

No. _____

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

DIANE L. HOLBROOK,

Petitioner,

vs.

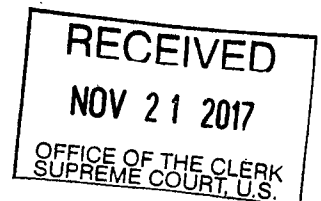
RONNIES LLC, et al.,

Respondents.

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

PETITION FOR WRIT OF CERTIORARI

DIANE L. HOLBROOK
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Jensen Beach, Florida 34957-6685
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QUESTIONS PRESENTED

1. Are clerical mistakes in judgments, decrees, or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time on its own initiative and after such notice, a violation of Florida Rule of Civil Procedure Rule 1.010 Scope and Title of Rules, Florida Rule of Civil Procedure Rule 1.140(a)(1) time allotment by defendant resulting into a violation of Florida Rule of Civil Procedure Rule 1.500(a) and Florida Statute 839.13(1) would apply or Rule of Civil Procedure Rule 1.540(a) mistake, inadvertence, surprise, or excusable neglect? See reference to the Florida Rule of Civil Procedure governed by Rules.
2. Whether questions to be of great public importance or to have great effect on the proper administration of Justice because of critical needs of Automatic Computerized System to generate entries for Defaults as they occur within all of the Courts to avoid manual human slowness and/or errors and too long to correct them? Exceptional circumstances warrant the exercise of this Honorable Court's discretionary powers and that adequate relief cannot be obtained from any other Court.
3. Whether the decisions of the Fourth District Court of Appeal of Florida that expressly and directly conflicts with the established decisions of the Supreme Court of the United States regarding U.S. Constitutional Rights?

QUESTIONS PRESENTED – Continued

4. Whether the decisions of the Fourth District Court of Appeal of Florida that expressly and directly conflicts with the decisions of the United States Court of Appeals for the Eleventh Circuit?
5. Whether the decisions of the Fourth District Court of Appeal of Florida that expressly and directly conflicts with the established decisions of the Supreme Court of Florida regarding State of Florida Constitutional Rights?
6. Whether the decisions of the Fourth District Court of Appeal of Florida that expressly and directly conflicts with the decisions of the same Fourth District Court of Appeal of Florida's own common law regarding *Capone, Laurene, Petitioner v. Florida Board of Regents*, 774 So.2d 825 (Fla. 2000)?
7. Whether the decisions of the Supreme Court of Florida that expressly and directly conflicts with the decision of the Supreme Court of the United States by their own order which violates constitutional due process, or some other constitutionally "protected right(s)"?

LIST OF PARTIES

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Administrative File

Allied Van Lines, Inc., a Foreign Corporation for Respondent (Waiver record in Supreme Court Of The United States Case No. 02-1613)

Barb, Gail H. formally was Harris, William D. – Fauquier County Circuit Court – Clerk Of Court

Birch, Judge Stanley F. – United States Court of Appeals for the Eleventh Circuit – Suspect allege subject to United States Of America for Respondent (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Black, Judge Susan Harrell – United States Court of Appeals for the Eleventh Circuit – Suspect allege subject to United States Of America for Respondent (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Board on Professional Responsibility, District of Columbia Office of Bar Counsel – Undocked Case No.U407, Undocked Case No.U408, Undocked Case No.U409, Undocked Case No.U410, Undocked Case No.U411, Undocked Case No.U412, Undocked Case No.U413, Undocked Case No.U414, Undocked Case No.U415, Undocked Case No.U416, Undocked Case No.U417, and Undocked Case No.U418

LIST OF PARTIES – Continued

Bondi, Attorney General Pam formally was McCollum, Attorney General Bill – Counsel for State Of Florida for Respondent (No Waiver record and no response in Supreme Court Of The United States Case No. 10-1490)

Buchmann, Eileen and First Floridian Insurance Company (as THE Carrier) et al. – (Supreme Court of the U. S. Case No. 03-1242)

Canary, formally was Garrett, United States Attorney Leura – Co-counsel for United States Of America (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Canady, Justice Charles T. – Supreme Court Of Florida – Suspect allege subject to Writ Of Mandamus

Castle Key Insurance Company, a Foreign Profit Corporation FKA Allstate Floridian Insurance Company. Castle Key Insurance Company is a wholly-owned subsidiary of Allstate Insurance Company, an Illinois Insurance Company. Allstate Insurance Company is a wholly-owned subsidiary of Allstate Insurance Holdings, LLC, a Delaware limited liability company. Allstate Insurance Holdings, LLC, is wholly-owned subsidiary of The Allstate Corporation, a Delaware corporation (ticker symbol on the NYSE: “ALL”). The stock of The Allstate Corporation is publicly traded. No publicly-held entity owns 10% or more of the stock of The Allstate Corporation for Respondent (Waiver record in Supreme Court Of The United States Case No. 10-1490)

LIST OF PARTIES – Continued

- Chavez, Esquire, Gilda M. – Counsel for Allied Van Lines, Inc., a Foreign Corporation – Complaints filed with Florida State Bar (Waiver record in Supreme Court Of The United States Case No. 02-1613)
- Clayton, Mark – Supreme Court Of Florida – Chief Deputy Clerk Of Court
- Commonwealth Of Virginia Fauquier County Office of the Commonwealth's Attorney Yates Palmer – (Supreme Court Of The United States Case No. 03-1242)
- Conner, Judge Burton C. – District Court Of Appeal Of Florida, Fourth District – Suspect allege subject to Writ Of Mandamus
- Cribb, James Alan – Court ordered restitution unpaid to date (Supreme Court Of The United States Case No. 03-1242)
- Dill, Esquire, Daniel F. – Counsel for Eileen Buchmann and First Floridian Insurance Company (as THE Carrier) – Complaints filed with Florida State Bar (Supreme Court Of The United States Case No. 03-1242)
- Disque, Judge Curtis L. – Martin County (County Judge) Court – Suspect allege subject to Writ Of Mandamus
- Edmondson, Judge James Larry – United States Court of Appeals for the Eleventh Circuit – Suspect allege subject to United States Of America for

LIST OF PARTIES – Continued

Respondent (Waiver record in Supreme Court Of
The United States Case No. 10-1490)

Espy, Esquire, Alan Clayton – Counsel for Pressure
Cleaning Services, Inc. and SAFECO Property &
Casualty Insurance Companies American States
(as THE Carrier) – Complaints filed with Florida
State Bar (Supreme Court Of The United States
Case No. 03-1242)

Ferreira, Esquire, Edgardo – Ronnies LLC, et al. –
Counsel for Respondent

Florida State Bar – Board of Professional Responsibil-
ity Complaints filed with

Forst, Judge Alan Orantes – District Court Of Appeal
Of Florida, Fourth District – Suspect allege sub-
ject to Writ Of Mandamus

Fourth District Court of Appeal of the State of Florida
– District Court of Appeal of Florida, Fourth Dis-
trict – Suspect allege subject to Writ Of Manda-
mus

Granger, Trey – United States District Court, Middle
District of Alabama – Chief Deputy Clerk Of Court

Greenberg, Esquire, Marc M. – Counsel for Ronnies
LLC, et al.

Gross, Judge Robert M. – District Court Of Appeal Of
Florida, Fourth District – Suspect allege subject to
Writ Of Mandamus

LIST OF PARTIES – Continued

Gulick, Esquire, Robin C. – Counsel for Robin C. Gulick, Administrator of the Estate of Edward Jesse Holbrook having Lowry Jock Miller, Esquire as best friend who hired him without my approval (conflict of interest) and Lowry Jock Miller, Esquire having Nationwide Mutual Insurance Company, a Foreign Corporation on retainer – Complaints filed with Virginia State Bar (Supreme Court Of United States Case No. 03-1242)

Hackett, Debra P. – United States District Court, Middle District of Alabama – Clerk Of Court

Herring, Virginia Attorney General Mark R. – Co-counsel for United States of America (Waiver record in Supreme Court of the U. S. Case No. 10-1490, as well as, Supreme Court of the U. S. Case No. 01-31)

Holbrook, Diane AKA Holbrook, Diane L. – Petitioner

Holder, Attorney General Of The United States Eric – Counsel for United States Of America (Waiver record in Supreme Court Of The United States Case No. 10-1490)

King, Alabama Attorney General Troy – Co-counsel for United States Of America (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Kravitch, Judge Phyllis A. – United States Court of Appeals for the Eleventh Circuit – Suspect allege subject to United States Of America for Respondent (Waiver record in Supreme Court Of The United States Case No. 10-1490)

LIST OF PARTIES – Continued

Labarga, Chief Justice Jorge – Supreme Court Of Florida – Suspect allege subject to Writ Of Mandamus

Larimore, Steven M. formally was Maddox, Clarence (GOA removed) – Wilkie D. Ferguson, Jr. United States Courthouse – Clerk Of Court

Lasch, Esquire, Doreen E. – Ronnies LLC, et al. – Counsel for Respondent

Lawson, Justice C. Alan – Supreme Court Of Florida – Suspect allege subject to Writ Of Mandamus

Levine, Judge Spencer D. – District Court of Appeal of Florida, Fourth District – Suspect allege subject to Writ Of Mandamus

Lewis, Justice R. Fred. – Supreme Court Of Florida – Suspect allege subject to Writ Of Mandamus

Ley, John – United States Court of Appeals for the Eleventh Circuit – Clerk Of Court

LUKS, SANTANIELLO, PETRILLO & JONES – Law Firm Offices for co-counsel representing Ronnies LLC, et al., for Respondent

Lynch, Jr., United States Magistrate Judge Frank J. – U.S. District Court, Southern District of Florida – Suspect allege subject to United States Of America for Respondent (Waiver in Supreme Court Of The United States Case No. 10-1490)

LIST OF PARTIES – Continued

Marcus, Judge Stanley – United States Court of Appeals for the Eleventh Circuit – Suspect allege subject to United States Of America for Respondent (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Marshall, Alabama Attorney General Steve – Co-counsel for United States of America (Waiver record in Supreme Court of the U. S. Case No. 10-1490)

Mast, United States House Of Representative Brian – All of the United States House of Representatives to Discretion means a power conferred upon them by law of acting officially (Constituent – US Const. Amend. XIV, Section 5)

May, Judge Melanie G. – District Court Of Appeal Of Florida, Fourth District – Suspect allege subject to Writ Of Mandamus

McCann, Judge James W. – Martin County Circuit Court – Suspect allege subject to Writ Of Mandamus

McManus, Judge F. Shields – Martin County Circuit Court – Suspect allege subject to Writ Of Mandamus

Metzger, Chief Judge Elizabeth A. – Martin County Circuit Court – was Metzger, Esquire, Elizabeth A. – Counsel for Second Housing Corporation, et al., or Sugar Pines Homeowner's Association and/or Sugar Pines, Inc. and Jon L. Oswald as interested owner and/or President of Second Housing Corporation, et al., or Sugar Pines Homeowner's

LIST OF PARTIES – Continued

Association and/or Sugar Pines, Inc. and State Farm Fire and Casualty Insurance Company (as THE Carrier) – Complaints filed with Florida State Bar (Supreme Court Of The United States Case No. 03-1242)

Miller, Esquire, Lowry Jock – Counsel for Carlin T. Hunter, Administrator of the Estate of Dale B. Holbrook having (conflict of interest) Nationwide Mutual Insurance Company, a Foreign Corporation on retainer, as well as, Nationwide Mutual Insurance Company, a Foreign Corporation- Complaints filed with Virginia State Bar (Supreme Court Of United States Case No. 03-1242, as well as, Supreme Court Of United States Case No. 01-31)

Miller, Miller, Kearney & Geschickter, LLP – Law Firm Offices for co-counsel representing Carlin T. Hunter, Administrator of the Estate of Dale B. Holbrook having (conflict of interest) Nationwide Mutual Insurance Company, a Foreign Corporation on retainer, as well as, Nationwide Mutual Insurance Company, a Foreign Corporation – Complaints filed with Virginia State Bar (Supreme Court Of U.S. Case No. 03-1242, as well as, Supreme Court Of U.S. Case No. 01-31)

Mirman, Judge Lawrence M. – Martin County Circuit Court, as well as, Martin County Appeal Circuit Court – Suspect allege subject to Writ Of Mandamus/Malfeasance (conflict of interests)

LIST OF PARTIES – Continued

Moss, Lauren formally was Vancura, Cheri – Martin County Circuit Court – Chief Deputy Clerk Of Court

Murphy, United States House Of Representative Patrick E. – All of the United States House Of Representatives to Discretion means a power conferred upon them by law of acting officially (Constituent – U.S. Const. Amend. XIV, Section 5)

Nationwide Mutual Insurance Company, a Foreign Corporation (Supreme Court Of United States Case No. 01-31)

Neeley, Esquire, R. Randolph – Assistant counsel for United States Of America (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Nelson, United States Senator Bill – All of the United States Senates to Discretion means a power conferred upon them by law of acting officially (Constituent)

Newman, Esquire, Hayley Erica – Ronnies LLC, et al. – Counsel for Respondent

Nogues, Esquire, Shana Pollack – Ronnies LLC, et al. – Counsel for Respondent

Pariente, Justice Barbara J. – Supreme Court Of Florida – Suspect allege subject to Writ Of Mandamus

Perry, Justice James E.C. – Supreme Court Of Florida – Suspect allege subject to Writ Of Mandamus

LIST OF PARTIES – Continued

Peterson, Bernard, Vandenberg, Zei, Geisler & Martin, P.A. – Law Firm Offices for co-counsels representing Second Housing Corporation, et al., or Sugar Pines Homeowner's Association and/or Sugar Pines, Inc. and Jon L. Oswald as interested owner and/or President of Second Housing Corporation, et al., or Sugar Pines Homeowner's Association and/or Sugar Pines, Inc. and State Farm Fire and Casualty Insurance Company (as THE Carrier) – Complaints filed with Florida State Bar (Supreme Court Of The United States Case No. 03-1242)

Polston, Justice Ricky – Supreme Court of Florida – Suspect allege subject to Writ Of Mandamus

Pressure Cleaning Services, Inc. and SAFECO Property & Casualty Insurance Companies American States (as THE Carrier) et al. – (Supreme Court Of The United States Case No. 03-1242)

Quince, Justice Peggy A. – Supreme Court Of Florida – Suspect allege subject to Writ Of Mandamus

Roberts, Judge Kathleen – Martin County Court – Suspect allege subject to State Of Florida for Respondent (No Waiver record and no response in Supreme Court Of The United States Case No. 10-1490)

Roby, Judge William L. – Martin County Circuit Court – Suspect allege subject to State Of Florida for Respondent (Supreme Court Of The United States Case No. 03-1242)

LIST OF PARTIES – Continued

Rubio, United States Senator Marco – All of the United States Senates to Discretion means a power conferred upon them by law of acting officially (Constituent)

Rumberger, Kirk & Caldwell, P.A., P.C. – Law Firm Offices for co-counsels representing Castle Key Insurance Company, a Foreign Profit Corporation FKA Allstate Floridian Insurance Company (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Santaniello, B.C.S., Daniel J. – Co-counsel for Ronnies LLC, et al. – for Respondent

Second Housing Corporation, et al., or Sugar Pines Homeowner's Association and/or Sugar Pines, Inc. and Jon L. Oswald as interested owner and/or President of Second Housing Corporation, et al., or Sugar Pines Homeowner's Association and/or Sugar Pines, Inc. and State Farm Fire and Casualty Insurance Company (as THE Carrier) et al. – (Supreme Court Of The United States Case No. 03-1242)

Sessions, Attorney General Of The United States Jeff – Counsel for United States of America

Spence, Esquire, Elwyn Berton – Counsel for Castle Key Insurance Company, a Foreign Profit Corporation FKA Allstate Floridian Insurance Company (Waiver record in Supreme Court Of The United States Case No. 10-1490)

LIST OF PARTIES – Continued

State Of Florida – Respondent (No Waiver record and no response in Supreme Court Of The United States Case No. 10-1490)

Taylor, Judge Carole Y. – District Court Of Appeal Of Florida, Fourth District -Suspect allege subject to Writ Of Mandamus

The Florida Legislature – Suspect allege subject to State Of Florida for Respondent (No Waiver record and no response in Supreme Court Of The United States Case No. 10-1490)

Thompson, United States District Judge Myron Herbert – United States District Court, Middle District of Alabama – Suspect allege subject to United States Of America for Respondent (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Timmann, Carolyn formally was Ewing, Marsha (retired) – Martin County Circuit Court – Clerk Of Court

Tomasino, John A. – Supreme Court Of Florida – Clerk Of Court

United States Department Of Justice – Civil Rights and/or Civil and/or Criminal Division(s) – Washington, DC – Office of Professional Responsibility Complaints filed with the Honorable United States Senator Bill Nelson and/or United States House Of Representatives Patrick E. Murphy, former Thomas Joseph “Tom” Rooney, former Timothy Edward “Tim” Mahoney, and former Mark Foley.

LIST OF PARTIES – Continued

United States Of America – Respondent (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Virginia State Bar – Board of Professional Responsibility Complaints filed with

Walker, Chief Magistrate Judge Susan Russ – United States District Court, Middle District of Alabama – Suspect allege subject to United States Of America for Respondent (Waiver record in Supreme Court Of The United States Case No. 10-1490)

Wall, Solicitor General Of The United States Jeffrey B. — Counsel for United States of America

Warner, Judge Martha C. – District Court Of Appeal Of Florida, Fourth District – Suspect allege subject to Writ Of Mandamus

Weissblum, Lonn formally was Beuttenmuller, Marilyn – District Court Of Appeal Of Florida, Fourth District – Clerk Of Court

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OPINION BELOW

To review and to be relevant by applying the established Supreme Court of the United States' Common Law of *United States v. Ohio Power Company*, 353 U.S. 98; 77 S. Ct. 652; 1 L.Ed.2d 683 (U.S. Supreme Court 1957). Whereas, outcome: "The Court granted the petition for rehearing (Petition for Writ of Certiorari), vacated the Order(s) denying Certiorari(s), granted the Petition for Certiorari(s), and reversed the judgment of the Court of Claims." Orders of Denial were vacated and then Granted so that the present Case, presenting the same question(s) with the other Cases, would be answered. That exceptional circumstances warrant the exercise of this Court's discretionary powers, and that obviously, adequate relief cannot be obtained from any other Court.

The other Supreme Court of the United States Cases are as follows:

- 1) Supreme Court of the United States – May 31, 2016 – Rehearing Denied Case #15-7570 *Holbrook, Diane v. Ronnies LLC*,
- 2) Supreme Court of the United States – April 18, 2016 – Petition Certiorari Denied Case #15-7570 *Holbrook, Diane v. Ronnies LLC*,
- 3) Supreme Court of the United States – December 1, 2014 – Rehearing Denied Case #14-5368 *Holbrook, Diane v. Ronnies LLC*,
- 4) Supreme Court of the United States – October 6, 2014 – Petition Certiorari Denied

Case #14-5368 *Holbrook, Diane v. Ronnies LLC*,

5) Supreme Court of the United States – November 28, 2011 – Rehearing Denied Case #10-1490 *Holbrook, Diane L. vs. Castle Key Ins. Co., A Foreign Profit Corp. FKA Allstate Floridian Ins. Co., et al.*

6) Supreme Court of the United States – October 3, 2011 – Petition Certiorari Denied Case #10-1490 *Holbrook, Diane L. vs. Castle Key Ins. Co., A Foreign Profit Corp. FKA Allstate Floridian Ins. Co., et al.*

7) Supreme Court of the United States – June 21, 2004 – Rehearing Denied Case #03-1242 *In Re Diane L. Holbrook v. Petition For A Writ Of Mandamus Or Prohibition, et al.*, as well as, *Holbrook, Diane L. v. Eileen Buchmann, et al.*, Supreme Court of the U.S. Case #03-1242; 4th DCA Case #4D03-187; Lower Court Case #01-937 CA (reopened 2016 in Lower Court pending decisions of Supreme Court of U.S. Case #17-A141)

8) Supreme Court of the United States – May 3, 2004 – Petition Certiorari Denied Case #03-1242 *In Re Diane L. Holbrook v. Petition For A Writ Of Mandamus Or Prohibition, et al.*

9) Supreme Court of the United States – December 1, 2003 – Rehearing Denied Case #02-1613 *Holbrook, Diane L. v. Allied Van Lines, Inc.*

10) Supreme Court of the United States – October 6, 2003 – Petition Certiorari Denied

Case #02-1613 *Holbrook, Diane L. v. Allied Van Lines, Inc.*

11) Supreme Court of the United States – December 3, 2001 – Rehearing Denied Case #01-31 *Holbrook, Diane L. v. Nationwide Mutual Ins. Co., a Foreign Corp.*

12) Supreme Court of the United States – October 1, 2001 – Petition Certiorari Denied Case #01-31 *Holbrook, Diane L. v. Nationwide Mutual Ins. Co., a Foreign Corp.*

JURISDICTION

This Court has jurisdiction to review the decision of the Fourth District Court of Appeal of the State of Florida pursuant to 28 U.S.C. § 1257(a), as the Florida Supreme Court has declined to accept jurisdiction over the dispute.

RELEVANT CONSTITUTIONAL/ STATUTORY PROVISIONS INVOLVED

(with relevant verbatim text)

Constitution of the State of Florida (as revised in 1968), Article V. Judiciary Section 2(a). Administration; Practice and Procedure. – “The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any

proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought.”

Constitution of the State of Florida, Article V, Section 3 Supreme Court (b) Jurisdiction (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.

United States Constitution, Amendment VII: First, known as the Preservation Clause, provides: “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.” This clause sets out the types of cases juries are required to decide. The second clause, known as the Re-examination Clause, declares: “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. This clause prevents federal judges from overturning jury verdicts in certain ways.”

United States Constitution, Table of Citation on Article VI, Clause 2: provides that: “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, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

United States Constitution, Amendment XIV, Section 1: provides that: “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.”

United States Constitution, Amendment XIV, Section 5: provides that: “The Congress shall have power to enforce, . . . , the provisions of this article.”

28 U.S.C. § 1361 provides that: “Action to compel an officer of the United States to perform his duty.”

28 U.S.C. § 1654 provides that: “is fundamental statutory right that is afforded highest degree of protection.”

Florida Statute 48.031

Florida Statute 48.081(3)(b)

Florida Statute 812.014(1)(a)(b) “A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another

with intent to, either temporarily or permanently.”
(a) “Deprive the other person of a right to the property or a benefit from the property.” (b) “Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.”

Florida Statute 839.13(2)(d) “does not prohibit any person from correcting or updating records.”

Florida Rule of Appellate Procedure Rule 9.010
“These rules, cited as “Florida Rules of Appellate Procedure,” . . . on March 1, 1978. They shall govern all proceedings commenced on or after that date in the supreme court, the district courts of appeal, and the circuit courts in the exercise of the jurisdiction described by rule 9.030(c); **These rules shall supersede all conflicting statutes** and, as provided in Florida Rule of Judicial Administration 2.130, all conflicting rules of procedure.”

Florida Rule of Appellate Procedure Rule 9.030(a)(2)(A)

Florida Rule of Appellate Procedure Rule 9.300(a)
Contents of Motion; Response. “With the exception of motions filed pursuant to rule 9.410(b), a party may serve 1 response to a motion within 10 days of service of the motion.”

Florida Rule of Appellate Procedure Rule 9.315(c)
Motions Not Permitted. This rule may be invoked only on the court’s own motion. A party may not request summary disposition. “Court Commentary 1987. This rule contemplates a screening process by the appellate courts. More time will be spent early in the case to

save more time later. The rule is fair in that appellant has an opportunity to file a full brief. The thought behind this proposal is to allow expeditious disposition . . . **obviously meritorious appeals.**"

Florida Rule Civil Procedure Rule 1.010 "These rules apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts These rules shall be construed to secure the just, speedy, and inexpensive determination of every action."

Florida Rule Civil Procedure Rule 1.140(a)(1) "Unless a different time is prescribed in a statute of Florida, a defendant shall serve an answer within 20 days after service of original process and the initial pleading on the defendant, or not later than the date fixed in a notice by publication."

Florida Rule Civil Procedure Rule 1.500(e)

Florida Rule Civil Procedure Rule 1.525 **MO-
TIONS FOR COSTS AND ATTORNEYS' FEES** "Any party seeking a judgment taxing costs, attorneys' fees, or both shall serve a motion no later than 30 days after filing of the judgment, including a judgment of dismissal, or the service of a notice of voluntary dismissal, which judgment or notice concludes the action as to that party." Committee Notes 2000 Adoption. This rule is intended to establish a time requirement to serve motions for costs and attorneys' fees.

Florida Rule Civil Procedure Rule 1.540(a) Relief From Judgment, Decrees, or Orders (a) Clerical Mistakes. Clerical mistakes in judgments, decrees, or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time on its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal such mistakes may be so corrected before the record on appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

Florida Rule Civil Procedure Rule 1.540(b)(3) Relief From Judgment, Decrees, or Orders (b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. (3) states: fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

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STATEMENT OF THE CASE

Petitioner/Appellant/Plaintiff will be referred to as Plaintiff. Respondent/Appellee/Defendant will be referred to as Defendant. This is an action for damages to Plaintiff, DIANE HOLBROOK, Classic Nissan that was damaged with incident occurring about May 22, 2009 on Defendant's property with expenses incurred by Defendant, RONNIES LLC, et al.. Defendant's behavior clearly shows extreme and outrageous conduct by endless delays of taking care of Plaintiff's Claim

while, RONNIES LLC, et al., when being an owner of the Terry RV Travel Trailer took priority for disassembling down to bare trailer was near the damaged vehicle. Extreme and outrageous conduct is behavior, which, under the circumstances, goes beyond all possible bounds of decency and is regarded as shocking, atrocious, and utterly intolerable in a civilized community. If Plaintiff's Claim was attended to promptly by the Defendant, then could have prevented the resulting interior mold damages.

On June 12, 2011, over two years later, all of the damages were still unattended to. Results from numerous delays, Claim includes interest rate as clearly stated from date of occurrence long before Court filing met of four year Statute of Limitation.

Plaintiff's Claims for negligent misrepresentation are: First, the Defendant was negligent in making the statement of a sole tree branch when it was a large tree because Defendant should have known the statement was false; Second, in making the statement, Defendant intended or expected that another would rely on the statement; Third, the false statement was a legal cause of loss, injury or damage to Plaintiff, because of suspect Defendant, RONNIES LLC, et al.'s alleged theft.

It appears that Florida recognizes two separate theories of recovery for damage occurring as a result of misrepresentation. One basis of recovery is for fraud and the other is for negligent misrepresentation.

John Lorenzo reports that water damages were pre-existing without facts and doesn't indicate Nissan

Parts. Records show facts of this vehicle was never flooded nor any accident before this incident occurred. My deceased husband and I bought new. Furthermore, non-Nissan parts didn't fit Plaintiff's vehicle.

On or about June 13, 2011, being over two years later, the Classic vehicle being unrestored to its condition before the incident occurred and still with open Claims for damages from the incident, was allegedly stolen by the Defendant by the call made from the Defendant's Manager Marlene Migliore without legal authority. See Table of Citation on Fla. Statute 812.014 Theft – (1). Because of ongoing open Claim for damages from the incident about May 22, 2009, the Defendant deprived the Plaintiff of property when they wrongfully removed it from the property.

When the Defendant called Kauff's Towing Service to remove the Classic vehicle with still an open Claim and without legal authority grounds, then the Defendant alleged theft.

Due to extreme time element on taking care of open Claim damages for years, then alleged theft thereafter by Defendant's behavior clearly shows extreme and outrageous conduct. The intentionally untrue and libelous statements about the Petitioner, perpetuating the irreparable harm to the Petitioner's reputations of being a great citizen that was born in this great country of the United States of America.



REASONS FOR GRANTING THE WRIT

On May 21, 2013, a timely filed Complaint includes interest, fees and costs per Fla.R.C.P. Rule 1.525, before four year Statute of Limitation expired, with having slight defects was filed. Defendant's untimely filed Answer electronic on June 18, 2013. See Table of Citation on Fla.R.C.P. Rule 1.140(a)(1) on their Answer due. No Motion For Extension of Time Court filed.

SUMMONS: PERSONAL SERVICE ON AN INDIVIDUAL TO: ERIC P. PLATERO (Registered Agent for Ronnies, LLC). Florida Statute 48.081(3)(b) Service on corporation in accordance with Florida Statute 48.031. On May 23, 2013 at 11:00 a.m. the Defendant was officially served. Twenty day Answer deadline by June 12, 2013. Plaintiff entitled to Default against Defendant. Final Judgment after default may be entered by the court at any time.

So, under the Supremacy Clause, state laws or actions violating or disregarding federal law are **invalid**. See United States Constitution, Article VI, Clause 2. See *Shaw v. Delta Air Lines*, 463 U.S. 85, 96 n.14 (1983). In other words, where state laws conflict or clash with federal statute(s), state law must bow down and yield to federal law. Thus, if a state court judgment seeks to enforce a state statute – but at the expense of federal law, or the U.S. constitution, the judgment is void and unconstitutional [void ab initio] as a matter of law. The unconstitutional order may be attacked or challenged **at any time**, whether it is appealed or not,

and is a legal “**nullity**” – as though it never existed; See “Law of void judgments”. A “Judgment” or order which violates constitutional due process, or some other constitutionally “protected right(s)” is VOID (not voidable), whether or not it was/is ever appealed.

Reference to common law “*Laurene Capone, Petitioner v. Florida Board of Regents*, 774 So.2d 825 (Fla.2000)” states “Neither trial nor appellate Courts in Florida are authorized to extend the time for filing no matter what reason or method is employed in an attempt to do so.” [opposite Order – unconstitutional]

Reference to the Fla.R.C.P. Rule 1.140(a)(1) which would have barred the Defendant due to time stringent.

Issues are with the Clerks of the Court mistakes or omissions Fla.R.C.P. Rule 1.540(a). Due to the Clerks of the Court filing process, in addition the entitled to Defaults against the opposing parties are not being processed. If Defaults had been entered by the Clerks of the Court and filed in a timely manner by the end of day then pursuant to referred to Fla.R.C.P. Rule 1.500(e) states: “Final Judgment after default may be entered by the court at any time.” Therefore, may be entered against the Defendant, Ronnies, LLC d/b/a Ronny’s RV Park back in the year of 2013. [matches Federal R.C.P. Rule 60(a) – unattended to by Clerk Of Courts]

Furthermore, within the State of Florida, a jury verdict on common law “*City of Jacksonville vs. Foster, et al.*, 41 So.2d 548” whereas the verdict shows

Defendant's liability and 100% negligence matched and was presented within Petitioner's transcript in the year of 2013. Defendant finally admitted liability in the year 2017, after the Defendant violated the Fla.R.A.P. Rule 9.315(c) by the Defendant presenting a Motion for a Partial Summary Judgment whereas, Fla.R.A.P. Rule 9.315(c) states: **Motions Not Permitted**. This rule may be invoked only on the court's own motion. A party may not request summary disposition. However, the party did it anyway. Then, once Granted, transferred the Case from Circuit Court to a lower County Court. Then, the Defendant was Granted by the County Court Judge over \$17,000.00 Attorneys fees and costs all because the **Motions Not Permitted** that the party did anyway and got away with it. [unconstitutional]

Furthermore, within County Court setting and after Jury trial dates are given, then the Defendant done a load of Motions for Limine (like) Plaintiff cannot produce Photos because now the Defendant is admitting liability and Plaintiff cannot have any witnesses because now the Defendant is admitting liability and Plaintiff cannot say the word Insurance (Plaintiff received Claim numbers from the Defendant's Insurance Company directly and Statement of the Case shows they Breach their Contract with their own Defendant). If the Plaintiff says one word to the Jury of Insurance, then the Plaintiff will pay every Jury's time and all others in his Court. [breach of contract with defendant should create punitive damages directly to defendant's

insurance company for responsibility of claims unattended]

The County Court Judge cancels the Jury Trial itself before the date violates the provisions of **United States Constitution, Amendment VII**: "the right of trial by jury shall be preserved." [unconstitutional actions]

Motions for Limine do more harm for Civil Cases and Civil Rights Cases and Criminal Cases than it does any good. That is why there are over 100 individuals, within the State of Florida alone, that are currently exonerated by the State of Florida. [amend the laws to abolish or minimize usage of "limine" to not seized as security for a judgment]

Review of any order or judgment certified by a trial Court, review of any order or judgment certified by the Fourth District Court of Appeals, and review of any order or judgment certified by the Supreme Court of Florida **to have a great effect on the proper administration of justice throughout the state**, and certified to require immediate resolution by Supreme Court of the United States.

"In deciding whether to issue mandamus, the Supreme Court must not only determine whether there are exceptional circumstances amounting to a judicial usurpation of power," *Will v. United States*, 389 U.S. 90, 95, or "a clear abuse of discretion," *Bankers Life & Casualty Co. v. Holland*, 346 U.S. 379, 383, but must also ask whether the Court's actions constituted an

unwarranted impairment of a higher Court or another branch in the performance of its constitutional duties.”

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CONCLUSION

For the reasons stated above, Petitioner Diane L. Holbrook respectfully requests that this Honorable Supreme Court of the United States accept jurisdiction. The Petition for a Writ of Certiorari should be Granted which allows this Honorable Court to consider the merits of Petitioner and preserve common laws of *Byrd v. Stewart*, 811 F.2d 554, 555 (11th Cir. 1987); *Devine v. Indian River County Sch. Bd.*, 121 F.3d 576 (11th Cir. Fla. 1997); 28 U.S.C. § 1654; and *United States v. Jordan*, 915 F.2d 622, 624-25 (11th Cir. 1990), cert. denied, – U.S. –, 111 S. Ct. 1629, 113 L.Ed.2d 725 (1991). To institute Automatic Computerized System to have a great effect on the proper administration of justice throughout the state and to apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts. These shall be construed to secure the just, speedy, and inexpensive determination of every action.

Respectfully submitted,

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