

# Supreme Court of Florida

A-1b  
(Added on  
03/25/20)

MONDAY, NOVEMBER 4, 2019

CASE NO.: SC19-1325

Lower Tribunal No(s):

3D18-2142; 442017CA000291A001PK

VALENTIN SPATARU

vs. FLORIDA DEPARTMENT OF  
TRANSPORTATION, ET AL.

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Petitioner(s)

Respondent(s)

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. *See Fla. R. App. P. 9.330(d)(2).*

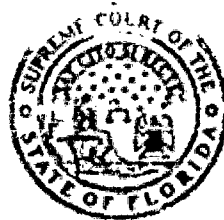
POLSTON, LAWSON, LAGOA, LUCK, and MUÑIZ, JJ., concur.

A True Copy

Test:



John A. Tomasino  
Clerk, Supreme Court



dl

Served:

MARK A. SCHNEIDER  
VALENTIN SPATARU  
HON. LUIS MANUEL GARCIA, JUDGE  
HON. MERCEDES M. PRIETO, CLERK  
HON. HARVEY RUVIN, CLERK

## Appendices

### Appendix A - Florida Supreme Court declined on November 04, 2019, to accept jurisdiction

“This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied. No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).”

<http://onlinedocketssc.flcourts.org/DocketResults/LTCases?CaseNumber=1325&CaseYear=2019> (Why is the file at [https://efactssc-public.flcourts.org/casedocuments/2019/1325/2019-1325\\_disposition\\_147817\\_d20a.pdf](https://efactssc-public.flcourts.org/casedocuments/2019/1325/2019-1325_disposition_147817_d20a.pdf) not downloading? I see “This site can’t be reached”).)

### Appendix B – 3DCA on July 3, 2019, dismissed my appeal, affirmed and filed opinion

Third District Court of Appeal

State of Florida

Opinion filed July 3, 2019.

Not final until disposition of timely filed motion for rehearing.

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No. 3D18-2142

Lower Tribunal No. 17-291-P

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Valentin Spataru,

Appellant,

vs.

Florida Department of Transportation, et al.,

Appellees.

An Appeal from the Circuit Court for Monroe County, Luis M. Garcia, Judge.

Valentin Spataru, in proper person.

Mark A. Schneider, P.A., and Mark A. Schneider (Fort Lauderdale), for appellee Florida Department of Transportation.

Before LOGUE, HENDON, and MILLER, JJ.

HENDON, J.

Valentin Spataru appeals from a final order dismissing his second amended complaint with prejudice for failing to adhere to a prior court order prohibiting further pro se filings. We affirm.

In 2017, Spataru filed a pro se complaint against Florida Department of Transportation (“FDOT”), among others, seeking damages he allegedly sustained in a 2013 bicycle/car collision, asserting that FDOT should have placed signs to indicate two-way bike traffic on the pedestrian sidewalk that parallels US-1 in Key Largo. The trial court issued a sua sponte order to Spataru to show cause why his complaint should not be dismissed for failure to state a cause of action, and why he should not be barred from further filings unless represented by an attorney. Spataru did not respond, and instead filed a first amended complaint and moved to disqualify the trial court judge.

In October 2017, the trial judge denied the “motion” for disqualification and entered an order dismissing the case for failure to show cause, as well as barring Spataru from further pro se filings. Spataru appealed. This Court dismissed the appeal because it was taken from a non-final, non-appealable order. *Spataru v. Fla. Dep’t of Transp.*, 257 So. 3d 126 (Fla. 3d DCA 2018).

In August 2018, Spataru filed a second amended complaint. The trial court granted FDOT’s motion

to dismiss with prejudice. The court in its order found that Spataru continued to file meritless and vexatious suits -1- and, in defiance of the court's order, filed yet another pro se complaint.

Our standard of review of a trial court's order dismissing a complaint for noncompliance with a court order is abuse of discretion. *Ham v. Dunmire*, 891 So. 2d 492, 495 (Fla. 2004); *Bank One, N.A. v. Harrod*, 873 So. 2d 519, 520 (Fla. 4th DCA 2004) ("Dismissal of a complaint for non-compliance with a court order is subject to an abuse of discretion standard of review."). "If reasonable people could differ as to the propriety of the trial court's action, the action is not unreasonable." *Dunmire*, at 495. Although dismissing the case with prejudice is a severe sanction, it is justified where a party shows "deliberate and contumacious disregard of the court's authority" or "willful disregard or gross indifference to an order of the court." *Mercer v. Raine*, 443 So. 2d 944, 946 (Fla. 1983).

This Court finds that the trial court did not abuse its discretion by dismissing the case with prejudice. The trial court made two specific findings: 1) that Spataru failed to show cause why his initial complaint should not be dismissed for failure to state a cause of action, and 2) that Spataru willfully ("in defiance to this Court's prior orders") disregarded the order prohibiting him from further pro se filings without the signature of a licensed Florida attorney. Finding no abuse of discretion, we affirm.

Affirmed.

1- The record provides that Spataru has filed at least eight meritless complaints against various entities and persons in the past five years.

**Appendix C – CC dismissed on October 15, 2018, with prejudice my case**

A-4

IN THE COURT OF THE 16TH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA  
IN AND FOR MONROE COUNTY

VALENTIN SPATARU,  
Plaintiff,

CASE NO: 17-CA-291-P  
GENERAL CIVIL DIVISION

vs.

FLORIDA DEPARTMENT OF TRANSPORTATION,  
FLORIDA DEPARTMENT OF FINANCIAL  
SERVICES, MONROE COUNTY, GENERAL  
ASPHALT CO, C/O TRAVELER INS., GENERAL  
ASPHALT CO. INC., MAYOR SYLVIA MURPHY  
Defendants.

ORDER

COMES NOW before this on this 10th day of October 2018, the STATE OF FLORIDA,  
DEPARTMENT OF TRANSPORTATIONS Motion to Dismiss Plaintiffs [Second] Amended  
Complaint with Prejudice. The Court, after hearing argument of counsel, and being fully apprised of  
the premises, hereby finds that:

-The Plaintiff has interfered with, and continues to interfere with the orderly process of the judicial  
administration by bringing meritless actions. On August 9, 2017, this Court found the Plaintiff to be a  
quintessential litigious Plaintiff and as a result, ordered Plaintiff to show cause, within thirty (30) days,  
in writing, why this case should not be dismissed without prejudice, and why, should the Plaintiff  
choose to recommence this action if it is dismissed, he should not be required to have all pleadings in  
this, and any future action commenced by him in a circuit court, be signed by a member of the Florida  
bar in good standing. The Plaintiff did not file a response to the Order to Show Cause.

-On September 21 , 2017[,] the Plaintiff filed a Motion for Additional Time to Answer the Order of the  
Court due to the hardships caused by Hurricane Irma. He requested more time alleging he did not have  
full Internet access and the damage to his sailboat required his "urgent research and actions to save it. "  
However, the Court noted that the Plaintiffs response was due before Hurricane Irma hit on September  
10, 2017.

-On October 16, 2017[,] this Court entered an Order denying Plaintiffs Request for Additional Timer;  
Dismissed this action without prejudice; and, Ordered the clerk of court to refuse to accept any future  
actions commenced by this Plaintiff in Circuit Court unless they have been reviewed and signed by an  
attorney who is a duly licensed member of the Florida Bar in good standing.

-On October 24, 2017, Plaintiff filed a Notice of Appeal with the Third District Court of Appeals

challenging the Court's Orders, which on June 4, 2018 was dismissed by the 3DCA as not being ripe for appeal.


-On August 9, 2018, Plaintiff in defiance to this Court's prior Orders, filed Pro Se, a [Second] Amended Complaint. Based upon this filing, the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION filed its Motion to Dismiss with Prejudice. Based upon the aforesaid, it is hereby:

**ORDERED AND ADJUDGED** that the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION'S Motion is hereby GRANTED and the case is dismissed with Prejudice.

**DONE AND ORDERED** in Tavernier, Monroe County, Florida on this 12 day of October 2018.

  
Luis M. Gilman  
Circuit Court Judge

Copies furnished to: Valentin Spataru, Pro Se (valespa@outlook.com)  
Mark A. Schneider, Esq. (masv35@aol.com)

 OCT 15 2018

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A copy is also at <http://tiny.cc/dwqgniz>.

**Appendix D – 3DCA dismissed on August 07, 2018, my first appeal as one taken from a non-final, non-appealable order**

**IN THE CIRCUIT COURT OF THE 16<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR MONROE COUNTY, FLORIDA**

VALENTIN SPATARU,  
Plaintiff,

vs.

Case No.: 17-CA-291-P

FLORIDA DEPARTMENT OF TRANSPORTATION,  
FLORIDA DEPARTMENT OF FINANCIAL SERVICES,  
MONROE COUNTY, GENERAL ASPHALT CO. C/O  
TRAVELER INS., GENERAL ASPHALT CO. INC.,  
MAYOR SYLVIA MURPHY  
Defendants

**ORDER DISMISSING CASE FOR FAILURE TO SHOW CAUSE**

The Court, having examined the record, the applicable law, and being otherwise fully informed in the premises, finds and orders as follows:

The Court is concerned that the Plaintiff has interfered with, and continues to interfere with, the orderly process of judicial administration by bringing meritless actions. On August 7, 2017, the Court ordered the Plaintiff to show cause, within thirty (30) days, in writing, why this case should not be dismissed without prejudice, and why, should the Plaintiff choose to re-commence this action if it is dismissed, he should not be required to have all pleadings in this, and any future actions commenced by him in circuit court, be signed by a member of the Florida Bar in good standing. The Plaintiff did not file a response to the Order to Show Cause within thirty days.


On September 21, 2017, the Plaintiff filed a Motion for Additional Time to Answer the Orders of the Court due to hardships caused by Hurricane Irma. He requested more time because he does not have full internet access and the damage to his sailboat requires his

"urgent research and actions to save it." However, the Court notes that the Plaintiff's response was due before Hurricane Irma hit on September 10, 2017.

Therefore, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Plaintiff's Motion for Additional Time is **DENIED**.
2. This matter is **DISMISSED WITHOUT PREJUDICE** for failure to show cause.
3. The Clerk of this Court is directed to refuse to accept any future actions commenced by this Plaintiff in circuit court unless they have been reviewed and signed by an attorney who is a duly licensed member of the Florida Bar and in good standing.

**DONE AND ORDERED** this 16<sup>th</sup> day of October, 2017 at Plantation Key, Monroe County, Florida.

  
LUIS M. GARCIA  
Circuit Court Judge

Copies to:

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**Appendix F – on October 13, 2017, Judge Garcia of CC denied my request for another Judge**