

No. 21-303

---

---

In The  
**Supreme Court of the United States**

---

---

VIGNARAJ MUNSAMI PILLAY,

*Petitioner,*

v.

PUBLIC STORAGE, INC.,

*Respondent.*

---

---

**On Petition For Writ Of Certiorari  
To The Supreme Court Of Florida**

---

---

**APPENDIX TO BRIEF IN OPPOSITION**

---

---

|                         |                             |
|-------------------------|-----------------------------|
| KEVIN VANNATTA          | DAVID L. LUCK*              |
| LEWIS BRISBOIS BISGAARD | FREDDI MACK                 |
| & SMITH LLP             | <i>*Counsel of Record</i>   |
| 110 S.E. 6th Street     | LEWIS BRISBOIS BISGAARD     |
| Suite 2600              | & SMITH LLP                 |
| Post Office Drawer 190  | 2 Alhambra Plaza            |
| Fort Lauderdale,        | Suite 1110                  |
| Florida 33301           | Coral Gables, Florida 33134 |
| Telephone: 954.728.1280 | Telephone: 786.353.0210     |
| Facsimile: 954.728.1282 | Facsimile: 786.513.2249     |
| Kevin.Vannatta@         | David.Luck@                 |
| lewisbrisbois.com       | lewisbrisbois.com           |
| Debby.Douglas@          | Freddi.Mack@                |
| lewisbrisbois.com       | lewisbrisbois.com           |
| Ftlemaildesig@          | Jacqueline.Perdomo@         |
| lewisbrisbois.com       | lewisbrisbois.com           |

*Counsel for Respondent, Public Storage, Inc.*

---

---

## TABLE OF CONTENTS

|   | Page    |
|---|---------|
| <b>APPENDIX INDEX</b>   |         |
| Florida Fourth District Court of Appeal Docket,<br>as of September 20, 2021 .....   | App. 1  |
| Notice to Invoke Discretionary Jurisdiction,<br>docketed January 15, 2020 .....   | App. 13 |
| Supreme Court of Florida Dismissal, issued<br>January 17, 2020.....   | App. 26 |
| Petitioner's Motion to Reinstate Notice to Invoke<br>Discretionary Jurisdiction, docketed January<br>24, 2020.....  | App. 27 |
| Supreme Court of Florida Denial of Peti-<br>tioner's Motion to Reinstate Notice to Invoke<br>Discretionary Jurisdiction, issued January<br>27, 2020 ..... | App. 29 |
| Florida Supreme Court Docket, as of September<br>20, 2021 .....   | App. 30 |

App. 1

Florida Fourth District Court of Appeal Docket

Case Docket

Case Number: 4D19-84

Final Civil Other Notice from Broward County

VIGNARAJ MUNSAMI PILLAY vs.  
PUBLIC STORAGE, INC.

Lower Tribunal Case(s):CACE18-004261 (08)

9/20/2021 12:04:38 PM

| <b>Date Docketed</b> | <b>Description</b>                       | <b>Filed By</b>         | <b>Notes</b>  |
|----------------------|--|-------------------------|---|
| 01/09/2019           | Notice of Appeal Filed                   | Vignaraj Munsami Pillay |   |
| 01/10/2019           | Acknowledgment Letter                    |                         |   |
| 01/10/2019           | ORD-Pay Filing Fee - pro se civil appeal |                         | 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 |

App. 2

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. Failure to  
comply within  
the time  
prescribed will  
result in  
dismissal of this  
cause and may  
result in the

App. 3

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

## App. 4

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

App. 5

action in this appeal until the filing fee is paid or until a circuit court clerk's determination of indigent status is filed.

01/10/2019 Aplnt to Obtain Final Order-Per Dobrick

It appearing that the order to which the Notice of Appeal is directed is a non-appealable, non-final order, appellant(s) shall have thirty (30) days from the date of this order to obtain a final order and to file a copy in this court. Failure to do so will result in sua sponte dismissal of the appeal. See Fla. R. App. P. 9.110(1); Dobrick v. Discovery Cruises, Inc., 581 So. 2d 645 (Fla. 4th DCA 1991); see also Paulin v. BJ's Wholesale Club, Inc., 106

App. 6

So. 3d 985, 987 (Fla. 4th DCA 2013) (“On the other hand, it is well-established that an order which merely grants a motion to dismiss, as contrasted with an order dismissing a complaint or an action, is not a final order.”). ORDERED that the trial court is specifically authorized, pursuant to Florida Rule of Appellate Procedure 9.600(b), upon appropriate application, to enter a final order in these proceedings.

01/18/2019 Notice of Appearance Cindy J. Mishcon 0829579

01/22/2019 Case Filing Fee

App. 7

|            |                                       |   |
|------------|---------------------------------------|---|
| 02/06/2019 | Notice of<br>Filing                   | Vignaraj ORDER<br>Munsami APPEALED<br>Pillay  |
| 03/07/2019 | Affidavit                             | OF NON-<br>PAYMENT OF<br>APPEAL<br>INVOICE  |
| 03/15/2019 | Order for<br>Status Report<br>Re: ROA | Upon<br>consideration of<br>the Affidavit of<br>Non-Payment of<br>Appeal Invoice<br>filed by the clerk<br>of the lower<br>tribunal on<br>March 7, 2019,<br>appellant is<br>ordered to file a<br>report within ten<br>(10) days from<br>the date of this<br>order, as to the<br>status of the<br>payment for and<br>preparation of<br>the record on<br>appeal. |
| 03/22/2019 | Status Report                         | Vignaraj<br>Munsami<br>Pillay   |
| 03/26/2019 | Show Cause<br>Lack of                 | ORDERED that<br>appellant in the<br>above-styled case   |

## App. 8

## Prosecution, Initial Brief

is directed to show cause in writing, if any there be, on or before April 5, 2019, why the above-styled case should not be dismissed for lack of timely prosecution, in that the appellant's initial brief has not been filed with this court as of this date. Failure to respond to this order will result in a *sua sponte* dismissal without further notice. If the initial brief is filed within this time, the order to show cause will be considered automatically discharged without further order.

03/28/2019 Received  
Records

App. 9

|            |  |   |
|------------|--|---|
| 04/03/2019 | Initial Brief<br>on Merits                               | Vignaraj<br>Munsami<br>Pillay   |
| 04/03/2019 | Appendix to<br>Brief                                     | Vignaraj<br>Munsami<br>Pillay   |
| 04/08/2019 | Certificate  | OF SERVICE OF<br>INITIAL BRIEF  |
| 04/17/2019 | Mot. for<br>Extension of<br>time to file<br>Answer Brief | Cindy J.<br>Mishcon<br>0829579  |
| 04/23/2019 | Order<br>Granting<br>EOT for<br>Answer Brief             | ORDERED that<br>appellee's May<br>17, 2019 motion<br>for extension of<br>time is granted,<br>and appellee<br>shall serve the<br>answer brief on<br>or before May 20,<br>2019. In addition,<br>appellee is<br>notified that the<br>failure to serve<br>the brief within<br>the time provided<br>herein may<br>foreclose<br>appellee's right to<br>file a brief or<br>otherwise |

App. 10

participate in  
this appeal.

05/20/2019 Mot. for Cindy J.  
Extension of Mishcon  
time to file 0829579  
Answer Brief

05/28/2019 Appellee's Cindy J.  
Answer Brief Mishcon  
0829579

05/31/2019 Miscellaneous Vignaraj  
Motion Munsami  
Pillay

06/03/2019 Deny ORDERED that  
Miscellaneous appellant's May  
Motion 31, 2019 motion  
requesting this  
court to foreclose  
appellee's right to  
file a brief is  
denied. Further,  
ORDERED that  
appellee's May  
20, 2019 motion  
for extension of  
time to file the  
answer brief is  
granted. The  
answer brief was  
filed on May 28,  
2019.

06/12/2019 Appellant's Vignaraj  
Reply Brief Munsami  
Pillay

App. 11

|            |   |   |
|------------|---|---|
| 06/12/2019 | Appendix to<br>Brief  | Vignaraj<br>Munsami<br>Pillay   |
| 11/13/2019 | Affirmed –<br>Authored<br>Opinion                                 |   |
| 11/20/2019 | Motion For<br>Rehearing   | Vignaraj<br>Munsami<br>Pillay   |
| 12/02/2019 | Response  | Cindy J.<br>Mishcon<br>0829579  |
| 12/05/2019 | ORD-Denying<br>Rehearing  | ORDERED that<br>the appellant's<br>November 20,<br>2019 motion for<br>rehearing is<br>denied. |
| 12/05/2019 | West<br>Publishing  |   |
| 12/27/2019 | Mandate   |   |
| 01/15/2020 | Notice of<br>Discretionary<br>Jurisdiction<br>to Supreme<br>Court | Vignaraj<br>Munsami<br>Pillay   |
| 01/15/2020 | Notice sent to<br>the Supreme<br>Court                            |   |
| 01/17/2020 | Supreme<br>Disposition  | SC20-82<br>DISMISSED  |

App. 12

|            |                                 |         |
|------------|---------------------------------|---------|
| 01/27/2020 | Misc.<br>Supreme<br>Court Order | SC20-82 |
| 02/12/2020 | Misc.<br>Supreme<br>Court Order | SC20-82 |
| 03/10/2020 | Misc.<br>Supreme<br>Court Order | SC20-82 |

---

App. 13

Notice to Invoke Discretionary  
Jurisdiction of Supreme Court.

IN THE FOURTH  
DISTRICT COURT  
OF APPEAL OF  
FLORIDA.

VIGNARAJ MUNSAMI  
PILLAY  
DEFENDANT/PETITIONER  
VS  
PUBLIC STORAGE  
PLAINTIFF/ RESPONDENT

Case No. 19-0084  
T.C. No. CACE  
18-004261 (08)  
NOTICE  
TO INVOKE  
DISCRETIONARY  
JURISDICTION

NOTICE IS GIVEN that VIGNARAJ M. PILLAY, DEFENDANT, invokes the discretionary jurisdiction of the SUPREME COURT to review the decision of this court rendered on December 27, 2019. The decision passes on a question certified to be of great public interest.

RESPECTFULLY SUBMITTED BY,

/s/

VIGNARAJ M. PILLAY – PRO SE  
13301 N. CLEVELAND AVE  
NORTH FORT MYERS, FLORIDA 33903  
rajcafe7905@gmail.com  
phone: 954-839-4680

01/11/2020

---

App. 14

MANDATE

from

DISTRICT COURT OF APPEAL OF  
THE STATE OF FLORIDA FOURTH DISTRICT

This cause having been brought to the Court by appeal, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause as may be in accordance with the opinion of this Court, and with the rules of procedure and laws of the State of Florida.

WITNESS the Honorable Spencer D. Levine, Chief Judge of the District Court of Appeal of the State of Florida, Fourth District, and seal of the said Court at West Palm Beach, Florida on this day.

DATE: December 27, 2019

CASE NO.: 19-0084

COUNTY OF ORIGIN: Broward

T.C. CASE NO.: CACE18-004261 (08)

STYLE:

VIGNARAJ MUNSAMI PILLAY v.  
PUBLIC STORAGE, INC.

[SEAL] /s/ Lonn Weissblum  
LONN WEISSBLUM, Clerk  
Fourth District Court of Appeal

Served:

cc: Cindy J. Mishcon Kevin M. Vannatta  
Vignaraj Munsami Pillay Clerk Broward  
kr

MAILING LIST

FOURTH DISTRICT COURT OF APPEAL  
110 S. TAMARIND AVENUE  
WEST PALM BEACH, FL, 33401

LEWIS BRISBOIS BISGAARD & SMITH LLP  
CINDY J. MISHCON, KEVIN M. VANNATTA  
110 SE GM STREET, SUITE 2600  
FORT LAUDERDALE, FLORIDA 33301

---

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**VIGNARAJ MUNSAMI PILLAY,**  
Appellant,

v.

**PUBLIC STORAGE, INC.**  
Appellee.

No. 4D19-84

[November 13, 2019]

Appeal from the Circuit Court for the Seventeenth  
Judicial Circuit, Broward County; David A. Haimes,  
Judge; L.T. Case No. 18-4261(08).

Vignaraj Munsami Pillay, N. Fort Myers, pro se.

Cindy J. Mishcon and Kevin M. Vannatta of Lewis  
Brisbois Bisgaard Smith LLP, Fort Lauderdale, for  
appellee.

FORST, J.

In this *caveat emptor* case, Appellant Vignaraj Pillay appeals from the final order of dismissal with prejudice. Pillay's third amended complaint alleged two counts of gross negligence and three counts of breach of contract. We affirm the dismissal, addressing Pillay's "gross negligence" claims in this opinion.

### **Background**

In 2000, Pillay entered into a written storage unit rental agreement with Appellee Public Storage. The

## App. 17

rental agreement required monthly payments. Soon after entering into the rental agreement, Pillay moved to Maryland and remained there until November 2015. During this time, Pillay alleges that he used two rented units to store personal property valued in excess of \$100,000. Pillay further alleges that he received three separate phone calls from Public Storage between 2005 and 2012 informing him that his storage units had been burglarized, with several items left outside of the unit.

Pillay returned to his units on December 7, 2015. He claims they were in a state of disrepair, with pieces of the ceiling having dropped onto his furniture and paintings. He also noticed several “high value” items were either missing or damaged. Pillay met with a new facility manager to gather information on what caused the damage to his property. The manager purportedly refused to cooperate with Pillay. Nonetheless, Pillay entered into a new lease with Public Storage and moved his items into a smaller unit just a few feet away.

On February 23, 2018, Pillay filed suit against Public Storage. The trial court dismissed the original complaint without prejudice for failure to state a claim. The first and second amended complaints met similar fates. Pillay then filed a third amended complaint, which alleged two claims of gross negligence, three claims of breach of contract, and one claim of breach of

the implied covenant of good faith.<sup>1</sup> Public Storage responded with a motion to dismiss, which the trial court granted with prejudice. This appeal followed.

### **Analysis**

Orders granting motions to dismiss for failure to state a claim are reviewed de novo. *Regis Ins. Co. u. Miami Mgmt., Inc.*, 902 So. 2d 966, 968 (Fla. 4th DCA 2005).

Pillay’s claims for gross negligence boil down to an alleged failure by Public Storage to safeguard his storage unit, as well as an alleged failure to monitor the condition of the unit and to make repairs when the unit became damaged.

#### *A. Public Storage’s Failure to Safeguard Pillay’s Property*

Pillay’s gross negligence claim based on the alleged failure of Public Storage to safeguard his property fails as a matter of law. First and foremost, the claim is time-barred. An action founded on negligence must be brought within four years from the time when the last element constituting the cause of action occurs. § 95.11, Fla. Stat. (2018). Here, the three alleged break-ins occurred between 2005 and 2012. The instant suit was not filed until February 23, 2018

---

<sup>1</sup> As noted above, we address only the “gross negligence” claims in this opinion.

## App. 19

– well outside the four-year statutory period for bringing a negligence suit. *See id.*

Pillay's claim also fails due to the express terms of the rental agreement, which contained the following exculpatory provisions:

(1) ALL PERSONAL PROPERTY IS STORED BY OCCUPANT AT OCCUPANT'S SOLE RISK

(2) Owner and Owner's agents . . . will not be responsible for, and Tenant releases Owner and Owner's agents from any responsibility for, any loss, liability, claim, expense, damage to property . . . including without limitation any Loss arising from the active or passive acts, omission or negligence of Owner or Owner's agents.

(3) Tenant has inspected the Premises and the Property and hereby acknowledges and agrees that Owner does not represent or guarantee the safety or security of the Premises or the Property or any of the personal property stored therein, and this Rental Agreement does not create any contractual obligation for Owner to increase or maintain such safety or security.

Florida courts have upheld the enforceability of exculpatory provisions in contracts when the language of the provisions clearly and unambiguously communicates the scope and nature of the waiver. *See Sainslo v. Give Kids the World, Inc.*, 157 So. 3d 256, 260-61 (Fla. 2015); *Brooks v. Paul*, 219 So. 3d 886, 888

## App. 20

(Fla. 4th DCA 2017); *Fresnedo v. Porky's Gym III, Inc.*, 271 So. 3d 1185, 1186 (Fla. 3d DCA 2019). Such provisions are deemed to be unambiguous and enforceable when the language unequivocally demonstrates a clear and understandable intention for the defendant to be relieved from liability such that an ordinary and knowledgeable person will know what he or she is contracting away. *Sainslo*, 157 So. 3d at 260-61.

By the express terms of the rental agreement, Public Storage had no duty to safeguard Pillay's storage units.<sup>2</sup> Pillay has not alleged unconscionability, and while the agreement's terms may favor Public Storage, Pillay freely entered into the agreement and is bound by its terms. *See Barakat v. Broward Cty. Pious. Auth.*, 771 So. 2d 1193, 1195 (Fla. 4th DCA 2000) ("It is never the role of a trial court to rewrite a contract to make it more reasonable for one of the parties or to relieve a party from what turns out to be a bad bargain."); *see also Medical Ctr. Health Plan v. Brick*, 572 So. 2d 548, 551 (Fla. 1st DCA 1990) ("A party is bound by, and a court is powerless to rewrite, the clear and unambiguous terms of a voluntary contract.").

---

<sup>2</sup> The rental agreement also contained a provision recommending that Pillay obtain insurance for the items stored in the unit. Public Storage offered insurance for purchase and it also informed Pillay that insurance could be obtained from third parties.

*B. Public Storage’s Failure to Repair Pillay’s Unit*

Pillay also argues that Public Storage was grossly negligent for allowing his units to fall into a state of disrepair. To maintain a cause of action based on negligence “[t]he claimant must first demonstrate that the defendant owed a duty, or obligation, recognized by the law, requiring the [defendant] to conform to a certain standard of conduct, for the protection of others against unreasonable risks.” *Williams v. Davis*, 974 So. 2d 1052, 1056 (Fla. 2007) (internal citation omitted).

Commercial landlords do not have a duty to repair the premises absent a specific provision in the contract imposing such a duty. *See Veterans Gas Co. v. Gibbs*, 538 So. 2d 1325, 1328 (Fla. 1st DCA 1989) (explaining that Florida statutes clearly distinguish between residential tenancies and commercial tenancies with Florida law imposing a duty on residential landlords to repair the premises and not on imposing the same duty on commercial landlords); *Rizzo v. Naranja Lakes Condo. Ass’n. Nos. One, Two, Three, Four and Five*, 498 So. 2d 451, 452 (Fla. 3d DCA 1986) (“It is established Florida law that the lessee, not the lessor, has the duty to make repairs of any kind to the demised premises in the absence of a specific undertaking to the contrary.”). Here, the rental agreement did not impose a duty on Public Storage to repair Pillay’s units. *See Fischer v. Collier*, 143 So. 2d 710, 712 (Fla. 2d DCA 1962) (“It is generally held that in the absence of a special agreement to repair, the landlord is not under such a duty.”).

### **Conclusion**

The trial court's order dismissing Pillay's third amended complaint with prejudice is affirmed.

*Affirmed.*

TAYLOR and MAY, JJ., concur.

\* \* \*

***Not final until disposition of timely filed motion  
for rehearing.***

---

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

December 05, 2019

**CASE NO.: 4D19-0084  
L.T. No.: CACE18-004261 (08)**

**VIGNARAJ  
MUNSAMMI PILLAY v. PUBLIC STORAGE, INC.**

---

Appellant / Petitioner(s)    Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

ORDERED that the appellants November 20, 2019 motion for rehearing is denied.

Served:

cc: Cindy J. Mishcon Kevin M. Vannatta  
Vignaraj Munsami Pillay Clerk Broward  
kr

/s/ Lonn Weissblum \_\_\_\_\_ [SEAL]  
LONN WEISSBLUM, Clerk  
Fourth District Court of Appeal

[SEAL]

I hereby certify that the above and foregoing is a  
true copy of instrument filed in my office.

Lonn Weissblum, CLERK  
DISTRICT COURT OF APPEAL OF  
FLORIDA, FOURTH DISTRICT  
Per /s/ Kristen Amaro, Deputy Clerk

---

[SEAL]

FOURTH DISTRICT COURT OF APPEAL  
110 SOUTH TAMARIND AVENUE  
WEST PALM BEACH, FLORIDA 33401  
(561) 242-2000

Date: January 15, 2020

Case Name: Vignaraj Munsami Pillay v. Public Storage, Inc.

Case No: 4D 19-0084

Trial Court No.: CACE18-004261 (08)

Trial Court Judge: David Haimes

Dear Mr. Tonnasino:

Attached is a certified copy of a Notice to Invoke Discretionary Jurisdiction/Notice of Appeal to the Supreme Court of Florida pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

- The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and will be mailed.
- The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this court.
- Petitioner/Appellant has been previously determined insolvent by the circuit court or our court.
- Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's Motion to proceed without payment of costs in this case.

App. 25

Petitioner/Appellant tiled Notice via EDCA and the fee has not been received by this court.

No filing fee is required in the underlying case in this court because it was:

- A Summary Appeal (Rule 9.141)
- From the Unemployment Appeals Commission
- A Habeas Corpus Proceeding
- A Juvenile Case
- Other – \_\_\_\_\_

If there are any questions regarding this matter, please do not hesitate to contact this Office.

Sincerely,  
LONN WEISSBLUM  
Clerk of the Court

By: /s/ Kristen Amaro  
Deputy Clerk

---

**Supreme Court of Florida**  
FRIDAY, JANUARY 17, 2020

**CASE NO.: SC20-82**  
Lower Tribunal No(s).:  
4D19-84; 062018CA004261AXXXCE

VIGNARAJ  
MUNSAMÍ PILLAY vs. PUBLIC STORAGE, INC.

---

Petitioner(s) Respondent(s)

It appearing to the Court that the notice was not timely filed, it is ordered that the cause is hereby dismissed on the Court's own motion, subject to reinstatement if timeliness is established on proper motion filed within fifteen days from the date of this order. *See* Fla. R. App. P. 9.120.

A True Copy

Test:

/s/ JT \_\_\_\_\_ [SEAL]  
John A. Tomasino  
Clerk, Supreme Court

td

Served:

CINDY JANE MISHCON  
KEVIN MONROE VANNATTA  
VIGNARAJ MUNSAMÍ PILLAY  
HON. LONN WEISSBLUM, CLERK  
HON. BRENDA D. FORMAN, CLERK  
HON. DAVID ALAN HAIMES, JUDGE

App. 27

01/17/2020

IN THE SUPREME COURT OF FLORIDA

CASE # SC2020-82

COURT CASE # SC2020-82

CASE STYLE VIGNARAJ M. PILLAY VS  
PUBLIC STORAGE INC

COMES NOW, VIGNARAJ M. PILLAY, DEFENDANT/PETIONER, REQUEST THIS HONORABLE COURT TO REINSTATE NOTICE TO INVOKE DISCRETIONARY, FILED ON 01/13/2020.

THE APPEAL FOR YOUR RECONSIDERATION IS DUE TO THE MISINTERPRETATION OF THE ORDER AND REFERRING TO THE DATE SET ON THE MANDATE AS MENTIONED IN THE NOTICE AND A COPY OF WHICH WAS ATTACHED WITH THE FILING.

RESPECTFULLY SUBMITTED BY,

/s/

VIGNARAJ M. PILLAY – PRO SE  
13301 N. CLEVELAND AVE  
NORTH FORT MYERS, FLORIDA 33903  
rajcafe7905@gmail.com  
phone: 954-839-4680

---

**Supreme Court of Florida**

FRIDAY, JANUARY 17, 2020

**CASE NO.: SC20-82**

Lower Tribunal No(s).:

4D19-84; 062018CA004261AXXXCE

VIGNARAJ

MUNSAMI PILLAY vs. PUBLIC STORAGE, INC.

---

Petitioner(s)

Respondent(s)

It appearing to the Court that the notice was not timely filed, it is ordered that the cause is hereby dismissed on the Court's own motion, subject to reinstatement if timeliness is established on proper motion filed within fifteen days from the date of this order. *See* Fla. R. App. P. 9.120.

A True Copy

Test:

/s/ JT

[SEAL]

John A. Tomasino

Clerk, Supreme Court

td

Served:

CINDY JANE MISHCON

KEVIN MONROE VANNATTA

VIGNARAJ MUNSAMI PILLAY

HON. LONN WEISSBLUM, CLERK

HON. BRENDA D. FORMAN, CLERK

HON. DAVID ALAN HAIMES, JUDGE

---

App. 29

**Supreme Court of Florida**

FRIDAY, JANUARY 27, 2020

**CASE NO.: SC20-82**

Lower Tribunal No(s).:

4D19-84; 062018CA004261AXXXCE

VIGNARAJ

MUNSAMI PILLAY vs. PUBLIC STORAGE, INC.

---

Petitioner(s)

Respondent(s)

Petitioner's Motion for Reinstatement is hereby denied.

A True Copy

Test:

/s/ JT

[SEAL]

John A. Tomasino

Clerk, Supreme Court

ks

Served:

CINDY JANE MISHCON

KEVIN MONROE VANNATTA

VIGNARAJ MUNSAMI PILLAY

HON. LONN WEISSBLUM, CLERK

HON. BRENDA D. FORMAN, CLERK

HON. DAVID ALAN HAIMES, JUDGE

---

*Florida Supreme Court Docket*  
**Case Docket**

Case Number SC20-82 – Closed  
VIGNARAJ MUNSAMAI PILLAY vs.  
PUBLIC STORAGE, INC.  
Lower Tribunal No(s).:  
4D19-84; 062018CA004261AXXXCE

9/20/2021 12:06:32 PM

| <b>Date<br/>Docketed</b> | <b>Case<br/>Type</b> | <b>Description</b>                   | <b>Filed</b>  | <b>Notes</b>   |
|--------------------------|----------------------|--------------------------------------|---|--|
|                          |                      |                                      |   | by   |
| 01/15/2020               | Direct               | NOTICE-<br>Conflict of<br>Decisions  | DISCRE-<br>TIONARY<br>JURIS<br>(DIRECT<br>CONFLICT) |  |
| 01/17/2020               | Direct               | Case<br>Conflict of<br>Decisions     | Dismissed   |  |
| 01/17/2020               | Direct               | DISP-REV<br>Conflict of<br>Decisions | DISM<br>UNTIMELY                                    | It<br>appearing<br>to the<br>Court that<br>the notice<br>was not<br>timely<br>filed, it is<br>ordered<br>that the<br>cause is<br>hereby<br>dismissed<br>on the |

App. 31

Court's  
own  
motion,  
subject to  
reinstate  
ment if  
timeliness  
is estab-  
lished on  
proper  
motion  
filed  
within  
fifteen  
days from  
the date of  
this order.  
See Fla. R.  
App. P.  
9.120.

01/24/2020 Direct MOTION- PS Vig-  
Conflict of REINSTATE- naraj  
Decisions MENT Mun-  
sami  
Pillay  
BY: PS  
Vig-  
naraj  
Mun-  
sami  
Pillay

App. 32

|            |        |                                    |  |
|------------|--------|------------------------------------|--|
| 01/24/2020 | Direct | NOTICE-<br>DISCRETION<br>Decisions | PS Vig-Copy<br>naraj<br>Mun-<br>(DIRECT<br>CONFLICT)<br>sami<br>Pillay<br>BY: PS<br>Vig-<br>naraj<br>Mun-<br>sami<br>Pillay                        |
| 01/27/2020 | Direct | DISP-<br>Conflict of<br>Decisions  | Petition-<br>er's<br>Motion for<br>Reinstate-<br>ment is<br>hereby<br>denied.  |
| 02/06/2020 | Direct | MOTION-<br>REHEARING<br>Decisions  | PS Vig-*Stricken<br>naraj 2/11/2020<br>Mun-<br>STRICKEN<br>(UNAU-<br>THORIZED)<br>sami Pillay<br>BY: PS<br>Vig-<br>naraj<br>Mun-<br>sami<br>Pillay |
| 02/11/2020 | Direct | ORDER-<br>Conflict of<br>Decisions | Pursuant<br>to this<br>Court's<br>order<br>dated   |

App. 33

January  
17, 2020,  
the  
Motion for  
Reinstate-  
ment is  
hereby  
stricken  
as unau-  
thorized.

03/06/2020 Direct MOTION- PS Vig-\*Stricken  
Conflict of REHEARING naraj 3/10/2020  
Decisions /REINST Mun- as unau-  
STRICKEN sami thorized\*  
(UNAU- Pillay  
THORIZED) BY: PS  
Vig-  
naraj  
Mun-  
sami  
Pillay

03/10/2020 Direct ORDER- Petition-  
Conflict of STRICKEN er's  
Decisions CASE FINAL motion for  
reinstate-  
ment filed  
with this  
Court on  
March 6,  
2020, is  
hereby  
stricken  
as unau-  
thorized.

App. 34

PLEASE  
BE  
ADVISED  
THAT  
THE  
ABOVE  
STYLED  
CASE IS  
FINAL IN  
THIS  
COURT  
AND NO  
FUR-  
THER  
PLEAD-  
INGS  
MAY BE  
FILED.  
ANY  
FUR-  
THER  
FILINGS  
WILL  
NOT BE  
RESPOND-  
ED TO  
AND  
PLACED  
IN A  
MISCEL-  
LANEOUS  
FILE.

App. 35

09/08/2021 Direct USSC  
Conflict of Not/Cert  
Decisions Filed in FSC

The petition for a writ of certiorari in the above entitled case was filed on June 3, 2020 and placed on the docket August 30, 2021 as No. 21-303.

---