

No. 17-798

In The
Supreme Court of the United States

DIANE L. HOLBROOK,

Petitioner,

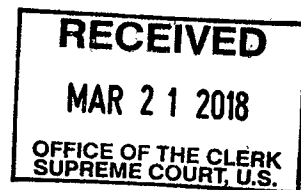
vs.

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 REHEARING



DIANE L. HOLBROOK
2069 NE Collins Circle, #7-1
Jensen Beach, Florida 34957-6685
Email: vwyz2001@yahoo.com
Telephone: (772) 287-2519

QUESTIONS PRESENTED

1. Whether the decisions of the Respondent/Appellee/Defendant signing a Waiver of the U.S. Supreme Court, instead of Responding directly to the U.S. Supreme Court, and then before the Conference to be made date arrives, **decides to show total disrespect to the U.S. Supreme Court** by scheduling a Hearing in lower Court with **deception act** would warrant a reversed decision from denied to grant?
2. Whether questions to be of great public importance or to have great effect on the proper administration of Justice? Exceptional circumstances warrant the exercise of this Honorable Court's discretionary powers and that adequate relief cannot be obtained from any other Court. Relevant by decisions from a U.S. Supreme Court's Common Case Law reverse denied to grant.
3. Whether the decisions of the County Court of the 19th Judicial Circuit in and for Martin County, Florida that expressly and directly conflicts with the established decisions of the U.S. Supreme Court regarding U.S. Constitutional Rights by their own orders which violates constitutional due process, or some other constitutionally "protected right(s)"?
4. Whether the decisions of the County Court of the 19th Judicial Circuit in and for Martin County, Florida that expressly and directly conflicts with the established decisions of the Supreme Court of Florida regarding State of Florida Constitutional Rights by their own orders which violates constitutional due process, or some other constitutionally "protected right(s)"?

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Appendix A – CERTIFIED COPY OF THE MARTIN COUNTY COURT OF THE 19TH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA'S ORDER DATED MARCH 5, 2018 NOTE: SCHEDULE OF HEARING DONE ON JANUARY 19, 2018 (SEE SCOTUS PAGES APP. 15-APP. 18) SOUGHT TO BE REVERSED.....	App. 1
Appendix B – CERTIFIED COPY OF NOTICE OF FILING THAT WAS SERVED AND FILED IN THE MARTIN COUNTY COURT OF THE 19TH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA ON FEBRUARY 25, 2018 WITH ATTACH SHOWS DEFENDANT SIGN WAIVER INSTEAD OF RESPONDING TO THE U.S. SUPREME COURT REGARD- ING AN ORDER FOR REVIEW INDICATE DISRESPECT TO THIS HONORABLE HIGH- EST COURT	App. 3
Appendix C – COPY OF THE U.S. SUPREME COURT'S ORDER DATED FEBRUARY 20, 2018 SOUGHT TO BE REVERSED.....	App. 16

PETITION FOR REHEARING

To review and to be relevant by what happened since entering the U.S. Supreme Court as follows:

1. Petitioner timely filed Petition for Writ of Certiorari postmarked by November 17, 2017.
2. See Appendix B Notice Of Filing – Only two waivers signed Exhibit II timely, then Exhibit III timely from Law Firm of the Respondent.
3. See Appendix B Notice Of Filing – Exhibit V Notice Of Hearing Certificate Of Service dated January 19, 2018 for Exhibit VI Defendant's Ronnies LLC, Motion For Amended Order On Defendant's Request To Determine Reasonable Attorney's Fees Following The Granting Of Entitlement To Attorney's Fees And Costs Pursuant To February 6, 2017 Court Order Pursuant To The Supreme Court Of Florida's October 6, 2017 Order Granting Attorney's Fees.
4. See Supreme Court of the United States in Petition For Writ Of Certiorari pages App.15 through App.18 whereas Certified Order dated October 6, 2017 and then Certified Order dated February 6, 2017, include as a part by incorporated within June 21, 2017 Certified Order **are both sought to be reversed**. The Respondent/Appellee/Defendant **decides to show total disrespect to this Honorable Court**, after January 17, 2018 posting of the Distributed for Conference of

February 16, 2018 by scheduling a Hearing to the County (Lower) Court on January 19, 2018. This implies that the Respondent/Appellee/Defendant should have known *two days earlier and did it anyway* **giving allegedly total disrespect to the U.S. Supreme Court** (*level of highest Court in the U.S.A.*).

5. The original County Court Judge on this Case resigned according to local newspaper: "<https://www.tcpalm.com/story/news/local/martin-county/2018/02/06/martin-county-judge-curtis-disque-resigns-bench/311154002/>" On February 1, 2018, he has officially resigned and is no longer a Judge newspaper web site states as follow: "Martin County Judge Curtis Disque quit his elected position on the bench, according to a letter he sent to Gov. Rick Scott's office." "He couldn't be reached for comment Tuesday." "Disque's last day was Feb. 1."

6. On February 20, 2018, the petition for a writ of certiorari was denied signed by Scott S. Harris, Clerk without any opinions given. Was the Petition for a Writ of Certiorari even reviewed by all of the Honorable Justices of this Court? Was the Respondent/Appellee/Defendant's Notice Of Hearing dated January 19, 2018 for Defendant's Ronnies LLC, Motion etc. . . . reason for possibly a **temporary denial** because the Notice Of Hearing was placed before Distributed for Conference of February 16, 2018 could **possibly be reversed to granted** once this March 9, 2018 final Order **is included**?

7. On March 9, 2018 at 9:15 am, a fill-in Judge Kathleen H. Roberts rightfully scratched off "AGREED" and rightfully scratched off "upon the agreement of the parties" and initialed the changes. This indicates first existing on the Order provided to the Judge for signature and because Petitioner/Appellant/Plaintiff **never agreed to the Motion ever**, then shows **deception act had transpired** by the Respondent/Appellee/Defendant. This Judge is only a fill-in Judge due to the resignation of Judge on this Case.

ARGUMENTS

Respondent/Appellee/Defendant decision has **allegedly shown total disrespect to the U.S. Supreme Court** by scheduling a Hearing in lower Court, instead of responding to this Honorable Court on the same Orders sought to be reversed, as well as, Order presented to the lower Court shows **deception act had transpired** by the Respondent/Appellee/Defendant **violates RELEVANT CONSTITUTIONAL/STATUTORY PROVISIONS INVOLVED** 1. **Constitution of the State of Florida (as revised in 1968), Article V. Judiciary Section 2(a). Administration; Practice and Procedure.** – 2. **Constitution of the State of Florida, Article V, Section 3 Supreme Court (b) Jurisdiction (3).** – 3. **United States Constitution, Table of Citation on Article VI, Clause 2:** "This Constitution, . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound

thereby. 4. **United States Constitution, Amendment XIV. Section 1:** “. . . within its jurisdiction the equal protection of the laws.” 5. **United States Constitution, Amendment XIV. Section 5:** provides that: “The Congress shall have power to enforce, . . . , the provisions of this article.” 6. **28 U.S.C.S. Statute 1654** provides that: “is fundamental statutory right that is afforded highest degree of protection.”



REASONS FOR GRANTING THE REHEARING

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.



CONCLUSION

For the reasons stated above, Petitioner Diane L. Holbrook respectfully requests that this Honorable U.S. Supreme Court accept jurisdiction for the Petition For Rehearing should be Granted. That exceptional circumstances warrant the exercise of this Court's discretionary powers, and that, obviously, adequate relief cannot be obtained from any other Court.

Respectfully submitted,

DIANE L. HOLBROOK
2069 NE Collins Circle, #7-1
Jensen Beach, Florida 34957-6685
Email: vwyz2001@yahoo.com
Telephone: (772) 287-2519

CERTIFICATE OF A PARTY

Pursuant to Rule 44.2, Petitioner certifies that the Petition is restricted to the grounds specified in the Rule with substantial grounds not previously presented. Petitioner certifies that this Petition for Re-hearing is presented in good faith and not for delay.

By: _____
DIANE L. HOLBROOK
DIANE L. HOLBROOK
2069 NE Collins Circle, #7-1
Jensen Beach, Florida 34957-6685
Email: vwy2001@yahoo.com
Telephone: (772) 287-2519

App. 1

IN THE COUNTY COURT OF THE
19TH JUDICIAL CIRCUIT IN AND
FOR MARTIN COUNTY, FLORIDA
CASE NO.: 432016CC000738CCAXM
DIANE HOLBROOK,
Plaintiff,

v.

RONNIES LLC, d/b/a RONNY'S RV
PARK,
Defendant.

**AGREED ORDER ON DEFENDANT'S MOTION
FOR AMENDED ORDER ON DEFENDANT'S
REQUEST TO DETERMINE REASONABLE
ATTORNEY'S FEES FOLLOWING THE
GRANTING OF ENTITLEMENT TO
ATTORNEY'S FEES AND COSTS PURSUANT
TO FEBRUARY 6, 2017 COURT ORDER**

(Filed Mar. 9, 2018)

THIS CAUSE came before the Court [KR /s/] ~~upon~~
~~the agreement of the parties~~, and the Court having
been otherwise duly advised in the premises, it is here-
upon,

ORDERED as follows:

The Defendant's Request to Determine Reasona-
ble Attorney's Fees is **GRANTED**. An award of Attor-
ney's fees is granted in favor of Defendant in the
amount of \$19,537.50 (amended from \$17,037.50 as

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previously determined by this Court to add \$2,500.00 as granted by The Supreme Court of Florida on October 6, 2017). This Court reserves ruling on any entitlement to any future appellate attorney fees.

DONE AND ORDERED in chambers in Stuart, Martin County, Florida this 9 day of March, 2018.

/s/ Kathleen H. Roberts
County Court Judge

[Copies furnished to *See attached Service List.*]

[Service List Omitted]

App. 3

IN THE COUNTY COURT OF THE 19th
JUDICIAL CIRCUIT IN AND FOR
MARTIN COUNTY, FLORIDA

DIANE HOLBROOK,
Plaintiff,

CASE NO.: 432016CC
000738CCAXMX

vs. . .

RONNIES LLC, et al.,
Defendant.

/

NOTICE OF FILING

(Filed Feb. 25, 2018)

Petitioner/Plaintiff, DIANE HOLBROOK, hereby notifies this Honorable Court that a true and correct copy of the attachments to be entered in the related Case is attached hereto as follows:

1. Exhibit I – Page was posted regarding second property of where I'm renting.
2. Exhibit II – Copy of Supreme Court of the United States WAIVER signed, received, and filed on December 13, 2017 by the Assistant Attorney General Charles J. F. Schreiber, Jr.
3. Exhibit III – Copy of Supreme Court of the United States WAIVER signed, received, and filed on January 2, 2018 by the Counsel Shana P. Nogues, Esquire from Law Firm of Luks. Santaniello, Petrillo & Jones for Respondent/Defendant.

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4. Exhibit IV – Copy of envelope from Law Firm of Luks, Santaniello, Petrillo & Jones for Respondent/Defendant showing postal stamped date January 19, 2018 with wrong address which was forwarded to correct address after historically receiving and filed Notice of Change of Address.
5. Exhibit V – Two pages combined of the Defendant's Notice of Hearing scheduled by Defendant's Counsel/Law Firm for Friday, March 9, 2018.
6. Exhibit VI – Three pages combined of the Defendant's Motion for Order . . . Pursuant to February 6, 2017 Court Order and pursuant to October 6, 2017 Court Order of which Petitioner/Plaintiff has objections to the Motion. Furthermore, under SERVICE LIST does not include State of Florida, Attention: Assistant Attorney General Charles J. F. Schreiber, Jr.

[Certificate Of Service Omitted]

[Service List Omitted]

App. 5

For Sale Directly by Owners
Serious Inquiries Only – Tenants Residing



Savanna Club

2083 NE Collins Circle – Building 8 – Unit 10
Jensen Beach, Florida 34957

1 Bedroom – Bottom Floor – All Tile Floor –
Beautiful Currently has tenant \$78,900.00

Savanna Club

2069 NE Collins Circle – Building 7 – Unit 1
Jensen Beach, Florida 34957

1 Bedroom – Bottom Floor – All Tile Floor –
Beautiful

Currently has tenant \$78,900.000

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Now taking a deposit for sale to completed any time after January 1st, 2018 for tax purposes. Perspective new owner(s) must have interview and be qualified by the Savanna Club HOA.

Call (owner) Mary Cooper at 772-201-0948.

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 17-798

Diane L. Holbrook v. Ronnies LLC
(Petitioner) (Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate boxes:

- ☐ Please enter my appearance as Counsel of Record for all respondents.
- ☐ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

- ☒ I am a member of the Bar of the Supreme Court of the United States.

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- ☐ I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member.

Signature /s/ Charles J. F. Schreiber, Jr.

Date: December 13, 2017

(Type or print) Name Charles J. F. Schreiber, Jr.

☒ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Firm Office of the Attorney General, Department
of Legal Affairs, State of Florida

Address The Capitol PL-01

City & State Tallahassee, Florida Zip 32399-1050

Phone 850-414-3300 Email charles.schreiber@
myfloridalegal.com

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

CC: Diane L. Holbrook

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WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 17-798

Diane Holbrook v. Ronnies LLC
(Petitioner) (Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate boxes:

- ☒ Please enter my appearance as Counsel of Record for all respondents.
- ☐ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

- ☐ I am a member of the Bar of the Supreme Court of the United States.
- ☒ I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member.

Signature /s/ Shana P. Nogues

Date: January 2, 2018

(Type or print) Name Shana P. Nogues (Florida Bar No.: 99946)

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☐ Mr. ☒ Ms. ☐ Mrs. ☐ Miss

Firm Luks, Santaniello, Petrillo & Jones

Address 201 Yamato Road, Suite 4150

City & State Boca Raton, Florida Zip 33431

Phone 561-893-9088 Email afraas@LS-Law.com
and snogues@ls-law.com

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

CC: Petitioner, Diane L. Holbrook, pro se, vwyz2001@yahoo.com

App. 10

LUKS SANTANIELLO

PETRILLO & JONES

301 Yamato Road, Suite 4150

Boca Raton, Florida 33431

UNITED STATES POSTAGE

[SEAL]

PITNEY BOWES

02 1P \$ 000.46°

0001935875 JAN 19 2018

MAILED FROM ZIP CODE 33431

Ms. Diane Holbrook
2600 SE Ocean Boulevard
Building EE, Apartment 3
Stuart, FL 34994

HOLBROOK 'D
2069 NE COLLINS CIR APT 1
JENSEN BEACH FL 34957-6603

IN THE COUNTY COURT OF THE
19TH JUDICIAL CIRCUIT IN AND
FOR MARTIN COUNTY, FLORIDA

CASE NO.: 432016CC000738CCAXM

DIANE HOLBROOK,

Plaintiff,

vs.

RONNIES LLC, d/b/a RONNY'S RV
PARK,

Defendant.

App. 11

NOTICE OF HEARING

(Scheduled On-Line – Coordinated
with Pro-Se Plaintiff)

(Filed Jan. 19, 2018)

TO: ALL PARTIES IN CERTIFICATE ATTACHED

YOU ARE HEREBY ADVISED that the above cause has been set down for a hearing before The Honorable Curtis L. Disque, one of the Judges of the above styled Court located at the MARTIN COUNTY COURTHOUSE, Clerk of The Circuit Court, 100 East Ocean Blvd., Courtroom A2-1, Stuart, Florida 34994.

**SUBJECT: DEFENDANT'S, RONNIES, LLC,
MOTION FOR AMENDED ORDER
ON DEFENDANT'S REQUEST TO
DETERMINE REASONABLE AT-
TORNEY'S FEES FOLLOWING THE
GRANTING OF ENTITLEMENT TO
ATTORNEY'S FEES AND COSTS
PURSUANT TO FEBRUARY 6, 2017
COURT ORDER PURSUANT TO
THE SUPREME COURT OF FLOR-
IDA'S OCTOBER 6, 2017 ORDER
GRANTING ATTORNEY'S FEES**

DATE: Friday, March 9, 2018

TIME: 9:15 a.m.

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KINDLY GOVERN YOURSELF ACCORDINGLY.

***I HEREBY CERTIFY** that I have personally contacted pro-se Plaintiff, in an effort to resolve the issues, however, the matter cannot be resolved and a hearing is necessary.*

AMERICANS WITH DISABILITIES ACT. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Corrie Johnson, ADA Coordinator, 250 NW Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

[Certificate Of Service Omitted]

[Service List Omitted]

IN THE COUNTY COURT OF THE
19TH JUDICIAL CIRCUIT IN AND
FOR MARTIN COUNTY, FLORIDA

CASE NO.: 432016CC000738CCAXM

DIANE HOLBROOK,

Plaintiff,

v.

RONNIES LLC, d/b/a RONNY'S RV
PARK,

Defendant.

**DEFENDANT'S, RONNIES, LLC, MOTION
FOR AMENDED ORDER ON DEFENDANT'S
REQUEST TO DETERMINE REASONABLE
ATTORNEY'S FEES FOLLOWING THE
GRANTING OF ENTITLEMENT TO ATTOR-
NEY'S FEES AND COSTS PURSUANT TO
FEBRUARY 6, 2017 COURT ORDER PURSU-
ANT TO THE SUPREME COURT OF
FLORIDA'S OCTOBER 6, 2017 ORDER
GRANTING ATTORNEY'S FEES**

(Filed Oct. 13, 2017)

The Defendant, RONNIES, LLC, by and through its undersigned counsel, hereby respectfully files this Motion for Amended Order on Defendant's Request to Determine Reasonable Attorney's Fees pursuant to the October 6, 2017 Order of The Florida Supreme Court granting attorney's fees in the amount of \$2,500.00 and the February 6, 2017 Order of this Court granting

the Defendant's Motion to Entitlement to Attorney's Fees and Costs in this matter, and states as follows:

1. This Motion arises out of an October 6, 2017 Order of The Florida Supreme Court declining to accept jurisdiction of the Plaintiff's appeal and granting the Respondent/Defendant, Ronnies LLC's ("Ronnies") Motion for Attorney's Fees in the amount of \$2,500.00 conditioned upon this Court's determination that Ronnies is entitled to attorney's fees pursuant to a proposal for settlement. *The Supreme Court of Florida's October 6, 2017 Order, attached hereto as "Exhibit A."*
2. On February 6, 2017, This Court previously found that Ronnies is entitled to attorney's fees and costs in furtherance of its November 18, 2016 proposal for settlement. *This Court's February 6, 2017 Order Granting Defendant's, Ronnies LLC's Motion for Entitlement to Attorney's Fees and Costs, attached hereto as "Exhibit B."*
3. On June 9, 2017, this Court entered its Order Granting Defendant's Request to Determine Reasonable Attorney's Fees in the amount of \$17,037.50. *Order Granting Defendant's, Ronnies LLC's Request to Determine Reasonable Attorney's Fees, attached hereto as "Exhibit C."* In that Order, this Court reserved ruling on Defendant's entitlement to any future award of appellate attorney's fees.
4. Since this Court has already determined that Ronnies is entitled to attorney's fees pursuant to a proposal for settlement and the condition

set forth by The Supreme Court has already been satisfied, Ronnies now respectfully requests this Court enter an Amended Order Granting Defendant's Fees and Costs in the amount of \$19,537.50 – \$17,037.50 as previously determined by this Court plus the \$2,500.00 granted by The Supreme Court of Florida's October 6, 2017 Order.

5. A proposed Amended Order has been attached hereto as "*Exhibit D*."

WHEREFORE, the Defendant, Ronnies LLC, respectfully requests this Court enter an Amended Order Granting Attorney's Fees as enumerated herein and/or as attached as "*Exhibit D*," and for any other relief this Court deem just and proper.

[Certificate Of Service Omitted]

[Service List Omitted]

App. 16

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court

February 20, 2018 (202) 479-3011

Ms. Diane L. Holbrook
2069 NE Collins Circle
#7-1
Jensen Beach, FL 34957-6685

Re: Diane Holbrook
v. Ronnies LLC
No. 17-798

Dear Ms. Holbrook:

The Court today entered the following order in the
above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

/s/ Scott S. Harris
Scott S. Harris, Clerk
