No. 25-835

# In the Supreme Court of the United States

JEAN-FRANÇOIS RIGOLLET,

Petitioner,

*v.*

LE MACARON DEVELOPMENT, LLC,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
SUPREME COURT OF FLORIDA

## PETITION FOR WRIT OF CERTIORARI

Jean-François Rigollet
BP 381160 – 98718 – PUNAAUIA
Tahiti, French Polynesia
+ 689-87-36-19-72
jfr@lecocobulle.com
jfjrigollet@gmail.com

*Pro Se Petitioner*

First day of December, MMXXV

United States Commercial Printing Company • www.uscpc.us • (202) 866-8558

## QUESTIONS PRESENTED

The circumstances following the presented questions, creates two constitutional questions under the Due Process Clause of the Fourteenth Amendment:

1. **Deprivation of hearing and procedural exclusion.** Does a state trial court violate the Due Process Clause of the Fourteenth Amendment when it enters final summary judgment without holding the hearing it expressly announced, and without considering a duly filed cross-motion for summary judgment? And is this constitutional violation compounded where the self-represented litigant is denied access to the State's mandatory electronic scheduling system, thereby preventing him from obtaining the promised hearing?

2. **Judicial contradiction and absence of reasoning**: Does a state appellate court violate due process when it issues a per curiam affirmed ("PCA") decision without written opinion that directly contradicts its own prior published opinion in the same case—without any new facts, explanation, or justification—thus eliminating meaningful appellate review and undermining the rule of law?

## PARTIES TO THE PROCEEDINGS

Petitioner, and defendant/counter-plaintiff-appellant below is Jean-François RIGOLLET, an individual.

Respondent, and plaintiff/counter-defendant-appellee below is Le Macaron Development LLC, a Florida limited liability company.

The following parties appeared in earlier stages of the proceedings but are not parties to this petition:

Le Macaron LLC (Nevada), named as a co-counter-plaintiff in the original counterclaim but dismissed before appeal;

Bernard Guillem, Rosalie Guillem, and Didier Saba, named as third-party defendants in a third-party complaint dismissed prior to final judgment.

## RELATED PROCEEDINGS

Florida Circuit Court (12th Jud. Dist.–Sarasota Co.)

*Le Macaron Development, LLC, and Le Macaron Confectionary, LLC* v. *Le Macaron, LLC, Jean F. Rigollet*, and *Jean F. Rigollet* v. *Rosalie Guillem, Bernard Guillem,* and *Dider Saba*, No. 2017-CA-002339NC (Nov. 16, 2022) (dismissal)

*Le Macaron Development, LLC, and Le Macaron Confectionary, LLC* v. *Le Macaron, LLC,* and *Jean F. Rigollet*, No. 2017-CA-002339NC (Nov. 8, 2024) (summary judgment for respondent)

Florida District Court of Appeal (Fla. 2d DCA):

*Jean-Francois Rigollet* v. *Didier Saba, Le Macaron, LLC, Le Macaron Development, LLC, Bernard Guillem, Rosalie Guillem, Le Macaron Confectionary, LLC*, No. 2D2023-0564 (Mar. 27, 2024) (dismissal reversed)

*Jean F. Rigollet* v. *Le Macaron Development, Llc, A Florida Limited Liability Company; Le Macaron Confectionary, Llc, A Florida Limited Liability Company; Le Macaron, Llc, A Nevada Limited Liability Company; Rosalie Guillem; Bernard Guillem; And Didier Saba*, No. 2D2024-2668 (May 7, 2025) (per curiam affirmed)

Supreme Court of Florida:

*Jean-Francois Rigollet,* v. *Le Macaron Development, LLC et al.*, No. SC2025-1331 (Sep. 3, 2025) (discretionary review denied)

## TABLE OF CONTENTS

Appendix

## TABLE OF AUTHORITIES

### Cases



### Constitutional Provisions, Statutes, and Rules

## OPINIONS BELOW

The Supreme Court of Florida's denial of discretionary review is reproduced in the Appendix at App.1-2. The Florida Second District Court of Appeal's initial opinion reversing an earlier dismissal is published at *Rigollet* v. *Le Macaron Dev.*, 383 So. 3d 132 (Fla. 2d DCA), and is reproduced in the Appendix at App.3-11. Its subsequent per curiam opinion affirming the trial court's summary judgment is reproduced in the Appendix at App.12-13. The Circuit Court of Sarasota County's order granting summary judgment in favor of the respondent is reproduced in the Appendix at App.14-24.

## JURISDICTION

The Supreme Court of Florida denied discretionary review on September 3, 2025. This Court has jurisdiction under 28 U.S.C. 1257(a).

## STATUTORY PROVISIONS INVOLVED

The constitutional and statutory provisions involved are first, U.S.Const., Amdt. XIV, § 1: "No State shall deprive any person of life, liberty, or property, without due process of law."

Second, Fla.Const. art. I, § 9: "No person shall be deprived of life, liberty or property without due process of law."

Third, 28 U.S.C. 1257(a):

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

28 U.S.C. 1257(a).

## STATEMENT OF THE CASE

### I. Procedural History

On November 16, 2022, the Circuit Court of Sarasota County, Twelfth Judicial Circuit of Florida (trial court), presided over by Judge Stephen P. Walker, granted the motion to dismiss filed by Le Macaron Development, LLC ("LMD"). The court found that Petitioner, Jean-François Rigollet, lacked standing and dismissed his counterclaim, which asserted five causes of action.

On March 27, 2024, the Florida Second District Court of Appeal (court of appeal) issued a written and published opinion reversing the dismissal. The court expressly concluded that Mr. Rigollet's counterclaim alleged ultimate facts sufficient to support all five causes of action and held that he had standing to pursue them.

This published opinion, found at *Rigollet* v. *Le Macaron Dev.*, 383 So. 3d 132 (Fla. 2d DCA), became the *law of the case*, binding both the trial court and the court of appeal in all subsequent proceedings involving the same causes of action.

On June 18, 2024, Rigollet filed a motion for summary judgment (and an amended version the same day), supported by documentary and factual evidence demonstrating both his standing and LMD's liability. On June 24, 2024, LMD filed a *Notice of Hearing* setting a joint hearing on both parties' motions for summary judgment—LMD's motion and Rigollet's cross-motion—for September 10, 2024, at 2:30 p.m., before the trial court, presided by Judge Walker.

At the September 10, 2024 hearing, after hearing argument on LMD's motion for summary judgment, Judge Walker stated "[w]e didn't have time to get to the other motion. We will have to schedule a time for that."

No further hearing was scheduled by the court, and Rigollet's motion was never heard. Acting *pro se*, he had no ability to request a new hearing date through the Judicial Automated Calendaring System (JACS), which is accessible only to attorneys and not to self-represented litigants.

On November 8, 2024, the trial court entered a final order granting summary judgment in favor of LMD. The trial court again concluded that Rigollet lacked standing and dismissed all five causes of action, without addressing his pending cross-motion, despite the court of appeal's recent precedent recognizing Rigollet's standing.

On November 14, 2024, Mr. Rigollet filed a *Notice of Filing Transcript* (App.25-40), submitting the transcript of the September 10, 2024, hearing, which confirmed that the trial court had stated a second hearing would be scheduled to address Rigollet's motion—a hearing that was never held.

On November 18, 2024, Rigollet filed a notice of appeal from that decision to the Florida Second District Court of Appeal. On May 7, 2025, the court of appeal issued a *per curiam affirmed* ("PCA") decision, affirming trial court's ruling without a written opinion.

On May 19, 2025, Mr. Rigollet filed a *motion for rehearing, rehearing en banc,* and *request for written opinion,* arguing that the PCA contradicted the published opinion of March 27, 2024. The Court of Appeal denied the motion on August 6, 2025, without explanation, and issued its *mandate* on August 25, 2025, thereby making the decision final.

On September 1, 2025, Mr. Rigollet filed a *Notice to Invoke the Discretionary Jurisdiction of the Florida Supreme Court* pursuant to Fl. R. App. P. 9.120. Two days later, on September 3, 2025, the Supreme Court of Florida denied the petition without explanation and without waiting for the ten days allowed for the filing of supplemental materials. Thus ended the procedural course of this case before the courts of the State of Florida, paving the way for the instant petition for writ of certiorari before this Court.

## II. Statement of the Facts

### A. Background

Rigollet is a French entrepreneur who personally invested in the operation of franchise boutiques under the name "Le Macaron." Le Macaron Development, LLC ("LMD"), based in Sarasota, Florida, develops and manages a network of franchises specializing in the sale of French macarons and pastries.

Starting in 2014, Rigollet entered discussions with LMD to open five franchise locations in Nevada, including sites in Las Vegas and Henderson. The contractual documents and Franchise Disclosure Documents ("FDD") were delivered directly to Rigollet, who signed them in his personal capacity, without any indication that he was acting on behalf of a company. His individual signatures appear on the FDD, the receipts, and the franchise approvals. Throughout the entire commercial relationship, all correspondence and contractual documents were addressed directly to Rigollet.

### B. Commitments and Representations of LMD

LMD's initial commitments form the starting point of the dispute.

Before the agreements were executed, LMD provided Mr. Rigollet with franchise documentation (Franchise Disclosure Document – FDD), accompanied by several explanatory emails concerning the structure of the network and the

contractual obligations of the franchisee. Based on these exchanges, a franchise agreement was signed, followed by the execution of two commercial leases, both initiated and approved by the franchisor.

From the earliest stages of build-out planning, Mr. Rigollet observed that several representations made by LMD did not correspond to reality. Upon verification, he discovered that the FDD provided by LMD contained incomplete or inaccurate information on essential points. In particular:

1. The document significantly underestimated the amount of construction work and investment required to reach the projected level of operation; and
2. It failed to disclose the final criminal convictions of Bernard Guillem, co-founder and managing officer of LMD, for fraud and breach of trust.

These omissions and misrepresentations constituted a direct violation of the disclosure obligations imposed both by federal regulations and by the Florida Franchise Act, Fl. Stats. Chpt. 817, which require franchisors to provide prospective franchisees with all material information, including the criminal history of their principals and the estimated costs of establishing the business.

Such documentary deficiencies profoundly affected Rigollet's perception of the franchisor's reliability and the legal compliance of the franchise offer. LMD never provided any explanation or justification for these initial omissions and inaccuracies contained in the franchise documentation.

Relying on these misleading representations, Rigollet personally undertook the procedures, financing, and investments necessary to open and operate two franchise locations in Nevada, under conditions far exceeding those originally contemplated by the contractual terms.

These misleading disclosures directly led Rigollet to commit his personal funds and resources to the franchise investment.

### C. Operation of Stores and Resulting Losses

Based on the documentation provided by LMD, Rigollet opened and operated two franchise locations in Nevada under the "Le Macaron" brand. Acting in his individual capacity, Rigollet personally managed the day-to-day operations and directly financed all expenses necessary for the business — including rent, construction work, salaries, inventory, and ongoing operating costs. The entirety of the invested funds came from his personal resources.

The cumulative operating losses amounted to approximately $3,812,780, a figure declared under oath during his deposition of August 9, 2022. These figures were never disputed by LMD during the proceedings.

To sustain business operations and prevent an early shutdown, Rigollet was forced to sell several real-estate properties owned by his companies Bydoo LLC and Tahican LLC, to inject additional capital into the operating entity. These sales resulted in substantial personal financial losses for Rigollet.

The stores continued operating for several months, but the combined effect of economic conditions and contractual constraints — together with investment costs far exceeding the estimates disclosed in the FDD — made profitability impossible. The stores ultimately ceased operations, resulting in the complete loss of Rigollet's personal investment.

During this period of operation, LMD's conduct consistently confirmed its implicit recognition of Rigollet's status as the actual franchisee.

### D. Origin of the Judicial Dispute

Following the foregoing events, on July 12, 2017, Rigollet filed a counterclaim in the trial court, asserting five distinct causes of action. These claims were based on specific, documented facts arising from the omissions and irregularities found in the franchise documentation provided by LMD.

The five causes of action submitted to the trial court were as follows:

1. **Fraud in the Inducement**, for providing an incomplete FDD that failed to disclose the criminal convictions of one of LMD's principals.
2. **Violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA)**, for deceptive practices and the concealment of material information.
3. **Violation of the Florida Franchise Act (FFA)**, for failure to comply with disclosure obligations imposed by franchise law.

4. **Breach of Contract**, for non-performance of contractual commitments made to Rigollet.
5. **Breach of the Covenant of Good Faith and Fair Dealing**, for conduct inconsistent with the principles of honesty and fair dealing in the performance of the agreements.

These claims sought compensation for the financial and patrimonial losses sustained by Rigollet because of the operation of the franchise stores, as well as for personal damages arising from LMD's conduct.

The evidentiary record—including the FDD, correspondence, interrogatories, signed contracts, and the August 9, 2022 deposition—established the factual foundation of these claims.

However, these evidence were never subjected to adversarial examination at a hearing on the merits, as the case was resolved through summary judgment.

### E. Connection to the Constitutional Issues

At the September 10, 2024 hearing, the trial court expressly stated that a second hearing would be scheduled to consider Rigollet's motion for summary judgment. That hearing was never scheduled.

Acting *pro se*, Rigollet had no means to request a new hearing date through JACS, which is restricted to attorneys. Deprived of any procedural

mechanism to exercise his right to be heard, he was effectively excluded from the judicial process.

On November 8, 2024, the trail court entered a final summary judgment in favor of LMD, dismissing all five of Rigollet's causes of action without a hearing and revisiting the issue of standing—an issue that had already been definitively resolved in *Rigollet*, 383 So. 3d 132 (Fla. 2d DCA), on March 27, 2024.

On May 7, 2025, the same court of appeal affirmed the judgment through a per curiam affirmed decision rendered without written opinion, directly contradicting its own fresh precedent, without any new facts, justification, or explanation.

Finally, on September 3, 2025, the Supreme Court of Florida declined to exercise its discretionary jurisdiction, providing no reason, thereby bringing the state proceedings to an end.

These successive rulings—issued without a hearing, without review of the cross-motion, and without written reasoning—had the cumulative effect of depriving Rigollet of his fundamental right to due process, as guaranteed by the Fourteenth Amendment of the United States Constitution, and Art. 1, § 9 of the Florida Constitution.

They raise a federal question of braod significance regarding the constitutional validy of judicial practices that: 1) deny *pro se* litigants access to electronic hearing-scheduling systems such as JACKS, thereby preventing them from requesting or obtaining a hearing on the merits; and 2) affirm, through unreasoned per curiam decisions, a judgment that contradicts published case law on the

same case, regarding the same set of facts, without justification or meaningful appellate review.

These dual violations—procedural and institutional—do not stem from isolated error, but from a structural malfunction within the judicial process itself. They reflect a systemic failure that undermines the guarantee of an equal and effective due process of all litigants before state courts.

Accordingly, intervention by this Court is necessary to reaffirm that constitutional justice requires, under all circumstances, that no citizen be deprived of the right to be heard—even when proceeding without legal representation.

These facts establish the foundation for the constitutional violations detailed in the next section, demonstrating why this case warrants this Court's review.

## REASONS FOR GRANTING THE PETITION

This case presents two recurring federal questions of national importance concerning the minimum constitutional guarantees of the Due Process Clause.

1. Whether a State may enter final judgment without affording a self-represented litigant any meaningful ability to obtain the hearing required by law, where the State's own mandatory scheduling system excludes all *pro se* litigants from requesting hearings?

2. Whether a State appellate court may issue an unreasoned decision that directly contradicts its own prior published opinion in the same case, without new facts or explanation, thereby

eliminating meaningful review and undermining the rule of law.

Both issues raise structural concerns that transcend Florida and affect the uniform application of due process nationwide.

## I. Digital Exclusion and the Complete Denial of a Hearing Violate the Due Process Clause

The Due Process Clause guarantees every litigant a meaningful opportunity to be heard before a final judgment is entered. *Mathews* v. *Eldridge*, 424 U.S. 319, 335 (1976)

That opportunity was wholly absent here.

At the September 10, 2024, joint hearing, the trial judge expressly stated that a second hearing would be scheduled to address Petitioner's pending cross-motion for summary judgment. No such hearing was ever scheduled. Instead, on November 8, 2024, the court entered Final Summary Judgment dismissing all five causes of action without allowing Petitioner to present evidence or argument.

### A. Pro se litigants are categorically excluded from Florida's hearing scheduling system

Petitioner, proceeding pro se, had no ability to obtain a hearing, because Florida's Judicial Automated Calendaring System ("JACS")—the exclusive mechanism for requesting hearings—is restricted to licensed attorneys.

A *pro se* litigant:

- *cannot* log *into* JACS;
- *cannot schedule* a *hearing*;
- cannot place a pending motion on calendar; and
- therefore cannot trigger judicial review of a motion requiring a hearing.

In effect, the State conditions access to the courts on possessing an attorney's credentials, a requirement that has no foundation in statute, rule, or constitutional doctrine.

### B. The State is constitutionally responsible for a procedural design that forecloses a hearing

Under *Logan* v. *Zimmerman Brush Co.*, 455 U.S. 422, 429 (1982), the State is liable under the Fourteenth Amendment when "established procedures" themselves operate to extinguish a protected right.

Here, the established procedure—JAJCS exclusion—rendered it impossible for Petitioner to exercise the right to be heard on his cross-motion.

The only theoretical alternative—contacting the Judicial Assistant—was constrained by strict prohibitions on *ex parte* communication forbidden by Canon 3B(7) of the Florida Code of Judicial Conduct. There exist:

- no *defined protocol;*
- no *guaranteed* process;
- no timeline; and

- no right to obtain a hearing for *pro se* litigants.

Access to justice thus becomes entirely discretionary, dependent on the willingness or availability of court staff rather than any legal entitlement.

### C. Administrative disruption made the deprivation complete

The Sarasota County Courthouse was closed for several days due to a severe storm. As confirmed by the Judicial Assistant (App.41), all hearings were postponed, calendars were blocked for weeks, and no scheduling was possible.

By the time the courthouse reopened, the opportunity for a hearing had been extinguished—not because of Petitioner's conduct, but because the procedural framework was so rigid and exclusionary that a brief administrative interruption sufficed to silence one party entirely.

This Court has held that States may not impose conditions that "effectively foreclose a hearing on the merits." *Boddie* v. *Connecticut*, 401 U.S. 371 (1971) Here, the barrier was technological, structural, and systemic, but its effect was identical: Petitioner was deprived of any chance to be heard.

This problem extends beyond Florida. Many states now rely on similar digital systems that, whether by design or neglect, make access to justice contingent upon possessing an attorney's credentials. The federal question presented is therefore whether a State may, consistent with the Due Process Clause,

delegate access to the courts to technological systems that, by their very design, discriminate against self-represented litigants.

### D. This systemic defect is not unique to Florida

Other States use similar electronic systems that exclude *pro se* litigants.

- **Virginia (Fairfax County)**: "OSS is only available to Virginia attorneys."
- **Texas (Bexar County)**: "Uncontested Scheduling Portal for Attorneys", *pro se* scheduling depends entirely on discretionary email coordination.
- **Florida (2023 Courts Report)**: "Attorneys are able to schedule hearings online while *pro se* parties contact the office to schedule."

When access to the courts depends on digital systems restricted to attorneys, the constitutional right to be heard becomes conditional, unequal, and illusory.

This structural defect presents an urgent federal question requiring this Court's intervention.

## II. The second question concerns the integrity and coherence of state appellate review.

The second question concerns the integrity and coherence of state appellate review.

On March 27, 2024, the Florida Second District Court of Appeal issued a published opinion holding that Petitioner:

- *had* standing; and
- alleged ultimate facts sufficient to support all five causes of actions.

This holding became the law of the case, binding in all subsequent stages.

Yet, on May 7, 2025, the same court issued a per curiam affirmed (PCA) decision without written opinion, affirming a judgment that directly contradicted its own published holding—without:

- new *facts*;
- new *law*;
- justification; or
- *any explanation.*

### A. Silent Reversal of a binding precedent violates due process

In *Arizona* v. *California*, this Court reaffirmed that a legal conclusion "should continue to govern the same issue in subsequent stages in the same case." 460 U.S. 605, 618 (1983). )

A PCA that nullifies a published precedent—without explanation—destroys:

- *predictability*;
- *transparency*;
- *legal coherence*; and
- the possibility of meaningful review.

As this Court warned in *Hicks* v. *Miranda*, unexplained reversals "undermine confidence in the judicial process." 422 U.S. 332, 334 (1975)

### B. The PCA prevents meaningful federal review

Without written reasoning, neither this Court nor the litigant can evalute:

- whether proper law was applied;
- *whether facts were misinterpreted*;
- *whether constitutional error occurred*;
- or whether the appellate court silently overruled its own precedent.

*An unreasoned, contradictory PCA is not merely deficient; it is constitutionally incompatible with the Due Process Clause.*

### The problem has national implications

Many state appellate courts use unreasoned PCAs that:

- dispose of complex cases without analysis;
- *shield errors from review*; and
- create inconsistent, unpublished, and unexplainable outcomes.

The question presented is therefore unmistakably federal and unquestionably national in scope.

## III. Federal Question of National Importance

Together, these two systemic practices:

1. *Digital exclusion from mandatory scheduling systems*; and
2. *Unreasoned appellate decisions contradicting binding precedent*;

violate the two fundamental guarantees of due process:

- *the right to be heard before judgment*; and
- *the right to understand the basis for that judgment.*

This petition does not ask the Court to supervise state court administration. It asks the Court to reaffirm minimal constitutional standards applicable nationwide.

Without intervention, States will continue to employ:

- procedural designs that deny *pro se* litigants' meaningful access to hearings; and
- appellate mechanisms that extinguish rights without explanation.

Only this Court can restore the constitutional balance between administrative efficiency and the fundamental promise of fair, transparent, and accessible justice.

## CONCLUSION

For all the reasons set forth above, Petitioner Jean-François Rigollet respectfully requests that this Court grant the writ of certiorari to review the constitutional questions presented in this case.

This case presents a unique opportunity to clarify two foundational principles of the Due Process Clause of the Fourteenth Amendment

(1) that a State may not render a final judgment after expressly announcing that a hearing will be held while maintaining a procedural system that prevents a self-represented litigant from requesting such a hearing; and

(2) that a state appellate court may not, consistent with due process, issue an unreasoned decision that directly contradicts its own prior published opinion in the same case.

These two questions extend beyond the State of Florida and concern all state judicial systems that currently rely on digital mechanisms restricting *pro se* litigants' access to hearings or that employ unreasoned appellate decisions to terminate cases.

This Court is not asked to regulate the internal details of state procedure, but to reaffirm the minimal constitutional guarantees that define American justice: that no citizen may be deprived of the right to be heard, and that no appellate court may overturn a binding precedent without providing a written and intelligible explanation.

For these reasons, Petitioner Jean-François Rigollet respectfully requests that this Court:

1. Grant the writ of certiorari to clarify the minimum constitutional obligations imposed on the States regarding access to justice and the requirement of reasoned judicial decisions.

2. Vacate the judgment rendered by the Supreme Court of Florida on September 3, 2025, as well as the *per curiam affirmed* decision of the Second District Court of Appeal of Florida dated May 7, 2025, on the ground that both violate the Due Process Clause; and

3. If the Court deems it appropriate, remand the case to the courts of the State of Florida for further proceedings consistent with the constitutional principles established by this Court.

/s/ Jean-François Rigollet
Jean-François Rigollet
*Pro Se Petitioner*
BP 381160 – 98718 – PUNAAUIA
TAHITI – FRENCH POLYNESIA
jfr@lecocobulle.com
jfjrigollet@gmail.com
+689-87-36-19-72

Dated: December 1, 2025.