ORIGINAL

No. 26-6044

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IN THE

SUPREME COURT OF THE UNITED STATES

ANDREW M. ISAACS,

Petitioner,

v.

MICHELLE ANNE-MARIE SHARPE,

Respondent.

On Petition for a Writ of Certiorari
to the Fourth District Court of Appeal
of the State of Florida

Case No. CACE 4D2025-3225

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Fourteenth Amendment's Due Process Clause permits a state court to impose a substantial attorney-fee judgment and allow the time for appellate review to expire when the litigant alleges that the court's order denying a timely posttrial motion was not served or otherwise communicated to him, leaving him unaware that the order had been entered.

2. Whether, before treating a posttrial order as operative to foreclose appellate review and proceeding to enter a related fee judgment, due process requires notice reasonably calculated to inform the litigant of the ruling and a meaningful opportunity to seek review—or whether the issue is governed entirely by state procedural rules without a federal constitutional remedy.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Petitioner

Andrew Isaacs, the appellant in the Fourth District Court of Appeal of Florida, Case No. 4D2025-3225, and the plaintiff in the underlying civil action.

Respondent

Michelle Anne-Marie Sharpe, the appellee in the Fourth District Court of Appeal and the prevailing party who obtained the attorney-fee-and-costs judgment at issue.

RELATED CASES

The following related proceedings are identified for this petition:

1. **Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida, Case No. CACE 22-001459:** final judgment for Respondent entered February 7, 2025; order denying Petitioner's motion for new trial entered February 26, 2025; order addressing prevailing-party status and entitlement to fees entered March 17, 2025; final judgment for attorney's fees and costs entered October 6, 2025.

2. **Fourth District Court of Appeal of Florida, Case No. 4D2025-2170:** appeal from the February 7, 2025 final judgment dismissed as untimely on August 14, 2025.

3. **Fourth District Court of Appeal of Florida, Case No. 4D2025-3225:** per curiam affirmance of the final judgment for attorney's fees and costs issued June 18, 2026; motion for rehearing denied July 30, 2026.

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals 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 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 cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A 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 Seventeenth Judicial Circuit court appears at Appendix B 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 courts**:

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals 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 this Court is invoked under 28 U. S. C. § 1254(1).

[✓] For cases from **state courts**:

The date on which the highest state court decided my case was June 18, 2026. A copy of that decision appears at Appendix ___A___.

[✓] A timely petition for rehearing was thereafter denied on the following date: July 30, 2026, and a copy of the order denying rehearing appears at Appendix ___D___.

[ ] 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 this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The U.S. Const. amend. XIV, § 1 ("Fourteenth Amendment") states:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The 28 U.S.C. § 1257(a) states:

> 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 the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, 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.

See Davis v. Wechsler, 263 U.S. 22, 24 (1923) (Whatever springes the State may set for those who are endeavoring to assert rights that the State confers, the assertion of Federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice.). The federal question asserted here arises under the Due Process Clause of the Fourteenth Amendment.

Supreme Court Rules 10, 13, 14, and 34 govern, respectively, considerations governing review on certiorari, the time for petitioning, the content of a petition for a writ of certiorari, and general requirements. In considering the July 30, 2026 denial of rehearing, the deadline to file this petition for writ of certiorari is October 28, 2026.

STATEMENT OF THE CASE

A. Underlying civil action and fee judgment

Petitioner filed a five-count civil complaint against Respondent in the Seventeenth Judicial Circuit in and for Broward County, Florida, Case No. CACE 22-001459. The dispute concerned an alleged agreement involving funds Petitioner received as an inheritance, assistance with the purchase of a residence, and Respondent's alleged retention of the proceeds when the property was sold. Respondent disputed Petitioner's claims. A jury returned a verdict for Respondent on February 4, 2025, and the circuit court entered final judgment for Respondent on February 7, 2025.

On February 10, 2025, Respondent moved to be deemed the prevailing party and sought attorney's fees and costs. Petitioner filed a motion for new trial on February 11, 2025, and later filed an opposition to the fee request.

B. Order denying new trial and alleged failure of notice

On February 26, 2025, the circuit court entered an order denying Petitioner's motion for new trial. Petitioner's state appellate brief asserted that the order was not served on him in the manner required by Florida Rule of General Practice and Judicial Administration 2.516(f), and that he did not learn of the order when it was entered. The order reportedly stated, "Copies furnished via email." *See* Appendix H. Petitioner asserted that no hearing was held on the motion for new trial and that he waited for months for a ruling without knowing that the order had already been entered.

Respondent's counsel and a judicial assistant exchanged email messages concerning whether a hearing would be held on the motion. *See* Appendix N under Exhibit A. Also, Petitioner cited those messages in the state appeal. *See* Appendix J, p. 32.

C. Separate appeal dismissed as untimely

Petitioner filed a notice of appeal on July 23, 2025, in Case No. 4D2025-2170, seeking review of the February 7, 2025 final judgment. On August 11, 2025, the Fourth District Court of Appeal struck a filing because its certificate of service did not comply with Florida appellate and general-practice rules. *See* Appendix F. On August 14, 2025, the Fourth District dismissed that appeal as untimely. *See* Appendix E. Petitioner contends that the failure to receive notice of the February 26, 2025, order caused him to miss the appellate deadline.

D. Attorney-fee proceedings and appeal

The circuit court entered an order on March 17, 2025, granting Respondent's motion to be deemed the prevailing party and for an award of fees and costs. An evidentiary hearing on the amount of fees and costs occurred on October 1, 2025. The circuit court entered its final judgment for attorney's fees and costs on October 6, 2025. Petitioner appealed that judgment in Case No. 4D2025-3225.

On June 18, 2026, the Fourth District affirmed per curiam. *See* Appendix A. Petitioner moved for rehearing on July 2, 2026; the court denied rehearing on July 30, 2026. *See* Appendix D. The court's affirmance contains no written explanation, so the basis for its decision cannot be determined.

E. Preservation of the federal issue

In his January 3, 2026 initial brief, see Appendix J, Petitioner expressly invoked the Fourteenth Amendment and argued that the alleged failure to serve the order denying his motion for new trial deprived him of "notice and opportunity for hearing" to pursue appellate review, citing *Armstrong v. Manzo,* 380 U.S. 545 (1965), *Mullane v. Central*

Hanover Bank & Trust Co., 339 U.S. 306 (1950), and other due-process authorities. In paragraph 2 of Response to Plaintiff's Application for Compulsory Judicial Notice, see Appendix M, Respondent stated, "The Plaintiff: cites as legal authority for every objection the 14th Amended (sic) to the United States Constitution," reinforcing the fact that the federal issue of due process and equal protection was properly raised in the State's circuit court. In paragraph 9, under the heading **OBJECTION**, of Plaintiff's Application for Compulsory Judicial Notice, see Appendix N, it is stated, "Plaintiff objects to each and every line item for attorney's fees and costs listed in the Defendant's Report on the basis of violation of Plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution." (emphasis added)

REASONS FOR GRANTING THE WRIT

I. The petition presents a serious question about meaningful notice when a court ruling starts a deadline that can extinguish appellate review.

An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. (citations omitted) *Mullane v. Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950). The opportunity to be heard must be "granted at a meaningful time and in a meaningful manner." *Armstrong v. Manzo,* 380 U.S. 545, 552 (1965). And where a State provides appellate review as part of its adjudicatory system, the State may not administer that review in a manner that arbitrarily deprives a litigant of the process constitutionally due. See *Evitts v. Lucey,* 469 U.S. 387, 393–405 (1985).

Petitioner's claim is not merely that a state court misapplied a service rule. He contends that the court entered an order resolving a timely posttrial motion, see Appendix H, did not effectively notify him that the order had been entered, and then treated the resulting time limit as having expired—thereby foreclosing review of the underlying judgment—while continuing to adjudicate and award attorney's fees. *See* Appendix B and Appendix O (Order Granting Attorney Fees, dated 3/17/25 on Progress Docket). Because the record substantiates that sequence, it raises a question about whether the process afforded was practically capable of informing Petitioner that action was required to protect an appellate right.

The Court should distinguish, however, between *notice* of a proceeding or order and *service* of an order after it has been entered. Due process does not necessarily require personal service of every judicial order, and the Constitution does not guarantee appellate review in every civil case. The question that attaches a heightened sense of public importance is whether, in the *circumstances* shown by the record and under the State's own procedure, the failure of notice would have deprived, in general, the people's meaningful opportunity to invoke review of a protected property interest.

II. The issue warrants careful examination because the alleged notice failure had consequences beyond an ordinary procedural misstep.

The fee judgment imposes a monetary obligation. Petitioner argues that the lack of notice of the order denying his new-trial motion prevented timely appellate review, see Appendix E, and left him facing a fee award after the underlying judgment became unreviewable. There is a systemic pattern of flagrant disregard for adequate notice to Petitioner, making the actions in the state-circuit court to constitute a complete attack on

constitutional safeguards under the Fourteenth Amendment. *See* Appendix K and Appendix L. A rule that treats an uncommunicated order as triggering an unforgiving appellate deadline may create a serious risk of forfeiture if court procedures do not provide a reliable means of notice or a meaningful remedy for nonservice.

The petition does not ask this Court to decide whether Petitioner should have prevailed at trial, whether the jury verdict was correct, or what amount of fees was reasonable. It asks whether due process permits the alleged notice failure to be used to foreclose appellate review and sustain a related fee judgment without a meaningful opportunity to challenge the dispositive ruling.

III. The petition identifies the federal issue, but the decision below creates no demonstrable precedential conflict.

Supreme Court Rule 10 recognizes that certiorari is appropriate only for compelling reasons, including a conflict among courts on an important federal question or a state-court decision that conflicts with relevant decisions of this Court. Petitioner relies on the constitutional principles in *Mullane, Armstrong, and Evitts*. He does not claim that the Fourth District's unexplained per curiam affirmance expressly adopted a rule that conflicts with a decision of another court. Because the court gave no reasons, a conflict cannot responsibly be inferred from the affirmance alone.

That absence of a written opinion also limits the Court's ability to identify a rule of law for review. The petition therefore presents the question as one of federal constitutional importance, insofar as the blatant attack on the Fourteenth Amendment is concerned, not as an established decisional split. Petitioner recognizes that a fact-bound dispute over application of state service and appellate rules, without a demonstrated federal conflict or

a clearly articulated rule below, may not satisfy Rule 10. But it is quite worthwhile to give a detail expression of the salutary implications of the Fourteenth Amendment, expressing its uncompromising prohibitions in the following statement that this Court should uphold:

> Whoever, by virtue of public position under a State government, . . . denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State . . . Thus the prohibitions of the Fourteenth Amendment extend to all action of the State denying equal protection of the laws; whatever the agency of the State taking the action, see *Virginia v. Rives,* 100 U.S. 313 ; *Pennsylvania v. Board of Directors of City Trusts of Philadelphia,* 353 U.S. 230; *Shelley v. Kraemer,* 334 U.S. 1; or whatever the guise in which it is taken, see *Derrington v. Plummer,* 240 F.2d 922; *Department of Conservation and Development v. Tate,* 231 F.2d 615 . . . It follows that the interpretation of the Fourteenth Amendment enunciated by this Court in the *Brown* case is the Supreme law of the land, and Art. VI of the Constitution makes it of binding effect on the States "anything in the Constitution or Laws of any State to the contrary notwithstanding." Every state legislator and executive and judicial officer is solemnly committed by oath taken pursuant to Art. VI, cl. 3, "to support this Constitution."

(emphasis added) *Cooper v. Aaron,* 358 U.S. 1, 16 - 18 (1958).

IV. The Court should not treat a general allegation of unfairness as a substitute for proof of the notice failure.

Petitioner's claim depends on the following evidence: what the February 26, 2025 order said; whether and how it was transmitted; whether the applicable rules required service; whether the failure was attributable to the court, clerk, counsel, or an electronic-notification system; when Petitioner actually learned of the order; and whether Florida law afforded a procedure to reopen or extend the appeal period.

First, the February 26, 2025 order stated, "Copies furnished via email." Second, that order provided no transmission information. Third, Fla. R. Gen. Prac. & Jud. Admin. 2.516 requires service. Fourth, the failure is attributable to the court. Fifth, the

Petitioner learned of the order on June 24, 2025. *See* Appendix O (Motion for Order, dated 7/1/25 on Progress Docket). Sixth, Florida law did not afford a procedure to reopen or extend the appeal period. *See* Appendix E and Appendix O (Fourth District Court of Appeal's order dismissing case number 4D2025-2170 as untimely filed upon consideration of Petitioner's August 12, 2025, response—dated 8/14/25 on Progress Docket).

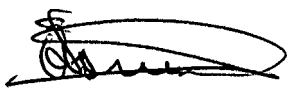
V. The requested relief is limited.

Petitioner asks the Court to grant certiorari, vacate the judgment below, and remand for further proceedings consistent with the Due Process Clause if the Court concludes that the notice failure deprived Petitioner of a meaningful opportunity for appellate review. In the alternative, Petitioner requests such other relief as the Court deems appropriate. Petitioner does not ask this Court to decide the merits of the underlying property dispute or the amount of fees in the first instance.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant the petition for a writ of certiorari.

Respectfully submitted,



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