

Appendix

Appendix1

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
No. 20-11908-AA

USHA JAIN, Dr.,
MANOHAR JAIN,

Plaintiffs-Appellants,

versus

DONALD MYERS,
HEATHER HIGBEE,
JOHN KEST,
KEVIN WEISS,
individually and official capacity,
MR. WERT, et al.,

Defendants-Appellees,

MR. FURBUSH, et al.,
Defendants.

No. 21-11719-JJ

USHA JAIN, Dr.,
MANOHAR JAIN,

Plaintiffs-Appellants,

versus

DONALD MYERS,
HEATHER HIGBEE,

Appendix 1

USCA11 Case: 21-11719 Document: 108-2 Date Filed: 12/22/2022
Page: 1 of 3

JOHN KEST,
KEVIN WEISS,
individually and official capacity,
MR. WERT, et al.,
Defendants-Appellees,
MR. FURBUSH, et al.,
Defendants.

Appeal from the United States District Court
for the Middle District of Florida

Before: JORDAN and NEWSOM, Circuit Judges.
BY THE COURT:

Appellants' motion to reinstate Case No. 20-11908 is GRANTED. The parties have 14 days from the date of this order to file a notice with the Clerk specifying which motions mooted by the dismissal of Case No. 20-11908, if any, are to be renewed. The time for filing a response to any renewed motion runs from the date the opposing party's notice is docketed. Parties seeking to renew a motion after the 14-day renewal period expires will be required to refile the motion.

Before this Court are several motions filed by Appellants in Case No. 21-11719. Appellants' "Request for Relief from the Court for the Order Entered by the Clerk in Appeal No. 20-11908 for not Consolidating with this Appeal of Federal Removal Intertwined with this Appeal" is GRANTED to the extent that this Court

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USCA11 Case: 21-11719 Document: 108-2 Date Filed: 12/22/2022 Page: 3 of 3

CONSOLIDATES Case Nos. 20-11908 and 21-11719. The motion is otherwise DENIED. Briefing in the two appeals shall proceed separately.

Appellants' "Motion for Relief as Appellate Court's Lack of Jurisdiction Due to Nonfinality in the Case and Appellate Brief was filed Despite the Nonfinality to Reinstate the Appeal" is DENIED

Appellants' "Motion for Correction of the Parties for this Appeal About Federal Remand Order of a Federal Removal Case" is DENIED

Appellants' "Motion for Relief from the District Court's Wrong Filing of Federal Removal Pursuant to 28 U.S.C. § 1441 but Appellant Jains Filed Federal Removal Pursuant to 28 U.S.C. § 1443(1)" is DENIED.

Appellants' "Motion for Leave of Court to File Replacement/Amend or Supplement Appellants' Brief Due to Recent Order Doc. 280 About the Finality in the Case and Complete Records are not Transmitted" is DENIED.

Appellants' two motions entitled "Request for Relief from the Court for the Order Entered by the Clerk Regarding 'No Action Taken'" are DENIED.

Appellants have filed numerous repetitive and frivolous filings in these two appeals. Appellants are cautioned that this Court may impose sanctions against them if they continue to submit such frivolous filings.

Appendix 2

USCA11 Case: 21-11719 Date Filed: 04/18/2022 Page:1 of 1

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
No. 21-11719-JJ**

**USHA JAIN, Dr.,
MANOHAR JAIN,**

Plaintiffs-Appellants,

versus

**DONALD MYERS,
HEATHER HIGBEE,
JOHN KEST,
KEVIN WEISS,
individually and official capacity,
MR. WERT, et al.,
MR. BARKER, et al.,**

**Defendants-Appellees,
Defendants.**

**Appeal from the United States District Court
for the Middle District of Florida**

Before: ROSENBAUM, GRANT, and LUCK, Circuit Judges.

BY THE COURT:

Appellants' "Verified Motion of Dr. Usha Jain and Manohar Jain for an Order to Stay/Injunction for the State Court's Enforcement of Invalid Judgement Proceedings to Prevent Manifest Injustice and Irreparable Harm as the Federal Court Still Vested with Jurisdiction of the Removal Case Because Remand was not Effectuated as Required per statute 1447(c)" and supplement to the motion are DENIED.

Appendix 3

Electronic Case Filing U.S. District Court - Middle District of Florida-Display
Receipt

U.S. District Court
Middle District of Florida

Notice of Electronic Filing

The following transaction was entered on 2/19/2021 at 11:13 AM EST and filed on
2/19/2021

Case Name: Jain et al v. Myers et al Case Number: 6:19-cv-01635-CEM-LRH Filer:

WARNING: CASE CLOSED on 02/10/2020

Document Number: 190 (No document attached)

Docket Text:

**ENDORSED ORDER consolidating 6:19-cv-01635 and 6:21-cv-00336, and
designating 6:19-cv-01635 as the lead case; and granting [187] Defendants'
Joint Emergency Motion insofar as the Motion seeks remand and
deferring ruling on the remaining requested relief. Written Order to
follow. This case is REMANDED to the Ninth Judicial Circuit in and for
Orange County, Florida, Case Number 2016-CA-007260-O. Signed by Judge
Carlos E. Mendoza on 2/19/2021. (VLC)**

6:19-cv-01635-CEM-LRH Notice has been electronically mailed to:

Thomas P. Wert twert@deanmead.com, mgodek@deanmead.com

Nichole M. Mooney nmooney@deanmead.com, kgovin@deanmead.com,

Michael J. Furbush mfurbush@deanmead.com, mgodek@deanmead.com

6a

Appendix 3

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Samantha-Josephine Baker
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christina.santacroce@myfloridalegal.com, wendy.estevez@myfloridalegal.com

6:19-cv-01635-CEM-LRH Notice has been delivered by other means to:

Manohar Jain
4800 S. Apopka Vineland Road Orlando, FL 32819
Usha Jain
4800 S. Apopka Vineland Road Orlando, FL 32819

https://ecf.flmd.circ11.dcn/cgi-bin/layReceipt.pl?462616275579611-L_1_0-1
2/22/2021

Appendix 4

2/25/2021 Electronic case filing I U.S. District Court - Middle District of Florida-Display Receipt

**U.S. District Court
Middle District of Florida**

Notice of Electronic Filing

The following transaction was entered on 2/23/2021 at 2:52 PM EST and filed on 2/23/2021

Case Name: Jain et al v. Myers et al

Case Number: 6:19-cv-01635-CEM-LRH Filer:

WARNING: CASE CLOSED on 02/10/2020

Document Number: 193 (No document attached)

Docket Text:

ENDORSED ORDER sua sponte remanding this-case to state court. The reasons for remand have been previously set forth by this Court, (see generally Court Orders, Doc. Nos. 86, 101), and the Emergency Notice of Removal (Doc. 192) contains no new evidence that changes the Court's previous Orders. This case is REMANDED to the Ninth Judicial Circuit in and for Orange County, Florida, Case Number 2016-CA-007260-O. Signed by Judge Carlos E. Mendoza on 2/23/2021. (VLC)

6:19-cv-01635-CEM-LRH Notice has been electronically mailed to:

Thomas P. Wert twert@deanmead.com, mgodek@deanmead.com

Appendix 4

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Samantha-Josephine Baker samantha.baker@myfloridalegal.com,
christina.santacroce@myfioridalegal.com, wendy.estevez@myfloridalegal.com

6:19-cv-01635-CEM-LRH Notice has been delivered by other means to:

Manohar Jain
4800 S. Apopka Vineland Road Orlando, FL 32819
Usha Jain
4800 S. Apopka Vineland Road Orlando, FL 32819

https://ecf.flmd.circ11.dcn/cgi-bin/DisplayReceipt.pl?989798788299364-L_1_0-1

Case 6:19-cv-01635-CEM-LRH Document 188 Filed 02/19/21 Page 1 of 2 Page ID
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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

USHA JAIN and MANOHAR JAIN,

Plaintiffs,

v.

Case No: 6:19-cv-1635-CEM-LRH

DONALD MYERS, HEATHER HIGBEE,

JOHN KEST, KEVIN WEISS, MR.

WERT, MYA HATCHETTE and RENEE

ROCHE,

Defendants.

ORDER

This cause came on for consideration without argument on the following motion filed herein:

**MOTION: DEFENDANTS' JOINT EMERGENCY MOTION FOR
REMAND AND TO ENJOIN PRO SE PLAINTIFFS FROM
SEEKING FURTHER RELIEF WITHOUT COURT'S OR AN
ATTORNEY'S APPROVAL (Doc. 187)**

FILED: February 18, 2021

THEREON it is **ORDERED** that the motion is **DENIED**.

At 4:53 p.m., on February 18, 2021, Defendants David Baker, Mary-Beth Valley, and Michael J. Furbush filed an emergency motion to remand this case to state court in response to the Plaintiffs' notice of removal, which was filed with the Clerk of Court the same day at approximately 3:43 p.m. (Doc. 187("Motion")).¹

¹ It appears the motion was filed as an emergency because the parties were scheduled to appear in the state court action today at 9:00 a.m. for an evidentiary hearing on

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Case 6:19-cv-01635-CEM-LRH Document 188 Filed 02/19/21 Page 2 of 2 Page ID
3273

The Defendants also request that the Plaintiffs be prohibited from filing future papers with the Court unless those filings are signed by counsel or they are granted leave to file by the Court. (*Id.* at 5-6). While the Plaintiffs have not responded to the Motion, the Court does not require the benefit of a response to rule on the matter. The notice of removal is not part of the present action, rather, and in accordance with Clerk's office policy as well as with the Plaintiffs' request in the notice of removal, a new case has been opened. *See Jain v. Barker*, Case No. 6:21-cv-336-Orl-37LRH (M.D. Fla.). As such, there is nothing to remand or address in the present matter, and the Court again notes that this case has been closed since February 10, 2020 (*See* Docs. 101; 151; 158). Accordingly, the Motion (Doc. 187) is **DENIED**, and the Defendants may challenge removal in the newly opened case, if appropriate. As to the Defendants' request to limit the Plaintiffs' ability to file papers with the Court, any such request can also be filed in an open and pending case – this matter remains closed. **DONE** and **ORDERED** in Orlando, Florida on February 19, 2021.

Leslie R. Hoffman
LESLIE R. HOFFMAN
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record Unrepresented Parties

Defendants' motion for attorney's fees and sanctions. (Doc. 187 at 1, 4).

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Appendix 6

Electronic Case Filing I U.S. District Court - Middle District of Florida-
Display Receipt Page 1 of 1

**U.S. District Court
Middle District of Florida**

Notice of Electronic Filing

The following transaction was entered on 2/19/2021 at 10:56 AM EST and filed on
2/19/2021

Case Name: Jain et al v. Myers et al

Case Number: 6:19-cv-01635-CEM-LRH

Filer:

WARNING: CASE CLOSED on 02/10/2020

Document Number: 189 (No document attached)

Docket Text:

**ENDORSED ORDER vacating [188] Order on Motion to Remand to
State Court. Signed by Magistrate Judge Leslie R. Hoffman on
2/19/2021. (MOH}**

6:19-cv-01635-CEM-LRH Notice has been electronically mailed to:

Thomas P. Wert twert@deanmead.com, mgodek@deanmead.com

Nichole M. Mooney nmooney@deanmead.com, kgovin@deanmead.com,

Michael J. Furbush mfurbush@deanmead.com, mgodek@deanmead.com

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12a
Appendix 6

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christina.santacroce@myfloridalegal.com, wendy.estevez@myfloridalegal.com

6:19-cv-01635-CEM-LRH Notice has been delivered by other means to:

Manohar Jain
4800 S. Apopka Vineland Road Orlando, FL 32819
Usha Jain
4800 S. Apopka Vineland Road Orlando, FL 32819

https://ecf.flmd.circ11.dcn/cgi-bin/DisplayReceipt.pl?632984267725 105-L_1_0-1
2/22/2021

13a

Endorsed remand order (Doc. 190) was received
on February 28, 2021

UNITED STATES DISTRICT COURT

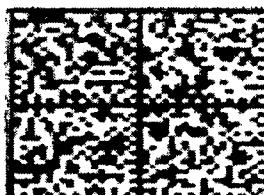
OFFICE OF THE CLERK

US COURTHOUSE

401 W. CENTRAL BLVD., SUITE 1200

ORLANDO, FLORIDA 32801-0120

Official Business



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Doc 190

Date entered 2/23

Mailed out on 2/26

Received on 2/28/2021