2018]*

**In the District Court of Appeal
of the State of Florida
Fifth District**

Case No.: 5D18-1904

**Frances K. Konieczko, Lawrence W. Konieczko
and Laurie F. Konieczko, Petitioners**
vs.
**Adventist Health System/Sunbelt, Inc. d/b/a
Florida Hospital Altamonte and d/b/a
Florida Hospital, Orlando, Florida, Respondent**

Date: September 28, 2018

By Order of the Court:

**Ordered that Petitioners' "Motion for Rehearing
to Grant Amended Petition for a Writ of
Mandamus," filed September 27, 2018, is denied as
untimely and on the merits.**

**I hereby certify that the foregoing is
(a true copy of) the original Court order.
s/ Joanne P. Simmons, Clerk**

**District Court of Appeal
State of Florida
Fifth District
Panel: Judges Orfinger, Torpy, and Edwards**

*[Court Clerk records for this document show
the FILING DATE as: MAY 11, 2018.]*

In the County Court of the
Ninth Judicial Circuit in and
for Orange County, Florida

Case No.: 2016-CA-010428-0

Frances K. Konieczko, Lawrence W. Konieczko.
Laurie F. Konieczko, Plaintiff(s)

vs.

Florida Hospital, Altamonte Springs, FL,
Florida Hospital, Orlando, FL, et al., Defendant(s)

Order Denying Motion for Chief Judge Frederick
Lauten to Issue an Order to Reassign this Case to a
Different Judge

This cause having come on to be heard on the Plaintiff's Motion for Chief Judge Frederick Lauten to Issue an Order to Reassign this Case to a Different Judge, it is hereby

Ordered and adjudged that the Motion for Chief Judge Frederick Lauten to Issue an Order to Reassign this Case to a Different Judge, it is hereby denied.

Done and ordered at Orlando, Orange County, Florida this 8 day of May, 2018.

s/ Frederick J. Lauten
Circuit Judge