No. 17-517

In The Supreme Court Of The United States

NEELAM T. UPPAL,

Petitioner,

v.

THE HEALTH LAW FIRM,

Respondent.

On Petition for Writ of Certiorari to
the Supreme Court of Florida

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

George F. Indest III
Counsel of Record
The Health Law Firm
1101 Douglas Avenue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
E-mail: GIndest@TheHealthLawFirm.com

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QUESTIONS PRESENTED

A. Questions Presented (Restated)

It is believed that the Petitioner's confusing questions should be rephrased as follows:

1. Whether the U.S. Supreme Court has jurisdiction to consider an untimely appeal filed by a defendant from an adverse state appellate court decision entered on October 4, 2016 (App. K), in the case of civil money judgment rendered by a state trial court, when no federal questions are implicated, and at a time when there were still proceedings pending in the state court on the case.

2. Whether the Petitioner has produced an adequate record on appeal to support the claims she makes and has stated her claims with sufficient preciseness and clarity in her Petition filed with the U.S. Supreme Court for the Court to be able to grant certiorari.

3. Whether the U.S. Supreme Court wants to open the flood gates to allow prolific, abusive *pro se* litigants to appeal state court civil money judgments and assessments of attorney's fees and costs decided against them by state courts.

MISSTATEMENTS IN PETITIONER'S QUESTIONS PRESENTED[1]

There are a number of misstatements made by the *pro* se Petitioner in her "Questions Presented" which counsel is required to point out pursuant to Supreme Court Rule 15.2. Virtually every line contains mis-statements. They include:

1. There were no "fraudulent attorney bills" at issue, nor any specific allegations of any.

2. There were no " unlawful *ex parte*" orders issued by Judges.

3. The Petitioner was not sanctioned for filing an appeal. She was sanctioned by the Florida Fifth District Court of Appeal for filing a frivolous, bad faith appeal pursuant to Section 57.105, Florida Statutes (which is modeled after Rule 11, Federal Rules of Civil Procedure), and then only after the Motion for Sanctions was served on her and more than 21 days had elapsed before it was actually filed with the court.

4. The "order to sanction the petitioner" [*sic*] is not "in violation of her fifth amendment [*sic*] rights." Petitioner did receive due process of law.

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[1] This delineation of the misstatements in the Petitioner's "Questions Presented" is being placed in this section of the Opposition Brief pursuant to guidance the Respondent received from Mr. Baker, in the Clerk of Court's Office.

Furthermore, to date, Petitioner has ignored the decision, paid no part of the amount owed on the merits, paid no attorney's fees, costs or sanctions, and has challenged it in a number of other courts.[2] She has been afforded all rights and has actually been deprived of nothing, yet, since she just ignores court orders.

5. Although Petitioner raises the Fifth Amendment to the U.S. Constitution here in the Questions Presented (first paragraph, Pet. p.i), she **does not** include it in her actual brief nor in her Table of Authorities.

6. The supreme appellate court and the court of last resort in Florida for appeals of money judgments in Florida is actually the Florida District Court of Appeal (in this case the Florida Fifth Judicial District Court of Appeal), not the Florida Supreme Court. The Florida Supreme Court does not have jurisdiction, not even discretionary jurisdiction, to hear appeals such as the one filed by the Petitioner, pursuant to Article 5, Section 3(b), Florida Constitution (1968). Petitioner's filing of appeals and petitions with the Florida Supreme Court were unauthorized and it did not have jurisdiction, pursuant to the Florida Constitution, to even entertain

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[2] E.g., see *Uppal v. The Health Law Firm*, No. 17-ap-01027-cgm (Bankr. S.D.N.Y., June 5, 2017) (App. D & F), and *Uppal v. George Indest, The Health Law Firm, et al.*, No. 17-cv-07072-CM (S.D. N.Y., Order of Dism. Oct. 12, 2017) (App. C), both resulting in other courts taking similar actions against Petitioner.

them. (See App. A, H & I)

7. The trial court judge held a duly noticed hearing on a motion for summary judgment filed by the Respondent. The Petitioner participated in that hearing. The trial judge granted the Respondent's motion for summary judgment and entered a summary judgment against the Petitioner. Later, Respondent filed a motion for entry of final judgment. It was duly noticed for a hearing, with the Petitioner having received ample advance notice. The hearing was held, Petitioner chose not to attend that hearing, and a Final Judgment was then entered against the Petitioner.

8. There was no "fraudulent legal bill of over $60,000." (Petitioner changes this amount in various places.) The Petitioner originally owed the Respondent law firm approximately $28,000 in unpaid legal fees and costs she incurred in its representation of her in several different complaints by the Florida Board of Medicine, Department of Health, filed against her Florida medical license. Because of the Petitioner's aggressive and abusive *pro se* litigation, including filing frivolous motions, multiple irrelevant pleadings, spurious attempts to recuse the judge, multiple rehearing requests and other similar tactics, she, herself, greatly increased the amount of the attorney's fees and costs associated with collecting the amount due. This continues through the present.

9. The trial court judge did not violate Article 1, Section 21, Florida Constitution (1968) or Canon III, Florida Code of Judicial Conduct. The trial court judge merely ruled against Petitioner in the proceedings that were held. The Florida Fifth District Court of Appeal also ruled against Petitioner. (App. K) Petitioner was afforded all rights to which she was entitled under both state and federal law.

10. The Florida Fifth District Court of Appeal does not have to rule in a Petitioner's favor, nor to allow an improper bad faith appeal to go forward merely because Petitioner paid a filing fee. Due process was afforded Petitioner. No fines were issued against Petitioner. In this case, the Petitioner's brief/petition was fully considered (Petitioner filed multiple motions), the Florida Fifth District Court of Appeal having taken approximately four (4) months to do so,[3] and the Respondent's motions were found to have merit. This resulted in the Fifth District Court of Appeal's denying Petitioner's appeal. It then

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[3] The docket in the case shows that Petitioner filed her initial appeal brief with the Florida Fifth District Court of Appeal on June 1, 2016. Respondent filed a motion to dismiss and strike her appeal brief on June 21, 2016. (App. M) Respondent filed a motion for appellate sanctions, attorney's fees and costs against Petitioner pursuant to Section 57.105, Florida Statutes (which is modeled after Rule 11, Federal Rules of Civil Procedure). (App. L) Petitioner filed responses and oppositions to each of the foregoing. The Florida Fifth District Court of Appeal issued its decision on October 4, 2016, dismissing Petitioner's appeal, and granting Respondent's motion for sanctions, attorney's fees and costs, remanding the case to the trial court for further proceedings. (App. K).

granted Respondent's motion for appellate sanctions, attorney's fees and costs pursuant to Section 57.105, Florida Statutes (which is modeled after Rule 11, Federal Rules of Civil Procedure). (App. K & M) The Court awarded the Respondent its attorney's fees and costs against the Petitioner, which does not constitute "excessive fines" (there were **no** fines issued) and does not constitute "cruel and unusual punishment."

11. Although Petitioner raises the Eighth Amendment to the U.S. Constitution here in the "Questions Presented" (Pet., first para. 4, p.ii), she **does not** argue it in her actual brief or include it in her Table of Authorities. Furthermore, the Eighth Amendment applies to criminal cases, **not** to civil cases such as the present one.

12. The Florida Fifth District Court of Appeal's Order (App. K) is legally sufficient. Petitioner was granted due process of law but disagreed with the outcome of the case which was decided against her. The Petitioner's Fifth, Sixth, Eighth, and Fourteenth Amendment rights, rights have not been violated. *See* paragraphs 3 through 5 above regarding her Fifth Amendment rights. *See* paragraphs 9 and 11 above regarding her Eighth Amendment rights. The Sixth Amendment of the U.S. Constitution does not apply to Petitioner at all since it on its face only pertains to criminal cases.

13. Petitioner Uppal was not "sanction[ed] . . . to file an appeal" [*sic*]. She was ordered to pay the Respondent's appellate attorney's fees and costs

because she filed a frivolous, bad faith appeal, lacking any facts or law to support it. (*See* paragraphs 3 and 7 above) There are no violations based on "the color of law statute [sic]," "unreasonable seizure" or any other violations (note: to date, nothing of the Petitioner's has been seized by this Respondent, *see* paragraph 4, above, nor has Petitioner paid any part of the Final Judgment against her). None of these arguments were made in the original action below.

14. The Fourteenth Amendment argument of Petitioner has been addressed previously (paragraphs 3, 4, and 7 above) as has the Eighth Amendment argument (paragraph 10 above). Furthermore, it is not only state courts that have sanctioned the Petitioner. Federal Courts have, as well. Petitioner has received similar assessments of sanctions, attorney's fees and costs from other courts, including federal courts. In the Bankruptcy Court for the Southern District of New York, she filed five (5) adversary proceedings (A.P.) against creditors. The Chief Bankruptcy Judge, Cecilia G. Morris, has dismissed them all and issued awards of attorney's fees and costs against the Petitioner (*see e.g.*, App. D) in several of them. The Judge has also ruled that the Petitioner filed that bankruptcy proceeding in bad faith and for the purpose of harassing her creditors in other orders in that case.

15. This is not a criminal case so all of Petitioner's arguments regarding being accused of a crime, criminal defendants' rights, receiving punishment, cruel and unusual punishment, right to

trial of a criminal defendant and similar arguments are irrelevant and inappropriate.

16. Although Petitioner includes an allegation of a violation of 18 U.S.C. Sect. 242, a federal criminal statute, **by the Florida Supreme Court**, in her "Questions Presented" (Pet., first para., p. iii), she **does not** argue it in her actual brief or include it in her "Table of Authorities." It is a scandalous allegation made in this appeal for the first time. It is not applicable to the present case and should be disregarded.

17. Petitioner argues that the "state of Florida violated petitioners [*sic*] rights under 18 U.S.C. 241 [*sic*], the federal criminal conspiracy statute. For the first time in this appeal Petitioner is accusing the state of Florida of engaging in a federal criminal conspiracy. This is a frivolous, bad faith argument on her part, having no basis in reality. Like many of her other arguments about Sixth, Seventh, and Eighth Amendment violations, she raises it for the first time in her Petition in this Court.

18. Although Petitioner includes an allegation that Florida has violated 18 U.S.C. Sect. 241, a federal criminal statute, in her "Questions Presented" (Pet., para. 8, p. iii), she **does not** argue it in her actual brief or include it in her "Table of Authorities." It is argued for the first time herein and is not applicable to the present case.

CORPORATE DISCLOSURE STATEMENT

Respondent is The Health Law Firm, P.A., d/b/a The Health Law Firm, formerly known as George F. Indest III, P.A.--The Health Law Firm. It is a Florida professional service corporation and a law firm with its principal place of business in Altamonte Springs, Seminole County, Florida (a suburb of Orlando). There are no parent or publicly held corporations which own any interest in it.

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and costs for filing a frivolous, bad faith appeal (App. K) in the case of a civil money judgment rendered by a state trial court, which Petition is contrary to Supreme Court Rule 13.1 and 28 U.S.C. Sect 2101(c) 27

A. Petitioner is Actually Appealing the Decision of the Florida Fifth District Court of Appeal, the court of last resort, entered October 4, 2016. 27

B. The Florida Supreme Court had no jurisdiction, not even discretionary jurisdiction, to consider an appeal of a Florida District Court of Appeal of a civil money judgment; therefore, Petitioner's attempts to appeal the case to the Florida Supreme Court were unauthorized, ineffective legal nullities, which cannot be reviewed by the U.S. Supreme Court 29

III. The U.S. Supreme Court should not grant a Petition for a Writ of Certiorari which fails to set forth any legitimate federal question claim under any federal

constitutional or statutory provision, and fails to state the grounds for the Petition with accuracy, precision and clarity, in violation of Supreme Court Rules 14.3 and 14.4. 31

IV. The U.S. Supreme Court should not grant the Petition of a prolific, abusive *pro se* litigator, and serial bad faith bankruptcy filer, on a state civil court monetary judgment against her, and thus open the flood gates to appeals of other abusive *pro se* litigants of state court civil judgments, thus interfering in strictly state law matters 35

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RELATED CASES

The following are cases directly related to this one (official reporter citations are not available):

In re: Uppal,[4] No. 8:15-bk-00594-CPM (Bankr. M.D.Fla.) (Petitioner's Florida bankruptcy case which apparently continued through approximately 2016).

In re: Taneja,[5] No. 16-bk-12356-cgm (Bankr. S.D.N.Y.) (Petitioner Uppal's latest bankruptcy filing in which the Trustee noted she is not eligible for bankruptcy and recommended dismissal; case still ongoing). (App. G)

Taneja v. George Indest The Health Law Firm, No. 17-ap-01027 (Bankr. S.D.N.Y.) (decisions in App. C & D) (an adversary proceeding Petitioner initiated against the Respondent within the bankruptcy case referenced immediately above, in which she attempts to relitigate the same facts and issues of the present state court judgment against her) (note: this is merely one of five adversary complaints Petitioner filed against her different creditors in the latest New York Bankruptcy proceeding).

In re: Neelam Taneja, No. 17-cv-6608 (KBF)

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[4] The Petitioner uses a number of different names. In her New York bankruptcy filings, she called herself Neelam Taneja. In her state court filings, she called herself Neelam T. Uppal.

[5] *Id.*

(S.D.N.Y. Sept. 27, 2017) (dismissing for lack of jurisdiction emergency motion for recusal of bankruptcy judge).

Uppal v. The Health Law Firm, No. 5D16-2523 (Fla. Dist. Ct. App.) (second frivolous appeal Petitioner filed in present case).

Uppal v. The Health Law Firm, No. 5D17-2982 (Fla. Dist. Ct. App.) (petition for prohibition filed by Petitioner Sep. 22, 2017, in present case) (dismissed Oct. 10, 2017).

Uppal v. The Health Law Firm, No. SC17-1874 (Fla. S. Ct.) (appeal filed by the Petitioner in the present case Oct. 19, 2017) (dismissed by Florida Supreme Court for lack of jurisdiction Oct. 23, 2017). (App. A & B).

Uppal v. George Indest, The Health Law Firm, et al., No. 17-cv-7072 (CM) (S.D.N.Y. Oct. 12, 2017) (decision by J. Colleeen McCollom, Chief Judge, dismissing Uppal's federal court complaint filed Sept. 15, 2017, against numerous creditors, summarizing Petitioner's history of frivolous, abusive litigation). (App. C).

PRELIMINARY MATTERS

The abbreviation "Pet." shall refer to the latest version of the Petition for Writ of Certiorari filed.

The abbreviation "Opp." shall refer to this Brief in Opposition to the Petition for Writ of Certiorari.

The abbreviation "App." shall refer to an appendix of this Brief in Opposition.

Where cases do not include a citation to an official reporter, they are unpublished or have none.

Respondent uses the Blue Book citation format for Florida cases and not the Florida appellate court format.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

OPINIONS AND ORDERS BELOW

Following are the Opinions and Orders from which the Petitioner appeals:

Order entered October 4, 2016, in *Neelam Uppal v. The Health Law Firm*, Florida Fifth District Court of Appeal (No. 5D16-0180, Oct. 4, 2016), (dismissing Petitioner's appeal of a state court civil money judgment against her and granting Respondent's Motion for Attorney's Fees pursuant to Section 57.015, Florida Statutes). (App. K)

Order entered October 25, 2016, in *Neelam Uppal v. The Health Law Firm*, Florida Fifth District Court of Appeal (No. 5D16-0180, Oct. 25, 2016), (denying Petitioner's "Motion for Re-Consideration [*sic*] to Vacate Order [*sic*]") (App. J)

Order entered March 1, 2017, in *Neelam Uppal v. The Health Law Firm*, Florida Supreme Court (No. SC16-2037, Mar. 1, 2017) (denying Petitioner's Petition for a Writ of Mandamus in same case, stating: "Because petitioner has failed to show a clear legal right to the relief requested, she is not entitled to mandamus relief. . . . [*Citation omitted*] No rehearing will be entertained by this Court"). (App. I)

Order of Mar. 13, 2017, in *Neelam Uppal v. The Health Law Firm*, Florida Supreme Court (No. SC16-2037, Mar. 13, 2017) (striking Petitioner's Motion for Re-Consideration [*sic*] as unauthorized). (App. H)

JURISDICTION

The U.S. Supreme Court does **not** have jurisdiction in this matter.

1. The Petitioner's appeal was filed untimely. The Florida Fifth District Court of Appeal (DCA) was the court of last resort authorized to rule on her appeal of a civil money judgment against her. It entered its decision (the one currently being appealed by the Petitioner) on October 4, 2016 (App. K) Petitioner filed a motion for a rehearing that was denied by the Fifth DCA on October 25, 2016. (App. J)

Pursuant to Supreme Court Rule 13.1, Petitioner had, at the very most, 90 days from October 25, 2016, to file her appeal with the Supreme Court. She did not file by that deadline.

Petitioner will doubtlessly argue that the date should be taken from the date the Florida Supreme Court made its last denial of her attempt to appeal to it. However, this is not the date that is applicable under Supreme Court Rule 13.1. The Florida Supreme Court did not have jurisdiction to consider an appeal such as the one attempted by Petitioner, nor did it have discretionary jurisdiction to consider it. The Florida Constitution prohibits it.

The Florida Supreme Court advised the Petitioner of this in its decision dated March 1, 2017 (App. I; *see also*, App. A & H). As pointed out by the Florida Supreme Court, it lacks discretionary

jurisdiction to consider a case such as this one. Art. V, § 3(b), Fla. Const. (1968). *See Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980). (App. A)

Petitioner, by employing her usual strategy of appealing every decision a court makes against her and making a motion for reconsideration of every decision made against her,[6] missed the deadline to file with the U.S. Supreme Court by filing a frivolous appeal in a court that had no jurisdiction, the Florida Supreme Court.

2. Petitioner meets none of the requirements set forth in Supreme Court Rule 10 for jurisdiction. Petitioner has stated no compelling reasons the Court should entertain her Petition. Petitioner has specified no important federal questions which have been decided below. Petitioner has specified no conflicts

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[6] Petitioner routinely files motions for reconsideration of every decision made against her and files appeals of every decision made against her, even when completely frivolous and in bad faith, or when advised by a court that such will not be considered. See for example, App. I in which the Florida Supreme Court advised the Petitioner that it would not consider any request for reconsideration she filed. As shown in App. H, Petitioner filed one anyway, ignoring the Florida Supreme Court's order.

with, between or among any state or federal laws or decisions

Furthermore, this appeal/petition is merely an attempt by the Petitioner, who is a prolific, abusive *pro se* litigant,[7] to further unjustly delay and obstruct her creditors and to relitigate the facts which were correctly decided against her in the state trial court below. It is her attempt to further delay, harass and cause expense to the Respondent in unnecessary and costly litigation and to avoid paying one of many civil money judgments obtained against her by her creditors. The fact that she has incurred sanctions, attorney's fees and costs along the way supports the fact that her litigation tactics are in bad faith and not based on any factual or legal merit.

3. This Court does not have jurisdiction under 28 U.S.C. § 1254(1), because, this is not a "case in the [U.S.] courts of appeal." Furthermore, there is no controversy between the Courts of Appeal, nor has any state statute been declared unconstitutional or invalid.

The present case is merely an attempt by a losing party in a state court case involving a civil

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[7] A summary of the Petitioner's bad faith, abusive litigation in state and federal courts is set forth in U.S. District Court Chief Judge Colleen McMahon's decision in *Uppal v. George Indest, The Health Law Firm, et al.*, Case No. 17-cv-7072 (CM) (S.D.N.Y. Oct. 12, 2017) (App. C), incorporated herein by reference.

dispute resulting in a monetary judgment against her, to relitigate the facts of the case.

The Supreme Court has far more important issues facing it upon which it must spend its time.

SUMMARY OF CASE

This case is an attempt by the *pro se* Petitioner, a medical doctor who is a subspecialist in infectious diseases, to appeal the October 4, 2016, decision of the Florida Fifth District Court of Appeal (App. K), to deny her appeal of a state court monetary judgment rendered against her under Florida law. Petitioner claims the Florida Appeals Court deprived her of various rights by dismissing her appeal. The Petitioner is a prolific abusive *pro se* litigant and serial bad faith bankruptcy filer, who has received assessments of sanctions, attorney's fees and costs against her from numerous courts for filing frivolous, bad faith actions. The Petitioner's untimely appeal is taken from a decision of the Florida Supreme Court dismissing her unauthorized appeal[8] of the action of

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[8] Pursuant to Article 5, Section 3(b), Florida Constitution, the court of last resort for all appeals of trial court civil money judgments in Florida is the District Court of Appeal, in this case, the Fifth District Court of Appeal. The Florida Supreme Court does not even have discretionary jurisdiction in such cases. (*See* App. A, H & I) Therefore, Petitioner's unauthorized appeal of the Florida Fifth District Court of Appeal's decision dated October 4, 2017 (App. K), to the Florida Supreme Court, followed by her unauthorized motion for reconsideration filed with the Florida Supreme Court, was unauthorized by law and a legal nullity. The Florida Supreme Court explains this to her in its decision of March 1, 2017 (App. I) and again in its decision of October 23, 2017 (App. A). *Note also*, although the Florida Supreme Court advised Petitioner in its decision of March 1, 2017 (App. I), that no rehearing would be considered; ignoring this, Petitioner nevertheless follows through by filing a motion for reconsideration. (*See* App. H)

the Fifth District Court of Appeal, a case the Florida Supreme Court had no legal authority to decide. At the time Petitioner appealed to the U.S. Supreme Court, the case was still pending in the Florida state courts, having been remanded to the trial court by the Florida Fifth District Court of Appeal (App. K). There is no legitimate issue of federal law. Additionally, Petitioner has filed multiple other appeals since then in Florida state courts. (*e.g.*, App. A & B)[9]

[9] Petitioner has also filed additional appeals of the present case in the Florida Fifth District Court of Appeal.

CONSTITUTIONAL PROVISIONS AND RULES

Following are the Constitutional provisions, statutes, and rules which the Petitioner contends are applicable to this matter which are raised in the Petition. Because of their length, the text of these is included in Appendix P and not set forth herein.

U.S. Constitution:

U.S. Constitution, Amend. 5 (Pet. pp. i, ii)

Sixth Amendment, U.S. Constitution (Pet. p. ii)

Seventh Amendment, U.S. Constitution (Pet. pp. 2, 7)

Eighth Amendment, U.S. Constitution (Pet. pp. ii, iii)

Eleventh Amendment, U.S. Constitution (Pet. p. 2)

Fourteenth Amendment, U.S. Constitution (Pet. pp. i, iii, 2, 7)

Art. VI, U.S. Constitution (Pet. p. 5) [Believed to be erroneous citation by Petitioner and not included]

Florida Constitution:

Art. 1, Sect. 21, Florida Constitution (Pet. p. i)

Art. 5, Sect. 3(b)(3), Florida Constitution (Pet. p. 6)

Art. 5, Sect. 4(b)(1), Florida Constitution (Pet. p. 6)

Federal Rules:

Supreme Court Rule 10

Supreme Court Rule 13.1

Supreme Court Rule 14.3 & 14.4

Supreme Court Rule 15.2

Supreme Court Rule 29

Supreme Court Rule 33

Federal Rules of Civil Procedure, Rule 11

Miscellaneous:

Florida Code of Judicial Conduct, Canon III, B7 (Pet. p.i)

Florida Rule of Civil Procedure 1.540(b) (Pet. p.7)

RI Supreme Court Article VI and Canons 1, 2, and 3.B.6. [sic] (Pet. p.5) [Believed to be erroneous citation by Petitioner and not included herein]

Florida Rule 1.5:240 (Pet. p.7)
[Nonexistent, believed to be erroneous citation by Petitioner]

39 La. R. Jud..Admin 2.330(g),40 Id., 41 Flamm, supra note 1, at 58. 42 FLORIDA CODE OF JUDICIAL CONDUCT, Canon 3E(1)(f). 43 FLORIDA CODE OF JUDICIAL CONDUCT, Canon 3E(1) comment. 44 ID. 45 FLORIDA CODE OF JUDICIAL CONDUCT, Canon 3F 46. . . . 47 See FLORIDA CODE OF JUDICIAL CONDUCT [*sic*] (Pet. p.6)
[gibberish citation which appears to have been cut and pasted out of another document by Petitioner]

STATEMENT OF THE CASE

A. Parties

Petitioner Neelam Taneja Uppal, M.D., is a medical doctor licensed by the states of Florida and New York. She practices in the medical subspecialty of infectious diseases. She is also a prolific, abusive pro se litigator and serial bankruptcy filer. She uses variations of her names in her different court filings. She claims to be a Florida resident sometimes and a New York resident at other times.

Respondent is The Health Law Firm, P.A., a Florida professional service corporation and law firm, formerly known as George F. Indest III, P.A.--The Health Law Firm. It is registered by the state of Florida to do business under the fictitious business name The Health Law Firm. The Health Law Firm's principal place of business is Altamonte Springs, Seminole County, Florida. All work is performed at or out of the office in Seminole County, Florida.

B. Petitioner Retains Law Firm

Petitioner initially contacted Respondent at its office in Seminole County, Florida, to retain it to take over a case from another law firm located in Orlando, Orange County, Florida. Petitioner Uppal retained the services of The Health Law Firm in June 5, 2012, to represent her in a matter involving a complaint filed against her Florida medical license by the Florida Department of Health. The Respondent law firm took

over representation after the final administrative hearing (trial) in the case had been completed by a different law firm.

Petitioner Uppal had originally been represented in the complaint against her medical license and the formal administrative hearing (trial) by Michael R. D'Lugo, Esquire, of Wicker, Smith, O'Hara, Mc Coy & Ford, P.A., in Orlando, Florida. Mr. D'Lugo represented her through a Final Administrative Hearing (trial) that was held before an Administrative Law Judge (ALJ) of the Florida Division of Administrative Hearings (DOAH). *Fla. Dept. of Health, Bd. of Med. v. Neelam T. Uppal*, 2012 Fla. Div. Adm. Hear. LEXIS 475, (No. 12-00666PL Rec. Order Sep. 4, 2012).

The formal administrative hearing resulted in a recommended order by the ALJ against Petitioner Uppal. Petitioner Uppal wanted to appeal the recommended order. Mr. D'Lugo desired to withdraw from representing Petitioner Uppal. Petitioner Uppal contacted attorney George F. Indest III, of the Respondent law firm, to represent her in the case post-hearing, to file exceptions (objections) to the ALJ's Recommended Order and to argue these before the Florida Board of Medicine, all of which the Petitioner law firm did. Petitioner initially paid a part of the minimum fee payment the Respondent required, and paid the remainder of the minimum fee later.

However, during the course of the representation Respondent discovered that Petitioner Uppal had an additional complaint from the Florida Department of Health opened against her and being investigated. Petitioner requested that Respondent represent her in that additional matter, as well. Respondent undertook the representation and began representing Petitioner in this new case.

Then, in approximately December 2012, a third complaint was served on Petitioner, a complaint against her Florida medical license by the Florida Department of Health. Petitioner sent the third complaint to Respondent and asked Respondent to "handle" the complaint for her as she was leaving the country for a month on vacation. Respondent advised Petitioner that this would require the payment of additional fees. Petitioner advised the Respondent that she expected the Respondent law firm to handle all three cases for the fee she had previously paid on the first case. At one point she asked for "pro bono" representation. Respondent law firm declined to represent her in all three (3) cases for no additional fee and advised her of that. Petitioner then sent an e-mail to the Respondent stating that it must believe "she was a fool" if we expected her to pay anything more, and refused to pay any additional fees. The Respondent law firm then terminated Petitioner as a client on December 28, 2012. **Petitioner did not terminate the representation.** The Petitioner subsequently refused to pay any of the additional legal fees and costs she had already incurred with Respondent law firm.

Since that time, Petitioner Uppal has had a number of other disciplinary actions taken against her Florida medical license.[10] She unsuccessfully sued the Florida Board of Medicine.[11] Respondent only recently learned that Petitioner's license to practice medicine in the State of New York was revoked effective February 7, 2017, for various charges, among which were: "making and/or filing a false report by making false statements on her New York State medical registration renewal application."[12] Not surprisingly, Petitioner has sued the New York State Department of Health, the licensing authority, as well as the prosecuting attorney in the case, individually.[13]

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[10] For a public record summary of the actions taken against Petitioner's Florida medical license, see: *https://appsmqa.doh.state.fl.us/MQASearchServices/HealthcareProviders/LicenseVerification?LicInd=50723&Procde=1501&org=%20.* *See also*, *Fla. Dep't of Health, Bd. of Med. v. Neelam T. Uppal*, 2012 Fla. Div. Adm. Hear. LEXIS 475, No. 12-0667PL (Fla. Div. Admin. Hear.); and *Fla. Dep't of Health, Bd. of Med. v. Neelam T. Uppal*, 2014 Fla. Div. Admin. Hear. LEXIS, Nos. 13-0595PL, 14-514, 14-515 (Fla. Div. Admin. Hear.).

[11] *Uppal v. Fla. Bd. of Med.*, No. 1:14-cv-09024 (S.D.N.Y.) (transferred), No. 8:15-cv-00072 (M.D.Fla.) (Ord. Dismissing Case Jan. 6, 2016).

[12] *See https://apps.health.ny.gov/pubdoh/professionals/doctors/conduct/factions/PhysicianDetailsAction.action?finalActionId*=9987.

[13] *Uppal v. N.Y. Dep't of Health*, No. 1:16-cv-03038 (S.D.N.Y. filed Apr. 16, 2016).

C. Trial Court Suit

Respondent law firm was required to file suit for the fees and costs in *The Health Law Firm v. Uppal*, Eighteenth Judicial Circuit Court Case No. 13-CA-3790-15-K, filed on October 24, 2013. The original amount of fees and costs that Petitioner Uppal owed (the "principal amount") was $27,705.77, through December 8, 2014. However, because of Petitioner Uppal's prolific and aggressive litigation, and her obstructive and dilatory tactics, the attorney's fees and costs of the litigation to collect the underlying amount was an additional $23,356.70 through December 8, 2014. In all cases, Petitioner Uppal was provided ample advance notice of the hearing and the opportunity to attend. (App. E, N & O) Sometimes she was provided as much as three (3) months advance notice. (*See, e.g.*, App. E) In a number of instances, she just failed to attend.

Litigation proceeded for years with Petitioner Uppal filing frivolous, dilatory motions and objections. She also filed for bankruptcy several times in the U.S. Bankruptcy Court for the Middle District of Florida. Each time her bankruptcy case was dismissed with no discharge of her debts. In one of her last Florida bankruptcy proceedings, an attorney for one of her creditors filed a motion detailing all of the assets that Petitioner Uppal had fraudulently concealed from the Bankruptcy Court.[14] This bankruptcy was dismissed

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[14] Motion to Dismiss Chapter 13 Bankruptcy Case filed by Charlene Rodriguez, in *In re: Uppal*, No. 8:15-bk-00594-CPM

without discharging her debts. Judgment was entered by the Florida Circuit Court in the case below after her last Florida bankruptcy case was dismissed and her request for reconsideration was denied by the bankruptcy court. There was no stay in effect at the time.

D. Petitioner's Abusive, Vexatious *Pro Se* Litigation History

Petitioner Uppal is an abusive, prolific, *pro se* litigator, filing meritless motions, defenses, complaints and appeals. Petitioner routinely files spurious, incoherent pleadings, including the present one, and lies with impunity, as she does in the present one, knowing that the courts will not discipline her. Her purpose is always to delay and confuse while attempting to hide her assets from her creditors and avoid paying any debt she owes. This Petition is merely another example of this.

The docket for the Clerk of Court for Pinellas County, Florida, contains over fourteen (14) civil cases involving Petitioner Uppal as a Plaintiff as of November 2, 2017. The docket for the Clerk of Court for the Florida Second District Court of Appeal, shows eighteen (18) appeals filed by Petitioner Uppal in that court since 2011 as of November 2, 2017. The docket for the Clerk of Court for the Florida Fifth District

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(Bankr. M.D.Fla., Jun. 26, 2015) (Doc. 171). A prior bankruptcy case she filed in Florida was *In re: Uppal*, No. 8:13-bk-05601-CPM (Bankr. M.D. Fla.).

Court of Appeal shows four (4) appeals filed by Petitioner Uppal in this case alone, the last filed on October 31, 2017, a few days ago (*Uppal v. The Health Law Firm*, No. 5d17-3401 (Fla. Dist. Ct. App. filed Oct. 31, 2017).

A Pacer listing shows twenty-six (26) different federal court cases involving Petitioner Uppal in Florida, New York and New Jersey filed under the last name "Uppal" and three (3)[15] under the last name "Taneja." In addition to those, Pacer shows seventeen (17) additional bankruptcy proceedings under the last name "Uppal" (nine (9) of which were different adversary proceedings initiated by Petitioner; none successful) and two (2) under the last name "Taneja." There are believed to be filings by her in other state courts both in Florida and in other states.

A summary of her abusive, vexatious litigation was recently discussed by the Chief Judge of the U.S. District Court, Southern District of New York, in *Uppal v. George Indest, The Health Law Firm, et. al.,* No. 17-cv-7072(CM) (S.D.N.Y. Order Dismissing Case Oct. 12, 2017). (App. C)

The Petitioner routinely files false or sham pleadings with the various courts in which she litigates. Most often these are pleadings, notices or objections that falsely state that a bankruptcy court

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[15] There may be an overlap with those filed under the last name "Uppal" as courts and litigants seemed to have caught on to her use of different names.

has issued a stay or that a higher court has issued a writ prohibiting the litigation from proceeding. For example, in attempting to avoid a hearing on appellate attorney's fees and costs for filing a frivolous appeal, in September 2017, Petitioner sent a "Notice" to the Florida trial court that a New York federal court had issued a stay. Fortunately, the Florida trial court judge saw through this apparent fraud. In a different court proceeding Petitioner claimed that the Florida Supreme Court had issued a writ prohibiting the proceedings. This was false. Petitioner had filed a petition for a writ with the Florida Supreme Court but the Court never granted it.

The Petition in the present case, as well as the pleadings, motions and objections she filed in the lower courts, are filled with baseless accusations of fraud and conspiracy, providing no specifics as to time, date, place, parties, or documents. The Petitioner files confusing, incoherent pleadings, argues irrelevant legal authorities, cuts and pastes passages from other documents, and lies with impunity, as she has done in her present Petition. She attacks attorneys and judges alike with her scandalous accusations. Her filings routinely fail to recognize the facts and issues in a case and, instead, resort to continuous repetition of irrelevant, scandalous, and impertinent legal conclusions. The Court can easily glean this from the Petition she has filed. The Court will find similar examples in the lower courts' records.

Additionally, Petitioner routinely misses noticed hearings, claiming illnesses, automobile accidents,

injuries, canceled airline flights and the like, never providing proof. In her most recent bankruptcy proceeding, a request for an adjournment was filed with the Bankruptcy Court to delay previously scheduled hearings because Petitioner was in the hospital "for several weeks" "in a coma."[16] Yet, during that same period of time, in mid-to-late April 2017, the Petitioner was able to prepare and file one of her preliminary *pro se* petitions for writ of certiorari with the U.S. Supreme Court.

The Petitioner's conduct as set forth above may be responsible for the Florida Fifth District Court of Appeal's imposition of appellate attorney's fees and costs against her as sanctions pursuant to Section 57.105, Florida Statutes (modeled after Rule 11, Federal Rules of Civil Procedure). (App. K & E) Petitioner's conduct also caused the Chief Bankruptcy Judge of the Southern District of New York, Cecelia G. Morris, to impose sanctions, attorney's fees and costs on her pursuant to Rule 9011, Federal Rules of Bankruptcy Procedure on July 19, 2017. (App. D)

Petitioner has not perfected a record on appeal in this case that supports any of her scandalous contentions. Petitioner Uppal has filed her appeal in bad faith and for no purpose other than delay.

E. Procedural History of This Case in Florida Appellate Court

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[16] *In re: Taneja*, No. 1:16-bk-12356 (Bankr. S.D. N.Y.) (Doc. Nos. 152 & 153, both dated April 25, 2017).

On January 15, 2016, Petitioner filed a Notice of Appeal of the trial court's Final Judgment entered against her on December 22, 2015, appealing it to the Florida Fifth District Court of Appeal.[17] On June 21, 2016, Respondent The Health Law Firm, filed a motion to strike and dismiss the Debtor's appeal with the Florida Fifth District Court of Appeal. (App. M) On June 22, 2016, Respondent, The Health Law Firm, filed a motion for attorney's fees and sanctions, pursuant to Section 57.105, Florida Statutes,[18] against the Petitioner in the Florida Fifth District Court of Appeal, the same having previously been served on the Petitioner approximately two (2) months earlier. (App. L)

On August 15, 2016, the Petitioner filed her latest bankruptcy suit in the Bankruptcy Court for the Southern District of New York, thus initiating an automatic stay, while her own Florida appeal was proceeding. The Bankruptcy Court later ruled that she was not entitled to any further stay after the initial 30 day stay had expired, because she was a bad faith serial bankruptcy filer and was not entitled to a bankruptcy.

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[17] Since this date, the Petitioner has filed three additional appeals to the Fifth District Court of Appeal on this same case, the most recent being on October 27, 2017 (App. A). By the time the Court sees this Opposition, she may have filed more.

[18] Section 57.105, Florida Statutes, is modeled after and comparable to Rule 11, Federal Rules of Civil Procedure.

Petitioner Uppal did not provide any notice to the Florida Appellate Court nor file a Suggestion of Bankruptcy with the Florida Appellate Court when she filed her New York Bankruptcy. Additionally she used a different name on her New York Bankruptcy (Taneja) than she was using in her Florida Appeal (Uppal).

It was only after the bankruptcy stay was no longer in place, on October 4, 2016, the Florida Fifth District Court of Appeal issued its decision denying Petitioner's appeal and granting Respondent's motion for attorney's fees and sanctions pursuant to Section 57.105, Florida Statutes, and remanded the case to the trial court solely to assess the amount of fees to be awarded. (App. K) Again, this was the decision on the appeal that the Petitioner had initiated. This was the final decision of the court of last resort for the Petitioner. This is the decision, if any, that Petitioner should have appealed.

On November 7, 2016, Debtor Uppal filed a "Petition for Writ of Certiorari" with the Florida Supreme Court (which the court treated as a petition for a writ of mandamus) failing to allege any grounds that would give the Florida Supreme Court the authority issue any writ or to review the case. On March 1, 2017, the Florida Supreme Court issued a decision denying Debtor Neelam Taneja Uppal's request for a petition for writ of mandamus. (App. I)

Respondent's original suit against Petitioner Neelam Taneja Uppal was to attempt to collect a

relatively small debt for unpaid attorney's fees and costs from the Petitioner for its representation of her in action by the Florida Board of Medicine to revoke her Florida medical license. It has only been because of the Debtor's contumacious and meritless litigation throughout every forum she could access (and now this Court), that has greatly increased the total amount of her attorney's fees and costs.

SUMMARY OF ARGUMENT

1. The U.S. Supreme Court does not have jurisdiction to consider an untimely appeal filed by a defendant from an adverse state appellate court decision awarding appellate attorney's fees and costs for filing a frivolous, bad faith appeal (App. K) in the case of civil money judgment rendered by a state trial court, which appeal is contrary to Supreme Court Rule 13.1 and 28 U.S.C. § 2101(c).

2. The U.S. Supreme Court should not grant a Petition for a Writ of Certiorari which fails to set forth any legitimate federal question claim under any federal constitutional or statutory provision, and fails to state the grounds for the Petition with accuracy, precision and clarity, in violation of Supreme Court Rules 14.3 and 14.4.

3. The U.S. Supreme Court should not grant the Petition of a prolific, abusive *pro se* litigator, and serial bad faith bankruptcy filer, on a state civil court money judgment against her, and thus open the flood gates to appeals of other abusive *pro se* litigants of

state court civil judgments, thus interfering in strictly state law matters.

ARGUMENT

I. Misstatements made by Petitioner In Her Arguments

Petitioner makes a number of misstatements in her Argument and Argument Summary. These include:

A. Misstatements in Petitioner's Argument

The Florida Fifth District Court of Appeal's decision was not an "act of retaliation." (Pet. p.4) The Fifth District Court of Appeal decided Petitioner's case based on the documents filed and the record the Petitioner produced on appeal. These documents included the Respondent's Motion to Dismiss or Strike Appeal (App. M) and the Respondent's Motion for Appellate Sanctions, Attorney's Fees and Costs (App. L). The Petitioner filed oppositions to these as well as many other motions and documents in the appellate court. The Petitioner's Filings with the Florida Fifth District Court of Appeal suffered from many of the same shortcomings from which the Petition for Writ of Certiorari suffers in the present case.

There was no "conspiring" (Pet. p.4) by anyone and it is difficult to guess what is meant by the Petitioner in making this inflammatory statement.

There were no "*ex parte* filings" in the lower court case and it is also difficult to guess what the Petitioner means by this inflammatory statement.

Petitioner, complains about the failure of the appellate court to hold an "evidentiary hearing" (Pet. p.4), because the Petitioner attempts to have bankruptcy courts and appellate courts retry the same facts over and over again when she loses a case. Of course, appellate courts do not hold evidentiary hearings as part of an appeal.

The Petitioner proceeds to cite and argue many irrelevant and inapplicable legal authorities as shown by the criminal statutes she cites as well as the Rhode Island authority she cites.

28 U.S.C. § 455 (Pet. p.5) does not apply on its face, since the Florida state courts are not "courts of the United States" for the purposes of this statute.

The cases she cited on page 5 of her Petition simply do not apply to the facts of the present case.

The Rhode Island Supreme Court and its Canons (Pet. p.5), certainly have no applicability in this case involving Florida courts and Florida law.

It is unclear about whom Petitioner is speaking when she refers to "the above mentioned judge" (Pet.

p.5) but her scandalous remarks constitute a personal attack on the judges in the case.[19]

Petitioner's false statements that "This attorney (obviously referring to undersigned counsel for Respondent) filed about 200 complaints with the same Judge in the past 2 years to obtain fraudulent fees" (Pet. p.5) is a blatantly false statement of fact.

Petitioner's statement: "The court records show ex-parte [sic] communications between the attorney and the Judge and therefore suggest conspiracy" (Pet. p.6) is a blatantly false statement. No such communications have occurred and the records do not show any.

Petitioner's cut and paste job (Pet. p.6) of a long obvious legal citation taken from a different document, with no attempt to understand it, correctly punctuate it or argue its relevance to the present matters, is also a deception.

B. Misstatements in Petitioner's Argument Summary

1. Contrary to Petitioner's argument (Pet. p.6), the court in Seminole County found that it did have jurisdiction as the Petitioner (who now,

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[19] Petitioner routinely makes personal attacks and derogatory statements about every judge, every attorney and even the clerks of court in the various *pro se* cases she files. This Petition is certainly no exception.

apparently, claims New York residency)[20] came to Seminole County and hired the Respondent Seminole County law firm, to perform work for her in Seminole County, making her payments for it in Seminole County, after her Orange County lawyer withdrew from her case. The matter involved defense of the Petitioner's Florida medical license against the Florida Board of Medicine and the Florida Department of Health, which are located in Leon County, Florida. Even the New York Bankruptcy Court rejected the same argument Petitioner makes herein (App. D & F), when Petitioner made it in the Bankruptcy Court for the Southern District of New York.

2. Contrary to what Petitioner states, Florida Constitution, Article 5, Section 4(b)(1), does not authorize the U.S. Supreme Court to grant any writs. (Pet. p.6) Nor does any of the decisions rendered below even address Amendments Seven and Fourteen of the U.S. Constitution. Petitioner is simply making this up.

3. Chief Judge Cecilia G. Morris of the Bankruptcy Court of the Southern District of New York advised Petitioner Uppal in person in open court during a hearing held on June 1, 2017 (*Taneja v. George Indest, Health Law Firm*, No. 17-ap-01027, (Bankr. S.D.N.Y.) that there had been no stay in place or ordered by the Bankruptcy Court that would have prevented any Florida Court from taking any of the

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[20] Petitioner sometimes claims she is a resident of Florida and sometimes claims she is a resident of New York.

actions they took in this case. (See App. D and F). Petitioner simply ignored Judge Morris's remarks and even tried to argue with her about this fact during that hearing.

4. There were no "fraudulent bills" and there was no "fraud in the court" (Pet. p.7). There is no Section 68.081031, Florida Statutes, and this has never been previously raised by the Petitioner. There is no Section 1.540, Florida Statutes.

5. The statement made by the Petitioner about suing "200 doctors in the last 2 years" is false. There is no "Florida rule 1.5:240 [sic]".

II. The Supreme Court does not have jurisdiction to consider an untimely Petition for Writ of Certiorari appeal filed by a defendant from an adverse state appellate court decision dismissing Petitioner's appeal and awarding sanctions, and appellate attorney's fees and costs for filing a frivolous, bad faith appeal (App. K) in the case of civil monetary judgment rendered by a state trial court, which Petition is contrary to Supreme Court Rule 13.1 and 28 U.S.C. § 2101(c).

A. Petitioner is Actually Appealing the Decision of the Florida Fifth District Court of Appeal, the court of last resort, entered on October 4, 2016.

It is clear from her Petition that the decision for which the Petitioner seeks this Court's review is the

decision of the Florida Fifth District Court of Appeal, the court of last resort, entered October 4, 2016. (App. K). Petitioner argues in several places that her payment of the appeal court's filing fees grants her the right to an appeal hearing, so that she could retry the facts of the case. This simply is not the law. No case would ever be final if American jurisprudence allowed this. Yet that is exactly what Petitioner desires, to try her facts over and over again until she obtains a decision in her favor.

Petitioner also argues that the Florida Fifth District Court of Appeal was wrong in deciding her appeal while her bankruptcy was pending (Pet. para. 3, p.7), despite the fact that there was no stay in effect. She argues that this Court should "exercise its discretion to review the appellate decision" (Pet. para. 4, p.3) and argues "the [Florida] district court [of appeal] cannot ignore F.S. 68.081031 [*sic*]" (Pet. para. 4, p.3). However, there is no such section.

Like the petitioner in *Martin v. State*, No. SC02-511, 2002 Fla. LEXIS 1653 (Fla. Jul. 15, 2002), (unpublished decision discussed in *Martin v. State*, 833 So. 2d 756, 2002 Fla. LEXIS 2579 (Fla. 2002) ("Martin II")), Petitioner Uppal failed to invoke the discretionary jurisdiction of the Florida Supreme Court, and her appeal to it was unauthorized.

Petitioner had only 90 days from October 4, 2016 (App. K), or, at most from October 13, 2016 (App. J), or until January 12, 2017, at the latest, to file a timely Petition for Writ of Certiorari with the U.S.

Supreme Court. She filed on May 10, 2017, missing the deadline by months. Her Petition should be dismissed for being filed untimely pursuant to Supreme Court Rule 13.1 and 28 U.S.C. § 2101(c).

B. The Florida Supreme Court had no jurisdiction, not even discretionary jurisdiction, to consider an appeal from the Florida District Court of Appeal decision on a civil money judgment; therefore, Petitioner's attempts to appeal the case to the Florida Supreme Court were unauthorized, ineffective legal nullities, which cannot be appealed to the U.S. Supreme Court.

The Florida Supreme Court did not have legal authority, pursuant to Article 5, Section 3(b)(1), Florida Constitution, to consider the Petitioner's appeals or writs she attempted to file with it. The Florida Supreme Court advised the Petitioner of this in two different decisions she received. (*See* App. I, H & A).

As explained by the Florida Supreme Court in its decisions on this case:

> [The Florida Supreme Court] lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending

> review in, or reversed or quashed by, this Court. *See Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*,385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

Uppal v. The Health Law Firm, Case No. SC17-1874 (Fla. Oct. 23, 2017) (App. A). Earlier, the Florida Supreme Court had explained to the Petitioner:

> Because petitioner has failed to show a clear legal right to the relief requested, she is not entitled to mandamus relief. Accordingly, the petition for writ of mandamus is hereby denied. *See Huffman v. State*, 813 So. 2d 10, 11 (Fla. 2000).

Uppal v. The Health Law Firm, Case No. SC16-2037 (Fla. Mar. 1, 2017) (App. I).

Since the Florida Constitution was amended in 1980, the district court was the court of last resort for Petitioner's appeal of a Florida trial court civil money judgment. As explained by the Florida Supreme Court in *Martin v. State*, 747 So. 2d 386, 390, 2000 Fla. LEXIS 68 (Fla. 2000) ("Martin I"):

> Since the 1980 constitutional revisions, however, the district courts now constitute the courts of last resort for the vast majority of litigants. *See In re* Amendments to Fla. Rules of Appellate Procedure, 609 So. 2d 516, 526 (Fla. 1992). This Court has already ruled that the merits of Martin's case will not be heard again. A person should not be permitted to litigate the same claims over and over again merely because he continues to believe he has always been right. Martin has had many, many opportunities to litigate his grievances. At some point, it must stop.

Since the Florida Supreme Court had no authority to entertain Petitioner's appeals, the state court of last resort for her was the Florida Fifth District Court of Appeal, and its decision was made on October 4, 2016. (App. K)

III. The U.S. Supreme Court should not grant a Petition for a Writ of Certiorari which fails to set forth any legitimate federal question claim under any federal constitutional or statutory provision, and fails to state the grounds for the Petition with accuracy, precision and clarity, in violation of Supreme Court Rules 14.3 and 14.4.

The Petition filed with the U.S. Supreme Court in the present case suffers from many of the same deficiencies from which her appeal filed in the Florida

Fifth District Court of Appeal suffered. (See App. L & M). It is a confusing, unorganized document misciting legal authorities, citing improper legal authorities, failing to identify the judges and courts it criticizes, commingling and confusing arguments and issues, citing to irrelevant legal authorities, making scandalous accusations, and raising arguments having no applicability to the actual facts of the case.

Many of the federal authorities it cites only apply to federal court cases. Others such as the sections of the Fifth and Eighth Amendments, only apply in criminal cases.

Furthermore, Petitioner failed to raise these below and certainly no lower court has interpreted or construed these federal statutes or constitutional provisions within the context of the present case.

The Court has made the requirement for clarity and definiteness clear in a long history of prior cases. *See*, *e.g.*, *First Nat'l Bank v. Chicago Title & Trust Co.*, 198 U.S. 280, 49 L. Ed.1051, 25 S. Ct. 693 (1905) (it is required that a petition must exhibit clear, definite, and composite disclosure of the question or questions in controversy to be sufficient); *Southern Power Co. v. N.C. Pub. Serv. Co.,* 263 U.S. 508, 68 L.Ed 413, 44 S. Ct. 164 (1924). A writ of certiorari is properly dismissed where the initiating petition failed to give adequate information concerning the record and essential facts. *Erie R. Co. v. Kirkendall*, 266 U.S.185, 69 L. Ed.236, 45 S. Ct. 33 (1924) .

The Petition in the present case is so confusing and misleading, failing to frame a proper question for the Court's consideration, that the Court should dismiss it in accordance with the cases cited above and Supreme Court Rules 14.3 and 14.4.

Petitioner cites a number of cases in passing, cases she obviously does not understand and which actually hold against her position.[21]

Bailey v. Bailey, 392 So. 2d 49 (Fla. Dist. Ct. App. 1981), a case cited in passing by Petitioner (Pet. p.4), was later distinguished by the Florida Fifth District Court of Appeal in *Randolph v. Randolph*, 618 So. 2d 770, 1993 Fla. App. LEXIS 5346 (Fla. Dist. Ct. App. 1993). The Florida Court of Appeal stated:

> The trial court has incorrectly concluded it is without jurisdiction to enforce its orders and judgments in the present case. [Citation deleted] Jurisdiction to enforce the fees award is clear. . . . The fee award, like any other money judgment, is enforceable by the lower court absent a stay, even though the fee award is appealed.

---

[21] The Petitioner mentions three cases in her Questions Presented, under the second question 4 on page ii of her Petition. However, these cases are not mentioned again or argued in the text of her Petition. Therefore, Respondent is not addressing these cases as Petitioner has abandoned argument on them.

Randolph, 618 So. 2d 771.

Marshall v. Jerrico, Inc., 446 U.S. 238, 100 S. Ct. 1610, 64 L. Ed. 2d 182 (1980), cited by Petitioner (Pet. p.5) actually holds against the Petitioner's position. In *Jerrico, Inc.*, the Court ruled that the regional administrator who imposed a fine on the corporation could not be held to the strict requirements of judicial neutrality, and reversed the trial court's judgment in favor of the corporation challenging it. Additionally, *Jerrico, Inc.*, involved a challenge to the constitutionality of a federal statute, which Petitioner does not.

Stone v. Powell, 428 U.S. 465, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976), another case cited by Petitioner (Pet. 5), has no application. It involved a petition for write of habeas corpus by convicted state prisoners involving alleged Fourth and Fifth Amendment violations. This Court ruled that where the state had provided an opportunity for full and fair litigation of the case, habeas corpus may not be granted. If anything, it holds against the Petitioner in the present case.

Petitioner probably cited *Cheney v. United States Dist. Court*, 541 U.S. 913, 124 S. Ct. 1391, 158 L. Ed. 2d 225 (2004), by accident as it is included in a long meaningless string citation on page 6 of the Petition. It is, however, completely contrary to the petitioner's position. In *Cheney*, this Court ruled that in run-of-the-mill litigation, a friendship with the Vice President (and duck hunting together) could not be

used as a grounds to recuse a Supreme Court Justice. This Court upheld the denial of the Sierra Club's motion to recuse.

Clarendon Nat'l Ins. Co. v. Shogreen, 990 So. 2d 1231, 2008 Fla. App. LEXIS 14634 (Fla. Ct. App. 2008), is another case contained in Petitioner's unexplained string citation on page 6 of her Petition. It, also, is not applicable to the present case because it involved the standard to be used by a Florida appellate court judge on a motion for recusal as contrasted with the different standard to be applied to trial court judges. In addition, the court deciding the case is in a different appellate district than the present case, and the case has not been cited or adopted by any other court.

IV. The U.S. Supreme Court should not grant the Petition of a prolific, abusive *pro se* litigator, and serial bad faith bankruptcy filer, on a state civil court money judgment against her, and thus open the flood gates to appeals of other abusive *pro se* litigants of state court civil judgments, thus interfering in strictly state law matters.

The Petitioner is an abusive, prolific *pro se* litigator who abuses the legal system to unfairly obstruct and delay her creditors. This has been voiced by a number of courts, including in the decisions set forth in Appendices A, D & J.

The Supreme Court should not grant a writ of certiorari to merely to relitigate the evidence or to

discuss the specific facts of a case. *United States v. Johnston*, 268 U.S. 220, 45 S. Ct. 496, 69 L. Ed. 925 (1925); *NLRB v. Waterman S.S. Corp.*, 309 U.S. 206, 60 S. Ct. 493, 84 L. Ed.704 (1940), *reh. den.* 309 U.S. 696, 60 S. Ct.611, 84 L. Ed.1036 (1940) (the Supreme Court will not ordinarily grant certiorari to review judgments based solely on questions of fact).

As to questions controlled by state law, as is the present one, the Supreme Court should not become involved. The Supreme Court will not undertake a decision on questions of local law. *Busby v. Electric Utilities Emp. Union*, 323 U.S. 72, 89 L. Ed. 78, 65 S. Ct. 142 (1944). *Accord*, *Ruhlin v. N.Y. Life Ins. Co.*, 304 U.S. 202, 82 L. Ed.1290, 58 S. Ct.860 (1938) (as to questions controlled by state law, conflict among Federal Circuit Courts of Appeals is not of itself reason for granting writ of certiorari by Supreme Court of United States), as conflict may be merely corollary to permissible difference of opinion in state courts).

The Court should ask itself if this is the type of case upon which it desires to expend its valuable time by taking and considering. It should also ask whether by doing so will it be opening the floodgates to future cases filed by the present Petitioner (most assuredly it will) as well as other abusive *pro se* litigators attempting to delay, harass and disrupt the judicial system.

In a filing below, this Respondent pointed out similarities between Petitioner Neelam Taneja Uppal and another notorious abusive pro se litigant, Anthony

Martin, noted in Florida appellate cases. The Florida Supreme Court stated it best saying: "This Court as the authority, perhaps even the duty, to stop litigants like Martin from abusing it and the people, as the Second Circuit put it, 'who have unluckily crossed his path.'" *Martin v. State*, 747 So. 2d 386, 391, 2000 LEXIS 68 (Fla. 2000) ("*Martin II*") (quoting *In re Martin-Trigona*, 737 F.2d 1254, 1254 (2d Cir. 1984). This rationale is equally applicable to Petitioner Uppal. *See also*, *Martin v. State*, 747 So. 2d 386, 2000 Fla. LEXIS 68 (Fla. 2000) ("*Martin I*").

In the present case the Petitioner's abusive, scandalous pleadings show her to be cast in the same mold as two of Florida's most notorious pro se litigants, Anthony R. Martin (discussed above) and Austin Tasse. In *Tasse v. Simpson*, 842 So. 2d 793, 2003 Fla. LEXIS 390 (Fla. 2003), the Florida Supreme Court stated:

> This Court cannot allow its judicial processes to be misused by Tasse to malign and insult those persons and institutions which have been unfortunate enough to come in contact with Tasse. Tasse has litigated the matters he raised in his petition repeatedly, and this is not the first time Tasse has filed scandalous pleadings in this Court. This Court has the authority and the duty to prevent the misuse and abuse of the judicial system. It is clear that Tasse is unable to maintain the bare minimum standard of

> decorum and respect for the judicial system that all litigants must have when filing court pleadings and seeking court rulings. Since Tasse cannot meet that standard and cannot conduct himself with that basic level of decency, we are forced to forbid Tasse from filing any further pro se pleadings in this Court.

Tasse v. Simpson, 842 So. 2d 795-96. The Florida Supreme Court entered an order that prohibited Tasse from filing any further pleadings that were not signed by an attorney.

ATTORNEY'S FEES, COSTS AND SANCTIONS

In the case which Petitioner currently appeals to the U.S. Supreme Court, this Respondent filed a motion for appellate sanctions, attorney's fees and costs, against the petitioner for filing a frivolous, bad faith appeal. The motion was filed pursuant to Section 57.105, Florida Statutes (which is modeled after Rule 11, Federal Rules of Civil Procedure), and Rule 9.410, Florida Rules of Appellate Procedure. (App. L). The Fifth District Court of Appeal granted this motion. (App. K)

Since Petitioner is continuing this appeal of the state court's decision, should Respondent be the successful party in this appeal, Respondent requests that sanctions, attorney's fees and costs be awarded to Respondent, against Petitioner, pursuant to Section 57.105, Florida Statutes, Rule 9.410, Florida Rules of

Appellate Procedure, and Rule 38, Federal Rules of Appellate Procedure and the inherent authority of the Supreme Court. Respondent expects to file a separate motion in accordance with the above and requests the Supreme Court reserve jurisdiction for the sole purpose of making such an award should it rule against Petitioner or, alternatively, remand the case to the trial court judge to determine the amount of sanctions, fees and costs to be awarded.

CONCLUSION

This Honorable Court is requested to rule that it does not have jurisdiction to entertain the Petition and to dismiss the Petition for Writ of Certiorari filed by the Petitioner, with prejudice. The Court is further requested to reserve jurisdiction for the purpose of awarding sanctions, attorney's fees and costs against the Petitioner.

Respectfully Submitted,

George F. Indest III
Counsel of Record
The Health Law Firm
1101 Douglas Avenue
Altamonte Springs, FL 32714
(407) 331-6620
GIndest@TheHealthLawFirm.com

APPENDIX A

SUPREME COURT OF FLORIDA

MONDAY, OCTOBER 23, 2017

CASE NO.: SC17-1874
Lower Tribunal No(s).:
5D17-2982; 592013CA0037900000XX

NEELAM UPPAL vs.	HEALTH LAW FIRM
Petitioner(s)	Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. See Wells v. State, 132 So. 3d 1110 (Fla. 2014); Jackson v. State, 926 So. 2d 1262 (Fla. 2006); Gandy v. State, 846 So. 2d 1141 (Fla. 2003); Stallworth v. Moore, 827 So. 2d 974 (Fla. 2002); Harrison v. Hyster Co., 515 So. 2d 1279 (Fla. 1987); Dodi Publ'g Co. v. Editorial Am. S.A., 385 So. 2d 1369 (Fla. 1980); Jenkins v. State, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy
Test:
/s/
John A. Tomasino
Clerk, Supreme Court [SEAL]

td
Served:

GEORGE F. INDEST III
NEELAM UPPAL
HON. GRANT MALOY, CLERK
HON. JOANNE P. SIMMONS, CLERK
HON. JESSICA J. RECKSIEDLER, JUDGE

APPENDIX B

IN THE SUPREME COURT OF FLORIDA

[DATE STAMP]

NEELAM UPPAL
APPELLANT/DEFENDANT,

vs. Case No. -5D17-2982
L.T. No. 13-3790

HEALTHLAW FIRM, GEORGE INDEST, et al
APPELLEE/PLAINTIFF

NOTICE OF APPEAL

On petAppelant, Neelam Uppal files an appeal from the Order of the District Court of Appeal ,Fifth District of Florida denying recusal of Judge Recksedler for Writ of Certorari within 30 days of the order pursuant to Rule 9.100.

/s/_____
NEELAM UPPAL, MD
Pro se
P.O. Box 1002
Largo, FL-33779

(7)_____
Name: (8)_____
Address: (9)_____
_____
_____

CERTIFICATE OF SERVICE

I hereby certify that a copy hereof has been furnished to (10)_____
_____
_____
by
(11)_____this (12)_____day of (13)_____, 20(14)____.

(7)_____
Signature

[ENVELOPE]

IN THE DISTRICT COURT OF APPEAL OF THE
STATE OF FLORIDA
FIFTH DISTRICT

NEELAM UPPAL,
Petitioner,

v. CASE NO. 5D172982

HEALTH LAW FIRM,
Respondent.
/
DATE: October 10, 2017

BY ORDER OF THE COURT:

ORDERED that the Petition for Writ of Prohibition, filed September 22, 2017, and the Amended Petition, filed October 4, 2017, are denied on the merits. ***See Topps v. State***, 865 So. 2d 1253, 1258 (Fla. 2004).

I hereby certify that the foregoing is
(a true copy of) the original Court order.

/s/_____ [SEAL]
JOANNE P. SIMMONS, CLERK

Panel: Judges Palmer, Orfinger, and Wallis

cc:
George F Indest, III Neelam Uppal
Hon. Jessica J. Recksiedler

5DCA CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the instrument(s) filed in this office.

Witness my hand and official seal this October 19, 2017 .
Joanne P. Simmons, Clerk of the Fifth District Court of Appeal.

[SEAL]

By: /s/ Kathy Palmere

[SEAL]
DISTRICT COURT OF APPEAL
FIFTH DISTRICT
300 SOUTH BEACH STREET
DAYTONA BEACH, FLORIDA 32114
(386) 947-1500 COURT
(386)255-8600 CLERK

October 19, 2017

Hon. John A. Tomasino, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32399-1927

Re: Uppal
v.
Healthlaw Firm, G. Indest

Appeal No. 5D17-2982
Trial Court No. 13-CA-3790-15-K
Trial Court Judge: Hon. Jessica J. Recksiedler

Dear Hon. Tomasino:

Attached is a certified copy of the Notice of Appeal pursuant to Rule 9.120, Florida Rules of Appellate Procedure, along with a copy of 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 is also attached.

☒ 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 this Circuit Court or our court.

No filing fee is required because:

☐ Summary Appeal (Rule 9.141)
☐ Unemployment Appeals Commission
☐ Habeas Corpus (Petition-Ineffective Assistance of Counsel Criminal)
☐ Juvenile case
☐ Other _____

Sincerely,

JOANNE P. SIMMONS, CLERK

By: /s/ Kathy Palmere
Deputy Clerk

Attachments
cc: Neelam Uppal George F. Indest, III

FAX NUMBER (386) 947-1562
E MAIL ADDRESS 5dca@flcourts.org

APPENDIX C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEELAM T. UPPAL,

Plaintiff,

-against-

17-CV-7072 (CM)

GEORGE F. INDEST III;
HEALTH LAW FIRM;
CHARLENE RODRIQUEZ;
BARRY WILKINSON;
SADORF & WILKINSON;
WELLS FARGO;
NATIONSTAR,

ORDER OF DISMISSAL

Defendants.

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, appearing *pro se,* paid the filing fee to bring this complaint under the Court's federal question jurisdiction.[1] Plaintiff has now filed an order to show cause in which she appears to seek a stay in a

[1]Plaintiff filed this action with an incomplete application for leave to proceed *in forma pauperis* (IFP). By order dated September 19, 2017, the Court directed Plaintiff to either file an amended IFP application, or pay the filing fee. Plaintiff paid the filing fee on September 29, 2017.

bankruptcy proceeding in this District. For the reasons set forth below, the action is dismissed, and the order to show cause is denied as moot.

STANDARD OF REVIEW

The Court has the authority to dismiss a complaint, even when the plaintiff has paid the filing fee, if it determines that the action is frivolous, *Fitzgerald v. First E. Seventh Tenants Corp.*, 221 F.3d 362, 363-64 (2d Cir. 2000) (*per curiam*) (citing *Pillay v. INS*, 45 F.3d 14, 16-17(2d Cir. 1995) (*per curiam*) (holding that Court of Appeals has inherent authority to dismiss frivolous appeal)), or that the Court lacks subject matter jurisdiction, *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999). The Court is obliged, however, to construe *pro se* pleadings liberally, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the "strongest [claims] that they *suggest*," *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474-75 (2d Cir. 2006) (internal quotation marks and citations omitted) (emphasis in original).

BACKGROUND

On September 15, 2017, Plaintiff Neelam T. Uppal, a medical doctor, filed this complaint, which is not a model of clarity, against George F. Indest III, Health Law Firm, Charlene Rodriguez, Barry Wilkinson, Wilkinson, Sadorf & Wilkinson, Wells Fargo, and Nationstar. Invoking the Court's federal question jurisdiction, Plaintiff asserts claims under "RICO," 18 U.S.C. §§ 1961-1968, and claims of "deceptive tactics"

and "false claims" under 18 U.S.C. § 1001.

Indest is counsel for the Health Law Firm, listed as an appellee in Plaintiff's pending bankruptcy appeal in this Court. *See In re: Neelam Taneja aka Neelam Uppal*, No. 17-CV-5618 (ER) (S.D.N.Y. filed July 24, 2017). It is not clear who the other individuals are. According to Plaintiff, Indest "made fabricated bills and false claims" in the bankruptcy court, and "tried to do collections while automatic stay was in effect," and Wilkinson conspired with Indest. The complaint sets forth no allegations against the other defendants. (ECF No. 2 ¶ III.). Plaintiff seeks money damages and to "waive sanction due to perjury have all the false claims paid back." (*Id.* ¶ IV.)

On July 29, 2017, Plaintiff filed in this case an order to show cause asserting that Indest lied to "the Seminole County Judge," and to the Southern District bankruptcy judge. Plaintiff seeks to have this Court hold Indest and the Health Law Firm in contempt "of this court's Order of Stay," and to "grant the order of preliminary injunction against the Creditor and the State Court by entering an injunction against the enforcement of the order entered to collect any judgment and enjoining and refraining the Defendant from taking any further collection or legal actions on the debtor." (ECF No. 5 ¶ 4.)

Plaintiff filed in the bankruptcy appeal pending before Judge Ramos a substantially similar order to show cause, and Indest has moved to strike that filing and for sanctions. (17-CV-5618, ECF Nos. 14-16.)

DISCUSSION

Rule 8 of the Federal Rules of Civil Procedure requires a complaint to make a short and plain statement showing that the pleader is entitled to relief. A complaint states a claim for relief if the claim is plausible. *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). To review a complaint for plausibility, the Court accepts all well-pleaded factual allegations as true and draws all reasonable inferences in the pleader's favor. *Iqbal*, 556 U.S. at 678-79 (citing *Twombly*, 550 U.S. at 555). But the Court need not accept "[t]hreadbare recitals of the elements of a cause of action," which are essentially legal conclusions. *Id.* at 678 (citing *Twombly*, 550 U.S. at 555). After separating legal conclusions from well-pleaded factual allegations, the court must determine whether those facts make it plausible – not merely possible – that the pleader is entitled to relief. *Id.*

In this complaint, Plaintiff seeks relief under the Racketeer Influenced and Corrupt Organizations Act (RICO). RICO was enacted to "'to seek the eradication of organized crime in the United States.'" *Boritzer v. Calloway*, No. 10-CV-6264 (JPO), 2013 WL 311013, at *4 S.D.N.Y. Jan. 24, 2013) (quoting Pub. L. No. 91452, Title IX, § 901(a) (Oct. 15, 1970)). The civil enforcement provision of RICO provides that "[a]ny person injured in his business or property by reason of a violation of section 1962 . . . may sue therefor in any appropriate United States district court and shall recover threefold the damages…." 18 U.S.C. § 1964(c)

(1995). In order to establish a violation of § 1962, a plaintiff must demonstrate: "(1) that the defendant (2) through the commission of two or more acts (3) constituting a "pattern" (4) of "racketeering activity" (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an "enterprise" (7) the activities of which affect interstate or foreign commerce." *Moss v. Morgan Stanley, Inc.*, 719 F.2d 5, 17 (2d Cir. 1983) (quoting 18 U.S.C. § 1962(a)-(c) (1976)). To show conspiracy, Plaintiff must allege that Defendants "agreed to form and associate themselves with a RICO enterprise and that they agreed to commit two predicate acts in furtherance of a pattern of racketeering activity in connection with the enterprise." *Conte v. Newsday, Inc.,* 703 F. Supp. 2d 126, 133 (E.D.N.Y. 2010) (quoting *Cofacredit, S.A. v. Windsor Plumbing Supply Co.,* 187 F.3d 229, 244 (2d Cir. 1999)).

Plaintiff fails to provide any facts that would support a RICO claim. The complaint is devoid of a single fact suggesting that Defendants conspired against her. Plaintiff only mentions RICO in her complaint once, in response to a question in the Court's general complaint form asking "what federal Constitutional, statutory or treaty right is at issue?" (Compl. at 2.) In fact, Plaintiff asserts claims only against Indest, and asserts without factual support that Wilkinson "conspired" with Indest. Moreover, injunctive relief is not available under civil RICO. *See* 18 U.S.C. § 1964 (1995).

Plaintiff also cites to 18 U.S.C. § 1001, the federal

false statement statute. That statute, however, does not provide for a private right of action. *See, e.g. Momot v. Dziarcak*, 208 F. Supp. 3d 450, 460 (N.D.N.Y. 2016) (holding that 18 U.S.C. § 1001 does not create a private right of action); *Faraldo v. Kessler*, No. 08-CV-0261, 2008 WL 216608, at *6 (E.D.N.Y. Jan. 23, 2008) (holding that 18 U.S.C. § 1001 does not allow for a private civil action); *Bender v. General Services Admin.,* No. 05-CV-6459 (PKC), 2006 WL 988241, at * 1 (S.D.N.Y. Apr. 14, 2006) (same); *Clements v. Miller*, No. 10-CV-2455, 2005 WL 2085497, at *4 (D. Colo. Aug. 29, 2005), aff'd, 189 F. App'x 688 (10th Cir. 2006).

In short, Plaintiff is attempting to relitigate in this Court, under the guise of a RICO action, state court and bankruptcy court matters, which she cannot do. *See Curtis & Assoc., P.C. v. Law Office of David M. Bushman, Esq.,* 758 F. Supp. 2d 153, 170 (E.D.N.Y. 2010) (state court claim should not be "re-litigated in federal court under the guise of a RICO action"). *See also* Federal Rule of Bankruptcy Procedure Rule 8002(a)(1) (to appeal an order of a Federal Bankruptcy Court in a Federal District Court, a party must file a notice of appeal in the Bankruptcy Court within fourteen days of the entry of the order being appealed). For these reasons, Plaintiff's complaint fails to state a claim on which relief may be granted.

District courts generally grant a *pro se* plaintiff an opportunity to amend a complaint to cure its defects, but leave to amend is not required where it would be futile. *See Hill v. Curcione*, 657 F.3d 116, 123-24 (2d Cir. 2011); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d

Cir. 1988). Because amendment would not cure the deficiencies in Plaintiff's complaint, the Court declines to grant Plaintiff an opportunity to amend.[2]

LITIGATION HISTORY

Plaintiff is no stranger to federal court. According to PACER, Plaintiff has filed more than twenty-five cases in federal and circuit courts in New York, New Jersey, and Florida.[3] See, e.g. Uppal v. NYS Dep't of Health, No. 16-CV-3038 (VSB) (S.D.N.Y. filed Apr. 25, 2015) (motion to dismiss pending); *Uppal v. Florida Board of Medicine, et al.*, No. 14-CV-9024 (ER) (S.D.N.Y. Jan. 5, 2015) (denying order to show cause and transferring matter to the United States District Court for the Middle District of Florida); *Uppal v. Hospital Corp. of America*, No. 09- CV-634, 2011 WL 2631869 (M.D. Fla. July 5, 2011) (granting motion to dismiss Title VII claims), *aff'd Uppal v. Hospital Corp. of America*, 482 F. App'x 394 (11th Cir. June 13, 2012). Plaintiff has previously been warned against pursuing frivolous litigation. *Uppal v. Uppal*, No. 10-CV- 2566, 2011 WL 2516676 (M.D. Fla. June 23, 2011) (dismissing action

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[2]In any event, Plaintiff's order to show cause and claims against Indest are pending in the bankruptcy appeal before Judge Ramos.

[3]The Court may consider matters that are subject to judicial notice, including court records. *See* Fed. R. Evid. 201(b)-(c); *Schenk v. Citibank/Citigroup/Citicorp,* No. 10-CV-5056 (SAS), 2010 WL 5094360, at *2 (S.D.N.Y. Dec. 9, 2010) (citing *Anderson v. Rochester–Genesee Reg'l Transp. Auth.,* 337 F.3d 201, 205 n.4 (2d Cir. 2003)).

as "repetitive, vexatious, and frivolous," and warning Plaintiff against pursuing frivolous litigation). In addition, a judge of this Court has already alerted Plaintiff that applications for relief must be made in the first instance in the bankruptcy court, after which a notice of appeal may be filed. *See In re: Neelam Taneja*, No. 17-CV-6608 (KBF) (S.D.N.Y. Sept. 27, 2017) (dismissing for lack of jurisdiction emergency motion for recusal of bankruptcy judge; motion based in part on alleged false filings of Indest).

The exact degree of solicitude that should be afforded to a *pro se* litigant in any given case depends upon a variety of factors, including the procedural context and relevant characteristics of the particular litigant. *Tracy v. Freshwater*, 623 F.3d 90 (2d Cir. 2010). In light of Plaintiff's litigation history, the Court finds that Plaintiff was, or should have been, aware when she filed this case that it lacked merit. *See Sledge v. Kooi*, 564 F.3d 105, 109-10 (2d Cir. 2009) (discussing circumstances where frequent *pro se* litigant may be charged with knowledge of particular legal requirements). Plaintiff is warned that further frivolous or duplicative litigation in this Court will result in an order barring her from filing new actions in this Court, regardless of whether she pays the filing fee or seeks leave to proceed *in forma pauperis*, without prior permission. *See* 28 U.S.C. § 1651.

CONCLUSION

The Clerk of Court is directed to assign this matter

to my docket, mail a copy of this order to Plaintiff, and note service on the docket. The Court dismisses this action for failure to state a claim on which relief may be granted. 28 U.S.C. § 1915 (e)(2)(B)(ii). The Court denies the order to show cause as moot.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: October 12, 2017
New York, New York

/s/
COLLEEN McHAHON
Chief United States District Judge

APPENDIX D

[DATE STAMP]

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 13
NEELAM TANEJA, Debtor,	Adv. Proc. No.: 17-ap-01027-cgm
vs.	Ch. 13 Case No.: 16-bk-12356-jlg
THE HEALTH LAW FIRM, et al., Creditor/Defendant.	

FINAL JUDGMENT FOR SANCTIONS, ATTORNEY'S FEES AND COSTS

THIS MATTER came before the Court for a hearing on July 13, 2017, on the Creditor(s)/Defendant(s), The Health Law Firm, P.A., f/k/a George F. Indest III, P.A.-The Health Law Firm, and George Indest's, Motion for Rule 9011 Sanctions against Debtor/Plaintiff Neelam Taneja, M.D. (a/k/a Neelam Taneja Uppal M.D.) (referred to as "Rule 9011 Motion" herein). [ECF Nos. 11, 14, 22, 23 and 25.] Debtor's Rule 9011 Motion, along with supporting documents and an affidavit, was originally served on

Debtor/Plaintiff on May 5, 2017, affording Debtor/Plaintiff at least 21 days to remedy the offending conduct. [ECF No. 11.] The Rule 9011 Motion was then filed with the Court on May 30, 2017 [ECF No. 11]. On June 1, 2017, the Court advised all parties that it would be heard on July 13, 2017, in open Court with the Debtor/Plaintiff present. It was then noticed for hearing with notice filed June 8, 2017. [ECF Nos. 13, 17 & 20.] Debtor/Plaintiff Neelam Taneja (***pro se***) was present at the hearing on July 13, 2017, and her comments were considered by the Court. She had filed no opposition or response to the rule 9011 Motion prior to the hearing.

The Court took judicial notice of the documents in the Court's file as previously requested by the Creditor/Defendants. The Court also considered the affidavits and other documents filed by the Creditor/Defendants [ECF Nos. 11, 14, 22, 23 & 25].

THE COURT ***GRANTS*** Creditor's/Defendants' Rule 9011 Motion.

THE COURT FINDS that Debtor/Plaintiff's Adversary Proceeding Complaint was filed in bad faith, for improper purpose, and solely for the purpose of harassing and delaying these Defendants/Creditors, in violation of Rule 9011 , Federal Rules of Bankruptcy Procedure. Debtor/Plaintiff's Adversary Proceeding Complaint contained false statements and was frivolous, having no basis in fact or in law. Furthermore, Debtor/Plaintiff had not dismissed or withdrawn her Adversary Proceeding Complaint after

being given more than 21 days advance notice of the Creditor's/Defendants' Rule 11 , Motion, and prior to the hearing the Court conducted on June 1, 2017, which resulted in the Court's Dismissal of the Adversary Proceeding Complaint. [ECF No. 15.]

THE COURT FURTHER FINDS that sanctions, attorney's fees, and costs are proper to award against Debtor/Plaintiff.

THE COURT FURTHER FINDS that the hourly rate charged by Mr. Indest ($475 per hour), the time spent defending in this Adversary Proceeding (114.8 hours), the fees incurred ($54,530.00), and the costs incurred ($2,905.33), to be fair, reasonable and necessary.

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

THE COURT AWARDS the total amount of attorney's fees and costs of $57 ,435. 33, to be designated as sanctions, awarded in favor of Defendants The Health Law Firm and George F. Indest III, 1101 Douglas Avenue, Altamonte Springs, Seminole County, Florida 32714, against Debtor/Plaintiff Neelam Taneja, M.D., a/k/a Neelam Taneja Uppal, M.D. , 1370 Broadway #504 , New York, New York County, New York 10018 and 17715 Gulf Blvd, #705, Reddington Shores, Pinellas County, Florida 33782.

FURTHER ADJUDGED, pursuant to 28 U.S.C. 1961, this Final Judgment shall bear interest at the judicial rate from the date of entry until satisfied.

FOR WHICH LET EXECUTION ISSUE.

The Court retains jurisdiction to enforce this Final Judgment and other post-judgment matters including, but not limited to, a determination of any additional attorney's fees or costs owed by Debtor/Plaintiff to Creditor/Defendants.

Dated: July 19, 2017
Poughkeepsie, New York

[SEAL]

/s/ Cecelia G. Morris
Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge

APPENDIX E

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR SEMINOLE COUNTY, FLORIDA

THE HEALTH LAW FIRM,

Plaintiff,

v. CASE NO: 13-CA-3790-15-K

NEELAM T. UPPAL, M.D.,
a/k/a NEELAM TANEJA, M.D.,
a/k/a NEELAM T. TANEJA-UPPAL, M.D.,
a/k/a NEELAM UPPAL TANEJA, M.D.,
a/k/a NEELAM TANEJA UPPAL, M.D.,

Defendant.
_____/

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned will call up for hearing before the Honorable Jessica J. Recksiedler, at the Seminole County Courthouse, 301 North Park Avenue, **Courtroom L**, Sanford, Florida 32771, on **Wednesday, September 20, 2017, at 1:30 P.M.**, or as soon thereafter as it may be heard, the following:

Appellee's Motion for Appellate

Attorney's Fees and Sanctions Pursuant to Sect. 57.105, Florida Statutes, and Rule 9.410 Florida Rules of Appellate Procedure (pursuant to Order of the Fifth District Court of Appeal dated October 4, 2016, copy attached).

The above date and time were coordinated with and approved by Defendant Uppal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the foregoing via U.S. mail, postage prepaid, to Neelam Taneja Uppal, M.D., 1370 Broadway, #504, New York, New York 10018, and 17715 Gulf Blvd., #705, Reddington Shores, Florida 33782; and P.O. Box 1002, Largo, Florida 33779; and also via e-mail at: nneelu123@aol.com, on this 20th day of June 2017.

/s/
GEORGE F. INDEST III, ESQUIRE
Certified by the Florida Bar
in Health Law
Florida Bar No.: 382426
Primary E-mail:
GIndest@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
THE HEALTH LAW FIRM

1101 Douglas Avenue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
COUNSEL FOR THE PLAINTIFF,
THE HEALTH LAW FIRM

Attachments:

1) Fifth DCA Order of October 6, 2016

2) Appellee's Motion for Appellate Attorney's Fees and Sanctions Pursuant to Sect. 57.105, Florida Statutes, and Rule 9.410 Florida Rules of Appellate Procedure

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT

NEELAM UPPAL,

Appellant,

CASE NO. 5D16-0180

v.

HEALTH LAW FIRM,

Appellee.

_____/

DATE: October 4, 2016

BY ODER OF THE COURT:

ORDERED that Appellee's Motion to Dismiss Appeal Or, Alternatively, To Strike Appellant's Brief, filed June 21, 2016, is granted and the above-styled cause is hereby dismissed. Appellee's Motion for Attorney's Fees and Sanctions pursuant to Section 57.105, filed June 22, 2016, is granted and the matter is remanded to the trial court to assess the amount of fees to be awarded. Appellant's Motion to Strike and Dismiss Appellee's Motion for Sanctions, filed July 6, 2016, is denied. Appellant's Cross-Motion to Suppress, filed July 6, 2016, is denied.

I hereby certify that the foregoing is
(a true copy of) the original Court order.

/s/ [SEAL]
JOANNE P. SIMMONS, CLERK

Panel: Judges Orfinger, Cohen, and Edwards

cc:

George F. Indest, III
Lance O. Leide
Neelam Uppal
Clerk Seminole (13-CA-3790)
Hon. Jessica J. Recksiedler

IN THE DISTRICT COURT OF APPEAL OF THE
STATE OF FLORIDA
FIFTH DISTRICT
DAYTONA BEACH, FLORIDA

NEELAM UPPAL, M.D.,

Appellant,

Case No.: 5D16-0180

THE HEALTH LAW FIRM,

Appellee.

APPELLEE'S MOTION FOR ATTORNEY'S FEES AND SANCTIONS PURSUANT TO SECT. 57.105, FLORIDA STATUTES, AND RULE 9.410, FLORIDA RULES OF APPELLATE PROCEDURE

Appellee, The Health Law Firm, respectfully requests that the Court enter an Order imposing sanctions against Appellant for filing a frivolous and dilatory appeal, pursuant to Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure stating:

BACKGROUND AND FACTS

1. Appellee, The Health Law Firm, is a Florida professional services corporation providing legal services to its clients.

2. Appellant, Neelam T. Uppal, M.D., is a medical doctor licensed by the states of Florida and New York.

3. Appellant retained the services of The Health Law Firm on or about June 5, 2012.

4. The Health Law Firm performed considerable work on behalf of Appellant, for which Appellant failed to pay.

5. After extensive efforts to collect on the overdue balance on Appellant's account with The Health Law Firm, suit was filed in the Eighteenth Judicial Circuit Court in and for Seminole County. The case number was: 13-CA-3790-15-K.

6. Appellant is believed to have fled the jurisdiction to avoid service of process in the action below. The Health Law Firm was able to locate Appellant in the State of New York where service was finally made on November 19, 2013.

7. Appellant has a long and storied history of vexatious litigation in the federal and state court systems. Below is merely a sample of some of the cases and results:

a. Case No.: 8:13-bk-05601 - Bankruptcy, Middle District of Florida, dismissed for fraud/concealment on September 17, 2013;
b. Case No.: 8:12-bk-18946 - Bankruptcy, Middle District of Florida, dismissed for

failure to file information on January 11, 2013;

c. Case No.: 8:02-ap-00157 - Bankruptcy, Middle District of Florida, dismissed on October 18, 2002;
d. Case No.: 8:00-bk-09734 - Bankruptcy, Middle District of Florida, discharged on July 21, 2003;
e. Case No.: 8:15-ap-213-CPM - Bankruptcy, Middle District of Florida, dismissed September 25, 2015;
f. Case No.: 2D14-4191 - Florida Second District Court of Appeal, pending;
g. Case No.: 8:10-cv-2566-T-23AEP - Civil, Middle District of Florida, dismissed with threat of sanctions June 23, 2011;
h. Case No.: A-5975-12T4 - Superior Court of New Jersey, Appellate Division, affirmed against Appellant November 20, 2014;
i. Case No.: C-574 - Supreme Court of New Jersey, Petition for Certiorari denied with costs February 7, 2001;
j. Case No.: C-708 - Supreme Court of New Jersey, Petition for Certiorari denied with costs March 12, 2003;
k. Case No.: 11-001130-CI - Sixth Judicial Circuit in and for Pinellas County Florida, dismissing Appellant's counterclaim April 8, 2015;

8. The cases listed above are only a fraction of Appellant's exploits in the courts. A review of the

Pinellas County Clerk of Court's Civil Docket reveals at least thirty-two (32) cases initiated by or against Appellant since 2000. She was sued at least thirteen (13) times for failure to pay amounts due. She was the plaintiff in no fewer than thirteen (13) other cases, many of which were frivolous claims for domestic violence injunctions which she failed to prosecute. Four (4) cases were unsuccessful appeals of other cases she lost in Pinellas County Small Claims Court.

9. Additionally, a review of Appellant's history in the PACER system revealed no less than thirty-four (34) cases since 1998. Among those cases were twelve (12) separate bankruptcy proceedings all of which were dismissed with only one exception. Eighteen (18) civil cases were filed by Appellant as the plaintiff or as bankruptcy appeals. Appellant also filed four (4) separate appeals to the Eleventh Circuit Court of Appeals, all of which she lost, including the published opinion ***Uppal v. Hosp. Corp. of Am.***, 482 Fed. Appx. 394 (11th Cir. 2012).

10. Appellant did not contain her frivolous litigation to Pinellas County and the federal courts. Since 2011, Appellant filed thirteen (13) appeals in the Second District Court of Appeal. Of the seven (7) cases that are closed, Appellant lost six (6) and the one other case was returned to the lower tribunal without opinion or assignment of error. Of the six (6) remaining cases, five (5) of them were repeated appeals from the same Pinellas County Circuit Court foreclosure case, 2011-CA-001130-CI.

11. Appellant also has a considerable history in New Jersey state courts with numerous cases and appeals. These cases primarily dealt with a divorce during which she harassed her ex-husband with innumerable motions and papers accusing him of physical violence, mental abuse, child abuse, and other vile crimes, none of which appear to have ever been substantiated.

12. Appellant's insults and scurrilous accusations are not confined to her ex-husband. She made numerous accusations of collusion and conspiracy against the Appellant, the United States District Court, the Middle District of Florida Bankruptcy Court, the Circuit Court for Pinellas County, and other individuals and entities in the papers she filed with the courts.

13. In nearly all of these cases, Appellant was *pro se*. She routinely filed frivolous motions and "orders." Nearly all of her pleadings are nonsensical and rife with typographical and grammatical errors which belie Appellant's training and education as a physician. The papers she filed are also filled with baseless accusations of fraud and conspiracy. Her filings routinely fail to recognize the record facts in a case and instead resort to continuous repetition of irrelevant, scandalous, and impertinent material.

14. The Court only needs to look at the trial court's record in this case to find that Appellant is divorced from reality and will do anything, including abusing the judicial system, to avoid paying her just

debts.

15. Appellant fails to see and recognize what is going on around her or to understand the consequences of her own actions. Instead of internalizing her conduct and answering for it, she lashes out and accuses everyone else of conspiring to get her. In the lower court, she accused the undersigned of conspiring with another one of her creditors in the following papers:

a. Answer and Objection to Plaintiff's Objection, Docket No. 6;
b. Objection to Plaintiff's Motion for Summary Judgment, Docket No. 9; and
c. Objection to Final Order of Summary Judgment, Docket No. 18.

16. Appellant made baseless accusations of fraud against The Health Law Firm in every paper she filed, but never offered a single fact in support thereof.

17. Failing to present evidence of any kind was a common theme for Appellant. She filed numerous papers and oppositions, but never offered any documents or testimony to support her position.

18. To the contrary, The Health Law Firm presented documentary evidence and sworn testimony to support summary judgment on all counts.

19. The record in this case clearly supports the trial court's ruling. Appellant filed her appeal for

no purpose other than harassment and to assuage her own delusional thoughts of being wronged by yet another person.

20. Appellee The Health Law Firm certifies that it served a copy of this Motion for Sanctions on Appellant Uppal on April 27, 2016, as shown in Exhibit "1" and "2," more than 21 days prior to filing it with this Court. Appellant has failed to correct the perceived deficiencies for which this Motion seeks sanctions, attorney's fees and costs.

ARGUMENT IN SUPPORT

I. Appellant's Appeal is a Sham and was Filed for Improper Purposes

A court should find a pleading or paper to be a sham when it is patently false or for an improper purpose, and from the plain or conceded facts of the case, the filing party knew or should have known it to be as much. ***Rhea v. Hackney***, 157 So. 190, 193 (Fla. 1934). Appellant filed the instant appeal for no other purpose than to delay collection of a just debt. There exist no justiciable issues on appeal. The law is immeasurably clear in this case, and Appellant, even though ***pro se***, knew or should have known from the circumstances of the case below, that there is no good faith basis for an extension or change in the law which would have allowed her to be successful on appeal. Pleading a matter known by the party to be false and for the purpose of delay or some other unworthy

purpose, has always been considered an abuse of the justice system and subjects the party to censure and summary set aside with costs. ***Rhea v. Hackney***, 157 So. at 193.

As the Court is undoubtedly familiar, the standard for summary judgment in Florida is that once the moving party establishes that there are no disputed issues of material fact, the party opposing a motion for summary judgment must then present evidence, not simply legal argument or unsubstantiated denials, demonstrating the existence of a disputed issue of material fact in order to prevent summary judgment from being entered. ***Woodruff v. Gov't Emps. Ins. Co.***, 669 So. 2d 1114, 1115 (Fla. 1st DCA 1996). The non-moving party may not carry its burden by merely asserting that a particular issue is in dispute. ***Harvey Bldg., Inc. v. Haley***, 175 So. 2d 780, 783 (Fla. 1965).

The issues below were simple. Appellant signed a contract for legal services. Appellant requested legal services to be performed by The Health Law Firm. The Health Law Firm provided such legal services. Then, Appellant refused to pay for services rendered and action was initiated to collect the debt.

Without hyperbole or exaggeration, Appellant failed to offer even a scintilla of evidence which placed any material fact in dispute. Instead, her pleadings (those that she actually signed) were nothing more than a series of non-sensical ramblings, conspiratorial theories, and false accusations of fraud and collusion.

Appellant's appeal is also improper because it was filed for dilatory reasons. Given Appellant's frequent bankruptcy filings and the loss of her most recent appeal of the bankruptcy court's decision to the Middle District of Florida,[4] the undersigned believes this appeal is merely a delay tactic so that she can prepare and again file for bankruptcy.

Appeals filed for no other reason than to "delay compliance with the . . . final judgment of the trial court" are frivolous, not taken in good faith, and should be dismissed. ***Askew v. Gables by the Sea, Inc.***, 258 So. 2d 822, 822 (Fla. 1st DCA 1972). There are no legal issues for this Court to review. Appellant utterly failed to raise any dispute of material fact or valid objection to the Motion for Summary Judgment filed below.

Appellant failed to place any of the material facts of the case in dispute through presentation of testimony, affidavits, or documents. Instead, just as in

---

[1] In late 2015, Appellant appealed an order of the U.S. District Court for the Middle District of Florida in Case No.: 8:15-cv-01886-MSS denying a stay of proceedings pending appeal of the dismissal of her most recent bankruptcy filing to the Eleventh Circuit Court of Appeals. By order dated December 14, 2015, the District Court held that the automatic stay of proceedings was unavailable because she could not show a likelihood of success on the merits of her appeal. Without the automatic stay, Appellant's creditors, including Appellee, were free to move forward with their collection efforts. Finding herself exposed, Appellant filed the instant appeal to further delay payment of her debt to Appellee.

her many, many other cases, she filed sham pleadings and this meritless appeal in a desperate, yet transparent, attempt to avoid paying the money she owes.

II. Appellant's History of Abuse of the Legal System Warrants Dismissal and Sanctions

The Court need look no further than Appellant's incredibly litigious history and the language used in her filings below to see that her modus operandi is to abuse the legal system and make frivolous filing after frivolous filing.

Courts in at least three different jurisdictions have warned and sanctioned Appellant for abuse of the legal process. The Fifth District Court of Appeal should not stand for Appellant's antics or permit her to waste the Court's time and resources on her frivolous cases.

Appellant's conduct as a ***pro se*** litigant is prolific and approaches that of one of Florida's most famously abusive pro se parties, Anthony Martin. ***See Martin v. State***, 747 So. 2d 386 (Fla. 2000). In ***Martin***, the pro se party had previously filed hundreds of lawsuits, motions, and miscellaneous pleadings in courts in several jurisdictions. Id. at 390. Appellant's conduct, although not yet as prolific as Mr. Martin's, is essentially the same–a long series of abusive, dilatory, and pointless proceedings and papers serving no other purpose than to satisfy the whims of one individual.

The Florida Supreme Court stated it best in

Martin, saying: "This Court has the authority, perhaps even the duty, to stop litigants like Martin from abusing it and the people, as the Second Circuit put it, 'who have unluckily crossed his path.'" *Id.* at 391 (quoting *In re Martin-Trigona*, 737 F.2d 1254, 1254 (2d Cir. 1984)). This sentiment is equally applicable to Appellant and this Court should take up the standard and put an end to her misfeasance. Appellant has dragged numerous innocent people into court and tied them up in years of litigation costing untold amounts of money and personal anguish as well as unduly burdening the legal system.

"The resources of our court system are finite and must be reserved for the resolution of genuine disputes." *Rivera v. State*, 728 So. 2d 1165, 1166 (Fla. 1998). Appellant's steady stream of *pro se* filings are not subject to the financial considerations that deter other litigants from filing frivolous suits, appeals, and papers. Consequently, the ordinary checks and balances associated with qualified, paid representation are absent and Appellant's abuse of the system and those she feels have wronged her flows unchecked. The imposition of sanctions, perhaps including a future bar on filing *pro se* appeals, is necessary to dissuade Appellant from continued misuse of the legal system.

CONCLUSION

Appellant's resume of judicial abuse and the lack of merit of her appeal are ample reasons for the Court to dismiss this action and impose sanctions against

her. It is plain from even the most cursory inspection of the papers Appellant filed below there is no justiciable issue on appeal, and that she filed her appeal to delay enforcement of the lower court's judgment. Allowing this case to progress to full briefing and potential oral argument will only serve to reinforce Appellant's belief that she appropriately uses the legal system and will prejudice Appellee by forcing it to incur additional costs and expense briefing the case.

RELIEF REQUESTED

Appellee, The Health Law Firm, respectfully requests the Court enter an Order against Appellant Uppal and in favor of Appellee granting the following relief:

A. Dismissal of the instant appeal with prejudice;
B. An award of Appellee's attorneys' fees and costs for:
    i. Defending this appeal;
    ii. Preparing and filing this Motion pursuant to Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure; and
    iii. Preparing and filing its Motion to Dismiss Appeal and Alternative Motion to Strike Appellant's Brief;
C. Barring Appellant from filing any further paper or cause against Appellee without

counsel and only after the proper motion is made to this Court and an Order issued by it authorizing the same; and

D. Any other relief the Court may deem just and proper.

CERTIFICATE OF INITIAL SERVICE PRIOR TO FILING

I certify that I initially served a copy of this motion on ***pro se*** Appellant, Neelam Uppal, M.D., by U.S. mail, postage prepaid, to P.O. Box 1002, Largo, Florida 33779, and to 5840 Park Boulevard, Pinellas Park, FL 33781, and via e-mail to nneelu123@aol.com, as shown in Exhibit "1," originally on the 27th day of April 2016, more than 21 days before filing it with this Court.

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document on ***pro se*** Appellant, Neelam Uppal, M.D., by U.S. mail, postage prepaid, to P.O. Box 1002, Largo, Florida 33779, and to 5840 Park Boulevard, Pinellas Park, FL 33781, and via e-mail to nneelu123@aol.com, and I have also filed it electronically through eDCA on this 22nd day of June 2016.

/s/ George F. Indest III

GEORGE F. INDEST III, ESQUIRE
Certified by The Florida Bar in Health Law
Florida Bar No.: 382426

Primary E-mail:
GIndest@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
LANCE O. LEIDER, ESQUIRE
Florida Bar No.: 96408
Primary E-mail:
LLeider@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
THE HEALTH LAW FIRM
1101 Douglas Avenue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
Facsimile: (407) 331-3030
ATTORNEYS FOR APPELLEE,
THE HEALTH LAW FIRM

ATTACHED: APPENDIX TO MOTION

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT DAYTONA BEACH, FLORIDA

NEELAM UPPAL, M.D.,

Appellant,

Case No.: 5D16-0180

THE HEALTH LAW FIRM,

Appellee.
_____/

APPELLEE'S APPENDIX TO MOTION

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1.	Letter from George F. Indest III, to Appellant Uppal Dated April 27, 2016, serving copy of Motion for Sanctions in present case	1

The Health Law Firm
"Representing Healthcare Providers"
Respond Only to Main Office:
1101 Douglas Avenue
Altamote Springs, Florida 32714
Telephone: (407) 331-6620
Telefax: (407) 331-3030
www.thehealthlawfirm.com

April 27, 2016

VIA E-MAIL AND STANDARD U.S. MAIL

Neelam Y. Uppal, M.D.
5840 Park Boulevard
Pinellas Park, Florida 33781

Neelam Y. Uppal, M.D.
P.O. Box1002
Largo, Florida 33779

Email: nneelul23@aol.com

Re: Neelam Uppal, M.D., et al. v. The Health Law Firm
Seminole County Case No.: 2013-CA-3790-15-K
DCA Case No.: TBD
Our File No.: 1516/004
NOTICE OF' INTENT TO SEEK ATTORNEY1S FEES AND SANCTIONS & SERVICE OF' PROPOSED MOTION TO DISMISS AND FOR SANCTIONS AND

ATTORNEY'S FEES PURSUANT TO SECTION 57.105, FLORIDA STATUTES, AND RULE 9.410, FLORIDA RULES OF APPELLATE PROCEDURE

Dear Dr. U ppal:

As you know, I represent George F. Indest III, P.A., d/b/a The Health Law Firm, in the above-referenced case.

This letter is to place you on notice that we intend to seek sanctions against you, including attorney's fees and costs, pursuant to Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure.

On January 14, 2016, you filed a Notice of Appeal with the Fifth District Court of Appeal in Florida. Your appeal is knowingly frivolous and without merit and will not be successful. Your appeal is completely devoid of merit on the face of the record on appeal such that there is little, if any, prospect that it can ever succeed. You know or should know that there is no good faith basis to argue that you adequately placed any material facts in dispute in the lower court which would warrant an assignment of legal error to Judge Recksiedler. Moreover, there is no good faith basis for you to argue a change in the law governing the case. It is our belief that you are aware the foregoing is accurate and your filing is in bad faith and only to delay collection of your debt to the firm.

You should carefully consider your position in this matter and immediately withdraw your Notice of Appeal within (21) twenty-one days of the date of this letter. Otherwise, we will file the attached motion and seek an award of sanctions and attorney's fees from the Fifth District Court of Appeal. You should also know that the retainer agreement you signed with the firm makes you liable for the cost of defending your appeal. Forcing the case to move forward will only serve to increase the amount of money you owe to the firm.

A copy of the motion we intend to file (or one substantially similar to it) is attached.

Sincerely,

THE HEALTH LAW FIRM by:

/s/_____
GEORGE F. INDEST III, J.D., M.P.A., LL.M.
Board Certified by The Florida Bar
in the Specialty of Health Law
PRESIDENT & MANAGING PARTNER

encl: Proposed Motion to Dismiss and for Sanctions Pursuant to Section 57.105, Florida Statutes and Rule 9.410, Florida Rules of Appellate Procedure

Tina Mesibov

From: Tina Mesibov
Sent: Wednesday, April 27, 2016 5:43 PM
To: nneelu123@aol.com
Cc: Lance 0. Leider; Michelle Soto; Tina Mesibov
Subject: Uppal - Our File No.: 1516/004
Attachments: 2016-04-27-Uppal-1-Notice to Seek Sanctions.pdf

Dear Dr. Uppal,

Attached please find correspondence from George F. Indest Ill, Esquire, dated April 27, 2016.

Tina Mesibov
Paralegal/Legal Assistant
The Health Law Firm
1101 Douglas Avenue
Altamonte Springs, FL 32714
Phone: (407) 331-6620
Fax: (407) 331-3030
E-mail: tmesibov@thehealthlawfirm.com

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT DAYTONA BEACH, FLORIDA

NEELAM UPPAL, M.D.,

Appellant,

Case No.: 5Dl6-0180

GEORGE F. INDEST III, P.A., D/B/A THE HEALTH LAW FIRM,

Appellee.

APPELLEE'S MOTION TO DISMISS AND FOR SANCTIONS PURSUANT TO SECTION 57.105, FLORIDA STATUTES, AND RULE 9.410, FLORIDA RULES OF APPELLATE PROCEDURE

Appellee, George F. Indest III, P.A., d/b/a/ The Health Law Firm, respectfully requests that the Court dismiss Appellant Neelam Uppal, M.D.'s, appeal and enter an order imposing sanctions against her for filing a frivolous paper intended solely to delay payment of a fair and just debt for services. Appellee believes dismissal and sanctions are appropriate relief based upon the facts and circumstances of the case below and Appellant's history of abusing the legal system. In addition to the authority cited below, Appellee relies upon Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure.

BACKGROUND AND FACTS

1. Appellee, The Health Law Firm, is a Florida professional services corporation providing legal services to its clients.

2. Appellant, Neelam T. Uppal, M.D., is a medical doctor licensed by the states of Florida and New York.

3. Appellant retained the services of The Health Law Firm on or about June 5, 2012.

4. The Health Law Firm performed considerable work on behalf of Appellant, for which Appellant failed to pay.

5. After extensive efforts to collect on the overdue balance on Appellant's account with The Health Law Firm, suit was filed in the Eighteenth Judicial Circuit Court in and for Seminole County. The case number was: 13-CA-3790-15-K.

6. Appellant fled the jurisdiction to avoid service of process in the action below. The Health Law Firm was able to locate Appellant hiding out in the State of New York where service was finally made on November 19, 2013.

7. Appellant has a long and storied history of vexatious litigation in the federal and state court systems. Below is merely a sample of some of the cases and results:

A. Case No.: 8: 13-bk-05601 - Bankruptcy, Middle District of Florida, dismissed for fraud/ concealment on September 17, 2013;
B. Case No.: 8:12-bk-18946 - Bankruptcy, Middle District of Florida, dismissed for failure to file information on January 11, 2013;
C. Case No.: 8:02-ap-00157 - Bankruptcy, Middle District of Florida, dismissed on October 18, 2002;
D. Case No.: 8:00-bk-09734 - Bankruptcy, Middle District of Florida, discharged on July 21, 2003;
E. Case No.: 8:15-ap-213-CPM - Bankruptcy, Middle District of Florida, dismissed September 25, 2015;
F. Case No.: 2Dl4-4191 - Florida Second District Court of Appeal, pending;
G. Case No.: 8:10-cv-2566-T-23AEP - Civil, Middle District of Florida, dismissed with threat of sanctions June 23, 2011;
H. Case No.: A-5975-12T4 - Superior Court of New Jersey, Appellate Division, affirmed against Dr. Uppal November 20, 2014;
I. Case No.: C-574 - Supreme Court of New Jersey, Petition for Certiorari denied with costs February 7, 2001;
J. Case No.: C-708 - Supreme Court of New Jersey, Petition for Certiorari denied with costs March 12, 2003;
K. Case No.: 11-001130-CI - Sixth Judicial

Circuit in and for Pinellas County Florida, dismissing Dr. Uppal's counterclaim April 8, 2015;

8. The cases listed above are only a fraction of Dr. Uppal's exploits in the courts. A review of the Pinellas County Clerk of Court's Civil Docket reveals at least thirty-two (32) cases initiated by or against Dr. Uppal since 2000. She was sued at least thirteen (13) times for failure to pay amounts due. She was the plaintiff in no fewer than thirteen (13) other cases, many of which were frivolous claims for domestic violence injunctions which she failed to prosecute. Four (4) cases were unsuccessful appeals of other cases she lost in Pinellas County Small Claims Court.

9. Additionally, a review of Dr. Uppal's history in the PACER system revealed no less than thirty-four (34) cases since 1998. Among those cases were twelve (12) separate bankruptcy proceedings all of which were dismissed with only one exception. Eighteen (18) civil cases were filed by Dr. Uppal as the plaintiff or as bankruptcy appeals. Dr. Uppal also filed four (4) separate appeals to the Eleventh Circuit Court of Appeals, all of which she lost, including the published opinion ***Uppal v. Hosp. Corp. of Am.***, 482 Fed. Appx. 394 (11th Cir. 2012).

10. Dr. Uppal did not contain her frivolous litigation to Pinellas County and the federal courts. Since 2011, Dr. Uppal filed thirteen appeals in the Second District Court of Appeals. Of the seven (7) cases that are closed, Dr. Uppal lost six (6) and the

one other case was returned to the lower tribunal without opinion or assignment of error. Of the six remaining cases, five (5) of them were repeated appeals from the same Pinellas County Circuit Court foreclosure case, 201 l-CA-001130-CI.

11. Dr. Uppal also has a considerable history in New Jersey state courts with numerous cases and appeals. These cases primarily dealt with a divorce during which she harassed her ex-husband with innumerable motions and papers accusing him of physical violence, mental abuse, child abuse, and other vile crimes, none of which appear to have ever been substantiated.

12. Dr. Uppal's insults and scurrilous accusations are not confined to her exhusband. She made numerous accusations of collusion and conspiracy against the Appellant, the United States District Court, the Middle District of Florida Bankruptcy Court, the Circuit Court for Pinellas County, and other individuals in the papers she filed in the respective courts.

13. In nearly all of these cases, Dr. Uppal was pro se. She routinely filed frivolous motions and "orders." Nearly all of her pleadings are nonsensical and rife with typographical and grammatical errors which belie Dr. Uppal's training and education as a physician. The papers she filed are also filled with baseless accusations of fraud and conspiracy. Her filings routinely fail to recognize the record facts in a case and instead resort to continuous repetition of

irrelevant, scandalous, and impertinent material.

14. The Court only needs to look at the trial court's record in this case to find that Dr. Uppal is divorced from reality and will do anything, including abusing the judicial system, to avoid paying her just debts.

15. Dr. Uppal fails to see and recognize what is going on around her or to understand the consequences of her own actions. Instead of internalizing her conduct and answering for it, she lashes out and accuses everyone else of conspiring to get her. In the lower court, she accused the undersigned of conspiring with another one of her creditors in the following papers:

A. Answer and Objection to Plaintiffs Objection, Docket No. 6
B. Objection to Plaintiffs Motion for Summary Judgment, Docket No. 9; and
C. Objection to Final Order of Summary Judgment, Docket, No. 18.

16. Dr. Uppal made baseless accusations of fraud against The Health Law Firm in every paper she filed, but never offered a single fact in support thereof.

17. Failing to present evidence of any kind was a common theme for Dr. Uppal. She filed numerous papers and oppositions, but never offered any documents or testimony to support her position.

18. To the contrary, The Health Law Firm presented documentary evidence and sworn testimony to support summary judgment on all counts.

19. The record in this case clearly supports the trial court's ruling. Dr. Uppal filed her appeal for no purpose other than harassment and to assuage her own delusional thoughts of being wronged by yet another person.

Memorandum of Law

I. Appellant's Appeal is a Sham and was Filed for Improper Purposes

A court should find a pleading or paper to be a sham when it is patently false or for an improper purpose, and from the plain or conceded facts of the case, the filing party knew or should have known it to be as much. ***Rhea v. Hackney***, 157 So. 190, 193 (Fla. 1934). Appellant fi]ed the instant appeal for no other purpose than to delay collection of a just debt. There exist no justiciable issues on appeal. The law is immeasurably clear in this case, and Appellant, even though pro se, knew or should have known from the circumstances of the case below, that there is no good faith basis for an extension or change in the law to which would have allowed her to be successful on appeal. Pleading a matter known by the party to be false and for the purpose of delay or some other unworthy purpose, has always been considered an abuse of the justice system and subjects the party to censure and summary set aside with costs. ***Id***.

As the Court is undoubtedly familiar, the standard for summary judgment in Florida is that once the moving party establishes that there are no disputed issues of material fact, the party opposing a motion for summary judgment must then present evidence, not simply legal argument or unsubstantiated denials, demonstrating the existence of a disputed issue of material fact in order to prevent summary judgment from being entered. ***Woodruff v. Gov't Emps. Ins. Co.***, 669 So. 2d 1114, 1115 (Fla. 1st DCA 1996). The non-moving party may not carry its burden by merely asserting that a particular issue is in dispute. ***Harvey Bldg., Inc. v. Haley***, 175 So. 2d 780, 783 (Fla. 1965).

The issues below were simple. Appellant signed a contract for legal services. Appellant requested legal services to be performed by The Health Law Firm. The Health Law Firm provided such legal services. Then, Appellant refused to pay for services rendered and action was initiated to collect the debt.

Without hyperbole or exaggeration, Appellant failed to offer even a scintilla of evidence which placed any material fact in dispute. Instead, her pleadings (those that she actually signed) were nothing more than a series of non-sensical ramblings, conspiratorial theories, and false accusations of fraud and collusion.

Appellant's appeal is also improper because it was filed for dilatory reasons. Given Appellant's frequent bankruptcy filings and the loss of her most recent appeal of the bankruptcy court's decision to the

Middle District of Florida,[1] the undersigned believes this appeal is merely a delay tactic so that she can prepare and again file for bankruptcy.

Appeals filed for no other reason than to "delay compliance with the ... final judgment of the trial court" are frivolous, not taken in good faith, and should be dismissed. ***Askew v. Gables By The Sea, Inc.***, 258 So. 2d 822, 822 (Fla. 1st DCA 1972). There are no legal issues for this Court to review. Appellant utterly failed to raise any dispute of material fact or valid objection to the Motion for Summary Judgment filed below.

Appellant failed to place any of the material facts of the case in dispute through presentation of testimony, affidavits, or documents. Instead, just as in her many, many other cases, she filed sham pleadings and this meritless appeal in a desperate, yet transparent, attempt to avoid paying the money she owes.

---

[1] In late 2015, Appellant appealed an order of the Middle District of Florida in Case No.: 8:15-cv-01886-MSS denying a stay of proceedings pending appeal of the dismissal of her most recent bankruptcy filing to the Eleventh Circuit Court of Appeals. By order dated December 14, 2015, the Middle District held that the automatic stay of proceedings was unavailable because she could not show a likelihood of success on the merits of her appeal. Without the automatic stay, Appellant's creditors, including Appellee, were free to move forward with their collection efforts. Finding herself exposed, Appellant filed the instant appeal to further delay payment of her debt to Appellee.

II. Appellant's History of Abuse of the Legal System Warrants Dismissal and Sanctions

The Court need look no further than Appellant's incredibly litigious history and the language used in her filings below to see that her modus operandi is to abuse the legal system and make frivolous filing after frivolous filing.

Courts in at least three different jurisdictions have warned and sanctioned Appellant for abuse of the legal process. The Fifth District Court of Appeal should not stand for Appellant's antics or permit her to waste the Court's time and resources on her frivolous cases.

Appellant's conduct as a pro se litigant is prolific and approaches that of one of Florida's most famously abusive pro se parties, Anthony Martin. See ***Martin v. State***, 747 So. 2d 386 (Fla. 2000). In Martin, the pro se party had previously filed hundreds of lawsuits, motions, and miscellaneous pleadings in courts in several jurisdictions. ***Id.*** at 390. Appellant's conduct, although not yet as prolific as Mr. Martin's, is essentially the same-a long series of abusive, dilatory, and pointless proceedings and papers serving no other purpose than to satisfy the whims of one individual.

The Florida Supreme Court stated it best in Martin, saying: "This Court has the authority, perhaps even the duty, to stop litigants like Martin from abusing it and the people, as the Second Circuit put it, 'who have unluckily crossed his path.'" Martin, 747 So. 2d at 391 (quoting ***In re Martin-Trigona***, 737 F.2d

1254, 1254 (2d Cir. 1984). This sentiment is equally applicable to Appellant and this Court should take up the standard and put an end to Appellant's misfeasance. She has dragged numerous innocent people into court and tied them up in years of litigation costing untold amounts of money and personal anguish as well as unduly burdening the legal system.

"The resources of our court system are finite and must be reserved for the resolution of genuine disputes." ***Rivera v. State***, 728 So. 2d] 165, 1166 (Fla. 1998). Appellant's steady stream of pro se filings are not subject to the financial considerations that deter other litigants from filing frivolous suits, appeals, and papers. Consequently, the ordinary checks and balances associated with qualified, paid representation are absent and Appellant's abuse of the system and those she feels have wronged her flows unchecked. The imposition of sanctions perhaps including a future bar on filing pro se appeals is necessary to dissuade Appellant from continued misuse of the legal system.

Conclusion

Appellant's resume of judicial abuse and the lack of merit of her appeal are ample reasons for the Court to dismiss this action and impose sanctions against her. It is plain from even the most cursory inspection of the papers Appellant filed below there is no justiciable issue on appeal, and that she filed her appeal to delay enforcement of the lower court's judgment. Allowing this case to progress to briefs will only serve to reinforce Appellant's belief that she

appropriately uses the legal system and will prejudice Appellee by forcing it to incur additional costs and expense briefing the case.

WHEREFORE, Appellee, George F. Indest III, P.A., d/b/a The Health Law Firm, respectfully requests the Court enter an order granting the following relief:

A. Dismiss the instant appeal with prejudice;
B. Enter an order awarding Appellee its attorneys' fees for defending this appeal and preparing and filing this Motion pursuant to Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure;
C. Barring Appellant from filing any further paper or cause against Appellee without counsel; and
D. Any other relief the Court may deem just and proper.

CERTIFICATE OF SERVICE

I certify that I initially served a copy of this draft motion on pro se Appellant, Neelam Uppal, M.D., by U.S. mail, postage prepaid, to P.O. Box 1002, Largo, Florida 33779, and to 5840 Park Boulevard, Pinellas Park, FL 33781, and via e-mail to nneelu123@aol.com, on this 27th day of April 2016.

/s/
GEORGE F. INDEST III, ESQUIRE

Certified by The Florida Bar in Health Law
Florida Bar No.: 382426
Primary E-mail:
Glndest@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
LANCE O. LEIDER, ESQUIRE
Florida Bar No.: 96408
Primary E-mail:
LLeider@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
THE HEAL TH LAW FIRM
1101 Douglas A venue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
Facsimile: (407) 331-3030
ATTORNEYS FOR APPELLANT,
GEORGE F. INDEST III, P.A.

APPENDIX F

[DATE STAMP]

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	Chapter 13
NEELAM TANEJA,	Adv. Proc. No.: 17-ap-01027-cgm

vs.

THE HEALTH LAW FIRM, et al.,
Creditor/Defendant.

ORDER GRANTING CREDITOR THE HEALTH LAW FIRM'S AND GEORGE INDEST'S MOTION TO DISMISS AND DISMISSING ADVERSARY PROCEEDING

This matter came before the Court for a hearing on June 1, 2017, on the Creditor(s)/Defendant(s), The Health Law Firm, P.A., f/k/a George F. Indest III, P.A.-The Health Law Firm, and George Indest's, Motion for Summary Judgment and Alternate Motion to Dismiss Neelam Taneja's' Adversary Proceeding with Supporting Memorandum of Law (refened to as "Creditor's Motion" herein) [ECF No. 3 & 4]. Debtor's Motion, along with supporting documents and an affidavit were filed and served on March 20, 2017, and he same was properly noticed for hearing. The Creditor was present and represented by

counsel, George F. Indest III, Esquire. Debtor appeared *pro se* and testified under oath at the hearing.

THE COURT ***GRANTS*** Creditor/Defendants' request to withdraw the portion of the Creditor's Motion which requested attorney's fees, without prejudice.

THE COURT ***GRANTS*** Creditor's Motion and ***DISMISSES*** the Adversary Proceeding, with prejudice.

Dated: June 5, 2017
Poughkeepsie, New York

[SEAL] /s/ Cecelia G. Morris
Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge

APPENDIX G

[DATE STAMP]

Hearing Date: April 6 , 20 I 7
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:	Chapter 13 Case No. 16-12356 JLG
NEELAM TANEJA,	**TRUSTEE'S STATUS REPORT**
Debtor	

The Standing Chapter 13 Trustee for the Southern District of New York, Jeffrey L. Sapir, by Jody L. Kava, Esq. submits this as a Status Report regarding the above named debtor, Neelam Taneja ("Debtor").

1. This petition was filed on August 15, 2016 . The §341 (a) meeting of creditors was held and closed.

2. As this Court is aware, there are many issues preventing confirmation of this case.

3. Apparently, at the heart of the issue, is the debtor's attempt to save property, both residential and investment in Florida.

4. The history of the litigation reaches back to at

least 2000 when the debtor filed bankruptcy in the Middle District of Florida. Three subsequent cases were filed in 2012 (12-18946), 2013 (13-0560 I) and 2015 (15-00594).

5. There is no automatic stay in place.

6. Pursuant to the claims filed, the debtor is ineligible for chapter 13.

7. Objections to claims have been filed with hearings scheduled for March 22, 2017 at 2:00 P.M.

8. The debtor is now represented by Arlene Gordon O. Oliver, Esq. who has met with the debtor a number of times and will certainly provide the debtor with the guidance needed.

9. The debtor's plan calls for monthly payments of $2, 155.63 for 60 months. The debtor is one payment in arrears. The plan is incorrect and has never been served.

10. The debtor is a self-employed physician but has failed to file business operating statements.

11. The trustee will be moving to dismiss this case.

Dated: White Plains, New York
March 21, 2017

/s/ Jody L. Kava, Esq.
Jody L. Kava, Esq.

Law Offices of
Jeffrey L. Sapir, Esq. (JLS 0938)
Chapter 13 Trustee
399 Knollwood Road #102
White Plains, New York 10603
Chapter 13 Tel. No.
914-328-6333

APPENDIX H

SUPREME COURT OF FLORIDA

FRIDAY, MARCH 17, 2017

CASE NO.: SC16-2037
Lower Tribunal No(s).:
5016-180;
5920 l3CA0037900000XX

NEELAM UPPAL vs. THE HEALTH LAW FIRM
Petitioner(s) Respondent(s)

The "Motion for Re-Consideration" has been treated as a motion for rehearing. Pursuant to this Court's order dated March 1, 2017, the motion for rehearing is hereby stricken as unauthorized.

A True Copy
Test:

/s/_____ [SEAL]
John A. Tomasino
Clerk, Supreme Court

ca
Served:

GEORGE F. INDEST, III
NEELAM UPPAL
HON. GRANT MALOY, CLERK
HON. JOANNE P. SIMMONS, CLERK

APPENDIX I

SUPREME COURT OF FLORIDA

WEDNESDAY, MARCH 1, 2017

CASE NO.: SC16-2037
Lower Tribunal No(s).:
5016-180;
5920 l3CA0037900000XX

NEELAM UPPAL vs. THE HEALTH LAW FIRM
Petitioner(s) Respondent(s)

Because petitioner has failed to show a clear legal right to the relief requested, she is not entitled to mandamus relief. Accordingly, the petition for writ of mandamus is hereby denied. *See Huffman v. State*, 813 So. 2d 10, 11 (Fla. 2000). No rehearing will be entertained by this Court.

PARIENTE, QUINCE, CANADY, POLSTON, and LAWSON, JJ., concur.

A True Copy
Test:

/s/ [SEAL]
John a. Tomasino
Clerk, Supreme Court

Served:

GEORGE F. INDEST, III
NEELAM UPPAL
HON. GRANT MALOY, CLERK
HON. JOANNE P. SIMMONS, CLERK

APPENDIX J

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT

NEELAM UPPAL,

Appellant,

v. CASE NO. 5D16-0180

HEALTH LAW FIRM,

Appellee.

_____/

DATE: October 25, 2016

BY ODER OF THE COURT:

ORDERED that Appellant's "Motion for Re-Consideration to Vacate Order", filed October 14, 2016, is denied.

I hereby certify that the foregoing is (a true copy of) the original Court order.

/s/_____ [SEAL]
JOANNE P. SIMMONS, CLERK

Panel: Judges Orfinger, Cohen, and Edwards

cc:

George F. Indest III Lance O. Leider
Neelam Uppal

APPENDIX K

IN THE DISTRICT COURT OF APPEAL OF THE
STATE OF FLORIDA
FIFTH DISTRICT

NEELAM UPPAL,

Appellant,

CASE NO. 5D16-0180

v.

HEALTH LAW FIRM,

Appellee.
_____/

DATE: October 4, 2016

BY ODER OF THE COURT:

ORDERED that Appellee's Motion to Dismiss Appeal Or, Alternatively, To Strike Appellant's Brief, filed June 21, 2016, is granted and the above-styled cause is hereby dismissed. Appellee's Motion for Attorney's Fees and Sanctions pursuant to Section 57.105, filed June 22, 2016, is granted and the matter is remanded to the trial court to assess the amount of fees to be awarded. Appellant's Motion to Strike and Dismiss Appellee's Motion for Sanctions, filed July 6, 2016, is denied. Appellant's Cross-Motion to Suppress, filed July 6, 2016, is denied.

I hereby certify that the foregoing is
(a true copy of) the original Court order.

/s/ [SEAL]
JOANNE P. SIMMONS, CLERK

Panel: Judges Orfinger, Cohen, and Edwards

cc:

George F. Indest, III
Lance O. Leide
Neelam Uppal
Clerk Seminole (13-CA-3790)
Hon. Jessica J. Recksiedler

APPENDIX L

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT DAYTONA BEACH, FLORIDA

NEELAM UPPAL, M.D.,

Appellant,

Case No.: 5D16-0180

THE HEALTH LAW FIRM,

Appellee.

APPELLEE'S MOTION FOR ATTORNEY'S FEES AND SANCTIONS PURSUANT TO SECT. 57.105, FLORIDA STATUTES, AND RULE 9.410, FLORIDA RULES OF APPELLATE PROCEDURE

Appellee, The Health Law Firm, respectfully requests that the Court enter an Order imposing sanctions against Appellant for filing a frivolous and dilatory appeal, pursuant to Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure stating:

BACKGROUND AND FACTS

1. Appellee, The Health Law Firm, is a Florida professional services corporation providing legal services to its clients.

2. Appellant, Neelam T. Uppal, M.D., is a medical doctor licensed by the states of Florida and New York.

3. Appellant retained the services of The Health Law Firm on or about June 5, 2012.

4. The Health Law Firm performed considerable work on behalf of Appellant, for which Appellant failed to pay.

5. After extensive efforts to collect on the overdue balance on Appellant's account with The Health Law Firm, suit was filed in the Eighteenth Judicial Circuit Court in and for Seminole County. The case number was: 13-CA-3790-15-K.

6. Appellant is believed to have fled the jurisdiction to avoid service of process in the action below. The Health Law Firm was able to locate Appellant in the State of New York where service was finally made on November 19, 2013.

7. Appellant has a long and storied history of vexatious litigation in the federal and state court systems. Below is merely a sample of some of the cases and results:

a. Case No.: 8:13-bk-05601 - Bankruptcy, Middle District of Florida, dismissed for fraud/concealment on September 17, 2013;
b. Case No.: 8:12-bk-18946 - Bankruptcy,

Middle District of Florida, dismissed for failure to file information on January 11, 2013;

c. Case No.: 8:02-ap-00157 - Bankruptcy, Middle District of Florida, dismissed on October 18, 2002;

d. Case No.: 8:00-bk-09734 - Bankruptcy, Middle District of Florida, discharged on July 21, 2003;

e. Case No.: 8:15-ap-213-CPM - Bankruptcy, Middle District of Florida, dismissed September 25, 2015;

f. Case No.: 2D14-4191 - Florida Second District Court of Appeal, pending;

g. Case No.: 8:10-cv-2566-T-23AEP - Civil, Middle District of Florida, dismissed with threat of sanctions June 23, 2011;

h. Case No.: A-5975-12T4 - Superior Court of New Jersey, Appellate Division, affirmed against Appellant November 20, 2014;

i. Case No.: C-574 - Supreme Court of New Jersey, Petition for Certiorari denied with costs February 7, 2001;

j. Case No.: C-708 - Supreme Court of New Jersey, Petition for Certiorari denied with costs March 12, 2003;

k. Case No.: 11-001130-CI - Sixth Judicial Circuit in and for Pinellas County Florida, dismissing Appellant's counterclaim April 8, 2015;

8. The cases listed above are only a fraction

of Appellant's exploits in the courts. A review of the Pinellas County Clerk of Court's Civil Docket reveals at least thirty-two (32) cases initiated by or against Appellant since 2000. She was sued at least thirteen (13) times for failure to pay amounts due. She was the plaintiff in no fewer than thirteen (13) other cases, many of which were frivolous claims for domestic violence injunctions which she failed to prosecute. Four (4) cases were unsuccessful appeals of other cases she lost in Pinellas County Small Claims Court.

9. Additionally, a review of Appellant's history in the PACER system revealed no less than thirty-four (34) cases since 1998. Among those cases were twelve (12) separate bankruptcy proceedings all of which were dismissed with only one exception. Eighteen (18) civil cases were filed by Appellant as the plaintiff or as bankruptcy appeals. Appellant also filed four (4) separate appeals to the Eleventh Circuit Court of Appeals, all of which she lost, including the published opinion ***Uppal v. Hosp. Corp. of Am.***, 482 Fed. Appx. 394 (11th Cir. 2012).

10. Appellant did not contain her frivolous litigation to Pinellas County and the federal courts. Since 2011, Appellant filed thirteen (13) appeals in the Second District Court of Appeal. Of the seven (7) cases that are closed, Appellant lost six (6) and the one other case was returned to the lower tribunal without opinion or assignment of error. Of the six (6) remaining cases, five (5) of them were repeated appeals from the same Pinellas County Circuit Court foreclosure case, 2011-CA-001130-CI.

11. Appellant also has a considerable history in New Jersey state courts with numerous cases and appeals. These cases primarily dealt with a divorce during which she harassed her ex-husband with innumerable motions and papers accusing him of physical violence, mental abuse, child abuse, and other vile crimes, none of which appear to have ever been substantiated.

12. Appellant's insults and scurrilous accusations are not confined to her ex-husband. She made numerous accusations of collusion and conspiracy against the Appellant, the United States District Court, the Middle District of Florida Bankruptcy Court, the Circuit Court for Pinellas County, and other individuals and entities in the papers she filed with the courts.

13. In nearly all of these cases, Appellant was *pro se*. She routinely filed frivolous motions and "orders." Nearly all of her pleadings are nonsensical and rife with typographical and grammatical errors which belie Appellant's training and education as a physician. The papers she filed are also filled with baseless accusations of fraud and conspiracy. Her filings routinely fail to recognize the record facts in a case and instead resort to continuous repetition of irrelevant, scandalous, and impertinent material.

14. The Court only needs to look at the trial court's record in this case to find that Appellant is divorced from reality and will do anything, including abusing the judicial system, to avoid paying her just

debts.

15. Appellant fails to see and recognize what is going on around her or to understand the consequences of her own actions. Instead of internalizing her conduct and answering for it, she lashes out and accuses everyone else of conspiring to get her. In the lower court, she accused the undersigned of conspiring with another one of her creditors in the following papers:

a. Answer and Objection to Plaintiff's Objection, Docket No. 6;
b. Objection to Plaintiff's Motion for Summary Judgment, Docket No. 9; and
c. Objection to Final Order of Summary Judgment, Docket No. 18.

16. Appellant made baseless accusations of fraud against The Health Law Firm in every paper she filed, but never offered a single fact in support thereof.

17. Failing to present evidence of any kind was a common theme for Appellant. She filed numerous papers and oppositions, but never offered any documents or testimony to support her position.

18. To the contrary, The Health Law Firm presented documentary evidence and sworn testimony to support summary judgment on all counts.

19. The record in this case clearly supports the trial court's ruling. Appellant filed her appeal for

no purpose other than harassment and to assuage her own delusional thoughts of being wronged by yet another person.

20. Appellee The Health Law Firm certifies that it served a copy of this Motion for Sanctions on Appellant Uppal on April 27, 2016, as shown in Exhibit "1" and "2," more than 21 days prior to filing it with this Court. Appellant has failed to correct the perceived deficiencies for which this Motion seeks sanctions, attorney's fees and costs.

ARGUMENT IN SUPPORT

I. Appellant's Appeal is a Sham and was Filed for Improper Purposes

A court should find a pleading or paper to be a sham when it is patently false or for an improper purpose, and from the plain or conceded facts of the case, the filing party knew or should have known it to be as much. ***Rhea v. Hackney***, 157 So. 190, 193 (Fla. 1934). Appellant filed the instant appeal for no other purpose than to delay collection of a just debt. There exist no justiciable issues on appeal. The law is immeasurably clear in this case, and Appellant, even though ***pro se***, knew or should have known from the circumstances of the case below, that there is no good faith basis for an extension or change in the law which would have allowed her to be successful on appeal. Pleading a matter known by the party to be false and for the purpose of delay or some other unworthy purpose, has always been considered an abuse of the

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As the Court is undoubtedly familiar, the standard for summary judgment in Florida is that once the moving party establishes that there are no disputed issues of material fact, the party opposing a motion for summary judgment must then present evidence, not simply legal argument or unsubstantiated denials, demonstrating the existence of a disputed issue of material fact in order to prevent summary judgment from being entered. ***Woodruff v. Gov't Emps. Ins. Co.***, 669 So. 2d 1114, 1115 (Fla. 1st DCA 1996). The non-moving party may not carry its burden by merely asserting that a particular issue is in dispute. ***Harvey Bldg., Inc. v. Haley***, 175 So. 2d 780, 783 (Fla. 1965).

The issues below were simple. Appellant signed a contract for legal services. Appellant requested legal services to be performed by The Health Law Firm. The Health Law Firm provided such legal services. Then, Appellant refused to pay for services rendered and action was initiated to collect the debt.

Without hyperbole or exaggeration, Appellant failed to offer even a scintilla of evidence which placed any material fact in dispute. Instead, her pleadings (those that she actually signed) were nothing more than a series of non-sensical ramblings, conspiratorial theories, and false accusations of fraud and collusion.

Appellant's appeal is also improper because it was filed for dilatory reasons. Given Appellant's frequent bankruptcy filings and the loss of her most recent appeal of the bankruptcy court's decision to the Middle District of Florida,[2] the undersigned believes this appeal is merely a delay tactic so that she can prepare and again file for bankruptcy.

Appeals filed for no other reason than to "delay compliance with the . . . final judgment of the trial court" are frivolous, not taken in good faith, and should be dismissed. ***Askew v. Gables by the Sea, Inc.***, 258 So. 2d 822, 822 (Fla. 1st DCA 1972). There are no legal issues for this Court to review. Appellant utterly failed to raise any dispute of material fact or valid objection to the Motion for Summary Judgment filed below.

Appellant failed to place any of the material facts of the case in dispute through presentation of testimony, affidavits, or documents. Instead, just as in

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[1] In late 2015, Appellant appealed an order of the U.S. District Court for the Middle District of Florida in Case No.: 8:15-cv-01886-MSS denying a stay of proceedings pending appeal of the dismissal of her most recent bankruptcy filing to the Eleventh Circuit Court of Appeals. By order dated December 14, 2015, the District Court held that the automatic stay of proceedings was unavailable because she could not show a likelihood of success on the merits of her appeal. Without the automatic stay, Appellant's creditors, including Appellee, were free to move forward with their collection efforts. Finding herself exposed, Appellant filed the instant appeal to further delay payment of her debt to Appellee.

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II. Appellant's History of Abuse of the Legal System Warrants Dismissal and Sanctions

The Court need look no further than Appellant's incredibly litigious history and the language used in her filings below to see that her modus operandi is to abuse the legal system and make frivolous filing after frivolous filing.

Courts in at least three different jurisdictions have warned and sanctioned Appellant for abuse of the legal process. The Fifth District Court of Appeal should not stand for Appellant's antics or permit her to waste the Court's time and resources on her frivolous cases.

Appellant's conduct as a ***pro se*** litigant is prolific and approaches that of one of Florida's most famously abusive pro se parties, Anthony Martin. ***See Martin v. State***, 747 So. 2d 386 (Fla. 2000). In ***Martin***, the pro se party had previously filed hundreds of lawsuits, motions, and miscellaneous pleadings in courts in several jurisdictions. Id. at 390. Appellant's conduct, although not yet as prolific as Mr. Martin's, is essentially the same–a long series of abusive, dilatory, and pointless proceedings and papers serving no other purpose than to satisfy the whims of one individual.

The Florida Supreme Court stated it best in *Martin*, saying: "This Court has the authority, perhaps even the duty, to stop litigants like Martin from abusing it and the people, as the Second Circuit put it, 'who have unluckily crossed his path.'" *Id.* at 391 (quoting *In re Martin-Trigona*, 737 F.2d 1254, 1254 (2d Cir. 1984)). This sentiment is equally applicable to Appellant and this Court should take up the standard and put an end to her misfeasance. Appellant has dragged numerous innocent people into court and tied them up in years of litigation costing untold amounts of money and personal anguish as well as unduly burdening the legal system.

"The resources of our court system are finite and must be reserved for the resolution of genuine disputes." *Rivera v. State*, 728 So. 2d 1165, 1166 (Fla. 1998). Appellant's steady stream of *pro se* filings are not subject to the financial considerations that deter other litigants from filing frivolous suits, appeals, and papers. Consequently, the ordinary checks and balances associated with qualified, paid representation are absent and Appellant's abuse of the system and those she feels have wronged her flows unchecked. The imposition of sanctions, perhaps including a future bar on filing *pro se* appeals, is necessary to dissuade Appellant from continued misuse of the legal system.

CONCLUSION

Appellant's resume of judicial abuse and the lack of merit of her appeal are ample reasons for the

Court to dismiss this action and impose sanctions against her. It is plain from even the most cursory inspection of the papers Appellant filed below there is no justiciable issue on appeal, and that she filed her appeal to delay enforcement of the lower court's judgment. Allowing this case to progress to full briefing and potential oral argument will only serve to reinforce Appellant's belief that she appropriately uses the legal system and will prejudice Appellee by forcing it to incur additional costs and expense briefing the case.

RELIEF REQUESTED

Appellee, The Health Law Firm, respectfully requests the Court enter an Order against Appellant Uppal and in favor of Appellee granting the following relief:

A. Dismissal of the instant appeal with prejudice;
B. An award of Appellee's attorneys' fees and costs for:
    i. Defending this appeal;
    ii. Preparing and filing this Motion pursuant to Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure; and
    iii. Preparing and filing its Motion to Dismiss Appeal and Alternative Motion to Strike Appellant's Brief;
C. Barring Appellant from filing any further

paper or cause against Appellee without counsel and only after the proper motion is made to this Court and an Order issued by it authorizing the same; and

D. Any other relief the Court may deem just and proper.

CERTIFICATE OF INITIAL SERVICE PRIOR TO FILING

I certify that I initially served a copy of this motion on ***pro se*** Appellant, Neelam Uppal, M.D., by U.S. mail, postage prepaid, to P.O. Box 1002, Largo, Florida 33779, and to 5840 Park Boulevard, Pinellas Park, FL 33781, and via e-mail to nneelu123@aol.com, as shown in Exhibit "1," originally on the 27th day of April 2016, more than 21 days before filing it with this Court.

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document on ***pro se*** Appellant, Neelam Uppal, M.D., by U.S. mail, postage prepaid, to P.O. Box 1002, Largo, Florida 33779, and to 5840 Park Boulevard, Pinellas Park, FL 33781, and via e-mail to nneelu123@aol.com, and I have also filed it electronically through eDCA on this 22nd day of June 2016.

/s/ George F. Indest III

_____

GEORGE F. INDEST III, ESQUIRE
Certified by The Florida Bar in Health Law

Florida Bar No.: 382426
Primary E-mail:
GIndest@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
LANCE O. LEIDER, ESQUIRE
Florida Bar No.: 96408
Primary E-mail:
LLeider@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
THE HEALTH LAW FIRM
1101 Douglas Avenue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
Facsimile: (407) 331-3030
ATTORNEYS FOR APPELLEE,
THE HEALTH LAW FIRM

ATTACHED: APPENDIX TO MOTION

IN THE DISTRICT COURT OF APPEAL OF THE
STATE OF FLORIDA
FIFTH DISTRICT
DAYTONA BEACH, FLORIDA

NEELAM UPPAL, M.D.,

Appellant,

Case No.: 5D16-0180

THE HEALTH LAW FIRM,

Appellee.
_____/

APPELLEE'S APPENDIX TO MOTION

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1.	Letter from George F. Indest III, to Appellant Uppal Dated April 27, 2016, serving copy of Motion for Sanctions in present case	1

App. Doc 1

The Health Law Firm
"Representing Healthcare Providers"
Respond Only to Main Office:
1101 Douglas Avenue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
Telefax: (407) 331-3030
www.thehealthlawfirm.com

April 27, 2016

VIA E-MAIL AND STANDARD U.S. MAIL

Neelam Y. Uppal, M.D.
5840 Park Boulevard
Pinellas Park, Florida 33781

Neelam Y. Uppal, M.D.
P.O. Box1002
Largo, Florida 33779

Email: nneelul23@aol.com

Re: Neelam Uppal, M.D., et al. v. The Health Law Firm
Seminole County Case No.: 2013-CA-3790-15-K
DCA Case No.: TBD
Our File No.: 1516/004
NOTICE OF' INTENT TO SEEK ATTORNEY'S FEES AND SANCTIONS

& SERVICE OF' PROPOSED MOTION TO DISMISS AND FOR SANCTIONS AND ATTORNEY'S FEES PURSUANT TO SECTION 57.105, FLORIDA STATUTES, AND RULE 9.410, FLORIDA RULES OF APPELLATE PROCEDURE

Dear Dr. Uppal:

As you know, I represent George F. Indest III, P.A., d/b/a The Health Law Firm, in the above-referenced case.

This letter is to place you on notice that we intend to seek sanctions against you, including attorney's fees and costs, pursuant to Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure.

On January 14, 2016, you filed a Notice of Appeal with the Fifth District Court of Appeal in Florida. Your appeal is knowingly frivolous and without merit and will not be successful. Your appeal is completely devoid of merit on the face of the record on appeal such that there is little, if any, prospect that it can ever succeed. You know or should know that there is no good faith basis to argue that you adequately placed any material facts in dispute in the lower court which would warrant an assignment of legal error to Judge Recksiedler. Moreover, there is no good faith basis for you to argue a change in the law governing the case. It is our belief that you are aware the foregoing is accurate and your filing is in bad faith

and only to delay collection of your debt to the firm.

You should carefully consider your position in this matter and immediately withdraw your Notice of Appeal within (21) twenty-one days of the date of this letter. Otherwise, we will file the attached motion and seek an award of sanctions and attorney's fees from the Fifth District Court of Appeal. You should also know that the retainer agreement you signed with the firm makes you liable for the cost of defending your appeal. Forcing the case to move forward will only serve to increase the amount of money you owe to the firm.

A copy of the motion we intend to file (or one substantially similar to it) is attached.

Sincerely,

THE HEALTH LAW FIRM by:

/s/
GEORGE F. INDEST III, J.D., M.P.A., LL.M.
Board Certified by The Florida Bar
in the Specialty of Health Law
PRESIDENT & MANAGING PARTNER

encl: Proposed Motion to Dismiss and for Sanctions Pursuant to Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure

Tina Mesibov
From: Tina Mesibov
Sent: Wednesday, April 27, 2016 5:43 PM
To: nneelu123@aol.com
Cc: Lance 0. Leider; Michelle Soto; Tina Mesibov
Subject: Uppal - Our File No.: 1516/004
Attachments: 2016-04-27-Uppal-1-Notice to Seek Sanctions.pdf

Dear Dr. Uppal,

Attached please find correspondence from George F. Indest Ill, Esquire, dated April 27, 2016.

Tina Mesibov
Paralegal/Legal Assistant
The Health Law Firm
1101 Douglas Avenue
Altamonte Springs, FL 32714
Phone: (407) 331-6620
Fax: (407) 331-3030
E-mail: tmesibov@thehealthlawfirm.com

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT DAYTONA BEACH, FLORIDA

NEELAM UPPAL, M.D.,

Appellant,

Case No.: 5Dl6-0180

GEORGE F. INDEST III, P.A., D/B/A THE HEALTH LAW FIRM,

Appellee.
_____/

APPELLEE'S MOTION TO DISMISS AND FOR SANCTIONS PURSUANT TO SECTION 57.105, FLORIDA STATUTES, AND RULE 9.410, FLORIDA RULES OF APPELLATE PROCEDURE

Appellee, George F. Indest III, P.A., d/b/a/ The Health Law Firm, respectfully requests that the Court dismiss Appellant Neelam Uppal, M.D.'s, appeal and enter an order imposing sanctions against her for filing a frivolous paper intended solely to delay payment of a fair and just debt for services. Appellee believes dismissal and sanctions are appropriate relief based upon the facts and circumstances of the case below and Appellant's history of abusing the legal system. In addition to the authority cited below, Appellee relies upon Section 57.105, Florida Statutes, and Rules

9.410, Florida Rules of Appellate Procedure.

BACKGROUND AND FACTS

1. Appellee, The Health Law Firm, is a Florida professional services corporation providing legal services to its clients.

2. Appellant, Neelam T. Uppal, M.D., is a medical doctor licensed by the states of Florida and New York.

3. Appellant retained the services of The Health Law Firm on or about June 5, 2012.

4. The Health Law Firm performed considerable work on behalf of Appellant, for which Appellant failed to pay.

5. After extensive efforts to collect on the overdue balance on Appellant's account with The Health Law Firm, suit was filed in the Eighteenth Judicial Circuit Court in and for Seminole County. The case number was: 13-CA-3790-15-K.

6. Appellant fled the jurisdiction to avoid service of process in the action below. The Health Law Firm was able to locate Appellant hiding out in the State of New York where service was finally made on November 19, 2013.

7. Appellant has a long and storied history of

vexatious litigation in the federal and state court systems. Below is merely a sample of some of the cases and results:

A. Case No.: 8: 13-bk-05601 - Bankruptcy, Middle District of Florida, dismissed for fraud/ concealment on September 17, 2013;
B. Case No.: 8:12-bk-18946 - Bankruptcy, Middle District of Florida, dismissed for failure to file information on January 11, 2013;
C. Case No.: 8:02-ap-00157 - Bankruptcy, Middle District of Florida, dismissed on October 18, 2002;
D. Case No.: 8:00-bk-09734 - Bankruptcy, Middle District of Florida, discharged on July 21, 2003;
E. Case No.: 8:15-ap-213-CPM - Bankruptcy, Middle District of Florida, dismissed September 25, 2015;
F. Case No.: 2Dl4-4191 - Florida Second District Court of Appeal, pending;
G. Case No.: 8: 1 O-cv-2566-T-23AEP - Civil, Middle District of Florida, dismissed with threat of sanctions June 23, 2011;
H. Case No.: A-5975-12T4 - Superior Court of New Jersey, Appellate Division, affirmed against Dr. Uppal November 20, 2014;
I. Case No.: C-574 - Supreme Court of New Jersey, Petition for Certiorari denied with costs February 7, 2001;

J. Case No.: C-708 - Supreme Court of New Jersey, Petition for Certiorari denied with costs March 12, 2003;
K. Case No.: 11-001130-CI - Sixth Judicial Circuit in and for Pinellas County Florida, dismissing Dr. Uppal's counterclaim April 8, 2015;

8. The cases listed above are only a fraction of Dr. Uppal's exploits in the courts. A review of the Pinellas County Clerk of Court's Civil Docket reveals at least thirty-two (32) cases initiated by or against Dr. Uppal since 2000. She was sued at least thirteen (13) times for failure to pay amounts due. She was the plaintiff in no fewer than thirteen (13) other cases, many of which were frivolous claims for domestic violence injunctions which she failed to prosecute. Four (4) cases were unsuccessful appeals of other cases she lost in Pinellas County Small Claims Court.

9. Additionally, a review of Dr. Uppal's history in the PACER system revealed no less than thirty-four (34) cases since 1998. Among those cases were twelve (12) separate bankruptcy proceedings all of which were dismissed with only one exception. Eighteen (18) civil cases were filed by Dr. Uppal as the plaintiff or as bankruptcy appeals. Dr. Uppal also filed four (4) separate appeals to the Eleventh Circuit Court of Appeals, all of which she lost, including the published opinion ***Uppal v. Hosp. Corp. of Am.***, 482 Fed. Appx. 394 (11th Cir. 2012).

10. Dr. Uppal did not contain her frivolous litigation to Pinellas County and the federal courts. Since 2011, Dr. Uppal filed thirteen appeals in the Second District Court of Appeals. Of the seven (7) cases that are closed, Dr. Uppal lost six (6) and the one other case was returned to the lower tribunal without opinion or assignment of error. Of the six remaining cases, five (5) of them were repeated appeals from the same Pinellas County Circuit Court foreclosure case, 201 l-CA-001130-CI.

11. Dr. Uppal also has a considerable history in New Jersey state courts with numerous cases and appeals. These cases primarily dealt with a divorce during which she harassed her ex-husband with innumerable motions and papers accusing him of physical violence, mental abuse, child abuse, and other vile crimes, none of which appear to have ever been substantiated.

12. Dr. Uppal's insults and scurrilous accusations are not confined to her exhusband. She made numerous accusations of collusion and conspiracy against the Appellant, the United States District Court, the Middle District of Florida Bankruptcy Court, the Circuit Court for Pinellas County, and other individuals in the papers she filed in the respective courts.

13. In nearly all of these cases, Dr. Uppal was pro se. She routinely filed frivolous motions and "orders." Nearly all of her pleadings are nonsensical and rife with typographical and grammatical errors

which belie Dr. Uppal's training and education as a physician. The papers she filed are also filled with baseless accusations of fraud and conspiracy. Her filings routinely fail to recognize the record facts in a case and instead resort to continuous repetition of irrelevant, scandalous, and impertinent material.

14. The Court only needs to look at the trial court's record in this case to find that Dr. Uppal is divorced from reality and will do anything, including abusing the judicial system, to avoid paying her just debts.

15. Dr. Uppal fails to see and recognize what is going on around her or to understand the consequences of her own actions. Instead of internalizing her conduct and answering for it, she lashes out and accuses everyone else of conspiring to get her. In the lower court, she accused the undersigned of conspiring with another one of her creditors in the following papers:

A. Answer and Objection to Plaintiff's Objection, Docket No. 6
B. Objection to Plaintiffs Motion for Summary Judgment, Docket No. 9; and
C. Objection to Final Order of Summary Judgment, Docket, No. 18.

16. Dr. Uppal made baseless accusations of fraud against The Health Law Firm in every paper she filed, but never offered a single fact in support thereof.

17. Failing to present evidence of any kind was a common theme for Dr. Uppal. She filed numerous papers and oppositions, but never offered any documents or testimony to support her position.

18. To the contrary, The Health Law Firm presented documentary evidence and sworn testimony to support summary judgment on all counts.

19. The record in this case clearly supports the trial court's ruling. Dr. Uppal filed her appeal for no purpose other than harassment and to assuage her own delusional thoughts of being wronged by yet another person.

Memorandum of Law

I. Appellant's Appeal is a Sham and was Filed for Improper Purposes

A court should find a pleading or paper to be a sham when it is patently false or for an improper purpose, and from the plain or conceded facts of the case, the filing party knew or should have known it to be as much. ***Rhea v. Hackney***, 157 So. 190, 193 (Fla. 1934). Appellant filed the instant appeal for no other purpose than to delay collection of a just debt. There exist no justiciable issues on appeal. The law is immeasurably clear in this case, and Appellant, even though pro se, knew or should have known from the circumstances of the case below, that there is no good faith basis for an extension or change in the law to which would have allowed her to be successful on

appeal. Pleading a matter known by the party to be false and for the purpose of delay or some other unworthy purpose, has always been considered an abuse of the justice system and subjects the party to censure and summary set aside with costs. *Id*.

As the Court is undoubtedly familiar, the standard for summary judgment in Florida is that once the moving party establishes that there are no disputed issues of material fact, the party opposing a motion for summary judgment must then present evidence, not simply legal argument or unsubstantiated denials, demonstrating the existence of a disputed issue of material fact in order to prevent summary judgment from being entered. ***Woodruff v. Gov't Emps. Ins. Co.***, 669 So. 2d 1114, 1115 (Fla. 1st DCA 1996). The non-moving party may not carry its burden by merely asserting that a particular issue is in dispute. ***Harvey Bldg., Inc. v. Haley***, 175 So. 2d 780, 783 (Fla. 1965).

The issues below were simple. Appellant signed a contract for legal services. Appellant requested legal services to be performed by The Health Law Firm. The Health Law Firm provided such legal services. Then, Appellant refused to pay for services rendered and action was initiated to collect the debt.

Without hyperbole or exaggeration, Appellant failed to offer even a scintilla of evidence which placed any material fact in dispute. Instead, her pleadings (those that she actually signed) were nothing more than a series of non-sensical ramblings, conspiratorial

theories, and false accusations of fraud and collusion.

Appellant's appeal is also improper because it was filed for dilatory reasons. Given Appellant's frequent bankruptcy filings and the loss of her most recent appeal of the bankruptcy court's decision to the Middle District of Florida,[1] the undersigned believes this appeal is merely a delay tactic so that she can prepare and again file for bankruptcy.

Appeals filed for no other reason than to "delay compliance with the ... final judgment of the trial court" are frivolous, not taken in good faith, and should be dismissed. ***Askew v. Gables By The Sea, Inc.***, 258 So. 2d 822, 822 (Fla. 1st DCA 1972). There are no legal issues for this Court to review. Appellant utterly failed to raise any dispute of material fact or valid objection to the Motion for Summary Judgment filed below.

Appellant failed to place any of the material facts of the case in dispute through presentation of

---

[1] In late 2015, Appellant appealed an order of the Middle District of Florida in Case No.: 8: 15-cv-01886-MSS denying a stay of proceedings pending appeal of the dismissal of her most recent bankruptcy filing to the Eleventh Circuit Court of Appeals. By order dated December 14, 2015, the Middle District held that the automatic stay of proceedings was unavailable because she could not show a likelihood of success on the merits of her appeal. Without the automatic stay, Appellant's creditors, including Appellee, were free to move forward with their collection efforts. Finding herself exposed, Appellant filed the instant appeal to further delay payment of her debt to Appellee.

testimony, affidavits, or documents. Instead, just as in her many, many other cases, she filed sham pleadings and this meritless appeal in a desperate, yet transparent, attempt to avoid paying the money she owes.

II. Appellant's History of Abuse of the Legal System Warrants Dismissal and Sanctions

The Court need look no further than Appellant's incredibly litigious history and the language used in her filings below to see that her modus operandi is to abuse the legal system and make frivolous filing after frivolous filing.

Courts in at least three different jurisdictions have warned and sanctioned Appellant for abuse of the legal process. The Fifth District Court of Appeal should not stand for Appellant's antics or permit her to waste the Court's time and resources on her frivolous cases.

Appellant's conduct as a pro se litigant is prolific and approaches that of one of Florida's most famously abusive pro se parties, Anthony Martin. See ***Martin v. State***, 747 So. 2d 386 (Fla. 2000). In Martin, the pro se party had previously filed hundreds of lawsuits, motions, and miscellaneous pleadings in courts in several jurisdictions. ***Id***. at 390. Appellant's conduct, although not yet as prolific as Mr. Martin's, is essentially the same-a long series of abusive, dilatory, and pointless proceedings and papers serving no other purpose than to satisfy the whims of one individual.

The Florida Supreme Court stated it best in Martin, saying: "This Court has the authority, perhaps even the duty, to stop litigants like Martin from abusing it and the people, as the Second Circuit put it, 'who have unluckily crossed his path.'" Martin, 747 So. 2d at 391 (quoting ***In re Martin-Trigona***, 737 F.2d 1254, 1254 (2d Cir. 1984). This sentiment is equally applicable to Appellant and this Court should take up the standard and put an end to Appellant's misfeasance. She has dragged numerous innocent people into comt and tied them up in years of litigation costing untold amounts of money and personal anguish as well as unduly burdening the legal system.

"The resources of our court system are finite and must be reserved for the resolution of genuine disputes." ***Rivera v. State***, 728 So. 2d] 165, 1166 (Fla. 1998). Appellant's steady stream of pro se filings are not subject to the financial considerations that deter other litigants from filing frivolous suits, appeals, and papers. Consequently, the ordinary checks and balances associated with qualified, paid representation are absent and Appellant's abuse of the system and those she feels have wronged her flows unchecked. The imposition of sanctions perhaps including a future bar on filing pro se appeals is necessary to dissuade Appellant from continued misuse of the legal system.

Conclusion

Appellant's resume of judicial abuse and the lack of merit of her appeal are ample reasons for the Court to dismiss this action and impose sanctions

against her. It is plain from even the most cursory inspection of the papers Appellant filed below there is no justiciable issue on appeal, and that she filed her appeal to delay enforcement of the lower court's judgment. Allowing this case to progress to briefs will only serve to reinforce Appellant's belief that she appropriately uses the legal system and will prejudice Appellee by forcing it to incur additional costs and expense briefing the case.

WHEREFORE, Appellee, George F. Indest III, P.A., d/b/a The Health Law Firm, respectfully requests the Court enter an order granting the following relief:

A. Dismiss the instant appeal with prejudice;
B. Enter an order awarding Appellee its attorneys' fees for defending this appeal and preparing and filing this Motion pursuant to Section 57.105, Florida Statutes, and Rule 9.410, Florida Rules of Appellate Procedure;
C. Barring Appellant from filing any further paper or cause against Appellee without counsel; and
D. Any other relief the Court may deem just and proper.

CERTIFICATE OF SERVICE

I certify that I initially served a copy of this draft motion on pro se Appellant, Neelam Uppal, M.D., by U.S. mail, postage prepaid, to P.O. Box 1002, Largo,

Florida 33779, and to 5840 Park Boulevard, Pinellas Park, FL 33781, and via e-mail to nneelu123@aol.com, on this 27th day of April 2016.

/s/

GEORGE F. INDEST III, ESQUIRE
Certified by The Florida Bar in Health Law
Florida Bar No.: 382426
Primary E-mail:
Glndest@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
LANCE O. LEIDER, ESQUIRE
Florida Bar No.: 96408
Primary E-mail:
LLeider@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
THE HEAL TH LAW FIRM
1101 Douglas A venue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
Facsimile: (407) 331-3030
ATTORNEYS FOR APPELLANT,
GEORGE F. INDEST III, P.A.

APPENDIX M

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT DAYTONA BEACH, FLORIDA

NEELAM UPPAL,

Appellant,

CASE NO. 5D16-0180

v.

GEORGE F. INDEST III, P.A., D/B/A THE HEALTH LAW FIRM,

Appellee.
_____/

APPELLEE'S MOTION TO DISMISS APPEAL OR, ALTERNATIVELY, TO STRIKE APPELLANT'S BRIEF

Appellee moves the Court to dismiss the Appellant's appeal or, alternatively, to strike her appeal brief, pursuant to Rules 9.200, 9.300(a), 9.400 and 9.410, Florida Rules of Appellate Procedure, stating:

SUMMARY OF CASE AND MOTION

Appellee is a law firm that represented the Appellant, a medical doctor, in an administrative case

involving a complaint against her medical license. The case below is a case in which the Appellant law firm sued the Appellee for unpaid legal fees and costs she incurred in the legal representation. The Appellant is a prolific, abusive *pro se* litigant, filing bankruptcy numerous times (all dismissed without discharge, except one long ago), frivolously appealing judgments entered against her and involved in numerous cases in both state and federal court. The present case is a frivolous, dilatory appeal of a Final Judgment entered against her by the lower court.

In the present appeal, Appellant Uppal has merely thrown together an unorganized hash of cases and arguments that appear to have been cut and pasted from her other pro se court filings, many in foreclosure cases, and most being irrelevant to the current proceedings.

BACKGROUND AND FACTS

1. Appellee, The Health Law Firm, is a Florida professional services corporation providing legal services to its clients located in Altamonte Springs, Florida.

2. Appellant, Neelam T. Uppal, M.D., is a medical doctor licensed by the states of Florida and New York.

3. Appellant Uppal retained the services of The Health Law Firm on or about June 5, 2012, to represent her in a matter involving a complaint filed

against her Florida Medical license by the Florida Department of Health.

4. The Appellee law firm took over representation after the Final Administrative Hearing in the case had been completed by a different law firm.

5. Appellant Uppal had originally been represented in the complaint against her medical license and the formal administrative hearing by Michael R. D'Lugo, Esquire, of Wicker, Smith, O'Hara, Mc Coy & Ford, P.A., in Orlando, Florida. Mr. D'Lugo represented her through a Final Administrative Hearing that was held before an Administrative Law Judge (ALJ) of the Division of Administrative Hearings (DOAH).

6. This Final Administrative Hearing resulted in a Recommended Order by the ALJ ***against*** Appellant Uppal being entered on September 4, 2012. Mr. D'Lugo desired to withdraw from representing Appellant Uppal. Appellant Uppal contacted attorney George F. Indest III, of the Appellee law firm to represent her in the case post-hearing, to file exceptions (objections) to the ALJ's Recommended Order and to argue these before the Florida Board of Medicine, all of which the Appellant law firm did.

7. However, during the course of the representation Appellee discovered that Appellant Uppal had two (2) additional complaints against her Florida medical license that were then pending which she failed to disclose. Appellant Uppal attempted to have the Appellee law firm represent her in these

cases for an unreasonably low fee and at one point asking for "pro bono" representation at another point. Appellee law firm declined and terminated its representation of the Appellant.

8. Appellee failed to pay the legal fees and costs she incurred with Appellant law firm.

9. Contrary to the false statements of Appellant Uppal in her Brief, the Appellee law firm terminated her as a client on December 28, 2012, she did not terminate it. (App. Doc. 1; App. pg. 1)

10. Appellant Uppal has since had a number of other disciplinary actions taken against her Florida medical license. (App. Doc. 2; App. pg. 4)

11. Appellant was required to file suit for the fees and costs in ***The Health Law Firm vs. Uppal***, Eighteenth Judicial Circuit Court Case No. 13-CA-3790-15-K, filed on or about October 24, 2013.

12. The original amount of fees and costs that Appellant Uppal owed (the "principal amount") was $27,705.77, as of December 8, 2014. However, because of Appellant Uppal's prolific and aggressive litigation, her obstruction and dilatory tactics, the attorney's fees and costs of the litigation to collect the underlying amount was an additional $23,356.70 as through December 8, 2014.

13. Litigation proceeded for years with Appellant Uppal filing frivolous, dilatory motions and

objections. She also filed for bankruptcy several times in the U.S. Bankruptcy Court for the Middle District of Florida.[1] (See, e.g., App. Doc. 3; App pg. 5; Rec. 289) Each time her bankruptcy case was dismissed with no discharge of her debts.

14. Judgment was entered by the Circuit Court in the case below after her last bankruptcy case was dismissed and her request for reconsideration was denied by the bankruptcy court. (App. Doc. 4; App. pg. 10; Rec. 302)

15. In one of her last bankruptcy proceedings, an attorney for one of her creditors filed a motion detailing all of the assets that Appellant Uppal had fraudulently concealed from the court. (App. Doc. 5; App pg. 14) This bankruptcy was dismissed without discharging her debts.

16. Appellant Uppal is a prolific, ***pro se*** litigator, filing meritless motions, defenses, complaints and appeals. This appeal is one of them.

17. The docket for the Clerk of Court for Pinellas County, Florida, contains 44 cases involving Appellant Uppal. (App. Doc. 6; App. pg. 36) The docket

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[1]Despite her claiming to the Bankruptcy Court that she was living in Florida, it appears that Appellant may have fled the jurisdiction to avoid service of process by other creditors, including the mortgage holders on various homes she owned in Florida. The Health Law Firm was able to locate Appellant in the State of New York where service was finally made on November 19, 2013, in the case below.

for the Clerk of Court for the Florida Second District Court of Appeal, shows 14 appeals filed by Appellant Uppal in this one Florida District Court alone. (App. Doc. 7; App pg. 41) A Pacer listing shows 32 federal court cases involving Appellant Uppal in Florida, New York and New Jersey. (App. Doc. 8; App. pg. 42) Among those cases were twelve (12) separate bankruptcy proceedings all of which were dismissed with only one exception. There are filings by her in many other state courts both in Florida and in other states.

18. The cases listed above are believed to be only a fraction of Appellant Uppal's court cases.

19. Appellant Uppal's official Medicare information on file with the National Provider Information Registry shows her address in Florida as of April 4, 2016. (App. Doc. 9; App pg. 43).

20. Appellant Uppal attempted to mislead the lower court into thinking that she had a bankruptcy pending. (App. Doc. 10; App. pg. 45; Rec. 306) However, when the lower court entered its Final Judgment against her, her bankruptcy had been dismissed (once again) and the bankruptcy proceedings concluded (App. Doc. 4; App. pg. 10; Rec. 302).[2]

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[2]In late 2015, Appellant appealed an order of the Middle District of Florida in Case No. 8:15-cv-01886-MSS in which the court denied her a stay of proceedings pending appeal of the dismissal of her most recent bankruptcy filing to the Eleventh Circuit Court of Appeals. By order dated December 14, 2015, the Middle District held that the automatic stay of proceedings was

21. The Appeal Brief, as well as the pleadings, motions and objections she filed in the lower court are filled with baseless accusations of fraud and conspiracy. Her filings routinely fail to recognize the facts and issues in a case and instead resort to continuous repetition of irrelevant, scandalous, and impertinent material.

22. The Court only needs to look at the trial court's record in the underlying case to find further examples of the foregoing.

23. The record in this case clearly supports the trial court's ruling. Appellant Uppal has filed her appeal in bad faith and for no purpose other than delay.

GROUNDS FOR DISMISSAL OF APPEAL

A. Appellant Uppal's Appeal is Frivolous.

24. Appellant Uppal's appeal is frivolous and filed solely for the purpose of delaying the finality of the underlying judgment. It is readily recognizable as devoid of merit on its face. Neither the facts of record nor the cases she cites provide any grounds that support reversal of the lower court's action.

---

unavailable because she could not show a likelihood of success on the merits of her appeal. Without the automatic stay, Appellant's creditors, including Appellee, were free to move forward with their collection efforts. Finding herself exposed, Appellant filed the instant appeal to further delay payment of her debt to Appellee.

25. Many of the Appellant's statements and arguments make no sense and have no relationship whatsoever to do with the case below. For example, in her "Issues Presented," Appellant Uppal states: "1. Plaintiff filed the case beyond the statute of limitations FL [sic] 83.49(3)(a), as the security claim was made in 2008. (Tr.1, pg. 110, ln.116-117)" (Appellant's Brief, pg. 6)

A. The statute of limitations was not at issue and was never raised in the underlying case.
B. The legal representation began in 2012 and suit against Appellant Uppal for her unpaid fees and costs was filed in 2013.
C. There was never any "security claim" at issue.
D. There was no trial transcript, in fact there were no transcripts of any of the proceedings. Therefore, Appellant Uppal's reference to a non-existing trial transcript page and line is false and misleading.
E. It is clear on the face of the Appellant's Brief that she is merely cutting and pasting with absolutely no thought or attempt to be relevant.

26. Another example, in her "Issues Presented," Appellant Uppal states:

3. Judge [sic] did not

> abide by the "rule of evidence" [sic] of "best evidence" [sic] as plaintiff presented carbon copies of fake checks as proof of her payment of rent that she actually had not paid. Timely objection was made. (Tr.1, Pg. 88, Ln.1-5)"

(Appellant's Brief, pp. 6-7, all typographical errors in original.) The complete frivolousness of this "issue" can be seen because:

A. There was never any issue of evidence or the Best Evidence Rule in the case below nor raised at any time below.
B. No checks or copies of checks were ever presented or used in the proceedings below.
C. The underlying case had absolutely nothing to do with the payment or nonpayment of rent of any kind.
D. There was no trial transcript, in fact there were no transcripts of any of the proceedings. Therefore, Appellant Uppal's reference to a non-existing trial transcript page and line is false and misleading.
E. It is clear on the face of the Appellant's Brief that she is merely cutting and

pasting from a different case she probably had, with no attempt to relate it to the current case and issues.

27. Still another example is shown in her "Issues Presented" where Appellant Uppal states:

> 4. Judge [sic] did not abide by the "rule of judgement" [sic] such that there was a pretrial order for the Plaintiff to provide all exhibits to the defendant, which he [sic] did not. Timely objection was made.(Tr.1, pg.107, ln. 11&12)

(Appellant's Brief, pg. 7, all typographical errors in original.) The complete frivolousness of this "issue" can be seen because:

A. There was no trial scheduled and no pretrial order entered. The case was decided by the lower court on a motion for summary judgment.
B. There was no such objection made by Defendant/Appellant Uppal.
C. Appellant Uppal falsely cites to a nonexistent trial transcript page and line.
D. It is clear on the face of the Appellant's Brief that she is merely cutting and

pasting issues from a different unrelated case.

28. Yet another example is shown in her "Issues Presented" where Appellant Uppal states: "5. The attorney had a fee agreement based on contingency [sic] basis Page 10 of 19 which is 33 1/3 % of the final judgment.(R.)" (Appellant's Brief, pg. 7, all typographical errors in original). This is a completely false and frivolous statement.

A. The Appellee law firm represented Appellant Uppal in an administrative action by the Florida Department of Health to discipline or revoke her medical license. There was never any type of "final judgment" that could be had in such a case. There was never any type of monetary judgment that was possible or could be contemplated in such a case. Like so many of her other statements throughout her Appellant's Brief, the statement is ludicrous.
B. Furthermore, this statement is contradicted in other portions of the brief. See for example, Appellant's Brief, pg. 8.[3]

[3]Although Appellant's "Statement of Facts" at Appellant's Brief, pg. 8, contains false statements, as well, nevertheless it contradicts her earlier statement that this was a contingency fee case.

C. This is yet another issue that was never raised or argued below, because it is simply non-existent.
D. Once again, it is clear on the face of the Appellant's Brief that she is merely parroting statements from other briefs that have nothing to do with this case.

29. Still another example is shown in her "Issues Presented" where Appellant Uppal states: "6. The attorney agreed to do the case without any money on a pro bono basis such the [sic] plaintiff did not pay any money to the attorney. (Tr. 2)" (Appellant's Brief, pg. 7, typographical errors in original.) The falseness of this "issue" is shown by:

A. Appellant argues elsewhere in her Brief that she paid $9,000 for the legal services and, contradicting that, she had a contingency fee agreement for "33 1/3%" of the "final judgment." Now she contradicts herself again by arguing that the legal services were actually supposed to be provided on a *pro bono* basis.
B. This is yet another issue that was never raised or argued below, because it is simply non-existent.
C. Appellant Uppal falsely cites to a nonexistent trial transcript page and line to support her statement.

30. The same issues above are again argued

later in the Appeal Brief by Appellant Uppal. See Appellant's Brief, pp. 15-16 and 24.

B. Appellant Did not Obtain any Transcripts of Any Proceedings.

31. Appellant Uppal failed to obtain any transcripts of any hearings below or to have these filed with the Court. The Appellant has the burden of establishing reversible error by the lower Court to overcome the presumption of correctness afforded to the trial court's decision. ***All American Soup & Salad, Inc. vs. Colonial Promenade***, 652 So. 2d 911, 912 (Fla. 5th DCA 1995).

32. In the absence of transcripts of the proceedings, there is nothing for an appellate court to review. ***All American Soup & Salad, Inc.***, 652 So. 2d 912 (citing ***Applegate vs. Barnett Bank of Tallahassee***, 377 So. 2d 1150 (Fla. 1979)).

33. The trial court is presumed to have ruled correctly absent a record that demonstrates error. ***Polling vs. Palm Coast Abstract & Title, Inc.***, 882 So. 2d 483, 485 (Fla. 5th DCA 2004).

C. Appellant Uppal Merely Attempts to Relitigate her Case.

34. The appeal brief is nothing more than another argument of her position by Appellant Uppal. Most of the arguments she makes have already been presented to the lower court and decided by the lower

court. It is impermissible for the Appellant to attempt to relitigate them in this appeal.

D. Falsely Cites to Transcript Pages that do Not Exist.

35. Appellant has place false citations to transcript pages and lines in her Brief. There were no transcripts and no transcripts are contained in the record. This is an attempted deception on the part of the Appellant.

E. Appellant's Cases Are Inapposite and, Apparently, from a Different Brief.

36. Appellant Uppal argues a number of different cases in her Brief. However, on the face of it, these appear to be cut and pasted from a different brief not relevant to the actual issues in this case.

37. For example, on page 21 of the brief Appellant cites *"Jerman v. Carlisle*, 130 S.Ct. at 1606-' [sic] which allegedly addresses zealous advocacy in an "FDCPA" case.[4]

38. Immediately following this discussion in Appellant's brief is an incomplete citation and a sentence fragment: "*Hartman v. Great Seneca* financial group [sic] " which the Appellant has sitting

[4]Not only is the case citation incomplete, but there is no explanation given by Appellant Uppal as to what "FDCPA" is nor how *Jerman* might be relevant to the issues in the present case.

alone by itself. (Appellant's Brief, pg. 21)

39. On the following page, Appellant has cut and pasted discussion of landlord tenant cases and the required notice for termination of a lease. It seems pretty apparent that Appellant must have had an eviction case pending against her and merely cut and pasted portions of her brief in that case into her present Brief.

40. Following, at the bottom of page 22 of her Brief, Appellant argues: "9. Landlord's failure to properly claim the security deposit does not preclude an independent action for damages. . . ." (Appellant's Brief, pg. 22) Again, just gibberish in the context of the present case. The argument has nothing to do with the facts or the law of the present case.

F. Uppal's Appeal Is Frivolous and Should Be Dismissed.

41. Appeals filed for no other reason than to "delay compliance with the . . . final judgment of the trial court" are frivolous, not taken in good faith, and should be dismissed. ***Askew v. Gables by the Sea, Inc.***, 258 So. 2d 822, 822 (Fla. 1st DCA 1972). There are no valid legal issues for this Court to review and the Brief shows on its face it is frivolous and fails to comply with the Rules of Appellate Procedure.

CONCLUSION

42. Appellant Uppal's conduct as a pro se

litigant is prolific and approaches that of one of Florida's most famously abusive ***pro se*** parties, Anthony Martin. ***See Martin v. State***, 747 So. 2d 386 (Fla. 2000). In ***Martin***, the ***pro se*** party had previously filed hundreds of lawsuits, motions, and miscellaneous pleadings in courts in several jurisdictions. ***Id.*** at 390. Appellant's conduct, although not yet as prolific as Mr. Martin's, is essentially the same–a long series of abusive, dilatory, and pointless proceedings and papers serving no other purpose than to satisfy the whims of one individual.

43. The Florida Supreme Court stated it best in ***Martin***, saying: "This Court has the authority, perhaps even the duty, to stop litigants like Martin from abusing it and the people, as the Second Circuit put it, 'who have unluckily crossed his path.'" ***Martin***, 747 So. 2d at 391 (quoting ***In re Martin-Trigona***, 737 F.2d 1254, 1254 (2d Cir. 1984). This rationale is equally applicable to Appellant Uppal.

44. This Court should take up the standard and put an end to Appellant's misfeasance. She has dragged numerous innocent people into court and tied them up in years of litigation costing untold amounts of money and personal anguish as well as unduly burdening the legal system.

45. The Supreme Court stated: "The resources of our court system are finite and must be reserved for the resolution of genuine disputes." ***Rivera v. State***, 728 So. 2d 1165, 1166 (Fla. 1998). Appellant Uppal's steady stream of pro se filings are not subject to the

financial considerations that deter other litigants from filing frivolous suits, appeals, and papers. Consequently, the ordinary checks and balances associated with qualified, paid representation are absent and Appellant's abuse of the system, and her abuse of the individuals she feels have wronged, her flows unchecked. The imposition of sanctions perhaps, including a future bar on filing ***pro se*** appeals is necessary to dissuade Appellant Uppal from continued misuse of the legal system.

46. Appellee intends to file contemporaneously herewith a separate motion for sanctions that it previously served on Appellant Uppal, along with the required certificates of service and filing the rules require. Appellee certifies it has served such a motion on the Appellant at least 21 days prior to this date in accordance with Section 57.105, Florida Statutes and Rule 9.410, Florida Rules of Appellate Procedure, and asks that it be incorporated herein by reference.

RELIEF REQUESTED

Appellee The Health Law Firm requests the Court to enter an Order finding:

A. That Appellant's appeal is frivolous and dismisses it, pursuant to the Florida Rules of Appellate Procedure;

B. Awards Appellee The Health Law Firm its attorney's fees and costs on this appeal pursuant to Section 57.105, Florida Statutes, and Rules 9.400 and

9.410, Florida Rules of Appellate Procedure;

C. Bars Appellant from filing any further paper, documents pleading or cause against Appellee without counsel and an order from this Court permitting such; and

D. Awarding any other relief it considers appropriate under the circumstances.

CERTIFICATE OF SERVICE

I certify that I have served a copy of this document on ***pro se*** Appellant, Neelam Uppal, M.D., by U.S. mail, postage prepaid, to P.O. Box 1002, Largo, Florida 33779, and to 5840 Park Boulevard, Pinellas Park, FL 33781, and via e-mail to nneelu123@aol.com, and have filed the same on this 21st day of June 2016.

/s/ George F. Indest III

GEORGE F. INDEST III, ESQUIRE
Certified by The Florida Bar in Health Law
Florida Bar No.: 382426
Primary E-mail:
GIndest@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
LANCE O. LEIDER, ESQUIRE
Florida Bar No.: 96408
Primary E-mail:
LLeider@TheHealthLawFirm.com

Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
THE HEALTH LAW FIRM
1101 Douglas Avenue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
Facsimile: (407) 331-3030
ATTORNEYS FOR APPELLANT,
THE HEALTH LAW FIRM

IN THE DISTRICT COURT OF APPEAL OF THE
STATE OF FLORIDA
FIFTH DISTRICT
DAYTONA BEACH, FLORIDA

NEELAM UPPAL,

Appellant,

CASE NO. 5D16-0180

v.

GEORGE F. INDEST III, P.A.,
D/B/A THE HEALTH LAW FIRM,

Appellee.
_____/

APPELLEE'S APPENDIX TO MOTION

APPELLEE'S APPENDIX TO MOTION

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REMAINDER OF APPENDIX OF THIS DOCUMENT DELETED

APPENDIX N

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR SEMINOLE COUNTY, FLORIDA

THE HEALTH LAW FIRM,

Plaintiff,

v.CASE NO: 13-CA-3790-15-K

NEELAM T. UPPAL, M.D.,
a/k/a NEELAM TANEJA, M.D.,
a/k/a NEELAM T. TANEJA-UPPAL, M.D.,
a/k/a NEELAM UPPAL TANEJA, M.D.,
a/k/a NEELAM TANEJA UPPAL, M.D.,

Defendant.
_____/

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned will call up for hearing before the Honorable Jessica J. Recksiedler, at the Seminole County Courthouse, 301 North Park Avenue, **Courtroom L**, Sanford, Florida 32771, on **Tuesday, December 22, 2015, at 9:00 A.M.**, or as soon thereafter as it may be heard, the following:

Plaintiff's Motion for Entry of
Final Judgment after Summary Judgment

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served via U.S. mail, postage prepaid, to Neelam T. Uppal, P.O. Box 1002, Largo, Florida 33779, and Neelam Uppal, M.D., 7352 Sawgrass Point Drive, Pinellas Park, Florida 33782, on this 2nd day of December 2015.

/s/
GEORGE F. INDEST III, ESQUIRE
Certified by the Florida Bar in Health Law
Florida Bar No.: 382426
Primary E-mail:
GIndest@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
THE HEALTH LAW FIRM
1101 Douglas Avenue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
COUNSEL FOR THE PLAINTIFF, THE HEALTH LAW FIRM

APPENDIX O

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR SEMINOLE COUNTY, FLORIDA

THE HEALTH LAW FIRM,

Plaintiff,

v. CASE NO: 13-CA-3790-15-K

NEELAM T. UPPAL, M.D.,

Defendant.
_____/

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned will call up for hearing before the Honorable Jessica J. Recksiedler, at the Seminole County Courthouse, 301 North Park Avenue, **Courtroom C**, Sanford, Florida 32771, on **Tuesday, December 2, 2014, at 9:30 A.M.**, or as soon thereafter as it may be heard, the following:

(1) **Plaintiff's Verified Motion to Strike Defendant's Motion to Dismiss as a Sham and Motion for Default Judgment**

(2) **Plaintiff's Verified Motion to Strike Defendant's Answer & Objection to**

Plaintiff's Objection as a Sham Pleading; and

(3) **Plaintiff's Motion for Final Judgment on the Pleadings and Alternative Motion for Summary Final Judgment.**

The Court has set aside thirty (30) minutes for said hearing.

This hearing is being scheduled unilaterally by Plaintiff after numerous unsuccessful attempts to coordinate a mutually acceptable hearing time with Defendant. Michelle Soto, paralegal with The Health Law Firm, exchanged e-mail correspondence with Defendant on September 17, 2014, September 22, 2014, and September 23, 2014. Defendant was uncooperative and refused to make herself available for any possible hearing dates in November or December, 2014. By giving Defendant more than two (2) months notice of this hearing, Defendant has more than sufficient time to schedule her appearance.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served via U.S. mail, postage prepaid, to Neelam T. Uppal, P.O. Box 1002, Largo, Florida 33779, on this 26th day of September 2014.

/s/_____
GEORGE F. INDEST III, ESQUIRE
Certified by the Florida Bar in Health

Law
Florida Bar No.: 382426
Primary E-mail:
GIndest@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
CATHERINE T. HOLLIS, ESQUIRE
Florida Bar No.: 91488
Primary E-mail:
CHollis@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
THU P. PHAM, ESQUIRE
Florida Bar No.: 106586
Primary E-mail:
TPham@TheHealthLawFirm.com
Secondary E-mail:
CourtFilings@TheHealthLawFirm.com
THE HEALTH LAW FIRM
1101 Douglas Avenue
Altamonte Springs, Florida 32714
Telephone: (407) 331-6620
COUNSEL FOR THE PLAINTIFF,
THE HEALTH LAW FIRM

APPENDIX P

CONSTITUTIONAL PROVISIONS AND RULES

Following are the Constitutional provisions and Rules which the Petitioner contends are applicable to this matter which are raised in the Petition and the Rules discussed in the Opposition Brief. Irrelevant portions or portions which are too lengthy to include are omitted.

U.S. Constitution:

Fifth Amendment, U.S. Constitution (Pet. pp. i, ii)

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a gand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Sixth Amendment, U.S. Constitution (Pet. p. ii)

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Seventh Amendment, U.S. Constitution (Pet. pp. 2, 7)

> In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Eighth Amendment, U.S. Constitution (Pet. pp. ii, iii)

> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Eleventh Amendment, U.S. Constitution (Pet. p. 2)

> The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Fourteenth Amendment, U.S. Constitution (Pet. pp. i, iii, 2, 7)

> **Section 1.**
> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. . . .
>
> [Other sections omitted.]

Article VI, U.S. Constitution (Pet. p. 5)
[Believed to be erroneous citation by Petitioner]

> All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.
>
> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.
>
> The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Federal Rules:

Supreme Court Rule 10

> Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:
>
> (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;
>
> (b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.

Supreme Court Rule 13.1

Unless otherwise provided by law, a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a state court of last resort or a United States court of appeals (including the United States Court of Appeals for the Armed Forces) is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment. A petition for a writ of certiorari seeking review of a judgment of a lower state court that is subject to discretionary review by the state court of last resort is timely when it is filed with the Clerk within 90 days after entry of the order denying discretionary review.

Supreme Court Rule 14.3

> A petition for a writ of certiorari should be stated briefly and in plain terms and may not exceed the word or page limitations specified in Rule 33.

Supreme Court Rule 14.4

> The failure of a petitioner to present with accuracy, brevity, and clarity whatever is essential to ready and adequate understanding of the points requiring consideration is sufficient reason for the Court to deny a petition.

Supreme Court Rule 15.2

> A brief in opposition should be stated briefly and in plain terms and may not exceed the word or page limitations specified in Rule 33. In addition to presenting other arguments for denying the petition, the brief in opposition should address any perceived misstatement of fact or law in the petition that bears on what issues properly would be before the Court if certiorari were granted. Counsel are admonished that they have an obligation to the Court to point out in the brief in opposition, and not later, any perceived misstatement made in

the petition. Any objection to consideration of a question presented based on what occurred in the proceedings below, if the objection does not go to jurisdiction, may be deemed waived unless called to the Court's attention in the brief in opposition.

Supreme Court Rule 29

* * *

6. Every document, except a joint appendix or amicus curiae brief, filed by or on behalf of a nongovernmental corporation shall contain a corporate disclosure statement identifying the parent corporations and listing any publicly held company that owns 10% or more of the corporation's stock. If there is no parent or publicly held company owning 10% or more of the corporation's stock, a notation to this effect shall be included in the document. If a statement has been included in a document filed earlier in the case, reference may be made to the earlier document (except when the earlier statement appeared in a document prepared under Rule 33.2), and only amendments to the statement to make it current need be included in the document being filed. In addition,

whenever there is a material change in the identity of the parent corporation or publicly held companies that own 10% or more of the corporation's stock, counsel shall promptly inform the Clerk by letter and include, within that letter, any amendment needed to make the statement current.

Supreme Court Rule 33

* * *

(h) A document prepared under Rule 33.1 must be accompanied by a certificate signed by the attorney, the unrepresented party, or the preparer of the document stating that the brief complies with word limitations. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document. The word-processing system must be set to include footnotes in the word count. The certificate must state the number of words in the document. The certificate shall accompany the document when it is presented to the Clerk for filing and shall be separate from it. If the certificate is signed by a person other than a member of the Bar of this Court, the counsel of record, or the unrepresented party, it must

contain a notarized affidavit or declaration in compliance with 28 U.S.C. § 1746.

* * *

Federal Rule of Appellate Procedure 38

Frivolous Appeal—Damages and Costs

If a court of appeals determines that an appeal is frivolous, it may, after a separately filed motion or notice from the court and reasonable opportunity to respond, award just damages and single or double costs to the appellee.

Federal Rule of Bankruptcy Procedure 9011

(a) Signature. Every petition, pleading, written motion, and other paper, except a list, schedule, or statement, or amendments thereto, shall be signed by at least one attorney of record in the attorney's individual name. A party who is not represented by an attorney shall sign all papers. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) Representations to the Court. By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,–[1]

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for

---

[1] So in original. The comma probably should not appear.

further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(c) Sanctions. If, after notice and a reasonable opportunity to respond, the court determines that subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are responsible for the violation.

(1) How Initiated.

(A) *By Motion*. A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision (b). It shall be served as provided in Rule 7004. The motion for sanctions may not be filed with or presented to the court unless, within 21 days after service of the motion (or such other period as the court may

prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected, except that this limitation shall not apply if the conduct alleged is the filing of a petition in violation of subdivision (b). If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion. Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

(B) *On Court's Initiative*. On its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b) with respect thereto.

(2) *Nature of Sanction; Limitations*. A sanction imposed for violation of this rule shall be limited to what is

sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subparagraphs (A) and (B), the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation.

(A) Monetary sanctions may not be awarded against a represented party for a violation of subdivision (b)(2).

(B) Monetary sanctions may not be awarded on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.

(3) *Order*. When imposing sanctions, the court shall describe the conduct determined to constitute a violation of this rule and explain the basis for the

sanction imposed.

(d) Inapplicability To Discovery. Subdivisions (a) through (c) of this rule do not apply to disclosures and discovery requests, responses, objections, and motions that are subject to the provisions of Rules 7026 through 7037.

(e) Verification. Except as otherwise specifically provided by these rules, papers filed in a case under the Code need not be verified. Whenever verification is required by these rules, an unsworn declaration as provided in 28 U.S.C. §1746 satisfies the requirement of verification.

(f) Copies of Signed or Verified Papers. When these rules require copies of a signed or verified paper, it shall suffice if the original is signed or verified and the copies are conformed to the original.

Federal Rule of Civil Procedure 11

(a) Signature. Every pleading, written motion, and other paper

must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of

litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) Sanctions.

(1) *In General.* If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be

held jointly responsible for a violation committed by its partner, associate, or employee.

(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

(3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b).

(4) *Nature of a Sanction.* A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others

similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation.

* * *

Article I, Section 21, Florida Constitution (Pet. p. i)

> **Access to courts.—**The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Article V, Section 3(b), Florida Constitution

> (b) JURISDICTION.—The [Florida] supreme court:
>
> (1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution.

(2) When provided by general law, shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service.

(3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.

(4) May review any decision of a district court of appeal that passes upon a question certified by it to be of great public importance, or that is certified by it to be in direct conflict with a decision of another district court of appeal.

(5) May review any order or judgment of a trial court certified by the district court of appeal in which an appeal is pending to be of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court.

(6) May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.

(7) May issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.

(8) May issue writs of mandamus and quo warranto to state officers and state agencies.

(9) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal

> or any judge thereof, or any circuit judge.
>
> (10) Shall, when requested by the attorney general pursuant to the provisions of Section 10 of Article IV, render an advisory opinion of the justices, addressing issues as provided by general law.

Article 5, Section 4(b)(1), Florida Constitution (Pet. p. 6)

> (1) District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.