

No. 19-8330

IN THE SUPREME COURT OF THE UNITED STATES

VALENTIN SPATARU, Petitioner,

vs.

FLORIDA DEPARTMENT OF TRANSPORTATION, et al., Respondents

On Petition For Writ Of Certiorari to the
Supreme Court of the State of Florida

Reply Brief to Brief in Opposition

by Valentin Spataru, pro se

c/o CILK - Center for Independent Living

103400 Overseas Hwy. #243, Key Largo, FL 33037

Mobile cell phone: 305 615 0061

Email: valentin.spataru.macc.cpa@gmail.com ; valespa@outlook.com

RECEIVED

JUN 23 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

Please see my petition to this Court for writ of certiorari.

My questions are of great national importance too due to the high number of state and local DOTs in the USA. The questions regarding abusive USA laws and judgements are of great international importance because I was born outside the USA, and the USA abuses against me will be considered abuses against the international community.

TABLE OF CONTENTS

QUESTIONS PRESENTED	i
TABLE OF AUTHORITIES	i
INTRODUCTION.....	1
JURISDICTION.....	3
REASONS FOR ALLOWANCE OF THE WRIT.....	3
CONCLUSION.....	10

TABLE OF AUTHORITIES

CASES

Nat'l Mut. Ins. Co. v. Tidewater Transfer Co., 337 U.S. 582, 583, 69 S. Ct. 1173, 1173 (1949).....	9
Robert Craig Waters, Tort & Insurance Law Journal, Spr. 1986 21 n3, p509-516.....	7
Slack v. McDaniel, 529 U.s. 473, 477, 120 S. ct. 1595, 1600 (2000)..<	8

Smith v. Fisher, 965 So. 2d 205 (Fla. Dist. Ct. App. 2007).....	8
Smith v. Hatcher, 117 So.3d 439 (Fla. Dist. ct. App. 2013).....	8
Smith v. Hernandez, 20 So.3d 905 (Fla. Dist. Ct. App. 2009).....	8

CONSTITUTION

U.S. Const. Amend. V.....	5
U.S. Const. Amend. VIII.....	5
U.S. Const. Amend. XIV, sec. 1.....	5

STATUTES

28 U.S.C. § 1257(a).....	3
Fed.R.Civ.P. 41(b).....	8
Fla. Stat. § 316.0745.....	4
Fla. Stat. § 68.093.....	5, 7, 8
Fla. Stat. § 768.28.....	2, 5, 9

OTHER AUTHORITIES

2015 State Integrity Investigation, Center for Public Integrity.....	4
Judges and Unjust Laws, Douglas E. Edlin.....	5

INTRODUCTION

I have been a serious person who has worked hard, aimed for the highest achievements, had many successes, and my resume proves it:

"EDUCATION

Master of Accountancy, Taxation 08/98 - 12/00

University of Georgia, Athens, GA, USA: •Was "**Presidential Scholar**" for A in each class during my second semester; •Received **merit student loan** all semesters.

Master (Diploma) in Financial Economics and Management 09/92-06/97

The Academy of Economic Studies, Bucharest, Romania: •Majors: Finance, Banking, and Accounting; •Diploma Thesis (The Financial Analysis of the Company) Grade: 9/10 (3.8/4); •Admission Exams GPA: 9.15/10 (**3.9/4; top 1.5%**; the admission percentage was 16%) •Received **merit scholarship** all semesters.

PROFESSIONAL DEVELOPMENT AND QUALIFICATIONS:

•Licensed Certified Public Accountant (CPA) in GA, USA, in 2003.

HONORS AND ACTIVITIES: •Have volunteered: -for CILK, Key Largo, FL, USA (cilsf.org): have guided Social Security customers regarding their benefits and responsibilities in 2013; -for Christian Students Assoc., Bacau, RO: have promoted the Christian living and spirituality in the city during 2010-2012; -for the International Foundation for Global Studies, Athens, Georgia, USA: have prepared the financial statements, tax returns, and budgets for the years 1998 - 2000 •Have participated at the meetings of the National Honorary Accounting Fraternity (Beta Alpha Psi), Banking and Finance Society, International Student Club during 1998-2000; •**Have placed in the Romanian National Physics Team (the top 15 students of my age group in the nation) in 1988, and in the top 1-5 positions in regional Physics and Mathematics competitions in the years 1986-1990."** However, my successes cannot continue due to my injuries and poverty.

Petitioner will be referred to as "Petitioner", or "I" as I, the Petitioner myself, will have written this. Florida Department of Transportation and FL DOT's attorneys will be referred to as "FL DOT"; Monroe County as MC; Key Largo as KL. Other terms and acronyms will be defined as they appear.

The webpage
<https://www.supremecourt.gov/filingandrules/electronicfiling.aspx>
writes "Filings from pro se parties are submitted only on paper, but will be scanned and made available electronically on the Court's docket", thus I submit only one paper copy of my petition to save valuable resources by not printing and mailing more copies; please let me know if you need more paper copies.

Respectfully, I ask the Court to accept my PWC and other motions, forms, pleadings, and communications as they are, and to assist me in correcting them, or appoint professional, independent counsel to help me. Indeed, due to my mental injuries that the Offenders proximately caused or aggravated, which reduced much my cognitive skills and manifest as headaches, depression, anxiety, memory problems, reasoning errors and slowness, slow and poor concentration and attention, and other undiscovered yet issues, I am not able anymore to read and memorize all the rules of procedures promptly and completely. Furthermore, I have no money to hire lawyers for my case because my injuries stop me from keeping a job that would provide income for me to pay the lawyers' fees. In addition, no pro-bono attorney takes a case worth more than \$5,000, and I can not find an attorney to help me with this case on a contingency basis due mainly to the many work-hours needed compared to the low income potential for an attorney due to the abusive Fla. Stat. § 768.28.

I just found on June 12, 2020, the Respondents' Brief in Opposition at the <https://www.supremecourt.gov/docket/docket.aspx>.

Respectfully, I request you to order Mark A. Schneider, Counsel of Respondents, to email me all his future filings; and please add me to the emailing system to notify me by email about all future filings with the Supreme Court of the USA for my cases.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). My questions and case are of great national importance too due to the high number of state and local DOTs in the USA. The questions regarding abusive USA laws and judgements are of great international importance because I was born outside the USA, and the USA abuses against me will be considered abuses against the international community.

REASONS FOR ALLOWANCE OF THE WRIT

Offenders caused me intentional infliction of emotional distress (IIED), and I have proved the essential elements of IIED: (1) Offenders's extreme and outrageous conduct with either the intention of, or reckless disregard for, causing emotional distress, (2) my having suffered severe or extreme emotional distress and (3) actual or proximate causation.

In case that you are not convinced about Respondents' recklessness, malevolence or corruption, I include the accusations of Respondents' callous disregard for my rights and of their negligent or careless acts and omissions. They have callously disregarded and failed to exercise the standard of care commensurate with and expected from professionals in the USA, State of Florida, and United Nations Countries. I have proved "by a preponderance of the evidence" or "more likely than not" the four elements of the cause of action for the negligence of FL DOT which has been in charge of all public ways in FL, including the bike

route built on the property of FL DEP in Key Largo: 1) the Offenders owed a duty of care pursuant to Fla. Stat. § 316.0745, 2) the Offenders breached their duty of care, 3) the Offenders' actions or omissions were the proximate cause of my accident; and 4) I was in fact injured.

Indeed, Judge Garcia, 3DCA and FSC should have focused on the real issues of this case, the Offenders' omissions or wrong actions, which were breaches of Offenders' duties, and caused me permanent injuries. The main issue is that the Offenders had not installed the essential -required since at least 2003- warning traffic sign "Two-Way Bike Route", and even though people complained about the dangerous conditions. Truly, Florida gets D-grade in 2015 State Integrity Investigation by the Center for Public Integrity, <https://publicintegrity.org/politics/state-politics/state-integrity-investigation/florida-gets-d-grade-in-2015-state-integrity-investigation/>, which proves Florida's corruption and the suffering of Florida's residents; "Judicial Accountability, GRADE:F(51), RANK: 38th. [...] In practice, asset disclosure records of state-level judges are accessible to the public in open data format: 0. [...] Political Financing: GRADE:F(59), RANK: 28th [...] Electoral Oversight, GRADE:F(50), RANK: 46th [...] In practice, state legislators recuse themselves from actions in which they may have a conflict of interest: 25. [...] In practice, the asset disclosure records of state legislators are complete and detailed: 50. In practice, asset disclosure records of state legislators are accessible to the public in open data format: 25. [...] In practice, legislative records are accessible to the public in open data format: 25 [...] In law, there are limits on lobbyists' donations to candidates and to political parties: NO. State Budget Processes: GRADE:F(57), RANK: 48th; State Civil Service Management:GRADE:F(50), RANK: 50th; Lobbying Disclosure: GRADE:F(55), RANK: 38th."

dismissed for failure to state a cause of action, and why he should not be barred from further filings unless represented by an attorney. Id. Instead, Petitioner filed a first amended complaint and moved to disqualify the trial court judge", I was horrified by the realization that the judge was not independent but worked for the group whose corruption caused my accident and injuries; indeed, on page one of his order, judge Garcia wrote that the Plaintiff "is quintessential litigious", then listed all my cases -no matter that most of them were settled, still open, dismissed then reopened by me after the required notifications to the official in charge, or dismissed but not reopened by me because I was compensated by insurance; and no matter that they were not related to the actual case-; indeed, judge Garcia invoked an abusive law, Fla. Stat. § 68.093, which is against the Constitution of the USA and against the principles of Law and Ethics, to threaten me that my case can be dismissed. Therefore, I requested another judge who was independent. For your information, fewer than 5 of my cases had been dismissed, thus I was not a vexatious litigant even according to the abusive Fla. Stat. § 68.093. "Judges cannot invoke judicial immunity for acts that violate litigants civil rights." Robert Craig Waters, Tort & Insurance Law Journal, Spr. 1986 21 n3, p509-516.

Regarding the statement from RBO that "the Florida Court of Appeals noted that '[t]he record provides that [Petitioner] has filed at least eight meritless complaints against various entities and persons in the past five years'", the judges of the Florida Court of Appeals (3DCA) have invoked the abusive Fla. Stat. § 68.093, too, instead of looking at my current case, which proves that they have worked also for the group whose corruption caused my accident and injuries. Truly, it is irrelevant for my current case how many of my other cases they claim were meritless. "Judges cannot invoke judicial immunity for acts that violate litigants

civil rights." Robert Craig Waters, Tort & Insurance Law Journal, Spr. 1986 21 n3, p509-516.

Regarding the statement from RBO that an "action may be dismissed if the Petitioner fails to prosecute it or if he fails to comply with any court order. Fed.R.Civ.P. 41(b)", I did not fail to prosecute my action, and I complied with my abilities -affected severely by brain injuries- with all court orders.

Regarding the statement from RBO that "Florida courts have repeatedly found this statute [, Florida Statute 68.093] to be constitutional. *Smith v. Fisher*, 965 So. 2d 205 (Fla. Dist. Ct. App. 2007); *Smith v. Hernandez*, 20 So.3d 905 (Fla. Dist. Ct. App. 2009); *Smith v. Hatcher*, 117 So.3d 439 (Fla. Dist. ct. App. 2013)", many judges and legislators do what their campaign funders ask them even though it's abusive; indeed, they have agreed with abusive Florida Statute 68.093 to please their abusive campaign funders. Truly, that statute and those judgments are not constitutional and legal because "Lex iniusta non est lex". Indeed, "Judges cannot invoke judicial immunity for acts that violate litigants civil rights." Robert Craig Waters, Tort & Insurance Law Journal, Spr. 1986 21 n3, p509-516.

Regarding the statement from RBO that the "Supreme Court has noted that states have the power to restrict vexatious litigation when a petitioner uses tactics to repeatedly file. *Slack v. McDaniel*, 529 U.s. 473, 477, 120 S. ct. 1595, 1600 (2000) (Scalia and Thomas, JJ., dissented in part from this holding) (to the extent that a petitioner might use the repeated filing of mixed petitions to delay unduly the collateral review process, this tactic can be countered by state or federal rules restricting vexatious litigation)", this case is my first case against FL DOT, therefore, I have not filed repeatedly, and I have not been vexatious litigant. I hope that you are independent of any undue influence and will decide wisely and independently. Even if Fla. Stat. §

68.093(2)(d) were legal, for its August 9, 2017, decision finding me to be a "quintessential litigious Plaintiff" and for its order on October 16, 2017, Judge Garcia of CC counted wrongly and abusively to five or more my CC cases that were dismissed, while the total of my cases dismissed by CC was only four; in addition, I abandoned two cases without appealing, due to my mental injuries which the Offenders caused or aggravated, and not due to lack of merits and causes. Indeed, "Judges cannot invoke judicial immunity for acts that violate litigants civil rights." Robert Craig Waters, Tort & Insurance Law Journal, Spr. 1986 21 n3, p509-516.

Regarding the statement from RBO that the "remaining issues mentioned in Petitioner's writ (i.e. Florida Statute Sec. 768.28, a conspiracy among numerous government employees, the court system creating a program to provide attorneys, requests for various investigations, etc.), would be advisory opinions as they were not ruled on by the lower courts, are outside what has been previously argued, and not within the judicial powers. The Supreme Court of the United States is not authorized or required to participate in any legislative, administrative, political or other nonjudicial function or to render any advisory opinion; and the jurisdiction conferred is limited to controversies of a justiciable nature. *Nat'l Mut. Ins. Co. v. Tidewater Transfer Co.*, 337 U.S. 582, 583, 69 S. Ct. 1173, 1173 (1949)", I am waiting for the results from the FBI investigations of the abusive actions and omissions, and I hope that the FBI is independent and has the needed resources. I offer to volunteer for the FBI and other independent investigators. If you have no jurisdiction regarding programs to provide independent attorneys and public auditors, please ask legislators to vote for such programs.

The fact that I am not able (due to the injuries of my cognitive skills) to know all the rules of procedure, does not prove that I am vexatious, but that the Courts have to offer the help of a

licensed, independent attorney to represent me, or to respond by giving me the detailed instructions, information and time I need to correct the problems. For proper justice and civilization and for the progress of our state and country, urgently, please create -and ask the legislators to approve, too- a new Public Office with a name such as "Public Civil Attorney Assistance for Persons with Cognitive Injuries", that must offer -free or for credit or loan given from the public budget- professional, independent legal help in civil cases to me and other persons in similar situations, who do not have anymore the necessary mental capacities promptly and completely to study, understand and memorize the Laws and Courts' Procedures to represent themselves to prove their complaints on time.

Indeed, the dismissal of my case is wrong no matter what reasons the Offenders invoke -such as "vexatious" litigation- to avoid the real, imperative issues, of which the main one is why there was no warning "Two-Way Bike Route" sign as required by the traffic science and law.

For additional reasons to grant my petition, please see my petition to this Court for writ of certiorari.

CONCLUSION

Respectfully, I request you to grant my petition for a writ of certiorari.