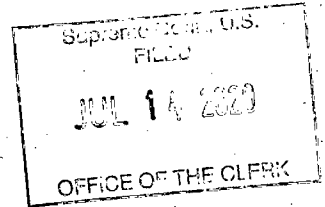


20-5931

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



DAVID FRANK PETRANO, AND
MARY KATHERINE DAY PETRANO PETITIONER
(Your Name)

VS.

DARLENE P. BAYLOR RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

DAVID FRANK PETRANO
MARY KATHERINE DAY-PETRANO
(Your Name)

% 118 N. WALWUT ST.
(Address)

STARKE, FL 32091
(City, State, Zip Code)

(121) 808-0446; (121) 237-6778
(Phone Number)

QUESTION(S) PRESENTED

1. Whether Florida's "Rocket Docket" foreclosure/sale system is unconstitutional
 - A. On Due Process Grounds
 - B. On Equal Protection Grounds
 - C. For violating Title II of the ADA, and/or
 - D. For violating a U.S. Bankruptcy Court Plan Confirmation Order, thereby making a "Taking's" without Just Compensation?
2. Whether Florida's diversion of disabled parties to Vexatious Litigant orders + Registry to create segregated court system for a lifetime violates 28 CFR § 35.130(d), Title II of the ADA, Due Process + Equal Protection

Clauses of the Fourteenth Amendment, and the First Amendment by censoring and prior restraint on authentic speech & viewpoint?

3. Whether the Florida State Courts had jurisdiction for their judgments & orders?

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:

CHARLES + ASTRID HALL

DONNA ROSS

ALL OTHER UNNAMED TENANTS AND OTHER
PERSONS SUED IN THE COMPLAINT, WHO
WERE NEVER DISMISSED, OR ANSWERED/
DEFAULTED

RELATED CASES

FLORIDA FIRST DISTRICT COURT OF APPEAL No.
1D17-3215 (L.T. No. 01-2016-CA-002514).
(PROFITS FROM THE REAL PROPERTY)

FLORIDA FIRST DISTRICT COURT OF APPEAL No.
1D17-3216 (L.T. No. 01-2015-CA-002693)
(foreclosure counterclaims).

FLORIDA FIRST DISTRICT COURT OF APPEAL No.
1D18-1334

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 _____.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: may 14, 2020, and a copy of the order denying rehearing appears at Appendix C.
motion for extension of time to file

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourteenth Amendment to U.S. Constitution
(Due Process and Equal Protection Clauses)

Fifth Amendment to U.S. Constitution
("Takings" without Just Compensation,
Due Process)

First Amendment to U.S. Constitution

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CASES

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STATUTES AND RULES

Florida Statutes, Sec. 68.093

Title II of the ADA, 42 U.S.C. §§ 12101,
12131-12134, et seq., & Federal
Regulations at 28 C.F.R. Pt. 35,
§ 35.130(d)

OTHER

Florida Constitution, Art. I, Sec. 2

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 court
appears at Appendix B to the petition and is FLORIDA

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

STATEMENT OF THE CASE

This case involves the foreclosure and sale of Petitioner's income-producing working horse farm that served as an autistic adult, Mary Katherine Day-Petrano's community-based living home and only way she can earn a livelihood.

Petitioner Day-Petrano has over 29 million views on her YouTube Channel, The Autism Channel, that reveals the truth about her autistic life and the manner in which Florida's unconstitutional State Courts System took her income-producing working horse farm and home.

Petitioners, Mary Katherine Day-Petrano, and David Frank Petrano, are an autism family. Petitioner Day-Petrano is diagnosed with autism with savant splinter abilities [T.R. 385-453, Exhibit containing Day-Petrano's autism diagnosis], among other disabilities.

Petitioner Day-Petrano's autism diagnosis makes this an issue of first impression. Petitioner Day-Petrano is not only an adult with autism but passed a

harder bar exam than virtually any one of Florida's licensed lawyers and State Court Judges / Justices and their legal assts.

Petitioner Day-Petrano loses every single case known to man in every court in the State of Florida and this Country because she has autism.

Petitioners have been treated with nothing but disrespect by every Court in the State of Florida and this Country from the time they "regarded" her autism "as" a "mental illness" thus lacking requisite fitness all the way through to the last decision of the Florida First District Court of Appeal.

Every statement, every fact, or rule of law Petitioners have ever presented has been called "frivolous" because Petitioner Day-Petrano has autism.

"The diagnosis of an autism spectrum disorder (autism, autism spectrum disorder, pervasive developmental disorders, Asperger Syndrome and related disorders) is ALWAYS relevant and needs to be explained to police and legal personnel."¹

"A diagnosis of an autism spectrum disorder is as relevant to police and legal proceedings as a diagnosis of mental retardation or mental illness would be, no matter how bright, high functioning, and/or verbal the person may be."²

¹ Judicial System, AutismSpeaks, *available at* <https://www.autismspeaks.org/judicial-system> (citing Doyle, B.T. (2009) "And Justice for All: Unless You Have Autism - What the Legal System Needs to Know About People With Autism Spectrum Disorders") (hereafter "Judicial System").

² *Id.*

This is so, because some 98 percent of autistic people are inherently and immutably “wired” with what can best be described as a different operating system that is not compatible with non-autistic people (hereafter “neurotypicals”), in addition to which Florida’s entire state court system and society is built by that neurotypical majority.

In January 2019, Florida’s attorney licensing arm, The Florida Bar, admitted upon the bar admission of Haley Moss “the first autistic to be admitted to The Florida Bar,” that Florida’s attorney licensing arm and the entirety of Florida’s State Court System bench are composed of 100 % non-autistic lawyers and judicial officers.

Autistic people are a discrete and insular minority.

The fact that one of the parties in the case is autistic is outcome-determinative in any court case.³

The foreclosure and sale contravened the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the U.S. Constitution and the “Takings” Clause of the Fifth Amendment to the U.S. Constitution.

During February 2020, the Florida Office of State Courts Administrator (hereafter “OSCA”) – after waiting almost 30 years after enactment of Title II of

³ Rob George, Laura Crane, Alice Bingham, Clare Pophale & Anna Remington, “Legal professionals’ knowledge and experience of autistic adults in the family justice system,” *available at* <https://core.ac.uk/reader/111074374> .

the ADA – finally posted its tardy Title II ADA Guidelines for autism spectrum disorder disabilities.⁴

OSCA did so only after Petitioner Day-Petrano confronted Sheriff Kevin Taylor, the Florida First District Court of Appeals’ “ADA Coordinator” about Florida’s appellate judicial officers repeatedly requiring her to prove her autism disability was a “True Emergency” in order to be provided with the extra time “reasonable modifications to rules”⁵ and other “reasonable accommodations” and “auxiliary aids and services” she needed.

Mr. Taylor’s own autism spectrum educational training required by Florida Statutes (Sec. 943.0439) provided him with the knowledge that Petitioners were being denied meaningful access to Florida’s appellate court and that if Florida was going to offer an appellate court to non-disabled people it had to offer one with meaningful access to everyone including autistic disabled people.

I. FLORIDA CREATED AN UNCONSTITUTIONAL “ROCKET DOCKET” SEGREGATED COURT SYSTEM WITHIN ITS STATE COURTS SYSTEM FOR THE PUBLIC PURPOSE OF

⁴ The “Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and 28 CFR Part 35 Title II Guidelines for the State Courts System of Florida,” Prepared by Office of the State Courts Administrator, Revised: February 2020, *available at* _____.

⁵ Because Petitioner Day-Petrano is not able to read fast and comprehend due to her vision impairments operating together with her autism spectrum disorder disability and inherent characteristic of slower information processing, she runs out of time when extended time accommodations are not provided.

**FINANCING ITS COURT SYSTEM AND MAINTAINING A
READY FLOW IN MORTGAGE FUNDING AVAILABILITY BY
MAKING "TAKINGS" OF PROPERTY WITHOUT JUST
COMPENSATION AND DUE PROCESS OF LAW**

This Court should, respectfully, grant Certiorari and strike it down.

The features of Florida's unconstitutional "Rocket Docket" segregated court system within its State Courts System are as follows:

1. The State of Florida has created a special "Rocket Docket" segregated court system within its State Courts System to finance the Florida state courts including the salaries of judicial officers, thereby unconstitutionally giving Florida judges a financial stake in the outcome of all foreclosure and related cases contrary to this Court's prior decision in *Turney v. Ohio*, 273 U.S. 510 (1927).

An entry on the docket of this case in the trial court shows that the Florida State Courts went after the foreclosing Respondent to pay her "Rocket Docket" filing fee.

2. Florida States Courts System created a policy and/or practice under the "Rocket Docket" to cross-out the "ADA Notice of Rights" on the summons served with a foreclosure complaint [T.R. No. 250 & 251 on the Docket Sheet], because Title II of the ADA and "reasonable accommodations" 'do not apply' in Rocket Docket cases.

This policy and/or practice is based on the illegal discriminatory assumption that "qualified individuals with a disability" do not own real property or take out mortgages.

It is also based on the misinterpretation of the ADA's Title II "reasonable accommodations" mandate. The Trial Judge, affirmed by the First District Court of Appeal repeatedly applied the Civil Rights Act of 1964's disparate treatment standard to Petitioner's Title II ADA "reasonable

accommodations” requests, *to wit*: “[T]he court is prohibited from affording an individual with a qualified disability a service that is not equal to that afforded to others” [T.R. 521-523, ¶ 1].

3. Florida’s special “Rocket Docket” segregated court system within its State Courts System institutionally rigs the outcome of cases where a disabled individual is a party by maintaining exclusive jurisdiction only in the Florida Supreme Court to make “reasonable modifications to rules,” 42 U.S.C. § 12131(2); *PGA Tours, Inc. v. Martin*, 532 U.S. 661 (2001), and to make “qualified individual with a disability” determinations, while allowing lower Florida trial and appellate courts to move cases forward to judgment and disposition without performing their “duty” to ask the Florida Supreme Court for a reasonable modifications to rules,” 42 U.S.C. § 12131(2); *PGA Tours, supra*. This feature of Florida’s foreclosure and sale “Rocket Docket” is contrary to *Tennessee v. Lane*, 541 U.S. 509 (2004) (“reasonable accommodations” are consistent with Due Process).

Florida’s judiciary knows Title II of the ADA requires them to make “reasonable modifications to rules,” 42 U.S.C. § 12131(2); *PGA Tours, supra*, and to make “qualified individual with a disability” determinations by referencing whether the individual can perform the “essential functions” “with or without” “reasonable modifications to rules.” *Id.*, § 12131(2); *Id.*, *PGA Tours*.

A “sister” Florida appellate court rendered an written ADA Grievance decision stating that only the Florida Supreme Court has exclusive jurisdiction (pursuant to Art. V, Sec. 2 of the Florida Constitution) to make the “reasonable modifications to rules” that Title II of the ADA requires, implying also that because of this, is the only Florida Court with exclusive jurisdiction to make “qualified individual with a disability” determinations. That prior decision queried whether a Florida State Court lower than the Florida Supreme Court ‘has a duty’ to ask the Florida Supreme Court to make a “reasonable modification of rules” required by Title II of the ADA in any case in which a disabled party needs one.

Petitioner Petrano was vetted by the Florida Board of Bar Examiners to require extra time to meet the “essential functions,” and Petitioner Day-Petrano was vetted by the Committee of Bar Examiners of the State Bar of California to require time-and-a-half extra time to meet the “essential functions.” The “essential functions” being tested on a bar exam include bringing and defending lawsuits in any court. The Trial Judge even filed Petitioner Day-Petrano’s extra time “reasonable modifications to rules” granted to her to take and pass the California Bar Exam in the record of this case [T.R. 2114-2117].

Despite both Petitioners requiring across-the-board extra time “reasonable rules modifications,” at no time were they provided to them by any of the Florida State Courts involved in this case and related cases that arose out of this case.

4. “Rocket Docket” discovery – depositions, and mediation, do not provide any Title II ADA “reasonable rules modifications,” “reasonable accommodations,” or “auxiliary aids and services,” and are cancelled to exclude when the disabled Petitioners requested them denying them full and equal enjoyment of the same services and benefits available to all others.
5. The “Rocket Docket” requires foreclosure counterclaims and collection of profits from the real property to be “bifurcated,” and all affirmative foreclosure defenses to be ‘stricken or waived’ and, because of this, found to be “frivolous” (because trial of defenses is not allowed under the “Rocket Docket”).

Petitioner’s had filed a bankruptcy and their Chapter 13 plan was confirmed, mentioning and dealing with the Respondent’s mortgage debt by imposing the condition on the treatment she received (of relief from stay to have a foreclosure trial for the Petitioner’s) where law against debtors should not be abrogated.” The Trial Judge and Florida First District Court of Appeal defied this Order by the Trial Judge striking and waiving all of Petitioners affirmative defenses to “default” them, and the Florida First District Court of Appeal affirming this “per curiam.”

6. The “Rocket Docket” required the Trial Judge to hold a foreclosure trial and enter a “default” foreclosure judgment while Petitioner Petrano was admitted into University of Florida Shands Hospital in a contagious virus isolation room and was not free to leave (a restraint on his liberty) [T.R. 1537-1646 & 1647-1834], and Petitioner Day-Petrano required him both as a key witness and to facilitate her autistic communication by keyboarding – despite there being a “General Rule of No Jurisdiction.” PANDEMIC INFLUENZA BENCHGUIDE, § 3.3(c), at Pg. 31.⁶
7. Because the “Rocket Docket” requires foreclosure counterclaims and collection of profits from the real property to be “bifurcated,” and all affirmative foreclosure defenses to be ‘stricken or waived’ and, because of this, found to be “frivolous” (because trial of defenses is not allowed under the “Rocket Docket”), the Trial Judge and First District Court of Appeal found the related counterclaim case and real property profits collection case to be “frivolous,” and diverted Petitioners for life into Florida’s “Rocket Docket” segregated courts system by entering “Vexatious Litigant” pre-filing orders and naming them to a stigma-plus “Vexatious Litigant Registry, where the State statute, Florida Statute Sec. 68.093, does not require any consideration of a disability or if the person was “reasonably accommodated” and where “vexatious” is given a ‘numbers of cases lost’ definition departing from the ordinary dictionary meaning of “vexatious.”

The “Vexatious” designation is legislatively targeted to people “regarded as” having mental illness. See Terri A. March-Safbom,⁷ Weapons Of Mass

⁶ PANDEMIC INFLUENZA BENCHGUIDE: LEGAL ISSUES CONCERNING QUARANTINE AND ISOLATION, A Project of the Florida Court Education Council’s Publications Committee. Florida Office of the State Courts Administrator, 2019 EDITION (previously 2013 Ed., 2007 Ed.). The “Purpose” of the PANDEMIC INFLUENZA BENCHGUIDE is “to serve as an educational resource for the courts in the event of a pandemic influenza or an analogous situation.”

⁷ Court Administrator, North Las Vegas Justice Court, Fellow of the Institute for Court Management, 2009, MPA, University of Nevada, Las Vegas, 2004, MBA,

Distraction: Strategies For Countering The Paper Terrorism Of Sovereign Citizens,⁸ Naval Postgraduate School: Monterey, California, Department of Defense U.S. Government,⁹ IRB number NPS.2017.0057-IR-EM2-A (March 2018) Pgs. 1, 25-26 (hereafter “Homeland Security And Defense Domestic Courts Terrorism Paper”).

It arbitrarily, legislatively decides that no person needs to file more than 5 cases in a 5 year time period without regard to the significantly higher number of cases autism families and adult autistic business owners need to file. It conducts a type of “appellate review” over final Federal cases __ by counting them and re-deciding that they are “frivolous” even where a Federal Judge chose not to make any such finding.

Sub judice, Respondent lawyers threatened Petitioners that if Petitioners did not drop their claims and defenses, then they would “never get a bar admission” because Respondent lawyers would “go through the back door” of the Vexatious statute to “make sure” Petitioners “never get a bar admission.”

Florida’s Vexatious statute says in the legislative history it applies to pro se people without legal education and does not require fact findings about the method and number of hours of factual and legal research the person did, whether the person consulted a licensed Bar member who instructed them their claim or defense had merit and they had to sue, or findings to prove if the person has a J.D. degree and passed a Bar Exam that the person is no

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.

⁸ 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.

⁹ 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.

longer operating at that level and that is the reason the person is in need of legal representation by a peer with a Bar license.

Florida's Vexatious statute and Vexatious Litigant Registry creates a segregated "Rocket Docket" State Courts System by entrapping disabled parties to lose cases by assigning the Title II ADA "reasonable modifications in rules" exclusive jurisdiction to the Florida Supreme Court; processing cases through to judgment and disposition without having that Court grant the "reasonable modifications in rules" while Florida's District Courts of Appeal block Florida Supreme Court review by issuing a per curiam affirmed decision every time Title II ADA "failure to reasonably accommodate" issues have been brought up on appeal; and by the Vexatious Litigant statute, Florida Statutes Sec. 68.093, violating Title II of the ADA on its face by not requiring consideration of a disability and whether the current case or counted cases "failed to reasonably accommodate."

The Trial Judge, affirmed by the Florida First District Court of Appeal, made clear that this foreclosure case served as the factual basis for the "Vexatious Litigant" orders, dismissals, judgments, and Vexatious Litigant Registry designation, by referring to Petitioner Day-Petrano's autism spectrum disorder disability in related Case No. 01-2016-CA-2514) as a "continuing pattern of behavior in this case and the other case involving these Defendants (01-2012-CA-001688 and 01-2015-CA-2693)." Case 01-2012-CA-001688 is the case number for this foreclosure case in the Trial Court.

The "Vexatious" designation was then used to impose tens of thousands of dollars upon these disabled Petitioners to pay the opposing lawyer's attorneys fees and costs in advance (non-refundable if Petitioners prevailed), to impose tens of thousands of dollars upon these disabled Petitioners to hire a homogenous neurotypical Florida Bar member to represent them (to censor and impose prior

restraint on Petitioner Day-Petrano's autistic speech and viewpoint), or else, deny
Petitioners access to the Florida State Courts because Petitioner Day-Petrano has
autism.

On February 21, 2020, the Respondent through her counsel, Ronald A. Hertel, Esq., FBN 41114, filed a motion requesting the affirmative relief of entry of a "Per Curiam Affirmed" in this foreclosure / sale (1D19-0028), contrary to the first impression issue that Office of State Courts Administrator had just revised the Title II ADA Guidelines for Florida Judges to add guidelines for autism spectrum disorder disabilities:

The Appellants have been found to be vexatious litigants for their propensity for filing meritless pro se actions, such as the instant appeal and that in 1D19-0028 (in addition to those filed in 1D17-0889 and 1D18-1360). Both pending appeals should be affirmed, per curiam, so this litigation can finally end.

[Appendix 1, at pg. 2, ¶ 4]. On April 15, 2020 (No. 1D19-0028), this Court entered the above-affirmative relief the Respondent and her counsel, Mr. Hertel, had requested of "Per Curiam Affirmed." By using this case as the basis for the imposition against Petitioners of Vexatious Litigant designation, orders, and Vexatious Litigant Registry on account of Petitioner Day-Petrano's autism

spectrum disorder disability, Respondent opened the door¹⁰ to challenge the constitutionality of Florida's segregated State Courts System, the Vexatious Litigant Statute and Registry.

The Office of State Courts Administrator's Title II ADA Guidelines for ~~autism spectrum disorder disabilities states that expert witnesses are required for~~ Bar and Bench members to understand autism; autism does not change depending on whether it is a criminal versus a civil trial or even a bar admission. Not one Court ever has utilized experts on autism spectrum disorders, before pronouncing every case, every claim, every pleading, every motion, every response, every appeal, every contract performed to be paid for work Petitioner did or to purchase real property "frivolous."

The same Eighth Judicial Circuit of Florida Court, in a case just before this foreclosure trial and sale, *The Florida Bar v. David Frank Petrano*, SC14-2287 (Fla. 2015), the Eighth Judicial Circuit of Florida ADA Coordinator provided Petitioner Day-Petrano the following Title II ADA "reasonable accommodations:"

(1.) typing on her facilitated communication computer all "oral spoken testimony

¹⁰ Moreover, because this case was the predicate case for the imposition of "Vexatious Litigant" orders, registry, and per curiam affirmed decisions in 3 related appeals against these Petitioners, judicial work remained to be done of deciding the basis for such at issue in this case, and therefore none of the prior 3 related appeals could become final until disposition of this case by the Florida First District Court Of Appeal on April 15, 2020.

and argument,” and the Clerk read it into the record; (2.) CART realtime; (3.) numerous rest breaks; (4.) use of courtroom bathroom; (5.) escort through the courthouse to enable Day-Petrano to navigate the courthouse to and from the courtroom.

None of the “reasonable accommodations” the SAME TRIAL COURT provided to Petitioner Day-Petrano in the case just before this foreclosure trial and sale, *The Florida Bar v. David Frank Petrano*, SC14-2287 (Fla. 2015), were provided to her in this case involving the foreclosure / sale.

Among the “reasonable accommodations” Petitioner Day-Petrano requested in this case was an autism language interpreter / transcriber-translator in both her Response to Appellee’s deposition motions and in her Florida Rule of Judicial Administration 2.540 “reasonable accommodations” form handed to the Trial Judge. The failure to provide a language interpreter/transcriber-translator denied Petitioner Day-Petrano a legal presence in this foreclosure case and sale and is a separate violation of Due Process of Law.

The same identical parties, Petitioners and Respondent, had already adjudicated in a prior case, *Petranos v. Old Republic National Title Insurance Company*, N.D.Fla. No. 1:12-cv-0086-SPM/GRJ that Petitioner Day-Petrano required and would be provided an autism language interpreter.

The Trial Judge Made A False Statement To Petitioner Day-Petrano on Transcript to Set The Foreclosure Sale, to wit:

“What I can tell you is that every specific accommodation you have asked me for, I have provided,” [T.R. 2241-2255, Transcript On Motion To Set Foreclosure Sale Hearing, Feb. 26, 2018, at 1:39:00-1:39-18].

The Trial Judge’s statement on Transcript is knowingly false because Petitioner Day-Petrano’s Florida Rule of Judicial Administration 2.540 “reasonable accommodations” form that *stated on its face it pertained to this foreclosure case and sale* (“:2012-CA-1688-MG”) requested EIGHT (8) Title II ADA “reasonable accommodations and there is no substantial competent evidence in the trial record whatsoever that all eight (8) of Petitioner Day-Petrano’s specific Title II ADA “reasonable accommodations requests were ever “provided” by the Trial Court – or the Florida First District Court of Appeal.

Petitioners were denied a fundamentally fair and unbiased foreclosure trial and sale.

Further, by disobeying the condition of the U.S> Bankruptcy Court’s Plan Confirmation Order that Petitioners “state contract defenses shall not be abrogated,” the Florida State Courts made a “Takings” of Petitioners’ property without Just Compensation in contravention of the Fifth Amendment to the U.S> Constitution. They did so for the public purpose of their “Rocket Docket” court financing scheme and to maintain the ready availability of mortgage funding in Florida.

REASONS FOR GRANTING THE PETITION

The injury Petitioners are complaining of, and have been complaining of, is the Florida State Courts System putting autistic Petitioner Day-Petrano in a neurotypical (non-autistic) institutionalized Court System that is by flawed design not capable of adjudicating cases involving autistic people, taking Petitioners rights and property away from them, and imposing prior restraints and censorship on Petitioner Day-Petrano's different autistic perspective by ordering Petitioners to have hire a neurotypical (non-autistic) lawyer who hasn't even passed as hard of a Bar Exam as Petitioner Day-Petrano has and refuses to understand, much less represent, the different autistic perspective.

Florida's State Courts System is unconstitutional by giving its judicial officers a financial stake in the outcome of foreclosure cases, by using a "Rocket Docket" that strikes and waives all foreclosure defenses and thereby designates any such defense as "frivolous," which is then used to divert "qualified individuals with a disability" into a segregated special Court within the Florida State Court System to deny autistic people a voice without censorship or prior restraint by non-autistic lawyers.

This is an issue of great public importance.

This Court should respectfully strike down Florida's foreclosure and sale system as unconstitutional, reverse the decisions of the Trial Court and Florida

First District Court of Appeal, and, further, strike down Florida's Vexatious Litigant statute, Florida Statutes, Sec. 68.093 and its Vexatious Litigant Registry for violating the ADA's Title II prohibition on segregation. 28 C.F.R. § 35.130(d).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Maggie Katherine Day Petras, Pro Se
Nancy E. Petras, Pro Se

Date: July 14, 2020