

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-3215

MARY KATHERINE DAY-PETRANO,

Appellant,

v.

CHARLES D. HALL; and ASTRID
HALL,

Appellees.

On appeal from the Circuit Court for Alachua County.
Monica J. Brasington, Judge.

January 28, 2019

PER CURIAM.

AFFIRMED.

BILBREY, WINOKUR, and JAY, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

Mary Katherine Day-Petrano, pro se, Appellant.

Richard H. Fabiani II of Chandler, Lang, Haswell & Cole, P.A.,
Gainesville, for Appellees.

**DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151**

March 15, 2019

**CASE NO.: 1D17-3215
L.T. No.: 2016-CA-2514**

Mary Katherine Day-Petrano

v.

Charles D. Hall; and Astrid Hall

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

Appellant's motion filed February 12, 2019, for rehearing, rehearing en banc, clarification, written opinion and certification is denied.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Richard Henry Fabiani II

Mary Katherine Day-Petrano

th

Kristina Samuels
KRISTINA SAMUELS, CLERK

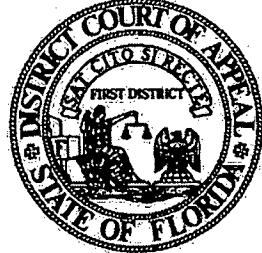


EXHIBIT "B2"

Supreme Court of Florida

WEDNESDAY, APRIL 24, 2019

CASE NO.: SC19-650
Lower Tribunal No(s).:
1D17-3215; 012016CA002514XXXXXX

MARY KATHERINE DAY-
PETRANO

vs. CHARLES D. HALL, ET AL.

Petitioner(s)

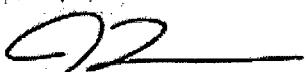
Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

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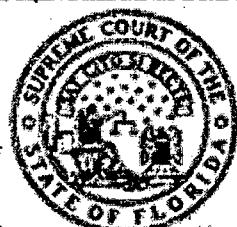


John A. Tomasino
Clerk, Supreme Court

td

Served:

RICHARD HENRY FABIANI II
MARY KATHERINE DAY-PETRANO
SUPREME COURT FLORIDA
HON. KRISTINA SAMUELS, CLERK
HON. MONICA J. BRASINGTON, JUDGE



IN THE EIGHTH JUDICIAL CIRCUIT OF
FLORIDA IN AND FOR ALACHUA COUNTY

CASE NO. 2016-CA-2514

MARY KATHERINE DAY-PETRANO,

Plaintiff,

v.

CHARLES D. HALL and ASTRID HALL
Defendants.

JK, "JESS" IRBY
CLERK OF COURTS
ALACHUA COUNTY, FL

2017 JUN 16 PM 1:12

FILED
CK 40

**ORDER ON MOTION FOR PLAINTIFF TO
FURNISH SECURITY**

**(Provided in Purple and size 16pt Font to Accommodate Plaintiff's
ADA Request)**

THIS CAUSE came before the Court for a hearing on Defendants' Motion for Plaintiff to Furnish Security filed by Defendants' Charles Hall and Astrid Hall. In response to this motion, Plaintiff filed a written response (176 pages) on May 3, 2017 and an additional response (210 pages) on May 8, 2017. A hearing was held on June 8, 2017. Plaintiff was present, appearing pro se. Counsel for Defendants also appeared. The hearing was properly noticed for 11:00am on June 8, 2017.



00078591447
Date: 06/16/17
EXHIBIT "D"

01-2016-CA-2514

Order on Motion for Plaintiff to Provide Security

Counsel for Defendants Charles and Astrid Hall argued his Motion for Plaintiff to Furnish Security Under Florida Statute s. 68.093; this motion requested that Plaintiff be required to post a security and that Plaintiff be required to have an attorney prosecute this case. This motion was properly noticed. Although it was not titled "Order to Show Cause", Plaintiff was verbally advised of the hearing (at a previously scheduled hearing) and was served a copy of the notice of hearing. Defense counsel cited to approximately twelve (12) unsuccessful lawsuits that were commenced, prosecuted, or maintained during the last five (5) years, by the Plaintiff, pro se, in federal and state courts throughout the State of Florida. The Plaintiff argued that the federal cases should not be counted against her and that one case (a state case removed to federal court) was being double counted. Plaintiff further testified that she had not been found to be vexatious in 11 of 12 of the other cases. Finally, she testified that she has spoken to over 3,000 attorneys regarding her various lawsuits and none are "competent" to deal with her ADA issues.

01-2016-CA-2514

Order on Motion for Plaintiff to Provide Security

Plaintiff also indicated to the Court, that she successfully graduated from law school. The court FINDS:

1. The Court has authority pursuant to Fla. Stat. s. 68.093 to require vexatious litigants to post a security under certain circumstances.

The Court also has the inherent authority and duty to limit abuses of the judicial process by pro se litigants. *See, e.g., Ardis v. Ardis*, 130 So. 3d 791, (Fla. 1st DCA 2014); Johnson v. Wilbur, 981 So. 2d 479 (Fla. 1st DCA 2008); and Johnson v. Rundle, 59 So.3d 1080 (Fla. 2011).

2. The Plaintiff has filed five or more civil actions in various courts in this state which actions have been finally and adversely determined against the Plaintiff.¹

¹ 2012 CA 000014 Petrano v. Old Republic; 2012 CA 003472 Day-Petrano v. Ed Crapo; 2013 CA 005191 Petrano v. Ed Crapo; 13-01003-KSS Petrano et. al v. Rhodes et al;13-01005-KSS Petrano et al v. IRS; 13-01009-KSS Petrano et al v. Nationwide Mut. Fire Ins. Co.;13-01010-KSS Petrano et al. v. Baylor; 13-01011-KSS Petrano et al v. Von Fraser, Tax Collector; 13-10052-KKS Petrano Chapter 12 Case; 8:14-CV-1287-T-17MAP Day-Petrano v. Nationwide Mut. Fire Ins. Co 2015 U.S. Dist. LEXIS 59490, 2015 WL 2130947 (M.D. Fla. May 6, 2015); 6:15-CV-

01-2016-CA-2514

Order on Motion for Plaintiff to Provide Security

3. The Complaint and other pleadings have been reviewed by this Court and the Plaintiff is not reasonably likely to prevail on the merits of the action against Charles Hall and Astrid Hall.
4. The Plaintiff's continuing pattern of behavior in this case and the other case involving these Defendants (01-2012-CA-001688 and 01-2015-CA-2693), of filing lengthy, complicated pleadings with no legal or factual basis (often containing hundreds of pages of irrelevant information in the body or attachments of the pleadings filed on the eve of hearings/trial and/or without service on opposing counsel), has created a situation that requires court intervention. Appellate courts have found that, due consideration of even a frivolous petition requires an expenditure of the court's time, which results in delay for those parties in unrelated cases who, in good faith, seek this Court's expeditious review of their claims. *Id.* The

1046-ORL-41KRS, Petrano v. Labarga 2015 U.S. Dist. LEXIS 179158 (M.D. Fla. Sept. 4, 2015); 1:12-CV-86-SPM-GRJ, Petrano v. Nationwide Mut. Fire Ins. Co., 2013, U.S. Dist. LEXIS 45613 (N.D. Fla. Feb. 4, 2013).

Order on Motion for Plaintiff to Provide Security

Plaintiff's meritless filings over the course of more than 5 years, throughout the federal and state courts of the State of Florida, including in this court, have caused this Court to expend finite judicial resources which could otherwise be devoted to legitimate cases and claims.

5. The Plaintiff, by her conduct, has exhibited a disregard for, and an abuse of, the judicial process.
6. While the Court acknowledges that pro se parties must be afforded an opportunity to exercise their constitutional right of access to the courts, that right is not unfettered. The courts must strike a balance between the pro se litigant's right to participate in the judicial process and the courts' authority to protect the judicial process from abuse. The right to proceed pro se may be forfeited where it is determined, after proper notice and an opportunity to be heard, that the party has abused the judicial process by the continued filing of successive or meritless collateral claims. Id.

01-2016-CA-2514

Order on Motion for Plaintiff to Provide Security

7. The Plaintiff was provided timely notice of the hearing and was provided the opportunity to explain to the court why the Court should not require a security from the Plaintiffs and/or that an attorney represent her. The Plaintiff filed 486 pages in response and provided both testimony and argument at the hearing on this cause. At the hearing, the Plaintiff did not show good cause why a security and/or attorney should not be required to represent her.

8. Plaintiff Mary Katherine Day-Petrano is a vexatious litigant.

ORDERED AND ADJUDGED:

1. Pursuant to Florida statute s. 68.093, Plaintiff shall furnish security to the attorney for the moving Defendants, Charles Hall and Astrid Hall in the amount of \$15,000.00 within twenty (20) days. If the Plaintiff fails to post this security within twenty (20) days from the date of this order, upon the filing of an Affidavit from Defendants' counsel regarding the

Order on Motion for Plaintiff to Provide Security

same, the court shall issue an order dismissing the action with prejudice as to those named defendants.

2. Pursuant to the Court's inherent authority as established through caselaw, any and all future pleadings in this case, to be filed on the Plaintiff's behalf, must be signed by an attorney eligible to practice in the State of Florida and must contain a certificate of good faith basis in law and fact, signed by the attorney.
3. Any and all future pleadings filed by the Plaintiff, pro se, are prohibited and shall be stricken.
4. If the Plaintiff and her counsel desire to proceed on the Complaint, then the Plaintiff's attorney shall file a Notice of Appearance within forty-five (45) days of the date of this order and a statement of his/her intention to proceed under the Complaint, along with a certificate of good faith basis for the filing of the Complaint.

01-2016-CA-2514

Order on Motion for Plaintiff to Provide Security

5. If a Notice of Appearance is not timely filed by a member of the Florida Bar, this matter will be dismissed without further notice or hearing.
6. Defendants Charles Hall and Astrid Hall shall be required to file a responsive pleading within twenty (20) days from the date that both a) the required security is provided to their attorney AND b) a Notice of Appearance is filed on behalf of Plaintiff by an attorney licensed by the State of Florida and in good standing with the Florida Bar (whichever is later).

DONE AND ORDERED in Chambers at Gainesville, Alachua County, Florida this 16th day of June, 2017.

Monica J. Brasington
CIRCUIT JUDGE

Copies furnished to the following on this 16th day of June, 2017:

Mary Katherine Day-Petrano,
Pro Se
ponyhunterjumper@yahoo.com

Richard H. Fabiani, II, Esq.
rfabiani@chandlerlang.com
rfabiani@fabianilaw.com
bhamilton@chandlerlang.com

By: Ruby W. Dunaway
Ruby Dunaway, Judicial Assistant

IN THE EIGHTH JUDICIAL CIRCUIT OF
FLORIDA IN AND FOR ALACHUA COUNTY

CASE NO. 2016-CA-2514

MARY KATHERINE DAY-PETRANO,
Plaintiff,

v.

CHARLES D. HALL and ASTRID HALL,
Defendants.

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 3071631 2 PG(S)
7/24/2017 9:50 AM
BOOK 4532 PAGE 2329
J.K. JESS' IRBY
Clerk of the Court, Alachua County, Florida
RECORDED Receipt # 783061
Doc Stamp-Mort: \$0.00
Doc Stamp-Deed: \$0.00
Intang. Tax: \$0.00

FINAL ORDER OF DISMISSAL

(Provided in Purple and size 16pt Font to Accommodate Plaintiffs'
ADA Request)

Upon review of Defendant Counsel's Affidavit Regarding
Furnishing Security Deposit, it appears that the Plaintiff has not
complied with the requirements contained in the Order on Motion for
Plaintiff to Furnish Security entered on June 16, 2017. Therefore, it is
hereby

ORDERED AND ADJUDGED that this case is DISMISSED, with
prejudice.

DONE AND ORDERED in Chambers at Gainesville, Alachua
County, Florida this 18th day of July, 2017.

Monica J. Brasington
CIRCUIT JUDGE

J.K. "JESS" IRBY
CLERK OF COURTS
ALACHUA COUNTY, FL

FILED
CK 40

2017 JUL 19 AM 9:49:11



01-2016-CA-2514
Final Order of Dismissal

Copies furnished to the following on this 18th day of July, 2017:

Mary Katherine Day-Petrano, Pro Se
ponyhunterjumper@yahoo.com

Richard H. Fabiani, II, Esq.
rfabiani@chandlerlang.com
rfabiani@fabianilaw.com
bhamilton@chandlerlang.com

By: Ruby Dunaway
Ruby Dunaway, Judicial Assistant

IN THE EIGHTH JUDICIAL CIRCUIT OF
FLORIDA IN AND FOR ALACHUA COUNTY

CASE NO. 2015-CA-2693

DAVID F. PETRANO, and
MARY KATHERINE DAY-PETRANO,

Plaintiffs,

v.

DARLENE P. BAYLOR; GET IT ON SHIRTS & APPAREL; KELLY
DEVORE; KAROLYN SHEEKEY; CHARLES D. HALL; ASTRID
HALL; LARRY M. REEVES, and AARON CASEY,

Defendants.

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J.M. CLERK OF COURT
CLERK OF COURTS
ALACHUA COUNTY FL
CK12

AMENDED PRE-FILING ORDER

(Provided in Purple and size 16pt Font to Accommodate Plaintiffs'
ADA Request)

THIS CAUSE came before the Court for hearing on April 12, 2017.

Plaintiffs were present, appearing pro se. At that hearing, Plaintiffs, Mary
Katherine Day-Petrano and David Petrano failed to show good cause after



EXHIBIT NFT

01-2015-CA-2693

Pre-filing Order

notice that they should not be found to be vexatious litigants.¹ The Plaintiffs have filed five or more civil actions in various courts in this state which actions have been finally and adversely determined against the them.²

Pursuant to Florida Statute s. 68.093(1)(d)(1), Plaintiffs qualify as vexatious litigants. As such, Plaintiffs are prohibited

“...from commencing, pro se, any new action in the courts of [this] circuit without first obtaining leave of the administrative judge of [this]

¹ See Order on Motions to Dismiss and Requiring Plaintiffs to Furnish Security and Obtain Legal Counsel Dated 5/3/17 for thorough discussion and analysis.

² 2012 CA 000014 Petrano v. Old Republic; 2012 CA 003472 Day-Petrano v. Ed Crapo; 2013 CA 005191 Petrano v. Ed Crapo; 13-01003-KSS Petrano et. al v. Rhodes et al; 13-01005-KSS Petrano et al v. IRS; 13-01009-KSS Petrano et al v. Nationwide Mut. Fire Ins. Co.; 13-01010-KSS Petrano et al. v. Baylor; 13-01011-KSS Petrano et al v. Von Fraser, Tax Collector; 13-10052-KKS Petrano Chapter 12 Case; 8:14-CV-1287-T-17MAP Day-Petrano v. Nationwide Mut. Fire Ins. Co 2015 U.S. Dist. LEXIS 59490, 2015 WL 2130947 (M.D. Fla. May 6, 2015); 6:15-CV-1046-ORL-41KRS, Petrano v. Labarga 2015 U.S. Dist. LEXIS 179158 (M.D. Fla. Sept. 4, 2015); 1:12-CV-86-SPM-GRJ, Petrano v. Nationwide Mut. Fire Ins. Co., 2013, U.S. Dist. LEXIS 45613 (N.D. Fla. Feb. 4, 2013).

01-2015-CA-2693

Pre-filing Order

circuit. Disobedience of such an order may be punished as contempt of court by the administrative judge of [this circuit]. Leave of court shall be granted by the administrative judge only upon a showing that the proposed action is meritorious and is not being filed for the purpose of delay or harassment." Fla. Statute s. 68.093(4).

The Clerk of Court is directed to refuse for filing any action initiated by Plaintiff, Mary Katherine Day-Petrano or David Petrano unless he/she has 1) first obtained an order from the Administrative Judge permitting such filing or 2) had the Complaint signed by a member in good standing of the Florida Bar, accompanied by a certificate of good faith basis for the Complaint. Accordingly, it is

ORDERED AND ADJUDGED that Plaintiffs, Mary Katherine Day-Petrano and David Petrano are declared to be vexatious litigants within the meaning of Florida Statute s. 68.093. The Clerk of Court is directed to refuse for filing future actions initiated by Plaintiffs unless they have first obtained leave from the Administrative Judge to proceed with the action or have obtained the signature of a member in good standing of

01-2015-CA-2693

Pre-filing Order

the Florida Bar, accompanied by a certificate of good faith basis for the

Complaint.

The Clerk of Court is further directed to provide a copy of this amended prefiling order to the Clerk of the Florida Supreme Court, who shall maintain a registry of all vexatious litigants, pursuant to Florida Statute s. 68.093(6).

DONE AND ORDERED in Chambers at Gainesville, Alachua County, Florida this 4th day of May, 2017.

Monica J. Brasington

CIRCUIT JUDGE

Copies furnished to the following on this 4th day of May, 2017:

Mary Katherine Day-Petrano, Pro Se
ponyhunterjumper@yahoo.com

David F. Petrano, Pro Se
dpetrano@yahoo.com

Ronald A. Hertel, Esquire
rhertel@palmcoastlaw.com
Karolyn@palmcoastlaw.com

01-2015-CA-2693

Pre-filing Order

Richard H. Fabiani, II, Esq.
rfabiani@chandlerlang.com
rfabiani@fabianilaw.com
bhamilton@chandlerlang.com

Clerk of Court General Counsel
Hand Delivery/Runner

Aaron Casey
11306 SE US HWY 301
Hawthorne, FL 32640

By: Ruby Dunaway
Ruby Dunaway, Judicial Assistant

IN THE CIRCUIT COURT
OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

CASE NUMBER: 01-2016-CA-002514
Circuit Civil Division K

MARY KATHERINE DAY-PETRANO,
Plaintiff,

-vs-

ASTRID HALL
CHARLES D HALL,
Defendant.

HILLER
CK 12
2017 MAY 16 AM 8:53
J.K. HILLER
CLERK OF COURTS
ALACHUA COUNTY, FL

ORDER GRANTING MOTION TO DISMISS SPECIFIC
COUNTS OF COMPLAINT AND GRANTING LEAVE TO
AMEND

THIS CAUSE came before the Court for hearing on May 11, 2017 upon the Defendant's Motion to Dismiss Counts Five and Six of the Complaint and the Court having reviewed the specifics of said motion, having heard the argument of counsel for Defendants and Ms. Day-Petrano, appearing pro se, and having considered the ore tenus motion of Ms. Day-Petrano requesting an opportunity to amend these counts, it is hereby

ORDERED AND ADJUDGED that the aforesaid motion is hereby GRANTED, only as to Counts Five and Six. All other counts remain and Plaintiff is granted 30 days to file an Amended Complaint as to Counts Five and Six only. Defendants are not required to file a



EXHIBIT "C"

response until their Motion to Furnish Security is ruled on and the applicable 10 day period has concluded, pursuant to Fla. Stat. s 68.093(3)(d).

DONE AND ORDERED in Gainesville, Alachua County, Florida on May 16, 2017.

Monica J. Brasington

Monica J. Brasington, Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by E- Mail on May 16, 2017 to the following:

MARY KATHERINE DAY-
PETRANO
ponyhunterjumper@yahoo.com

RICHARD H FABIANI, II
ESQ
rfabiani@chandlerlang.com
rfabiani@fabianilaw.com
bhamilton@chandlerlang.com

Ruby J. Dunaway

Ruby Dunaway, Judicial Assistant

Under the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in a proceeding, you are entitled to be provided with certain assistance at no cost to you. Please contact the ADA Coordinator at (352) 337-6237 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 1-800-955-8770 via Florida Relay Service.