

No. 18-7865

IN THE

SUPREME COURT OF THE UNITED STATES

SVITLANA DROZDOVSKA

— PETITIONER

vs.

SEMINOLE COUNTY FLORIDA and  
DAVID R. KUHN Esquire

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF FLORIDA

PETITION FOR WRIT OF CERTIORARI

SVITLANA DROZDOVSKA

(Your Name)

1144 DAYTONA AVE.

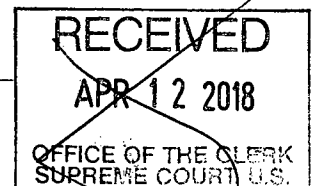
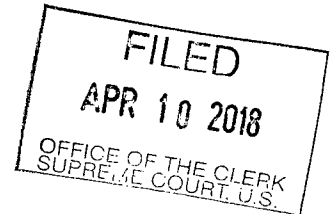
(Address)

HOLLY HILL, FL, 32117

(City, State, Zip Code)

386 315 64 25

(Phone Number)



### **QUESTION(S) PRESENTED**

I humbly request a new trial which will be in accordance with the law .

The nature of their order was their final decision finding in favor of Seminole County as not being responsible or in violation of A.D.A. rules and were responsible to maintain established sidewalks in Seminole County in a safe manner for citizens to use safely.

This is a violation of Florida State laws and Federal laws. it is in fact the full responsibility of Seminole County to maintain city sidewalks properly based of the Green Book and many other mandates provided by the Federal Funding programs.

Seminole County in fact had determined that this exact section of sidewalk needed to be repaired and my attorney at the time of trial produced an official Seminole County Work Order work that had been issues THREE years prior.

## LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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## TABLE OF AUTHORITIES CITED

The following information was derived from, <http://fdot.gov> and  
(<http://safety.fhwa>.

[dot.gov/ped\\_bike/tools\\_solve/fhwasa13037/research\\_report/chap2b.cfm](http://dot.gov/ped_bike/tools_solve/fhwasa13037/research_report/chap2b.cfm))

<http://fdot/maintenance/RDW/MRP/MRPHandbook.pdf>

All county maintenance employees must refer to the Maintenance Rating Handbook ( M.R.P.) which specifies each detail regarding sidewalks. Please read the attached page printed straight from the State of Florida web site.

Directly mirroring the A.D.A. rule book. ([www.ada.gov](http://www.ada.gov))

(Faults/Changes in Level: Surface discontinuities shall not exceed 13 millimeters (0.50 inches) maximum. Vertical discontinuities between 6.4 millimeters (0.25 inches) and 13 millimeters (0.5 inches) maximum shall be beveled at 1:2 minimum. The bevel shall be applied across the entire level change)

(Any sidewalk with more than three cracks per ADA rules must be replaced)

See attached page from [www.fdot.gov](http://www.fdot.gov)

On a statewide basis, Florida DOT's Office of Maintenance has the most or one of the most detailed inspection processes and criteria of any DOT. It is incorporated into its *Maintenance Rating Handbook*. A high standard is established for sidewalk maintenance requiring over 99.5% of the sidewalk area to be free of

vertical misalignments greater than 1/4 inch, horizontal cracks greater than 3/4 inch, or spalled areas greater than 1/2 inch in depth, and no visible hazards. The handbook contains a series of photos and descriptions to help inspectors properly measure conditions.

The defect in the sidewalk where I tripped was 3.5 inches above grade. This defect was there for more than three years.

This accident has caused me now to be disabled for the rest of my life. Not to mention serious loss of wages these last five years and forever in the future.

Please understand that I am not trying to take advantage of our countries system but to allow it to help me in the future.

## **STATUTES AND RULES**

There was also no dispute that the sidewalk, adjacent to the driveway was elevated three and a half inches HIGHER than the driveway surface.

Please refer to Seminole County Codes to determine the LEGAL height differential for walk way surfaces controlled by the A.D.A. and D.O.T of Florida. Seminole County, THREE YEARS prior to my fall had issued a Repair Order to correct the sidewalk area in question. However, they kept putting the repair off. Right after my fall, the ENTIRE sidewalk and driveway were replaced to A.D.A. standards.

You can recite all the OTHER civil trials as you wish. The fact of the matter is simple. The LAW makes it crystal clear as to WHOM is responsible to repair a county sidewalk. The same county is also responsible to levy FINES against those that damage county property. This was never done. Seminole County had full control of this property. See survey as to who owns this specific area in the

## **OTHER**

For THREE years, Seminole County was aware of this problem and did NOTHING about the damaged sidewalk until after I fell down and broke my knee, smashed my face and seriously damaged my left hand plus chipping my tooth into my lip.

It is a shame that Seminole County has hired such an admirable Law firm to hide their errors. Of course as a Law firm, surely they must defend their client with as many tactics as possible. That I have discovered in their REPLY BRIEF.

Rather than ANSWERING my FIVE points, they chose to come back with TEN different cases in an attempt to redirect the actual problem. Inasmuch they stated, Seminole County is SUPPOSED to maintain this particular sidewalk area. THREE years later, Seminole County finally give the order to make that repair. TOO late for me as now I am FOREVER disabled.

Seminole County is NOT ABOVE THE LAW. If the defending attorney took a few minutes and read my ANSWER BRIEF, they would see the FACTS OF LAW. Simply put for anyone to understand. It does not matter who is on first base, it matters that all of those diversions were simply sent back to me for more snipe hunting.



Seminole County had a RESPONSIBILITY to maintain and repair this sidewalk. If by chance SEMINOLE COUNTY chose to FINE the HOA for damaging THEIR sidewalk, “ or others” they should have done so. Even in court records the question came up from a Seminole County Employee, ( Should I involve Code Enforcement in this case?) They never did anything. Maybe because later it was found that Seminole County School buses were also parking there, EVERY SCHOOL DAY each semester for years and maybe they also damaged the sidewalk. Maybe?

The jury from Day one was led to believe that the HOA was responsible to maintain the sidewalk and driveway. As you know, the HOA was totally dismissed from the case the day before the jury came to a decision. The jury should have been instructed by the judge to DISREGARD any statement so implying that the HOA was in any way responsible for the damages or repairs to the sidewalk. In fact, the judge should have called a mistrial at the point where the HOA was dismissed from the trial as by that time, the jury had already determined that the case leaned toward the HOA as being responsible. As case studies have proven, the HOA did not control that area. They also were not responsible to REPAIR the sidewalk area as well. That is why they were dismissed.

I lost my appeal in the appeal court because I could not provide a transcript.

If my former lawyer ordered services in court, I could have received this transcript from the court without any problems and free and in a short period of time.

But since he ordered services in a private company, I needed to pay \$ 10,000 for a transcript and I had to find someone to pay.

Therefore, I could not provide this transcript on appeal, in which all the lies in my case are visible.

I managed to get a transcript a few months after I lost my appeal .

When I read the transcript of the last speech of the defense counsel , it became clear to me why the jury supported this lawyer who introduced me as a fraud and false facts about me and the incident .

But my former lawyer Mr. D.Russell knew the whole truth and said nothing in response to this lie.

I will give you a few facts from which you will understand - that my former lawyer entered into a criminal conspiracy with the defendant's lawyer and therefore allowed this lawyer to give the jury false instructions and did not defend me in court .

The defendant's lawyer asks the jury to replace the words in the instructions although there is no instruction about the municipality neglect .

Everything was done to confuse the jury and direct them in the wrong direction .

And my former lawyer Mr.D.Russell did it all allow the defendant's lawyer .

Defendant's lawyer said that the sidewalk where I had fallen is in excellent condition and I am a fraud because I want to accuse the County.

But I presented pictures of the sidewalk that were taken on the day of my fall, and the condition of the sidewalk was terrible and dangerous.

That's why after my husband called the City, then County immediately put a sign saying that this sidewalk is dangerous for pedestrians.

And within 30 days the whole sidewalk was repaired .

My former lawyer Mr Russell knew this and said nothing .

Mr.Russell didn't tell the jury about my losses and suffering.

That the surgery was performed and the doctor said that he could not help me anymore.

The defendant's lawyer presented the situation -so I didn't go to the doctor again and again!!!

If the doctor says that trauma and disability for the rest of my life, then why go to the doctor several times and hear the same answer???

My former lawyer Mr.Russell did not protect me in this case .

In his speech, the defendant's lawyer also accused me that my first Doctor Mr.Smith did not give me an surgery because I do not need. But this is also a lie.

Doctor Mr.Smith did not do the surgery because my first lawyer Ms. R.Smart did not have insurance and his signature was not recognized LOP in the hospital.

Also, the defendant's lawyer accused me of not using the cane when I walked .

But my doctor did not tell me that I must use a walking stick.

I have to do it by necessity. Especially if I walk the stairs.

Walking the stairs causes me unbearable pain - that's why I use the cane when I walk the stairs. But the defendant's lawyers hired a doctor who does not understand the level of my injury.

Mr.D.Russell allowed the jury to question the reputation of a talented doctor who did the surgery of my knee.

At the time I did not have medical insurance, my lawyer said that if an surgery is needed, it should be done only in USA and therefore I had to wait for 7 months while looking for a new lawyer .

What was level damage of my knee if even 7 months after the incident at the consultation, the doctor said that an immediate surgery was necessary .

Besides walking with a cane makes me moral discomfort as each person asks me – what happened to me ,but my former lawyer warned my husband and me to keep secret what happened to me.

And when, after the trial, we came back to his office and I said that he could not do this to clients and that it was corruption, Mr.David Russell said that he likes it and if I am not happy I can sue him because he has insurance.

Before trial Mr. Russell assured me and my husband that my case very strong and do not worry about 20,000\$ for him since there was enough money to pay my bills after the trial.

20000\$ - this is settlement from the Homeowners 'association, the big trucks that crashed the road where I fell and didn't want to be in court.

And Mr.Russell insisted that I sign the document otherwise he said that I would lose my case.

Mr.Russell took all the money 20000\$ into his pocket before trial and after the trial gave me a piece of paper listing where he spent it.

My medical bills are not paid!!! I do not agree with his spending!!

And after the case he lost,Mr. Russell began to dissuade me from filing an appeal .

What is this lawyer who loses the case and does not want to find the truth according to the law?

I, as an American Citizen, have the right to walk on the sidewalks and be sure that nothing will happen to me .

This is a Federal Law.

A Seminole County above the law?

This all confirms the fact that Mr.D.Russell entered into a criminal conspiracy with the defendant's lawyer and therefore allowed this lawyer to give the jury false instructions and did not defend me in court .

That is why Mr. Russell did not provide me with a translator in court although the day before the court he promised to do it .

After a lost my case my former lawyer , Mr. Russell began to call credit agencies to get money from me for medical bills.

My former lawyer Mr Russell began to do it after I refused to hire him to appeal my case for which he demanded 50,000 \$ and when I said that I did not believe him anymore .

I found this information from credit agencies that called me .

After the last speech of the defendant's lawyer jury gathered for a meeting and a verdict .

Of course, the jury heard only the information from the defendant's lawyer and decided in their favor.

I ask the Supreme Court give permission for a new trial for my case to find out the truth.

**Judge Ms.Jessica Reckiedler from Seminole Court worked many years in the 5 District Appellate Court where I filed an appeal therefore, the appeals court upheld her decision.**

**This is a conflict of interest.**

**Please help me figure it out .**

IN THE  
SUPREME COURT OF THE UNITED STATES  
  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

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**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is. Court of Appeals Fifth District.

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
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☐ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 03/05/18.  
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date:  
02.06.2018  
\_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix B.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).



## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**[www.safety.fhwa.dot.gov](http://www.safety.fhwa.dot.gov)**

### **Driveway Design**

**Properly designed driveways , as they cross sidewalks,can enhance pedestrian safety-by providing a consistent surface and reminding drivers that they are crossing a sidewalk.**

**The following principles should be applied to driveway design:**

**The sidewalk continues across the driveway at the same elevation or “level” , and :**

**The driveway apron does not go through the sidewalk.**

**Ramp may be necessary at intersections when pedestrians cross the street .**

**But the rest of the sidewalk network should be continuous and at one level. At driveways , there is no need to break the sidewalk network.**

**Driveways should not look like intersections.**

**This driveway where I fell looked different and Seminole County did not follow A.D.A. standards or Florida State law.**

## STATEMENT OF THE CASE

Seminole County owns and maintains the sidewalk where I was injured.

There was also no dispute that the sidewalk, adjacent to

the driveway was elevated three and a half inches HIGHER than the driveway

surface. Please refer to Seminole County Codes to determine the LEGAL height

differential for walk way surfaces controlled by the A.D.A. and D.O.T of Florida.

Seminole County, THREE YEARS prior to my fall had issued a Repair Order

to correct the sidewalk area in question. However, they kept putting the repair off.

Right after my fall, the ENTIRE sidewalk and driveway were replaced to A.D.A.

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You can recite all the OTHER civil trials as you wish. The fact of the matter is

simple. The LAW makes it crystal clear as to WHOM is responsible to repair a

county sidewalk. The same county is also responsible to levy FINES against those

that damage county property. This was never done. Seminole County had full

control of this property.

On a statewide basis, Florida DOT's Office of Maintenance has the most or one of

the most detailed inspection processes and criteria of any DOT. It is incorporated

into its *Maintenance Rating Handbook*. A high standard is established for

sidewalk maintenance requiring over 99.5% of the sidewalk area to be free of

vertical misalignments greater than 1/4 inch, horizontal cracks greater than 3/4

inch, or spalled areas greater than ½ inch in depth, and no visible hazards. The handbook contains a series of photos and descriptions to help inspectors properly measure conditions.

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## **REASONS FOR GRANTING THE PETITION**

**The local court did not consider the issue of municipal responsibility and the jury did not receive proper instructions on municipal liability.**

**This case very important for all residents of Florida and America.**

**All Americans should be sure that they are safe when walking on the sidewalks.**

**Now, Seminole County wants me to pay their legal fees PLUS over \$50,000.00 in medical bills. This is simply not fair.**

**I lost my ability to be a full - fledged citizen and must lead a limited way of life.**

**County tort liability , there must be either an underlying common law or statutory duty of care with respect to the alleged negligent conduct.**

**Seminole County entities "shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances".**

**This effectively means that the identical existing duties for private persons apply to Seminole County entities.**

**Seminole County Florida and all other counties are now ABOVE the law based on this case.**

### **CONCLUSION**

IN CONCLUSION, I SEEK HELP FROM THE UNITED STATES SUPREME COURT TO STEP IN AND NOT ALLOW A COUNTY SUCH AS SEMINOLE COUNTY FLORIDA TO BE EXEMPT FROM THE A.D.A. LAWS. THESE LAWS HAVE BEEN ON THE BOOKS FOR MANY YEARS AND SOMEONE NEEDS TO ALIGN THESE AND OTHER COUNTIES TO COMPLY. IF NOT, THERE IS NO POINT IN HAVING THESE LAWS IN THE FIRST PLACE. IN AMERICA, WE LIVE AS A TEAM. TOGETHER WE STAND AND THIS IS THE ONLY WAY TO KEEP OUR COUNTRY FREE. PLEASE HELP.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Svitlana Prozdovska

Date: 04.08.2018