

### **XIII. APPENDIX**

List of the most Significant Court Orders, Opinions, Motions, Letters and Appeal Briefs, entered in conjunction with the judgment sought to be reviewed (Exhibits: "A" to "E"); Any other Relevant Orders, Opinions, Motions, Letters, Notices, Appeals, etc., organized from Latest to Earlier. (Exhibits: "F" to "S");

**A. Opinion PER CURIAM Affirmed** from the 3DCA., *August 19, 2020*,

Also Exhibit "A" from Petitioners Notice of Appeal to the US Supreme Court.

**B. ORDER DENYING C&ID and MIGUEL ESTIVILL (the "Movants")**

**(i) Motion to Compel and (ii) Objection to Settlement Agreement with Eric Pitchman, April 22, 2019,** Also Exhibit "B" from Petitioners Notice of Appeal to the US Supreme Court.

**C. ORDER GRANTING ASSIGNEE'S MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT WITH ERIC PITCHMAN, May 9, 2019,** Also Exhibit "C" from Petitioners Notice of Appeal to the US Supreme Court.

**D. FINAL ORDER GRANTING ASSIGNEE'S MOTION TO CLOSE ASSIGNMENT PROCEEDINGS, TO APPROVE FINAL REPORT, TO APPROVE FEES OF THE ASSIGNEE AND ASSIGNEE'S COUNSEL, TO APPROVE FINAL DISTRIBUTION, TO ABANDON**

**K. Petitioners Notice of Appeal to the United States Supreme Court,**

Notice that was mistakenly sent by the 3DCA to the Florida Supreme Court, knowing that based on Legal Technicalities and not the merits of the Case it was going to be denied as explained in Detail on the Same Notice of Appeal.

*October 18, 2020*

**L. Order Denying Petitioners Request for Written Opinion, and Motion**

**for Rehearing and Reconsideration** from the 3DCA., *September 09, 2020.*

Also Exhibit “F” from Petitioners Notice of Appeal to the US Supreme Court.

**M. Petitioners Request for Written Opinion, *September 03, 2020.* Also Exhibit**

**“E” from Petitioners Notice of Appeal to the US Supreme Court.**

**N. Petitioners Motion for Rehearing and Reconsideration, *September 03, 2020.***

Also Exhibit “E” from Petitioners Notice of Appeal to the US Supreme Court.

**O. Order from the 3DCA granting Petitioners *Pro-Se* Motion to**

**Reconsider/Clarify and Notice of Dropping Party, *August 14, 2020***

**P. Motion to Reconsider/Clarify the Dismissal Order from the 3DCA, and**

**Notice of Dropping Party. *August 7, 2020***

**Q. Order from the 3DCA dismissing Petitioners Appeal unless an attorney**

**in good standing with the Florida Bar files an appearance, *July 28, 2020***

**R. Order Denying CID & ESTIVILL Emergency Motion for Reconsideration/Rehearing on Final Order, for Lack of Jurisdiction.,**  
*January 27, 2020.* Also Exhibit "H" from Petitioners Notice of Appeal to the US Supreme Court.

**S. Order Granting CID & ESTIVILL Motion to Stay on Final Order.**  
*January 27, 2019.* Also Exhibit "G" from Petitioners Notice of Appeal to the US Supreme Court.

# **APPENDIX “A”**

# **Third District Court of Appeal**

**State of Florida**

Opinion filed August 19, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-2460  
Lower Tribunal No. 17-17425

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**Miguel Estivill and Cirabel Estivill,**  
Appellants,

vs.

**Philip Von Kahle,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Carlos Guzman,  
Judge.

Miguel Estivill and Cirabel Estivill, in proper persons.

Edelboim Lieberman Revah Oshinsky PLLC, and Brett D. Lieberman, for  
appellee.

Before SALTER, FERNANDEZ and SCALES, JJ.

PER CURIAM.

Affirmed.

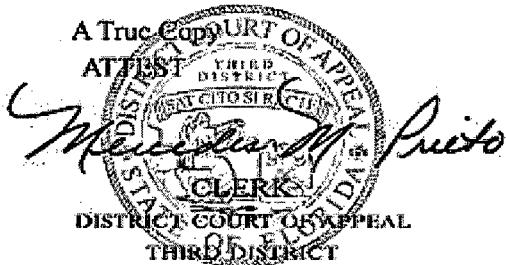
IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
SEPTEMBER 09, 2020

MIGUEL ESTIVILL,  
Appellant(s)/Petitioner(s),  
vs.  
PHILIP VON KAHLE,  
Appellee(s)/Respondent(s),

CASE NO.: 3D19-2460  
L.T. NO.: 17-17425

Upon consideration, Appellant's pro se Motion for Rehearing and  
Reconsideration, and Request for a Written Opinion are hereby denied.

FERNANDEZ, SCALES and HENDON, JJ., concur.



cc: Brett D. Lieberman Cirabel Estivill Miguel Estivill

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# **APPENDIX “B”**

IN THE CIRCUIT COURT OF THE  
11TH JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION  
CASE NO: 2017-017425-CA-01

In re Assignment for Benefit of  
Creditors of MAX South Construction, Inc.  
Plaintiff(s), Assignor

Attn. to  
Philip V. KARL

Defendant(s), Assignee

2019 APR 22 AM 11:21  
Circuit Court  
Clerk's Office  
Miami-Dade County  
FILED  
2019 APR 22 AM 11:21  
Circuit Court  
Clerk's Office  
Miami-Dade County  
ORDER  
GRANTING/DENYING  
PLAINTIFF'S/DEFENDANT'S  
CLASSICAC + INNOVATIONS Designs, Inc AND MIGUEL  
ESTIVILL'S (the "Movants")

Movants THIS CAUSE having come on to be heard on April 22, 2019  
on Plaintiff's/Defendant's Motion

to (i) Compel Production of Documents, And (ii) Objection to Settlement  
Between Assignee + Plaintiff

and the Court having heard arguments of counsel, and being otherwise advised in the premises, it is hereupon  
and Mr. Estivill

ORDERED AND ADJUDGED that said Motion be, and the same is hereby

THE Motion to Compel is DENIED AS MOOT AS to the Assignee;

THE Objection to Settlement is OVERruled AS UNTIMELY;

THE COURT WILL COMMUNICATE WITH THE PARTIES REGARDING HIS  
RULING IN THE SUBJECT SETTLEMENT

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 22nd

day of

April

2019

SIGNED AND DATED

APR 22 2019

JUDGE CARLOS M. GUZMAN

CIRCUIT COURT JUDGE

Judge Carlos M. Guzman

Copies furnished to: Counsel of Record

# **APPENDIX “C”**

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO.: 2017-017425-CA-01

SECTION: CA04

JUDGE: Carlos Guzman

**Philip J. Von Kahle**

Plaintiff(s) / Petitioner(s)

vs.

**Max South Construction, Inc. et al**

Defendant(s) / Respondent(s)

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**ORDER GRANTING ASSIGNEE'S MOTION FOR APPROVAL OF SETTLEMENT  
AGREEMENT WITH ERIC PITCHMAN**

THIS CAUSE came before the Court on March 25, 2019, upon the Assignee's *Motion For Approval Of Settlement Agreement With Eric Pitchman* (the "Motion"). The Court, having reviewed the Motion, having heard argument and proffer of (i) counsel for the Assignee, (ii) Mr. Estivil, and (iii) Mr. Pitchman noting no written objections to the Motion were timely filed and overruling all other objections, including those lodged by Mr. Estivil, finding that due and adequate notice was provided to all parties in interest, and being otherwise fully advised in the premises, and finding, among other things, that the Assignee exercised appropriate business judgment in entering into the Agreement, that the Agreement is in the best interests of the estate, and that the Agreement was negotiated at arm's length, it is hereby **ORDERED AND ADJUDGED** that:

1. The Motion is Granted in its entirety.
2. The Agreement is approved.
3. All parties are directed and authorized to satisfy all obligations under the Agreement.
4. The property sold subject to the Agreement is being sold "as-is/where-is" with all faults and without representation or warranty of any kind whatsoever.

5. This Court reserves jurisdiction to enforce the terms of the Agreement.

All capitalized terms not defined herein shall have the same meaning as ascribed to them in the Motion.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 9th day of May, 2019.



2017-017425-CA-01 05-09-2019 11:45 AM

2017-017425-CA-01 05-09-2019 11:45 AM

Hon. Carlos Guzman

**CIRCUIT COURT JUDGE**

Electronically Signed

No Further Judicial Action Required on THIS MOTION

CLERK TO RECLOSE CASE IF POST JUDGMENT

**Copies Furnished To:**

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# **APPENDIX “D”**

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

*In re:*

ASSIGNMENT FOR THE BENEFIT OF  
CREDITORS OF MAX SOUTH  
CONSTRUCTION, INC.,

Case No. 2017-017425-CA-04

FILED FOR RECORD  
HARVEY KAHLE, JR.  
CLASSICAL & INNOVATIVE DESIGNS, INC.  
FLA. #136

2019 NOV 19 AM 11:20

Assignor,

TO: PHILIP J. VON KAHLE,

Assignee.

FINAL ORDER GRANTING ASSIGNEE'S MOTION TO CLOSE ASSIGNMENT  
PROCEEDINGS, TO APPROVE FINAL REPORT, TO APPROVE FEES OF THE  
ASSIGNEE AND ASSIGNEE'S COUNSEL,  
TO APPROVE FINAL DISTRIBUTION, TO ABANDON PREPARATION OF  
FEDERAL AND STATE TAX RETURNS, TO REJECT ALL EXECUTORY  
CONTRACTS, TO ABANDON ALL OTHER ASSETS OF THE ASSIGNOR AND  
TO DISCHARGE ASSIGNEE AND RELEASE ASSIGNEE'S BOND

THIS MATTER came before the Court upon hearing on November 18, 2019 at 9:30 a.m. (the "Hearing"), upon the *Motion To Close Assignment Proceedings, To Approve Final Report, To Approve Fees Of The Assignee And Assignee's Counsel, To Approve Final Distribution, To Abandon Preparation Of Federal And State Tax Returns, To Reject All Executory Contracts, To Abandon All Other Assets Of The Assignor And To Discharge Assignee And Release Assignee's Bond* (the "Motion"), and the *Notice of Limited Objection to Proposed Final Distribution* (the "Limited Objection") filed by Malka & Kravitz PA ("MKPA"), the Court having heard argument of counsel for the Assignee, MKPA and Miguel Estiville (individually and as representative of Classical and Innovative Designs, Inc. ("C&ID"), having reviewed the Final Report and the distribution to creditors attached to the Motion as **Composite Exhibit "A"** (the "Final Report"), having considered the reasonableness of the fee of the Assignee and having determined that the

Assignee's fees were reasonable, having considered the reasonableness of the fee of the Assignee's professionals and having determined that the fees and costs of the Assignee's professionals were reasonable, having reviewed the Court file and noting that no objections were filed in response to the Motion other than the Limited Objection, and being otherwise fully advised, it is

**ORDERED and ADJUDGED** that:

1. The Motion is **GRANTED** as set forth herein.
2. The Court discharges the Assignee and his professionals, and forever releases the Assignee and his professionals from any duties, liabilities and responsibilities undertaken or in connection to this case, and deems this Assignment proceeding is closed. This Court finds that the Assignee exercised reasonable and appropriate business judgment throughout this case.
3. The Court approves the Final Report and the distributions to creditors proposed in the Motion, and all expenses and disbursement set forth in the Final Report, with the following single exception:
  - a. The Assignee shall distribute the \$21,285.30 earmarked for payment to C&ID in the Final Report directly to MKPA in partial satisfaction of the charging lien held by MKPA against recoveries due to C&ID. *MKPA SHALL Hold Such Sums in Trust Until Further ORDER OF THE COURT.*
4. The Court finds that the fees earned and expenses incurred by the Assignee and his professionals as set forth in the Motion and the Final Report are reasonable under applicable law and approves them in their entirety.
5. The Clerk is directed to release the Surety Bond posted by the Assignee forthwith to Philip Von Kahle, 1883 Marina Mile Blvd., Suite 106, Fort Lauderdale, FL 33315.
6. The Assignee is relieved of any requirement to file Federal or State tax returns as such requirement, if any, are of inconsequential value to the estate, will not result in a greater

recovery for the benefit of creditors and the Assignor is in a better position to file such returns, if necessary.

DONE AND ORDERED in Open Court in Miami-Dade, Florida this \_\_\_ day of November, 2019.

THE HONORABLE CARLOS GUZMAN  
CIRCUIT COURT JUDGE

Copies furnished to:

*Assignee to furnish copies for all creditors and interested parties.*

*SIGNED AND DATED  
NOV 19 2019  
JUDGE CARLOS M. GUZMAN*

# **APPENDIX “E”**

**Additional material  
from this filing is  
available in the  
Clerk's Office.**