

No. 22-854

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

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DAVID D. ARCHER,

*Petitioner,*

v.

WINN DIXIE STORES, INC., et al.,

*Respondents.*

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On Petition For Writ Of Certiorari  
To The District Court Of Appeal Of The  
State Of Florida, Fourth District

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**SUPPLEMENTAL BRIEF**

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(954) 297-5817  
*Pro Se Petitioner*

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**SUPPLEMENTAL PLEADING AND  
MOTION FOR DEFAULT ON APPEAL FROM  
THE 17TH JUDICIAL CIRCUIT COURT  
OF THE STATE OF FLORIDA IN AND  
FOR BROWARD COUNTY.**

**GROUNDS FOR GRANTING DEFAULT  
PETITION, BY THE CLERK OF COURT  
PURSUANT TO RULE 15.8 AND 28 USC APP  
FEDERAL RULES CIVIL PROCEDURES 55.**

**26 USC App Rule 123: Default and Dismissal (a)**  
“default, if any party has failed to plead or otherwise proceed as provided by these rules as required or as required by the Court, then such party may be held in default by the court, either on motion of another or on the initiative of the court”

Petitioner filed in this United States Supreme Court, a Petition for writ certiorari on March 8th 2023. Respondents by order of the court and applicable rule 15.3 Allowed respondents a 30 days waiver of rights to file a brief in opposition, with a due date to file, by April 7th 2023 to the Petition. Respondents failed to comply as outlined with the received notice and have defaulted. Respondents lack and without any, meritorious defense, knew, or should have known to defend, knowingly, when then served by the United States Postal Service, Certified Mail returned Receipt # 7018 0680 0001 7988 5109 R/R # 9590 9402 7780 2152 4554 20, refused to object to Petitioner’s Petition. **See attached Receipt copy of service. Appendix (R)** Respondents continually failed to comply with the court’s

orders or applicable rules of laws, who in fact, Respondents defaulted in the lower court and in reality again, as lack of Respectfulness to law, especially, to this Honorable United States Supreme Court of America in the instant case. Respondents did not object to the Contents received In the Booklet filed in Petitioner's Petition and obviously will not be prejudiced or harmed in all fairness by this court's granting of judgment against the Respondents for all costs created by Respondents' Actions as expressed in Petitioner's Booklet. See booklet pages, "in part" App 27 thru App 40 computation **continued to May 2022**.

**COUNSEL FOR RESPONDENTS FAILED TO CHALLENGE THE JUDICIAL ATMOSPHERE FOR WRIT OF CERTIORARI FOR DEFAULT AND THE JUDGE DISQUALIFICATION AS RESULTED FROM THE DUO RELATIONSHIP AND THE COURTS' FAILURE TO INQUIRE INTO MISCONDUCT EXPRESSED THROUGHOUT THIS ACCUMULATION OF FUNDAMENTAL ERRORS AND IRREPARABLE HARM OVERLOOKED BY THE COURTS.**

Counsel and the Judge unethical and unfair unprofessional practices of violations involved Federal and Constitutional laws as stated in Petitioner's Booklet that warrants adjudication on the merits as stated in "Questions Presented" 18 USC section 242 together with all compelling tables of Authorities representing unlawful duties of law, imposed upon those by law

that is clearly inherent in nature of duties of oaths of office.

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## **STATEMENT OF THE CASE AND OF RELEVANT FACTS**

### **NATURE OF CASE**

On 01/11/17 Petitioner's case was filed for damages against Respondents in a Slip and Fall case, who sustained 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 subsequently Appealed to The Fourth District Court Of Appeals.** (See Petitioner's Booklet page 13 and 14). Petitioner is claiming damages by default from 01/17/13 until 10/19/2017 As previously requested, a **grand total** then, of \$3,770,609.35; And Continued for added years to date, for Petitioner's loss including interest of 4.25%, court cost, associated charges and fees, further herein, with additional computation continued. (See Booklet page 27 thru 38), in the amount of \$25,136,744.00 together with Interest accumulated from past due totals presented as resulted from Respondents' Unprincipled conduct, as stated, with costs to be included for Disseminating determined calculated costs presently submitted.

Previous lost wages	\$149,400.00
Current lost wages	\$143,400.00
	= <b>\$292,800.00</b>

**Continued** Computations from 10/19/2017 to 05/2022

\$292,800.00

4.25% interest = \$12,444.00

Total owed with interest **\$305,244.00**

Proposed Settlement (Estimated Opportunity Loss of Income) See booklet App.39-40.

Previous Loss \$3,400,000.00

Current Loss \$20,400,000.00

\$23,800,000.00

4.25% interest = \$1,011,500.00

**Continued** Loss with Interest = \$24,811.500.00

Total estimated booklet loss \$305,244.00

\$24,811.500.00

**\$25,116,744.00**

Filings fees, Preparation documents cost, Court cost, others cost;

**\$20,000.00**

**Grand Total loss Claimed : \$25,136,744.00**

Petitioner's Motion, movant prays for Default that should be Granted by this Clerk of court in the amount in the sum of, U.S. dollars totaling \$25,136.744.00 twenty five million one hundred thirty six thousand, seven hundred and forty four dollars as prescribed by **28 USC App R Civ. P. Rule 55(a)(1)(b)(1)** "judgment. Judgment by default may be entered as follows: in part; when the Plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the Clerk upon request of the plaintiff and upon

**affidavit of the amount due shall enter judgment for that amount and costs against defendant”.**

arising From Respondents' specifically intended actions causing damages to Petitioner as herein stated there from, not limiting a hearing for Punitive Damaged to be remanded to the trial court based on Florida Statute Section 768.72.(2)(a)(b)(1) “**the claimant may move to amend his or her complaint to assert a claim for punitive damages as allowed by the rules of civil procedures**” to be decided by a jury trial in accordance with FL.R.Civ.P. 1.481 “**in all actions when punitive damages are sought, the verdict shall state the amount of punitive damages separately from the amount of other damages awarded**”

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## **CONCLUSION**

The applicable Foundation of Federal and Constitutional rules stipulated in the booklet, gives the authority to the clerk of court to enter default judgment against respondents at any time “distributed for conference” for writ of certiorari and as clearly resulted, from the Respondents' failure to file a response to the Petition, that permits default application in courts against parties, for not having seek an enlargement or extension of time to respond. Petitioner prays that the fundamental action leaves the court with no other alternative, as to enforced the prescribed laws, to remand to the lower court for punitive damages and to

grant Petitioner's Petition for default on damages. Further, upon reviewing factual finding for non opposition from Respondents for FULL AND FAIR COMPENSATION FOR INJURIES SUSTAINED, SUBSEQUENTLY, AS RESULTED FROM RESPONDENTS' NEGLIGENT AND LIABILITY ARISING FROM THE LEVEL OF PAIN, LOSS AND SUFFERING RELATING TO PERMANENT INJURIES.

Respectfully submitted on this 26th Day April, 2023.

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*Pro Se Petitioner*

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## APPENDIX R

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front If space permits.

1. Article Addressed to:

Wesley Catri 633  
South Andrews Ave  
Third Floor Fort Lauderdale  
Florida 33301

[Bar Code]

9590 9402 7780 2152 4554 20

2. Article Number (*Transfer from service label*)

7018 0680 0001 7988 5109

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Agent

X Tommy Johnsen

Addressee

B. Received by (*Printed Name*)

Tommy Johnsen

C. Date of Delivery

3/22/23

D. Is delivery address different from Item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

App. 45

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- Collect on Delivery
- Collect on Delivery Restricted Delivery Insured Mail
- Insured Mail Restricted Delivery
- Priority Mail Express
- Registered Mail
- Registered Mail Restricted Delivery
- Signature Confirmation
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

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<b>USPS TRACKING #</b>  [BAR CODE]	<b>First-Class Mail</b> Postage & Fees Paid USPS Permit No. G-10
<u>9590 9402 7780 2152 4554 20</u>	

**United States  
Postal Service**

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- Sender: Please print your name, address, and ZIP+4® in this box•

David D. Archer  
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Ave. Tamarac  
FL 33321

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