

NO: 20 -766

IN THE SUPREME COURT OF THE UNITED STATES  
MARCH 29<sup>TH</sup> 2021

CASE NO.SC20-464  
LT. CACE #17000822

DAVID ARCHER v WINN DIXIE STORES INC, et al.

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Petitioner (s) Appellant Respondent (s) Appellee

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ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT  
OF UNITED STATES OF AMERICA

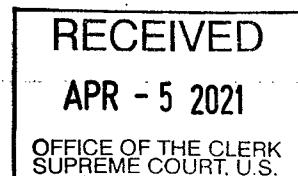
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PETITION FOR REHEARING

David D Archer . In propria persona Sui Juris  
Of Records  
7010 NW 89<sup>th</sup> Avenue  
Tamarac Florida 33321.  
(954) 297-5817

Matters of Merits "Great Public Importance" necessary and proper.

**PROHIBITION, UNCONSTITUTIONAL AND DISCRIMINATION CIVIL CASE.**



**A PEALED FROM THE FOURTH DISTRICT COURT OF APPEALS TO THE FLORIDA SUPREME  
CASE No: SC20 -464 AND THE ORDERS OF THE 17<sup>TH</sup> 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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**Reasons for Granting rehearing.**

Petitioner's motion for reconsideration to vacate the denied order of 02/22/21 for Writ of Certiorari, based upon controlling substantial supporting circumstances pursuant to 28 U.S.C.455 (a) & (b) Certiorari Conundrum for rehearing accordingly to U.S.C Rule 44.2 on distributed conference dated 02/19/2021 and the failure of Respondent to file a brief by the due date as directed.

There are several issues raised in the Tribunal and presented by Petitioner before this United States Supreme Court to grant this motion for rehearing overlooked by the courts of whether Respondent's counsel is entitled to 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 rehearing and default in the tribunal court as statutes and rules so requires.

**(Florida rules of civil procedures R 1.530. timely filed in the Tribunal by**

**Petitioner)**

**Appendix A**

Evidently, The duo Counsel and the Judge now is perceived and seems to think, that this United Supreme Court will comprehend counsel's and the Judge inappropriate misconduct, who together failed by not giving Petitioner hearing dates and further, by the Judge granting counsel all Motions docketed.....Appendix B

Accordingly, Petitioner 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 . Which now cause for a full investigation in compliance with Florida's Constitution and states laws , that now is the suitable time to persuade this court of appeals on issues never, previously raised. Counsel for Respondent failure to state findings with factual Appendix to collaborate any theory and not to merely rely on cited cases, safe harbor defense and Counsel failure not in complying with the

orders of the court orders and motions, rehearing is warranted as filed and should not be denied or records stricken from the records as pertaining to amended orders and subject matter, dismissal of 11/26/ 18 01/07/19 and amended order on Attorney's fees on Default filed on 05/17/17. The court refused to set a hearing on Default until pressured by Petitioner , subsequently was heard on July 24<sup>th</sup> 2018 and denied after arguments . Counsel is collecting propositions to illustrate the principle subjects why counsel did not file appropriate motions prior to the appellate process. Counsel failed to file and or respond to all motions filed by the Petitioner in this Supreme Court on September 21,2020 and placed on the docket on December 4, 2020 pursuant to rule 15.3 and did not file a brief in opposition by the due date of January 4, 2021 and in fact is in default pursuant to Applicable Federal R. Civ. P. Rules 55 (b) (1) and 56 (c) and in the Tribunal Court,.....Appendix C

## **PRELIMINARY STATEMENT**

### **APPELLATE'S COURTS REVIEW FROM THE 17<sup>TH</sup> 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 28<sup>th</sup> 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)

**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 DECLARED IT MOOT ON 03/16/18. CONSOLIDATED 03/11/2019 BY PARTIES AS AGREED.**

- (1) 07/31/ 2018 . 4D18-2305 THIS MATTER CAME BEFORE THE TRIBUNAL COURT ON MOTION AS REJECETED 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 2<sup>nd</sup> DCA 2004)**
- (2) BECAUSE OF THE DUO CONNETION , THE PARTIES COUNSEL AND THE JUDGE BY FABRICATION SAW IT TO ORCHESTRATE BY ACTION TO AND BY MISREPRENSENTATION 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 4<sup>th</sup> DCA 2014).....Appendix G**

- (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 5<sup>TH</sup> 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.**
- (4) 4D18-2305, INSTEAD OF THE TRIBUNAL COURT COMPLYING WITH THE APPELLATE’S 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 AND 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; AS INSTRUCTED BY ORDER. THE AMENDED ORDER DID FAIL TO COMPLY WITH THE APPELLATE COURT ORDER IN TERMS OF EVIDENCE OF THE REQUISITE FACTUAL FINDINGS.**

**WHEREBY, THE AMENDED ORDER DID NOT MEET THE EXPECTED RESULTS DEMANDED BY THE APPELLATE ORDER. DESPITE APPELLANT'S MOTION TO STAY. Art V, Section 3 (b) (4) Fla Const. .**

(5) **4D18-3539 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 3<sup>rd</sup> 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) **The Florida Supreme Court in its orders and final order of 06/25/2020 , realizing unconstitutional misconduct and its jurisdiction as not authorized, recognized the lack of power to enforced the duty to correct wrong doing by the duo Counsel and the Judge. Knowingly knew that this United States Supreme Court with Authority, would be the court to inevitably sanction the judge and counsel for not complying with their oath of duties as expected during the course of work duties. ....Appendix H**

**Statement of the case and facts**

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

(2) On January 30<sup>th</sup> 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 16<sup>th</sup> 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 17<sup>th</sup> 2017 Appellant Amended the complaint Pursuant Fla Civ P.1.190.

(5) On April 20<sup>th</sup> 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 17<sup>th</sup> 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. ....Appendix F**

(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, .....Appendix E  
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 go; 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 CALENDAR DATE SET.  
the Prescribed Procedures Under Fla R.Jud. Admin 2.160 (d) (1) and Fla Statute section 38.10. F R . civ p 1.500 default or rehearing by this Supreme Court should be entered against Respondent in the sum of \$7,000.000.00 and or this case be remanded for rehearing on damages.  
**Matters of interest certified as "great public importance " this cause calls For Justice. ....Appendix D**

## Conclusion

For the foregoing Rehearing reasons based on Florida's laws and statutes

F.R.C.P .Rule 1.530 on rehearing; Petitioner David D Archer Respectfully

Requests that the Honorable Justices of this High Court Overturn the denied

Prohibition Order stated as "Not Authorized" order of the Florida's Supreme

Court , of way of this Court having comprehensive authority to remand and or

vacating entries by granting Its order for rehearing for Damages with the

original Judge : The Honorable William A Haury Jr,

Respectfully Submitted on this 29<sup>th</sup> Day of March 2021

David D Archer .Petitioner / In Propia Persona Sui Juris

By: 

7010 NW 89<sup>th</sup> Avenue

Tamarac, Florida. 33321.

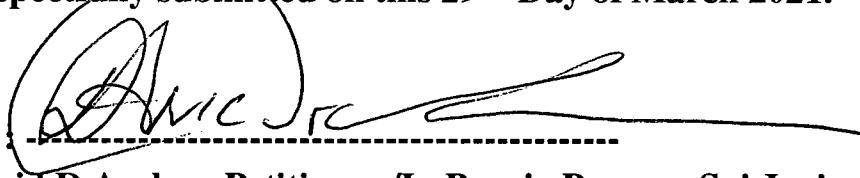
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CERTIFICATE OF GOOD FAITH.

**This is to verify that by no means or bad intention that this Petition by David D Archer the undersigned Petitioner as filed was designed to cause delays, but to only seeks this case to be decided on the merits and justice by justices as presented not to delay this rehearing.**

**Respectfully submitted on this 29<sup>th</sup> Day of March 2021.**

By



**David D Archer. Petitioner /In Propria Persona Sui Juris  
7010 NW 89<sup>th</sup> Avenue Tamarac  
Florida , 33321.**

**APPENDIX.**

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