

No.16-15732-DD
Application No. 17A6575

IN THE
SUPREME COURT OF THE UNITED STATES

JOHN J. JACOBS JR. *Petitioner*

V

EMILIO ESTEFAN *Respondent*

SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

JOHN J. JACOBS, JR.
511 GREENWOOD AVENUE
APT 11-O
TRENTON, NEW JERSEY 08609
Home Phone 609-396-8917
Cell Phone 215-589-2308

NO..16-16732-DD

SUPREME COURT OF THE UNITED STATES

John J. Jacobs, Jr.---*PETITIONER*

VS.

Emilio Estefan-----RESPONDENT(S)

Emilio Estefan, Frank Amadeo, Jairo Martinez, Laura Mejia, and Janet De Armas

ON PETITION FOR A WRIT OF CERTIORARI TO

**UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT**

16-15732-DD

PETITION FOR WRIT OF CERTIORARI

**JOHN J. JACOBS, JR.
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TRENTON, NJ 08609
Home Phone 609-396-8917
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QUESTION(S) PRESENTED

To the honorable members of the Supreme Court of United States of America, I come before you seeking justice.

My concern is the improper interpretation of statute of limitations as it has been applied to my case.

In New Jersey the statute of limitations is six years, and in Florida it is four.

The statute as upheld by courts of law also state that the statute of limitations begin to run on the date of loss.

In my case the statute started running on the "date of disconnect" from Estefan Enterprises which was October 23, 2007, the date of loss.

As evidence I am providing an email from the president of Estefan Enterprises.

The date when the statute stopped was October 23, 2011.

I filed my complaint on August 12, 2011 which would have given me six weeks for the statute to end.

In regard to their motion to dismiss, I requested that counsel Karen Stetson and Jonathan Gaines provide the courts with a document or some form of evidence as to their argument alleging that I was over the statute when I filed my claim other than referring to written dates in their motions.

They failed to include any solid evidence to substantiate their arguments.

Under the freedom of information act counsel for the defendant was required to provide this information but failed to do so numerous times.

This critical piece of information would be necessary to substantiate the defendant and counsels argument that my case should be dismissed.

Their argument is baseless, and therefore should not have been used to dismiss my case which has been based on truth and factual issues from the very beginning.

The faith or the belief system does not work in a court of law.

The court requires factual evidence and counsel failed in providing evidence to prove their argument.

The dismissal of my case was unjustified, and I respectfully state that the lower courts made an error when they dismissed my case.

CASE #16-15732-DD

On page 27 of Johnathan L. Gaines brief reads "Jacobs should have filed his complaint by 2009 or 2010" SEE FLA stat. Ann statute 95.11(3) (k).

Without evidence to validate and substantiate what Mr. Gaines argued the accuracy of his statement does not stand.

The court should not accept the dates of 2009 or 2010 without evidence if it is to keep within the letter of the law.

CASE #12-14998-AA

On page 15 of Jonathan L. Gaines brief it reads "that time period ran in 2003".

My question to counsel, better proposed at a hearing would have been, "well Mr. Gaines which date was it 2003, 2009 or 2010"?

Speculation or the "guessing game" is a very weak point of reference without...evidence. I respectfully state that counsel Jonathan L. Gaines two briefs are not consistent nor are they factual.

With the courts permission I would like to offer an analogy.

If a man goes into the market place and puts something in his basket then does not pay for it until he leaves the store...let me explain further.

I was in the market in 1999 and that marketplace was Estefan Enterprises.

I did not leave the market until October 23, 2007.

With the utmost of respect for the courts, the lower courts made an error when they dismissed my case on the statute of limitations.

I stand before the honorable members of the Supreme Court of The United States Of America humbly, and respectfully ask that the lower courts error be corrected.

EXHIBITS INCLUDED

Frank Amadeo ----- October 23, 2007

Copy of Complaint -----case #11- 4662((MLC) dated
August 12, 2011
Transferred

Copy of Amended Complaint -----case #1: 11-cv24291- MGC
11/16/2011
Dismissed
Transferred to the Court of Appeals
motion to
Appeal-case#12-14-008-AA July 30, 2012
Affirmed.
a letter dated January 03, 2014

Copy of a list motions-----1 to 24

REASON FOR GRANTING THE WRIT

TO THE HONORABLE MEMBERS OF UNITED STATES SUPREME COURT

At the time that I filed case 11-4662(MLC) in the court system on August 12, 2011 at 8:30 AM at the Clarkson S. Fisher United States District Court House in the county of Mercer Trenton, New Jersey the statute of limitations was never in question.

The Honorable Mary L. Cooper stated in her opinion that the case was filed in the wrong jurisdiction, and then Judge Cooper submitted my case to Miami, Florida electronically.

The Amended complaint was to add the company, Estefan Enterprises as a defendant in my lawsuit to cover libel.

The individual who made a libelous comment when interviewed asked to remain anonymous and therefore was never named by the press.

The case went all the way to the Supreme Court of the United States and the judgment against my claim was based on the statute of limitations.

From the beginning, when I filed my claim I was under the statute of limitation by six weeks.

I have continually argued that the defendant had no point of reference to substantiate that I was over the statute of limitations.

In fact in view of the new evidence given by the defendants counsel two briefs never had dates they simply referred to the years 2003 in one brief and in the other 2009 or 2010.

And that was used to dismiss my case.

The law does not have "or" as a point of reference in the statute.

It reads "four years from the day of loss".

This is the reason I am at this point humbly asking members of the court to grant me the writ.

I received an order requiring parties to meet and file joint scheduling report and proposed order directing parties to file certificates of interested parties.

I complied with the courts and submitted the certificates of interested parties.

I waited to proceed with this matter and about a year after the order was issued received a report and recommendation on defendant's motion to dismiss with prejudice.

Having prepared to proceed with the stipulations of the original order, I agonized after having read the report and recommendation.

I had waited many months with the hope that the order would bring this long standing legal issue to an amicable resolution and then the report and recommendation was against it.

LIBEL

When my case was first filed, I was contacted by a member of the media and I was very clear in my comment that they should reference my claim for any information.

The journalist stated that they would also be contacting Emilio Estefan for comment.

A short while later I was emailed a copy of the article in which the journalist had spoken to a representative of Estefan Enterprises, Inc.

This individual, an employee of the company who admitted working there for at least ten years and knew of me made went on to make some false statements to the journalist which were then printed and constituted libel

I made numerous requests to counsel Karen L. Stetson the primary lawyer for Emilio Estefan that counsel disclose the name of the employee that libeled me and counsel refused

Those false and damaging statements made by the Estefan Enterprises employee who asked to remain "anonymous" tarnished my reputation and caused me great humiliation and stress.

That is why I included the company in an amended complaint case 1:11CV24291 08/12/2011 to include Estefan Enterprises, Inc. and add the employee who libeled me.

The amended complaint and original were both the same.

Counsel Karen L. Stetson. Brought up case 11-4662 MLC in the case 16-15723 focusing on the defendants only argument, the statute of limitations.

So I would like to add that if Jessie Abad the in house counsel for Estefan Enterprises, Inc. had answered my Florida consumer services complaint as she had promised, for over a year, I would have been able to file my claim against Emilio Estefan and company even sooner.

It is my belief that Ms. Abad was using "time" to give Emilio Estefan and company an advantage because as a lawyer she knew that the possibility of a lawsuit against Mr. Estefan was eminent.

A pattern of deny, delay, and avoid has been used against me by Estefan Enterprises, it's executive staffers, and Emilio Estefan as he has maintained his silence using plausible deniability as his defense in this matter.

The law is to be applied equally for the wealthy, and famous as well as, the poor alike without discrimination and with or without the benefit of counsel.

The lower court's used the same statement to dismiss my case the court on July 6, 2016 .

NOVEMBER 22 ,2015 3:24 pm ORDER REQUIRING PARTIES TO MEET AND FILE
JOINT SCHEDULING REPORT AND PROPOSED ORDER DIRECTING PARTIES TO
FILE CERTIFICATES OF INTERESTED PARTIES

signed by the Honorable JOSE E. MARTINEZ in June of 2015.

November 3, 2015 11:07 am Karen L Stetson enclosed please find a courtesy copy of defendants motion to dismiss with prejudice filed on the last day 5 hours BEFORE DEFAULT.

JULY 6, 2016 11:11 am REPORT AND RECOMMENDATION by the Honorable Magistrate JONATHAN GOODMAN.

Karen L. Stetson counsel for Emilio Estefan stated in her motion to dismiss that I had abused the courts, which is a false.

Coincidentally, in his second opinion recommendation the Honorable Magistrate Jonathan L. Goodman referenced counsel Stetson's statement "word for word"

I would like to reiterate the following, under the freedom of information act I requested to know the name of the Estefan Enterprises employee who libel me when contacted by a member of the press.

It was my right to know, working as my own attorney, pro se.

Had I been able to retain counsel in this matter, and counsel had requested the same, by law counsel for the defendant, Emilio Estefan and Estefan Enterprises would have had to comply.

This was a crucial piece of information as I needed to add that "anonymous" individual to my complaint.

Since I was never provided with the name I was left with no choice but to amend my complaint to include Estefan Enterprises on my claim.

The anonymous employee of Estefan Enterprises had pertinent information as to my history with the company which included, but was not limited to, requests to fly to Miami for meetings with the A and R Department of Estefan Enterprises, the constant promises for a period of many years that defendant Emilio Estefan loved my project and was going to help me get it into production, being directed by Estefan Enterprises key staff to contact other departments, who in turn were communicating with Emilio Estefan, and Janet De Armas Emilio Estefan's personal assistant setting up a face to face meeting with Emilio Estefan, agreeing to accept a chronology package with validating evidence of my having had a history with Estefan Enterprises, and key staff who were in direct contact with Emilio Estefan, as well as, Ms. De Armas promise to "hand deliver" the package to Emilio Estefan along with the following statement, "I handle Mr. Estefan's agenda and any meeting I set up with Mr. Estefan is, "etched in stone".

Then, Ms. De Armas subsequent decision to cancel the meeting she said was "etched in stone" shortly after confirming having received my chronology package which she "hand delivered" to Emilio Estefan with the following statement, "John, I have to cancel the meeting and I am only following instructions".

The person who spoke to the reporter was relevant in my case as they made the following statement, "I've been working here for 10 years and everybody know that guy"

The individual did not want to be named when they libeled me by calling me a "nutty stalker".

Having come from a honorable family with my late father a war hero and Purple Heart recipient and my late mother an educator and mentor to the less fortunate, that comment stigmatize my good name and caused me great humiliation, embarrassment, pain, and suffering.

Why was I asked to fly to their office, at their request, repeatedly promise a contract and then claim having no knowledge of who I was or what was being promised, for years?

Why not provide me with the name of the company employee, a potential witness, so I could question this individual?

This is concealment, withholding evidence from the court to gain an unfair advantage over me and my case.

This negligent tort put my case in jeopardy.

The comment which libeled me was made to misdirect the truth.

Throughout the process, the defendant, his staff, and in house counsel used tactics to avoid and delay, and then plausible deniability by Emilio Estefan to deny having known of me or my project.

Statements from counsel Stetson and Gaines like, "the defendants believe it is not necessary" referring to my motion for a hearing were "ploys" to keep me out of court where I would have had the opportunity to cross examine the defendants and get at the truth.

My case has been manipulated and this has prevented me from having had my day in court.

My case is based on factual issues, the truth, and I have been consistent in my facts throughout the process, opposing counsel has not.

I was under the statute of limitations by six weeks, that is a fact.

In addition, I have signed several good faith certifications that have read, "under penalty of prison so help me God".

With nothing but the utmost of respect for the courts, an error has been made and I humbly ask that the Supreme Court hear my case and intervene in this matter.

Additional Questions Presented

What Happened Between June 2015 and July 2016?

The Honorable Magistrate Jonathan Goodman adds his opinion to The Honorable Judge Jose E. Martinez order with a recommendation to have my case dismissed with prejudice.
dismissed my case.

The order signed by Judge Martinez had many stipulations that were to also include discussions to settle this matter in good faith.

Judge Martinez looked over all the evidence and motions filed by myself and opposing counsel before issuing the order for the parties to meet.

Why did Judge Martinez seek a second opinion and why was Magistrate Goodman's opinion different than that of Judge Martinez when Magistrate Goodman was looking over the same motions, and evidence?

I was given the "false hope" that the order and meeting would have brought this matter to an amicable end.

The second opinion and improper dismissal of my case has brought me before this court.

Why have the lower courts misinterpreted the statute of limitations?

LIST OF PARTIES

[X] All parties appear in the caption of case on cover page

[] 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.

JOHN J. JACOBS, JR.

Petitioner

vs.

511 Greenwood Avenue

Apt11-0

Trenton, New Jersey 08609

Home 609-396-8917

Cell 215-589-2308

ESTEFAN ENTERPRISES, INC

Respondent 1

EMILIO ESTEFAN

Respondent 2

FRANK AMADEO

Respondent 3

JANET DE ARMAS

Respondent 4

JAIRO MARTINEZ

Respondent 5

LAURA MEJIA

Respondent 6

KAREN L. STETSON, ESQ

Gray Robinson P. A.

333S E. Second Avenue

Suite 2300

Miami, FL 33131

305-416-6880

JONATHAN L. GAINES, ESQ

GRAY ROBINSON, A.P.

HONORABLE MARCIA G. COOK United States District Court Of New Jersey
402 East Sate Street, Room 202
Trenton, NJ

HONORABLE CECELIA M. ALTONAGA

HONORABLE JOHN O'SULLIVAN

HONORABLE ROBERT N. SCOLA

HONORABLE MARY L. COOPER UNITED STATES SOUTHERN DISTRICT COURT OF

HONORABLE WILLAM C TUROFF FLORIDA 400 NORTH MIAMI AVENUE MIAMI

FLORIDA HONORABLE ALICA M OTARTARIEZ 33128-7788

HONORABLE WILLIAM H. PRYOR JR. UNITED STATES COURT OF APPEALS FOR
THE

HONORABLE JOE E MARTINEZ

THE ELEVENTH CIRCUIT

HONORABLE JONATHAN GOODMAN

56 FORSYTH STREET N.W

ATLANTA, GEOGIA 30303

PARTIES OUT THE COURT

REFER TO 090624591
MS. BEN C BROWN
DIVISION OF CONSUMER SERVICES
2005 APALCHEE PKWY
TALLAHASSEE FL 32399-6500

EXHIBITS INCLUDED

Letter and emails
FROM MS BEN C BROWN

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FOR THE ELEVENTH CIRCUIT
56 FORSYTH STREET N. W.
ATLANTA GEORGIA 030303

Appendices Decision of WILKIE B. FERGUSON, JR.
UNITED STATES COURTHOUSE
400 NORTH MIAMI ROOM 33128 -2716
MIAMI FLORIDA 8N09

Appendices Decision of UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CLARKSON S FISHER U.S. COURTHOUSE
402 EAST STATE STREET ROOM 2020
TRENTON NJ 08608

Appendices Decision of SUPREME COURT OF THE UNITED STATES
1 First Street, N.E.
Washington, DC 20543

LIST OF EMAIL

Frank Amedeo-----Tuesday October 23, 2007 1:22PM

TABLE OF AUTHORITIES CITED

CASE

Statute and Rules

**STATUTE 95.11(3) STATUTE OF LIMITATIONS
FREEDOM OF INFORMATION ACT 5 U.S.A STATUTE 552
RULE 26 DISCLOSURES (A) (a) (b)
FIRST AMENDMENT TO THE CONSTITUTION
COPY OF STATUTE ENCLOSED**

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully pray that a writ of certiorari issue to review the judgment below

OPINIONS BELOW

☒ For case from Federal Court: UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
case #12-14-008-AA

The opinion for the United States court of appeals appears at Appendix to
The petition and is

☐ report at ; or,
☐ has been designated for publication but is not yet reported; or
☒ is unpublished.

The opinion of the United States district court appears at Appendix to
the petition and is

☐ reported at ; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.
☐ For case from **state court**

The opinion of the highest court state court to review the merits appears at
Appendix to the petition and is

☐ reported at ; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished

The opinion of the court-united appear at Appendix to the petition and is
☐ reported at ; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished

JURISDICTION

☒ For cases from **Federal Court-United States Court Of Appeals
FOR THE ELEVENTH CIRCUIT**

12-14-008-AA + 16-15732-DD

The date on which the United States Court of Appeals decided my cas

12-14-008-AA

16-15732-DD was **AFFIRMED**

☐ No petition for rehearing timely file in my case.

☒ A timely petition for rehearing was denied by the United States court of Appeal
Appeals on the following date: 12/ 10 / 2013 and a copy of the letter
order denying rehearing appears at Appendix

☐ An extension time to file the petition for a writ of certiorari was granted
to and including (date) on (date)
in Application No

The jurisdiction of Court is invoked under 28 U.S.C. > 1254(1)
**THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

☒ For case from **state court: United States District Court For The Southern
District of Florida.**

The date on which the highest state court decided my case was
A copy of that decision appears at Appendix

☐ A timely petition for rehearing was thereafter denied on the following date:
and a copy of the order denying rehearing
appears at Appendix

An extension of time to file the petition for a writ of certiorari was granted
to and including (date) on (date) in
Application No A

The jurisdiction of court invoked under 28 U. S. C. statute 1257(1)

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CONSTITUTIONAL AND STATUTORY PROVIS INVOLVED
Statutory
95.11(3)

A copy of the statute enclosed as attachment

STATEMENT OF THE CASE

Case3:11-CV-04662-MLC

NEW JERSEY

ORDER TO TRANSFER

For the reason stated in the court's opinion November 16 2011 was
[Transferred}

TO

MIAMI FLORIDA

case 1:11cv24291

ORDER GRANTING DEFENDANTS TO DISMISS

For the foregoing reason, defendants motion to (ECF No19)granted

Plaintiff's Amended complaint is (dismissed with prejudice)the clerk shall close this case

My case was dismissed on the ground's of statute of limitation. 95.11(3)

[Transferred]

TO

ATLANTA GOUNDS case 12-14-008-AA

ORDER FOR APPEAL

The district court properly dismissed Jacobs amended breach-of-
contract complaint for failure to state a claim because his action is barred by
the Florida's statute of limitations. Viewing the allegations in the complaint as
true and in the light most favorable to Jacobs, he entered into an implied
contract with Estefan, Inc. sometime in 1999.

Six and a half years later, at some point in 2005 or 2006 Estefan, Inc. breached that
contract. AFFIRMED

FILED 9/26/2013

UNITED STATES DISTICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case 15-CV 20441

Filed February 04 2015 DISMISSED

Case 15-CV-22393

Case 15-21989

Filed May 29 2015 DISMISSED

Filed June 25, 2015 DISMISSED

Closing Comments To The Court

The lower court's decision to dismiss my first case #12-14006-AA was unjustified. Emilio Estefan and company through counsel have not been truthful with the courts. As per the freedom of information act, I requested all information on how counsel concluded their time line on the statute of limitations and counsel failed to respond. Throughout this process Emilio Estefan's only defense has been to have his counsel cite the statute of limitations, and for Mr. Estefan to claim plausible deniability by having staff and counsel state that he never knew of me or my project. The truth is that executive staff and departments were the ones asking me to fly to Miami Beach with the promise that Emilio Estefan knew who I was, loved my project, and would do it. And, he did...after renaming it "New Voices of America". From the Estefan A and R Department, to Media Relations, and onto the one person closest to Emilio Estefan his personal assistant Janet De Armas everyone was communicating with Mr. Estefan and he knew who I was, how many years his company had made promises on his behalf, and how many times our meeting had been scheduled, canceled, and rescheduled with the never ending promise that Emilio Estefan would sign "the paperwork" when he and I sat face to face. Counsel has argued for dismissal on "time" but time was, and still is on my side not theirs as I have provided in an email from Estefan Enterprises showing the statute started running on October 23, 2007. I filed my amended complaint which was tolled in and therefore equitable tolling applies to my case. 2462/Fraudulent Concealment Doctrine also applies to my case as defendant and counsel have concealed important information from me throughout the legal process. Another aspect of fraudulent concealment is the defendant's claim that he was never aware of me. If that were true, and it is not, the defendant should have sent me a certified letter attesting to this many years ago when I had asked for proof of this claim. I have challenged the defendant and counsel to argue the facts in court, under oath and they have refused because the truth is on my side, not theirs and they cannot refute the truth.

Emilio Estefan and company's deny, delay, and avoid tactics forced me into the court system. My attempts to have this matter resolved were met with a "cold indifference" and ignored.

Their "avoid" tactics did not stop with me, David Parano a Veteran's liaison in New Jersey with a stellar reputation made several attempts to try and have this matter resolved prior to my claim having been filed.

Mr. Parano was promised a response, and then received several weeks of "run around" excuses from Estefan Enterprises before telling me there was nothing he could do because "these people are giving me the run around".

Ben Brown, Consumer Services received the same from "in house" counsel Jesse Abad who promised to speak with Mr. Estefan and have my complaint resolved.

Counsel Abad continued the "string along" promises for many, many months and finally cut off all communication with Ms. Brown and consumer services.

Prior to that, Ms. Ronnie Goodrich a highly respected community activist in the Miami area and a longtime friend of Mr. Estefan attempted to help me.

While doing what Estefan Enterprises had asked of me, networking my concept at events I was fortunate to have met Ms. Goodrich and when informed of my issues with Estefan