

No. \_\_\_\_\_

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*IN THE SUPREME COURT OF THE UNITED STATES*

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*JOHN DOE,*

*Applicant/Petitioner*

*v.*

*CONNECTICUT GENERAL LIFE INSURANCE COMPANY,*

*Respondent*

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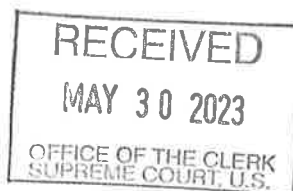
**On Time-Sensitive Application for an Extension of Time<sup>1</sup> to File Petition  
for a Writ of Certiorari to the District Court of Appeal of the State of  
Florida, Second District**

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**APPLICATION TO THE HONORABLE UNITED STATES SUPREME COURT  
JUSTICE CLARENCE THOMAS AS CIRCUIT JUSTICE**

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John Doe<sup>2</sup>  
% Douglas B. Stalley  
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<sup>1</sup> Includes information about (a) good faith efforts to confer prior to filing this application; (b) extraordinary reasons required by Rule 13.5 for review of this application; and (c) [separate] certificate of service by electronic means.

<sup>2</sup> Proceeding throughout litigation prescribed by § 381.004 Fla. Stat. (1988) Order

Time-Sensitive Application Presented to the Honorable United States Supreme Court Justice Clarence Thomas, as Circuit Justice, With Respect to Petition for Writ of Certiorari Due to be Filed on or by Tuesday, May 30, 2023

Pursuant to Rule 13.5 of this Court, John Doe (“Applicant” or “Doe”), physically incapacitated<sup>3</sup> Florida resident, hereby respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari up to and including Friday, July 28, 2023, and states that it would be shown that:

1. The District Court of Appeal of the State of Florida, Second District, rendered a decision in Case Nos. 2D21-247 and 2D21-710 on December 14, 2022 (appended hereto: #1)(appeals were consolidated; all filings in 2D21-247). Timely request for rehearing, rehearing en banc, and for written opinion denied; amended order rendered on February 27, 2023 (appended hereto; #2).

2. Absent an extension of time, the Petition for Writ of Certiorari is due May 30, 2023. This application is NOT being filed more than ten days before that date; some extraordinary circumstances, certification not for improper purpose, orders in pending “related case” (2D22-2160), including February 1, 2023: **“This court previously noted 2D21-247, as related to this appeal following**

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<sup>3</sup> The law of the case and various affidavits, documents and other papers, including declaration under penalty of perjury executed by the Respondent’s expert, Dr. Bhupendra K. Gupta, M.D. (Brandon, Florida) filed in Case No. 8:17-cv-0700 in the United States District Court for the Middle District of Florida (case referenced on page 1 herein) during preemption doctrine proceedings, and post order of remand filings in State Court (trial and appellate) contain ongoing requests for preservation of privacy and other rights provided by, the Florida Constitution, and the *Florida Statutes*, including § 381.004, the Florida Omnibus AIDS Act of 1988, and include information about physical impairments and incapacitation (including periods of total debilitation) due to acquired immune deficiency syndrome and opportunistic infections, recurrent advanced stage metastasized cancer and twice-daily radiation and twice-daily chemotherapy survivability treatment plan and effects, seizure disorder, and rare neurological disorder, type-1 narcolepsy (with cataplexy).

**appellant's Notice of Related Case filed on September 12, 2022. Accordingly, appellant's Request for Judicial Notice is denied as moot."**

[bold emphasis added herein] Briefing has been completed, and inextricably intertwined "related case" pending (also in the District Court of Appeal of Florida, Second District) will pursuant to order canceling argument provisionally set for May 24, 2023, "be decided on the briefs without oral argument."

### REASONS FOR GRANTING AN EXTENSION OF TIME

3. The first request of Applicant for extension of time in solely state law claims case about HIV/AIDS records (not about accounts, life insurance or other matters) was 671 days after preemption doctrine proceedings concluded;<sup>4</sup> subsequent requests for continuance, including with respect to requests made to the State (trial) Court in Spring 2020 (respiratory) and Summer 2020 (surgical procedure deferred due to pandemic), to which the Respondent objected; and during post transfer State (trial) Court hearing on December 1, 2020 (due to recurrence of septicemia), to which the Respondent again objected, and although estate and trust attorney and litigation trust fiduciary [authorized by Jeanne M. Cremeens, Esq. on September 4, 2019 with trust documents executed on September 9, 2019] again went out of their way to immediately comply with order of the State (trial) Court, as unable to modify form of guardianship in manner ordered on December 1, 2020 by

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<sup>4</sup> The request permitted by the rules (normally inviolate mediation rules waived by the Respondent during February 2020, open court proceeding) to finish the mediation conference on another date was made DURING a Neuroscience intensive care discharge to home nursing medical event at approximately 2:30 pm on July 30, 2019 at the voluntary settlement conference sought by court order in case that had remained at essentially same posture (with just one unanswered discovery request served on June 27, 2019) as independent legal duty referenced in September 27, 2017, order of remand, remained under advisement following serial rehearings requested by the Respondent

the State (trial) Court due to short time period, Doe was unable to participate in the December 8, 2020, hearing on the September 4, 2019, Motion [of the Respondent] to Enforce [July 30, 2019] Settlement Agreement (filed and served September 4, 2019 and on that same date noticed for hearing (and amended notice also thereafter issued noting same hearing date: October 1, 2019, with matter ripe for adjudication as fully briefed, including Response and Affidavit of Jeanne M. Cremeens, Esq., Florida Bar No. 26007, filed on September 26, 2019, and stating in part:

18. To prevail on a motion to enforce a settlement agreement, Defendant must prove that there was a contract and, more specifically, that the terms of the offer, precisely as they were made, were accepted. Clearly Plaintiff did not agree to the confidentiality provisions or the all-encompassing release language in the proposed release. Likewise, Plaintiff did not agree to forego his life insurance benefits or seek damages he may be entitled to based on any incorrect handling of his current life insurance policy. There was no assent to the proposed settlement terms, and no settlement agreement i.e. contract which may be enforced by the Court.

19. Finally, Defendant cites to no basis whatsoever for recovery of the attorney's fees and costs it seeks in the motion. Without such basis, the request must be denied.

WHEREFORE, Plaintiff respectfully requests the Court deny Defendant's Motion in its entirety.

[See Appendix #3 through #5; copy of referenced December 15, 2020, order of State (trial) Court; copy of referenced February 1, 2021, order of (State) trial Court, and portion of September 26, 2019, Response and Affidavit of Jeanne M. Cremeens, Esquire.]

4. The timely Response and Affidavit of Jeanne M. Cremeens, Esquire filed on September 26, 2019 are not referenced in the December 15, 2020, order (granting September 4, 2019, Motion of Connecticut General Life Insurance Company to Enforce [July 30, 2019] Settlement Agreement [and July 30, 2019, Release] and February 1, 2021, order granting request of Connecticut General Life Insurance Company to levy a fine upon Doe at rate of five hundred dollars per day for not executing the July 30, 2019, Release, nor reference to Litigation Trust Fiduciary; instead, the order is to be mailed to the Applicant's "last known address.") in such orders with respect to this pending matter (and inextricably intertwined pending "related case") to which it would appear reasonable to suggest a decision is imminent in pending "related case" (no other cases pending) concerning denial of injunctive and other relief with respect to events of July 30, 2019.

5. As also noted in the record of State (appellate) Court cases, the Applicant wholeheartedly concurs with the Respondent's Counsel that during the proceedings with respect to the matters sought to be reviewed, the State (appellate) Court "bent over backwards" with respect requests necessitated due to medical conditions. During the consolidated cases on appeal, several requests made under the penalties of perjury (and about providing sufficient proofs in manner prescribed by Florida law) were necessary and granted due to total debilitation. With respect to the pending "related case" (2D22-2160) also before the District Court of Appeal of Florida, Second District, no such special requests; Applicant has been diligent, including immediately apprising the appellate court about delay of preparation of

the trial court record (to which all fees timely paid by Postal Money Order within three days) solely due to extremely busy workload of the Office of the Clerk of the Thirteenth Judicial Circuit Court in and for Hillsborough County, Florida.

6. After filing briefs and other papers in the referenced pending “related case,” and with preservation of rights and privileges, Applicant had to pivot back to additional and unresolved issues for “expected (by longtime multidisciplinary medical team) effects.” During the past thirty plus days, in addition to daily treatment for aforementioned medical conditions, Applicant’s days have been consumed about condition and multidisciplinary suggestions and medical orders, and readily admits (and concurs with opposing counsel, apologizing for burden) due to inability to understand Applicant’s speech, to which for scrupulous compliance with telephonic conference requirements, spouse telephoned opposing counsel) sometimes difficult to articulate; and unable to sit at a computer for more than short periods; pain level is at times intractable and walking even a few feet and basic bodily functions painful due to scrotal pain and swelling (to which additional tests and procedures, including during the period an application was due to be filed with this Court) and such pending specialists’ review and follow-up up on this date.

7. Applicant is mindful that this type of application is disfavored and that review of this application submitted prior to expiration of the deadline (but not more than ten days before the due date as referenced in the Rules of this Court) requires a heightened showing of extraordinary circumstances.

8. Applicant respectfully suggests that no legal prejudice will befall any party if an extension of time (request is for sixty days) is granted.

9. Applicant made inquiries about amicable resolution and this ["extraordinary"] application to opposing counsel (and to the mediator presiding over the July 30, 2019, incomplete voluntary settlement conference, and to former longtime counsel ordered off case at October 1, 2019, emergency hearing (on less than one day notice, and deferring matter noticed to be heard and purportedly sole reason ("counsel as potential witness to medical July 30, 2019, medical event) for self-inquiry to the Florida Bar on or about September 27, 2019, or day after the September 26, 2019, Response and Affidavit of Jeanne M. Cremeens, Esquire was filed. **Applicant is unable to represent whether this Application is opposed or unopposed; Applicant will endeavor to immediately update such.**

WHEREFORE, based upon pending "related case" and other facts, the Applicant, John Doe, respectfully requests a sixty day extension of time to File Petition for a Writ of Certiorari to the District Court of Appeal of the State of Florida, Second District

Respectfully submitted,

/s [Original Available for Inspection Upon Request]

John Doe  
% Douglas B. Stalley  
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APPENDIX 1



# M A N D A T E

from

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA**

## **SECOND DISTRICT**

THIS CAUSE HAVING BEEN BROUGHT TO THIS 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, IF REQUIRED, IN ACCORDANCE WITH THE OPINION OF THIS COURT ATTACHED HERETO AND INCORPORATED AS PART OF THIS ORDER, AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE ROBERT MORRIS CHIEF JUDGE OF THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, SECOND DISTRICT, AND THE SEAL OF THE SAID COURT AT LAKELAND, FLORIDA ON THIS DAY.

DATE: March 17, 2023

SECOND DCA CASE NO. 21-0247

COUNTY OF ORIGIN: Hillsborough

LOWER TRIBUNAL CASE NO. 16-CA-009205

CASE STYLE: JOHN DOE

v. CONNECTICUT GENERAL LIFE  
INSURANCE COMPANY



*Mary Elizabeth Kuenzel*  
Mary Elizabeth Kuenzel  
Clerk

cc: (without attached opinion)  
JAMES H. WYMAN, ESQ.  
STEVEN D. LEHNER, ESQ.

RUEL W. SMITH, ESQ.  
JOHN DOE

mep

DISTRICT COURT OF APPEAL OF FLORIDA  
SECOND DISTRICT

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JOHN DOE,

Appellant,

v.

CONNECTICUT GENERAL LIFE INSURANCE COMPANY,

Appellee.

No. 2D21-247, 2D21-710  
CONSOLIDATED

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December 14, 2022

Appeal from the Circuit Court for Hillsborough County; Cheryl K. Thomas, Judge.

John Doe, pro se.

James H. Wyman, Hinshaw & Culbertson LLC, Coral Gables, for Appellee.

PER CURIAM.

Affirmed.

SILBERMAN, KELLY, and LUCAS, JJ., Concur.

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Opinion subject to revision prior to official publication.

## APPENDIX 2

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
SECOND DISTRICT  
1700 N. TAMPA STREET, SUITE 300, TAMPA, FL 33602

February 27, 2023

**AMENDED ORDER**

**CASE NO.: 2D21-0247, 2D21-0710**

**L.T. No.: 16-CA-009205, 16-CA-009205**

JOHN DOE

v.

CONNECTICUT GENERAL LIFE  
INSURANCE COMPANY

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Appellant / Petitioner(s),

Appellee / Respondent(s).

**BY ORDER OF THE COURT:**

Appellant's motion for rehearing, rehearing en banc, and issuance of a written opinion is denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

mep

*Mary Elizabeth Kuenzel*  
Mary Elizabeth Kuenzel  
Clerk



Served:

JAMES H. WYMAN, ESQ.  
STEVEN D. LEHNER, ESQ.  
CINDY STUART, CLERK

RUEL W. SMITH, ESQ.  
JOHN DOE

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

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*IN THE SUPREME COURT OF THE UNITED STATES*

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*JOHN DOE,*

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**CERTIFICATE OF SERVICE OF On Time-Sensitive Application for an  
Extension of Time to File Petition for a Writ of Certiorari to the District  
Court of Appeal of the State of Florida, Second District**

I HEREBY CERTIFY that all parties (only one party remaining following September 27, 2017, order of remand, to this proceeding have been served with a copy of this Application and that on this 25th day of May, 2023, I caused a true and correct copy of the foregoing to be served by electronic delivery upon James H. Wyman, B.C.E., Hinshaw & Culbertson LLP, 2525 Ponce de Leon Blvd Fl 4, Coral Gables, FL 33134-6044, Office: 305-358-7747, Fax: 305-577-1063, Email: jwyman@hinshawlaw.com.

/s [Original Available for Inspection Upon Request]

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% Douglas B. Stalley

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Fiduciary Phone: (813) 684-9800

*[Handwritten Signature]*  
*5/25/2023*

