

ORIGINAL

19-5372

No.

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
JUN 13 2019  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

MARY KATHERINE DAY-PETRANO PETITIONER  
(Your Name)

CHARLES D. HALE, VS.  
ASTRID HALE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

DISTRICT COURT OF APPEAL, FIRST DISTRICT, STATE OF FLORIDA  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MARY KATHERINE DAY PETRANO  
(Your Name)

118 N. WALNUT STREET  
(Address)

STARKE, FLORIDA  
(City, State, Zip Code)

(321) 237-6778  
(Phone Number)

QUESTION(S) PRESENTED

- 1) IS FLORIDA STATUTE, SECTION 68.093 AND THE "REGISTRY," LIST MAINTAINED BY THE CLERK OF THE FLORIDA SUPREME COURT UNCONSTITUTIONAL AND IN VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT?
- 2) DID DESIGNATION UNDER FLORIDA STATUTES, SECTION 68.093 AND DISMISSAL OF THIS CASE, INCLUDING APPELLATE AFFIRMANCE, VIOLATE STERN v. MARSHALE, U.S. (201), THE BANKRUPTCY CODE, AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 6009?
- 3) IF THE FLORIDA STATE COURTS ARE GOING TO ORDER ME TO HIRE A LAWYER AND PAY ADVANCE ATTORNEY FEES TO RESPONDENTS (DISCHARGED IN THE BANKRUPTCY), DOES THE ADA'S TITLE II REGULATIONS, 28 CFR SECTIONS 35.130(d), (f) REQUIRE THE FLORIDA STATE COURTS TO APPOINT THE LAWYER TO REPRESENT ME, AND PAY THE LAWYER AND "FURNISH SECURITY" FEES TO AVOID SEGREGATION AND COMPLY WITH THE "ANTI-SURCHARGE" REGULATION?

## 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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OTHER

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.

**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 is unpublished.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 is unpublished.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

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 is unpublished.

The opinion of the EIGHTH JUDICIAL CIRCUIT OF FLORIDA 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.

\* The opinion of the Clerk of the Florida Supreme Court Adjudicating Jurisdictional Case GABRIELE v. STATE, 99 So. 3d 943 (Fla. 2012) that says Florida Supreme Court DID NOT HAVE JURISDICTION appears at Appendix C to the petition and 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 JANUARY 28, 2019.  
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: MARCH 15, 2019, 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).

A timely notice to invoke discretionary jurisdiction of the Florida Supreme Court was filed, and the Clerk (not the Justices) adjudicated a jurisdictional split of GABRIEL V. STATE, 99 So. 3d 943 (Fla. 2012) that says the Florida Supreme Court did have jurisdiction, denying jurisdiction over the Title II Americans with Disabilities Act "failure to reasonably accommodate" on the merits on APRIL 24, 2019, a copy appearing at Appendix C.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

## STATEMENT OF THE CASE

This Petitioner is not a “sovereign citizen domestic paper terrorist” and is not and never has been a member of any one of the 33 “sovereign citizen groups plaguing the State of Florida. See Terri A. March-Safbom,<sup>1</sup> Weapons Of Mass Distraction: Strategies For Counteracting The Paper Terrorism Of Sovereign Citizens,<sup>2</sup> Naval Postgraduate School: Monterey, California, Department of Defense U.S. Government,<sup>3</sup> IRB number NPS.2017.0057-IR-EM2-A (March 2018) Pgs. 1, 25-26 (hereafter “Homeland Security And Defense Domestic Courts Terrorism Paper”).

March-Safbom describes and analyzes Florida’s so-called “Vexatious Litigant” statute, Florida Statutes, Section 68.093 as a “sovereign citizen domestic terrorism” designation statute and the “Vexatious Litigant Registry” maintained by the Clerk of the Florida Supreme Court a “sovereign citizen domestic terrorist” registry list of persons who have been designated a “domestic terrorist.”<sup>4</sup> March-

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<sup>1</sup> Court Administrator, North Las Vegas Justice Court, Fellow of the Institute for Court Management, 2009, MPA, University of Nevada, Las Vegas, 2004, MBA, University of Nevada, Las Vegas, 1999, B.S., University of Nevada, Las Vegas, 1994. Homeland Security And Defense Domestic Courts Terrorism Paper, at pg. 5.

<sup>2</sup> Approved by: Carolyn Halladay, Ph.D., Co-Advisor; Lynda Peters, Co-Advisor; Erik Dahl, Ph.D., Associate Chair of Instruction, Department of National Security Affairs. Homeland Security And Defense Domestic Courts Terrorism Paper, at pg. 5.

<sup>3</sup> Submitted in partial fulfillment of the requirements for the degree of MASTER OF ARTS IN SECURITY STUDIES (HOMELAND SECURITY AND DEFENSE) from the NAVAL POSTGRADUATE SCHOOL (March 2018). Homeland Security And Defense Domestic Courts Terrorism Paper, at pg. 5.

<sup>4</sup> “There are threats to the judicial system that are widely unknown outside of the legal community. The Homeland Defense and Security Information Analysis Center promotes the protection of critical infrastructure, which are assets deemed “so crucial that if lost the nation’s economy, security, public health and safety could be debilitated.” This classification includes courthouses for the essential role that they play in society.” Homeland Security And Defense Domestic Courts Terrorism Paper, at pg. 21 (citing “Critical Infrastructure Protection,” Homeland Defense & Security Information Analysis Center, 2016, [https://www.hdiac.org/focus\\_areas/critical\\_infrastructure.](https://www.hdiac.org/focus_areas/critical_infrastructure.)).

Safbom's "Homeland Security And Defense Domestic Courts Terrorism Paper" has been unclassified.

However, Petitioner IS an adult with an autism spectrum disorder disability caused in part by unavoidably unsafe vaccines, has been diagnosed with numerous other disabilities, and has been held by numerous agencies and other courts in prior final decisions as "a qualified individual with a disability" entitled to the protections of Title II of the Americans With Disabilities Act of 1990, as amended. 42 U.S.C. Sections 12101-12102, 12131-12134, 12201-12203, et sec., and Federal Regulations thereunder at 28 C.F.R. Pt. 35.

Among those prior final adjudications is a certification by the Committee of Bar Examiners of the State Bar of California that for this Petitioner to meet the "essential functions" of a lawyer – including bringing and maintaining lawsuits and appeals, this Petitioner requires certain "special accommodations" including speaking (dictation) to a typist to convert her spoken communication into written pleadings and documents and extra-time rules modifications of time-and-a-half. Petitioner graduated from an ABA-accredited law school and was certified under such universal ABA-accreditation system used by all 50 states as eligible to take the General California Bar Exam, which she passed "with" the specific Title II ADA "reasonable accommodations," "reasonable rules modifications," and "auxiliary aids and services" she was certified to require and was provided by the Committee of Bar Examiners of the State Bar of California.

None of the Florida State Courts involved in this case would provide this Petitioner those Title II ADA "reasonable accommodations," "reasonable rules modifications," and "auxiliary aids and services" for which she was certified to require and was provided by the Committee of Bar Examiners of the State Bar of California to prove she can meet the "essential functions" of bringing and maintaining lawsuits and appeals in state and federal courts.

The Florida State Courts claim to be in compliance with Title II of the ADA by having litigants fill out a "Reasonable Accommodations" form and by having promulgated a mandatory "rule" binding on every Florida State Court, namely Florida Rules of Judicial Administration 2.540. That rule requires by use of the mandatory term "shall" that in any instance that any Florida State Court deny or

only partially grant requested Title II ADA “reasonable accommodations” that the Court, including Judges who are presented with an ADA “reasonable accommodations” request, “shall” provide a written explanation why.

None of the lower Florida State Courts, the Eighth Judicial Circuit of Florida, the District Court of Appeal, First District, State of Florida, and the Florida Supreme Court, every provided this Petitioner with any written explanation why they denied or only partially granted all of the Title II ADA “reasonable accommodations,” “reasonable rules modifications,” and “auxiliary aids and services” she requested – including those for which she was certified to require by the Committee of Bar Examiners of the State Bar of California.

If Bar Examiners certify that a person requires certain Title II “reasonable accommodations,” “reasonable rules modifications,” and “auxiliary aids and services” to have a level playing field on the Bar Exam – a test that so-called measures the ability of that person to meet the “essential functions” of a lawyer (including bringing lawsuits and appeals successfully), then a rational person would have to say the state and federal courts must provide that person the same “reasonable accommodations,” “reasonable rules modifications,” and “auxiliary aids and services.” Anything less would be irrational discrimination because the Bar Exam test that measures the person’s ability to meet the “essential functions” of bringing lawsuits and appeals successfully measures the ability of that person to being and maintain those lawsuits and appeals in the state and federal courts. And, if that is not true, then the Bar Exam must be invalid as such a measure.

Petitioner was also a Chapter 13 bankruptcy debtor and debtor-in-possession at the time of the federal statutory and constitutional wrongs against her by the lower Florida State Courts involved in his case. As such, at the time the Eighth Judicial Circuit of Florida and the Clerk of the Florida Supreme Court designated Petitioner a “sovereign citizen domestic paper terrorist” and listed her on the domestic terrorism “Registry,” this Petitioner was obeying Orders of the U.S. Bankruptcy Court in *In Re Petrano & Petrano*, M.D.Fla.Bankr.No. 8:14-bk-03348-CPM, 8:14-bk-01368-CPM, Cases Jointly Administered Under Case No. 8:14-bk-03348-CPM, that all state law claims involved in the administration of Petitioner’s bankruptcy case must be brought in the Florida State Courts under this Court’s decision in *Stern v. Marshall*, 564 U.S. 462 (2011).

Once designated a “sovereign citizen domestic paper terrorist vexatious litigant” listed on the State of Florida’s “sovereign citizen domestic paper terrorism vexatious litigant” “Registry,” virtually all access to the State Courts in Florida is vastly restricted or barred in reality outright; the person so-black-listed must pay in advance directly to the lawyer for the opposing party tens of thousands of dollars of attorneys fees (that are not paid into a court registry) to “furnish security,” and the person is involuntarily forced to hire a licensed Florida Bar member lawyer and his or her right of self-representation taken away – even if that person such as this Petitioner passed a harder and more rigorous Bar Exam (the California Bar Exam) than the lawyers licensed in Florida are required to pass; additionally, the terrorism “material support” prohibitions attach; and from thence on, all “argument” in all pleadings and documents the “designated” person files “is disregarded.” *See* Florida Statutes, Section 68.093; March-Safbom, “Homeland Security And Defense Domestic Courts Terrorism Paper,” *infra*.

**This Petitioner Has an Autism Spectrum Disorder Diagnosed By The University of South Florida And She Is Constantly Being Directed By Federal Judges, Multiple Licensed Florida Bar Member Lawyers, County Sheriff’s Lawyer, County Sheriff Deputies, The Humane Society Of The United States, Disability Agencies, And Disability Organizations That She “Has To File A Lawsuit” To Get Her Autism Support Needs Met, But She Is Always Told By Licensed Florida Lawyers They Can’t Represent Her Because They Lack Autism And Title II ADA Educational Training**

The Florida State “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093, defines “vexatious” without any *mens rea* statutory element; it simply utilizes the criteria of arbitrarily and capriciously “counting” the number of lost (“adversely decided”) cases no matter why those cases were lost, and affixes the “sovereign citizen domestic paper terrorism vexatious litigant” label to the person who lost five or more cases in the prior five years. This label-definition under the state statute vastly departs from even the definition of “vexatious” in standard legal dictionaries such as Black’s Law Dictionary.

There is no requirement in the Florida State “sovereign citizen domestic terrorism vexatious litigant” statute, Florida Statutes, Section 68.093, to ask (1.) what kind of legal education the person had upon which to base the decision to file

the lawsuits; (2.) what kind and how many hours of factual and legal research did the person do before filing the lawsuit(s); (3.) did any disability organization, social services organization, a law enforcement officer or agency, or a lawyer licensed in Florida advise the person he or she had a good claim and to file a lawsuit.

This Petitioner has an autism spectrum disorder diagnosed by the University of South Florida in a State where adults with autism are not provided with any financial supports or services in the face of the \$2.6 million lifetime need estimated by AutismSpeaks. Such circumstances result in adults with autism being massively underfunded for basic autism needs. As a result of this, Petitioner is constantly being directed by Federal Judges (Hon. U.S. Magistrate Charles A. Stampelos and Hon. Gary R. Jones), multiple licensed Florida Bar Member lawyers (including Tom Carey, Esq., Shema Freeman, Esq.), County Sheriff's Lawyer (Cynthia Weygant, Esq.), County Sheriff Deputies (Deputy Thompson and Deputy Costello), The Humane Society Of The United States, Disability Agencies, And Disability Organizations That She "Has To File A Lawsuit" to get her autism support needs met.

None of the licensed Florida Bar member lawyers Petitioner and her husband have contacted (out of thousands) will represent her because they all say they lack autism and Title II ADA educational training and have not been prepared by The Florida Bar with the skill set necessary to represent an autistic person.

Each one of these lawyers the Petitioner and her husband have contacted tell her she has a "meritorious" claim, but they direct her that she "will have to file the lawsuit herself" because of the lack of preparation of licensed Florida Bar member lawyers to have the skill set to represent a person with autism needing "reasonable accommodations," "reasonable rules modifications," and "auxiliary aids and services" under Title II of the ADA.

Petitioner spends many hours doing (and funding) factual and legal research before she bring her claims, lawsuits, and appeals using all of the legal research tools and skills she was taught in law school, ABA-accredited University of San Francisco School of Law. This factual and legal research can be documented.

Petitioner has also been told by numerous disability agencies and disability organizations that she has to file a lawsuit. Petitioner was issued a U.S. Department of Justice, Civil Rights, Disability Division “right to sue” letter against the Trial Court involved in this case, the Eighth Judicial Circuit of Florida, for discriminating against her in violation of Title II of the ADA.

None of the foregoing matters are required to be considered by the Florida State “sovereign citizen domestic terrorism vexatious litigant” statute, Florida Statutes, Section 68.093, before designating a person including this Petitioner a “sovereign citizen domestic terrorist vexatious litigant” and listing her on the “sovereign citizen domestic terrorism vexatious litigant” “Registry” maintained by the Florida Supreme Court Clerk.

**U.S. Magistrate Hon. Gary R. Jones Testified Under Oath At Trial In *The Florida Bar v. David Frank Petrano*, SC14-2287 (Fla. 2015) That Petitioner Would Have To Bring 159 Separate Lawsuits If That Was How Many It Took To Get Her Autism Needs Met**

The Florida Office of State Courts Administrator through its State Courts Administrator, “ADA Coordinator” Debbie Howells, and counsel, Laura Rush, Esq., determined in about 2008 that “as a reasonable accommodation to the Florida State Courts, your husband, David F. Petrano, has to represent you” because he was married to Petitioner and then was a licensed Florida Bar member lawyer, and he had to do it for free.

In response to this Title II ADA “reasonable accommodation” by the Florida Office of State Courts Administrator for all of Petitioner’s cases, a number of which were Title II ADA lawsuits or raised Title II ADA claims within a case, The Florida Bar charged Petitioner’s husband with “filing ADA cases against State Courts” and “filing bankruptcy” and on that basis disbarred him. *The Florida Bar v. David Frank Petrano*, SC14-2287 (Fla. 2015). The disbarment removed the Title II ADA “reasonable accommodation” the Florida Office of State Courts Administrator had “provided” Petitioner without providing Petition any other equally effective alternative.

During the trial in *The Florida Bar v. David Frank Petrano*, SC14-2287 (Fla. 2015), U.S. Magistrate Hon. Gary R. Jones was called to the witness stand, sworn in under Oath, and testified that Petitioner would have to bring 159 separate lawsuits if that was how many it took to get her autism needs met.

**In Terms of The ADA, Which Is An Issue In Almost All Of Petitioner's Lawsuits, The ADA Law Encourages And Intends Massive Litigation To Enforce The ADA's Access Rights**

The ADA was encourages and was intended to encourage massive litigation to enforce the ADA's access rights, particularly given that the resources of the U.S. Department of Justice are somewhat limited and require private ADA enforcement actions be brought to enforce the ADA. “[T]he existing [ADA] law encourages massive litigation.” *Brother v. Tiger Partner, LLC*, 331 F. Supp. 2d 1368 (M.D.Fla. 2004) (*citing Rodriguez v. Investco, LLC*, 305 F. Supp. 2d 1278, 1281 (M.D.Fla.2004) (footnote omitted).

In conflict with this, the Florida State “sovereign citizen domestic terrorism vexatious litigant” statute, Florida Statutes, Section 68.093, and “sovereign citizen domestic terrorist vexatious litigant” “Registry” intend to limit the number of lawsuit to five in the prior five years because the Florida Legislature thought no one needs to file more than five lawsuits in five years, a form of irrational discrimination as applied to disabled Americans.

**This Case Involves A Huge Clash Between The Florida State Courts Deliberately Acting To Bar Or Restrict Access To The Courts And This Court's *Stern v. Marshall*, 564 U.S. 462 (2011), Decision**

Congress has the exclusive right to legislate on bankruptcy. There has been a great deal of conflict since the enactment of the Bankruptcy Code in 1978 about the scope of a bankruptcy judge's jurisdiction because bankruptcy judges are not Article III judges. The upshot of this was this Court's *Stern v. Marshall*, 564 U.S. 462 (2011), decision requiring U.S. Bankruptcy Judges to send state law claims to the State Courts to administer a bankruptcy case.

As a result of the State of Florida's woeful lack of adult autism funding and support services and the disbarment of Petitioner's husband "for filing ADA lawsuits and bankruptcy," both Petition and her husband had to file for bankruptcy in 2014, *In Re Petrano & Petrano*, M.D.Fla.Bankr.No. 8:14-bk-03348-CPM, 8:14-bk-01368-CPM, Cases Jointly Administered Under Case No. 8:14-bk-03348-CPM.

As a result of their Chapter 13, Petitioner was a debtor and debtor-in-possession and filed this lawsuit to collect money owed to her to collect an account receivable for riding lessons and other equine services provided to the Respondents. The lawsuit was based on state law, and thus under this Court's decision in *Stern v. Marshall*, 564 U.S. 462 (2011), had to be brought in the Florida State Courts.

Petitioner and her husband have since been granted a full Chapter 13 discharge in 2018.

Florida's "sovereign citizen domestic terrorism" statute, Florida Statutes, Section 68.093, conflicts on its face with Title II of the ADA, the directions of a Federal U.S. Magistrate (Hon. Gary R. Jones), and this Court's decision in *Stern v. Marshall*, 564 U.S. 462 (2011) And Is Unconstitutional On Grounds of Federal Pre-emption.

**Title II of the Americans With Disabilities Act And Miscellaneous Provisions At 42 U.S.C. Sections 12201(b) and 12203 (a) and/or (b) Prohibit The Florida State Courts From "Designating" Petitioner As A "Sovereign Citizen Domestic Paper Terrorist Vexatious Litigant" On The Basis Of A State Statute That Does Not Take Into Consideration Those State Courts' "Failure To Reasonably Accommodate" Petitioner's Disabilities**

In 2009, according to a now unclassified Thesis written under the U.S. Dept. of Homeland Security, the State of Florida passed the "domestic terrorism" statute that the State misleadingly called a "Vexatious Litigant" statute. The State statute was aimed at "Sovereign Citizen paper terrorism," and authorized Florida State Judges and the Clerk of the Florida Supreme Court to falsely accuse this Petitioner of being a member of one or more of Florida's 33 "sovereign citizen" groups designated as terrorists on the arbitrary and capricious, over- and under-inclusive criteria of having lost five or more cases within a five year period of time.

This Petitioner has never been a member of any of Florida's "sovereign citizen" groups or any "terrorism" groups whatsoever.

Petitioner is diagnosed as a person with autism and savant syndrome, meaning by the definition of "savant syndrome" that Petitioner has one or two islands of narrow skill juxtaposed with mental retardation. Petitioner's mental retardation is Fragile X syndrome that is genetically linked to her PCOS.<sup>5</sup> Petitioner has numerous disabilities, including but not limited to, temporal lobe epilepsy, hyperacusia hearing impairment, vision impairment (print blindness caused by a right orbital skull fracture with herniation), and chronic pain.

Petitioner was finally adjudicated in a prior final case in the U.S. District Court in Gainesville, Florida in a Social Security disability case as not being able to understand ordinary hearing notices due to her disabilities. Social Security disability cases do not consider "reasonable accommodations" under the Americans With Disabilities Act.

Petitioner graduated from an ABA-accredited law school in May 1990. After a number of back and forth adjustments and investigation of Petitioner's disabilities, the Committee of Bar Examiners of the State Bar of California made a final agency adjudication that Petitioner requires specific Title II ADA "reasonable rules modifications" and "auxiliary aids and services" to perform the "essential functions" of a lawyer, that is the skills a lawyer must have – including to bring lawsuits and appeals, as tested on the California Bar Exam.

It only takes one single Florida State Circuit Court Judge to make the "domestic terrorism" designation that a person is a member of one of Florida's 33 "sovereign citizen domestic paper terrorism" groups under the Florida statute, Florida Statutes, Section 68.093. By contrast, the final agency determination by the Committee of Bar Examiners of the State Bar of California that this Petition required certain specific Title II ADA "reasonable rules modifications" and "auxiliary aids and services" to meet the essential functions of bringing lawsuits and appeals was 12 Committee members. In Florida, such determinations are made by the Florida Board of Bar Examiners by 12 members.

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<sup>5</sup> Petitioner was diagnosed with polycystic ovarian syndrome ("PCOS") in 1977.

In sum, one single Florida State Circuit Judge can destroy eight years of university education, render hundreds of thousand of dollars of student loan unpayable, and ensure that a person such as Petitioner who not only has legal education but has a Juris Doctorate degree and has passed the hardest Bar Exam in the United States, the California Bar Exam, will NEVER be admitted to any Bar as a lawyer anywhere by labeling that person a “domestic terrorist” under Florida’s State statute, Florida Statutes, Section 68.093.

Designation of someone as a “sovereign citizen domestic terrorist” under the Florida State statute is a lifetime designation with no way off.

The Trump Administration has recently indicated it wants to strip American citizens of their citizenship on the basis of a “terrorism” designation. Petitioner is an American citizen by her birth to American citizen parents in Michigan.

The designation of someone as a “sovereign citizen domestic terrorist” under Florida’s State statute, Florida Statutes, Section 68.093, carries with it certain other significant consequences, including that Florida State Judges are “to disregard all arguments” made in pleadings and documents filed in cases in the Florida State Courts. It doesn’t matter what the factual basis is or what the rule of law says. All is “disregarded.”

This violates Due Process of Law under the Fourteenth Amendment to the U.S. Constitution directly as well as enforced through the ADA. 42 U.S.C. Section 12101(b).

**The Florida State “Sovereign Citizen Domestic Terrorism” Statute, Florida Statutes, Section 68.093, Is Also A Jurisdictional Statute Unconstitutionally Operating To Authorize A Single State Court Trial Judge And Clerk Of The Florida Supreme Court To Conduct A Form Of “Appellate Review” Over Other Prior Final State And Federal Court Cases**

The Florida State “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093, is also a jurisdictional statute that operates jurisdictionally by authorizing Florida State Circuit and Appellate Judges to essentially conduct a form of “appellate review” over other final state and federal court cases and if the Florida State Judges disagree with what the other State or Federal Judges did with

the prior final case(s), the Florida State Circuit and Appellate Judges can re-decide those cases and re-label them as “vexatious.”

The three lower Florida State Courts and Florida Supreme Court Clerk involved in this case even “re-decided” a Federal U.S. bankruptcy case and adversary proceedings arising within it and another Federal U.S. District Court case in which the assigned Federal Judges were specifically requested by motion to enter a “Vexatious Litigant” injunction against Petitioner (and her husband) in those cases, and those Federal Judges DENIED the motions, and the three lower Florida State Courts and Florida Supreme Court Clerk involved in this case “re-decided” those Federal cases and Ordered that they were “vexatious” to “count” and “label” them under Florida’s “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093, and the “Registry” maintained by the Florida Supreme Court Clerk as “vexatious.”

On the foregoing basis, Florida’s “sovereign citizen domestic terrorism vexatious litigant” statute, Florida Statutes, Section 68.093, and “sovereign citizen domestic terrorist vexatious litigant” “Registry” are unconstitutional.

**Florida’s State “sovereign citizen domestic terrorism vexatious litigant” statute, Florida Statutes, Section 68.093, and “Registry” Violate The Equal Protection Clause of The Fourteenth Amendment Directly And As Enforced Through The ADA**

The Florida State “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093, is aimed at targeting “pro se” plaintiffs. The term “pro se” is one over- and under-inclusive criteria that is not broken down into different classifications. All plaintiffs filing a lawsuit without a lawyer representing them are lumped together under the term “pro se,” even though there are several different classes of persons who are not similarly situated. Licensed Florida Bar member lawyers are exempt from the Florida State “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093.

This Petitioner is similarly situated with licensed Florida Bar members because (1.) she has a Juris Doctorate degree; (2.) she passed the hardest Bar Exam in the United States, the California Bar Exam that is a harder and more rigorous bar exam to pass than the Florida Bar Exam; (3.) Petitioner is postured at the

Florida bar admission process; and (4.) both “pro se” plaintiffs and licensed Florida Bar member lawyers file ADA lawsuits in Florida and can become labeled as “serial ADA filers” if the number of ADA lawsuits the person or lawyer files is five or more. Moreover, if media news reports are any indication, licensed Florida Bar member lawyers file more “serial ADA lawsuits” than pro se litigants.

The Florida Legislature’s stated rationale for the arbitrary number of “five” lost lawsuits is the irrational statement that ‘no one needs to file more than five lawsuits in a five year period.’ This rationale constitutes irrational discrimination and would fail even the rational basis test because, for example, a disabled person who is a sole proprietor might buy up a high number of bad debt accounts and then try to collect them as a business. In that example, the person would need to file more than five lawsuits in a five year period, and in such a case what the State statute actually tries to accomplish is regulation of what types of businesses disabled people can have.

The Florida Bar’s Business Law Section worked up the bill that led to the enactment by the Florida Legislature of the Florida State “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093. Petition put a public records request on The Florida Bar for those records of its Business Law Section relating to the bill that resulted in Florida Statutes, Section 68.093. To date, the Florida Bar has refused to respond.

What IS apparent, chronologically, is that after the enactment of the Americans With Disabilities Act, Florida – like some other states – experienced what is characterized in numerous media and law review articles as ‘a massive rise in ADA cases’ and IT APPEARS that the State of Florida enacted its “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093 in response to the ‘massive rise in ADA cases’ and ‘serial filers.’

The State of Florida’s “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093 has never complied with the ADA’s Title II “self-evaluation” regulation, 28 C.F.R. Section 35.105. The obvious intent of that ADA regulation is to place the financial and time burden on the States rather than the person with the disability to make sure no new State laws are inconsistent with or violate the ADA.

A person can lose a case for any number of reasons, for example because: (1.) the person is “a qualified individual with a disability” and the Florida State Court “failed to reasonably accommodate;” (2.) the case was settled in the plaintiff’s favor and as part of the settlement the case is dismissed, and then becomes “counted” as a lost case; (3.) the Court and lawyer served all the Court’s notices, orders, and pleadings to an address other than the plaintiff’s resulting in the dismissal of the case that is then “counted” as lost; (4.) fraud was used to induce the loss of a “counted” case; (5.) the order(s) and/or judgment in the “counted” case was void for contravening the Due Process Clause of the Fourteenth Amendment / Fifth Amendment; etc.

The State of Florida’s “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093, is considered a “rule of procedure” statute. In Florida, and not without a historical contention between the Branches of State government, both the Florida Legislature and the Florida Supreme Court can enact / promulgate “rules of procedure.”

The State of Florida’s “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093, on its face, does not require a Florida State Circuit Judge or Appellate Judge to consider a person’s disability or if there was a “failure to reasonably accommodate” or the Courtroom was accessible in (1.) any of the “counted” cases; and/or (2.) in the case in which the “sovereign citizen domestic terrorism” “vexatious litigant” designation is being made.

The Florida State Courts System, Clerks of Court, and the E-Filing Authority Board have with deliberate indifference designed the Florida State Courts System to entrap most “qualified individuals with a disability” onto the State of Florida’s “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093, “sovereign citizen vexatious litigant” designation and “Registry” maintained by the Clerk of the Florida Supreme Court. The Clerk of the Florida Supreme Court acts in a dual role by maintaining the “domestic terrorism vexatious litigant” “Registry” and as Chair of the E-Filing Authority Board.

Literature published about the State of Florida’s “sovereign citizen domestic terrorism” statute, Florida Statutes, Section 68.093 admits the State statute targets

people with medical conditions. See March-Safbom, "Homeland Security And Defense Domestic Courts Terrorism Paper," *infra*.

It is elementary that when a State Court "fails to reasonably accommodate," the disabled litigant including disabled plaintiffs and this Petitioner, such persons can and frequently do lose their court cases due to the "failure to reasonably accommodate," a Due Process violation. Orders and Judgments that contravene the Due Process Clause have been historically held under well established state and Federal law to be void.

The State of Florida's "sovereign citizen domestic terrorism" statute, Florida Statutes, Section 68.093, and "Registry" allow a disabled person to be designated a "sovereign citizen domestic terrorist vexatious litigant" on the basis of the "failure to reasonably accommodate," contravening Due Process of Law, thereby authorizing the "counting" of void orders and judgments to "designate" a disabled person a "terrorist." For this reason, also, Florida's "sovereign citizen domestic terrorism" statute, Florida Statutes, Section 68.093, and "Registry" are unconstitutional.

**The Florida Supreme Court Clerk Who Maintains The "Sovereign Citizen Domestic Terrorist Vexatious Litigant" "Registry" In Dual Role As Chair Of The E-Filing Authority Board Entraps "Qualified Individuals With A Disability" Onto The "Terrorist Vexatious Litigant" Designation To Bar Access To The Courts And Impose Impermissible Financial Burdens On The Disabled By PDF Format Inaccessibility To Screen Readers**

The Florida Supreme Court Clerk single-handedly, without little apparent oversight or supervision by the Justices of the Florida Supreme Court, played a leadership role in using a PDF format for all notices, orders, and pleadings being filed in every Florida State Court – that is a known and proven format that is not accessible to screen readers used by visually impaired disabled people and this Petitioner. This problem came to the attention of the Florida Supreme Court Clerk at least as early as 2014. More recently, in April 2019, a reported for the Polk County, Florida Ledger published an article about this problem.

Petitioner is unable to use a screen reader to access notices, orders, judgment, pleadings, and documents being filed in the Florida State Courts because

the Florida Supreme Court Clerk in his role as Chair of and the E-Filing Authority Board itself knowingly used PDF formats screen readers cannot use in the Florida State Court's e-filing system. Petitioner cannot understand most of these documents by reason of physical impossibility due to her right orbital skull fracture with herniation vision impairments.

**Florida State Courts System Design Defect Prevents Any Florida State Court From complying With Petitioner's Rights under Title II Of The ADA Because Article V, Section 2 of the Florida Constitution Puts "Exclusive Jurisdiction" Over The "Reasonable Rules Modifications" 42 U.S.C. Section 12131(2) and 28 C.F.R. Section 35.130(b)(7) Require In The Florida Supreme Court, While Florida's District Court Of Appeals Routinely Use PCA Decisions Of ADA Issues To Preclude Florida Supreme Court Jurisdiction**

The plain language of the ADA's Title II statute, 42 U.S.C. Section 12131(2) SAYS that disabled persons are to be assessed to determine if they are "a qualified individual with a disability" by "reasonable rules modifications," if needed, for them to meet the "essential functions" to receive the benefits of the services, activities, and programs of the public entity. Each and every Florida State Court falls within the definition in the ADA's Title II statute, 42 U.S.C. Section 12131(1) of a "public entity."

In conflict with the ADA's Title II statute, 42 U.S.C. Section 12131(2) and regulation, 28 C.F.R. Section 35.130(b)(7), Florida's State Constitution under Article V, Section 2 authorizes "exclusive jurisdiction" only in the Florida Supreme Court to make "rules modifications."

As a result of this deliberate design defect in the Florida State Courts System, every single disabled litigant, including plaintiffs: (1.) cannot be assessed for a determination if they are "a qualified individual with a disability" entitled to the protections of the ADA; (2.) cannot obtain any "reasonable rules modification" to which the person may be entitled under 42 U.S.C. Section 12131(2) and/or 28 C.F.R. Section 35.130(b)(7) – preventing disabled persons including Petitioner from being provided "extra time reasonable rules modifications," notices, orders,

and pleadings that can be used with screen readers, and certain other auxiliary aids and services.

In sum, this design defect built into Florida's State Courts System preventing disabled litigants including plaintiffs like this Petitioner from being provided a "reasonable rules modification" required by Title II of the ADA, entraps the person onto the State of Florida's "sovereign citizen domestic terrorism vexatious litigant" statute, Florida Statutes, Section 68.093 designation and terrorist "Registry" for life with no way off.

This Petitioner, as part of her autism spectrum disorder disability, has a writing disability and cannot produce usable written work and if she is forced to write (because a Court fails to enable her to use her voice-recognition software she speaks to that converts her speaking to written format or fails to provide her with a person to take her dictation), Petitioner's writing is voluminous due to hypergraphia and Gestaut-Geschwind syndrome.

Petitioner would be using a screen reader but for the inaccessibility of the Florida State Courts Systems' PDF documents to screen readers.

Petitioner also requires CART realtime transcription services, and a "qualified" autism language interpreter and translator for the differences in autistic versus non-autistic language.

The Florida State Circuit Judge (Trial Judge) to whom this case and two of Petitioner's other cases were assigned, told Petitioner "it is the County's problem to make the Courtroom accessible" to Petitioner's autism and temporal lobe epilepsy, and if the Courtroom is not accessible "there's nothing" she "can do about it," and the case was going forward. Epilepsy is a disorder of consciousness, so the failure to provide an accessible Courtroom or alternative accessible location is significant.

In sum, virtually every problem the Florida State Circuit Court Judge had with this Petitioner's performance in this lawsuit and it "burdening" and "being inconvenient" for the Florida State Courts was actually and proximately caused by the Circuit Court Judge's own "failure to reasonably accommodate."

The Florida State Circuit Court Judge failed to comply with Florida Rules of judicial Administration 2.540 and Title II of the ADA to provide this Petitioner with a written explanation for why requested “reasonable accommodations,” “reasonable rules modifications,” and “auxiliary aids and services” were denied.

The District Court of Appeal, First District, State of Florida also Judge failed to comply with Florida Rules of judicial Administration 2.540 and Title II of the ADA to provide this Petitioner with a written explanation for why requested “reasonable accommodations,” “reasonable rules modifications,” and “auxiliary aids and services” were denied by the Circuit Court and by the First District Appellate Court. The First District’s “ADA Coordinator” denied Petitioner her “reasonable accommodations,” “reasonable rules modifications,” and “auxiliary aids and services” requests and told Petitioner “This Court only provides ADA accommodations for oral argument” in violation of Petitioner’s Due Process and Equal Protection rights directly and as enforced through Title II of the ADA.

The Pleadings Filed In This Case Admitted Petitioner Did The Work And Deserved to Be Paid For The Work She Performed, But Still, Petitioner’s “Designation” As A “Terrorist” Under Florida Statutes, Section 68.093 Caused The Pleadings To Be “Disregarded” And This Case To Be Falsely Labeled “Frivolous” Under The State Statute

Petitioner filed a Complaint in this case alleging that she provided the Respondents and their minor daughter riding lessons and other equine services and demanded to be paid for the work Petitioner performed. Factually, Petitioner has around 30,000 photos and video links, many of which are posted on YouTube, her business website, and Facebook business pages of the riding lessons and other equine services.

Respondents though their lawyer filed an Answer and admitted Petitioner did the work and deserved to be paid, and these pleadings framed the issues with the only remaining dispute being a dispute over how much the Respondents owed the Petitioner for her work. Two affidavits from Respondent Astrid Hall were filed in this case sworn under Oath that Petitioner was providing the riding lessons and equine services. Another affidavit was sworn under Oath by the next door neighbor filed in this case that the neighbor, Harold Bynum, witnessed Petitioner giving

Respondent's daughter the riding lessons and that Mr. Bynum never saw the Respondents or their daughter doing any work (pertaining to a "setoff" affirmative defense).

The unemployment rate for adults with autism is around 86 % Nationally. This Petitioner has a fundamental constitutional right to earn her livelihood, which she does as a professional horse and pony trainer.

The Respondents lawyer, Mr. Fabiani, made an appearance in the U.S. Bankruptcy Court in Petitioner’s Chapter 13 bankruptcy case, *In Re Petrano & Petrano*, M.D.Fla.Bankr.No. 8:14-bk-03348-CPM, 8:14-bk-01368-CPM, Cases Jointly Administered Under Case No. 8:14-bk-03348-CPM, and admitted to the U.S. Bankruptcy Judge that he had tried “to circumvent” the bankruptcy, and “had to make something up” (the “set off” defense) to prevent Petitioner from collecting the money owed to her for her work.

Petitioner provided the District Court of Appeal, First District, State of Florida with the transcript from the foregoing hearing in the U.S. Bankruptcy Court and a copy of the Chapter 13 discharge order discharging Respondent's "set off" claim due to Respondents' having taken no steps to preserve their "set off" claim in the U.S. Bankruptcy Court after Respondent's lawyer's admission to the U.S. Bankruptcy Judge that the "set off" claim was fraud.

In sum, Petitioner did the work, had the factual evidence to prove she did the work, and the Respondents admitted in their Answer she did the work, and Petitioner deserved to be paid for her work. Petitioner also brought a Quantum Meruit count in the Complaint.

This is a pretty simple, straightforward lawsuit. The Sheriff Deputies told Petitioner she would have to sue to collect the money she was owed from the Respondents.

Despite the foregoing, and in response to Petitioner's request for Title II ADA "reasonable accommodations," "reasonable rules modifications," and "auxiliary aids and services" she needed for "full participation" and "equality of opportunity" (*see* 42 U.S.C. Section 12101(a)) to succeed in this lawsuit, the Florida State Circuit Court Judge responded by retaliating by designating

Petitioner a “sovereign citizen domestic terrorism vexatious litigant” under the State statute, Florida Statutes, Section 68.093, and listing her as a “terrorist” on the “Registry” for life. The District Court of Appeal, First District, State of Florida, affirmed without any written explanation by per curiam affirmed (PCA). As a result, the Florida State Circuit Court and first District Appeals Court violated 42 U.S. C. Section 12203(a) and (b) and Petitioner’s constitutional rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the U.S. Constitution. These lower State Courts’ actions also constituted a “takings” of Petitioner’s property without due process of law and just compensation.

**Falsey Accusing Petitioner As Above Described Of Being A  
“Sovereign Citizen Domestic Terrorist Vexatious Litigant” Under  
Florida Statutes, Section 68.093, And Designating And Publishing  
Her To Be A “Sovereign Citizen Domestic Terrorist Vexatious  
Litigant” On The “Registry” Constitutes Defamatory Speech  
Unprotected By The First Amendment To The U.S. Constitution**

Petitioner has described and set forth herein-throughout the reasons she has been wronged in this case by a miscarriage of Justice and falsely accused of being a “sovereign citizen domestic paper terrorist vexatious litigant” by the Florida State Courts involved in this case and the Florida Supreme Court Clerk. Falsey accusing Petitioner as above described of being a “sovereign citizen domestic terrorist vexatious litigant” under Florida Statutes, Section 68.093, and designating and publishing her to be a “sovereign citizen domestic terrorist vexatious litigant” on the “Registry” constitutes defamatory speech unprotected by the First Amendment to the U.S. Constitution. The Florida Supreme Court Clerk distributes his published “Registry” list to third persons.

As a result of the foregoing, compounded by a lifetime “terrorist” designation barring Access to the Florida State Courts, imposing impermissible financial burdens on this Petitioner, and damaging her business reputation for teaching children how to ride and handle horses and ponies, Florida Statute, Section 68.093 and the “Registry” maintained by the Florida Supreme Court Clerk are unconstitutional in violation of the First Amendment to the U.S. Constitution.

Petitioner, as a vulnerable autistic person, has suffered an enormous amount of injury and harm as a result of the decisions of the lower Florida State Courts,

Florida Statute, Section 68.093 as currently drafted, and the “Registry” maintained by the Florida Supreme Court Clerk – they even “counted” and adjudicated as “vexatious” two cases that were merely stayed by a “suggestion of bankruptcy” and directed by the U.S. Bankruptcy Court and accepted by the property tax creditor could go forward to trial.

### REASONS FOR GRANTING THE WRIT

The issues raised by this Petition are of great public importance because this could happen to anyone, and in Florida can happen (by either intentional discrimination or “deliberate indifference”) to any “qualified individual with a disability.

Title II of the Americans With Disabilities Act and the Due Process and Equal Protection Clauses of the U.S. Constitution prohibit Petitioner from being falsely labeled as a “sovereign citizen domestic terrorist vexatious litigant,” barred from Access to the Courts, involuntarily forced to hire a licensed Florida Bar member lawyer who probably knows less than Petitioner, and pay in advance thousands of dollars for the Respondents’ attorneys fees all due to the lower Florida State Courts’ “failure to reasonably accommodate.” The ADA is designed to allow for massive litigation, and prohibits Petitioner from being falsely labeled as a “sovereign citizen domestic terrorist vexatious litigant,” barred from Access to the Courts, involuntarily forced to hire a licensed Florida Bar member lawyer who probably knows less than Petitioner, and pay in advance thousands of dollars for the Respondents’ attorneys fees all because she is filing more than five cases within a five year period of time.

The Bankruptcy Code and Rules of Bankruptcy Procedure, including Rule 6009, and this Court’s *Stern v. Marshall*, 564 U.S. 462 (2011) decision prohibit Petitioner from being falsely labeled as a “sovereign citizen domestic terrorist vexatious litigant,” barred from Access to the Courts, involuntarily forced to hire a licensed Florida Bar member lawyer who probably knows less than Petitioner, and pay in advance thousands of dollars for the Respondents’ attorneys fees all because she is filing more than five cases within a five year period of time.

But, most of all, just because a person is “a qualified individual with a disability” does not mean the person has no right to be paid for the work and services the person performed for someone else.

If Petitioner did not have an autism spectrum disorder disability, the Florida State Courts would not have done this to her. The decisions below were decided on the basis of autism disability discrimination. They were intended to let one single State Circuit Judge and the lawyer for the Respondents use a “backdoor” to circumvent Petitioner’s bar admission before the Florida Board of Bar Examiners, and falsely label Petitioner a “terrorist” for life, triggering an FBI “terrorism” investigation that has in fact happened. See March-Safbom, “Homeland Security And Defense Domestic Courts Terrorism Paper,” *infra*.

The lower Florida State Courts have not only taken Petitioner’s payment away from her for work she did for Respondents, but have further refused to allow her to raise her federal statutory ADA and constitutional rights in the State Courts System, and have provided her with no Access to the Courts for a remedy for these wrongs.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Angela Katharine Day Peharo

Date: JUNE 13, 2019