25-6256

ORIGINAL

No. 25-____

IN THE

SUPREME COURT OF THE UNITED STATES OF AMERICA

FRANCIS T. GREISER JR.,
Petitioner,

v.

MARIAN K. GREISER, and
JOANNE L. DRINKARD,
Respondents.

On Petition for Writ of Certiorari to
The Florida Court of Appeals
For the Fourth District

PETITION FOR A WRIT OF CERTIORARI

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Petitioner in *pro se*
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QUESTIONS PRESENTED

In *Artis v. District of Columbia*, 138 S. Ct. 594 (2018), this Court held that states may not dismiss 28 U.S.C. § 1332 claims denied supplemental jurisdiction and refiled in state court without applying the tolling provision under 28 U.S.C. § 1367(d) that requires the statutes of limitations for such claims to be paused "both while the claim is pending in federal court and for 30 days post-dismissal." *Id.* at 596. Despite that ruling, two Florida state courts bypassed *Artis* to dismiss the refiled claims with prejudice.

Further, this Court is asked to examine the erosion and loss of constitutional rights for self-represented civil litigants in Florida. Specifically, to assess the excessive use of per curiam affirmances by state appellate courts, along with state courts' failure to protect pro se litigants' due process rights by allowing opposing counsel to violate ethical rules and the rules of civil procedure.

The questions presented concern the Supremacy Clause, a federal question dividing the courts, and constitutional due process protection, as follows:

Question I: Does a Florida court's failure to apply 28 U.S.C. § 1367(d) tolling to dismissed 28 U.S.C. § 1332 claims refiled as state court claims—in conflict with this Court's decision in *Artis v. District of Columbia*—constitute reversible error?

Question II: Does Florida's issuing an excessive number of per curiam affirmance ("PCA") opinions, which act as a barrier preventing appeals to the state supreme court, ensnare and terminate valid claims, and should this burden shift of constitutional appeals directly to the U.S. Supreme Court be reformed to ensure due process?

Question III: Does the inherent obstacle faced by indigent non-attorney *pro se* civil litigants, due to lack of experience and group bias, become insurmountable when courts fail to address opposing attorney violations of the Rules of Professional Conduct, the Rules of Civil Procedure, and the Rules of Appellate Procedure?

PARTIES TO THE PROCEEDING

Petitioner, Francis T. Greiser Jr. ("Petitioner"), is a Florida resident proceeding *pro se* and *in forma pauperis,* and is the Petitioner–Plaintiff in the cases listed below:

(a) Appellant in the Florida Fourth District Court of Appeals (No. 4D2025-0233) ("Florida Appeals Court").

(b) Plaintiff in the Florida Seventeenth Judicial Circuit Court (No. 23-14503) ("Florida Circuit Court).

(c) Appellant in the U. S. Court of Appeals for the Third Circuit (No. 21-1879) ("Third Circuit Court").

(d) Plaintiff in the U. S. District Court for the Eastern District of Pennsylvania (No. 18-5044) ("EDPA court").

(e) Plaintiff in the U. S. District Court for the Southern District of Florida (No. 18-61126) ("SDFL court").

Respondent Marian Greiser ("M. Greiser"), is Petitioner's mother, and Respondent Joanne Drinkard ("J. Drinkard"), is Petitioner's sister. Both are Pennsylvania residents and are Respondents–Defendants in the cases listed below:

(a) Appellees in the Florida Fourth District Court of Appeals (4D2025-0233).

(b) Defendants in the Florida Seventeenth Judicial Circuit Court (No. 23-14503).

(c) Appellees in the U. S. Third Circuit Court of Appeals (21-1879).

(d) Defendants in the U.S. District Court for the EDPA (No. 18-5044).

(e) Joanne Drinkard was a defendant in the U. S. District Court for the SDFL (No. 18-61126).

RELATED PROCEEDINGS

The following proceedings are directly related to this case within the meaning of Rule 14.1(b)(iii):

Francis Greiser Jr. v. Marian Greiser et al. Florida Fourth District Court of Appeals ("4th DCA") (No. 4D2025-0233) [*per curiam* affirmed decision dismissing the case, denial of request for written decision, and denial for certification of a question of great public importance].

Francis Greiser Jr. v. Marian Greiser et al. Florida 17th Judicial Circuit Court ("Circuit Court") (No. 23-14503) [Order dismissing case, and denial of motion for rehearing].

Francis Greiser Jr. v. Joanne Drinkard et al. U. S. Third Circuit Court of Appeals ("U.S. Third Circuit") (No. 18-05044) [affirmed case dismissal along with denial of supplemental jurisdiction for Florida claims, and denial of motion for reconsideration/rehearing].

Francis Greiser Jr. v. Joanne Drinkard et al. U. S. District Court Eastern District of Pennsylvania ("EDPA Court") (No. 18-5044) [awarded service of process fees for refusal to waive service, dismissed case, denied the proposed amended complaint, and denied further supplemental jurisdiction].

Francis Greiser Jr. v. Joanne Drinkard et al. U. S. District Court for Southern District of Florida ("SDFL Court) (No. 18-61126) [denied motion to dismiss for improper venue, however granted motion to transfer equal Florida and Pennsylvania claims to the EDPA].

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PETITION WRIT OF CERTIORARI

Petitioner Francis Greiser Jr. was given until November 24, 2025, to file this Petition, and respectfully asks this Court to issue a writ of certiorari to review the final per curiam affirmed ("PCA") decision by the Florida Fourth District Court of Appeals, which affirmed dismissal of Petitioner's civil case. Thereafter, the court refused to grant a rehearing, a written opinion, or to certify a question of great public importance, thereby precluding appeal to the Florida Supreme Court.

OPINIONS BELOW

The Florida 4th DCA (No. 25-0233) Order denying Rehearing, and Final PCA Order are not reported. The Florida Circuit Court (No. 23-14503) Orders dismissing the civil case and denying a rehearing are not reported. The U.S. Third Circuit Court of Appeals' Opinion Affirming the Dismissal of the Civil Case can be found at: https://digitalcommons.law.villanova.edu/thirdcircuit_2022/121. The EDPA Court's Order and Opinion (No. 18-5044) are available at USCOURTS-paed-2_18-cv-05044-0

JURISDICTION

The Florida 4th District Court of Appeals entered final judgment on August 12, 2025, exhausting state appeals. This Court's jurisdiction is pursuant to U.S.C. § 1257.

CONSTITUTION–STATUTES INVOLVED

Art. VI and the 14th Amendment Sec. I of the U.S. Constitution; federal statutes 28 U.S.C. § 1367(d), 28 U.S.C. § 1332; and Florida Statute § 95.11.

INTRODUCTION

This petition seeks review of a Florida Fourth District Court of Appeal's per curiam affirmed decision and subsequent refusal to certify a question of great public importance or issue a written opinion. The petition also raises important questions about due process for pro se litigants, about Florida courts' bypassing federal law and Supreme Court precedent, and constitutional concerns related to the overuse and lack of transparency of Florida's appellate court PCA policy.

In September 2017, Judge Richard Posner abruptly resigned from the U.S. Court of Appeals for the Seventh Circuit, partly because of his disagreement with his colleagues over how pro se litigants were treated. Judge Posner stated, "I had zero support from the other judges; I was a voice crying in the wilderness." He believed the court was not "treating the pro se Petitioners fairly" because most judges "don't like the pro se's, and don't want to do anything with them." [1]

Judge Posner personally observed the challenges faced by pro se litigants, including a systemic view that non-attorney litigants are legally inept, prone to error, and contribute to overburdened court dockets. This bias reduces judicial patience, limits consideration of their issues, and weakens overall procedural fairness. The pro se Petitioner faced these difficulties throughout his seven-year case, which shifted between two federal courts and ended in state court, where biased treatment of pro

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[1] David Lat, *The Backstory behind Judge Richard Posner's Retirement* (2017) as archived at https://abovethelaw.com/2017/09/the-backstory-behind-judge-richard-posners-retirement/

se litigants continued, resulting in flawed judicial review and the bypassing of Supreme Court precedent and federal law, ultimately ending his pro se civil case.

A. Constitutional Protections and Pro Se Rights

This Court has recognized that pro se pleadings are often "inartfully pled," and "must be held to less stringent standards than formal pleadings drafted by lawyers." See *Estelle v. Gamble*, 429 U.S. 97, 107 (1976) (quoting *Conley v. Gibson*, 355 U.S. 41 (1957)). See also *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (highlighting that pro se pleadings are to be liberally construed "to do substantial justice.")

Although safeguards exist to protect pro se due process rights in submitting pleadings, there remains a significant gap in other protections. This case, spanning several years, highlights how individuals representing themselves are sometimes viewed by opposing attorneys as unworthy of professional courtesy and rightful targets for disparagement and bullying. Genuine reform is necessary to prevent attorneys' targeting using improper or vexatious tactics that often go unnoticed and unreported, resulting in the loss of valid claims.

When one party is unrepresented, judges tend to scrutinize their actions more closely than those of the represented party. Such an imbalance in oversight provides room for instances of bad faith or misconduct by opposing counsel to go unnoticed or unaddressed. Unequal judicial oversight in pro se civil cases, as demonstrated in the present matter, is exacerbated when opposing counsel engages in dishonest behavior.

In this case, opposing counsel's actions exemplified this dynamic, as their misrepresentations and rule violations before the court were not properly examined

or sanctioned. This imbalance in judicial oversight weakens the adversarial system, widely regarded as the most effective means of uncovering the truth. This pro se bias, even when unintentional, leads to diminished consideration of pro se claims and arguments, which are already met with query and skepticism. Credibility by default goes to the practicing attorney. Establishing a strong precedent for holding both parties to the same standards is vital to both fairness and accountability.

Courts possess the authority to impose sanctions for attorneys' bad faith conduct; however, this power is not all-encompassing. In *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S., 137 S. Ct. 1178 (2017), this Court clarified that the awarding of legal fees as a sanction is strictly limited to those fees incurred by the litigant as a direct result of the sanctioned party's misconduct. This remedy generally serves as a deterrent to bad faith within the system.

The shortcoming for the self-represented is that this sanctioning does not extend that relief to pro se litigants, who, by virtue of representing themselves, cannot recover legal fees for the time and effort spent filing motions in response to bad faith by opposing counsel. As a result, pro se individuals are excluded from deterrence and financial restitution for the sanctionable burden they shoulder.

At its core, this dispute stems from a straightforward contract: in 2010, Petitioner provided free home renovations in exchange for partial ownership of a Florida co-op unit. This arrangement was undisputed and remained in place until 2016, when Respondents sold the property without sharing the proceeds. The already unlevel playing field was further tilted by Respondents referring to Petitioner as

someone "suing his own mother" in a case which has already been "thrown out" of two federal courts. As a result, this pro se Petitioner faced credibility challenges and increased scrutiny, while the Respondents' counsel operated freely and repeatedly violated the Rules of Professional Conduct and the Rules of Civil Procedure, dating back to the filing of this civil action in 2018.

This case highlights the loss of pro se due process, noncompliance with federal law, and Florida's use of per curiam affirmances. These issues were raised in state courts—through motions for rehearing, request for written opinion, and request to certify a question of great public importance—but the state courts declined to address the substantive concerns. As demonstrated, the record cited in this petition appears in the Appeal Court filings, which, in turn, reference the circuit court filings, demonstrating a consistent effort to raise overlooked issues and awareness.

The lack of a written appeals court decision in Florida cases involving constitutional issues is especially difficult for pro se litigants. Without a written opinion, they cannot appeal to the Florida Supreme Court, leaving the U.S. Supreme Court as the only option for relief—a daunting path given the limited number of cases accepted for review each term.

STATEMENT OF THE CASE

A. Factual Background

In 2010, Petitioner's parents bought Whittier Towers Unit 214 in Broward County, Florida, for $110,000. In return for completing major renovations at no cost, Petitioner received equal co-ownership and permanent residency. A notarized letter

from Respondent M. Greiser and Petitioner's father confirmed the equity ownership, which was used to support Petitioner's Florida Homestead claim and reduce property taxes. Under Fla. Stat. 196.031(1)(a), a homestead is limited to those with legal or beneficial title who make the property their permanent residence. [A-82].

For six years, Petitioner lived in Unit 214, while Respondents were in Pennsylvania. In July 2016, without notice, they flew to Florida, changed the locks while Petitioner was away for the day, and listed the unit for sale. [2] Unit 214 was sold on December 13, 2016, for $167,500; Respondents immediately used the sale proceeds to buy a nearby condominium titled in their names. [A-70]. As a result, Petitioner lost both his equity and compensation for his major renovation work.

B. **Federal Court Procedural Background**

This petition presents an extremely detailed procedural history of the seven years of litigation, an approach warranted to show the persistent bad-faith conduct of opposing counsel, which undermined Petitioner's due process, beginning in the SDFL District Court in 2018. In 2019, at the request of Respondents' counsel, the SDFL Pennsylvania and Florida claims were transferred to the EDPA court. [3]

The claims now at issue were later dismissed when the EDPA court denied the "proposed" Second Amended Complaint in 2021. A pro se appeal was filed in the

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[2] In 2014, Petitioner's father suffered a massive stroke and passed in May of 2016. Respondent J. Drinkard obtained the power of attorney over his extensive business-financial holdings.

[3] Pennsylvania claims were for slander, Will/Estate fraud, and abuse of process. Respondents each filed separate protection from abuse petitions on September 18, 2018, claiming abuse for "filing a [SDFL] lawsuit" after Respondent J. Drinkard was served by a licensed process server. No lawsuit against M. Greiser was filed, yet her PFA stayed active for nearly a year. [A-90, XXX].

U.S. Third Circuit, which affirmed the EDPA dismissal of the case, noting that the Unit 210 breach-of-contract and the Unit 214 unjust-enrichment claims against Respondent M. Greiser were dismissed *without* prejudice due to uncertainty about whether the $75,000 threshold for diversity jurisdiction was satisfied. [A-6,214].

C. State Court Procedural Background

Subsequently, the claims were refiled in the Florida Circuit Court as *Francis Greiser Jr. v. Marian Greiser and the Estate of Francis Greiser Sr.*, under the tolling guidelines set forth in *Artis v. District of Columbia*, 138 S. Ct. 594, 596 (2018). [4] On August 21, 2023, Respondent M. Greiser was served by a licensed process server.

On August 29, 2023, an Amended Complaint adding Respondent J. Drinkard and a new Unit 214 claim was filed, pursuant to *Kopel v. Kopel*, 229 So. 3d 812, 819 (Fla. 2017), which holds that a claim barred by SOL can be saved when "an amendment asserting a new cause of action can relate back to the original pleading where the claim arises out of the same conduct, transaction, or occurrence as the original." Copies of the Amended Complaint were sent to Respondents M. Greiser and J. Drinkard by U.S. Mail.

On September 12, 2023, a summons was requested for Respondent J. Drinkard. On September 13, 2023, Respondent M. Greiser had not responded within 10 days as required by Fla. R. Civ. P. 1.190, and no attorney had appeared for her.

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[4] Unit 214 claims have a four-year statute of limitations ("SOL") that, pursuant to *Artis*, began when Unit 214 was sold on December 13, 2016, through the SDFL filing on May 18, 2018. (521 days). Resuming on April 5, 2022, after the final ruling by the Third Circuit, running until the refiling in state court on June 7, 2023. (428 days). Total SOL time for Unit 214 claims is 2.6 years.

Petitioner filed for a Clerk's Default against M. Greiser, mailing a copy to her home, without a response. A Final Default Judgment against M. Greiser was filed on October 24, 2023. This ended the need to pursue the claim against J. Drinkard.

On November 17, 2023, after a three-month period of inactivity in the case, attorney Dean Trantalis appeared on behalf of *both* Respondents by filing a Motion to Vacate the Clerk's Default against Respondent M. Greiser. [A-95-96] This representation raised significant ethical concerns because Trantalis had previously represented Petitioner in *Whittier Towers Apts. Inc. v. Francis Greiser Sr., Marian Greiser, and Francis Greiser Jr.* in 2012. [A-91,92,114].

In 2017, he drafted a contract ("Trantalis Contract") between Petitioner and Respondent M. Greiser to ensure equal division of the net proceeds from the sale of Unit 210 after Petitioner removed his name from the Proprietary Lease. [A-151]. The Trantalis Contract was breached when M. Greiser failed to distribute the sale proceeds under the agreement. This breach became Count One in this case.

Trantalis representation in this case was closely connected to his previous work for Petitioner, as the Trantalis Contract drafted in 2017 was designed to protect Petitioner's interests after Unit 210 was sold. This conduct violates Fla. Bar Rule 4-1.9 because it creates a conflict in representing new clients who oppose a former client in the same or substantially related matters. [A-54].

Petitioner objected to the conflict-of-interest" via emails to Trantalis [A-92-93,123-25]; in letters filed with the court [A-92-93,118-21], and in formal motions and responses [A-98,108-13,126-27]. Despite this, the issue was only briefly mentioned

during two Case Management Conferences, where Trantalis's lack of candor misled the court and enabled his continued participation in the case. This ultimately prompted Petitioner to file a pro se Motion to Disqualify in March 2024. [A-108].

Attorney Trantalis's repeated bad-faith conduct caused delays, leading the judge to become increasingly frustrated with the progress of the pro se case. This required Petitioner to file motions to address the conflict-of-interest and to counter Attorney Trantalis's repeated bad-faith conduct, making it difficult for him to afford legal counsel. Most attorneys contacted via email either failed to respond or declined to represent Petitioner. Those contacted by phone seemed to lose interest after learning that disqualifying Dean J. Trantalis was included, while those who agreed required a retainer of $10,000–$12,000. [5]

Petitioner hurriedly prepared a pro se motion to disqualify, defended against consecutive motions to dismiss, and sought to amend his complaint, as ordered by the judge. Attorney Jennifer Ford, who in 2023 quoted a flat fee of $2,500 to take the case through settlement or final judgment, was eventually hired. Yet, the Trantalis conflict doubled her flat fee to $5,000, which was paid on June 3, 2024. [A-22].

Ms. Ford, who was new to the case, appeared at the Case Management Conference ("CMC") on June 6, 2024, and was given six days to file a Third Amended Complaint. [A-84]. Under those constraints, Attorney Ford hurried to submit her amended pleading, containing only three counts: Count One for breach of contract

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[5] Dean Trantalis is the current the three-term Mayor of Ft. Lauderdale, Florida, and the leader of the political party in power in the 17th Judicial Circuit of Florida, hearing the case. [A-94].

(Unit 210), Count Two for unjust enrichment (Unit 214), and Count Three for tortious business interference (Unit 214) against Respondent J. Drinkard.

Attorney Trantalis stubbornly remained on the case from November 17, 2023, until June 27, 2024, when Petitioner's pro se Motion to Disqualify was granted. On the same day, the court provided Respondents with 30 days—until July 28, 2024, to retain new counsel—followed by an additional 30 days, until August 27, 2024, to submit their Response to the Third Amended Complaint. [A-153].

On August 5, 2024, Attorney John P. Seiler, the original attorney in the SDFL from 2018 to 2019 and familiar with the case, failed to appear at the 30-day CMC (Respondents' second missed CMC). He then entered his appearance eight days after the court's deadline. [A-157]. Although Respondents had already been given thirty days to respond, Seiler requested an additional ***20 days*** to submit a Response, which the court—having already expressed its disapproval of the slow pace of the proceedings two months earlier—granted.

On September 18, 2024, Attorney Seiler filed a motion to dismiss, omitting mention of both *Artis* and *Kopel*, and introduced a new theory that the statute of limitations for Unit 214 unjust enrichment claims began in 2010, when the Petitioner's Unit 214 renovations were completed, and therefore expired in 2015. [A-161]. In each federal court, neither Seiler nor the Pennsylvania attorneys ever challenged that Unit 214's causes of action accrued in December 2016. This should have barred that affirmative defense in state court; however, the state court judge

cited it as grounds for dismissing both pro se Unit 214 claims with prejudice on November 5, 2024. [A-172-73].

A pro se Verified Motion for Reconsideration was filed on November 20, 2024, again citing *Artis* tolling and the *Kopel* relate-back doctrine, and the need to apply 28 U.S.C. § 1367(d). [A-409]. The pro se motion again detailed the prejudice caused by attorney violations of ethical guidelines and rules of civil procedure, which prevented a cohesive presentation of the case by both the pro se Petitioner and, later, his attorneys. The motion was denied on December 3, 2024.

D. Appellate Proceedings

A pro se appeal was filed on February 17, 2025, again raising *Artis* and *Kopel* [A-78,80-81], allegations of attorney misconduct and procedural rule violations [A-21-23]. On July 3, 2025, the appellate panel affirmed the dismissal by PCA. The petitioner requested a rehearing, a written decision, and certification of a question of great importance, citing missed tolling [A-2-3,5,8], attorney misconduct [A-20-23], and unenforced defaults for violations of the rules of civil procedure [A-16-17]. The motion for rehearing/request for certification/ or a written decision was denied.

REASONS FOR GRANTING THE PETITION

I. FAILURE TO APPLY *ARTIS V. DISTRICT OF COLUMBIA* TOLLING

A. This Court Should Intervene When States Bypass Federal Law and Supreme Court Precedent

Although this Court clarified the tolling guidelines to be used in this case in *Artis v. District of Columbia*, each state court bypassed that ruling, leading to the mistaken conclusion that the statute of limitations barred Petitioner's claims. This

is despite Petitioner arguing *Artis* in the Motion to Dismiss Response on October 3, 2024 [A-166,68], and thereafter, in the Motion for Reconsideration. The 4th DCA panel was also notified through Petitioner's appeal brief and his Motion for Rehearing, yet both courts ruled that Unit 214's claims were untimely. [A-8,10,78].

B. Florida Courts' Divide on U.S.C. § 1332 Claims

Title 28 U.S.C. § 1332 states "district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and is between citizens of different States." Additionally, Title 28 U.S.C. § 1367(a) specifies that where "district courts have original jurisdiction", under § 1367(d) "[t]he period of limitations for any claim asserted under subsection (a) ... shall be tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period." Fla. Stat. § 95.11 does not address federal claims transferred to state court.

The U.S. Constitution's Article VI requires state courts to follow the Supreme Court's interpretation of federal law. In *Artis v. District of Columbia*, 138 S. Ct. 594, 598 (2018), this Court clarified that 28 U.S.C. § 1367(d) "stops the clock" on the statute of limitations for diversity claims while pending in federal court. This ruling suspends the limitations period under Fla. Stat. § 95.11, as a "means of accounting for the fact that a claim was timely pressed in another forum." *Id.* at 597.

This Supremacy Clause precedent was set in *Cooper v. Aaron*, 78 S. Ct. 1401, 358 U.S. 1, (1958), (holding that this Court's interpretation is supreme and binding on all state officials and courts); and *Armstrong v. Exceptional Child Center, Inc.*, 135

S. Ct. 1378, 1380 (2015), (Supremacy Clause is not the "source of any federal rights" itself, but rather "instructs courts what to do when state and federal laws clash.").

The failure of the Florida courts to apply the tolling protection under 28 U.S.C. § 1367(d), as established in *Artis v. District of Columbia*, not only undermines federal authority—it also erodes the predictability and fairness that litigants should expect when navigating between federal and state jurisdictions. The undisclosed reason for departing from clear binding precedent raises concerns about arbitrary deprivation of statutorily conferred rights, justifying this Court's review.

II. FLORIDA'S EXCESSIVE PCA DECISIONS

A. This Court Should Review the Constitutionality of Florida's Overuse of PCA Decisions

Deciding on the merits of an appeal by PCA without providing a written explanation, especially when there are strong grounds for granting a rehearing or issuing a written opinion after a PCA decision, restricts meaningful appellate review and limits access to the Florida Supreme Court. This is particularly troubling in cases involving constitutional rights. Providing written opinions should not be especially difficult when courts properly consider both the relevant law and the facts of the case. In principle, drafting a written opinion is easily achievable when the judicial review process is approached with the seriousness and diligence due process requires.

The main issue arises when, as in this case, courts fail to conduct a thorough judicial review. As shown here, state courts tend to dismiss pro se pleadings without properly considering due process. One of the most important benefits of providing a

written opinion is that it ensures transparency and accountability, which are currently lacking under Florida's current PCA policy. [6] Florida's excessive use of PCAs is unwarranted and only damages the integrity of the appellate process, a serious concern that needs to be addressed. [7]

B. History of the Florida PCA

In its judicial context related to PCA, the word "decision" first appeared in the Florida Constitution in 1885, in Art. V, §4, concerning the Supreme Court: "The concurrence of two [j]ustices shall be necessary to a decision." Florida Const. §6 of Art. XVI stated: "No judgment of the Supreme Court shall take effect until the opinion of the Court in such case shall be filed with the Clerk of said Court." This was amended in 1896 to replace "opinion" with "decision," with the chief justice stating the court would no longer be required to write opinions in every case. In 1956, the Florida Constitution was amended to change the Florida Supreme Court's authority, which led to the creation of the District Courts of Appeal, currently comprising six courts, by transferring the initial appellate jurisdiction—and its policy of PCA decisions—from the state Supreme Court to each judicial district. On March 11, 1980, the Florida voters amended the State Constitution to restrict the Florida Supreme Court from reviewing decisions of the district courts of appeal in cases where no

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[6] In 1985, Florida PCAs made up 29% of all final decisions by the appeals court. By 2005, that percentage had risen to 41% of all final decisions issued by the Florida appeals court from PCAs. https://flcourts-media.flcourts.gov/content/download/218211/file/2005CaseloadFactorsReport.pdf

[7] Between Sept. 2024 and Sept. 2025, the Florida 4th DCA issued a total of 1691 Opinions over a 12-month period. The breakdown: 1196 PCA opinions (70.73%), versus 495 written opinions. Source: https://4dca.flcourts.gov/search (Opinions 9.2.24 to 9.2.25).

explanatory opinion has been issued and an order affirming the trial court simply states, "per curiam affirmed." [8]

Currently, Florida courts justify the PCA as a means to balance judicial efficiency with heavy caseloads. As in this case, when constitutional and conflict-of-law issues are left unaddressed, that reason falls short. This case illustrates that even when an appropriate request for a rehearing or a written opinion is made, that procedural route can be quickly denied and remain closed after a PCA.

C. PCAs Lack of Transparency and Accountability

The PCA decision in this case obscures the lower court's reasoning. This absence of transparency harms not only the parties involved but also the principle of justice. As a result, litigants, especially those representing themselves, are compelled to seek relief from the U.S. Supreme Court without a sufficient record to support their appeal. Consequently, the appellate process becomes less accessible and less accountable, which undermines public confidence in the legal system.

The circuit court's decision [A-172-73], absent tolling guidelines set out in *Artis v. District of Columbia*—provided no substantive rationale, except what is found in the October 31, 2024, hearing transcript [A-176-86], where the court openly derides the procedural history of the case and makes it known that the court's focus is on the statute of limitations, as evidenced by the court saying:

> "I mean, the main crux, besides the fact that it's deja vu all over again, the issue is the

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[8] Adam Richardson *"Is the PCA Constitutional?"* Florida Bar Journal (June 2025) retrievable at https://www.floridabar.org/the-florida-bar-journal/is-the-pca-constitutional/

> Statute of Limitations." [A-177, ¶ 11-12]. With the court further inquiring, "What's the date? What's the operative date?" [A-184, ¶ 18-19], and "You're out of luck man, I mean, even if it relates back." [A-185 ¶ 16-17]. Finally concluding with "motion is granted with prejudice as to that. It relates back to 2016. On its face, the Statute of Limitations survive." [A-185-86 ¶ 1-3].

This limited trial court statement above and subsequent affirmance by PCA compelled Petitioner to infer the Florida courts' rationale to justify the imposition of the statute of limitations—to provide a basis for this petition for a Writ of Certiorari. The following is a list of hypotheticals for why the statute of limitations "survived":

Hypothetical No. 1. Petitioner's claims were dismissed using the four-year SOL under Fl. Stat. § 95.11 exclusively, which resulted from overlooking Petitioner's multiple pro se court filings, which cited applicable tolling under both 28 U.S.C. § 1367(d) and this Court's decision in *Artis v. District of Columbia*, because they were pro se filings. If so, this violated the Supremacy Clause, as noted throughout.

Also ignored was the U.S. Third Circuit Opinion, which, elaborating on the EDPA court's decision to permit refiling in state court [A-213-14], excluded the current Unit 210 and 214 claims from dismissal with prejudice—unlike all other claims so dismissed in the amended complaint. [A-212]. The Third Circuit Opinion clearly states that the current Unit 210 and 214 claims were not retained for supplemental jurisdiction because of uncertainty regarding whether the two claims met the $75,000 minimum threshold, with amount-in-controversy a non-issue in state courts.

The failure of state courts to recognize the finality of federal decisions as previously established violates 28 U.S.C. § 1738, which requires state courts to give effect to federal judgments. See *Miller v. United States*, 357 U.S. 199 (1958), stating "a judgment of a federal court...must be given the same force and effect in the state courts as it would be given by the federal courts that rendered it." This principle clearly applies to the res judicata effect of the judgment in this case.

Hypothetical No. 2. Both courts began running the statute of limitations ("SOL") in 2010, based on a belated state court argument that unjust enrichment began that year when renovations for unit 214 were completed. This would run contrary to Fed. R. Civ. P. 8(c)(1), which states that when "responding to a pleading, a party must affirmatively state any avoidance or affirmative defense."

In both U.S. District Courts, Respondents filed three motions to dismiss, failing to raise a SOL defense, and the M. Greiser Unit 214 unjust enrichment claim survived dismissal with prejudice. If the SOL backdating was used in state court, it was based on substantial factual and legal errors resulting from consideration of the forfeited legal argument presented in Respondents' September 24, 2024, Motion to Dismiss [A-158] and again in their appellate Answer Brief.

Respondents, citing *Flatirons Bank v. Alan W. Steinberg Ltd. P'ship.*, 233 So. 3d 1207, 1213 (Fla. 3rd DCA 2017), argue that the statute of limitations for unjust enrichment begins when the defendant receives the benefit, which they claim was in 2010 in this case. [A-161-62]. Accepting this view would render Petitioner's claims

untimely by a full two years, prior to the 2018 filing that initiated this case in the SDFL court. Again, this issue was never raised in federal court.

Respondents' argument is meritless. In 2010, there was no breach of the Unit 214 agreement that led to unjust enrichment; furthermore, the damage to Petitioner, a necessary element for filing a civil claim, did not occur until 2016. This backdating argument was presented by experienced counsel and received far less scrutiny and pushback than it would have had in a pro se filing. [9]

Hypothetical No. 3. The court considered the Statute of Frauds ("SOF") defense raised in the Motion to Dismiss [A-, citing Fla. Stat. § 725.0, holding that no action shall be brought upon any agreement not to be performed within one year from the making thereof unless the agreement or promise is in some note or memorandum signed by the party to be charged. The SOF was briefly raised at the in-person Motion to Dismiss hearing; however, the judge did not mention it as the basis for dismissal.

If considered, the SOF affirmative defense was also raised in the EDPA, where Unit 214 unjust enrichment claim against M. Greiser survived dismissal with prejudice to be refiled in state court. Specifically, it survived when the SOF was used against the Unit 214 promissory estoppel claim, which was dismissed with prejudice (and never refiled), because the EDPA court ruled that "promissory estoppel is not an

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[9] Respondents' Answer Brief stated, "[t]his case presents a straightforward application of the statute of limitations and the statute of frauds. Petitioner steadfastly refuses to take 'no' for an answer from each Court that hears him. Respectfully, this saga must come to an end." The use of "each court" necessitated filing a Motion to Strike [A-2-5] or risk leaving the courts with the mistaken impression that federal courts agreed with those arguments. The motion was denied.

exception to the statute of frauds." [A-227]. Respondents wrongly claim in their MTD that this affected the Unit 214 claims against Respondent M. Greiser, [A-162].

The EDPA motion for reconsideration included the newly discovered Florida Homestead Application, obtained through a post-dismissal county archive search; however, the new evidence removing Unit 214 claims from SOF was denied [A-455]. Nonetheless, dismissal of M. Greiser's Unit 214 unjust enrichment claim without prejudice in the EDPA court precludes the SOF as a defense in state court.

Lastly, Respondents do not deny that the agreement for free renovation work, done in exchange for Unit 214 co-ownership, was completed within seven months and documented by a notarized letter from M. Greiser. This documentation removed Unit 214's claims from the SOF by confirming the Petitioner's ownership in writing, thereby qualifying the unit for Florida Homestead tax relief from 2012 to 2016 and reducing M. Greiser's Unit 214's property tax burden. [A-XXX].

In summary, the Full Faith and Credit Clause, as outlined in 28 U.S. Code § 1738, acts as res judicata, preventing the same issue from being litigated again, so long as the previous judgment is final, on the merits, involves the same parties, and does not conflict with the public policy of the forum state. See *Amador v. Florida Bd. of Regents*, 830 So. 2d 120, 122 (Fla. Dist. Ct. App. 2002); see also *Hochstadt v. Orange Broadcast*, 588 So. 2d 51, 52 (Fla. 3d DCA 1991) holding "[b]ecause the first judgment was rendered by a federal court, federal principles of collateral estoppel apply."

C. The Need to Reform Florida's PCA Policy

Corrective measures are necessary to overhaul Florida's troubled PCA policy,

which compromises due process to cut costs. Without intervention, the principles of equal protection and due process in Florida courts will remain at risk. Written decisions ensure transparency and accountability, particularly when requested following a PCA decision. This would ensure that justice is fairly administered, giving both parties a clear understanding of the court's reasoning.

III. PRO SE PREJUDICE AND LOSS OF JUDICIAL OVERSIGHT

A. Bias and Unequal Treatment Create the Need for Strengthening Pro Se Constitutional Due Process Protections

This case highlights the systemic bias faced by pro se individuals in state and federal courts, resulting from violations of procedural rules and ethical standards by opposing counsel, as well as inconsistent enforcement of those rules. These issues raise serious concerns about due process and equal treatment under the law. Eight months of delays and additional costs were addressed beforehand in a February 2014 letter to the judge, which was ignored but would be the eventual outcome five months later:

> "My concern is that a conflict of interest exists now that [Trantalis] is counsel for Defendants against me as those cases involve the same properties and subject matter as those in that are the center of this instant action. I met with Attorney Trantalis extensively under a lawyer client relationship and discussed confidential matters relating to this case. I wanted to ask him to recuse himself, which would not prejudice the Defendants as they had been represented previously by Attorney Jack Seiler who knows the case well. [2.7.24] [A-92].

Attorney Trantalis's ethical issues delayed the pro se case and frustrated the court, which then set a six-day deadline for Petitioner's new attorney to amend the

Complaint. In stark contrast to the six-day deadline imposed on the Petitioner, Respondents were granted 80 days to secure new representation and prepare their response following the Dean Trantalis disqualification [A-298].

Faced with the limited timeframe, Attorney Ford chose to simplify the Third Amended Complaint ("TAC"), which was reduced to two claims previously denied supplemental jurisdiction, along with an additional count for interference with a business relationship, relating back against Respondent J. Drinkard. This allegation supporting the claim addressed specific actions she took, including hiring a private investigator, contacting one of the Petitioner's friends, paying her thousands of dollars, and providing her with a leased vehicle for nearly two years to drive to his home in hopes of recording unflattering video that would ruin his relationship with M. Greiser. [A-141-42]. [10]

In their Motion to Dismiss, Respondents did not deny any of the above allegations put forward related to the tortious interference claim involving invasion of privacy. Instead, they characterized these facts as being "irrelevant." [A-155]. However, Florida law is clear on the issue: as a two-party consent state, secret videotaping for compensation is not only pertinent but also prohibited under Fla. Crim. Stat. § 934.03(1)(a). This statute makes it unlawful for a person or entity that: "[i]ntentionally intercepts, endeavors to intercept, or procures any other person to

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[10] Attorney Ford believed additional claims could be added in future amendments under *Kopel*, as only the amended complaint against Joanne Drinkard was dismissed with prejudice. The court passed on the proposed second amended complaint's claims against M. Greiser, indicating that a future M. Greiser conversion claim for Unit 214 remained viable in an amendment. [A-152].

intercept or endeavor to intercept any wire, oral, or electronic communication..." when recording is done in the privacy of one's own home without their knowledge.

B. Civil Procedure Rule Violations by Respondents' Attorney

> **Fla. R. Civ. P. 1.190(a),** [a] party shall plead in response to an amended pleading within 10 days after service...".

Respondent M. Greiser was served the Complaint, Summons, and a Request for Admissions ("RFA") on August 21, 2023 [A-87]. An Amended Complaint was thereafter mailed to each Respondent on August 28, 2023, which included a new Unit 214 claim. Attorney Trantalis neither responded nor entered his appearance until he filed a motion to vacate the Clerk's Default on November 17, 2023. In that motion, he admitted he was aware of the civil action but informed his clients that the answer deadline was tolled until Respondent J. Drinkard was also served. [A-95].

Respondents' claim is unsupported by Florida procedural rules and case law, yet the court vacated the Clerk's default. See *Phillips v. Citibank, N.A.*, 63 So. 3d 21, 22–23 (Fla. Dist. Ct. App. 2011), "where properly raised, the defense of failure to timely serve a defendant under Rule 1.070(j) warrants dismissal of the cause as to that defendant but not as to co-Respondents who have been timely served."

Further, Attorney Trantalis' appearance on behalf of *both* Respondents was not a limited appearance under Fla. R. Civ. P. 1.041, thus rendering service of a summons on Respondent J. Drinkard unnecessary as she was represented. However, due to counsel's argument, Respondent J. Drinkard was served the summons,

amended complaint, and a first request for admissions by a licensed process server on July 29, 2024. [A-375-76].

Additional Rule Violations

> **Fla. R. Civ. P. 1.370(a)** "A party may serve ... a written request for the admission ... [w]ithout leave of court ... [t]he matter is admitted unless the party to whom the request is directed serves upon the party requesting the admission a written answer or objection ... within 30 days after service of the request ... [or] before the expiration of 45 days after service of the process and initial pleading".

The 2023 M. Greiser RFA was clear in limiting the issues from the initial complaint, focusing on the timeliness of claims and Petitioner's Unit 214 co-ownership. Respondents failed to respond to the RFA, in violation of Rule 1.370(a). Subsequently, under Rule 1.380(a)(2), Petitioner filed a Notice of Motion for an Order Deeming the Truth of Facts and the Genuineness of Documents ("Motion to Deem Admitted"), thereby waiving the SOL and SOF defenses.

There was no excusable neglect, as Respondents' counsel was repeatedly notified, and the court was also informed when, on April 9, 2024, Petitioner submitted a fourth letter to the Judge, alerting the Court and Respondents as follows.

> "... Marian Greiser was served with a [RFA] on August 21, 2023, along with the complaint and summons. Attorney Trantalis never responded ... and I have filed an order deeming admitted truth of facts and genuineness of documents ... clearly proving Counts One and Two in both the Complaint and Amended Complaint. [A- 120].

On April 10, 2024, after eight months without an RFA response, Petitioner filed a Notice of Motion for an Order Deeming the Truth of Facts and the Genuineness

of Documents ("Motion to Deem Admitted") [A-115-17], with the RFA attached as Exhibit 1. Attorney Trantalis again chose not to respond to the RFA or Petitioner's default motion.

C. Rule Violations by Respondents' Second Attorney

Respondents' violations of the Florida Rules of Professional Conduct and Florida Rules of Civil Procedure caused substantial prejudice to Petitioner, and as a result, Petitioner never received a hearing on his Motion for an Order of Default or his Motion to Deem RFA Admitted, which remained unanswered for over a year. Petitioner paid attorney Mathew Fornaro a $5,000 retainer fee to handle legal issues not covered by the flat-fee agreement with Attorney Jennifer Ford. [A-32]. These issues included seeking sanctions/attorneys' fees for removing Dean Trantalis from the case, as well as pursuing a default motion regarding two unanswered RFAs. [11]

Attorney Fornaro contacted Respondents' counsel, John Seiler, to schedule a hearing for Respondents' prior counsel's failure to answer the RFAs or respond to the Motion to Deem Admitted court filing. Mr. Seiler was not committed to setting a hearing date on the issue. Instead, he hurriedly filed an overdue Answer to the M. Greiser RFA on October 29, 2024, without seeking court approval—just two days before the scheduled MTD hearing—and fourteen months after the RFA was served in 2023. [A-91].

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[11] J. Drinkard was served a summons, amended complaint, and request for admissions on July 29, 2024. Attorney Seiler answered the M. Greiser RFA but failed to answer the J. Drinkard RFA, which contained admissions of illegal videotaping intended to damage Petitioner's reputation.

Respondents' belated RFA Answer was an improper filing. See *Morgan v. Thomson*, 427 So. 2d 1134, 1135 (Fla. 5th DCA 1983) (where Appellee filed a request for admissions, and Petitioner failed to answer timely, leading to summary judgment for appellee). "[A]ppellee here failed to respond to Petitioner's request for admissions, also failed to move for leave to file responses belatedly pursuant to Florida Rules of Civil Procedure 1.370 and suffered the entry of an adverse summary judgment. See also *Wood v. Fortune Ins. Co.*, 453 So. 2d 451, 451 (Fla. Dist. Ct. App. 1984) "[i]n *Morgan*, our companion court held the defaulting party could not belatedly file responses without a motion for leave to do so, the absence of which was fatal."

Respondents' ongoing rule and ethical violations caused Petitioner's focus to shift away from the RFA and other major issues toward defending against overzealous motions to dismiss filed by Attorney Trantalis, as well as drafting a motion to seek his removal. Under Fla. R. Civ. P. 1.540(b), "the court may relieve a party ... for mistake, inadvertence, surprise, or excusable neglect ... [due to] misrepresentation, or other misconduct of an adverse party...".

Excusable neglect is "where inaction results from clerical or secretarial error, reasonable misunderstanding, ***a system gone awry***, or any other of the foibles to which human nature is heir." (Emphasis Added). See *Quest Diagnostics, Inc. v. Haynie*, 320 So. 3d 171, 175 (Fla. 4th DCA 2021) (quoting *Somero v. Hendry Gen. Hosp.*, 467 So. 2d 1103, 1106 (Fla. 4th DCA 1985). The moving party must prove excusable neglect through "sworn statements or affidavits." *Geer v. Jacobsen*, 880 So.

2d 717, 720 (Fla. 2d DCA 2004). Here, Petitioner raised his claim of excusable neglect in his pro se Verified Motion for Reconsideration on November 20, 2024. [A-413].

Petitioner's second attorney, Mathew Fornaro, aimed to address key issues—including *Artis*, *Kopel*, equitable estoppel, and the RFA defaults—during the October 31st in-person motion. However, the hearing was quickly concluded, and the case was dismissed for being filed too late. This termination of oral argument and swift dismissal prevented discussion of *Artis* and the unanswered RFA. This reflects a continued judicial bias against pro se cases and claims that arise even after legal counsel is retained, leading to misreadings of the facts, disregard for applicable law, and partiality toward Respondents and their arguments.

D. Counsel's Failure to Respond to Appeal Court Filing

Respondents repeatedly failed to acknowledge service and ignored Petitioner's filings, continuing to do so through appeal. After speaking with Petitioner about the upcoming appeal and the request for in forma pauperis status [A-49 footnote], followed by being served notice of the filing of the Initial Brief through the court's e-filing system and by email sent from Petitioner with the Brief attached [A-49], Attorney Seiler failed to file an Answer Brief within the required 30 days, violating Fla. R. App. P. 9.210(g).

After 35 days without a response, a pro se Motion to Foreclose was filed on March 24, 2025, but was denied three days later when the Clerk ordered an Answer by April 7th. On the due date, Respondents requested additional time, attributing their non-response primarily to the Petitioner's actions. [A-50]. Respondents claimed

that the delay in filing an Answer was due to the Petitioner's failure to serve co-counsel. [A-36]. This blame-shifting is a common tactic used by attorneys against pro se parties, as was repeatedly done in this case.

Counsel was unknown to the Petitioner because only Attorney Seiler was listed as the attorney of record when the appeal was initiated, with the notice of appeal and the Record of Appeal sent to Mr. Seiler on January 30, 2025. [A-106-07]. Further, co-counsel never entered their appearance in the case thereafter. To dispel the false impression that the pro se Appellant caused delays and to counter further bias, Petitioner responded by filing a statement with the court, providing communication documentation that attorney John Seiler was solely responsible for the missed deadline [A-34], and noting Petitioner had agreed by return email to a 3-day extension ***less than three hours*** after receiving it to avoid further motion filings.

Petitioner's 4th DCA Initial Brief highlighted the unfair tactics employed against a pro se litigant, including counsel's refusal in 2018 to sign and return a waiver of service, as required under Fed. R. Civ. P. 4(d)(1). As a result, a process server was required to again serve Respondent J. Drinkard and Paul Drinkard, this time with individual summonses. This split service of the complaint with a waiver (requiring a 30-day waiting period to respond, which never arrived) and subsequent individual service of summonses were followed by multiple SDFL motions to dismiss for improper service. [A-51-52].

This was carried over anew in the EDPA, where excessive motion filings, including the use of sur-replies and sur-sur-replies by Respondents' Pennsylvania

counsel, were the norm, which only aggravated that court. [A-59 footnote]. The EDPA court dismissed the R. 12(b)(5) motion to dismiss, claiming insufficient service of process, stating "[a]lthough Service of a summons and complaint separately is certainly unorthodox, it does not mean that such service is necessarily improper." [A-219].

The EDPA court also found that Petitioner's waiver request was not defective under Rule 4 as claimed and ordered Respondents to pay $914.58 for four out-of-state service of process delivery fees—but denied the requests for legal research and costs related to filing motions countering improper service of process arguments and further motions to collect process server fees and costs, as these are only awarded to attorneys under Rule 4(d)(2), and thereby not available to a pro se. [12]

In his 4th DCA Reply Brief [A-47-48], the pro se Petitioner detailed the unjust tactics used against him as a pro se litigant as follows:

> **1)** Leverage your reputation as a respected attorney and capitalize on the inherent bias against *pro se* court filings to your fullest advantage.
>
> **2)** Avoid responding to service of process that initiates *pro se* lawsuit or a *pro se* appeal against your client; instead, compel the other side to file a motion on the matter.
>
> **3)** Refrain from entering your appearance in a *pro se* case to keep the *pro se* party guessing and delay the case.

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[12] SDFL: Motion to Quash [Doc. 25]; Renewed Motion to Quash Purported Service [Doc. 27]; Motion to Dismiss "service ... not perfected" [Doc. 32]; Sur-Reply to MTD "Plaintiff failed to comply with Rule 4" [Doc. 37]; EDPA: MTD "Plaintiff has failed to perfect service" [Doc. 45]; Memorandum to MTD "failing to provide sufficient service of process" [Doc. 47]; Reply supporting MTD "failed, defective, invalid, insufficient, and/or improper service" [Doc. 70].

> **4)** Do not reply to a properly served request for admissions and ignore any subsequent *pro se* motions filed to deem those facts admitted.
>
> **5)** Use your esteemed status as an attorney to argue that the *pro se* litigant failed to adhere to the rules of civil/appellate procedure to justify your non-response; and when that is insufficient, provide a plausible excuse, such as being overwhelmed with your law practice.
>
> **6)** Strategically navigate and reinterpret the rules of court and professional conduct that may be inconvenient for you, confident that your *pro se* counterpart does not possess the legal expertise required to hold you accountable in court.
>
> **7)** Implement the aforementioned strategies confidently, knowing that even if caught, you are protected from bad faith actions since a *pro se* opponent cannot hold you liable for legal fees related to responsive motion filings, which are only awarded as a sanction to [a represented] party.

Petitioner's Brief referred to the list above as a "bad faith playbook" repeatedly used in this case. Petitioner admits that, although spoken in truth, his tone above was, regrettably, flippant due to frustration with Respondents' claiming their failure to file an Answer was due to the actions of the pro se Petitioner.

Florida courts are not powerless to curb attorney abuse. In 2021, a change in controlling state law gave Florida trial court judges more authority over lawyer discipline and the enforcement of professional conduct violations. See *In re Amend. to Rules Regulating Fla. Bar-Rule 3-7.18*, 345 So. 3d 700 (Fla. 2021). In this case, the court's failure to exercise that oversight led to confusion and an abuse of discretion against Petitioner. Despite repeated alerts raised about violations, no initiative-taking steps were taken to address the misconduct.

Article I, Section 21 of the Florida Constitution, states: "The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay". This provision guarantees the right to access the courts, free from attorney misconduct and rule violations that deny the proper administration of justice.

E. Failure to Enforce Rules of Ethics

Respondents' conflict-of-interest, evasive statements, and violations of ethical and procedural rules denied Petitioner his fair access to justice. Attorney conduct standards are especially serious. Yet, attorney John Seiler downplayed those concerns in his final Motion to Dismiss, labeling them simply as "contentious litigation over alleged conflicts of interest by the prior counsel." [A-163-64].

Attorney Trantalis engaged in unethical and misleading conduct as follows:

1. On February 7, 2024, the conflict-of-interest was addressed in a filed letter to the judge and email to Mr. Trantalis. [A-55].

2. At the in-person CMC on March 20, 2024, Trantalis was asked if he had ever represented Petitioner and responded, "I don't believe so, Your Honor." (This statement was never challenged as to its accuracy). This portrayed Petitioner as deceitful, Petitioner was given nine days by the judge to amend his complaint or have it dismissed with prejudice. [A-55].

3. Petitioner rushed to draft/file a Motion to Disqualify Counsel on March 28, 2024, to avoid dismissal for not filing an amended complaint by the court's March 29, 2025, deadline. [A-94].

4. On March 30, 2024, Attorney Trantalis filed an affidavit to support his Motion to Dismiss ("MTD") with Prejudice. However, due to the disqualification motion, the judge denied the MTD and set a new CMC for April 11, 2024.

5. At the April 11th CMC, the judge stated he had concerns with the Motion to Disqualify allegations. Mr. Trantalis stated there was "no conflict of interest" because the case had been "dismissed." [A-56]. The judge proceeded to set a new deadline for the Petitioner to file an attorney-assisted amended complaint. A new CMC was scheduled for May 20, 2024.

6. Dean Trantalis filed a MTD with prejudice at 12:03am on May 11, 2024, citing Petitioner's failure to hire an attorney and for his not filing a Second Amended Complaint (SAC) by May 10, 2024, as set by the court. [13]

7. Petitioner hurriedly filed an incomplete SAC one day later, reducing the claims from (8) to only (2) for fear his case would be dismissed with prejudice for a late filing. In response to the May 11th MTD, the conflict-of-interest was raised along with Respondents' failure to answer the August 2023, RFA.

8. On May 20, 2024, Respondents' MTD was dismissed, and Petitioner was given a new and final deadline of June 3, 2024, to hire an attorney, with a CMC scheduled for June 6, 2024. Petitioner had a Court Reporter present at the CMC.

9. On May 28, 2024, Attorney Trantalis filed a "Proposed Order of Dismissal with Prejudice" falsely claiming that the judge on May 20th ordered "Plaintiff shall secure an attorney and file a Notice of Appearance by June 3, 2024, or this case shall be dismissed with prejudice." The Court Management System ("CMC") quickly responded, "Status: Not Approved - Order does not accurately reflect the Court's ruling." [A-22 footnote].

10. In a third Letter to the Judge filed with the court on May 30, 2024, Petitioner documented that Attorney Trantalis' misled the court by submitting the "proposed order" which was intentional, as the hearing transcript shows the judge stated, "[h]e doesn't have to have a lawyer, Mr. Trantalis. He can go with a lawyer or he doesn't have to have a lawyer. That's not a requirement." Whereby, Attorney Trantalis responded, "I agree." [A-134].

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[13] At the May CMC, Trantalis was admonished after he again claimed: "But, your honor, one thing, first of all, there's no case before this court." The judge responds: He didn't show up at the CMC, but there was an excuse ... I've already ruled on that. We are moving on." [A-132-33].

11. On June 27, 2024, the disqualification of Trantalis was granted at an in-person hearing. Afterwards, Petitioner's attorney was asked to submit a proposed order to the Clerk granting the motion to disqualify. [14]

12. Despite being removed from the case, on June 28, 2024, Attorney Trantalis submitted a misleading proposed order through CMS that was not reflective of the judge's decision. [A-155]. The proposed order, used by the court on the same day [A-153-54], was misleading, as it stated his withdrawal from the case was "voluntary" when it was not, as he forced a hearing on the issue—which he lost. [A-XXX].

The actions above violated the following Rules Regulating the Florida Bar:

- Conflict-of-Interest – Rule 4-1.9
- Duty Owed to Former Client – Rule 4-1.16
- Meritorious Claims and Contentions – Rule 4-3.1
- Dilatory Tactics – Rule 4-3.2
- Lack of Candor Toward the Tribunal – Rule 4-3.3
- Overzealous Conduct – Rule 4-8.4(d)

Each Florida court had the authority to address attorney misconduct. See *In re Order as to Sanctions*, 495 So. 2d 187, 188 (Fla. 2nd DCA 1986) "[it has] come to the attention of the court various acts of misconduct by a small minority of the lawyers practicing before this court. It is an affront to the judicial process that any such misconduct occurs, and it would be a disservice to the vast majority of lawyers if the misconduct of a few were to go unnoticed."

See also *R.J. Reynolds Tobacco Co. v. Kaplan*, 321 So. 3d 267, 275-76 (Fla. 4th DCA 2021), "[t]he fact that appellate courts proscribe misconduct by trial counsel,

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[14] On April 28, 2024, Trantalis received a final email stating if he refused to withdraw, a Bar Complaint for conflict of interest would be filed. This was done on May 7, 2024. Update: on August 22, 2025, the Trantalis Bar Complaint (File No. 2024-50,796 -17A) was forwarded by the regional bar office to the full committee for further action. [A- XXX].

unfortunately, does not seem to eliminate it. It is therefore of vital importance that trial judges, when objections are raised to improper [conduct] ... properly exercise their duties by stepping in and curbing it." (Citing *Bellsouth Hum. Res. Admin., Inc. v. Colatarci*, (Fla. 4th DCA 1994).

Conclusion

This petition advocates for stronger pro se due process protections and for curbing Florida's excessive use of PCAs, which will help address inequities for litigants, such as those in this case who move between federal and state courts under a dual system: those who benefit from federal tolling and those who do not.

For the foregoing reasons, this Honorable Court should grant this Petition for a Writ of Certiorari addressing the unresolved questions concerning federal tolling statutes, Florida's per curiam affirmance policy, and Florida's relaxed enforcement of ethical and procedural rules for attorneys opposing self-represented parties.

Respectfully Submitted,

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