

APPENDICES FOR WRIT OF CERTIORARI

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

January 03, 2024

CASE NO.: 2D23-0685
L.T. No.: 21-SC-018676

NOEL VINCENT THOMAS

v.

FLORIDA, DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR
VEHICLES

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

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

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

mep

Mary Elizabeth Klenzel
Mary Elizabeth Klenzel
Clark



Served:

ASHLEY MOODY, A. G.
NOEL VINCENT THOMAS

MARIE T. RIVES, A.A.G.
HILLSBOROUGH CLERK

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

NOEL VINCENT THOMAS,

Appellant,

v.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES,

Appellee.

No. 2D23-685

December 6, 2023

Appeal from the County Court for Hillsborough County; Jessica G. Costello, Judge.

Noel Vincent Thomas, pro se.

Ashley Moody, Attorney General, and Marie T. Rives, Senior Assistant Attorney General, Tampa, for Appellee.

PER CURIAM.

Affirmed.

KHOUZAM, LUCAS, and LABRIT, JJ., Concur.

Opinion subject to revision prior to official publication.

IN THE COUNTY COURT IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

CIVIL DIVISION

NOEL VINCENT THOMAS

PRO SE LITIGANT

PLAINTIFF

Vs.

FLORIDA DEPARTMENT OF HIGHWAY

SAFETY AND MOTOR VEHICLES,

DEFENDANTS

DENIED Date March 20, 2023



J.G. COSTELLO, COUNTY JUDGE

| CASE NO. 21-CC-018676

| DIVISION K

CLERK OF CIRCUIT COURT
MAR 3 2023 PM2:18**MOTION FOR REHEARING**

Plaintiff, Noel Vincent Thomas, move this Court to grant the motion for rehearing and to determine whether the Trial Court acted in good faith in rendering the unjust final judgment decision on February 22, 2023. Plaintiff filed this lawsuit on February 25, 2021, and have filed twelve (12), different motions into the Trial Court with only one of those motions being entertained by this Court but every single motion filed by the Defendants have been responded to and given a favorable outcome, so this Court have proven that it's not an impartial arbiter.

Plaintiff sent to the Trial Court by way of email, a proposal in opposition to the Defendant's first motion to dismiss, which was emailed on November 5, 2021, wherein Plaintiff quoted Florida Rule of Civil Procedure (FRCP) 1.500(b), titled, Default and Final Judgment, which asserted, By the Court. When a party against whom affirmative relief is sought has failed to plead or otherwise defend as provided by these rules or any applicable statute or any order of court, the court may enter a default against such party; provided that if such party has filed or served any paper in the action, that party shall be served with notice of the application for default. Plaintiff

IN THE COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

NOEL VINCENT THOMAS,

CASE NO.: 21-CC-018676

Plaintiff,

DIVISION: K

v.

FLORIDA DHSMV,

Defendant.

FINAL JUDGMENT FOR DEFENDANT

THIS MATTER came before this Court for Final Hearing on August 2, 2022, on Plaintiff's Amended Statement of Claim seeking to recover a total of \$8,000.00 plus costs from Defendant. Plaintiff appeared pro se. Defendant appeared through counsel. Having considered the evidence, testimony, and argument presented, and being otherwise fully advised, the Court finds:

Background

1. Plaintiff instituted this small claims action on February 25, 2021. Defendant responded to the action with a Motion to Dismiss, which asserted multiple grounds on which Defendant sought dismissal—the sufficiency of the pleading; the statute of limitations; and sovereign immunity. The Court granted the Motion to Dismiss in part on January 24, 2022,¹ based on the Statement of Claim being insufficiently pled, and gave Plaintiff leave to file an amended statement of claim. The Court did not rule on the merits of Defendant's asserted defenses as they were not appropriate for determination on a motion to dismiss.

¹ The Order Granting in Part Defendant's Motion to Dismiss is docketed on February 1, 2022.

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CIVIL
DIVISION

2. On February 10, 2022, Plaintiff filed his Amended Statement of Claim. The Amended Statement of Claim again asserts three causes of action against Defendant: (1) conspiracy; (2) fraud; and (3) negligence. The causes of action center on the alleged actions of Alabama and the Florida Department of Highway Safety and Motor Vehicles with regard to Plaintiff's driving privileges and his ability to obtain information from Defendant in that regard.

3. Defendant again responded with a Motion to Dismiss. In the Motion, Defendant sought dismissal alleging Plaintiff failed to provide statutory notice pursuant to Florida Statutes section 768.28(6)(a) and Plaintiff failed to state a cause of action. The Court denied the Motion indicating "that, given the standard to which the Court is confined in considering a motion to dismiss, the defenses raised in the Motion to Dismiss, like the statute of limitation defense and the sovereign immunity defenses raised in the previous motion, are not appropriate for determination at the motion to dismiss stage in this matter." Order Denying Def.'s Mot. to Dismiss p. 2 (June 7, 2022). The Court also noted that the denial of the Motion to Dismiss was "not a ruling on the merits of the defenses" and was "without prejudice to the defenses being raised at the appropriate stage in the proceedings." *Id.*

4. This matter was then set for Final Hearing.

August 2, 2022 Final Hearing

5. All parties appeared before the Court on August 2, 2022, and indicated their readiness to proceed with the final hearing in this matter.

6. At the outset, Plaintiff began to address an affidavit filed by Defendant on July 29, 2022, related to its defense regarding Plaintiff's failure to provide the statutory notice required by Florida Statutes section 768.28(6)(a). The Court indicated that the Affidavit had not yet been introduced and would be addressed if Defendant raised it in its case. The Court then redirected Plaintiff to presentation of his case and what evidence Plaintiff wanted to provide to the Court

with regard to proving his claims. Defendant asserted that the Court had already ruled that he met the standard, and that everything had been provided that was necessary for the Court to rule. The Court explained that the Court had previously ruled on Motion to Dismiss, and not on the merits of the action, and that now, at the Final Hearing, it was time for Plaintiff to provide the Court with evidence in support of his claims.² Plaintiff became adamant and fixed in his position that he didn't need to provide any evidence because he already filed his Amended Statement of Claim, and if the Court had a problem with it, the Court should have told him he didn't meet the standard.

7. Eventually, Plaintiff provided the Court with a number of documents, which were admitted as Plaintiff's Composite Exhibit 1 without objection. The documents provided by Plaintiff in support of his case included: (1) an email dated June 26, 2018, from Chief Deena L. Pregno with the Alabama Law Enforcement Agency Driver License Division; (2) a letter dated July 27, 2018, from Mike Stacy, Director of Investigations, Office of the Inspector General with Florida Department of Highway Safety and Motor Vehicles; (3) a letter dated August 31, 2018, from the Operations Manager D, Bureau of Records, Division of Motorist Services with the Florida Department of Highway Safety and Motor Vehicles; (4) a U.S. Postal Service Certified Mail Receipt reflecting a postmark of July 23, 2018, and that the associated mail was sent to a Julie Leftheris; (5) a U.S. Postal Service Certified Mail Receipt reflecting a postmark of October 16, 2018, and that the associated mail was sent to Alabama Law Enforcement Agency; and (6) a

² Pursuant to Florida Small Claims Rule 7.140(e), "the court shall assist any party not represented by an attorney on: . . . (2) order of presentation of material evidence; . . ."; however, "the court may not instruct any party not represented by an attorney on the accepted rules of law." Additionally, while liberally construed in small claims cases, the rules of evidence are applicable. *See* Fla. Sm. Cl. R. 7.140(f).

U.S. Postal Service Certified Mail Receipt reflecting a postmark of October 16, 2018, and that the associated mail was sent to Florida DHSMV.³

8. The Court inquired if Plaintiff had any other evidence he wished to have the Court consider. Plaintiff again indicated the Court had everything, and then asserted that he did not want the Court to consider anything. As such, Plaintiff's case concluded.

9. Defendant moved for directed verdict indicating that Plaintiff failed to present evidence supporting his claims for conspiracy, fraud, and negligence. In response to Defendant's Motion, Plaintiff cited to the emails provided to the Court, indicated there is admission of error in the emails, and asserted that Defendant's "documents" were false. It is not entirely clear precisely what documents Plaintiff was asserting were false as no evidence, aside from Plaintiff's Composite Exhibit 1, had been admitted in this case. When asked what proof he had that the asserted documents were false, Plaintiff did not offer any. Plaintiff, who had become increasingly obstinate, then told the Court to "do what you want to do," indicated he "gave all the evidence," and stated "just dismiss the case." The Court reserved ruling on Defendant's Motion, and allowed Defendant to proceed with their case.

10. Defendant asserted that pre-suit notice had not be provided as required by Florida Statutes section 768.28(6)(a). In support of this defense, Defendant attempted to provide the Court with the Affidavit of Stephen Hall, which was filed September 29, 2022.⁴ Defendant failed to provide a proper basis upon which the Court could consider the filed Affidavit as evidence in this proceeding; as such, the Court does not consider same.

³ Notably, these documents did not include any correspondence from Plaintiff to any of these entities, and did not indicate the contents of the mailings associated with the certified mail receipts.

⁴ This is the Affidavit Plaintiff began to address at the start of hearing.

11. Defendant argued that the emails (Plaintiff's Composite Exhibit 1), which Plaintiff asserts are the required notice, do not meet the requirements of section 768.28(6)(a). Defendant also argued that this action was barred by the statute of limitations; however, Defendant also indicated that the full timeline regarding this matter is not discernable.

12. Given the opportunity for rebuttal, Plaintiff refused.

13. Defendant then renewed its Motion for Directed Verdict, and the Court reserved ruling.

Conclusion

14. After review and consideration of the limited evidence provided by Plaintiff, the arguments made by both parties, the Court finds that Plaintiff failed to put forth sufficient evidence to meet his burden and prove his claims against Defendant. As such, judgment in favor of Defendant is warranted.

15. Given the Court's ruling, the Court finds it unnecessary to rule on the defenses advanced by Defendant.

Based on the foregoing, it is therefore **ORDERED AND ADJUDGED**:

- A. Judgment is hereby entered in favor of Defendant, FLORIDA DHSMV. Plaintiff shall take nothing by this action and Defendant shall go hence without day.
- B. Each side shall bear their own fees and costs in this matter.

DONE AND ORDERED in Chambers, at Tampa, Hillsborough County, Florida, this 22nd day of February, 2023. Nunc Pro Tunc to Original Date of Issuance, August 11, 2022.



HONORABLE JESSICA G. COSTELLO
County Court Judge

Copies to:
Noel Vincent Thomas, Plaintiff
Jessica Schwieterman, Esquire, for Defendant

**IN THE COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CIVIL DIVISION**

NOEL VINCENT THOMAS,

Plaintiff,

v.

FLORIDA DHSMV,

Defendant.

CASE NO.: 21-CC-018676

DIVISION: K

SEARCHED - INDEXED - FILED - PMS:58

ORDER GRANTING IN PART DEFENDANT'S MOTION TO DISMISS

THIS MATTER came before this Court on October 26, 2021, on Defendant, Florida Department of Highway Safety and Motor Vehicles' Motion to Dismiss filed March 29, 2021. Plaintiff appeared at the hearing pro se. Defendant appeared through counsel. Having reviewed and considered Defendant's Motion, argument of the parties, the court file, relevant case law, and being otherwise fully advised, the Court finds as follows:

Background

1. Plaintiff, Noel Vincent Thomas, instituted this small claims action seeking \$8,000.00 from Defendant, Florida Department of Highway Safety and Motor Vehicles, on February 25, 2021. Although a small claims matter, Plaintiff's Statement of Claim is comprised of approximately eight pages of written statements and forty-one (41) pages of attachments. The Statement of Claim indicates that it is alleging causes of action for conspiracy, fraud, and negligence. Although quite convoluted, it appears that the asserted causes of action center on the alleged actions of the Alabama and Florida Departments with regard to Plaintiff's driving privileges and his ability to obtain information from the Defendant in that regard.

2. This matter is proceeding under the Florida Small Claims Rules.
3. On March 29, 2021, Defendant filed its Motion to Dismiss, which asserts the following grounds on which it argues dismissal, with prejudice, is warranted:
 - a. "The Plaintiff's Statement of Claim does not plead the facts of the case with sufficient particularity";
 - b. "Pursuant to s. 95.11, the Statute of Limitations bars the Plaintiff's cause of action";
 - c. "The Department is entitled to sovereign immunity to the extent the Petitioner seeks monetary damages. Furthermore, even if there was some exception that allowed suit against the Department for monetary damages, the instant matter should have been filed in Leon County, Florida pursuant to the home venue privilege."
4. Plaintiff argues that Defendant's Motion, which indicates it is brought pursuant to Florida Rule of Civil Procedure 1.140(b), is not authorized. Although, Defendant's Motion does cite a rule not applicable in this proceeding, there is nothing in the Florida Small Claims Rules prohibiting pre-trial motions. *See Fl. Sm. Cl. R. 7.090(c)* (indicating that "[u]nless required by order of court, written pretrial motions and defensive pleadings are not necessary" and providing that "[i]f filed, copies of such pleadings shall be served on all other parties to the action at or prior to the pretrial conference or within such time as the court may designate"); *see also Morburger v. J. Reporting, Inc.*, 318 So. 3d 619, 621 (Fla. 3d DCA 2021). As such, despite the Motion's citation to a rule not applicable in this matter, this Court may consider Defendant's pretrial motion.

Defendant's Motion to Dismiss

5. "In ruling on a motion to dismiss, the trial court must confine itself to the four corners of the complaint, accept the allegations of the complaint as true, and construe the allegations in the light most favorable to the plaintiff." *Brooke v. Shumaker, Loop & Kendrick, L.L.P.*, 828 So. 2d 1078, 1080 (Fla. 2d DCA 2002). Further, "[u]nless affirmative defenses

11. Statement of Claim fails to articulate a basis for the damages sought. The lack of clarity in the Statement of Claim as filed, however, does not indicate that amendment would be futile, and Plaintiff should be given the chance to file an amended Statement of Claim.

12. As such, the Court **GRANTS** Defendant's Motion to Dismiss on this basis **WITHOUT PREJUDICE**.

II. Statute of Limitations

13. Defendant argues that the statute of limitations bars this action citing four-year statutes of limitations for fraud and negligence. *See* Def.'s Mot. to Dismiss pp. 7-8.³

14. As noted above, in considering Defendant's Motion to Dismiss, the Court is confined to reviewing the Statement of Claim and its attachments. An affirmative defense, such as the statute of limitations, can be considered on a motion to dismiss when the defense appears on the face of the complaint. *See Pontier v. Wolffson*, 637 So. 2d 39, 40 (Fla. 2d DCA 1994); *Brooke*, 828 So. 2d at 1080 (stating that "[t]he defendant may raise the statute of limitations in a motion to dismiss **only** when the violation of the statute of limitations appears on the face of the complaint and its attachments" (emphasis added)).

15. The Court finds that the statute of limitations is not apparent on the face of Plaintiff's Statement of Claim and its attachments, and is therefore not appropriate for determination at this stage.

16. As such, the Court does not grant defendant's motion on this basis. This is without prejudice to Defendant raising the defense at the appropriate stage in the proceedings.

³ The Court recognizes Defendant's argument that the lack of clarity in the Statement of Claim makes it difficult to determine the operative dates in considering the statute of limitations for the asserted causes of action. The Court has addressed the lack of clarity in the previous section.

III. Sovereign Immunity

17. Defendant argues that it is entitled to sovereign immunity to the extent Plaintiff's action seeks monetary damages and the action should be dismissed with prejudice. Def.'s Mot. to Dismiss pp. 9-11. Defendant asserts that "even if the Statement of Claim could be interpreted as bringing a tort action against the Department, the Plaintiff did not follow statutory procedures requiring pre-suit notice under" Florida Statutes section 768.28 in order to maintain an action against the Defendant. *Id.* at pp. 9-10.
18. Despite the lack of clarity in the extensive recitation in Plaintiff's Statement of Claim, Plaintiff's asserted causes of action appear to be torts for which sovereign immunity may potentially be waived under section 768.28, if the requirements for bringing an action have been met.
19. Defendant argues that, if the causes of action are torts, Plaintiff has failed to comply with statutory procedures regarding pre-suit notice under section 768.28. As noted above, the Court is confined to reviewing the Statement of Claim and its attachments on a motion to dismiss and only when the affirmative defense appears on the face of the complaint can it be considered on a motion to dismiss.
20. The Court finds that this defense is not apparent on the face of Plaintiff's Statement of Claim and its attachments, and is therefore not appropriate for determination at this time.
21. As such, the Court does not grant defendant's motion on this basis. This is without prejudice to Defendant raising the defense at the appropriate stage in the proceedings.

IV. Improper venue

22. As an alternative argument, Defendant asserts that Hillsborough County, Florida is an improper venue. Def.'s Mot. to Dismiss p. 11. Defendant argues that "[t]he general rule

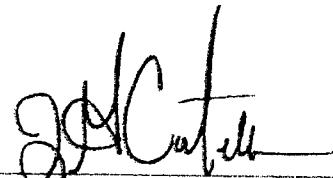
in Florida is that the proper venue for a suit against a state agency and state officers acting in their official capacities is the agency's home venue," which Defendant asserts is Leon County, Florida. *Id.* at pp. 11-12.

23. Because Defendant's Motion to Dismiss is being granted in part and Plaintiff's Statement of Claim is being dismissed without prejudice, the Court does not rule on Defendant's alternative argument regarding whether venue in Hillsborough County is proper at this time.⁴

Based on the foregoing it is therefore **ORDERED AND ADJUDGED**:

- A. Defendant's Motion to Dismiss filed March 29, 2021, is hereby **GRANTED in part** to the extent outlined above.
- B. Plaintiff's Statement of Claim is hereby **DISMISSED without prejudice**.
- C. Plaintiff has twenty (20) days from the date of this Order within which to file and serve an amended statement of claim.

DONE AND ORDERED in Chambers, at Tampa, Hillsborough County, Florida, this 24th day of January, 2022.


HONORABLE JESSICA G. COSTELLO
County Court Judge

Copies to:
Noel Vincent Thomas, Plaintiff
Elana J. Jones, Esquire, for Defendant

⁴ The Court notes that Florida Statutes section 768.28(1) provides that actions for which sovereign immunity has been waived under the section "may be brought in the county where the property in litigation is located or, if the affected agency or subdivision has an office in such county for the transaction of its customary business, where the cause of action accrued."

IN THE CIRCUIT/COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT, IN
AND FOR HILLSBOROUGH COUNTY, FLORIDA

DATE: May 24, 2022

Division K

21-CC-018676

PLAINTIFFS: NOEL VINCENT THOMASAttorney of Record: Pro Se

APPEARED FOR

PLAINTIFF:

10:33am NO APPEARANCE TELEPHONIC APPEARANCE

vs

DEFENDANTS: FLORIDA DHSMVAttorney of Record: MARIE T RIVES

APPEARED FOR

DEFENDANT: Jessica Schwieckerman NO APPEARANCE TELEPHONIC APPEARANCE 200m

MOTION HEARING	GRANTED	DENIED
<input type="checkbox"/> MOTION FOR SUMMARY JUDGMENT		
<input type="checkbox"/> MOTION FOR JUDGMENT ON PLEADINGS		
<input type="checkbox"/> MOTION TO COMPEL		
<input type="checkbox"/> MOTION FOR CONTEMPT		
<input checked="" type="checkbox"/> DEFENDANT'S MOTION TO DISMISS		
<input type="checkbox"/> MOTION TO STRIKE		
<input type="checkbox"/> MOTION TO TRANSFER		
<input type="checkbox"/> MOTION TO AMEND		
<input type="checkbox"/> MOTION TO WITHDRAW		
<input type="checkbox"/> MOTION FOR ORDER OF ARREST		
<input type="checkbox"/> MOTION FOR ATTORNEYS FEES		
<input type="checkbox"/> MOTION FOR		
<input type="checkbox"/> MOTION TO		
<input type="checkbox"/> RULE TO SHOW CAUSE/ORDER TO SHOW CAUSE		
<input type="checkbox"/> DEFENDANTS CLAIM OF EXEMPTION REQUEST		
Garnishee:		
<input type="checkbox"/> OTHER		

COMMENTS: Halls sounded at 10:30 am and 10:39 am no answer by plaintiff and judicial assistant called prior to hearing no answer. Proposed order written down by defense counsel. Halls called again at 10:51 am and

no response by plaintiff.

SWORN TESTIMONY BY:

COURT REPORTER:

Reserved
ruling by
the
Court.

**IN THE COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CIVIL DIVISION**

NOEL VINCENT THOMAS,

CASE NO.: 21-CC-018676

Plaintiff,

DIVISION: K

v.

FLORIDA DHSMV,

Defendant.

7527.4.1-8 PM12:12

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

THIS MATTER came before this Court on May 24, 2022, on Defendant, Florida Department of Highway Safety and Motor Vehicles', Motion to Dismiss filed March 9, 2022. Plaintiff failed to appear at the hearing. Defendant appeared through counsel. Having reviewed and considered Defendant's Motion, Plaintiff's Amended Statement of Claim filed February 10, 2022, Plaintiff's Response to Defendant's Motion to Dismiss filed March 14, 2022, argument of counsel, relevant case law, and being otherwise fully advised, the Court finds:

Plaintiff, Noel Vincent Thomas, instituted this small claims action on February 25, 2021. This Court previously dismissed Plaintiff's Statement of Claim based on pleading sufficiency with leave to amend. *See Order Granting in Part Defendant's Motion to Dismiss (Feb. 1, 2022).*¹ On February 10, 2022, Plaintiff filed an Amended Statement of Claim. On March 9, 2022, Defendant filed its Motion to Dismiss asserting two grounds as the basis for dismissal: (1) failure to provide statutory notice required by Florida Statutes section 768.28(6)(a); and (2) failure to state a cause of action.

¹ This order signed January 24, 2022, but was docketed on February 1, 2022.

"In ruling on a motion to dismiss, the trial court must confine itself to the four corners of the complaint, accept the allegations of the complaint as true, and construe the allegations in the light most favorable to the plaintiff." *Brooke v. Shumaker, Loop & Kendrick, LLP*, 828 So. 2d 1078, 1080 (Fla. 2d DCA 2002). Further, "[u]nless affirmative defenses appear on the face of the complaint, they *may not be considered on a motion to dismiss.*" *LeGrande v. Emmanuel*, 889 So. 2d 991, 996 (Fla. 3d DCA 2004) (emphasis added).

Although Plaintiff's Amended Statement of Claim is still not a beacon of clarity, the Court finds it to be just sufficient enough to meet the pleading requirement in a small claims matter. *See Fla. Sm. Cl. R. 7.050(a)(1)* (indicating the statement of claim "shall inform the defendant of the basis and amount of the claim"); *Morburger v. J. Reporting, Inc.*, 318 So. 3d 619, 621 (Fla. 3d DCA 2021).

Additionally, the Court finds that, given the standard to which the Court is confined in considering a motion to dismiss, the defenses raised in the Motion to Dismiss, like the statute of limitation defense and the sovereign immunity defenses raised in the previous motion, are not appropriate for determination at the motion to dismiss stage in this matter. As such, the Motion to Dismiss should be denied. This denial is not a ruling on the merits of the defenses and is without prejudice to the defenses being raised at the appropriate stage in the proceedings.

Based on the foregoing it is therefore **ORDERED AND ADJUDGED**:

- A. Defendant's Motion to Dismiss filed March 9, 2022, is hereby **DENIED**.
- B. The parties are hereby directed to schedule this matter for Final Hearing to occur within the next sixty (60) days.

DONE AND ORDERED in Chambers, at Tampa, Hillsborough County, Florida, this

11 day of June, 2022.



HONORABLE JESSICA G. COSTELLO
County Court Judge

Copies to:

Noel Vincent Thomas, Plaintiff
Marie T. Rives, Esquire, for Defendant

**IN THE CIRCUIT/COUNTY COURT IN AND FOR HILLSBOROUGH COUNTY,
FLORIDA**

THOMAS, NOEL VINCENT vs FLORIDA DHSMV
Plaintiff/Petitioner vs Defendant/Respondent

CASE NUMBER: 21-CC-018676
DIVISION: K

NOTICE OF INTENT TO DISMISS FOR LACK OF PROSECUTION ON COURT'S OWN MOTION

Pursuant to the applicable rules of court, because no activity by filing of pleadings, order of court or otherwise has occurred on the record of the above-styled action for a period of at least six months, said action shall be dismissed unless good cause in writing is filed at least five days before the date of hearing set forth below.

If good cause why this action should remain pending is filed as stated above, a hearing on the question will be held before the Honorable Jessica Costello at ZOOM NUMBER - 865-994-3022 MEETING ID 865 994 3022 VIDEO LINK [HTTPS://US02WEB.ZOOM.US/J/8659943022](https://US02WEB.ZOOM.US/J/8659943022) PASSWORD NOT REQUIRED on 5/2/2023 at 1:30 PM.

Failure to file written good cause may result in DISMISSAL. If good cause is filed, failure to appear after filing good cause may also result in DISMISSAL. PLEASE BE GOVERNED ACCORDINGLY.

I certify that a copy hereof has been furnished to:

Attorney: RIVES, MARIE T Marie.Rives@myfloridalegal.com by email

Attorney: CASTILLO, ROBY robycastillolaw@gmail.com by email

Plaintiff: THOMAS, NOEL VINCENT 14004 NEPHI PL APT 103 Tampa FL 33613, by mail

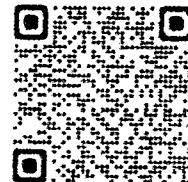
on 2/10/2023

CINDY STUART
CLERK OF THE CIRCUIT COURT


24-CR-2021-271-2023-00000
CINDY STUART, CLERK



Scan to sign up for text
message reminders



If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813)272-7040, at least 7 days before your scheduled court appearance, or immediately upon receiving this