

Petitioner's Appendix pages with the attached

Petitioner's Writ for Certiorari.

Supreme Court of Florida

MONDAY, JUNE 8, 2020

CASE NO.: SC20-464

Lower Tribunal No(s).:

4D20-500;

4D19-335;

4D18-3539;

4D18-2305;

4D18-80;

062017CA000822AXXXCE

DAVID ARCHER

vs. WINN DIXIE STORES, INC.,
ET AL.

Petitioner(s)

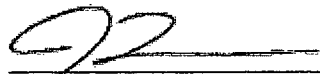
Respondent(s)

To the extent that petitioner seeks a writ of prohibition, the petition is hereby denied because petitioner has failed to demonstrate that a lower court is attempting to act in excess of its jurisdiction. *See Mandico v. Taos Constr., Inc.*, 605 So. 2d 850 (Fla. 1992); *English v. McCrary*, 348 So. 2d 293 (Fla. 1977). To the extent that petitioner seeks mandamus relief, the petition for a writ of mandamus is hereby dismissed. *See Mathews v. Crews*, 132 So. 3d 776 (Fla. 2014). No motion for rehearing will be entertained.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, and MUÑIZ, JJ.,
concur.

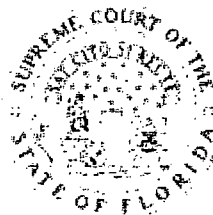
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Test:



John A. Tomasino

Clerk, Supreme Court



APPENDIX A

CASE NO.: SC20-464

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db

Served:

WESLEY L. CATRI

DAVID ARCHER

HON. LONN WEISSBLUM, CLERK

HON. BRENDA D. FORMAN, CLERK

IN THE SUPREME COURT OF THE STATE OF FLORIDA

CASE No: SC20 – 464

DAVID ARCHER

Petitioner.

v.

Case No:4D18-2305 L.T.No 17000822(13)

WINN DIXIE STORES INC, et al.,

Respondent.

**ON APPEAL FROM THE DISTRICT COURT OF APPEALS
FOURTH DISTRICT, STATE OF FLORIDA .**

MEMORANDUM IN SUPPORT OF PETITIONER'S

**MOTION FOR RECONSIDERATION AND CLARIFICATION OF
ORDERS DATED 06/08/ 20 AND 06/16/20 AND REINSTATEMENT ON
PETITIONER'S WRIT OF PROHIBITION AND THE INADVERTENTLY
DENIED MOTION "WRIT OF MANDAMUS" WHICH DENIAL AT
ISSUE WAS NOT FILE AT NO TIME BY PETITIONER BUT THIS
COURT ERRED "TO THE EXTENT" EVIDENTLY , WHEN DENIED
BY THIS SUPREME COURT OF FLORIDA**

**GROUND FOR REINSTATEMENT
WITH APPENDICES**

THE COURT ERRED, WHEN IT DEPRIVED THE PETITIONER OF HIS
CONSTITUTIONAL RIGHT TO ACCESS A WRIT OF PROHIBITION AND
REMOVAL OF JUDGE FROM RULINGS. PETITIONER IN FEAR OF

BIAS AND INJUSTICE TRIAL BY AMBUSHED REQUESTED THAT THE JUDGE RECUSE HIMSELF FROM THE CASE , IN VIOLATION OF THE FIRST AMENDMENT AND DESPOTISM DISPLAYED: [THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA] COUNSEL FOR RESPONDENT FAILED TO CHALLENGE THE JUDICIAL ATMOSPHERE FOR WRIT OF DISQUALIFICATION RESULTED FROM THE DUO RELATIONSHIP AND THE COURTS' FAILURE TO INQUIRE INTO MISCONDUCT EXPRESSED THROUGHOUT THIS ACCUMULATION OF FUNDAMENTAL ERRORS AND IRRAPARABLE HARM OVERLOOKED BY THE COURTS .

STATEMENT OF THE CASE AND OF RELEVANT FACTS

NATURE OF CASE

On 01/11/17 Petitioner's case was filed for damages against Respondent in a Slipped and Fall case, sustaining permanent injuries from date of incident on 01/17/13 as filed in the complaint in the **17th seventeenth Judicial Circuit Court In and for Broward County, Florida and Appealed to the Fourth District Court Of Appeals**; Now is before the **Supreme Court of Florida** to Appropriately grant and correct the Courts inadvertence for denying Petitioner's Motion for Writ of Prohibition where counsel for Respondent Attorney , Wesley Catri SR, is a Personal longtime friend of the Judge,

Michael A Robinson, who failed to recuse himself from the case as stated grounds herein set forth with supporting legal appendices as follows:

COURSE OF PROCEEDINGS

On 03/02/20 consolidated filing fees was paid, when Petitioner made a direct Appeal to the Fla Supreme Court as filed in the Fourth District Court of Appeals of Florida,

On 06/16/20 , this Florida Supreme Court erred when it denied Petitioner writ of mandamus on its own without any motion file by Petitioner Requesting to grant the unfiled invisible motion ,to “the extent” was imagined The Fourth District Court lacks jurisdiction to dismissed this case and or issue Mandate while this court has jurisdiction under assigned Case No: 4D18-2305 but inadvertently the 4DCA dismissed Case No: 4D20-0490, on all of the consolidated cases. Petitioner seeks this court to recall mandate issue out of jurisdiction by taking corrective action set out in the U.S Constitution and Florida’s Constitution

On 03/26/20 notice to invoke , Discretionary Jurisdiction of the Fla Supreme Court was filed.

On 03/27/20 Petitioner’s Motion for Writ of prohibition was acknowledged by the Florida Supreme Court , on all consolidated Cases No; 4D20-0490/4D20-0500/4D18-2305/4D18-0080/ 4D19-0335.

On 04/02/20 SC20-464 ,Florida's Supreme Court Docket Acknowledgement of New Case

On 04/29/20 due to the CORONAVIRUS (CORVID19) Shut Down/stay at home orders , the Florida Supreme Court **Granted 15** days to Comply with the Orders of the Court.

On 05/6/20 the Fourth District Court INADVERTENTLY DISMISSED CASE NUMBER 4D20-0490.

On 05/11/20 Petitioner Filed CERTIFIED MAILED the Writ of Prohibition Together with payment Expressed Mailed #EJ178877986US WITH MONEY ORDER TO THE FLORIDA SUPREME COURT , FROM THE UNITED STATES POSTAL SERVICE.

On 05/14/20 on or about 7: 45 am FLORIDA SUPREME COURT RECEIVED THE MOTION FOR WRIT OF PROHIBITION AND THE FILING FEES ON TIME WAS POSTED AS "PROPER PETITION" BY THE COURT.

On 06/08/20 this Florida Supreme Court inadvertently denied Petitioner Writ of Prohibition for failure to state , to "demonstrate that a lower court is attempting to Act in excess of its jurisdiction" Petitioner's reasons in the first place for filing the appeal in the fourth District Court and in the Fla Supreme Court Pursuant to Florida Rules of Appellate Procedures P.9.100 (e) (h) and cited case **See Bundy**

v. Rudd, 366 So 2d 440 (Fla 1978) Oliveira v. State , 765 So 2d 90 (Fla 4th

D.C.A. 2020)

On 06/08/20 Petitioner filed for clarification of order and Petitioner's motion was Denied as "to the extent that Petitioner seeks mandamus relief, the petition for writ of mandamus is dismissed" Petitioner respectfully move to have the order vacated and to reinstate writ of mandamus to prevent irreparable harm to Petitioner.

Conclusion

This Florida Supreme Court should correct the errors of Courts and remand to The tribunal Pursuant to Fla Rules of App . P 9.330 , granting writ of Prohibition And writ of mandamus for a new trial for Damages , because Petitioner showed and demonstrated by appealing all bias orders of abused of discretion and action out of jurisdiction in dismissing Petitioner's action under appealed ., **Shores Hospital, Inc v. Barber, 143 So 2d 849 (Fla 1962) Commercial Garden Mall v. Success Academy Inc., 453 So 2d 934 (Fla 4th DCA 1984)**

Petitioner showed good cause for this court not to apply a depositive action on judicial notice . Accordingly this case should be reverse and remand for reconsideration by the trial court consistent with authority. United States v. Ciavarella, Jr. 18-1498 (3rd Cir 2019)

FULL AND FAIR COMPENSATION FOR INJURIES SUSTAINED, SUBSEQUENTLY, RESULTED FROM RESPONDENT'S NEGLIGENT AND LIABILITY. ARISING FROM THE LEVEL OF PAIN, SUFFERING RELATING TO PERMANENT INJURIES .

Wherefore, Petitioner Seeks this Court to cure by correcting all errors , vacating its Order of , 06/16/2020 by seeing fact not "intent or to the extent" but allow Fed Rules Civ. P. 60 (b) and 59 (e) prevail by not trying to "kill two birds with one Stone" . Remanding to the Tribunal Pursuant Fla Rules Of Civ. R. 1.530 and Rule 1.540 (b) for reconsideration.

Respectfully submitted on this 20 th Day of June, 2020.

By 

David D Archer
7010 NW 89th Avenue
Tamarac Fla, 33321

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM
BEACH, FL33401

CASE NO.; 4D18-2305
LT. CACE #17000822

DAVID ARCHER

v

WINN DIXIE STORES INC

Appellant / Petitioner (s)

Appellee /Respondent (s)

APELLANT'S AMENDED CONSOLIDATED INITIAL BRIEF

APEALED FROM THE ORDERS OF THE 17TH JUDICIAL CIRCUIT COURT OF FLORIDA , IN
AND FOR BROWARD COUNTY , CASE # CACE NO:, 17000822 (13) JUDGE MICHAEL A
ROBINSON ; 4D18-0080 [4D18-2305] [4D18-3539] AND [4D19-0335]

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STANDARD OF REVIEW

(I) There are several issues of whether, “that the parties conduct was willful and contumacious” if Plaintiff’s counsel is entitled to be awarded fees and cost for not filing any motions to strike, to dismiss or any objections besides the untimely safe harbor excuse with expectations, that counsel will sufficiently demonstrate, why no motions were filed with excusable neglect to avoid the entry of Default in the tribunal court as statutes and rules so requires. Zeigler v. Huston 626 So 2d 1046, 1047 (Fla 4th DCA1992)

(II) Whether, Appellee having knowledge refused to obey or respect the applicable laws and rules, when the Amended Complaint was filed after Counsel moved to dismiss the original complaint, for failure to state a cause of Action and knew then, the Court’s instruction to all parties to file Answers to the Amended Complaint. Appellee, failed to monitor the cause and or seek an enlargement of time to defend the case.

(III) Evidently, counsel now is perceived and seems to think, that this court will comprehend counsel’s and the Judge inappropriate misconduct, who together failed by not giving Appellant hearing dates and further, by granting counsel all motions docketed.

(IV) Accordingly, Appellant asked the Judge to recuse himself from the case, because of “conflict of interest or lack of impartiality” the judge own dismissal of the case that lacked the jurisdiction of the tribunal actions, once appealed and since “under the umbrella” orders came from the Fourth District Court of Appeals. The Judge actions should be reversed and not be entertained by any court of law, given the irreparable harm the duo relationship created

(V) Whether, [t]he Judge and Counsel Misconduct now cause for a full investigation in compliance with Florida’s Constitution and states laws and if the merits of the allegations meets the minimum “judicial

threshold” for the Florida’s Supreme Court appellate review on recusal and discipline of the duo misconduct.

(VI) Whether, now is the suitable time to persuade this court of appeals on issues never, previously raised in the tribunal before and now for Counsel for Appellee failure to state findings without factual supporting Appendix to collaborate any theory and not to merely rely on cited cases, only.

(VII) Whether, counsel’s safe harbor defense, together with Counsel failure not to comply with the orders of the previous Judge and the now presiding judge ruling should be reversed as requested by Appellant’s petition to this Appellate court.

(VIII) Whether, motions filed by Appellee, should be stricken from the records as pertaining to amended orders and subject matter, dismissal of 11/26/18 – dismissal without motion to dismiss by Plaintiff and on 01/07/19 amended order of dismissal by the court, was in full compliance of F.R.C.P rule 1.420 (e) Dismissal of action .

(IX) Whether, Attorney’s fees was for sanctions and cost on Default filed on 05/17/17, knowingly , the court refused to set a hearing on Default until pressured by Appellant . Subsequently, was heard on July 24th 2018 and without arguments, was denied .

(X) Whether , Counsel is collecting cited cases authorities as propositions to illustrate the principle subjects why counsel did not file appropriate motions prior to the appellate process.

(XI) Whether, Appellee failed to file and or respond to Default motion filed by the Plaintiff in the Tribunal Court, now counsel perceived that he would get away with misconduct and is seeking this court to go along with his plans. This court should relinquish jurisdiction .F.R.C.P. 1.540 (b) and rule 1 .530 (b) and (c)

"A motion for a new trial or for rehearing shall be served not later than ten 10 days after the return of the verdict in a jury action or the date of filing of the judgment in a non- jury action." Molinos Del S.A. v. E.L. DuPont de Nemours & Co., 947 So 2d 521, 524 (Fla 4th DCA 2006) The order of the court dismissal was on 01/07/19 and timely filed , APP- Rule 9.020 . Appellant's motion was filed on 01/15/19 pursuant to F.R.C.P, RULE 1.530 with a second motion filed on 01/28/19 for RECONSIDERATION OF THE COURT'S ORDER. Whereas, Appellee failed to strike or opposed motions , until the final amended order was appealed on 02/05/2019 and consolidated order granted on 03/11/2019 and relinquishment filed by Appellant on 03/12/2019. Martini v. Young, 921 So 2d 647 (Fla 5th DCA 2005) Note; this case is very complex with numerous orders and Amended orders which calls for Default as it relates to damages.

(XII) Whether, Counsel was the Attorney at the time, when Entry for Default was filed and he was not . Counsel is blaming the United States Postal Service for Counsel not timely responding, neither seeking an extension for enlargement of time to file answers to Appellant's Amended Complaint, Nothing would qualify Counsel defense as excusable neglect and or warrants this case to be dismiss by the court. The plain truth , Counsel was not the Attorney at the time; Attorney Wesley Catri Jr, and Attorney Holton, were Appellee's Counsel with the Previous Judge, William W. Haury Jr. who once presided over the case, until the replacement of Judge Michael A . Robinson.

PRELIMINARY STATEMENT

APPELLATE'S COURTS REVIEW FROM THE 17TH JUDICIAL CIRCUIT COURT IN AND FOR BROWARD COUNTY FLORIDA.

This case was originally heard by the Honorable Judge William W.

Haury Jr, and for reasons stated herein Appellee Counsel was able to have the case assigned to his friend Judge Michael A Robinson.

The duo first met years ago when the Judge went to the gas

Station for gas and the Judge forgot his credit card in the pump Vending machine. Without hesitating, counsel drove and caught up with the presiding Judge and did returned to him his property. Ever since, the duo became friends. On January the 28th 2018 the eve of the hearing counsel was able to have the Judge signed an order and E- Filed it , by entry docket as recorded that said instrument was docked. (Other phone records and evidence will validate the duo relationship) . **Appendix (A)**

01/08/ 2018 . 4D18-0080 THIS MATTER CAME BEFORE THE TRIBUNAL COURT ON WAGES CLAIM AND THE TRIBUNAL DENIED APPELLANT WITHOUT PROPER FINDINGS AND FACTS OF LAW , CAUSING IRREPARABLE HARM AND INJURIES BY NOT ALLOWING THE LOSS WAGES TO APPELLANT . COUNSEL AND JUDGE ARE DUO FRIENDS. THIS COURT HYPOTHETICALLY DISMISSED THE APPEAL WITHOUT OPINION. DISMISSED FOR LACK OF JURISDICTION AND DECLEARED IT MOOT ON 03/16/18.

CONSOLIDATED ON 03/11/2019 BY PARTIES AS AGREED.

- (1) 07/31/ 2018 . 4D18-2305 THIS MATTER CAME BEFORE THE TRIBUNAL COURT ON MOTION AS REJECTED BY THE COURT AND DENIED, WHEREBY, AT ISSUE WAS DEFAULT AND SANCTIONS BASED ON DENIED DEFAULT. THIS COURT ON 10/04/2018 DENIED IN PART; APPELLEE'S MOTION AS STATED "THE MOTION IS DENIED AS TO THE ORDER GRANTING THE MOTION FOR ATTORNEY'S FEES AND COST". Bank one, NA, v Batronie.884, So 2d, 346, 348 (Fla 2nd DCA 2004)**
- (2) BECAUSE OF THE DUO CONNECTION , THE PARTIES COUNSEL AND THE JUDGE BY FABRICATION SAW IT TO ORCHESTRATE BY ACTION TO AND BY MISREPRESENTATION BY BOTH DECEPTION UPON THE COURTS , BY KNOWINGLY AND INTENTIONALLY MAKING FAULTS AND MISLEADING CONSPIRACY ACTS AND ORDERS AS FILED ON 01/28/ 2018, A SUNDAY WHILE THE COURT WAS CLOSED. WHEREAS, THE ORDER WAS SIGNED BY THE JUDGE AND FILED BY THE ATTORNEY FOR WINN DIXIE STORES . A MOTIONS TO ACHIEVED A " WIN AT ANY COST" . STATING THAT DEFAULT WAS DENIED AND SANCTIONS PURSUANT TO 57.105 APPLIED UNDER THE CIRCUMSTANCES. Fla Philharmonica Orchestra, Inc Vs. Bradford, 145 So . 2d 3d ,892,894.(Fla 4th DCA 2014)**
- (3) 11/29/18 . 4D18-3539 ORDER GRANTING RELINQUISHMENT DATED 12/17/2018 ORDER OF DISMISSAL . THIS APPELLATE COURT DEMANDED AN AMENDED ORDER ON NOVEMBER 5TH 2018 SEEKING FACTUAL PROOF AS REQUIREMENTS TO THE TRIBUNAL EVIDENCE IN REQUESTING FEES AND TO STATE THE FACTS, VERIFYING THE PRESCRIBED NATURE OF THE DETERMINATION OF**

CONCLUSION OF THE COURT'S DECISION TO GRANT APPELLEE'S FEES AS SANCTIONS. APPENDIX (B)

(4) 4D18-2305- 4D18-3539, INSTEAD OF THE TRIBUNAL COURT COMPLYING WITH THE APPELLATE COURT'S INSTRUCTIONS, THE LOWER COURT DISMISSED THE CASE ON 11/26/2018 ON ITS OWN, WITHOUT PROPER MOTION, DESPITE APPELLANT'S MOTION TO STAY. SUBSEQUENTLY, THIS COURT ERRED BY ALLOWING THE TRIBUNAL TO AMEND NOT BY AUTHORIZATION AN UNAUTHORIZED AMENDED ORDER, NOT IN COMPLIANCE OF THE DATED NOVEMBER 05, 2018 AND DECEMBER 12, 2018 INSTRUCTED ORDERS. THE AMENDED ORDERS DID FAILED TO COMPLY WITH THE APPELLATE COURT ORDERS IN TERMS OF EVIDENCE OF THE REQUISITE FACTUAL FINDINGS SHOWING DELIBERATE OR WILLFULNESS. WHEREBY, THE AMENDED ORDERS DID NOT MEET THE EXPECTED RESULTS DEMANDED BY THE APPELLATE COURT ORDERS. DESPITE APPELLANT'S MOTION TO STAY. Art V, Section 3 (b) (4) Fla Const. . APPENDIX (C)

(5) 4D19-0335 THIS COURT SHOULD PREVENT IRREPARABLE HARM CAUSE BY THE JUDGE AND COUNSEL .Dixie stores, Inc. Vs. Benton, 576 So. 2d .359, 360, (fla DCA 1991) EG Frenz Enter, Inc V. Port everglade, 746 So 2d 498, 502 (Fla Dist APP. 1999) **See; state v. foley 193 So 3d 24,26 (Fla 3rd D C A. 2016) see; Gibson v. Maloney 231, So . 2d 823,824 (Fla 1970) 36 ART, V. SECTION 3(B) (4) OF FLA CONST, PINO V. BANK OF NEW YORK (Fla DEC 8 2011)**

(6)4D18-0080 was Dismissed for lack of Jurisdiction by this court

Statement of the case and facts

(1) On January 17th 2013 , Appellant was an invitee, occupied by the Respondent as stated in the complaint filed in the 17th Judicial circuit court in and for Broward County of the State of Florida on January 12th , 2017. Respondent was properly served.

(2) On January 30th 2017 Defendant Winn Dixie Stores Inc, Moved to dismiss the Complaint in which originally, the **Honorable Judge William W . Haury JR** , presided over the case.

(3) On March 16th 2017 Appellant filed Plaintiff's David Archer Reply in Opposition to Defendant's (Winn Dixie Stores Inc) Motion to Dismiss Plaintiff's Complaint

(4) On April 17th 2017 Appellant Amended the complaint Pursuant Fla Civ P.1.190.

(5) On April 20th 2017 The **Honorable Judge William W. Haury JR.**

Granted leave to the Amended Complaint pursuant to the Applicable Laws

With instructions to both Parties to the attached Amended Complaint

Granted Motion Filed on April 17th 2017.

(6) FLA. R. CIV P. 1.190. in part " Otherwise a party may amend a pleading only by leave of the Court or by written consent of the adverse party" A part shall plead in response to an amended pleading

within (10) ten Days after service of the amended Pleading, UNLESS THE COURT OTHERWISE ORDER.

(7) Respondent failed to comply as ordered on 04/20/ 2017 by The **HONORABLE JUDGE WILLIAM W . HAURY JR** and subsequently to the reminder during the 05/01/2017 hearing held on Plaintiff's motion to appoint new Counsel for Appellant. Despite the warning from the court Counsel failed to request and or seek according to law an enlargement of time, in which there is absolutely no automatic extension of time that allows and or protects any Counsel from excusable neglect.

IRREPARABLE HARM BY DUO NEW JUDGE AND COUNSEL

(8) Appellant filed for Default Entry under **The Honorable Judge William W Haury JR** , for all unknown reasons Previous Counsels, Wesley Catri Jr and Attorney Holton were replaced by the father Wesley Catri Sr, who is well versed and failed to show excusable neglect, instead use his friendship with the judge to avoid entry of default. about Fla R. Civ. P. 1.090 (a) & (b) (1) and (2) of the rules,

The two whom still remains " duo " personal friends ,Wesley Catri Sr. and The **Honorable Michael A Robinson** became apparent ,after Wesley

Catri Sr. first met with the judge years ago; Michael A Robinson went to a Gas station for Gas and forgot his credit Card in the vending machine, whereby, Attorney Catri drove and caught up with The Judge. Michael A Robinson and returned to him , the card. Ever since the Duo became best of friends. Said judge, refused to allow his judicial assistance to give Appellant any hearing dates or fair trial in this case. In light of the matter, Appellant was forced to asked the Judge to recuse himself, which the Judge denied Appellant's request to recuse himself when Demanded by Appellant to do so under the circumstances that "Trial by Ambush " obviously became inevitable. Appellant was refused hearing dates on all motion and was told BY THE JUDICIAL ASSISTANT OF THE JUDGE MICHAEL A ROBINSON "THE JUDGE HAS TO GIVE IT TO YOU " THE RECORD WILL SHOW THAT ALL HEARINGS WAS DONE OR MADE BY COUNSEL WITHOUT ADDING APPELLANT'S MOTION TO THE CALENDER DATE SET. APPENDIX (D) the Prescribed Procedures Under Fla R.Jud. Admin 2.160 (d) (1) and Fla Statue section 38.10.

On 05/05/2017 Counsel for the Respondent filed in court an offer of settlement to Appellant, in the amount of \$35000 which counsel withdrew the offer on the same day in violation of the 30 days rejection terms.

On 05/05/2017 the same day Counsel in advanced premeditated to seek cost with attempted defense in placed for cost in order to carry out his plans. Counsel motion should be denied since counsel violated the statue to recover cost by way of motion to withdraw the offer of settlement the same date of offer right after the motion for settlement was filed.

Counsel is a well seasoned Attorney who is really smart and Knowledgeable of the rules of the system of law and failed to comply with the Florida Rules Of Civil Procedures and Applicable laws

Counsel claimed that all medical bills were too expensive , in light counsel claims are frivolous . if “ milking the cow” terms had to be used ,counsel’s great example can’t be questioned. Under the circumstances of rules of fla civ p 1.500 default should be entered against the Respondent in the sum of \$1.600.000.00 and or this case be remanded for damages.

Matters of interest certified as “great public importance “ this cause calls For Justice not to be lable as “denied”, “dismissed, treated as, lacked of jurisdiction, not authorized” miscellaneous” mooted, other substantive 36

ART V. SECTION 3(B) (4) OF FLA CONST . PINO v. BANK OF NEW YORK (FLA DEC 8 2011) . BELL v. USB - ACQUISITION CO, 734 So 2d

403 (Fla 1999) Appellee's Pleadings are to detour the court from misconduct and the filing of motion under 57.105 does not overturn the untimely answers required to a timely response under the court of law. Fla Rules of Judicial Administration 2.516, particularly 2.516(b) (1) (E) the 21 days safe Harbor rule claimed by Respondent was not in Compliance with Fla R. Civ. P.1.190 and did not follow Florida Rules of civil procedures . Procedurally Counsel did not meet the Expected requirements outlined to avoid default entry AND SHOULD NOT BE CONSIDERED A PREVAILING PARTY. RESPONDENT DEFENSE WAS NOT SUPPORTED BY THE SURROUNDING CIRCUMSTANCES OF MATERIAL FACTS THAT REQUIRES COURTS TO IMPOSED SANCTIONS; WITHOUT REGARDS FOR THE SUBSTANTIVE MERITS OF APPELLANT'S PLEADING WHICH WAS NOT ENTERTAIN BY THE COURT UNTIL AFTER THE FACTS AND ALL ORDERS APPEALED .

07/24/18 DEFAULT ENTRY FLA RULES CIV . P.1 500.(B)

On 05/17/2017 Appellant filed for Entry of Default, Appellee fail to defend In a timely manner to strike and or dismiss Appellant's Motion.

On 06/06/2017 Appellant filed to stay and to withdraw entry of default,

which motion was denied by order of the court.

On 06/15/2017 the court's order did ruled on Appellee's motion to compel to impose sanction . But not on Attorney's fees , for Default 57.105 sanctions on safe harbor clause, which is not a correct defense as it pertains to excusable neglect.

On 11/09/2017 Appellee filed to strike Appellant's wage claim and for sanctions. Appellee's Motion was not related to sanctions for the filing of default. **WESLEY CATRI SR. APPEARED AS NEW COUNSEL.**

On 12/28/2017 Appellee made a request for compulsory physical Examination and sanctions.

On 12/29/2017 filed its motion for Attorney's fees and cost.

On 01/03/2018 Appellant filed to stay all hearings pending hearing filed on Default motion dated 05/17/17 and to strike Appellee's Motion for Attorney's Fees and cost, said not requested by Appellee for sanctions under Default on 57.105 rules.

On 01/28/2018, the duo on Sunday prior to the morning of 01/29/ 2018 Hearing conspired the trial of 03/26/18 and there- after .

On 01/30/18 Appellant's filed a motion to Disqualify the judge and was Denied by the Judge on 02/06/2018.

Appellant seek declaratory relief for damages and default vacating the order of dismissal dated November 26, 2018 . and January 7, 2019 of its instruments 115478603 and 115552164 Whereas, the records and instrument # 67150318 demonstrated acts of unethical conduct and entry

of orders should be voided ; **MADDIE V. MC DONOUGH, 945 SO. 2D 573,574 (FLA 1ST DCA 2006) APPELLEE'S AMENDED ORDER IS NOT SUPPORTED BY PRACTICAL EVIDENCE BUT IS A SCENARIO THEORETICALLY POSSIBLE BUT NOT VERY LIKELY. IT IS WELL PUT TOGETHER WITHOUT FACTS .**

Appellee Winn Dixie Stores Inc failed to file any motion to strike

Appellant's Motion for entry for default. Appellant moved to withdraw

Default to allow the Appellee to have an excusable neglect or meritorious excuse to avoid default. Appellee failed to comply with the applicable statutes and laws and Counsel and the Judge, violated the trust and ethics of the COURTS , FLORIDA BAR OF ATTORNEYS AND THE UNITED STATES COURTS .see; Gibson Trust, Inc, V. Office of Atty Gen, 883 So. 2d 379, 382. (Fla 4th DCA 2004)

November 05, 2018 this court allowed the trial court 30 days to address

The issue on Attorney's fees based on Default and the safe harbor clause Appellee , provided no findings that the issues were raised previously.

Whereas, the amended order raised for the first time issues facing this Court as to default and Attorney's Fees and cost as a sanction should be considered untimely . APPENDIX (E)

Furthermore, the tribunal dismissed the case so as not to address the issues. The trial Court entered several orders which this appellate court has jurisdiction pursuant to Florida R. Civ. P. 1.540 (Db) to invoke powers under the circumstances as demonstrated by false defense arising From Appellee's misrepresentation and intentional misconduct upon the Court . see; Klein V. Layne, Inc of Fla., 453 So. 2d 203, 204 (Fla 4th DCA 1984)

SUMMARY OF ARGUMENT

(1)Appellant maintained that the records will show that Appellee and the judge are good friends and was able to reach thus far. Appellee failed to Defend this case as it relates to Default filed issues. New Counsel never represented Appellee until default was filed despite, the fact that his law firm did appeared and not Wesley Catri Sr. Wesley Catri Jr, and Attorney Holton ,appeared before both Judges Judge Haury And Judge Robinson.

- (2) **Appellant as unsuccessful party, was prevented from exhibiting fully his case as a result of the duo relationship , fraud or deception practiced on Appellant by Appellee's misrepresentation of facts of the case, making false compromise leaving no real contest in the trial or hearings; Therefore, the orders of the court should be set aside or annul and the case open for a new and fair hearing ;Bank one, NA, v. Batronie 884,So 2d, 346,348 (Fla 2d DCA 2004) Fla Philharmonica Orchestra, Inc v. Bradford, 145 So 2d,3d 892,894 (Fla 4th DCA 2014). Appellant shown no " willfulness or deliberate disregard" for the orders of the courts.**

ARGUMENTS AND CITATIONS OF AUTHORITY

Whereas, "On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final Judgment, decree, order or proceeding for the following reasons.;

MISTAKES, INADVERTENCE, EXCUSABLE NEGLECT, NEWLY

DISCOVERED EVIDENCE, FRAUD, ETC; (3) FRAUD (Whether

Heretofore denominated intrinsic or extrinsic) misrepresentation, or

Other misconduct of an adverse party"; Fla R. Civ P. 1.540(b) see

Barns & Mattis, 1962 Amendment to the F.R.C.P, 17 U Miami L.

Rev; 276 ,296- (1963), 453, So 2d, 375 (Fla 1984) Brown v, Brown ,432

So 2d 704 ((Fla 3d DCA (1983)

COUNSEL'S ACTIONS SHOULD BE REPRIMANDED BY FLORIDA'S

BAR, TOGETHER WITH SANCTIONS BY THE COURT

See; Somero V. Henry General Hospital, 467 So. 2d 287 (Fla 5th DCA 1985)

See; Molinos Del S.A. Vs. E L Dupont de Nemours & Co. 947, So 2d 521, 524,(Fla 4th DCA2006)

CONCLUSION

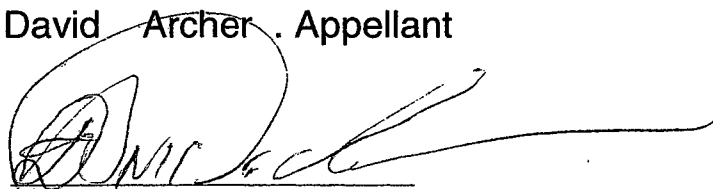
Wherefore, Appellant respectfully seeks this Honorable Appellate Court to vacate the court's own dismissal order of 11/26/18 and the amended dismissed order of 01/07/19 by way of the Judge disqualification on this case, assigning the previous judge by remanding this case to the lower tribunal for damages as a result of Appellee's failure to seek an enlargement of time and the duo relationship causing irreparable harm by teaming up against Appellant to dismiss the case, by not giving Appellant hearing dates. Therefore, Appellee's failure to respond in A timely manner and knew or should have known to move to strike or dismiss, when nevertheless failed to seek an enlargement of time to prevent the

entry of Default. Appellant seeks this court to relinquish
Jurisdiction to the tribunal and or remand as to Damages.

Respectfully Submitted on this 15th Day of April 2019.

David Archer . Appellant

By:

A handwritten signature in black ink, appearing to read 'DAVID ARCHER', with a long horizontal flourish extending to the right.

7010 NW 89th Avenue
Tamarac, Florida. 33321.
954-297-5817

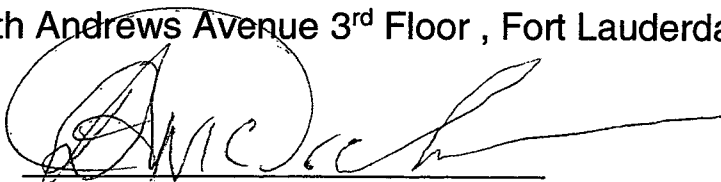
APPENDIX.

A
B.....
C.....
D.....
E.....
F.....
G.....
H.....








Certificate of Service

I hereby certify that a true and correct copy of Appellant's Amended Initial Brief was mailed on this 15th Day of April 2019 For Winn Dixie Stores Inc , to Attorney Wesley Catri Esq, Catri, Holton ,Kessler & Kessler P.A @ 633 South Andrews Avenue 3rd Floor , Fort Lauderdale. Florida 33301

By:

A handwritten signature in black ink, appearing to read 'D. Archer', is written over a horizontal line.

David Archer . Appellant
7010 Nw 89th Ave
Tamarac Fla.33321
(954)297-5817

01/30/2018	Notice of Serving Proposal for Settlement			1
01/30/2018	Motion for Disqualification	OR RECUSAL Party: <i>Plaintiff</i> Archer, David		6
01/29/2018	Order	Objections to See Defendant's Physician		1
01/29/2018	Order	Objections to Defendant's 12/28/2017 Notice of Production from Non-Party		1
01/28/2018	Order Resetting	Trial 03-26-18		2
01/25/2018	Appeals - Preparation Fee	Payor: ARCHER, DAVID ; Userid: CTS-sgraham ; Receipt: 20181AP1B000016; omments: CASH ; Amount: \$123.40		
01/25/2018	Appeals - Signing and Sealing	Payor: ARCHER, DAVID ; Userid: CTS-sgraham ; Receipt: 20181AP1B000016; omments: CASH ; Amount: \$7.00		
01/25/2018	Appeals - Copy	Payor: ARCHER, DAVID ; Userid: CTS-sgraham ; Receipt: 20181AP1B000016; omments: CASH ; Amount: \$20.00		
01/23/2018	Pre-billed Appellant pending payment of:	\$150.40		
01/10/2018	Acknowledgment	4D18-0080		1
01/10/2018	4th DCA Order	The jurisdiction of this court was invoked by filing of a		1

**APPENDIX
(A)**

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

November 05, 2018

CASE NO.: 4D18-2305

L.T. No.: CACE17000822 (13)

DAVID ARCHER

v. WINN DIXIE STORES, INC., et al.

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that appellee's October 9, 2018 motion to relinquish jurisdiction is granted. Jurisdiction is relinquished to the trial court for thirty (30) days for the purpose of entering an amended order on attorney's fees and costs with the requisite findings. The appellee shall forward to this court a copy of any order issued during relinquishment. It is further ordered that the appellee shall monitor this proceeding in the trial court. If further time is needed beyond this relinquishment period, it shall be the duty of appellee to request an extension of time by proper motion to this court. This case is stayed and shall proceed in this court upon expiration of relinquishment unless otherwise notified in writing by the parties. Further, ORDERED that appellant's October 15, 2018 "motion on reconsideration in part of the order dated October 04th 2018; in the alternative staying all lower court orders and proceedings, additionally, to strike appellee's motion for this court to relinquish jurisdiction, filed on October 9th 2018" is denied. The motion to stay is denied without prejudice to seek relief in the trial court pursuant to Florida Rule of Appellate Procedure 9.310.

Served:

cc: Wesley L. Catri

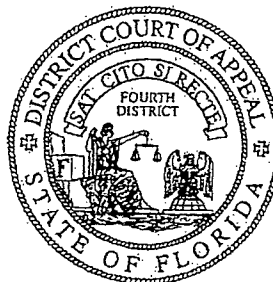
David Archer

Clerk Broward

kh

Lonnn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



**APPENDIX
B**

EXHIBIT "2"

DAVID ARCHER
7010 NW, 89TH AVE
TAMARAC, FLORIDA. 33321

954. 297-5817

December 24th, 2018

Via U.S. Certified Mail : 7013 2630 0001 8478 1193

THE Honorable Judge

Michael A. Robinson CH. WW14131

201 SE 6th St., Fort Lauderdale , FL 33301

Circuit Court , Seventeen Judicial Circuit.

RE: David Archer/Winn Dixie Stores Inc.

Case.: Cace17000822(13)

Case No: 4DCA. 2305/3539.

Dear Honorable Judge Robinson;

Please find the attached motion captioned " PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S MOTION TO AMEND THE COURT'S ORDER OF DISMISSAL DATED
NOVEMBER 26, 2018 AND THE COURTS' IMPROPER DISMISSAL PURSUANT TO
RULE 9.100. IN THE ALTERNATIVE MOTION FOR PARTIAL SUMMARY JUDGMENT

The Appellate order on 11/05/18 requested An order stating why this court
sanction Plaintiff., denying entry of Default in retrospect under the surrounding
circumstances. Please consider the fundamental geometric errors generalized by
Counsel's Pythagorean theorem and consequences as explicit existence
postulated into perigal triangles described as proof in misrepresentation of facts
and Motions filed by Counsel's rearranging the Fact of the case calls for
Sanctions enforcement, applying to Defendant's Counsel's conduct.

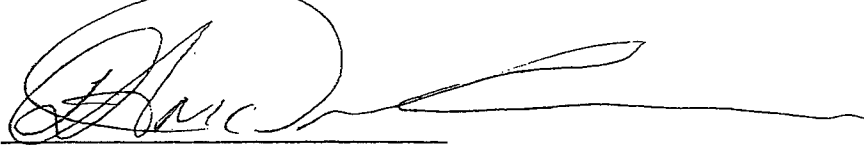
**APPENDIX
(D)**

This court deferred sanctions for Plaintiff's failure to attend medical mandatory examination. Defendant is fraudulently misleading this court otherwise. Which this amended order failed to state the requisite of fact as requested by the appellate court of the Fourth District court of the State of Florida.

Please consolidate all parties motion and affirm the approved hearings on Defendant's and Plaintiff's attached motion, to be heard at the requested scheduled time and date set by the Defendant. Assuming the motions meets the same expectations as Plaintiff, with all high regards with respect, the said shall be executed. In light kindly allowed your Judicial assistance to add and notice the consolidation of motions to be held on the same day and dates set by the Defendants.

Should you need further information do not hesitate, please contact me, feel free to do so by phone call.(954) 297 5817.

Respectfully Submitted on this 24th Day of December, 2018'

A handwritten signature in black ink, appearing to read 'David Archer', is written over a horizontal line.

David Archer

7010 NW 89th Avenue

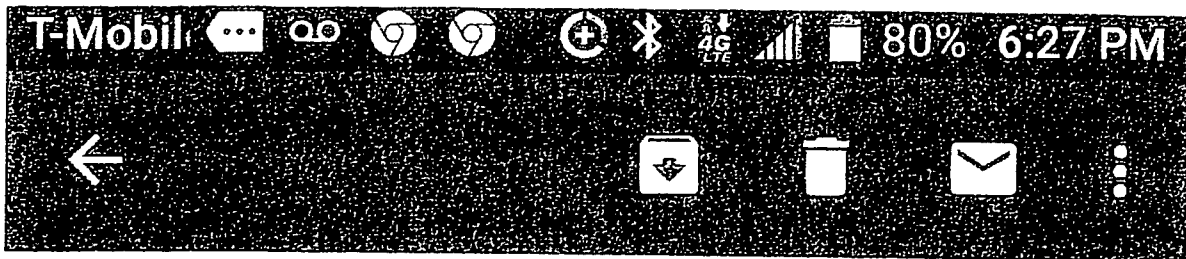
Tamarac Florida. 33321

Cc: Catri, Holton, Kessler & Kessler, P.A.

633 South Andrews Avenue, Third Floor. FL 33301

Fourth District Court of Appeal

Clerk of Court: Ionn Weissblum.



Re: 1/7/19 Hearing Inbox



Nichole Cooper

 Jan 4

Good Morning Mr. Archer. Regarding your call this morning inquiring about our



David Archer

 Jan 4

Thank you for the update.



Mairale Dyson



to Nichole, me, Patricia
Jan 4 [View details](#)

Please be advised that per the Hon. Michael A. Robinson, the additional Motion that has been requested to be added to the January 7, 2019 8:30 hearing will NOT be added to that time slot.

Thank you

[Show quoted text](#)

--

APPENDIX
(1)

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☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$2.60

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 Street and Apt. No., or PO Box No.
Fort Lauderdale
 City, State, ZIP+4® FL 33301

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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Large Envelope		
Domestic		
FORT LAUDERDALE, FL	33301	
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Estimated Delivery Date	Thursday 07/09/2020	
Certified		\$1.55
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Cash		\$20.00
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APPENDIX (E)

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**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA.**

David Archer
7010 NW. 89th Avenue.
Tamarac, Florida. 33321.
(954) 297 5817.

Brenda D Forman
Clerk of Circuit Court
201 South East, 6 street.
Fort Lauderdale Florida. 33301.

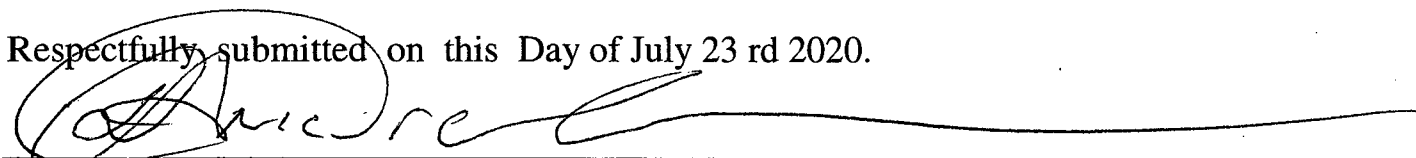
RE. Motion to stay proceedings pending the attached motion mailed to you
on JULY 6TH 2020. Certified mail Receipt # 7019-1120-0001-1758-8672.

Dear Brenda Forman ,Clerk of Court;

Please see a copy of the enclosed motion with appendices mailed to the 17th Judicial Circuit Court in and for Broward County Florida, which was not received, under the surrounding circumstances in Case Number 17000822 (13). Application is being requested to conduct the affects efficiently and appropriately in the United Supreme Court Of America.

In light of this case complexities, abused of discretion, breached of duties and violation of Fla. R. Civ P. plus Constitutional rights. Please understand the situation in this case. Thanks in advance for your comprehensiveness and your capacity to distinguish and find any surreptitious behavior between parties involved.

Respectfully submitted on this Day of July 23 rd 2020.



David D Archer
7010 NW. 89th Avenue,
Tamarac, Florida.33321.

cc. U.S. Supreme Court; Clerk of Court: Wesley Catri Sr. : President Donald Trump: George W Bush / Former President of the united States of America/
Axioms Files

(E)

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA.**

David Archer

Plaintiff

v.

Winn Dixie Stores, Inc ., et al.

Case No. Cace 17000822(13)

Fourth District Court. 4D18-2305

Florida Supreme Court SC20-464

Motion to Stay Proceedings in this Tribunal, Pending the outcome of the United States Supreme Court, for Writ of Mandamus,(writ of Prohibition) pursuant to all applicable statutes and Florida's Rules of Civil Procedures Rule 1.530 and 1.540. Federal Rules of Civil Procedures Rule 60 (b) and 59, (e) based on Constitutional Facts, Amendments and laws of the United States of America.

Plaintiff David Archer seeks a stay of proceeding in this Circuit Court of the Seventeenth Judicial Circuit In and For the State of Broward County , Florida. Pending disposition of Petition in the above captioned cause "Writ Of Mandamus" inadvertently ordering dismissal of case out of jurisdiction as the Florida Supreme Court Case No., SC20-464 "to the extent " prescribed. In such case , to the degree recognized ; in which this case has spread and the issues raised and overlooked by the courts seeing the size and scale without in-dept justice of errors under the surrounding circumstances in compliance to Federal Rules Of Civ. P. 60 (b) and 59 (e) and in this instant case a stay is warranted if

There is (1) “ a fair prospect that a majority of the Court will vote to grant mandamus,” and (2) “ a likelihood that irreparable harm will result from the denial of the stay.” *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). Mandamus may issue when “ (1) no other adequate means [exist] to attain the relief [the party] desires,’ (2) the party’s right to issuance of the writ is clear and indisputable. ‘ “ Ibid. (quoting *Cheney v. United States Dist. Court for D.C.*, 542 U.S. 367, 380-381 (2004). “ The traditional use of the writ in aid of appellate jurisdiction . . . has been to confine [the court against which mandamus is sought] to a lawful exercise of its prescribed jurisdiction.” Id. At 380 (quoting *Roche v. Evaporated Milk Assn.*, 319 U.S. 21, 26 (1943). Plaintiff David Archer contends that these standards are satisfied here because the litigation is beyond the limits of this court.

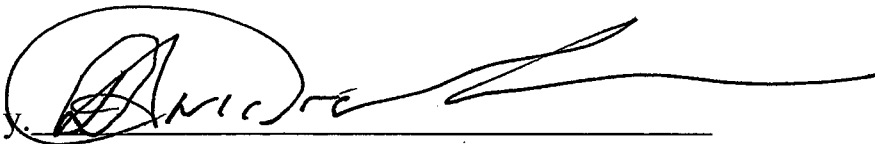
Plaintiff David Archer notes that the judge was asked to disqualify himself due to fear and Defendant counsel’s friendship with the Judge. This suit is based on assortment of unprecedented legal theories, such as a substantive due process right causing , irreparable harm. Error of the court’s failure in denying Appellant hearing dates on all motions filed , ruling out of jurisdiction and the Court’s failure to comply with Florida Rules of Appellate Procedures Rule 9.100 / P.9.330. 28 U.S.C SECTION 1651 (a)

Plaintiff alleges actual bias and lack of due process , that the duo relationship Judge and Counsel actions and inactions violated the courts statutory duty and have profoundly damaged and caused irreparable harm to Plaintiff’s fundamental

constitutional rights to a fair trial 28 U.S Code Section 144. Id. At (2) quoting Etna Life Inc. Co. v. LaVoie, 475 U.S.813, 825 (1986); Withrow v. Larkin, 421 U.S 35, 47 (1975) 7th and 10th Amendment of the United States Constitution. The judge ruled out of jurisdiction. (Canon 1:A) 28 U.S. C. SECTION 332 (d) See Bundy v. Rudd, 366 So 2d 440 (Fla 1978) Oliveira v. State, 765 So 2d 90, (Fla 4th DCA. 2020) See Attached Filed Motion with Appendices **Exhibit (A)**

Plaintiff request this court to stay any and all further proceedings , in light that the application be granted under the surrounding circumstances displayed , as consequences will result into a fair prospect of success in the United States Supreme Courts for mandamus relief.

Respectfully Submitted by the Undersigned on this 6th Day of June 2020.

By.  _____

David Archer Pro-se / Plaintiff

7010 NW 89th Avenue

Tamarac, Florida. 33321

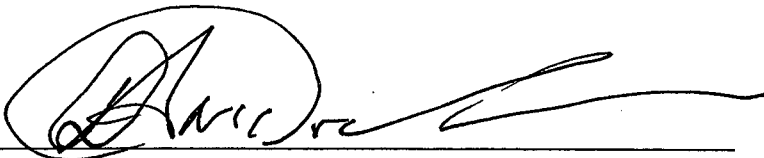
(954) 297-5817

I

Certificate of Service with Appendices

I Hereby Certify on this 06/ 06/2020 , that a true and correct copy of the foregoing motion to stay any and all proceeding pending the outcome of Writ of Mandamus to the UNITED STATES SUPREME COURT was mailed certified mail #7019 1120 0001 1758 8672 , to the Clerk of the Court@ 201 SE 6th Street ,Fort Lauderdale ,Florida .33301 and to Counsel for the Defendant , Wesley Catri, Catri, Holton . Kessler & Kessler .P.A @633 South Andrews Avenue, Third Floor, Fort Lauderdale Florida.33301 certified mail # 7019 1120 0001 1756 8665.

By _____

A handwritten signature in dark ink, appearing to read 'David Archer', is written over a horizontal line. The signature is stylized with a large, circular initial 'D' and a long, sweeping horizontal stroke at the end.

David Archer Plaintiff

7010 NW 89th Avenue

Tamarac, Florida. 33321

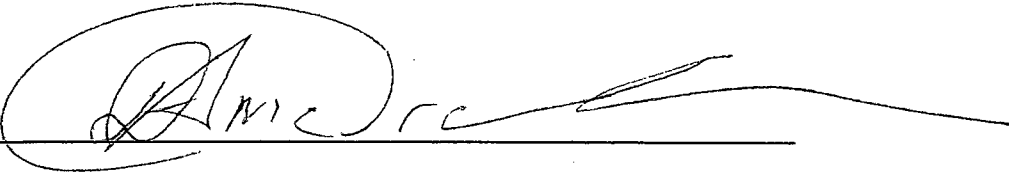
(954) 297-5817.

Page 5 of 5 with Appendix.

Certificate of Service'

I hereby Certify that a true and correct copy of Motion to reinstate Writ of Prohibition and the denied writ of mandamus for reconsideration and clarification of orders of 06/08/20 and 06/16/2020 was mailed on this 20th Day of June 2020 , to Counsel for Respondent Wesley Catri Esq, Catri, Holton, Kessler and Kessler P.A @ 633 South Andrews Ave, Third Floor Fort Lauderdale Florida. 33301

By

A handwritten signature in black ink, appearing to read 'D Archer', is written over a horizontal line.

David D Archer
7010 NW 89th Ave.
Tamarac, Fla 33321

cc. Clerk of Courts
Axiom Files.
President Donald Trump.
Former President George W. Bush.

954 297 5817

PAGE 7 OF 7 WITH APPENDICES ATTACHED

02/06/2019	ORD-Pay Filing Fee - pro se civil appeal		<p>The jurisdiction of this court was invoked by filing of a Notice of Appeal in the lower tribunal. The \$300.00 filing fee, or a circuit court clerk's determination of indigent status, did not accompany the Notice of Appeal as required in Florida Rules of Appellate Procedure 9.110(b) and 9.140(a). The filing fee is due and payable at the time of filing REGARDLESS OF WHETHER THE APPEAL IS LATER DISMISSED VOLUNTARILY OR ADVERSELY. ORDERED, appellant shall pay the \$300.00 filing fee or file the circuit court clerk's determination of indigent status in this court within ten (10) days from the date of the entry of this order. The fee may be paid electronically through the Florida Courts E-Filing Portal – see the court's website for details. Failure to comply within the time prescribed will result in dismissal of this cause and may result in the court sanctioning of any party, or the party's attorney, who has not paid the filing fee. If appellant has already been found indigent for purposes of proceedings in the lower tribunal, in this case, appellant shall file a copy of that order in this court. If appellant does not have an order or a determination of indigent status and believes that he or she is insolvent, appellant shall complete the enclosed application and mail to the Clerk of the Circuit Court within fifteen (15) days from the date of this order. A Notice of Compliance that you have applied for indigent status, must also be filed with this court. The Clerk of the Circuit Court shall forward the Clerk's Determination to this court within ten (10) days of receipt. Failure of appellant to comply with this order will result in the dismissal of this appeal. **NOTE: This order does not toll the time for filing any pleadings necessary to prosecute this appeal and no extensions of time will be entertained. Once the fee is paid, it is not refundable. Except for dismissal, this court will take no action in this appeal until the filing fee is paid or until a circuit court clerk's determination of indigent status is filed.</p>
02/06/2019	ORD-Writ Treated as NOA		<p>ORDERED that the petition for writ of certiorari filed in this case is treated as a Notice of Appeal from the circuit court's final order dated January 7, 2019. Fla. R. App. P. 9.110. Appellant may file directions to the clerk under Florida Rule of Appellate Procedure 9.200(a)(3) within ten (10) days from the date of this order, and appellee may file directions for additional documents and exhibits within ten (10) days after the appellant's filing of directions to the clerk. The times for preparing the record on appeal, serving the index to the record on appeal, and for service of briefs are extended correspondingly.</p>
02/18/2019	Case Filing Fee		

**APPENDIX
F**

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY,
FLORIDA

CASE NO.: CACE17000822 (13)

DAVID ARCHER,

Plaintiff,

v.

WINN-DIXIE STORES, INC.,

Defendants.

AMENDED ORDER ON THE COURT'S ORDER OF DISMISSAL
DATED NOVEMBER 26, 2018

THIS CAUSE, came before this Court on November 26, 2018 at Calendar Call upon the Court's own motion to dismiss for Plaintiff DAVID ARCHER's violation of the Court's Uniform Trial Order and Order for Mandatory Calendar Call, and the Court being otherwise duly advised in the premises, finds that:

FINDINGS OF FACT

1. Plaintiff DAVID ARCHER filed suit against Defendant WINN-DIXIE STORES, INC. on January 11, 2017, seeking damages for injuries sustained in a slip and fall incident on January 17, 2013.

2. On July 24, 2018, this Court ordered the matter set for Jury Trial and on that same date issued the Uniform Trial Order and Order for Mandatory Calendar Call which set this case for trial during the two week period commencing December 3, 2018 and scheduled the Mandatory Calendar Call for November 26, 2018.



3. Plaintiff DAVID ARCHER had notice of both orders in light of the fact that he filed a Notice of Appeal dated July 27, 2018 seeking to appeal the Uniform Trial Order, Order for Mandatory Calendar Call, and three other orders.

4. Plaintiff DAVID ARCHER received the Fourth District Court of Appeal's Order of November 5, 2018 wherein it granted Defendant WINN-DIXIE STORES, INC.'s Motion to Dismiss the appeal of the Uniform Trial Order and Order for Mandatory Calendar Call and denied Plaintiff DAVID ARCHER'S motion to stay without prejudice again establishing that the Uniform Trial Order was in effect and that trial of this case was scheduled for the two week period of time beginning December 3, 2018.

4. Plaintiff DAVID ARCHER was properly noticed for an update deposition on October 11, 2018, which was rescheduled for October 18, 2018 due to unforeseen circumstances by the defense.

5. Plaintiff failed to obtain an order of protection preventing the deposition from proceeding and failed to appear for the deposition, as evidenced by the Certificate of Non-Appearance prepared by the court reporter.

6. In compliance with the Uniform Trial Order, Defendant WINN-DIXIE STORES, INC. forwarded a proposed Joint Pretrial Stipulation, proposed Verdict Form, and proposed Jury Instructions by regular mail, email and by eservice to Plaintiff David Archer on November 6, 2018 for his review and approval. When Plaintiff made no effort to participate in the preparation of these required pretrial pleadings, Defendant filed a Unilateral Pretrial Stipulation on November 16, 2018.

CONCLUSIONS OF LAW: The actions of Plaintiff DAVID ARCHER in failing to

attend the Mandatory Calendar Call, refusing to participate in the preparation of pleadings required by the Uniform Trial Order, and failing to appear for his properly noticed update deposition or to obtain a protective order preventing the deposition from proceeding, demonstrate his willful non-compliance with or deliberate disregard for the Orders of this Court.

Based on the foregoing, it is **ORDERED AND ADJUDGED** that Plaintiff DAVID ARCHER'S case against Defendant WINN-DIXIE STORES, INC. is hereby dismissed, *nunc pro tunc*, to the date of the original Order of Dismissal on November 26, 2018.

DONE and ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this _____ day of _____, 2019.

MICHAEL A. ROBINSON
Circuit Court Judge

JAN 07 2019

JUDGE MICHAEL A. ROBINSON

Copies furnished:

Wesley L. Catri, Esquire, Catri, Holton, Kessler & Kessler, P.A., 633 South Andrews Avenue,
Third Floor, Fort Lauderdale, FL 33301 (pleadingswlc@chkklaw.com;
pleadingswec@chkklaw.com; pleadings@chkklaw.com; and

David Archer, Pro Se, 7010 N.W. 89th Avenue, Tamarac, FL 33321 (divadarch@gmail.com).

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT, IN AND FOR BROWARD
COUNTY, FLORIDA

DAVID ARCHER

Plaintiff,

v.

WINN DIXIE STORES INC

Defendant

CASE NO: CACE 17000822(13)

ACTION FOR DAMAGES

JURY TRIAL DEMANDED

ORDER ON PLAINTIFF'S AMENDED ORDER ON PLAINTIFF'S MOTION FOR
AUTOMATIC STAY OF ALL PROCEEDINGS PURSUANT TO SUBDIVISION (B) (2)
RULE 9.310 TO STAY FURTHER HEARINGS, ORDERS AND PROCEEDINGS
PENDING REVIEW OF PLAINTIFF'S APPEAL, UNDER APPEALED IN THE FOURTH
DISTRICT COURT OF THE STATE OF FLORIDA: NO ORAL ARGUMENTS REQUESTED
IN THIS MATTER; AND OR TO ENTER DEFAULT.

This Cause having come before this Honorable Court's case on appealed from
The Fourth District Court for Amended order, of order dated November 5th,
2018 Proceedings pursuant to subdivision (b) (2) Rule 9.310 to stay further
hearings, Orders and proceedings pending review of Plaintiff's appeal, under

appealed in the Fourth District Court of the State of Florida: No oral arguments requested in this matter; and or to enter Default on Order On Plaintiff's Amended Order on Plaintiff's Motion for Automatic stay of all Proceedings Pursuant to Subdivision (b) (2) Rule 9.310 to stay further Hearings ,Orders and Proceedings Pending Review of Plaintiff's Appeal under Appealed in The Fourth District Court of the State of Florida: No Oral Arguments Requested in this Matter ; And or to Enter Default. based on Parties hearing

of July 24th,2018 , together with the amended Defendant's "Motion For Entry of Amended Order on Motion For Attorney's Fees and Cost Pursuant to Section 57.105. Florida Statutes"

The Court thereby found that willfulness or deliberate disregard for the ruling of The Orders of the Court dated 03/27/17 and 05/01/17 was not adhered to by the Defendant. Furthermore, this court was advised that no enlargement was never filed by the Defendant and ; as resulted . Sanctions are vacated and Denied and Default Entry is entered against the Defendant Winn Dixie Stores Inc. see , Ziff v. Stuber, 596 So 2d 754,755 (Fla 4th D C A. 1992)

Commonwealth Fed-Savings & loans Ass'n v. Tubero, 569 So. 2d 1271 ,273 (Fla 1990) Zeigler v. Huston, 626 So 2d .1046 , 1047 (Fla 4th DCA 1992) Defendant's Motion for Entry of Amended order for Sanctions and Fees are Denied. being otherwise fully advised in the premises , the

Court finds that: At the time of this Court's July 24th 2018 hearing, the ruling of the previous Judge's ruling was not at issue until the facts came to light after the appealed. Therefrom, this court finds that pursuant to Fla Rules Of

Civ P. 1.090 (b) and Rule 1.500(b) the time has expired for Defendant to seek an enlargement and being otherwise fully advised in the premises, the court finds Default is Granted to the Plaintiff David Archer.

Therefore, it is hereby:

(1) **ORDERED AND ADJUDGED**, that the Plaintiff David Archer

Motion filed on 07/18/18 to Name Experts Witnesses to Stay Defendant's Motion to set for Trial and to Name Western Union as a Defendant in the Alternative to hear Plaintiff's Motion on Default against Defendant, on Motions previously filed and to strike Defendant's Motion on Attorney's Fees, is hereby **GRANTED**, setting Damages at a later date by this Court.

(2)

ORDERED AND ADJUDGED that Winn Dixie Stores Inc, Defendant's Motion to Compel / impose sanction for Fees and Cost filed on 02/15/18 and 12/29/17 or heard by this Court is hereby **Denied** **With Prejudice.** This court shall impose Plaintiff's 57.105 motion upon

Defendant, subject to the Proper filing of cost and fees.

DONE AND ORDERED in Chambers at Ft. Lauderdale, Broward County

Florida, this _____ day of November , 2018

THE HONORABLE JUDGE MICHAEL ROBINSON
CIRCUIT COURT JUDGE

Copies Furnished To:
4th . DCA Clerk of Court.

David Archer
7010 NW 89th Ave
Tamarac Fla, 33321

Catri ,Holton,Kessler & Kessler, P.A
633 South Andrews Avenue
Third Floor , Ft Lauderdale Fl. 33301

THE WHITE HOUSE
WASHINGTON

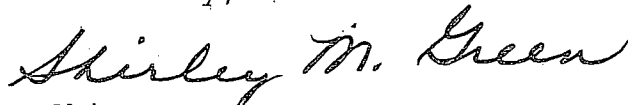
November 7, 1991

Dear Mr. Archer:

On behalf of President Bush, thank you for your kind message. He appreciates the interest that prompted you to send the thoughtful enclosure. It was good of you to remember him in this way.

With the President's best wishes and my own,

Sincerely,



Shirley M. Green
Special Assistant to the President
for Presidential Messages
and Correspondence

Mr. Dave Archer
Post Office Box 11246
St. Thomas, Virgin Islands 00801

EXHIBIT (F)

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

DAVID ARCHER

Plaintiff

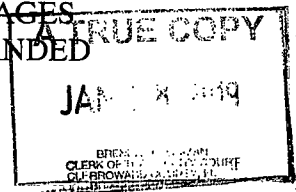
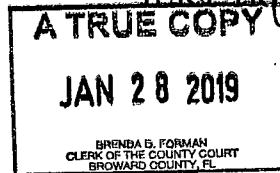
V.

WINN-DIXIE STORES, INC.

Defendants

CASE NO.: CACE 17000822(13)

ACTION FOR DAMAGES
JURY TRIAL DEMANDED



**PLAINTIFF'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTIONS
FOR RECONSIDERATION AND CLARIFICATION OF THE COURT'S OWN
DISMISSAL ORDER DATED NOVEMBER 26TH 2018 AND DEFENDANT'S
AMENDED ORDER DATED JANUARY 7TH 2019, TOGETHER WITH ALL
APPEALED ORDERS ; SUMMARIZING THE ERRANT CONDUCT GOING TO THE
HEART OF DEFAULT IMPACTING THE INTEGRITY OF THE COURTS.**

Plaintiff submits this Supplemental memorandum in support of this cause, states as follows : This court did not follow the orders of the Fourth District Court Of Appeals ordered on November 5th as appealed on 07/31/ 18. See . Attached Exhibit (A) CASE NO.: 2305-4D18 EXHIBIT (2) . Whereby, the court lacked Subject-matter jurisdiction when it decided to override an invoked appealed cases . See . lovett v. Lovett, 112 So 768,776 (fla 1927) this court did not had the procedural posture and power and therefore was not authorized to dismissed and or amend its order of dismissal to dismiss the case. Once more, in this case, Plaintiff seeks this court to review and to vacate its Orders and to enter default against Defendant who has engaged in misconduct which goes to the heart of this case causing irreparable harm to the Plaintiff. See Attached Exhibit (B)

EXHIBIT (A)

- (1) The Presiding Judge MICHAEL A ROBINSON in this matter and as this stated case identified as a personal friend of ATTORNEY WESLEY CATRI SR, the parties have known each other for years and can be considered as brothers of / or friends of the Judge.
- (2) The parties, knowing that the Court as a rule are closed on Saturday and Sunday, Plaintiff discovered by way of received E-MAIL that the Defendant was able to have an order signed outside of Chambers, according to the enclosed e-filed signed order, e-file from the defendant's office.
- (3) Defendant on Sunday filed a signed order dated 01/28/2018 E-filed # 67150318 , which was signed on that same Day as stated on the Docket's records , which was not done during regular court's hours and or days.
- (4) On 01/29/2018 the court held an unapproved and or not agreed to by both parties hearing granting the Defendant's it's motion which is considered a trial by ambush.
- (5) Plaintiff requested a trial by JURY IN AS MUCH; NO MENTION OF A JURY TRIAL HAS BEEN AFFIRMED.
- (6) PLAINTIFF MAINTAINS THAT "IMPARTIALITY MIGHT REASONABLY BE QUESTIONED" Fla, sta (2012) Chapter 38.10. Canon 3E (1)
- (7) THE JUDGE WAS WELL AWARE ON SUNDAY JANUARY 28TH, 2018 THAT COUNSEL FOR THE DEFENDANT HAD TO BE IN COURT THE FOLLOWING DAY AND SHOULD HAVE WAITED TO SIGNED THE ORDER ON THE 29TH OF January 29, 2018 IN THE CHAMBERS OF THE COURT.

THEREFORE, UNDER THE SURROUNDING CIRCUMSTANCES AS EXPRESSED, COUNSEL SHOULD BE REPORTED TO THE BAR BY THE COURT AND SANCTION UNDER THE CIRCUMSTANCES, THE JUDGE SHALL BE RECUSE FROM THIS CASE.

WHEREFORE, Plaintiff seeks the recusal of the Judge from deciding this case for reasons set forth and allowing this case to be decided by a jury trial with another Judge on the issues on damages for default.

Respectfully submitted, on this 28th Day of January 2019.

by: 

David D Archer

7010 NW 89th Avenue

Tamarac Florida 33321

cc: Fourth District court of appeals

Florida Bar Association

Jeff Sessions Attorney General Office

President Donald Trump.

Axiom files.

CERTIFICATE OF SERVICE.

I **Hereby** certify that a true and correct copy was mailed and /or Hand delivered on this 28th Day of January 2019 ; to the Defendant's Attorneys ; WESLEY L CATRI Esq, CATRI , HOLTON, KESSLER & KESSLER @ 633 South Andrews Avenue, third floor, Fort Lauderdale Florida 33301.

BY: 

David D Archer

7010 NW 89th Avenue

Tamarac Florida 33321

954 297 5817.

AFFIDAVIT

I David Archer is an adult of lawful age , resident of Broward County Florida at 7010 NW 89th Avenue Tamarac, Fl 33321.

That I am filing a motion for Judicial Disqualification or recusal as stated in the attached exhibits .

That under the circumstances Plaintiff sees it fit to do so as stated in this request, as the records shows that on Sunday 01/28//2018 what took place. I received an email from Defendant's counsel office representing that an order was signed by the Judge on the same day around 4: pm.

Respectfully Submitted on this 28th Day of January 2019.

By: 

David D Archer

7010 NW 89th Avenue

Tamarac Florida, 33321

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BLANK PAGES INTENTIONALLY FOR EXHIBITS

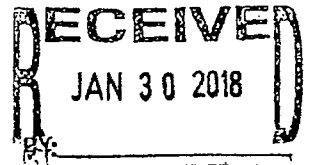
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IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

DAVID ARCHER
Plaintiff
V.
WINN-DIXIE STORES, INC.
Defendants

CASE NO.: CACE 17000822(13)

ACTION FOR DAMAGES
JURY TRIAL DEMANDED



PLAINTIFF'S MOTION FOR JUDICIAL DISQUALIFICATION OR RECUSAL
PURSUANT FLORIDA RULES OF JUDICIAL ADMINISTRATION; RULE 2.330 (d)

1

COMES NOW, David Archer, Plaintiff in the above styled captioned cause and movant pursuant to Florida applicable laws and as grounds further states the following:

- (1) The Presiding Judge MICHAEL A ROBINSON in this matter and as this stated case identified in the captioned cause as a personal friend of ATTORNEY WESLEY CATRI SR, the parties have known each other for years and can be considered as brothers of / or friends of the Judge.
- (2) The parties, knowing that the Court as a rule are closed on Saturday and Sunday, Plaintiff discovered by way of received E-MAIL that the Defendant was able to have an order signed outside of Chambers, according to the enclosed c-filed signed order, e-file from the defendant's office.
- (3) Defendant on Sunday filed a signed order dated 01/28/2018 E-filed # 67150318 , which was signed on that same Day as stated on the Docket's records , which was not done during regular court's hours and or days.
- (4) On 01/29/2018 the court held an unapproved and or not agreed to by both parties hearing granting the Defendant's it's motion which is considered a trial by ambush.
- (5) Plaintiff requested a trial by JURY IN AS MUCH; NO MENTION OF A JURY TRIAL HAS BEEN AFFIRMED.
- (6) PLAINTIFF MAINTAINS THAT "IMPARTIALITY MIGHT REASONABLY BE QUESTIONED" Fla, sta (2012) Chapter 38.10. Canon 3E (1)
- (7) THE JUDGE WAS WELL AWARE ON SUNDAY JANUARY 28TH, 2018 THAT COUNSEL FOR THE DEFENDANT HAD TO BE IN COURT THE FOLLOWING DAY AND SHOULD HAVE WAITED TO SIGNED THE ORDER ON THE 29TH OF January 29, 2018 IN THE CHAMBERS OF THE COURT.

APPENDIX
(E)

THEREFORE, UNDER THE SURROUNDING CIRCUMSTANCES AS EXPRESSED, COUNSEL SHOULD BE SANCTION AND THE JUDGE BE RECUSED

WHEREFORE, Plaintiff seeks the recusal of the judge from deciding this case for reasons set forth and allowing this case to be decided by a jury trial.

Respectfully submitted, on this 30th Day of January 2018.

by: 

David D Archer

7010 NW 89th Avenue

Tamarac Florida 33321

cc: Fourth District court of appeals

Florida Bar Association

Jeff Sessions Attorney General Office

President Donald Trump.

Axiom files.

CERTIFICATE OF SERVICE.

I **Hereby** certify that a true and correct copy was mailed and /or Hand delivered on this 30th Day of January 2018 ; to the Defendant's Attorneys ; WESLEY L CATRI Esq, CATRI , HOLTON, KESSLER & KESSLER @ 633 South Andrews Avenue, third floor, Fort Lauderdale Florida 33301.

BY: 

David D Archer

7010 NW 89th Avenue

Tamarac Florida 33321

954 297 5817.

AFFIDAVIT

I David Archer is an adult-resident of lawful age , resident of Broward County Florida at 7010 NW 89th Avenue Tamarac, Fl 33321.

That I am filing a motion for Judicial Disqualification or recusal as stated in the attached motion and exhibit (A).

That under the circumstances Plaintiff sees it fit to do so as stated in this request, as the records shows that on Sunday 01/28//2018 - what took place. I received an email from Defendant's counsel office representing that an order was signed by the Judge on the same day around 4: pm.

Respectfully Submitted.

By: 

David D Archer

7010 NW 89th Avenue

Tamarac Florida.33321

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
AND FOR BROWARD COUNTY, FLORIDA

CASE NO: CACE17000822

JUDGE: Robinson, Michael A. (13)

David Archer

Plaintiff(s)

vs.

Winn-Dixie Store Inc

Defendant(s)

ORDER RESETTING TRIAL

THIS CAUSE having come before this Court on the following Motion:

- ☐ 1. Plaintiff Motion for Continuance of the trial.
- ☐ 2. Defendant Motion for Continuance of the trial.
- ☐ 3. Pursuant to the agreement of the parties, this matter is rolled over to the _____ docket.

- ☒ 4. Court's sua sponte motion to rollover trial since it was not reached on the Trial Calendar, and the Court finds a resetting to be appropriate. It is:

ORDERED AND ADJUDGED that this cause is hereby stricken from the current Trial Calendar and shall

be reset on the Jury/Non-Jury calendar commencing 04-09-2018

Calendar Call will be 03-26-2018 10:00 AM in Courtroom 14155

of the Broward County Courthouse, located at 201 S.E. 6th Street, Fort Lauderdale, Florida. Attorneys record and unrepresented parties in this Cause are required to appear at this Calendar Call.

The pretrial procedures contained in the original trial order shall remain in effect and all time limits should be adjusted to the new trial date.

DONE and ORDERED in Chambers, Fort Lauderdale, Broward County, Florida
this 01-28-2018

APPENDIX (D)

Michael A. Robinson
CACE17000822 01-28-2018 4:10 PM

CACE17000822 01-28-2018 4:10 PM

CIRCUIT COURT JUDGE

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room WW20140, 201 S.E. Sixth Street, Fort Lauderdale, FL 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

**** FILED: BROWARD COUNTY, FL Brenda D. Forman. CLERK 11/26/2018 11:30:00 AM.****

Filed In Open Court,
CLERK OF THE CIRCUIT COURT

ON 11/26/18

BY 

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT, IN AND FOR BROWARD
COUNTY, FLORIDA

CASE NO.: CASE 17000822(13)

David Archer

Plaintiff,

vs.

Winn D-x-e Stones Inc
Defendant.

ORDER ON

the Court's order of
Dismissal

THIS CAUSE was considered by the Court on the following Motion(s) by the Court
To Dismiss, David Archer's Case Against
Winn D-x-e Stones Inc


HEARING was held on 11/26/18

THE COURT having considered the grounds for the Motion, taken testimony, heard argument and considered the applicable law, it is,

ORDERED as follows:

The T, David Archer Failed To Appear For
the ORDER For MANDATORY CALLS AND CALL
ordered by the Court on 7/24/18, on the date
of 11/26/18. Pursuant to such order and Mr
David Archer's Failure To Appear, the CASE of
DAVID ARCHER VS Winn D-x-e Stones, Inc
IS Dismissed.

DONE AND ORDERED ON Nov 26, 2018 in Fort Lauderdale,
Broward County, Florida.


CIRCUIT JUDGE


Copies furnished: ☒ In Open Court
☐ By Mail
☐ By E-mail/Efiling Portal

BC/CA 118 (Rev 08/16)

EXHIBIT (E)

*** FILED: BROWARD COUNTY, FL Brenda D. Forman. CLERK 7/24/2018 4:30:00 PM.***

WLC/py
BL-34628-C

Filed in Open Court,
CLERK OF THE CIRCUIT COURT
ON 7/24/18
BY 

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY,
FLORIDA

CASE NO.: CACE17000822 (13)


DAVID ARCHER,

Plaintiff,

v.

WINN-DIXIE STORES, INC.,

Defendants.

7/24/18 

**ORDER ON MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO
SECTION 57.105, FLORIDA STATUTES**

THIS CAUSE, having come before this Court upon DEFENDANT'S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO SECTION 57.105, FLORIDA STATUTES, and the Court having heard argument of counsel, and being otherwise duly advised in the premises, it is,

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

Granted, the Plaintiff, David Archer, shall pay the Defendant, Winn-Dixie Stores, \$500.00 for ATTY Fees, further Plaintiff's Archer's, 11/30/17's Motion for Default Entry is Denied.

DONE and ORDERED at Fort Lauderdale, Broward County, Florida, this 24th day of

July, 2018.


JUDGE MICHAEL A. ROBINSON

Copies furnished:

Wesley L. Catri, Esquire, Catri, Holton, Kessler & Kessler, P.A., 633 South Andrews Avenue,
Third Floor, Fort Lauderdale, FL 33301; and
David Archer, Pro Se, 7010 N.W. 89th Avenue, Tamarac, FL 33321.

APPENDIX (F)

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY,
FLORIDA

CASE NO.: CACE17000822 (13)

DAVID ARCHER,

Plaintiff,

v.

WINN-DIXIE STORES, INC.,

Defendants.

**ORDER ON MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO
SECTION 57.105, FLORIDA STATUTES**

THIS CAUSE, having come before this Court upon DEFENDANT'S MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO SECTION 57.105, FLORIDA STATUTES, and the Court having heard argument of counsel, and being otherwise duly advised in the premises, it is,

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

Granted, the Plaintiff is awarded \$500.00 for Attorney Fees. Further Plaintiff's Motion for Dismissal is Denied.

DONE and ORDERED at Fort Lauderdale, Broward County, Florida, this 17 day of

July, 2018.

Michael A. Robinson
MICHAEL A. ROBINSON
JUDGE MICHAEL A. ROBINSON

Copies furnished:

Wesley L. Catri, Esquire, Catri, Holton, Kessler & Kessler, P.A., 633 South Andrews Avenue,
Third Floor, Fort Lauderdale, FL 33301; and
David Archer, Pro Se, 7010 N.W. 89th Avenue, Tamarac, FL 33321.

JUL 24 2018

TRUE COPY

EXHIBIT (A)

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT, IN AND FOR BROWARD
COUNTY, FLORIDA

Darin Archer

Plaintiff,

vs.

Winn Dixie
Stores Inc

Defendant.

CASE NO.: 17000822 (13)

ORDER ON

TI Archer's Motion For
Leave To Amend
Complaint

THIS CAUSE was considered by the Court on the following Motion(s) by TI
For leave To Amend Complaint

HEARING was held on July 24 2018

THE COURT having considered the grounds for the Motion, taken testimony, heard argument and considered the applicable law, it is,

ORDERED as follows:

the Motion To Amend is Denied with
out prejudice, the Plaintiff has ten
(10) Days from this order to which to
set a Rehearing on this Court's Ruling.

DONE AND ORDERED ON
Broward County, Florida.

July 24, 2018 in Fort Lauderdale.

Copies furnished:

- ☒ In Open Court
☐ By Mail
☐ By E-mail/Efiling Portal

BC/CA 118 (Rev 07/17)

Michael A. Robinson
MICHAEL A. ROBINSON
Circuit Court Judge
JUL 24 2018

TRUE COPY

EXHIBIT (B)

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY,
FLORIDA

CASE NO.: CACE17000822 (13)

DAVID ARCHER,

Plaintiff,

v.

WINN-DIXIE STORES, INC.,

Defendants.

ORDER ON MOTION TO SET FOR TRIAL

THIS CAUSE, having come before this Court upon DEFENDANT'S MOTION TO SET FOR TRIAL, and the Court having heard argument of counsel, and being otherwise duly advised in the premises, it is,

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

*GRANTED, the motion is set for trial (July)
For trial - 2 weeks plus 60 days - December 3, 2018*

DONE and ORDERED at Fort Lauderdale, Broward County, Florida, this 24 day of July, 2018.

MICHAELA A. ROBINSON
Circuit Court Judge

JUDGE MICHAEL A. ROBINSON
JUL 24 2018

Copies furnished:

Wesley L. Catri, Esquire, Catri, Holton, Kessler & Kessler, P.A., 633 South Andrews Avenue,
Third Floor, Fort Lauderdale, FL 33301; and
David Archer, Pro Se, 7010 N.W. 89th Avenue, Tamarac, FL 33321.

TRUE COPY

EXHIBIT (C)