No. 20-6779

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Leon Bright — PETITIONER
(Your Name)

vs.

Certain Underwriters et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(Second District Court of Appeal
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Leon Bright
(Your Name)

12411 Early Run Lane
(Address)

Riverview Fl 33578
(City, State, Zip Code)

813 965 5679.
(Phone Number)

No.

IN THE

SUPREME COURT OF THE UNITED STATES

LEON BRIGHT

Petitioner,

Vs.

Lloyds of London, Certain Underwriters llc., Wow Burgers, Checkers Store 106 llc., Checkers Drive-In Rest., Inc, Angel-Didios (Franchise Owner), City of Tampa et al.,

Respondents,

On Appeal To the Florida Second District Court of Appeals

SUPPLEMENTAL PETITION FOR WRIT OF CERTIORARI

Leon Bright
12411 Early Run Lane,
Riverview Florida 33578

Pro-Se

QUESTIONS PRESENTED FOR REVIEW

1. Whether Defendants named above i.e., Lloyds of London llc, Certain Underwriters llc, Wow Burgers llc, Checkers store 106, Checkers Drive-In Rest. Inc., Angel Didios, (Franchise Owner), which are private entities, and City of Tampa, a Government agency all discriminated against Petitioner and deprived him of Equal Protection as well Due Process under the 14th Amendment to the U.S. Constitution?

2. Whether Petitioner had a constitutional right of notice and right to be present and heard during an October 1 2019 critical proceeding-upon Defendants' above Motions to Dismiss Petitioner's Second Amended Complaint?

3. Whether Petitioner had constitutional right to have an evidentiary hearing on Motion to Vacate and Set Aside Order for which was erroneously summarily denied thus depriving Petitioner right to be heard; a second time resulting into double procedural error conflicting 2d DCA's own precedent as well, every other Florida District Court.

4. Whether Florida's PCA Doctrine of Judicial Administration (based on the Florida Constitution, Article V) permitted Second DCA to conflict its own law on this subject and as well other district courts and this Court's law, as applied, and fails to provide Florida citizens including Petitioner equal protection guarantees under the 14th Amendment and due process protections under the 5th and 14th Amendments to the U.S. Constitution-involving question of great public interest and importance ?

PARTIES TO THE PROCEEDING

Petitioner is Leon Bright. Respondents are Certain Underwriters llc., Lloyds of London (Insurer) Judge Paul A. Huey (state trial judge), Wow Burgers llc, Angel Didios et al., represented by Taylor Kaufman P.A.

[x] All parties appear in the caption of the case on the cover page.

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES

Cases

Constitutional Authority And Satutory Provisions

INTRODUCTION

Civil litigants have the right to be heard in federal and state courts. See 28 U.S.C.S. 1654 (1982) ("parties may plead and conduct their own cases personally or by counsel"). Al.A. Const. Art. I, Sec. 10 ("no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party"); Ga. Const. Art. I, para. XII; Mich. Const. Art. I, Sec. 13; Miss. Const. Art. 3, Sec. 25; Utah Const. Art I, Sec. 11; Wis. Const. Art. I, Sec. 21(2). Even in Florida, see e.g., Fla. Sta. Ann. Sec. 454.18 (Harrison 1978); 42 P.A. Const. Stat. Ann. Sec. 250(a) (Purdon 1981); Wash. Rev. Code Ann. Sec. 2.48.190 (1961). In most states, the constitutional right to be heard is encompassed by the more general right to redress of injuries. See, e.g., Ark. Const. Art. II, Sec. 13; Conn. Const. Art. I, Sec. 10; Del., Const. Art. I, Sec. 9; Fla. Const. Art. I, Sec. 21; Idaho Const. Art. I, Sec. 18; Md. Const. Declaration of Rights art. 19; Mass. Const. Art. XI; Minn. Const. Art. I, Sec. 8; Mo. Const. Art. I, Sec. 18.

In the case at bar, Petitioner will show in the most simple way for this Honorable Court, not only have Petitioner been deprived of due process in both 'important issues' (1) and (2) below, but the way 2d DCA refused to provide harmonious applications to its own laws is shocking and seemingly biased against Petitioner whom have had a number of litigation in the 2d DCA Court dating back in the year 1995. All in all justice should not be carried out in such an indifferent way for which 2d DCA applies their correct law to other selected appellants as opposed constantly and consistently to Petitioner, who is an African American Pro se litigant (and or other similarly affected by 2d DCA PCA doctrine as applied to this case and facts and law). Back to the merits of

this case, Petitioner prays this Honorable U.S. Supreme Court compels the Second District Court of Appeals to follow not just their own law-as described in this Petition, but as well every other Florida District Courts as well Multi-state District Courts in the United States of America on the issues and questions presented in this Petition.

DECISIONS BELOW

STATEMENT OF JURISDICTION

Pursuant to 28 U.S.C.S. 1257(a) and in The Florida Star v. B.J.F., the Florida Supreme Court specifically noted that an appellant may bypass the Florida Supreme Court and appeal directly to the U.S. Supreme Court when seeking review of a PCA. In the case of Gideon v. Cochran, 135 S.2d 746 (Fla. 1961) [a Florida case which was Per Curiam Affirmed by the Florida Supreme Court], rev'd sub nom. Gidion Wainwright, 372 U.S. 335 (1963) this Court held "the guarantee of counsel to be a fundamental right under the United States Constitution." This Court went on to rule "the DUE PROCESS CLAUSE of the Fourteenth Amendment required the Sixth Amendment, which guarantees indigent defendants the right to counsel, both in Federal and State criminal proceedings. This court accepted jurisdiction being the Florida Supreme Court's PCA was the highest court to rule, or of last resort, ultimately invoking the U.S. Supreme Court's jurisdiction. And because the Florida Supreme Court lacks jurisdiction to review a PCA that contains nothing more than mere case citation to cases not pending review before the Supreme Court, Petitioner is left deplete of avenues to exhaust in the state court. See Davis v. State, 953 So. 2d 612, 614 (Fla. 2d DCA 2007) (*"[The U.S. Supreme Court] ..does have the power, by writ of Certiorari, to review a decision from a Florida district court of appeal even when no written opion is issued,.... though rarely exercised."*). See, e.g., Gideon v. Wainwright, 372 U.S. 335, 337 (1963) (U.S. Supreme Court granted certiorari to review the issue of a defendant's right to counsel and ("Treating the petition for habeas corpus as properly before it, the [Florida] State Supreme Court, upon consideration thereof but without an opinion, denied all relief.") (rev'g, Gideon v. Cochran, 135 So. 2d 746 [Fla.

1961] ("[h]abeas corpus denied without opinion"). See also Florida v. Rodriguez, 469 U.S. 1 (1984). Petitioner submits, the issues in this Petition are as grave as ***Gideon supra*** to the extent of compelling 2d DCA to adhere to well established law in the U.S. Constitution. And in this case, the *right to be heard* at the October 1 2019 proceeding, (as provisioned in the 5th, 6th, 14th, Amendments to the U.S. Constitution); is as important as the *right to counsel.* In Fact this court said ***"the right to be heard would be, in many cases, of little (effect) avail 'if it did not not comprehend the right to be heard by counsel'" (Gideon v. Wainwright supra @ 372 U.S. 335, 345 (1963)).***

STATEMENT OF THE CASE *

Respondents, Lloyds of London (Insurance Market for Certain Underwriters l.l.c.) et al., a private entity denied Petitioner reasonableness or good faith in settling the personal injury caused by its own employees against Petitioner, upon their own property Wow Burgers llc, January 1 2016. Petitioner filed his first state Complaint against Respondents/Defendants on November 11, 2018.

Petitioner, through discovery proceedings learned of several additional Defendants and new claims of liability against named Defendants on or before July 1st, 2018. Once this newly discovered evidence was obtained, Petitioner sought Leave of Court to file Second Amended Complaint on July 8, 2018. In an unusual act by Hornorable Judge Huey, he first set an unrecorded, undocumented partial hearing upon Petitioner's Motion for Leave to File Second Amended Complaint, involving only one

Defendant Wow Burgers llc on August 15 2018. Throughout the proceeding Judge Huey made comments like: *"what does Wow Burgers have to do with your injuries?"* [at Petitioner's First Motion to Disqualify Judge Huey] Petitioner objected to this query for which Petitioner reasonably felt Judge Huey was in favor of the Defendants. Especially since Petitioner cited law which permits for premise liability, as well failure to train, and negligent hiring. Exactly what Petitioner alleged in his Complaint. Judge Huey orally denied the Motion for Leave to file Second Amended Complaint and abruptly ended the hearing taking no testimony from any party. Petitioner sought for the August 15 2019 hearing transcripts to the proceeding and or audio recording. This request was also virtually denied-see **App. -I.**

Petitioner moved for disqualification. see **App -H.** Judge Huey denied this Motion but re-set an additional hearing for all Defendants to appear on their Motions to Dismiss Petitioner's Second Amended Complaint at some point after the time Petitioner was falsely arrested for an unrelated offense August 18 2019. Petitioner was never made aware of the new proceeding scheduled for October 1 2019. And Judge Huey knew of Petitioner's unavailability as early as August 23, 2019-when Petitioner filed a Motion for Stay of Proceedings. Which Huey denied-see handwritten letter by incarcerated Petitioner @ **App. -E.** The hearing on October 1 2019 was held before Huey, over Petitioner's objection and without his presence. Later, on October 14 2019, and again November 4 2019 Judge Huey granted all named Defendants' above Motion to Dismiss and executed order releasing every Defendant in the complaint relevant to Wow

Burgers llc, Certain Underwriters llc, Lloyds of London, Checkers Drive-In Rest. INC., Checkers Store 106, Angel Didios et al., Thus only leaving the City of Tampa et al., as lasting Defendants which would be futile to any success to Petitioner's Complaint-being Judge Huey cut off 90% of the liability and Defenses. Petitioner believes this act was intentional as well to strategically place Defendants in an extreme tactical advantage, in favor of Judge Huey. *(Prejudice should be inferred; had Petitioner been afforded right to be heard at the October 1 2019, Petitioner would have put on exculpatory facts, evidence, testimony and law relevant to 'newly discovered' tortfeasors i.e., Lloyds of London, Certain Underwriters llc, and Wow Burgers llc., proving liability to each resulting from the vicious attack commited by Wow Burgers llc own employees January 1 2016. Such opportunity to be present would have changed the outcome of the October 1 2019 proceeding as a matter of law).*

Soon when Petitiioner learned of these clear violations i.e., setting the **Hearing October 1 2019**, over Petitioner's objection and without proper notice or opportunity to be heard, on December 18, 2019 Petitioner filed a **Motion to Vacate and Set Aside its Orders** as being unlawfully void on Oct. 14th 2019, Nov. 4 2019. No sooner than that Motion being docketed, Judge Huey blanket rubber stamped such denial on the same Motion-without providing any evidentiary hearing. **See App. -C.** Petitioner timely appealed.

On appeal, Florida's 2D DCA issued only an unpublished PCA ruling, despite, in doing so, creating conflict with every other Florida district court-as well as 2D DCA's own, on the same due process authority. See **App. -A.** By issuing an unpublished PCA ruling, the 2D DCA implicitly withdrew from its own precedent on the

issue involved here and deprived Petitioner of his right to invoke the Florida Supreme Court jurisdiction to resolve the conflict and from seeking discretional review of 2D DCA's conflict arising from the ruling in the appeal.

Two important issues are involved:

(1): The right to proper notice and opportunity to be heard by and through access to the courts *relevant* to the **October 1 2019 hearing**. This right is a constitutional one amalgamated in **Article 1, Section 21** Access to the Florida Courts:

"The Courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial, or delay." Courts have found this right in the First Amendment's "petition for redress of grievances" provision. See e.g., United Transp. Union v. State Bar, 401 U.S. 576 (1971). In the Fifth and Fourteenth Amendments' "due process of law" clauses. See e.g. Boddie v. Connecticut, 401 U.S. 371 (1971). In the Sixth Amendment's "right to a speedy and public trial" guarantee-right to confront witnesses. See, e.g., Smith v. United States, 360 U.S. 1 (1959). In the Fourteenth Amendment's "privileges and immunities" clause. See, e.g., Chambers v. Baltimore & O.R.R., 207 U.S. 142 (1907); See, e.g., Griffin v. Illinois, 351 U.S. 12 (1956). So in light of well-establish law on these provisions, the ***First Issue*** presents question of great public interest and importance: *"Whether Petitioner had ultimate constitutional right to all have had; '**(a)** right to fair notice and opportunity to be present and heard during the October 1 2019 involving Respondents' Motion to Dismiss Petitioner's Second Amended Complaint-which was a critical proceeding to say the least."*

(2) Florida Second District Court of Appeals set precedent and created well established law on "(Where a motion under rule 1.540(b) sets forth 'a colorable claim entitled to relief', the trial court should conduct an evidentiary hearing to determine whether such relief should be granted.)" (quoting Cottrel v. Taylor, Bean & Whitaker Mortg. Corp., 198 So.3d 688, 691 (Fla. 2d DCA 2016); See, e.g., Bayview Loan Servicing, LLC., v. Dzidzovic, 249 So.3d 1265, 1267-68 (Fla. 2d DCA 2018)). In light of the procedural error made at trial court level-Judge Huey's summary denial upon Petitrioner's Rule 1.540(b)(4) Motion to Vacate-(without any evidentiary hearing.); same directly conflicts 2d DCA's own law on the issue. The ***Second Issue*** presents another question: ***(b)*** *"Whether 2d DCA's PCA ruling and denial of Petitioner's Motion for Rehearing/Written Opinion operated to permit intradistrict as well interdistrict conflict of law-without review, clearly deprivied Petitioner right to seek Discretionary Review in the Florida Supreme Court to resolve the matter by stategically providing no opinion."* ***(could this act of PCA be used as a tool for Systemic Racism and or selective Indifference to a Protected class of individuals -such as Petitioner an African American citizen litigating Pro se?)***

And ***(c)*** *" Whether 2d DCA's PCA doctrine and ruling in this case 'Deprives the right of Floridians (including Petitioner) to have equal access to the courts, and conformity, and harmonious application of the law and due process in the Florida Courts, such rights being protected under the Due Process of the U.S. Constitution's Fifth and Fourteenth Amendments, and the Equal Protection Clause of the Fourteenth Amendment;*

Supplemental Facts:

Petitioner appeared at the Checkers Drive-In restaurant window on a bicycle to order and pay for a meal. Petitioner complained to manager Hector Castro-Lopez on set, about the cold and stale food provided by an employee Auston Thomas. Which caused the manager to smile and say: 'you can't get your money back." When Petitioner legally protested, a black female (who Petitioner learned later to be Shelia King) threw hot substances upon Petitioner's face through the Drive-In window, another employee Austin Thomas (a convicted felon) exited the restaurant and viciously attacked Petittioner leaving him with great bodily injuries including a fractured jaw in two separate places. The Petitioner; as well, the Manager, called the Tampa Police Department. Onced arrived on scene, T.P.D. (Wolf and Sackrider) Baker-Acted Petitioner for defending himself against the multiple attacks by Wow Burgers' employees. And to date-Petitioner has not been afforded acces to the courts- or compensated for his serious injuries sustained, medical costs or loss of liberty due to Checkers Store 106 negligence or intentional claims caused by its own employees upon its own premises alleged upon Petitioner's First, and Second Amended Complaint-See App. (J).

B. Procedural Background of Litigation

To delineate the facts simplifying the raised issues relevant to this Writ of Certiorari, Petitioner points to case 2D19-4990 (*the appeal filed in 2d DCA upon the*

Lower Court's denial of his Motion to Vacate on December 30 2019). (See (App-A). The lower trial court Honornable Judge Paul A. Huey denied Petitioner's Motion to Vacate and Set Aside two separate non-final Orders of: October 14 2019, November 4 2019, resulting from the Resondents' Motion to Dismiss Petitttioner's Second Amended Complaint at an October 1 2019 hearing. This hearing was held without proper notice, or opportunity to be present or heard by Petitioner himself. (See(A -Defendants' improper Notices to the October 1 2019 hearings mailed to Petitioner's at liberty addresses and not to Hillsborough County jail-where Petitioner was incarcerated.)) The trial court ultimately granted the Respondents/Defendants' Motion to Dismiss. Soon, when Petitioner acknowledged that this unconstitutional October 1 2019 hearing was held-while incarcerated in the Hillsborough County Jail and Oders executed; Petitioner filed a Rule 1.540(b)(4) Motion to Vacate on December 6 2019-see **App. at (C)**. Petitioner argued the Orders granting Respondents' Motions to Dismiss were *void*, and '*not just voidable*'. Judge Huey summarily denied the Motion. Petitioner appealed to the 2d DCA. Respondents refused to reply, or make an appearance [see 2d DCA Order ordering Respondents to answer-which the respondents refused to comply twice]. So 2d DCA only had for the appeal proceeding, Petitioner's uncontested facts and law supporting an order of reversal. 2d DCA did not sanction the respondents' failure to comply with its Order to Answer; rather, nonetheless granted the appeal in the Respondents' favor. (this creates additional violations of due process: right to confront witnesses, especially since no one knows what 2d DCA used to affirm the appeal in light of their own precedent which 2d DCA conflicts. These rulings by 2d DCA are as void as the initial Orders resulting from

the October 1 2019 hearing held before Judge Paul A. Huey, as a matter of law (see)). Petitioner moved for a **Rehearing, Written Opinion, and Clarification** on (September 6, 2010). See **App. -B.** The Second District Court 'summarily denied same' on (October 5, 2020 See **App. -B.** As being the highest court of the land due to 2d DCA's Per Curuim Affirmance in its final order. Petitioner now invokes jurisdiction of the United States Supreme Court on matters deserving great public importance and as a Writ of Certiorari as an effort to 'harmonize conflicting decisions' in the 13th Judicial Circuit, as well 2d DCA, and other multi-state decisions on the matter. The lower court-Judge Paul A. Huey and 2d DCA abandoned provisions of well established law on *two separate important issues* as pointed out above at pages **(11)** and **(12)**. It can be argued the 2d DCA PCA on Petitioner's original appeal Case No. 2d19-4990 actually invalidates the 5th, 6th and 14th Amenedment right to access courts and be heard resulting from both of the Second District Court's unconstitutional decisions cited above at **App-A.**

REASONS FOR GRANTING THE PETITION

The **Two Important** issues raised in this petition, although approached in a different way than similar cases in the past, are those well established in this court; The Highest Court of The Land.

The U.S. Supreme Court's review is vital to Petitioner and similarly - situated or affected citizens today, and in future. Especially considering the protection the 1st, 5th, 6th, and 14th Amendments to the United States provides for citizens; whether pro se or represented by American Bar Attorneys, whether civil or criminal

litigations, have the constitutional right to be heard in the Florida Courts. (a privilege deprived of Petitioner October 1 2019). If the lower courts can create an atmosphere of **Kangaroo Court** [*Definition: an unofficial court held by a group of people in order to try someone regarded, especially without good cause or evidence*...(Oxford Dictionary)]. Then inevitably allow the 2D DCA to ultimately PCA same on appeal and invalidate The United States Constitution in a very selective or even discriminate way-as what happened in this case described in this petition. This will be dangerous to our (United States Citizens) Constitution which took pains to achieve basic rights for all individuals in America for over 400 years. Petitioner go's as far as to suggest: 2d DCA PCA as applied to this case 2D19-4990 on appeal is likened to third world authoritarian practices. Why? 2D DCA knew Petitioner was not allowed to be present during a civil litigation -no fault to his own, on October 1 2019 during incarceration way before the hearing was held. **See App-E.** (Petitioner's presence/testimoney would have been extremely successful supporting reasons to amend and include 'newly discovered' Defendants and liability upon those 'newly discovered' Defendants). However 2d DCA allowed the trial court to proceed anyway regardless of rights entitled to Petitioner (See Petitioner's hand written Motion for Stay of Proceedings filed September 16, 2019 at **App. -E.** Even before Petitioner sought for a Motion to Vacate (Rule 1.540 (b)(4) See **App. -C.** This authoritarian ruling by 2d DCA even conflicted with its own prior decisions and well established law on the First important raised issue above. *See Estella Purdue v. R.J. Reynolds Tobacco Co., and Philip Morris USA, INC., Case No. 2D18-333;* "Purdue may be entitled to relief under rule 1.540(b)(4) if she can prove that the master dismissal order is

void as having been entered without notice and an opportunity to be heard .....*an order or judgement that was entered without notice or an opportunity to be heard is void as a violation of due process*. See Revovaship, Inc., 208 So.3d at 285 (citing Curbelo v. Ullman, 571 So.2d 443, 445 (Fla. 1990))." In this same case at bar above, (and relevant to the ***Second*** important issue enlisted above.) Second DCA goes on to opine *"the determination of whether an order is void can be resolved only after an evidrntiary hearing."* Citing e.g., Bayview Loan Servicing, LLC v. Dzidzovic, 249 So.3d 1265, 1267-68 (Fla. 2d DCA 2018) ("Where a motion under rule 1.540(b) sets forth 'a colorable entitlement to relief,' the trial court should conduct an evidentiary hearing to determine whether such relief should be granted." (quoting Cottrell v. Taylor, Bean & Whitaker Mortg. Corp., 198 So.3d 688, 691 (Fla. 2d DCA 2016)); Minda v. Minda, 190 So.3d 1126, 1126 (Fla. 2d DCA 2016) (holding that if a rule 1.540(b) motion alleges colorable entitlement to relief and is not refuted by the record, the trial court should either hold an evidentiary hearing on the motion or grant relief (citing In re Guardianship of Schiavo, 800 So.2d 640, 644 (Fla. 2d DCA 2001))); cf. Chancey v. Chancey, 880 So.2d 1281, 1281 (Fla. 2d DCA 2004) ("If a rule 1.540 motion alleges a colorable entitlement to relief, the circuit court should conduct a limited evidentiary hearing on the motion."). Petitioner argues if the Circuit court's rulings stand (premised off Petitioner's deprivation to be present and heard) resulting from the October 1 2019 hearing, litigants in Florida can expect more unconstitutional kangaroo court proceedings compelled upon them without right to redress injuries-as what happened in this case to Petitioner. These acts by the Trial Court (13th Judicial Circuit) and Second DCA work in unison; depleting the

integrity of our judicial system. Petitioner prays the U.S. Supreme Court reverse the Second DCA PCA and harmonize the interest involving a litigant's right to a fair and impartial tribunal, rights to Equal Protection, and Due Process which are the most basic rights established in our democracy. This 'harmonization' is installed in the 1st, 4th, 5th, 6th, and 14th Amendments to the Constitution of the United States of America. And as well in **Article I, Section 21, and Article 1 Section 9 of the Florida Constitution.**

B. Florida's PCA Doctrine (as applied in this case at bar) is Contrary to U.S. Constitution

Florida's PCA Doctrine as applied in this case, unconstitutionally deprives Florida's Supreme Court of review jurisdiction, even upon intra-district as well inter-district conflict on laws established, thereby creating selective and as well systemic discrimination upon litigants including Petitioner as was the case here. As citizens in each District are treated differently under the law than those in other Districts, and no mechanism exists to ensure the harmonious application of law, Florida's citizens are denied equal protection under the law, as required by the 14th Fourteenth Amendment to the United States Constitution.

Petitioner further argues that Florida's PCA Doctrine (as applied to the facts/law of this case):

(1) Authorizes any District court, or any panel within the District court, to arbitrarily deprive the Fl. Supreme court of jurisdiction to review issues in conflict of law or at the least demonstrates direct conflict of law;

(2) Permits District Court's and subordinate trial courts to arbitrarily ignore, conflict, and dismiss decisions of other District Courts of Appeals even concerning deprivation of basic fundamental federal rights to due process-such as the case at bar; and

(3) Has an adversarial effect and impact, particularly on pro se litigants, from seeking redress of grievances in the courts, causing little to no hope of obtaining relief. See ***Justice Adkins'*** dissenting in the opinion of ***Jenkings,*** *"....the responsibility was placed in this Court to keep the law harmonious and uniform .... A different rule of law could prevail in every appellate district court without possibility of correction. The history of similar courts in this country leads to the conclusion that some courts have proven unsatisfactory simply because of the impossibility of maintaining uniformity in the decisional law of such a state."* (*Jenkings supra* citing *Foley supra).*

C. Harmonized Law on Providing Evidentiary Hearings on Motion to Vacate and Set Aside Judgement

(1) *Ohio case:* **Kimberly K. Altman v. Dave W. Parker, Case No. C-170683**

The First District Court in the above Ohio case reversed a judgement denying Parker's Motion to Vacate an order of the lower court quoting: "Infinity Broadcasting, Inc., v. Brewer, 1st Dist. Hamilton No. C-020329, 2003-Ohio-1022, 8, citing Emge, 124 Ohio App.3d at 63, 705 N.E.2d 408, and Caldwell v. Alston, 1st Dist. Hamilton No. C-950688, 1996 WL 557801 (Oct. 2, 1996). "As a corollary of the additional latitude we have given the trial court," we have held that the trial court

must afford the defendant a hearing at which the court may "assess the credibility of the defendant's assertion." Brewer at 8, citing Emge at 64-65.

(2) Florida has a long-standing policy in favor of deciding lawsuits on their merits. And an evidentiary hearing is required when a party challenges service of process. Where a party seeks to set aside entry of a default based upon the validity of service of process, the court is required to hold an evidentiary hearing. Koniver Stern Group v. Layfield, 811 So. 2d 812 (Fla. 3d DCA 2002). This policy is even stronger where, as here, a party (such as Petitioner) seeks to set aside a completely void order premise off an unconstitutional denial of Petitioner's right to be heard at the October 1 2019 hearing on Respondents/Defendants' Motion to Dismiss. As the Third District Court of Appeals has consistently held, 'it is an abuse of discrection for a trial court to deny a motion to set aside a default without first holding an evidentiary hearing. See Hernandez v. Nat'l Bank of Florida, 423 So. 2d 920 (Fla. 3d DCA 1982)(reversing denial of motion to vacate because it was decided without evidentiary hearing).

D. Second District Court of Appeals' denial of Petitioner's timely Motion for Re-hearing/Written Opinion effectively denied the opportunity to invoke Florida Supreme Court of Discretionary review of 2d DCA's own intra-district conflict of its own law and precedent.

Thus, seeking the U.S. Supreme Court for Writ of Certoiari to harmonize the most basic structure of our Constitution- the mandated right of access to the courts and be heard is mperative. And one of great public importance.

CONCLUSION

Petitioner respectfully requests this most High Court, the Honornable United States Supreme Court to grant this Petition for Writ of Certiorari. Clarify the points of law presented. Remand this case to the Second District Court of Appeals for further action consistent with the 1st, 5th, 6th, 14th, Amendments to the United States Constitution with clarification. And reverse the Second District Courts PCA and denial of Petitioner's Motion for Rehearing-relating to the trial court's erronious and unconstitutional orders. See **Appendix's, D(a),** and **(b)** granting Respondents/Defendants' Motions to Dismiss. Which; Petitioner Prays if this Honorable Court grants this Petition, the *Order* will ultimately unify and harmonize 2d DCA's own 'intr-conflict' precedent on the issues raised herein, as well as, the well established laws contained in the 14th and 6th Amendments to the United States Supreme Court's precedent. Such other relief deemed just by this Hornable Court.

Leon Bright Pro se /s/

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CERTIFICATE OF SERVICE

Petitioner Leon Bright certifies a correct and true copy of foregoing has been furnished by U.S. Postal Services by mail or otherwise delivered through E-mail transmission to: Clerk of Circuit Court for 13th Judicial, Michelle M. Bartels, Esq. @ michelle.bartels@csklegal.com, taylor.kaufman@csklegal.com, Ursula.Richardson@tampagov.net this 2nd day of December, 2020.