

Plaintiff complete Florida court ordered mediation by no later than November 16th, 2014. The Florida court has already stricken the Plaintiff's defenses and is again threatening the Plaintiff with more sanctions against him that would prohibit him from defending himself against erroneous damages to be determined to be owed to the Florida plaintiff, deny him a trial by jury on the merits of the case and strip him of his rights of due process and equal protection of the law thus forcing him to pay damages for work that he was never responsible for per the "Contract" in dispute and punitive damages rendered against him for allegedly breaking a Florida Law that Judge Jordan and Campbell know he never broke (see ¶123 - ¶132) but want him to pay for.

5. That Judge Jordan, knowing he is acting in complete absence of all jurisdictions, has ordered that the Plaintiff immediately participate in mediation with a mediator that is handpicked by Judge Jordan and where the only issue to be mediated is how much damages the Plaintiff is to pay the Florida plaintiffs as will be documented below. The Plaintiff is being required to pay damages that, except for Judge Jordan's orders, the Plaintiff would not have had any legal liability for. The Plaintiff has been ordered to pay half of the costs of this sham mediation which will be discussed in full detail below.

6. That the above mentioned Florida order was rendered by Judge Jordan a month after he was served with the Plaintiff's Verified Civil Rights 42 U.S.C. §1983 Complaint naming him as a Defendant in the Plaintiff's Federal action. The aforementioned Florida order is self-serving in an attempt to get the Florida action quickly disposed of and is clearly a willful act by Judge Jordan to interfere with this Courts considerations and disposition of the Plaintiff's Federal action and is meant to seriously impair the Federal court's flexibility and authority to decide the two (2) Federal Cases filed by the Plaintiff over which this Court has already taken subject matter jurisdiction of.

7. That the Defendants and their attorneys' failure to fully address and oppose any or

all of the issues as raised by the Plaintiff in each of their individual response to this motion would demonstrate that they are incapable of doing so. The failure to supply opposition is deemed consent to granting that portion of the motion. Their actions or lack thereof constitutes abandonment and would prove that the Florida court lacks Subject-matter jurisdiction over the issues; Personal jurisdiction over the Plaintiff; that Judge Jordan is deliberately interfering with the two Federal Court proceedings; Judge Jordan is committing acts in violation of the Plaintiff's civil rights; and is supervising and authorizing unconstitutional acts against the Plaintiff knowing he is acting in complete absence of all jurisdiction and, as such, an injunction should be granted.

8. That the continued failure of the Defendants and their attorneys to fully address the following which they have refused to do in any of their pleadings to this Court and the Florida Court, even though the Plaintiff has raised these issues in his pleadings to the Florida Court; and in his Federal Complaint(s); and in his other pleadings to this Court, clearly would demonstrate that they are incapable of doing so. In addition their unopposed, nonresponsive actions would prove that the Plaintiff's rights to due process and equal protection of the law were clearly being violated by Judge Jordan and that Judge Jordan is acting in complete absence of all jurisdictions and is attempting to interfere with the two Federal Court proceedings:

a. How sole movant, Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando (hereinafter Von Curtis, Inc.), to the first Florida pleading the Summons and undated Complaint filed December 27th, 2012, had standing and capacity to sue in the action before the Osceola County Florida court; and

b. How the aforementioned Florida Complaint was not fatally flawed pursuant to Florida's Rules of Procedure, Rule 1.130 regarding attaching copy of cause of action and exhibits, since the Florida complaint's only exhibit attached in support of a cause of action,

the “Contract” in dispute, did not have the sole movant Von Curtis, Inc. named within it nor did the “Contract” in dispute express or infer that Von Curtis, Inc. had any rights or interest in the contract in dispute; and

c. How a Florida complaint that exhibits no material evidence in support of its allegations has any cause of action before the Florida court; and

d. How the aforementioned first pleading was properly served upon the so named Florida Defendant (Plaintiff herein) pursuant to Florida Statutes and Case Law govern all of the issues raised by the Plaintiff concerning this; and

e. How Defendant John W. Campbell’s (hereinafter Campbell) first pleading was not procedurally in violation of Florida Statutes since it did not have a “Certificate of Service” annexed below the attorney’s signature; and

f. How the first pleading was improperly substitute served pursuant to Florida Statutes and Case Law since there was no “Return of Service”, “Affidavit of Service” or attorney’s “Certificate of Service” or the server’s initials, date and time of service or any documentation that the party being substitute served was informed of what in the papers being served proving service upon the Plaintiff filed with the Osceola County Florida court Clerk’s Office or the with the Florida court; and

g. How Defendant Campbell was the “Attorney of Record “ in the action based upon the aforementioned paragraph and the manner in which Florida Rules of Judicial Administration, Rule 2.505(e) that governs such; and

h. Why Judge Polodna and Judge Jordan did not enforce the “Indemnity Clause” found within the Contract in dispute exhibited by Campbell within his first pleading; and

i. Why the Florida motion for Summary Judgment was the incorrect motion to be filed at the beginning of the case as stated by Judge Polodna; and

j. Fully state how the Florida amended complaint was going to make the controverted issues involving Subject-matter jurisdiction and Personal jurisdiction irrelevant as stated by Judge Polodna; and

k. Fully state how Judge Jordan had the authority to add Giulio Veglio and PM Veglio, LLC to the Florida action with no motion before the court to add either as a Florida plaintiff; and

l. Fully state how Giulio Veglio and PM Veglio, LLC had both standing and capacity to sue pursuant to Florida law addressing the issue of the “Indemnification Clause” as found within the Florida complaint’s exhibited “Contract” in dispute; and

m. Fully state how Judge Polodna and Judge Jordan have the authority to refuse to fully demonstrate they have been conferred both Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff once a dispute over these issues is raised; and

n. What authority both Judge Polodna and Judge Jordan had to continue to allow Von Curtis, Inc. to be a party to the proceeding after Campbell stated that Von Curtis, Inc. was to be removed from the proceeding as Von Curtis, Inc. was the wrong Florida plaintiff; and

o. How the Osceola County 9th Circuit Court could have been conferred both Subject-matter jurisdiction over the controverted issues within the filed Florida court complaint dated December 27th, 2012 and Personal jurisdiction over the Plaintiff herein Shawn P. Dudla (defendant named as Shawn Dudla d/b/a Nu Visions Entertainment

Productions in the Florida action) with all of the aforementioned issues being in dispute as raised by the non-moving party to the Florida action that still to this date remain unaddressed by the Osceola County Florida court; and

p. Fully demonstrate and state under what authority Judge Polodna and Judge Jordan had to continue with the Florida proceeding knowing that the Plaintiff's Verified Federal Diversity of Citizenship 28 U.S.C. §1332 proceeding had been filed prior to the granting of Campbell's Motion for Leave to Amend Complaint; and

q. Fully demonstrate and state under what authority these Florida judiciary had to continue to the Florida proceeding concerning the amended complaint; and

r. Fully demonstrate and state by whose or what authority granted Campbell the ability to change the name of the Florida plaintiff permitted within Campbell's "Motion for Leave to File Amended Complaint" from P.M. Vagelio, LLC to the named (3) three Florida plaintiff(s) named within the filed Florida amended complaint, Von Curtis, Inc. (already deemed by Campbell as being improper), Giulio Veglio and P.M. Veglio, LLC, whom were never permitted by Florida order per Campbell's motion submitted; and

s. Fully demonstrate and state how Campbell's Florida amended complaint was properly served pursuant to Florida Statute; and

t. Fully demonstrate and state how Campbell's Florida amended complaint was filed and served within the time limit as required and mandated by the Florida order granting the motion to amend; and

u. Fully demonstrate and state how Judge Jordan can continue with the Florida proceeding even though the Plaintiff has filed a Federal Civil Rights §1983 Complaint against him fully documenting that he is acting in complete absence of all jurisdiction; and

v. Fully demonstrate and state how Judge Jordan's orders he has issued, since being served with the Federal Civil Rights Complaint, are not self-serving, not intended to influence the Federal Court proceeding, were not partially addressing the issue of Subject-matter jurisdiction and were not clearly making false statements about the Plaintiff having waived the issue of the Florida court lacking Personal jurisdiction over him.

9. That the Defendants and their attorneys need to fully address all of the issues above and all of the other controverted critical issues raised by the Plaintiff herein during the Florida action pertaining to the Osceola County Florida court not having been conferred Subject-matter jurisdiction and Personal jurisdiction in the Florida action as well as the other issues raised in this Affidavit.

10. That Defendant(s) Campbell and Constangy, Brooks & Smith, LLP (hereinafter CBS) purposely, willfully and contumaciously in a calculated effort committed fraud against their own client, movant Von Curtis, Inc. by collecting attorney retainer fees knowing that Von Curtis, Inc. lacked both standing and capacity to sue as they were not a party to the "Contract" in dispute, found and exhibited, within the Florida complaint filed December 27th, 2012 and Von Curtis, Inc. had no interest in said "Contract" and committed tortious acts against the Plaintiff herein in an effort to extort money and property from the Plaintiff with the help of Florida Judge Scott D. Polodna (hereinafter Judge Polodna) and Judge Jordan as accessories to the act or acts as will be further demonstrated, documented and defined below.

11. The Plaintiff is now at a juncture within the Florida proceedings that he feels he will never receive justice in the Florida action. That the Florida court is purposely, willfully, contumaciously retaliating against the Plaintiff because of his Federal filings against these Defendants in this instant Federal Action. The Plaintiff is now clearly documenting and demonstrating that

Defendants Judge Jordan, Campbell and CBS will stop at nothing, including but not limited to, the complete and total disregard of both Federal and Florida State law in an effort, to disrupt and interfere with both of the Plaintiff's Federal proceedings and jurisdiction of the Federal Court. They have demonstrated no restraint from their commitment of further cause and agenda by way of disruptive harassing actions against the Plaintiff in the Florida matter and have demonstrated a complete disregard of Federal authority, rules, regulations, Federal and State statutes and Case Law.

12. This Court is authorized to enter an injunction as the Court's own jurisdiction is threatened by their actions. It is necessary to prevent the Florida state court from so interfering with the Federal Court's considerations or disposition of the case(s) at bar as the Florida State court is seriously attempting to impair the Federal Court's flexibility and authority to decide these cases, knowing that the Florida court lacks Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein by consistently continuing to fail to properly address these key critical issues at bar. Further and with extreme emphasis, they have refused to demonstrate how Von Curtis, Inc., Giulio Veglio and P.M. Veglio, LLC have standing and capacity to sue in the Florida matter among other things.

13. The Plaintiff has no other alternative recourse but to seek Injunctive Relief from this Court and this is further demonstrated by the facts made clear below.

14. That Judge Jordan and the Osceola County Florida court are continuing the Florida court proceedings in complete disregard to the fact Judge Jordan is fully aware:

- a.** That he is acting in complete absence of all jurisdictions; and
- b.** that there is an ongoing Federal Diversity of Citizenship 28 U.S.C. §1332 Complaint action that has concurrent jurisdiction with the Florida court proceeding; and
- c.** that the Plaintiff filed a Federal Civil Rights 42 U.S.C §1983 Complaint

that names Campbell, CBS and Judge Jordan as Defendants; and

d. has similar Subject-matter controverted issues; and

e. the same litigants within; and

f. That the Federal action was filed by the Plaintiff herein prior to the filing of Campbell's Amended Florida action that named movants that were already named within the Plaintiff's Federal action prior to that of the granting, filing and improper serving of the Florida actions Amended complaint; and

g. That Florida's Judge Jordan is in conflict with the Federal and Florida proceedings as he can be named as a material witness within both Federal proceedings for or against the named Defendants in the Federal action which is in violation of known Case Law and Florida Statutes.

"It is well established that when a state and federal court have concurrent jurisdiction in a case involving the same parties and the same subject matter, a subsequently filed state court action should be stayed until final disposition of the previously filed Federal Action." See Wade v. Clower, 94 Fla. 817, 114 So. 548 (1927); Schwartz v. DeLoach, 453 So.2d 454 (Fla. 2d DCA 1984).

Florida Rules of Judicial Procedure, Rule 2.330 Disqualification of Trial Judges

(d) Grounds, A Motion to Disqualify Shall Show:

(2) that the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof, or that said judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree, or that said judge is a material witness for or against one of the parties to the cause.

15. The Federal Court has already been conferred Subject-matter jurisdiction over the controverted issues within the Plaintiff's Federal Diversity of Citizenship 28 U.S.C. §1332 Complaint. The Plaintiff's Federal Civil Rights 42 U.S.C §1983 Complaint, the complaint that names Campbell, CBS and Judge Jordan as Defendants, has been ruled related to the above

Plaintiff's Federal Diversity action.

16. Defendant Campbell filed a "Motion for an Entry of an Order to Show Cause, for Imposition of Appropriate Sanctions and for the Appointment of a Mediator" on August 27th, 2014 which is after all the Defendants were served by mail on July 23, 2014 with the Plaintiff's Verified Federal Civil Rights 42 U.S.C. §1983 Complaint which clearly was served over one month before Campbell's motion.

Copy of the **Motion** is annexed as **Exhibit 3** and herein made part of.

17. The Plaintiff responded by filing an Affidavit in Opposition with a Memorandum in Support, dated September 18th, 2014 and a Notice and Motion for the Disqualification/Recusal of the Trial Judge with Affidavit in Support, dated September 19th, 2014.

Copy of **Plaintiff's Florida Pleadings** are annexed as **Exhibits 4 thru 8** and herein made part of.

18. That Judge Jordan recently continued the Florida litigation against the Plaintiff, by way of a Florida "Order Denying Defendant's Motion for the Disqualification/Recusal of the Trial Judge" dated September 23rd, 2014, a Florida "Order Addressing Defendant's Cross-Claim to the Motion" dated September 24th, 2014 and an "Order on Plaintiff's Motion for Entry of an Order to Show Cause" dated October 2nd, 2014. Judge Jordan's Florida orders continue to evade and fail to address the Plaintiff's critical controverted elementary issues regarding the Osceola County Florida court not having been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein and is continuing his denial of the Plaintiff's rights of due process and equal protection of the law as found under the (14th) Fourteenth Amendment of the U.S. Constitution.

Copy of Judge Jordan's **Order Denying Defendant's Motion for the Disqualification/Recusal of the Trial Judge** and **Order Addressing Defendant's Cross-Claim to the Motion** and **Order on Plaintiff's Motion for Entry of an Order to Show Cause** are annexed as **exhibits 9 thru 11** and herein made part of.

19. This Court should take notice, after the disqualification of Florida Judge Polodna, Florida Judge Jordan was subsequently assigned, as of January 30th, 2014, to the Florida case. Judge Jordan was fully aware of the Florida case file before him and, as such, he was fully aware that there was a Federal Diversity of Citizenship 28 U.S.C. §1332 ongoing action that had precedence over the Florida case. The June 11th, 2013 Florida hearing transcript clearly notates a statement from Campbell informing Judge Polodna that there was a Federal Complaint filed by the Plaintiff (**See Federal Complaint, PCC Exhibit 28, Page 12, Lines 8 – 10**) and the Federal Complaint was exhibited within the Plaintiff's Florida April 3rd, 2013 "Motion to Dismiss" with "Affidavit in Support" (**Exhibit 23**) and "Supplemental Affidavit in Support" (**Exhibit 26**) attached.

20. That Judge Jordan, subsequent to his assignment, was provided a motion by the Plaintiff to reconsider all of Judge Polodna's past rulings. This motion clearly challenged specifically and with particularity that the Florida court's lack of Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein. It clearly raised the fact that the movant party, Von Curtis, Inc., lacked standing and capacity to sue and the Florida complaint dated December 27th, 2012 lacked a cause of action, the Plaintiff was improperly substitute served and there existed an "Indemnity Clause" in the exhibited "Contract" in dispute which deprived the Florida court of Subject-matter jurisdiction and there existed the Federal Diversity of Citizenship 28 U.S.C. §1332 which should of stayed the Florida proceedings.

Copy of the **Motion to reconsider** is annexed as **Exhibit 12** and herein made part of.

21. Campbell and CBS never submitted a responsive pleading in opposition to the Plaintiff's Motion or to any other motion or pleading by the Plaintiff in the Florida action.

22. Judge Jordan, during the March 7th, 2014 date of the hearing on the matter, completely ignored all of the clearly evincing documented material evidence, including and

despite the fact, that a Federal action had precedence over the Florida action. Judge Jordan clearly denied the Plaintiff's motion in favor of "live" testimony provided by Campbell to deny and dismiss the Plaintiff's motion. The order clearly stated:

"...the Court having heard argument of counsel for the Plaintiff"

23. It should be duly noted by this Court, there was no Court Reporter present, the Plaintiff appeared by way of his "Motion", "Affidavit in Support" and a "Memorandum of Law" and Campbell never submitted a "Responsive Pleading" in opposition to the Plaintiff's motion and Judge Jordan never informed the Plaintiff of what was argued, discussed or if any documents were presented and exchanged with the Florida court by counsel. Campbell should never have been allowed to argue the matter as he never provided a responsive pleading to the motion and therefore, failure to supply opposition is deemed consent to granting those portions of the motion submitted by the Plaintiff. This unduly prejudiced the Plaintiff and denied him of his rights to due process and equal protection of the law.

24. Further, the Plaintiff was denied a proper Decision on the Florida Record as the Florida order did not provide any findings of fact or conclusions of law that the Florida order was based upon. This unduly prejudiced the Plaintiff as it provided absolutely nothing for the Plaintiff to base an appeal upon. This was another denial of the Plaintiff's rights of due process and equal protection of the law.

25. This culpable pattern of prejudice and bias from Judge Jordan continued, vis-à-vis, for and during each and every subsequent proceeding that followed.

26. That Judge Jordan was fully apprised of the Plaintiff's March 25th, 2013 filing of his Federal Diversity of Citizenship 28 U.S.C. §1332 Complaint and yet still scheduled hearings, provided rulings and signed Florida court orders with a complete disregard of precedent case law

that clearly stipulated the Florida State action should be stayed until the Federal disposition of the case was final.

27. The Osceola County Florida Circuit court under the presiding Defendant Judges Polodna and subsequently assigned Defendant Judge Jordan, by and through rogue void order(s) evaded critical and controverted elementary issues raised by the Plaintiff in his pleadings that clearly disputes Judge Jordan's claim, within his most recent Florida order, that the Osceola County Florida court has been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein.

28. Defendants Campbell, CBS and Judge Jordan, by way of the recent set of Florida order(s) aforementioned above, are manipulating and circumventing Federal Statutes & Case Law, Florida State Statutes & Case Law and deliberately misleading, misconstruing, altering and falsifying the facts of the Florida case record at bar in order to influence the two pending Federal court proceedings and this demonstrates Judge Jordan is supervising and authorizing unconstitutional activities against the Plaintiff as the Plaintiff is being denied his rights to due process and equal protection of the law.

29. First and foremost this Court should take notice that the "Contract" in dispute was exclusively by and between the "Client", Giulio Veglio representing P.M. Veglio, LLC d/b/a Paul Mitchell the School Oviedo and Shawn Dudla d/b/a Nu Visions Enterprises known as the "Contractor". Von Curtis, Inc. was not a party to the "Contract" in dispute; was not even mentioned in the document nor was there ever an interest conveyed, expressed or referenced to Von Curtis, Inc. within the "Contract" in dispute found and exhibited within the Florida complaint. That as Von Curtis, Inc. was not a party to the contract, Von Curtis, Inc. lacked standing and capacity to sue and, as such, the Florida Court lacked Subject-matter jurisdiction.

This has never been disputed or addressed by Judge Jordan or Judge Polodna and Campbell has not demonstrated that Von Curtis, Inc. has both standing and capacity to sue. This issue has been ignored by Judge Polodna, Judge Jordan, Campbell and CBS as they are fully aware they are incapable of demonstrating that Von Curtis, Inc. had both standing and capacity to sue.

Copy of the **Contract in Dispute** is annexed as **Exhibit 13** and herein made part of.

30. The “Contract” in dispute exhibited within the sole movant Von Curtis, Inc.’s Florida undated complaint, filed December 27th, 2012, clearly does not mention, reference nor express, convey any interest or rights to Von Curtis, Inc. anywhere within it and therefore it is well settled that the complaint violates Florida Rules of Civil Procedure, Rule 1.130(b) and associated Florida case law submitted by the Plaintiff within his pleadings before the Florida court.

“[any] exhibit attached to a pleading shall be considered part thereof for all purposes,” Florida Rules of Civil Procedure 1.130(b), and that “[i]f an attached document negates the pleader’s cause of action ... **the plain language of the document will control** and may be basis for a motion to dismiss.” **Health Application Sys., Inc. v Hartford Life & Accident Ins. Co.**, 381 So. 2d 294, 297 (Fla. 1st DCA 1980); accord *Ginsberg v. Lennar Fla Holdings, Inc.*, So. 2d 490 (Fla. 3rd DCA 1994) cited in **Florida Farm Bureau General Ins. Co. v. Insurance Co. of North America**, 763 So.2d 429 (Fla. 5th DCA 2000). See also **Fladell v. Palm Beach County Canvassing Bd.**, 772 So.2d 1240 (Fla. 2000)

31. The sole Florida movant, Von Curtis, Inc., to the undated December 27th, 2012 filed Florida complaint was fatally flawed as it clearly failed to set forth a cause of action against the Plaintiff herein as Von Curtis, Inc. had no rights to the “Contract” in dispute and therefore had no standing or capacity sue in the matter. The Florida complaint was fatally flawed at the outset of the action and therefore, should have been dismissed in its entirety with prejudice. Judge Polodna and Judge Jordan were well aware of this, and upon information and belief, set out to protect Campbell from being sued by his client, Von Curtis, Inc. for fraud as Campbell knew or should have known, as a top 40 attorney in Florida, that Von Curtis, Inc. was not a party to the contract and had no rights to the contract and therefore, lacked both standing and capacity

to sue. Further, Campbell committed an additional count of fraud against Giulio Veglio and PM Veglio, LLC as he knew full well that they lacked standing and capacity to sue do to the “Indemnification Clause” found within the Florida complaint’s exhibited “Contract” in dispute.

32. Defendants Judge Jordan, Campbell and CBS are well aware of and are clearly defying and in violation of precedent Case Law that clearly deprived the Osceola County Florida court and Defendant Judge Jordan from being conferred Subject-matter jurisdiction because the movant party, Von Curtis, Inc. does not have standing or capacity sue in the Florida action and the Plaintiff clearly documented the Case Law within his pleadings for the Florida court to review that was clearly ignored.

"determination of standing to sue concerns a Court's exercise of [subject-matter] jurisdiction to hear and decide the cause pled by the parties." **Rogers & Ford Constr. Corp. v. Carlandia Corp.**, 626 So.2d 1350, 1352 (Fla.1993) The jurisdictional question can be raised at any time and can never be time-barred. **DeClaire v. Yohanan**, 453 So. 2d 375 (Fla. 1984).

“Standing has been equated with jurisdiction of the subject matter of litigation and has been held subject to the same rules, one of which is that jurisdiction of the subject matter (thus standing to bring suit) cannot be conferred by consent.” **Askew v. Hold the Bulkhead Save Our Bays, Inc.**, 269 So.2d 696, 698 (Fla. 2d DCA 1972); (See also **Silver Star Citizen's Committee v. City Council of Orlando**, 194 So.2d 681, 682 (Fla.4th DCA1967).) “Standing requires that the party prosecuting the action have a sufficient stake in the outcome and that the party bringing the claim be recognized in the law as being a real party in interest entitled to bring the claim.”

33. That Defendants Judge Jordan, Campbell and CBS are well aware Florida plaintiff, Von Curtis, Inc. claimed to be the only Florida movant plaintiff in the action, that the movant claimed to have had a contract with the Plaintiff and that Campbell and CBS had attached the Contract in dispute to their complaint on behalf of movant Von Curtis, Inc. in support of the complaints alleged cause of action. Von Curtis, Inc. is not listed, named, referenced or conveyed as having any rights or interest to the exhibited “Contract” in dispute. Therefore, this exhibit (the Contract) is inconsistent with the Plaintiff's allegations of material

fact and their argument is a nullity as it has been canceled out by the Contract and Judge Jordan, Campbell and CBS are well aware that they were ignoring, defying and violating an abundance of precedent Case Law that supported the Plaintiff's arguments in his pleadings.

“When exhibits are inconsistent with the Plaintiff's allegations of material fact as to whom the real party in interest is, such allegations cancel each other out.” **Fladell v. Palm Beach County Canvassing Board**, 772 So.2d 1240 (Fla. 2000); and **Greenwald v. Triple D Properties, Inc.**, 424 So. 2d 185, 187 (Fla. 4th DCA 1983); and **Costa Bella Development Corp. v. Costa Development Corp.**, 441 So. 2d 1114 (Fla. 3rd DCA 1983). Florida Rule of Civil Procedure, Rule 1.130(b) provides in pertinent part: “Any exhibit attached to a pleading shall be considered a part thereof for all purposes.”

“Capacity to sue is an absence or a legal disability which would deprive a party of the right to come into Court. 59 Am.Jur.2d Parties, § 31, (1971). This is in contrast to “Standing” which requires that a party have a sufficient interest in the outcome of litigation to warrant the Court's consideration of it's position.” **Keehn v. Joseph C. Mackey and Co.**, 420 So.2d 398 (Fla. App. 4 Dist., 1982).

“requires careful judicial examination of a complaint's allegations to ascertain whether the particular plaintiff is entitled to adjudication of the particular claims asserted.” **Allen v. Wright**, 468 U.S. 737,750, 104 S. Ct. 3315,82 L. ed. 2d 556 (1984); and See also **Socialist Workers Party v. Leahy**, 145 F. 3d 1240, 1244 (11th Cir. 1998); and **Warth v. Seldin**, 422 U.S. 490, 518, 95 S. Ct. 2197,45 L. Ed. 2d 343 (1975) “It is the responsibility of the complainant clearly to allege facts demonstrating that he is a proper party to invoke judicial resolution of the dispute and the exercise of the court's remedial power.” The Constitutional requirements of standing are that “[1] the plaintiff must have suffered an injury in fact' ... [2] there must be a casual connection between the injury and the conduct complained of ... and [3] it must be 'likely,' as opposed to merely 'speculative,' that the injury will be redressed by a favorable decision.” **Lujan v. Defenders of Wildlife**, 504 U.S. 555, 560-61, 112 S. Ct. 2130, 119 L.Ed. 2d 351 (1992). If an action for prospective relief is not ripe because the factual predicate for the injury has not fully materialized, then it generally will not contain a concrete injury requisite for standing. “In the absence of standing, a court is not free to opine in an advisory capacity about the merits of a plaintiffs claims,” and “the court is powerless to continue.” **Camp Legal Defense Fund, Inc., v City of Atlanta**, 451 F. 3d 1257, 1269 (11th Cir. 2006).

See, e.g., **Hunt Ridge at Tall Pines, Inc. v. Hall**, 766 So. 2d 399,401 (Fla. 2d DCA 2000) "Where complaint allegations are contradicted by exhibits attached to the complaint, the plain meaning of the exhibits control[s] and may be the basis for a motion to dismiss."; and **Blue Supply Corp. v. Novos Electro Mech., Inc.**, 990 So. 2d 1157, 1159 (Fla. 3d DCA 2008); and **Hany Pepper & Assocs., Inc. v. Lasseter**, 247 So. 2d 736, 736-37 (Fla. 3d DCA 1971) holding that when there is an inconsistency between the allegations of material fact in a complaint and attachments to the complaint, the differing allegations “have the effect of neutralizing each allegation as against the other, thus

rendering the pleading objectionable".

34. The following chronological order of the Federal and Florida pleadings and Hearing documents, demonstrates and proves the contrary is true against Judge Jordan's recent Florida court orders, "Order Denying Defendant's Motion for the Disqualification/Recusal of the Trial Judge" dated September 23rd, 2014 and the Florida "Order Addressing Defendant's Cross-Claim to the Motion" dated September 24th, 2014, and further demonstrates that Judge Jordan is deceptively falsifying, misconstruing and deliberately manipulating the Florida case record at bar in an effort to interfere with the Plaintiff's defense against the Florida State action and clearly interfere with the considerations and disposition of the Federal Court for both of the Plaintiff's Federal court proceedings.

35. That the Plaintiff filed with Osceola County Court pursuant to Florida Rules of Civil Procedure, Rule 1.510 a Motion for Summary Judgment with Affidavit dated February 6th, 2013 arguing that the undated complaint filed December 27th, 2012, should be dismissed as service of papers was not proper and, as such, the Osceola County Circuit court lacked personal jurisdiction over the Plaintiff herein and that Von Curtis, Inc. lacked standing and capacity to sue and, as such, the Osceola County Circuit Court lacked subject matter jurisdiction over the controverted issues. The motion in part stated:

"The Plaintiff, as named within the action, clearly had no contract with the Defendant, as named within the action, as the Plaintiff's name does not appear on any portion of the actual contract and therefore, this action must be dismissed."

"The Plaintiff, as named within this action, has no standing to bring this suit as the Plaintiff was not a party to the actual contract agreement and the Defendant, as named in the action, did not perform any work for the Plaintiff as the Defendant as named does not exist as a business and is not named as a party on the contract as well. Therefore, the complaint must be dismissed."

"That pursuant to New York State Civil Practice Law & Rules CPLR§ 308(2) and Florida Rule of Civil Procedure §1.140(b)(1)(2) the alleged Defendant, Shawn Dudla d/b/a Nu Visions Entertainment Productions, if personal service was to be

effectuated to the person or a person of suitable age other than the person to be served, a mandated true copy of the Summons and Complaint is required to be mailed to the Defendant. The aforementioned personal service and the mailing never could have been completed as the named Defendant to be served does not exist; the Plaintiff could not have effectuated both, personal service or the mailing of service, because of this fact. Upon information and belief, the Plaintiff, as named in the action or its server never mailed a true copy of the Summons and Complaint to the Defendant as named as prescribed by New York State mandate. Therefore the Defendant, Shawn Dudla d/b/a Nu Visions Entertainment Productions, was never properly served in accordance to New York State or Florida Statute. That pursuant to Florida Rule of Civil Procedure §1.140(b)(1)(2) the Court lacks both Subject Matter and Personal Jurisdiction over the action and the action should be summarily dismissed.”

“The Court lacks both Personal and Subject Matter Jurisdiction as the correct parties are not named in this suit pursuant to the contract.”

Copy of the **Motion for Summary Judgment with Affidavit** is annexed as **Exhibit 14** and herein made part of.

36. The Plaintiff, by way of Florida Law, pursuant to Florida Rules of Civil Procedure, Rule 1.510(b)(c) had every right to move the Florida court by way of a “Motion for Summary Judgment” as the statute states:

RULE 1.510 SUMMARY JUDGMENT

(b) For Defending Party. A party against whom a claim, counterclaim, crossclaim, or third-party claim is asserted or a declaratory judgment is sought may move for a summary judgment in that party's favor as to all or any part thereof at any time with or without supporting affidavits.

(c) Motion and Proceedings Thereon. *The motion shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall specifically identify any affidavits, answers to interrogatories, admissions, depositions, and other materials as would be admissible in evidence (“summary judgment evidence”) on which the movant relies.* The movant shall serve the motion at least 20 days before the time fixed for the hearing, and shall also serve at that time a copy of any summary judgment evidence on which the movant relies that has not already been filed with the court. The adverse party shall identify, by notice served pursuant to rule 1.080 at least 5 days prior to the day of the hearing, or delivered no later than 5:00 p.m. 2 business days prior to the day of the hearing, any summary judgment evidence on which the adverse party relies. To the extent that summary judgment evidence has not already been filed with the court, the adverse party shall serve a copy on the movant pursuant to rule 1.080 at least 5 days prior to the day of the hearing, or by delivery to the movant's attorney no later than 5:00 p.m. 2 business days prior to the day of hearing. The judgment sought shall be rendered forthwith if the pleadings and summary judgment evidence on file show that there is no genuine issue as to any material

fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

37. The Plaintiff herein, by way of his Motion for Summary Judgment dated February 6th, 2013, clearly demonstrated, documented and proved with a preponderance of material evidence, reinforced by Florida Statutes and Case Law that the Florida court was deprived of Subject-matter and Personal jurisdiction and that the Plaintiff was entitled to summary judgment in his favor as there was:

a. No opposition papers were filed and none of the Plaintiff's documentation was refuted; and

b. no supporting material evidence exhibited to support the complaint filed December 27th, 2012 by the movant party Von Curtis, Inc. to support any cause of action in violation of Fla. R. Civ. P., Rule 1.130; and

c. no standing or capacity to sue by the movant Von Curtis, Inc. as this movant was not a named party to the exhibited "Contract" in dispute; and

d. the Florida complaint was filed with fatal flaws procedurally pursuant to Florida statutes; and

e. no Personal jurisdiction conferred upon the Osceola County Florida Circuit court as the first pleading, the "complaint" was never properly served pursuant to Florida Statute §48.031 or §48.194 and NYS CPLR §308; and

f. no "Attorney of Record" as the first pleading was never properly effectuated pursuant to the Florida Statute and Florida Rules of Judicial Administration, Rule 2.505(e)(1) and subsequent to the improper service, in the alternative, Campbell never filed a "Notice of Appearance" with the Florida court; and

g. an “Indemnity Clause” existed that indemnifies and holds harmless the “Contractor” from any legal recourse should any “client” refuse to make any payment on any “Change Order” for additional work invoiced that were requested by the “Client” to be performed by the “Contractor” that were outside the scope of the original “Contract” in dispute and made part thereof the “Contract”; and

h. the existence of multiple “Affirmative Defenses” clearly demonstrated within the Plaintiff’s “Motion for Summary Judgment” that entitled the Plaintiff herein to an immediate dismissal of the Florida action as the Florida Court clearly lacked both Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein.

i. Pursuant to Florida Rule of Civil Procedure §1.120(a)(b), Judge Polodna and Judge Jordan did not have authority to proceed or rule over any matter pertained to this suit as the Von Curtis, Inc. did not have the capacity to sue or be sued; and

j. Pursuant to Florida Rule of Procedure §1.140(b)(2)(5), New York State Civil Practice Law & Rules § 308(2), Florida Rule of Judicial Administration § 2.516(b)(2), Florida Rules of Civil Procedure §1.070(e) and Florida Statutes §48.031(5) Judge Polodna and Judge Jordan could not have heard the case because the Court did not have “Personal Jurisdiction” over the parties; and

k. As no opposition papers were filed and none of the Plaintiff’s documentation was contradicted, both Judge Polodna and subsequently Judge Jordan actions were a clear denial of the Plaintiff’s rights of due process and equal protection of the law.

38. The Plaintiff herein was clearly entitled to a summary judgment as a matter of Law as multiple Florida Statutes were violated, Case Law and Florida Statutes deprived the

Osceola County Florida Circuit court of being conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein and the Plaintiff provided a preponderance of exhibited material evidence that contradicted and controverted the movant's Florida action.

39. The single most import part of the aforementioned proceeding above was the fact that neither Campbell nor CBS submitted a responsive pleading opposing the Plaintiff's "Motion for Summary Judgment". This is clearly supported by the Osceola Florida County court Clerk's Office "Detail Summary of the Case" of the Florida Case.

Copy of the **Clerk's Office Detail Summary of the Case** is annexed as **Exhibit 15** and herein made part of.

40. That Campbell filed an Motion for Leave to File Amend Complaint with attached exhibited Proposed Amended Complaint, dated March 20th, 2013 that stated within:

"By error, the incorrect Plaintiff was listed in the pleadings and the correct Plaintiff should be listed instead."

Copy of the **Motion for Leave to File Amended Complaint & Proposed Amended Complaint** is annexed as **Exhibit 16 & 17** and herein made part of.

41. It should be duly noted by this Court, with this now documented statement, Campbell has just admitted that Von Curtis, Inc. is the wrong Florida plaintiff in the Florida action and therefore, this movant party, Von Curtis Inc., lacks standing and capacity to sue. The matter should have been immediately dismissed with prejudice as the Florida court had no subject matter jurisdiction to go any further.

42. This Court should take notice, that both the Motion for Leave to File Amended Complaint and the Proposed Amended Complaint for Damages and Injunctive Relief, lists only one captioned Florida plaintiff, Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando and "Plaintiff" in the caption is singular. There is no reference to any other Florida movant plaintiff.

43. That on March 25th, 2013 the Plaintiff filed a Federal Verified Diversity of Citizenship 28 U.S.C. 1332 Complaint, against Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando, Giulio Veglio, P.M. Veglio, LLC d/b/a Paul Mitchell the School Oviedo and Wynn Claybaugh, in the Northern District of New York, documenting he is owed \$96,198.32 plus interest for additional work rendered as part of and outside of the scope of the original contract agreement that Giulio Veglio was refusing to pay for. These so specified “Change Orders” were clearly requested by Giulio and that he demanded the Plaintiff complete such “Change Orders” before the completion of the original contract in dispute in clear violation of the existing contract agreement and therefore, the Plaintiff was left with no other alternative but to stop work in accordance with the contract as he was owed \$96,198.32 plus interest.

Copy of the **Plaintiff’s Federal Verified Diversity of Citizenship 28 U.S.C. 1332 Complaint** is annexed as **Exhibit 18** and made part hereof.

44. That Defendants Judge Polodna, Judge Jordan, Campbell and CBS were fully aware and apprised of the existence of the Plaintiff’s filed aforementioned Federal Complaint and knew that there was case law that stayed the Florida case from continuing after the Plaintiff filed the Federal Complaint on March 25th, 2013 as will be further documented below.

45. The Plaintiff filed an “Affidavit in Opposition to Motion for Leave to File Amended Complaint”, dated March 27th, 2013, that again raised multiple controverted issues found within the complaint filed by sole movant Von Curtis, Inc. that reiterated:

a. that Von Curtis, Inc. lacked both standing and capacity to sue as the movant was not a party or mentioned in the contract in dispute; and

b. Campbell by way of open admission within his “Motion for leave to File Amended Complaint” clearly admitted to sole movant Von Curtis, Inc. as not having standing or capacity to sue as he stated, “By error, the incorrect plaintiff was listed in the

pleadings and the correct plaintiff should be listed instead” (Campbell is also admitting to fraud against his client, Von Curtis Inc., by acknowledging Von Curtis, Inc. was the wrong Florida plaintiff and could not sue the Plaintiff herein); and

c. that the Plaintiff was not properly served pursuant to New York State Civil Practice Law & Rules CPLR§ 308(2) and Florida Rule of Civil Procedure §1.140(b)(1)(2) which deprived the Florida court of personal jurisdiction over him; and

d. that the correct parties to the “Contract” in dispute were not named within the Contract; and

e. “Motion for Leave to File Amended Complaint” and the proposed “Amended Complaint” and therefore the motion should not be granted; and

f. false unsupported statements were alleged within the proposed amended complaint.

g. Campbell did not file any opposing papers and did not contradict any of the Plaintiff’s documentation.

Copy of the **Affidavit in Opposition to Motion for Leave to File Amended Complaint** is annexed as **Exhibit 19** and herein made part of.

46. The Plaintiff also filed an “Affidavit in Opposition to the Attorney’s “Certificate of Compliance” dated March 29th, 2013 citing that the attorney had filed a false instrument with the Florida Court as Campbell had no such correspondences or attempted to correspond with the Plaintiff as conveyed within the document filed with Florida court. Again notably, Campbell did not file any opposing papers and did not contradict any of the Plaintiff’s documentation within this Pleading.

Copy of the **Attorney’s “Certificate of Compliance”** and **Plaintiff’s “Affidavit in Opposition”** are annexed as **Exhibits 20 & 21** and herein made part of.

47. That on April 1st, 2013 a hearing was held in which the following was stated:

MR. CAMPBELL: And I apologize to Mr. Dudla and to the Court for the error that took place on that. I don't think there's any question though based upon the contract or the attachments, even (inaudible) Mr. Dudla's motion for summary judgment that the **correct name of the plaintiff is the LLC, Limited Liability Corporation that is on the contract and it is to that I seek to amend the complaint.**

48. Not only did Campbell admit in his "Motion for Leave to File Amended Complaint" that Von Curtis, Inc. was the wrong sole Florida movant plaintiff to the Florida action he is now providing an additional admission in open court, on the record reinforcing this to be true. Therefore, by way of Campbell's (2) two admissions, sole Florida movant Von Curtis, Inc. lacks standing and the capacity to sue in the Florida action proving the Osceola County Florida court had not been conferred Subject-matter jurisdiction in the case.

49. In continuance of the April 1st, 2013 hearing it was further stated:

THE COURT: Okay, because that, that was my first concern because a corporation cannot be represented by a pro se individual. So, (inaudible) as an individual then we'll proceed with the motion. If the - I'm going to go ahead and start with you, Mr. Campbell, because I think your, your first motion is going to make most of this other stuff irrelevant, I think, if you're, although you can proceed forward you have a motion for leave to amend the complaint.

MR. DUDLA: Yes, Your Honor. Thank you very much again. I think and foremost this is a matter, an error. **The subject matter and personal jurisdiction is required before any other motions can actually be heard.** As you've heard, that Mr. Campbell has stated, that he has made an error completely within all of his pleadings in regards to who the actual plaintiff should be. Doing so, that subjects, this proceeding's in jeopardy due to the fact that there is no subject matter jurisdiction for the Court to make relevant a decision on the matter itself. Without subject matter jurisdiction, all right, the Court can't make or authorize a decision on the matter, so his motion for amend or leave to amend is irrelevant at this point.

Both parties on the complaint that has been presented before the Court are in error, are incorrect. There is no such company as Nu Visions Entertainment Productions. Von Curtis, Inc. is not associated with the contract in any matter whatsoever. If you'll review over the contract, Von Curtis is not even assigned on the contract as well. By just his motion alone he openly admits that this was a complete and total error which puts subject matter in jeopardy.

The contract was never ever formed, ever formed by and between Von Curtis, Inc. and Shawn Dudla, doing business as Nu Visions Entertainment Productions. The contract clearly shows and states that it is between Giulio Veglio, doing, as an incorporate LLC, which is P.M. Veglio, LLC, doing business as Nu Visions - or as Paul Mitchell the School Oveido. And then I am also Shawn Dudla, doing business as Nu Visions Enterprises. There is no such corporation or company or name or DBA of Nu Visions Entertainment Productions.

THE COURT: All right, you're, you're just getting, Mr. Dudla, you're just getting in the second motion which I don't really, --

THE COURT: You need to listen to my ruling. Mr. Dudla, please listen to my ruling. As for your motion for summary judgment, yours **is going to be denied without prejudice because a motion for summary judgment is the wrong motion to be filing for personal jurisdiction and subject matter jurisdiction.** He's gonna serve you with a new complaint and then if you have a motion for, to dismiss for personal jurisdiction and subject matter jurisdiction for your own personal self, you can file those, but they're not to be motions for summary judgment. **A motion for summary judgment is a ruling in the merits of the case and that's not where we're at in this case at this time.**

So, if you answer the complaint, which it looks like you may have already answered it (inaudible) today, you may be waiving personal jurisdiction, but you probably should seek an attorney to ask him about these issues.

THE COURT: We have a motion to amend, so Mr. Campbell you need to serve your amended complaint on the defendant then within the time prescribed by the rules of procedure.

THE COURT: Okay, and then the motion for summary judgment is denied without prejudice.

MR. DUDLA : I did have, I did have that and I did have that as a dismissal.

THE COURT: Mr. Dudla, you're not listening so I'm gonna terminate this phone conversation pretty soon if you don't, if you don't stop, **because I'm not taking authority over the case.** If you have a motion to dismiss for subject matter jurisdiction or personal jurisdiction, you can file that within the prescribed times under the rules of procedure once the second amended complaint is filed and is served. If you don't want to do that and you don't want to seek a lawyer, that's perfectly fine, but a motion for summary judgment is the improper motion to be filing at this point by you.

So I'm denying that motion without prejudice. It means that you can bring it up again in the future if and when the time is right for a motion for summary judgment.

THE COURT: **A motion for summary judgment is the wrong motion.**

MR. DUDLA : Okay. So, you're asking for a motion for dismissal.

THE COURT: You need to read the Rules of Procedure. I'm not telling you what to file 'cause I have no idea if you have a right to a motion to dismiss or not. I'm just telling you your motion for summary judgment is denied without prejudice because it's the improper motion at this time.

Copy of the **April 1st, 2013 Hearing Transcript** is annexed as **Exhibit 22** and herein made part of.

50. It should be duly noted by this Court, Defendant Judge Polodna is clearly ignoring Florida Rules of Civil Procedure, Rule 1.510(b) Summary Judgment (**as documented within paragraph 31 above**) and he is also deliberately giving the Plaintiff bad legal advice numerous times during the hearing regarding Florida law in an effort to deceive and defraud the Plaintiff of his constitutional rights to due process and equal protection of the law to the benefit of and to provide an advantage to Campbell. By telling the Plaintiff that his motion for summary judgment was wrong because **“A motion for summary judgment is a ruling in the merits of the case and that's not where we're at in this case at this time”** and his statement that Campbell's “first motion is going to make most of this other stuff irrelevant” is totally false. Campbell's motion to amend complaint was not going to make the Florida court's lack of subject matter jurisdiction and/or personal jurisdiction become “irrelevant” to the Florida case.

51. Judge Polodna stated, **“because I'm not taking authority over the case”**. This Court should take Judicial Notice, if Judge Polodan did not take authority or jurisdiction over the case, he had no authority to make any ruling in the matter and any ruling he would make is void.

52. In contradiction to Judge Polodna telling the Plaintiff that his motion for summary judgment was the wrong motion, Florida Rules of Civil Procedure, Rule 1.510(b)(c) states:

“For Defending Party. A party against whom a claim, counterclaim, crossclaim, or third-party claim is asserted or a declaratory judgment is sought **may move for a summary judgment** in that party's favor as to all or any part thereof **at any time** with or without supporting affidavits.”

Wiggins v. Tigrent, Inc., So.3d, 39 Fla. Case No.: 2D13-4033 (July 2014)

“(b) How Presented. Every defense in law or fact to a claim for relief in a

pleading shall be asserted in the responsive pleading, if one is required, but the following **defenses may be made by motion at the option of the pleader**: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state a cause of action, and (7) failure to join indispensable parties. A motion making any of these defenses shall be made before pleading if a further pleading is permitted.”

The case law states the “defenses may be made by motion”, this does not state it has to be a motion to dismiss and it does not rule out a motion for summary judgment as stated by Polodna.

53. It should be duly noted by this Court that Judge Jordan is fundamentally aware of the aforementioned controverted issue, raised numerous times by the Plaintiff as he clearly references within his “Order Addressing Defendant’s Cross-Claim to the Motion” dated September 24th, 2014 that he is fully aware of the case file before him by stating, “The Court notes that these issues were previously ruled on, however in an abundance of caution, the court again addresses these issues.” Thus Judge Jordan is admitting to having knowledge of the case files rulings and the pleadings that lead to the rulings. Judge Jordan is continuing to cover up these aforementioned issues.

54. The statute is clear in stating a motion for summary judgment can be made **at any time** with or without a supporting affidavit. The Plaintiff provided a supporting affidavit detailing the Florida court’s lack of Subject-matter jurisdiction and Personal jurisdiction in this matter and the statute does not prohibit a motion for summary judgment to be used for the issues of Subject-matter jurisdiction and/or Personal jurisdiction and does not prohibit a motion for Summary Judgment on the issues of standing and capacity to sue which are critical elements in determining whether the Osceola County Florida court was confer Subject-matter jurisdiction. Therefore, Plaintiff filed the correct pleading to have the matter dismissed. The Plaintiff was prejudiced by Judge Polodna’s bad legal advice at the outset of this action and Defendant Campbell **did not file a responsive pleading** as he knew that Plaintiff was not properly served,

that Von Curtis, Inc. lacked standing and capacity to sue and that Judge Poloda would cover up Campbell's errors and indiscretions from the Plaintiff and the Florida record. This was another example of the Plaintiff's rights of due process and equal protection of the law being violated in an effort to affect the Federal Court's considerations and disposition of the Plaintiff's Federal Diversity of Citizenship case.

55. This Court should take Judicial Notice, that Campbell and CBS did not file any responsive pleadings to any of the Plaintiff's numerous "Motions to Dismiss" or "Motion for Summary Judgment" and other responsive pleadings where the Plaintiff raised numerous elementary critical issues that disputed the Florida Court having been conferred Subject-matter and Personal jurisdiction within his "Affidavits in Opposition" to Campbell's multiple pleadings submitted that neither Defendants Campbell, CBS, Judge Polodna or Judge Jordan have opposed or refuted, they are just ignored. By the very nature of the Defendants action of not opposing any of the Plaintiff's pleadings or motions before the Florida court clearly demonstrates a failure to oppose all of the portions within the Plaintiff's pleadings and constitute the granting of those portions not opposed. This Florida action should have been dismissed at its outset. The Florida court ignored this Plaintiff's fundamental right of due process and equal protection of the law and started the marring of the Florida court record.

56. This Court should take Judicial Notice, that counsel for Defendants Campbell and CBS, Jonathan M. Bernstein, filed a "Reply Affidavit" and a "Reply Memorandum of Law", dated October 3rd, 2014 with this Court that provides Case Law argument that clearly documents, demonstrates and supports all of the Plaintiff's Florida "Motions or Pleadings to Dismiss" and "Affidavits in Opposition" that raised grounds for immediate dismissal of the Florida action in that Mr. Bernstein states in part:

“Plaintiff fails to address all of moving defendant’s argument’s. ...By failing to address these arguments. Abandonment applies (See **Barmore v. Aidala**, 419 F.Supp. 2d 193, 201-02 (N.D.N.Y. 2005) [failure to oppose motion to dismiss a claim is deemed abandonment of the claim]; see also **Rizzo-Puccio v Colleg Auxiliary Services**, Inc., 216 F.3d 1073 (2d Cir.200). In Fact, in the Northern District of New York the failure to supply opposition is deemed consent to granting that portion of the motion (see **Barmore**, 419 f.Supp.2d at 201-02 [citing N.D.N.Y.L.R. 7.1(b)(3); **Bundy Am. Corp. v. K-Z Rental Leasing, Inc.**, 2001 U.S. Dist. LEXIS 2439, 2001 WL 237218, at *1 (N.D.N.Y. Mar. 9, 2001)(Hurd, J.); **Beers v. General Motors Corps.**, 1999 U.S. Dist. LEXIS 12285, 1999 WL 325378, at *8 (N.D.N.Y. May 17, 1999)(McCurn, S.J).”

57. This clearly adds insult to injury to the Plaintiff in this instant action, as the Plaintiff has clearly argued to this Court that not one of the Defendant’s named within this instant action or the their representative counsels have provided a responsive pleading opposing, contradicting or refuting any of the Plaintiff’s allegations within his Federal Civil Rights 42 U.S.C. §1983 Complaint or his Federal Diversity of Citizenship 28 U.S.C. §1332 Complaint. This clearly demonstrates abandonment on behalf of the Defendants and it can be construed that their failure to supply opposition is deemed consent to granting those portions of the Plaintiff’s motion before this court.

58. In further adding more insult to injury, the Plaintiff has clearly documented a submission to the Florida court a “Motion for Summary Judgment” with multiple grounds to dismiss the Florida Action back on February 6th, 2013 that was never responded to with a responsive pleading opposing any parts of the Plaintiff’s motion by the Florida movant Von Curtis, Inc. or counsel for the Florida movant party, Campbell and CBS. In fact, and in the Florida court’s “Detail Summary of the Florida Case” (See **Exhibit 15**), Campbell and CBS have not once filed responsive pleadings opposing any of the Plaintiff’s Motions or Pleadings before any of the Osceola County Florida court hearings or to the Osceola County Florida court. That Campbell and CBS were incapable of demonstrating both Subject-matter and Personal jurisdiction and that Von Curtis, Inc. had both standing and capacity to sue. Upon information

and belief, they knew Judge Polodna and Judge Jordan would cover up for them and ignore each and every one of the Plaintiff's arguments in the Florida proceeding. This would further raise the controverted issue as to why Campbell and CBS filed the lawsuit in Osceola County instead of Seminole County where the work was done and plaintiffs to the Florida action reside or in Hillsborough County where Campbell and CBS have their offices. Campbell had to know that he could do as he pleased in Osceola County Florida. Another issue is that another judge, at the outset of the case was first assigned to the case, Judge Jeffrey M. Fleming and by some strange occurrence, Judge Polodna was subsequently assigned, most notably there was never a notice filed or served of a change of judiciary upon the Plaintiff. (See **Exhibit 15**)

59. Campbell perpetrated fraud on his client, on the court and the Plaintiff in that he knew sole movant Von Curtis, Inc. lacked standing and capacity to sue and still took them on as a client from the outset of the Florida action and probably took a retainer from them and later openly admitted to such within his Florida filed "Motion for Leave to File Amended Complaint", in open Florida court testimony during the first hearing on the Florida action and subsequently by way of (2) two Federal filed "Affidavits of John W, Campbell". Campbell was well aware of this and was completely confident the Florida court would cover the matter up for him as he was only dealing with an out of state *Pro se* Litigant whom allegedly didn't know any better.

60. The very essences of Mr. Campbell's actions and submitted pleadings are proof enough for this Court to reasonably consider this as an act of fraud. These Florida proceedings should never have gone any further than a dismissal of the "Complaint" filed December 27th, 2012 once Campbell made the aforementioned admissions in writing and oral testimony before the Florida court that Von Curtis, Inc. is "**the incorrect Plaintiff**".

61. The Plaintiff clearly demonstrated the Court was well aware it had no right to rule

in the absence of jurisdiction on matters before it as the sole movant Florida Plaintiff, “Von Curtis, Inc.” lacked standing and the capacity to sue the Plaintiff, pursuant to **Fla. R. Civ. P. Rule 1.120(a) & (b)**. That since Campbell’s commencement of the lawsuit action on December 27th, 2012, the Plaintiff clearly demonstrated to the Court, that Von Curtis, Inc. clearly was not a named party in the Florida complaints “Contract” in dispute and Campbell openly admitted such in his pleadings and on the record, the Court had only one choice and that was to dismiss the Complaint in its entirety. The Court blatantly ignored all of the Plaintiff’s exculpatory exhibits and “Case Law” documented in support of this defense within his pleadings before the Court and this is a denial of due process and equal protection of the law.

62. The Florida court should not have granted “Leave to Amend” to Von Curtis, Inc., based upon Campbell’s “Motion for Leave to File Amend Complaint”, as Campbell within his Motion was asking to remove the sole existing movant, Von Curtis, Inc. and substitute a new one in Von Curtis, Inc.’s place. This defeats the sole purpose of “amending” a complaint, which by definition means to add to a said complaint, not submit a brand new complaint, with new litigants named and reconstruct the Florida complaint’s ole allegations with new allegations to be connected to these new litigants. That in essence is a withdrawal of the “Complaint” and not an “Amending” and should have required the Campbell to withdraw and refile new applications, new fees and statutory documents with the Court. Further, the court was made fully aware of the fact that there existed an “Indemnification Clause” found within the Florida complaints’ exhibited “Contract” in dispute that would prevent anyone from suing the Plaintiff as additional money was owed to him for additional work already performed and not paid for. This was also ignored by the Florida court. This clearly is denies Plaintiff due process and equal protection of the law.

63. The issue is that the Florida court ignored and/or denied the Plaintiff his

fundamental rights of due process and equal protection of the law by deliberately not granting the Plaintiff's motion to have the Florida action dismissed as it clearly should have been based upon Mr. Bernstein's argument of abandonment. There is no doubt that the Florida court was well aware that such decisional or case law existed and the Plaintiff herein has documented within numerous pleadings that Campbell and CBS have not provided a single responsive pleading opposing any of the Plaintiff's pleadings that plead any matter before the Florida court.

64. This is just one instance of many documented where the Plaintiff's rights of due process and equal protection of the law were and still are being deliberately violated by the Osceola County Florida court and more violations will be further demonstrated below. This thereby, clearly interferes with and alters the Federal Courts considerations and disposition of the Plaintiff's (2) two Federal cases presently before this Court. This Florida State action is impairing the flexibility and authority to decide these Federal case(s) at bar. The Plaintiff is emphatically requesting Injunctive Relief as he fears that he will receive unfair, partial and biased treatment or justice by the Osceola County Florida court in the Florida action especially since the Florida court has a complete disregard for the law, whether Federal, Florida State or Case Law and the Federal court system as documented herein.

65. The Plaintiff filed with the Florida court a "Motion to Dismiss" with an "Affidavit in Support of Motion to Dismiss", dated April 3rd, 2013 again raising, including but not limited to, the controversial issues of Subject-matter jurisdiction as Von Curtis, Inc. lacked standing and capacity to sue and that the Plaintiff was not properly served pursuant to either New York State law or Florida Rules of Civil Procedure §1.140(b)(2). The Plaintiff argued:

9. The Plaintiff, as named within this Complaint, has no standing to bring this suit as the Plaintiff was not a party to the actual contract agreement and the Defendant, as named in the action, did not perform any work for the Plaintiff. The Defendant, as named, does not exist as a business and is not named as a party on the contract as well. "Unless a

person is a party to a contract, that person may not sue - or, for that matter, be sued - for breach of that contract ...” **Metropolitan Life Ins. Co. v. McCarson**, 467 So.2d 277 (Fla.1985); **Caretta Trucking Inc. v. Cheoy Lee Shipyards**, Ltd., 647 So.2d 1028 (Fla. 4th DCA 1994). Therefore, the Plaintiff’s Complaint in its entirety must be dismissed.

a. This Court never had “Subject Matter Jurisdiction” or Personal Jurisdiction over the parties, as the court;

i. pursuant to **Florida Rule of Civil Procedure §1.120(a)(b)**, did not have authority to proceed or rule over any matter pertained to this suit as the Plaintiff did not have the capacity to sue or be sued;

ii. pursuant to **Florida Rule of Procedure §1.140(b)(2)(5)**, **New York State Civil Practice Law & Rules § 308(2)**, **Florida Rule of Judicial Administration § 2.516(b)(2)**, **Florida Rules of Civil Procedure §1.070(e)** and **Florida Statutes §48.031(5)** could not have heard the case because the Court has not “Personal Jurisdiction” over the parties;

iii. The Contract was signed in New York State;

iv. No other party was assigned to the Contract;

v. cannot hear the case because the Defendant has an Indemnification Clause within the contract under dispute that protects the Defendant from Legal Recourse should a “Client” have an outstanding debt owed the Defendant and the “Client” refused to pay the debt;

vi. cannot hear the case because the Defendant has a pending action against the Plaintiff(s) in U.S. District Court, Northern District of New York that has jurisdiction in the case involving the same parties and the same subject matter.

Copy of the **Affidavit in Support** is annexed as **Exhibit 23** and herein made part of.

66. Neither Campbell nor CBS, at any time prior or on the hearing date of June 11th, 2013, filed a responsive pleading, on behalf of the sole movant Von Curtis, Inc. to this motion by the Plaintiff. In addition to the above Plaintiff’s “Affidavit in Support” and because neither Defendants Campbell or CBS filed any responsive pleading to the motion, the Plaintiff filed with the Florida court an “Amended Affidavit in Support” of the Plaintiff’s aforementioned motion that further raised, addressed and defined additional controverted elemental issues and introduced more

Florida Statutes and Case Law that deprived the Osceola County Florida court from being conferred Subject-matter jurisdiction. Neither Campbell nor CBS and/or Judge Polodna or Judge Jordan have to date, ever addressed the controverted issues raised within the Plaintiff's "Supplemental Affidavit in Support" during the Florida action and this will be further addressed below.

67. The Plaintiff filed with the Court on May 8th, 2013 a "Verified Answer to Summons and Complaint", dated May 7th, 2013. This Verified Answer was improperly captioned as it was supposed to be captioned as the "Verified Answer to the Amended Complaint" and not the original summons and complaint filed December 27th, 2012 as within this document it states:

"2. That I make this Verified Answer in response to the altered Summons dated April 25th, 2013 and Complaint by Attorney, John W. Campbell.

Copy of the Altered Summons & Amended Complaint are annexed as Exhibits 1 & 2"

Copy of the **Plaintiff's Verified Answer to Summons and Complaint** is annexed **Exhibit 24** and herein made part of.

68. The Plaintiff then discovered that the "Verified Answer to Summons and Complaint" was not properly captioned and immediately filed an "Amended Verified Answer to Summons and Amended Complaint", dated May 9th, 2013.

Copy of the **Plaintiff's Amended Verified Answer to Summons and Amended Complaint** is annexed **Exhibit 25** and herein made part of.

69. The Plaintiff clearly demonstrated and documented with a preponderance of evincing material evidence in support of his seven (7) "Affirmative Defenses". That clearly the Florida court should have addressed these "Affirmative Defenses" at the outset of the commenced Florida action. That based upon these "Affirmative Defenses", the Florida court should have granted the Plaintiff an immediate dismissal of the Florida action. Instead, the Florida court chose to completely ignore the Plaintiff's pleading and never had a hearing on the pleading. This was another denial of the Plaintiff's rights to due process and equal protection of

the law by the Florida court.

70. This pleading by the Plaintiff clearly raised the Florida court's lack of Subject-matter jurisdiction based upon;

a. Von Curtis, Inc.'s lack of standing and capacity to sue as the movant was not named within the exhibited "Contract" in dispute; and

b. Campbell openly admitted twice, by way of a motion and within testimony on the record in open court, that sole movant Von Curtis, Inc. was the wrong movant party within the complaint at bar; and

c. The Florida complaint was procedurally improper before the Florida court as the parties named within the complaint were not named parties within the exhibited "Contract" in dispute which created a ***Prima facie*** case for immediate dismissal based upon movant party's lack of standing and capacity to sue; and

d. The Florida court procedurally never was conferred Subject-matter jurisdiction as the Florida court openly admitted to not having secured such to be entitled to rule or render an order of the Florida court to grant the movant Leave to Amend the Florida Complaint and never verified or secured Personal jurisdiction over the Plaintiff herein; and

e. That without the Florida court having secured and been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein any subsequent order rendered by the Florida court would have been void; and

f. That the neither the Florida complaint nor the Florida amended complaint had not a shred of supporting evidence attached to it to support a cause of action. Another fatal flaw of the pleading that should of gave way to an immediate dismissal of the Florida action at bar; and

g. That Personal jurisdiction was never secured or conferred to the Florida court as the Plaintiff clearly argued that he was never properly served the original complaint dated December 27th, 2012 pursuant to Florida Law. This too is a fatal flaw that warranted the immediate dismissal of the Florida action; and

h. There was an “Indemnity Clause” that was never addressed that protected the Plaintiff from any legal recourse that was never responded to or addressed by Florida court, the Defendants Campbell or CBS. This clause was immediate grounds for dismissal of the Florida action as Campbell openly admitted in both the original and the amended complaint there were unpaid “Change Orders” attached to the exhibited “Contract” in dispute; and

i. Campbell filed (2) two false instruments with the Florida court in his effort to obtain the granting of the motion for leave to file amended complaint. This was a fraud upon the Florida court and clearly prejudiced the Plaintiff. Within Campbell’s motion he filed a proposed “amended complaint” that was completely different from the document that eventually was filed and served upon the Florida court and improperly substitute served upon a family member of the Plaintiff. Campbell’s motion before the court provided false intentions to the Florida court. Campbell specifically declared that the listed plaintiff on the original complaint was to be substituted out of the document and a new movant plaintiff put in their place. This never happened as clearly documented within the Florida case record; and

j. Defendant Campbell also provided a false Florida “certificate of compliance” in an effort to piggy-back his motion onto the Plaintiff’s hearing of April 1st, 2013. The document filed was also in clear violation of Florida’s Statute, Administrative Order No. 2012-03 as Campbell order to obtain permission to be heard by the Florida

court was required to have a “substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing and does not envision an exchange of ultimatums by fax, e-mail or letter. Campbell made false statements within this document that never and could never have occurred and the document was filed after the Florida court granted him permission to be heard on the same day as the Plaintiff’s hearing; and

k. The Florida Uniform Administrative Policies Procedures of Civil Divisions clearly states, “Additional motions should not be “piggy-backed” by cross-notice unless counsel first confirms with opposing counsel and the Judge’s Judicial Assistant that there can be sufficient additional time reserved in which to hear them.” Campbell bypassed and violated this Florida Statute in an effort to obtain a tactical advantage over the Plaintiff and prejudice his defenses in the Florida action.

71. The Plaintiff filed a “Supplemental Affidavit in Support of Motion to Dismiss” dated June 7th, 2013 to be attached to his “Motion to Dismiss”, dated April 3rd, 2013. Campbell filed no responsive pleading to the “Motion to Dismiss”, dated April 3rd, 2013 or to the “Supplemental Affidavit in Support of Motion to Dismiss” dated June 7th, 2013. The Plaintiff herein raised controverted issues, including but not limited to:

a. The issue that sole movant Von Curtis, Inc. lacked standing and capacity to sue in the Florida matter; and

b. The issues that the Florida court lacked both Subject-matter jurisdiction over the issues and Personal jurisdiction over the Plaintiff herein; and there was an “Indemnity Clause” made part of the exhibited “Contract” in dispute.

c. The Plaintiff also attached and notified the Florida court that there was a prior

filed Federal case against the specified parties related to the Florida action that could not have been amended to the Florida action, dated March 25th, 2013 that took precedence over the Florida action and attached a copy of the Federal verified complaint to the Affidavit in Support.

d. That the Supplemental Affidavit in Support had clear, concise, definitive and evincing evidentiary material, Case Law and Florida Statutes that clearly deprived the Osceola County Florida court of Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein to support the immediate dismissal of the Florida action.

e. That neither Campbell nor CBS refuted by way of an opposing responsive pleading opposed the Plaintiff's "Affidavit in Support" or the "Supplemental Affidavit in Support" submitted to the Florida court. That during the June 11th, 2013 hearing on the Plaintiff's "Motion to Dismiss", Florida court never addressed, contradicted, or refuted the clear and concise elemental issues raised by the Plaintiff that disputed this Florida court as having been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein.

f. The Florida court never evoked Campbell to demonstrate how the Florida court had secured such or was conferred such prior to the April 1st, 2013 hearing in which the Florida court subsequently granted Campbell's "Motion for Leave to File Amended Complaint". The Florida court never evoked Campbell to demonstrate how the Florida court had secured such or was conferred such prior to the June 11th, 2013 hearing. That without Campbell providing the Florida court a responsive pleading, to either hearing, opposing the Plaintiff's clearly raised disputed issues and the Florida court not refuting the Plaintiff's clearly raised arguments controverting the Osceola County Florida court having been conferred Subject-matter and Personal jurisdiction and not rendering a properly written

decision of the record by way of findings of fact or any conclusions of law within, the Florida court would be ruling in complete absence of all jurisdictions and the April 1st, 2013 ruling should be and is deemed void for all intents and purposes.

g. The Florida court ignored all of the above including the fact that argument was made that a Federal ongoing action was filed prior to the granting of the movant's illegal, fraudulent and improperly served "amended complaint".

h. The Florida court denied the Plaintiff's motion without a properly written decision on the record which hindered the Plaintiff from being able to properly appeal the order as there were no findings of fact or conclusions of law to base an appeal upon. Again, the Florida court is denying the Plaintiff of his due process rights and equal protection of the law.

A copy of the **Plaintiff's Supplemental Affidavit in Support of Motion to Dismiss** is annexed as **Exhibit 26** and herein made part of.

72. This Court should take Judicial Notice:

Florida Rules of Civil Procedure, Rule 1.140(b) states in part:

(b) How Presented. Every defense in law or fact to a claim for relief in a pleading shall be asserted in the responsive pleading, if one is required, **but the following defenses may be made by motion at the option of the pleader:** (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state a cause of action, and (7) failure to join indispensable parties. **A motion making any of these defenses shall be made before pleading if a further pleading is permitted.** The grounds on which any of the enumerated defenses are based and the substantial matters of law intended to be argued *shall be stated specifically and with particularity in the responsive pleading or motion.* Any ground not stated shall be deemed to be waived **except any ground showing that the court lacks jurisdiction of the subject matter may be made at any time.** No defense or objection is waived by being joined with other defenses or objections in a responsive pleading or motion. If a pleading sets forth a claim for relief to which the adverse party is not required to serve a responsive pleading, the adverse party may assert any defense in law or fact to that claim for relief at the trial, except that the objection of failure to state a legal defense in an answer or reply shall be asserted by motion to strike the defense within 20 days after service of the answer or reply.

73. Based upon the above, the Plaintiff never filed an answer to the original summons and complaint filed December 27th, 2012 **but did** file multiple motions asserting all, with exception to defense number (7), of the aforementioned defenses and as such, Plaintiff could not have waived all personal jurisdiction arguments when he filed Answer to Summons and Complaint on May 8th, 2013 contrary to Defendant Judge Jordan's **Order Addressing Defendant's Cross-Claim to the Motion** dated September 24th, 2014. This self-serving order was issued two months after Judge Jordan was served by mail the Plaintiff's Verified Federal Civil Rights 42 U.S.C. §1983 Complaint naming him as a Defendant.

74. The Plaintiff clearly raised by way of his motions before the Florida court, controverted issues and elements that directly affected, determined and defined whether the Osceola County Florida court secured or was conferred Subject-matter jurisdiction. The Plaintiff's motions and responsive pleadings, from the commencement of the Florida action on December 27th, 2012 to and including the Plaintiff's answering papers with (7) seven "Affirmative Defenses" filed May 10th, 2013, included but were not limited to, these elementary critical "Affirmative Defenses" stated clearly, specifically and with particularity:

- a. Von Curtis, Inc. did not have standing and capacity to sue as this movant party was never a named party within the Contract in dispute nor mentioned in it; and
- b. Giulio Veglio and PM Veglio, LLC could not have both standing and capacity to sue because of the Indemnification Clause within the Contract in Dispute and they were named within the Federal Diversity of Citizenship lawsuit in New York prior to the Florida hearing on movant Von Curtis, Inc.'s motion to amend the complaint, the granting of the amending of the Florida complaint, the filing and serving of the amended Florida complaint; and

c. The “Indemnification Clause” found within the exhibited “Contract in Dispute” clearly should be enforced; and

d. The Plaintiff herein was not properly served with the Florida summons and complaint as required by either Florida and/or N.Y. State Law; and

e. The Plaintiff herein was not properly served with the Florida alias summons and amended complaint as required by either Florida and/or N.Y. State Law; and

f. That Campbell could not have been the “Attorney of Record” as the Plaintiff herein was not properly served the first pleading, movant Von Curtis, Inc.’s complaint dated December 27th, 2012 in the Florida action as required by Florida Law; and

g. That Campbell never filed or served the Complaint with a “Certificate of Service” in violation of Fla. R. Jud. P. 2.516(f); and

j. The process server’s “Return of Service Form” and an “Affidavit of Service” for the movant Von Curtis, Inc.’s Florida first pleading filed, the “Complaint” dated December 27th, 2012 was never filed with Osceola County Florida Court Clerk’s Office in violation of Florida Statute 48.031(5); and

k. The Florida amended complaint filed with the Osceola County Florida Court Clerk did not comport with the proposed Florida amended complaint filed with Florida movant Von Curtis, Inc.’s “Motion for Leave to File Amended Complaint” the Florida court received and referenced during the requesting of permission from the Florida court to amend the complaint; and

l. The Defendant Campbell’s “Amended Complaint” was not timely or properly served upon the Plaintiff herein as required by the Florida Court Order granting the motion to amend the complaint; and

m. Campbell's lack of never mentioning Giulio Veglio in his "Motion for Leave to File Amended Complaint" and Giulio Veglio was not on the proposed amended complaint filed with the aforementioned motion; and

n. Both the original Florida complaint date December 27th, 2012 and the amended complaint dated April 17th, 2013 had not one exhibited document or documented evincing material evidence to support a cause of action; and

o. The Osceola County Circuit Florida Court lacked Subject-matter jurisdiction over the controverted issues and the absence thereof prohibited the Florida court from ruling on any issue(s) before it; and

p. The Florida Court lacked Personal jurisdiction over Plaintiff herein.

75. That Campbell filed a motion with the Florida Court for "Entry of an Order to Show Cause, for the Imposition of Appropriate Sanctions and for the Appointment of a Mediator", dated August 27th, 2014, seeking to hold the Plaintiff herein in contempt of the Florida court "Amended Uniform Order Setting Case for Jury Trial; Pre-Trial Conference and Requiring Pre-Trial Matters to be Completed", dated August 8th, 2014 and entered August 11th, 2014. (See **Exhibit 3** for Campbell's motion). **This was all filed after Campbell and Judge Jordan was served with the Plaintiff's Federal Civil Rights Complaint on July 23rd, 2014.**

Copy of the **Florida Amended Uniform Order** is annexed as **Exhibit 27** and herein made part of.

76. Plaintiff herein responded by filing with the Osceola County Florida Circuit court a "Verified Affidavit in Opposition and Cross-claim to Motion for an Order to Show Cause" with a Memorandum of Law in Support dated September 18th, 2014 and entered in the Osceola County Florida Clerk's Office on September 22nd, 2014. (See **Exhibits 4 & 5**)

77. Plaintiff herein also filed a motion with the Osceola County Florida Circuit court, a

motion for a second time, for the Disqualification/Recusal of Trial Judge John E. Jordan, dated September 19th, 2014 as Judge Jordan is deemed a potential witness in Federal Court in the Northern District of New York as he was a named party to the Federal Civil Rights 42 U.S.C. §1983 Complaint and that he was a potential witness in the other Federal Diversity of Citizenship 28 U.S.C. §1332 action, filed prior to the amended complaint Florida action, that concerns Von Curtis, Inc., P.M. Veglio, LLC, Giulio Veglio and Wynn Claybaugh. The very same named movants to the Florida case at bar. (see **Exhibits 6 thru 8**)

78. That on September 23rd, 2014 Judge Jordan issued his self-serving “Order on Motion for the Disqualification/Recusal of Trial Judge” (see **Exhibit 9**) stating:

“Before the Court is Defendant's Motion for the Disqualification/Recusal of Trial Judge, received in Chambers on September 22, 2014. The Court reviewed the Motion, the Court file, is fully advised in the premises, and finds as follows:

This is a Successive Motion to Disqualify under Florida Rules of Judicial Administration Rule 2.330. Florida Rules of Judicial Administration Rule 2.330(g) states: "If a judge has been previously disqualified on motion for alleged prejudice or partiality under subdivision (d)(1), a successor judge shall not be disqualified based on a successive motion by the same party unless the successor judge rules that he or she is in fact not fair or impartial in the case. Such a successor judge may rule on the truth of the facts alleged in support of the motion." Fla. R. J. Admin Rule 2.330. This is the second Motion to Disqualify filed in this Court. This Court denied the first Motion because the Motion argued Defendant's disagreement with the rulings entered by the Court, not fear or bias.

In this Motion, Defendant again disagrees with the rulings issued by this Court. In addition, Defendant alleges that the Court held ex parte proceedings. This is an inaccurate statement. All hearings on this case were properly noticed, Defendant declined to appear for the hearings. Defendant's absence from the hearing does not mean that the communication between Plaintiffs attorney and the Court are ex parte communications. The Court continues to allow Defendant to submit written memorandum of law on any topic if Defendant does not wish to appear for noticed hearings.

Motions to disqualify are designed to ensure fair, unbiased proceedings, not to achieve a strategic advantage or to frustrate the efficient of the Court. Nudel v. Flagstar Bank, FSB, 52 So.3d 692, 695 (Fla. 4th DCA 201 0). Defendant files a Motion to Disqualify when the Court renders a decision adverse to Defendant's interest. Defendant is attempting to frustrate the efficiency of the Court. If courts granted a Motion to

Disqualify based on adverse decisions, cases would never reach completion. There are other avenues to contest this Court's legal decisions, that avenue is with the appellate court, not successive, legally insufficient, Motions to Disqualify. This Court remains impartial and able to move forward with this action. It is therefore,

ORDERED and **ADJUDGED** that the Motion for the Disqualification/Recusal of Trial Judge is **DENIED**.

DONE and **ORDERED** in Chambers, Osceola County, Florida on September 23, 2014 .”

79. The Plaintiff, in his first motion to Disqualify/Recuse Judge Jordan, did raise the issue that Judge Jordan was bias, could not be fair and impartial and the Plaintiff was fearful that he could not receive a fair hearing or trial from Judge Jordan. Plaintiff fully documented in his motion that Judge Jordan was clearly refusing to address the Subject-matter jurisdiction controverted issues, including but not limited to; that both Judge Polodna and Judge Jordan had not been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein as the Plaintiff clearly was not properly served as required by law; and that movant Von Curtis, Inc. lacks standing and capacity sue in the Florida action; and that the Florida complaint and the amended complaint had no evincing supporting material evidence exhibits or documentation attached to support a cause of action; and that there is an “Indemnification Clause”, found within the complaint exhibited “Contract” in dispute, that protected him from being sued, as he is owed \$96,198.32 plus interest for additional work rendered as part of and outside of the scope of the original contract agreement.

Copy of the **First Motion for Disqualification/Recusal of the Trial Judge** is annexed as **Exhibit 28** and herein made part of.

80. As demonstrated within the first (2) two opening paragraphs of the Plaintiff’s motion and Paragraph’s 2 through 5 of the Plaintiff’s Affidavit in Support of his motion before the Florida court (See **Exhibits 7 & 8**), clearly demonstrate the Plaintiff is not disagreeing with a recent ruling by the Florida court as claimed by Judge Jordan, but is arguing that Judge Jordan

had no authority to issue any orders because of the ongoing Federal Court proceedings and the fact that he continues to ignore the Plaintiff's controverted issues regarding Subject-matter and Personal jurisdiction and refuses to address the issues of standing and capacity to sue concerning the alleged Florida plaintiff(s) in the Florida action he is denying the Plaintiff of his rights to due process and equal protection of the law.

81. This Court should take notice that Judge Jordan is claiming that the Plaintiff's Motion for Disqualification/Recusal dated September 19th, 2014 is identical in nature and the issues in this motion before the Florida court are based again primarily on an adverse ruling. This is completely false as the primary focus of the motion was that Judge Jordan can and will be called as a material witness regarding the Plaintiff's (2) two Federal Complaints either for or against the parties in the Florida action. Judge Jordan is named as a Defendant in the Plaintiff's Federal Civil Rights 42 U.S.C. §1983 Complaint and this Complaint has been deemed and ruled related to the Plaintiff's Federal Diversity of Citizenship 28 U.S.C. §1332 Complaint filed on March 25th, 2013 which names the same litigants found within the Florida action. This can be construed as automatic grounds for Disqualification/Recusal of a Florida Judiciary pursuant to Florida Rules of Judicial Administration, Rule 2.330(d)(1) & (2):

RULE 2.330 DISQUALIFICATION OF TRIAL JUDGES

(d) Grounds. A motion to disqualify shall show:

(1) that the party fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge; or

(2) that the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof, or that said judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree, **or that said judge is a material witness for or against one of the parties to the cause.**

82. Defendant Judge Jordan can and will be called as a material witness for or against Von Curtis, Inc., P.M. Veglio, LLC and Giulio Veglio, the named Defendants to the Plaintiff's

Federal Diversity of Citizenship 28 U.S.C. §1332 action and certainly would be called as a witness in the Federal 42 U.S.C. §1983 proceeding as he is a Defendant in that action.

83. The Florida named movant's to the Florida amended complaint are named within the Federal action in direct conflict with the Plaintiff's Federal action.

84. This Court should take notice, that P.M. Veglio, LLC and Giulio Veglio were not named parties to the Florida undated Complaint, filed December 27th, 2012 and the Plaintiff's Federal action was filed prior to the illegal granting of sole movant Von Curtis, Inc.'s "Motion for Leave to File Amended Complaint", the late filing of the Florida amended complaint pursuant to court order and the improper substitute service of the Florida amended complaint. The sole movant Von Curtis, Inc.'s motion to amend only mentioned that "PM Vagelio, LLC" was to be substitute **[emphasis on]** in place of Von Curtis, Inc. and there was never mentioned within the motion that P.M. Veglio, LLC and Giulio Veglio were to be named as amended movant parties to the Florida action. That these two entities could not be named within the Florida amended complaint without creating a conflict of interest with the Plaintiff's precedent Federal action and Decisional or Case Law prohibited the Florida action from continuing if they were named within the Florida amended complaint (**see paragraph 14(g) above**). This is another denial of the Plaintiff's rights of due process and equal protection of the law as there was no proper "Notice" that these parties were going to be added to the Florida amended complaint and the Plaintiff would have made the conflict of interest with the Federal complaint argument.

85. This Court should take Judicial Notice; clearly Von Curtis, Inc. was never substituted out of the proceedings as Defendant Campbell continued to address Von Curtis, Inc. as the Florida plaintiff within each and every subsequent motion or pleading filed to the Florida court. In fact, the Florida court did the same within each and every signed Florida order of the court. That

the Florida court clearly allowed Campbell to perpetrate this fraud upon the Florida Court and Von Curtis, Inc. was continued on record as being the Florida plaintiff at bar during each and every subsequent proceeding. This is another example of the Plaintiff's rights of due process and equal protection of the law as the Florida court turned a blind eye to this issue that violate Florida fraud statutes in regard to filing false statements to the court pursuant to Florida Statutes §817.535.

86. This Court should take notice, the Osceola County Florida court Clerk's Office clearly posts the following warning [that is flashing so all may heed to it]:

Florida Statutes §817.535 Fraudulent Practices: Unlawful filing of false documents or records against real or personal property

A person who files or directs a filer to file, with the **intent to defraud** or harass another, any instrument containing a materially false, fictitious, or fraudulent statement or representation that purports to affect an owner's interest in the property described in the instrument commits a felony.

87. Clearly Campbell is attempting to extort the Plaintiff's money and property that the Plaintiff has an interest in and clearly Campbell has perpetrated a fraud upon his clients, the Florida court and the Plaintiff herein.

88. This Court should duly note that this order is self-serving as Judge Jordan is named as a Defendant within the Plaintiff's Federal Civil Rights 42 U.S.C. §1983 Complaint. Further it demonstrates that Judge Jordan again has violated the Plaintiff's Civil Right to an accurate accounting and Decision on the Florida record. Judge Jordan clearly does not address all of the Plaintiff's allegations brought forth before the Florida court and what allegations he does attempt to address he makes false and/or misleading accusations to address the Plaintiff's motion. This can clearly be demonstrated by the way Judge Jordan addresses his Ex-parte communications made during hearings with Defendant Campbell while in the absence of the Plaintiff. The Plaintiff within his motion specifically and with particularity, addressed this issue and how it is defined pursuant to the law and the Florida Judicial Code of Conduct.

89. The following is a prime example of just one instance of a number of times Defendant Judge Jordan had Ex-parte communications with Defendant Campbell.

90. On April 8th, 2014, a hearing on Defendant Campbell's Florida "Plaintiffs' Motion for Order to Show Cause Against Defendant Shawn Dudla" was presided over by Defendant Judge Jordan, the Plaintiff only appeared by way of an "Affidavit in Opposition" and a "Memorandum of Law in Support", Campbell was there by way of live appearance and there was not a court reporter present.

Copy of **Campbell's Notice with Motion & Certificate of Compliance** and herein **Plaintiff's Affidavit in Opposition & Memorandum of Law** is annexed as **Exhibits 29 thru 33** and herein made part of.

91. That it should be duly noted by this Court that Campbell never filed a responsive pleading opposing any portions of the Plaintiff's Florida Affidavit in Opposition to the Motion or Plaintiff's Memorandum of Law in Support of the Affidavit. Because of this, Campbell was prohibited from discussing anything outside the scope of Campbell's Motion for an Order to Show Cause.

92. That on April 19th, 2014 the Plaintiff received a letter to the Florida court from Campbell addressing the matter of a Proposed Order granting Campbell's motion for Order to Show Cause and entering a default against Defendant Dudla drafted by Campbell. The letter states:

"Dear Judge Jordan:

Enclosed please find a proposed Order which reflects your ruling from the hearing held on April 8, 2014 on Defendant's Motion for Order to Show Cause. *I believe this Order reflects the ruling of the Court and follows the instructions regarding what should be included.* Also included please find a proposed Order as to the Style of the Case. If the form and content of the Orders meet with your approval, please enter same. I have also enclosed additional copies of the Orders and postage prepaid and addressed envelopes for the Court's use in providing conformed copies of the Orders to counsel for the parties."

Copy of the **Letter** is annexed as **Exhibit 34** and herein made part of.

93. Clearly this letter demonstrates that Judge Jordan and Campbell spoke of matters outside the scope of Campbell's Motion for Order to Show Cause as Campbell and Judge Jordan

discussed how the Order to the Style of the Case should be drafted, the instructions of how it was to be formed and what was to be included within it. That matter was not before the Florida court per Campbell's Motion for Order to Show Cause and the Plaintiff was never noticed that such discussions were to take place during the Florida proceeding to hear Campbell's Motion for an Order to Show. This clearly, by the very definition, was Ex-parte as the Plaintiff was not present, there was no Court Reporter present and the Plaintiff was never properly noticed or given chance for redress on the matter. This is another example of how the Plaintiff was denied his due process rights and equal protection of the law by the Florida court and demonstrates the bias and prejudice against Plaintiff by Judge Jordan and supports Plaintiff's argument that he cannot get a fair hearing or trial before Judge Jordan.

94. That this court should duly note, the Plaintiff received the (2) two Florida court orders already signed and entered on April 14th, 2014 by Defendant Judge Jordan. This was (5) five days prior to the Plaintiff receiving copy of the Florida "Proposed Orders" from Defendant Campbell. This is yet another example, of many, of how the Plaintiff was denied his due process rights and equal protection of the law by Defendant Judge Jordan as the Plaintiff was entitled to make objections to any errors within the Florida orders that did not comport with matters before the Florida court.

95. That Campbell filed his Motion for Leave to file Amended Complaint (**See Exhibit 16**) stating:

"Plaintiff, by and through its undersigned attorneys, hereby moves the Court for the entry of an order permitting a new Plaintiff, P.M. Vagelio, LLC as Plaintiff. By error, the incorrect Plaintiff was listed in the pleadings and the correct Plaintiff should be listed instead. ... Attached as Exhibit 1 is a true and correct copy of the Proposed Amended Complaint."

96. The Proposed Amended Complaint for Damages and Injunctive Relief (**See**

Exhibit 17) states:

“Plaintiff, PMVeglio, LLC d/b/a Paul Mitchell the School Oveido, (hereinafter “Plaintiff”) by and through its undersigned attorneys, sues Defendant Shawn Dudla d/b/a Nu-Visions Entertainment Productions (hereinafter “Defendant” or “Dudla”), and says:”

97. Campbell has stated that the “Proposed Amended Complaint” was a “true and correct copy”. That Campbell also endorses the “Proposed Amended Complaint” as being the document to be used. Further, take notice that only PM Veglio, LLC is mentioned as a plaintiff. There is no mention of Von Curtis, Inc. or Giulio Veglio in either the motion or the proposed amended complaint except that Von Curtis, Inc. is the only plaintiff listed in the captioned heading and there is no reference to any other plaintiff as required by Florida law.

98. The Court granted Campbell’s Motion to amend complaint (See **Exhibit 38)** stating:

ORDER GRANTING MOTION FOR LEAVE TO AMEND

THIS CAUSE coming on before the Court on April 1, 2013 on Plaintiffs Motion for Leave to Amend and Plaintiffs Motion for Summary Judgment and the Court having heard argument of counsel for Plaintiff and argument from Defendant and the Court being otherwise fully advised in the premises, it is thereupon

ORDERED AND ADJUDGED that Plaintiffs Motion for Leave to Amend is hereby granted and Plaintiff is hereby given leave to file and serve an Amended Complaint within ten (10) days of the date of this Order. It is further

ORDERED AND ADJUDGED that Defendant's Motion for Summary Judgment be and the same is denied without prejudice.

99. The Order was dated April 10th, 2013 and Campbell had until April 20th, 2014 to file and serve the Amended Complaint. As documented in the Federal Complaint the Plaintiff herein was never properly served and the Florida amended complaint was not officially properly filed until after April 25th, 2014 because an “Alias Summons” was required to be issued by the Osceola County Florida Court Clerk’s Office as part of the Florida amended complaint and the aforementioned date was when the Osceola County Florida court Clerk issued such. As the

amended complaint was not properly filed and served by April 20th, 2013 as required by the Florida court order granting it, the Florida amended complaint should have been dismissed; instead this issue was completely ignored by both Judge Polodna and Judge Jordan. This is another prime example of the Plaintiff's denial of his rights to due process and equal protection of the law by the Florida court. The Florida Court is clearly giving partial treatment to Campbell.

100. After stating that he was providing the Florida court with a true and correct copy of the "Proposed Amended Complaint" ¶ 95 and ¶ 96, Campbell improperly served and filed an amended complaint with the Florida court that was different from that of the attorney endorsed "Proposed Amended Complaint" that he stated was a true and correct copy. The Amended Complaint that was improperly served states:

"Plaintiffs, VON CURTIS, INC. d/b/a PAUL MITCHELL THE SCHOOL ORLANDO, (hereinafter "Von Curtis"), P.M. VEGLIO, L.L.C (hereinafter "Plaintiff PM Veglio") and GIULIO VEGLIO (hereinafter "Plaintiff Veglio"), (hereinafter collectively "Plaintiffs"), by and through their undersigned attorneys, sue Defendant SHAWN DUDLA d/b/a NU-VISIONS ENTERPRISES, (hereinafter "Defendant" or "Defendant Dudla"), and say:"

Copy of **Campbell's Filed Amended Complaint**, dated April 17th, 2013 is annexed as **Exhibit 35** and herein made part of.

101. Questionably, Campbell is allowed to add other Florida plaintiffs to the Florida amended complaint other than those he states he is adding and is allowed to keep the Florida movant plaintiff he states is the wrong Florida plaintiff and whom he told the Florida court he was going to remove. This action by Campbell and the Florida court's refusal to do anything about it is a denial of the Plaintiff's rights of due process and equal protection of the law.

102. Judge Jordan issued his Order as to the Style of the Case by stating:

This cause coming on before the Court on Plaintiffs' Motion for an Order to Show Cause on April 8, 2014, with the Court having noted that the style of the case has not changed although new Plaintiffs have been added, and the Court having noted that this change in parties is readily visible to and has been known by Defendant,

the Court thereupon has sua sponte determined that the style of this case shall be changed forthwith to reflect the changed and additional parties.

It is THEREUPON ORDERED AND ADJUDGED:

The style of this case shall be amended to reflect the current parties as named in the Amended Complaint.

DONE AND ORDERED in Chambers in Osceola County, Florida this 14th day of April, 2014.

103. Judge Jordan changed the style of the case by illegally adding Giulio Veglio and P.M. Veglio, LLC without any motion to name them as new movants and stating this “has been known by the defendant”. This is false as Giulio Veglio was never mentioned in either the Motion for Leave to Amend Complaint or in the Proposed Amended Complaint. According to Motion for Leave to Amend Complaint, Von Curtis, Inc. was to have been removed from the case, Judge Jordan did not remove Von Curtis, Inc. Judge Jordan could have dismissed the case for lack of Subject-matter jurisdiction and Personal jurisdiction on his own motion because he and Campbell both knew the Florida court lacked both Subject-matter and Personal jurisdiction.

104. That when Judge Jordan issued this Order as to Style, he knew:

a. that Giulio Veglio was never a party to the action and was not named in either the Motion for Leave to File Amended Complaint or in the alleged true and correct “Proposed Amended Complaint”; and

b. that Giulio Veglio and P.M. Veglio, LLC could not be named as plaintiff’s in a suit against the Plaintiff because an “Indemnity Clause” existed that indemnifies and holds harmless the “Contractor” (Plaintiff herein) from any legal recourse should any “client” (Giulio Veglio and P.M. Veglio, LLC) refuse to make any payment on any “Change Order” for additional work invoiced that were requested by the “Client” to be performed by the “Contractor” that were outside the scope of the original “Contract” in dispute and made part thereof the “Contract”. The Plaintiff was owed \$96,198.32 plus interest from Giulio Veglio

and P.M. Veglio, LLC for the same reasons specified above; and

c. that per Campbell's Motion for Leave to File Amended Complaint there was only one new movant Florida plaintiff listed to be added to the Florida "Amended Complaint" and that was P.M. Vagelio, LLC; and

d. that the intent of the amended complaint was to replace Von Curtis, Inc. with P.M. Vagelio, LLC. Von Curtis, Inc. was not removed; and

e. there is no documentation before the Florida Court documenting and supporting that Von Curtis, Inc. had any interest in the Contract in dispute. Further, the Motion for Leave to File Amended Complaint states:

“...which amended complaint **will substitute** in its place a new plaintiff, P.M. Vagelio LLC, as plaintiff. **By error, the incorrect plaintiff was listed in the pleadings and the correct plaintiff should be listed instead.**”

The above statement could not be any clearer, Von Curtis, Inc. was to be removed and P.M. Vagelio, LLC was to be added as the words “will substitute” and “the correct Plaintiff should be listed”. Yet, Judge Jordan ordered that Von Curtis, Inc. could continue in the lawsuit by judicial fiat instead of removing Von Curtis, Inc. from the action; and

f. the Plaintiff was not properly served the Amended Complaint pursuant to Florida Statute and it was not served within the 10 days required by the Florida court order granting the Florida motion.

g. there was a Federal Proceeding in New York against these same defendants that was filed prior to granting the Motion for Leave to File Amended Complaint.

h. That Giulio Veglio and PM Veglio, LLC also lacked standing and capacity to sue do to the “Indemnification Clause” found within the Florida complaint's exhibited “Contract” in dispute.

105. That upon information and belief, Judge Jordan kept Von Curtis, Inc. as a party to the action in order to protect Campbell and CBS from a lawsuit by Von Curtis, Inc. as they knew from the very start of the proceeding that Von Curtis, Inc. was not a party to the contract. Further, Campbell and CBS knew that Giulio Veglio and PM Veglio, LLC had no standing or capacity to sue because of the “Indemnification Clause” found within the Florida complaint’s exhibited “Contract” in dispute, but more importantly neither Giulio Veglio or PM Veglio LLC was named in the Motion for Leave to Amend Complaint and Giulio was never listed as a party to the Proposed Amended Complaint (see Exhibit 15), in essence, Campbell forgot all about Giulio. As such, this would open up Campbell and CBS to another lawsuit if the matter was dismissed as required by law. Upon information and belief this is the reason, the defendants and their attorneys in this Federal proceeding have refused to address the issue of standing and capacity to sue and they know they cannot prove any of the plaintiffs in the Florida action had standing and capacity to sue.

106. Judge Jordan’s actions clearly demonstrate that he is prejudice and biased against the Plaintiff and is covering up the fact that he and Judge Polodna lack both Subject-matter jurisdiction and Personal jurisdiction and are acting in complete absence of all jurisdiction. He is certainly not going to admit this now, as the Plaintiff has filed with the Federal Court a lawsuit against him, that he is evading and supervising the violation of the Plaintiff’s constitutional rights to due process and equal protection of the law. Judge Jordan’s actions at this time are all self-serving and intended to interfere with both of the Federal Court proceedings.

107. That this Court issued two Orders:

a. The first Order by the Court stated the Court had subject matter jurisdiction over the Verified Federal Diversity of Citizenship 28 U.S.C. §1332 Complaint filed by the

Plaintiff against Von Curtis, Inc., P.M. Veglio, LLC d/b/a Paul Mitchell the School Oveido, Giulio Veglio, and Wynn Calybaugh.

Copy of the first **Federal Order** is annexed as **Exhibit 36** and herein made part of.

b. The second Order transferred this Federal Civil Rights suit to this Court as it was deemed related to the Federal Diversity lawsuit.

Copy of the second **Federal Order** is annexed as **Exhibit 37** and herein made part of.

108. Judge Jordan also issued his Order Addressing the Defendant's Cross-Claim to the Motion, dated September 24, 2014 (see **Exhibit 10**) which states:

“Before the Court is Plaintiffs' Motion for Entry of an Order to Show Cause, for the Imposition of Appropriate Sanctions and for the Appointment of a Mediator filed on August 27, 2014. On September 22, 2014, Defendant filed Verified Affidavit in Opposition with Cross Claim to Plaintiff's Motion for an Order to Show Cause and Alleged Defendant's Memorandum of Law in Support of His Affidavit in Opposition to Attorney Campbell's Motion for an Order to Show Cause. The Court heard the Motion on September 24, 2014. This Order addresses Defendant's Cross Claim to Plaintiff's Motion. The Court notes that these issues were previously ruled on, however in an abundance of caution, the Court again addresses these issues.

Defendant argues that this Court lacks subject matter jurisdiction to hear this case. In the Amended Complaint filed on April 17, 2013 Plaintiffs allege in Paragraph 1 that "this is a cause of action for the equitable relief of reformation in Counts I and II, for damages exceeding \$15,000.00 in Counts III and Counts IV and for injunctive relief in Count V." Amended Complaint for Damages and Injunctive Relief, pg. 1. This Court has subject matter jurisdiction for all civil actions where the alleged damages are greater than \$15,000.00. The Circuit Court has exclusive jurisdiction in all actions at law not cognizable by the county courts. Fla. Stat. § 26.012. County courts have original jurisdiction "of all actions at law in which the matter in controversy does not exceed the sum of \$15,000 exclusive of interest, costs and attorney's fees except those within the exclusive jurisdiction of the circuit courts." Fla. Stat. §34.01. Therefore, the Circuit Courts have subject matter jurisdiction over all matters in controversy that exceed \$15,000.00 like this action.

Defendant also argues that this Court lacks personal jurisdiction over the Defendant waived all personal jurisdiction argument when he filed Answer to Summons and Complaint on May 8, 2013. Any argument as to personal jurisdiction must be filed in a Motion to Dismiss pursuant to Florida Rules of Civil Procedure Rule 1.140(b) prior to filing a responsive pleading. Furthermore,

a party who challenges in personam jurisdiction after making a general appearance in the case is deemed to have waived the right to contest jurisdiction: Romellotti, Hanover Amgro Ins. Co., 652 So. 2d 414, 414 (Fla. 5th DCA 1995). Defendant subjected himself to the jurisdiction of this Court and this Court has personal jurisdiction. It is therefore,

ORDERED and **ADJUDGED** that the Court has subject matter Jurisdiction to hear this action and Defendant subjected his person to jurisdiction of this Court.

DONE and **ORDERED** in Chambers, Osceola County, Florida on September 24, 2014.”

109. Judge Jordan states in his order “Any argument as to personal jurisdiction must be filed in a Motion to Dismiss pursuant to Florida Rules of Civil Procedure Rule 1.140(b) prior to filing a responsive pleading. This statement by Judge Jordan is not only self-serving but is completely false as FRCPR 1.140(b) makes no requirement that the motion concerning subject matter jurisdiction and personal jurisdiction be in the form of a motion to dismiss. Judge Jordan is deliberately misleading and attempting to impair the Federal Court’s flexibility and authority to decide these cases. FRCPR 1.140(b) states:

RULE 1.140 DEFENSES

(b) How Presented. Every defense in law or fact to a claim for relief in a pleading shall be asserted in the responsive pleading, if one is required, but the following defenses may be made by motion at the option of the pleader: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state a cause of action, and (7) failure to join indispensable parties. A motion making any of these defenses shall be made before pleading if a further pleading is permitted. The grounds on which any of the enumerated defenses are based and the substantial matters of law intended to be argued shall be stated specifically and with particularity in the responsive pleading or motion. ***Any ground not stated shall be deemed to be waived except any ground showing that the court lacks jurisdiction of the subject matter may be made at any time.*** No defense or objection is waived by being joined with other defenses or objections in a responsive pleading or motion. If a pleading sets forth a claim for relief to which the adverse party is not required to serve a responsive pleading, the adverse party may assert any defense in law or fact to that claim for relief at the trial, except that the objection of failure to state a legal defense in an answer or

reply shall be asserted by motion to strike the defense within 20 days after service of the answer or reply.

110. Judge Jordan's statement "Furthermore, a party who challenges in personam jurisdiction after making a general appearance in the case is deemed to have waived the right to contest jurisdiction." This is true except that Judge Jordan is deliberately misleading this Court into thinking the Plaintiff filed his pleadings concerning personal jurisdiction after filing his general appearance. This is false, as the Plaintiff filed several pleadings concerning both Subject-matter jurisdiction and Personal jurisdiction before filing a general appearance in which he also raised all of these issues as affirmative defenses. Judge Jordan is attempting to falsify the Record in the Florida proceeding.

111. Taking the last paragraph of the Florida order first, the Plaintiff has clearly documented above that he filed the following motions prior to the filing of the alleged Answer to Summons and Complaint on May 8th, 2013 that addressed the Amended Complaint as documented in ¶ 67 and ¶ 68 above and not the Complaint filed on December 27th, 2012. The Plaintiff's multiple motions included, but were not limited to, the critical issue concerning the Florida court lacking Personal jurisdiction over the Plaintiff as there was improper substitute service and he was not properly served according to either New York State Law or Florida Law. The following Plaintiff's motions plead the Florida court lacked Personal jurisdiction and were served upon the Florida court prior to his May 8th, 2013 answering papers:

- a.** A Motion for Summary Judgment with Affidavit in support dated February 6th, 2013 that neither Defendants Campbell nor CBS filed a responsive pleading in opposition to, which was not addressed and illegally denied as documented above; and
- b.** An Affidavit in Opposition to Motion for Leave to File Amended Complaint dated March 27th, 2013 that neither Defendants Campbell nor CBS filed a

responsive pleading in opposition to and was not addressed by the Florida court; and

c. An Affidavit in Opposition to Attorney's "Certificate of Compliance" dated March 29th, 2013 that neither Defendants Campbell nor CBS filed a responsive pleading in opposition to and was not addressed by the Florida court; and

d. Motion to Dismiss with Affidavit in Support of Motion to Dismiss dated April 3rd, 2013 plus his Supplemental Affidavit in Support of Motion to Dismiss that neither Defendants Campbell nor CBS filed a responsive pleading in opposition to and was not addressed by the Florida court.

112. In the Plaintiff's Answer to Summons and Complaint dated May 8th, 2013, the Plaintiff clearly raised Affirmative Defenses that clearly raised specifically with particularity that the Florida court lacked personal jurisdiction over him as documented above.

113. The Plaintiff clearly did not waive his right to contest personal jurisdiction of the matter, especially if it pertained to Subject-matter jurisdiction, as he raised the controverted issues of the Florida court lacking personal jurisdiction several times by; Motion for Summary Judgment dated February 6th, 2013; and by Affidavit in Opposition to Motion for Leave to File Amended Complaint dated March 27th, 2013; and by Motion to Dismiss dated April 3rd, 2013 and other pleadings before May 8th, 2013 and he clearly raised the issue in the filed May 8th, 2013 pleading and in the May 10th, 2013 filed pleading as an Affirmative Defense to the Complaint and Amended Complaint. Plaintiff never filed a formal Answer to the original summons and complaint filed December 27th, 2012, but if Jordan wants to claim he did, then Plaintiff raised lack of personal jurisdiction as an Affirmative Defense in his May 8th, 2013 Affidavit that Judge Jordan refers to. All of Plaintiff's controverted issues and supporting documentation have been completely ignored by both Judge Polodna and Judge Jordan and they

have refused to properly address these issues.

114. As to the first paragraph in the Order above ¶108. The issues raised by the Plaintiff have not been addressed by the Osceola County Florida Court. The Plaintiff demonstrated a *Prima facie* case by exhibiting all (16) sixteen Florida orders issued by both Judge Jordan and Judge Polodna that clearly document that not one of the Plaintiff's issues being raised has been addressed in any of these Florida court orders. In fact, the Plaintiff raised these controverted issues again within his Affidavit in Opposition to this current motion before the Florida court and Judge Jordan again has skirted and evaded them and is still refusing to clearly address the issues of the Osceola County Florida Circuit court not having been conferred Subject-matter jurisdiction over the contested issues and Personal jurisdiction over the Plaintiff herein as raised numerous times by the Plaintiff in this action, in his motions, pleadings and other documentation submitted to both Florida Judge Polodna and Judge Jordan.

Copy of all **Florida court orders** below are annexed as enumerated Exhibits herein made part of.

Exhibit 38 – Florida Judge Polodna Order dated 04/17/2013 Granting of Florida Plaintiff's Motion for Leave to Amend Denying Defendant's (Plaintiff herein) Motion

Exhibit 39 – Florida Judge Polodna Order dated 06/25/2013 Denying of Florida Defendant's (Plaintiff herein) Motion to Dismiss

Exhibit 40 – Florida 5th District Court of Appeals Order dated 08/29/2013 Denying of Petitioner's (Plaintiff herein) Writ of Prohibition

Exhibit 41 – Florida 5th District Court of Appeals Order dated 09/10/2013 Denying of Petitioner's (Plaintiff herein) Clarification Rehearing-Request for Opinion

Exhibit 42 – Florida Judge Polodna Order dated 12/23/2013 Granting of Florida Plaintiff's Motion to Compel

Exhibit 43 – Florida Judge Polodna Order dated 01/29/2014 Granting Disqualification

Exhibit 44 – Florida Administrative Judge Order of Re-Assignment dated 01/30/2014 to Judge John E. Jordan

- Exhibit 45** – Florida Judge Jordan Order dated 02/05/2014 Setting of Case Management-Conference and Telephonic appearance at future Hearings
- Exhibit 46** – Florida Judge Jordan Order dated 03/13/2014 Denying of Florida Defendant’s (Plaintiff herein) Motion for Reconsideration, Vacate of Previous Orders and Dismissing the Case
- Exhibit 47** – Florida Judge Jordan Order dated 04/14/2014 Granting of Florida Plaintiff’s Order To Show Cause & Defaulting of Defendant (Plaintiff herein)
- Exhibit 48** – Florida Judge Jordan Order dated 04/14/2014 Order as to the Style of the Case
- Exhibit 49** – Florida Judge Jordan Order dated 04/25/2014 Denying of Florida Defendant’s (Plaintiff herein) Motion for Disqualification/Recusal of Florid Trial Judge
- Exhibit 50** – Florida Judge Jordan Order dated 05/19/2014 Granting of Florida Defendant’s (Plaintiff herein) Alleged Motion to Reset Hearing
- Exhibit 51** – Florida Judge Jordan Order dated 06/19/2014 Denying of Florida Defendant’s (Plaintiff herein) Motion to Strike
- Exhibit 52** – Florida Judge Jordan Order dated 08/08/2014 Amended Uniform Order setting Case for Jury Trial; Pre-Trial Conference and Requiring Pre-Trial matters to be completed.

115. As to the second paragraph in the Order above ¶108. The only issue or element as to Subject-matter jurisdiction Judge Jordan addresses is that Florida Circuit Courts have jurisdiction over lawsuits exceeding \$15,000. According to how Judge Jordan construes the Florida State Statute on how Subject-matter jurisdiction is conferred to the Florida County Circuit courts, as long as a lawsuit is for more than \$15,000 the Circuit Court in Florida has jurisdiction **no matter what**. Just the mere speculative claim alleged by Campbell of \$15,000.00 within a complaint that provides or exhibits absolutely no documentation or evincing material evidence to support such a claim, does not constitute, warrant, establish or justify Osceola County Florida court had been conferred Subject-matter jurisdiction. The Plaintiff provided Florida Case Law to the Florida court that clearly defines the above and was ignored by Judge Jordan.

“...as a matter of formal consistency, the default rule reflects the longstanding

notion that the burden of proof follows the burden of pleading. Hence, plaintiffs carry the burden on the elements of their cause of action, and defendants typically, though not always, carry the burden on affirmative defenses.” Thompson v. Drug Enforcement Admin., 492 F.3d 428 (D.C. Cir., 2007)

“The burden of establishing the court's subject matter jurisdiction resides with the party seeking to invoke it. See McNutt v. Gen. Motors Acceptance Corp. of Ind., 298 U.S. 178, 189 (1936); see also Reynolds v. Army & Air Force Exch. Serv., 846 F.2d 746, 748 (Fed. Cir. 1988) (providing that jurisdiction must be established by a *preponderance* of the evidence).

“However, a plaintiff cannot rely solely upon allegations in the complaint if the defendant or the court questions jurisdiction. Instead, the plaintiff must bring forth relevant, adequate proof to establish jurisdiction.” See McNutt, 298 U.S. at 189.

116. Judge Jordan is clearly misconstruing this issue of Subject-matter jurisdiction and improperly applying the Statute(s) as there are many key critical elements needed to constitute, warrant, establish or justify Subject-matter jurisdiction has clearly been conferred upon the Florida court. Judge Jordan is holding that the circuit court does not have to address the following:

- a. the issues of standing and capacity to sue as to how it relates to the movant party to the action and how it affects Subject-matter jurisdiction; and
- b. the Florida complaint or amended complaint need not be supported by any material evidence to support a cause of action and how it affects Subject-matter jurisdiction; and
- c. the issue that there exists an “Indemnification Clause” in the Florida complaint’s exhibited contract and what effect it has on the lawsuit and how it affects Subject-matter jurisdiction; and
- d. the issue of Personal jurisdiction; and
- e. improper service of process pursuant to Florida’s Statutes; and
- f. whether the attorney for the Florida movant(s) is legally the “Attorney of Record” for the court proceeding and how it affects Subject-matter jurisdiction; and

g. how Florida State Statutes, Federal Statutes and Decisional or Case Law are related to and applied to the Florida complaint and other key critical issues listed herein above that effect Osceola County Florida Circuit court from being conferred or deprived of Subject-matter jurisdiction in the Florida action.

117. Clearly, it is not just one element as Judge Jordan is trying to convey within his erroneous self-serving order in ¶108 which was rendered after being served with this Federal Civil Rights complaint. Again, he is not going to admit to doing anything wrong and he is certainly going to try to cover up his illegal actions.

118. This ruling by Judge Jordan does not demonstrate that Judge Polodna and Judge Jordan ever had been conferred Subject-matter jurisdiction over the contested issues at the outset of this matter and it does not address all of the controverted issues raised in all of Plaintiff's motions and pleadings to the Florida court concerning Subject-matter jurisdiction. Because of the Plaintiff's Federal Civil Rights lawsuit, in which Judge Jordan is named as a Defendant, he has a conflict of interest with the Florida action. It is poignantly clear, he is not about to rule that he and Judge Polodna clearly lack Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein in the Florida matter.

119. The Plaintiff has clearly raised and documented the issue that Von Curtis, Inc. lacked both standing and capacity to sue which would clearly deprive all Florida Circuit Courts of subject matter jurisdiction at the outset of the Florida case as Von Curtis, Inc. was not a named party to the Contract in dispute, is not even mentioned in the contract and clearly the movant was never vested any right or interest in the movant Von Curtis, Inc.'s Florida Complaint's exhibited "Contract" in dispute. In fact, Campbell has admitted within his Motion for Leave to Amend Complaint, through testimony in open Florida court on the record and in (2) two Federal Affidavits

before this Court, that Von Curtis, Inc. was the wrong Florida plaintiff in the Florida action. Thus, clearly establishing that Von Curtis, Inc. lacked standing and capacity to sue and clearly depriving the Osceola Florida court of Subject-matter jurisdiction.

120. The Florida court has not addressed any of these critical issues that clearly affect Subject-matter jurisdiction as documented in the Florida action and none of the Federal named Defendants have addressed or submitted to this Court a responsive pleading opposing these Plaintiff raised critical issues found within both of the Plaintiff's Federal Complaints before this Court that clearly affect Subject-matter jurisdiction of the Florida court as documented above.

121. The Plaintiff has clearly raised the issue that the Florida court lacks subject matter jurisdiction because of the "Indemnity Clause" found within the Florida complaints' exhibited "Contract" in dispute. As clearly documented in both Federal complaints and in pleadings before the Florida court, the Plaintiff herein is owed over \$96,198.32 plus interest for additional work rendered as part of and outside of the scope of the original contract agreement that Giulio Veglio representing P.M. Veglio, LLC d/b/a Paul Mitchell the School Oviedo was refusing to pay for in the so specified "Change Orders" that Giulio clearly requested and demanded the Plaintiff complete such "Change Orders" before the completion of the original contract in dispute in violation of the existing contract agreement and therefore left the Plaintiff no other alternative but to stop work according to the contract as he was owed over \$96,198.32 plus interest.

122. By not addressing, opposing or refuting the Plaintiff's raised controverted key critical elemental issues, such as, including but not limited to, lack of standing and capacity to sue, lack of cause of action, lack of personal jurisdiction as raised by the Plaintiff, the existence of an Indemnification Clause and other key issues raised within the Plaintiff's Federal complaint as they definitively affect whether Subject-matter jurisdiction is conferred or is deprived to the

Florida court, Campbell, CBS, Judge Jordan and their Federal Court attorneys are in fact, as determined in the Northern District of New York, failing to supply opposition which is deemed consent to granting these portions of the Plaintiff's verified complaint. Because the Defendants are incapable of demonstrating Subject-matter jurisdiction was conferred to the Osceola County Florida court in the Florida proceeding, Judge Polodna and Judge Jordan were and, in fact, are clearly acting in complete absence of all jurisdictions and Plaintiff's right to due process and equal protection of the law was violated. Thus all of the Florida orders are deemed void.

123. That Campbell in both his original complaint filed December 27th, 2012 and in his Amended Complaint filed April 17th, 2013 provide false claims that the Plaintiff illegally recorded conversations with persons in Florida in violation of Florida Law. Campbell and the Florida court are threatening sanctions and possible criminal action against the Plaintiff for recordings as documented in both the complaint and the amended complaint, of meetings between Giulio Veglio and the Plaintiff, made in New York State, of the Telephonic Florida Hearings, made in New York State that were not illegal and never done in the State of Florida.

124. That in the Complaint filed December 27, 2012, Campbell states:

“18. Each of the illegally interceptions was committed in Florida in that each person speaking on behalf of and for Von Curtis was in Florida at the time of the illegal recording.”

“28. Each of the illegally interceptions was committed in Florida in that each person speaking on behalf of and for Von Curtis was in Florida at the time of the illegal recording”

125. That in the Amended Complaint dated April 17, 2013 Campbell states:

“42. Each of the illegal interceptions was committed in Florida in that each person speaking on behalf of and for Plaintiffs was in Florida at the time of the illegal recording.”

“52. Each of the illegal interceptions was committed in Florida in that each person speaking on behalf of and for Plaintiffs was in Florida at the time of the illegal recording.”

126. Campbell provides absolutely no evincing material evidence attached to the aforementioned Florida complaints to substantiate, document or demonstrate such occurred or were done so in the State of Florida. Campbell does recite both civil and criminal statutes concerning the recording of phone conversations in Florida in order to threaten and intimidate the Plaintiff in both the Florida complaint and the amended complaint.

127. Campbell has admitted that the Plaintiff was not in Florida at the time of the recording of the phone conversations as he states, “Each of the illegal interceptions was committed in Florida in that each person speaking on behalf of and for Plaintiffs was in Florida at the time of the illegal recording” and clearly there is no mention of the Plaintiff being in Florida at the time of the recordings. That is because he was in New York State. The key problem Campbell has is that nothing stated above establishes any recordings by the Plaintiff were in fact done in Florida. In fact, the above clearly demonstrates that Plaintiff was not in Florida at the time, as Campbell would have claimed that Plaintiff was in Florida when he made the recordings.

128. The recordings of meetings between Giulio Veglio and the Plaintiff and of the Telephonic Florida Hearings made in New York State were not illegal and there is a multitude of Florida Case Law to support this position:

Wiggins v. Tigrent, Inc., So. 3d, 39 Fla. Case No.: 2D13-4033 (July 2014)

“In contrast, in **Kountze v. Kountze**, 996 So. 2d 246, 252 (Fla. 2d DCA 2008), the act of recording a phone call in another state during a conversation with a resident in Florida—a violation of a Florida Statute—**did not constitute a tortious act committed in Florida** for the purpose of long arm jurisdiction **because the act did not occur in Florida and it was not illegal in the state where the recording was made.**”

129. The Court should take notice that **Kountze v. Kountze, above was rendered in 2008 almost 6 years ago and well before this proceeding began.**

130. Campbell in an e-mail correspondence to the Plaintiff, dated April 23rd, 2014, (4)

four days after the Plaintiff received the illegal Florida court order granting plaintiff's motion for Order to Show Cause and entering a default against Defendant Dudla (Plaintiff herein), attempts to intimidate, threaten, coerce and harass the Plaintiff with statements of definitive reprisals and monetary damages by stating:

"I am going to be scheduling a trial on the damages my clients have suffered, including the damages from your illegal interception of communications (please do not argue that it is legal in NY, that is irrelevant when you speak with people in Florida). A trial on the issue of damages is what is normally done once a default on liability is entered (which has occurred) and that is certainly our choice of action."

"I will not accept or agree to unreasonable delays (as you know from our past exchanges) but I also do not wish to be inconsiderate of your business, especially since we are hopeful that there will be a substantial award of damages against you personally and it will be our intent to pursue collection."

Copy of the **e-mail correspondence** is annexed as **Exhibit 53** and herein made part of.

131. According to New York State and Federal Law these recorded conversations are legal as only one person needs to know that the phone calls are being recorded. The Plaintiff has done nothing illegal and this is substantiated by the Florida case law above in ¶128.

132. That on October 10th, 2014, Plaintiff sent the following e-mail to Campbell asking him if he would withdraw his allegations concerning the Plaintiff's alleged illegal recording of the phone conversations stating:

Mr. Campbell:

I am in receipt of Judge Jordan's order concerning the appointment of a mediator in this matter.

I was wondering if you would be interested in agreeing to withdraw Count II and Count III in the Complaint filed December 27, 2012 and Count IV and Count V of the amended complaint dated April 17, 2013 concerning the issue of my recording of phone calls in New York with those in Florida before mediation starts. In the Complaint(s) you state:

"Each of the illegally interceptions was committed in Florida in that each person speaking on behalf of and for Von Curtis was in Florida at the time of the

illegal recording.”

“Each of the illegal interceptions was committed in Florida in that each person speaking on behalf of and for Plaintiffs was in Florida at the time of the illegal recording.”

As you are fully aware, I was in New York State at the time of the recordings.

I know in your e-mail of April 23, 2014 you state:

“I am going to be scheduling a trial on the damages my clients have suffered, including the damages from your illegal interception of communications **(please do not argue that it is legal in NY, that is irrelevant when you speak with people in Florida).**” *(Is this a false statement on your part?)*

To add insult to injury, you keep telling me that I do not understand Florida law. I found this most recent court ruling relying on a case from 2008 which is before you started this sham proceeding and you have been allowed to continue with it with the help of both Judge Polodna and Judge Jordan.

Wiggins v. Tigrent, Inc., So. 3d, 39 Fla. Case No.: 2D13-4033 (July 2014)

“In contrast, in **Kountze v. Kountze**, 996 So. 2d 246, 252 (Fla. 2d DCA 2008), the act of recording a phone call in another state during a conversation with a resident in Florida—a violation of a Florida Statute—**did not constitute a tortious act committed in Florida** for the purpose of long arm jurisdiction **because the act did not occur in Florida and it was not illegal in the state where the recording was made.**”

This is a Florida case, and since the recording of the phone calls was done in New York where it is legal to do so, it **was not illegal** in Florida as you have claimed. Obviously, as a law professor and one who holds seminars for attorneys and judges you must have been fully aware of this case law or, at least, the fact that out of state people can record phone calls from outside of Florida with people in Florida.

If I am reading this case law wrong, please explain in gentle terms how you are able to sue me for recording phone calls in New York State where it is completely legal to do so as I have fully documented in the court papers.

Copy of the **e-mail correspondence** is annexed as **Exhibit 54** and herein made part of.

133. Within (5) five minutes, Campbell responded with:

“You are correct, you are not a lawyer. Otherwise, you are mistaken and I have no incentive to reduce the exposure to you. I will not argue or debate the matter. A default has been entered and the sole issue is damages.

Please cooperate with the scheduling of the mediation so we may proceed to trial.”

134. Legally, the Plaintiff had no exposure for recording of the phone calls while in New York as demonstrated by the above case law ¶128. His exposure for this is based upon the collusion between Judge Polodna, Judge Jordan, Campbell and CBS to deprive the Plaintiff of his due process rights and equal protection of the law. For without Judge Jordan striking all of the Plaintiff’s defenses, Campbell has no case to sue the Plaintiff for recording the phone calls. Further, by striking the Plaintiff’s defenses, the only issue before the court is for damages and by way of the Florida Complaint’s exhibited “Contract” in dispute the Plaintiff clearly does not owe. Judge Jordan and Campbell are conspiring in order to affect the two Federal Court proceedings and to extort money from the Plaintiff if he does not attend mediation and make an agreement to settle this illegal matter. For if he goes to trial, Judge Jordan will take revenge against him just as he has done throughout the Florida proceeding for even raising the issues of subject matter and personal jurisdiction and that plaintiff raised the issue that both Judge Polodna and Judge Jordan are acting in complete absence of all jurisdiction.

135. In summary, Judge Jordan issues an order ¶138, ordering the Plaintiff to attend mediation and pay 1/2 of the cost of the mediation concerning damages which have not been argued in court papers and for recording of phone calls which was completely legal pursuant to Florida law. Except for Judge Jordan issued his Order Granting Campbell’s Order to Show Cause and Default against Plaintiff dated April 18th, 2014 (See **Exhibit 47**) stating:

The Court finds that no description could fit the conduct of Defendant Dudla in this case better, thus, striking his pleadings is the appropriate and only meaningful sanction available.

As a result, it is **THEREUPON ORDERED AND ADJUDGED:**

Based upon the findings and rulings above, a default is hereby entered against Defendant Shawn Dudla as to liability, **his defensive pleadings are hereby**

stricken, and Plaintiffs shall be entitled to recover their attorneys' fees for these motions. This Court will reserve jurisdiction to determine by trial the damages of Plaintiffs on their claims and to determine the proper resolution of Plaintiffs' claim for attorneys' fees for these proceedings.

DONE AND ORDERED in Chambers in Osceola County, Florida this 18th day of April, 2014.

136. Judge Jordan issues his Florida order above in order to prevent the Plaintiff herein from having a trial on the issues and from presenting any evidence at trial that would show that he is not liable for any of the alleged Florida plaintiff(s) allegations in the Florida action which is a denial of due process and equal protection of the law.

137. Both Campbell and Jordan knew the Plaintiff was not able to respond to the discovery demands, except to state that Von Curtis, Inc. lacked standing and capacity to sue, as they were related to sole movant Von Curtis, Inc. and the Plaintiff herein had no dealings with the movant. Further this is clearly demonstrated by way of Judge Jordan's fiat Florida court order to change the Style of all of the pleadings before the Florida court. Judge Jordan's Florida order as to the Style of the case clearly exonerates the Plaintiff as it proves each and every one of his arguments presented within his pleadings to the Florida court, regarding Campbell's Order to Show Cause, were in truth factual. That the only Florida plaintiff requesting discovery from the Plaintiff was the sole Florida movant Von Curtis, Inc. These actions by Campbell and Judge Jordan further demonstrate collusion between the two. Furthermore, the Florida court has refused to address any of defendant's (Plaintiff herein) issues in this matter.

138. That Judge Jordan also issued his self-serving Florida order on Plaintiff's motion for Entry of an Order to Show Cause, dated October 2nd, 2014 (see **Exhibit 11**) which states:

**ORDER ON PLAINTIFF'S MOTION
FOR ENTRY OF AN ORDER TO SHOW CAUSE**

THIS CAUSE having come to be heard on September 24, 2014 and the

Court having reviewed Court file and being otherwise duly advised in the premises, it is

ORDERED AND ADJUDGED that:

1. Plaintiffs Motion for Entry of Order to Show Cause is **GRANTED**.
2. The Court appoints John P. Quinones IV, 24 North Clyde Ave., Kissimmee, FL 34741, 407-870-8857, ip@courtresolution.com. www.courtresolution.com as Mediator. The Parties shall provide dates and times for a mediation date to occur in the next 45 days. Mediation shall take place in Osceola County, Florida at a location of the Mediator's choosing. If any party refuses to schedule mediation, the Mediator shall file a report with the Court which may result in appropriate sanctions.
3. The Defendant, Shawn Dudla, may appear telephonically or by video (e.g. skype) if he chooses not to appear telephonically.
4. If appearing by phone, the Defendant, Shawn Dudla. shall have a fax machine or scanner/email capabilities to execute and return to mediator any possible settlement documents.
5. The Mediator shall prepare appropriate Order for the Court.
6. Parties shall share the cost of mediation.

DONE AND ORDERED on this 2 day of October, 2014.

139. This mediation is a sham as Judge Jordan has handpicked the mediator, most likely someone who will do his bidding for him and knowing he has a conflict of interest with the Plaintiff because of the Federal proceeding.

140. The sole intent of the mediation is to get the Plaintiff to agree to some amount that he does not owe or go to trial before Judge Jordan who will grant Campbell whatever he wants as the mediator will claim that Plaintiff has been uncooperative. Judge Jordan and Campbell could not afford to have the Plaintiff present any evidence to a jury concerning the Florida complaint as the Plaintiff would be able to prove he owes nothing to the Florida plaintiff(s) because of the "Indemnification Clause" found within the Florida complaint's exhibited "Contract" in dispute, that the "Contract" did not require him to do said work and clearly Von Curtis. Inc. is not party

to the “Contract” which entitles them to nothing.

141. In order to sabotage the Plaintiff’s Federal Diversity of Citizenship 28 U.S.C. §1332 case they needed to default the Plaintiff in order to prevent him from putting on any case in his defense. Plaintiff is fearful that Judge Jordan will award Von Curtis, Inc., Giulio Veglio and PM Veglio, LLC more than what is demanded in the Federal suit in order to make sure that Plaintiff does not receive any money from them through his Federal suit(s). Judge Jordan’s court is nothing more than, as the saying goes, “a kangaroo court” as the Plaintiff has already been convicted by Judge Jordan and now all Judge Jordan needs to do is decide how much it is going to cost the Plaintiff to pay for work he was not required to do pursuant to the “Contract” and for recording of phone calls in New York which was completely legal in Florida pursuant to Florida Case Law. This is a deliberate miscarriage of justice by Judge Jordan.

142. That the ordering of this mediation and setting of a trail in this matter is intended solely to interfere with both of the Federal Court proceedings and plaintiff’s causes of action in both. That if the Plaintiff agrees to settle the Florida matter that would be used against him in his two Federal suits in New York as they would claim that the Plaintiff settled these suits when he settled the Florida action.

143. To further add insult to injury, the above Florida court order dated October 2nd, 2014 (see **Exhibit 11**) is procedurally defective as:

- a.** The incorrect case number is listed; and
- b.** Judge Jordan ignores his own Florida court order and continues to list only Von Curtis, Inc. as the Florida plaintiff [emphasis plaintiff being singular]; and
- c.** The Florida court order does not address any of the Plaintiff’s argument’s made in opposition to Campbell’s Florida motion which is a violation of the Plaintiff’s

civil rights of due process which entitles him to an accurate “Decision based upon the Florida record”; and

d. The “Certificate of Service” is not signed by Judge Jordan in violation of Florida Statutes.

144. That the Plaintiff hired a Florida Court Reporter for the hearing and per the certified hearing transcript dated September 24th, 2014, neither the Plaintiff’s, “Affidavit in Opposition and Cross-Claim to the Motion” nor is the “Memorandum in Support of the Affidavit in Opposition” ever addressed during the hearing. The entire hearing was completely one sided toward the granting of Campbell’s motion for an Order to Show Cause.

Copy of the **Certified September 24th, 2014 Hearing Transcript** is annexed as **Exhibit 55** and herein made part of.

145. That the Plaintiff hired a Florida Court Reporter for a previous hearing date of June 16th, 2014 @ 10:45 am and per the certified hearing transcript dated June 26th, 2014, neither the Plaintiff’s “Motion to Strike” nor his “Memorandum in Support of the Motion to Strike” were ever fully addressed during the hearing. Again, the entire hearing was completely one sided toward Campbell’s testimony, admission of Florida Case Law and oral motion to dismiss. This Court should take Judicial Notice neither Campbell nor CBS submitted a responsive pleading in opposition to the Plaintiff’s “Motion to Strike” or his “Memorandum of Law” and Judge Jordan clearly had open Ex Parte discussions with Campbell during the proceeding. This was a clear denial of the Plaintiff’s rights to due process and equal protection of the law. This has occurred during each and every proceeding before Judge Jordan and is clearly Judge Jordan’s modus operandi for this Florida case. Campbell clearly is given partial and preferential treatment.

Copy of the **Certified June 26th, 2014 Hearing Transcript** is annexed as **Exhibit 56** and herein made part of.

146. This Court should take Judicial Notice that neither Campbell nor CBS ever submitted a responsive pleading in opposition to the Plaintiff's (2) two pleadings mentioned above. This clearly demonstrates abandonment by Campbell and CBS to all portions of the Plaintiff's pleadings, collusion between Campbell and Judge Jordan and a direct denial of the Plaintiff's rights of due process and equal protection of the law.

147. Judge Jordan and Campbell's actions regarding the Florida motion by Campbell and the hearing that transpired were clearly self-serving in an effort to derail these instant Federal Court actions filed by the Plaintiff herein.

148. That Judge Jordan's Florida court order, clearly did not address all of the Plaintiff's issues regarding Subject-matter and Personal jurisdiction (**See Exhibit 10**), was conveniently entered after the Plaintiff filed an Affidavit in Opposition response, dated September 2nd, 2014 to the motions, submitted by Murry S. Brower dated August 8th, 2014 and Jonathan D. Rhodes dated August 14th, 2014, attorneys representing Defendant Jordan, to dismiss the Plaintiff's Federal Lawsuit. Notably, neither attorney, to the date of this filing, filed a subsequent reply in opposition to Plaintiff's opposition response. Plaintiff filed a response to Bernstein's motion to dismiss on September 29th, 2014 and only received the Florida court order via US Postal Service on October 1st, 2014. Attorney Bernstein, for Defendants Campbell and CBS, filed a reply on October 3rd, 2014, exhibiting Judge Jordan's Florida self-serving order dated September 24th, 2014. Judge Jordan knew full well that the Plaintiff would not be able to respond to Bernstein's reply. This was a deliberate calculated effort to manipulate the considerations and disposition of the Federal court regarding the Federal cases and an attempt to seriously impair the Federal Court's flexibility and authority to decide the cases. This was an attempt to alter the Federal Court's perception of the Florida court allegedly having been conferred Subject-matter and Personal jurisdiction. Plaintiff

would have included a response to Judge Jordan's filed Florida order within his filed response to Bernstein's motion had he received the Florida order prior to the filing of the Plaintiff's response.

149. That had it not been for the Plaintiff recording his first court appearance while in New York State, he would not have had the proof that he was illegally denied his right to summary judgment and that Judge Polodna gave the Plaintiff bad legal advice by telling him that he could not use a summary judgment motion based upon subject matter jurisdiction and personal jurisdiction of the court, that the motion for summary judgment is only at the end of the case and based upon the merits and that Campbell's "Motion for Leave to File Amended Complaint" was going to cure all of the problems disputed by the Plaintiff within the original complaint filed December 27th, 2012 that was formerly before the Florida court.

150. The Plaintiff is fearful that if he is forced to appear in any Florida court, State or Federal, the Plaintiff will be arrested and put in jail for the alleged recording of the phone conversations and recording the Florida court hearings over which the Florida court had no jurisdiction and the judges are acting in complete absence of all jurisdictions. In fact, all of the Florida proceedings have been illegal and the rulings deemed void. Further, the Plaintiff could be arrested and held in jail and nothing would be done. Judge Jordan has clearly demonstrated disdain for the Federal Courts by continuing to issue self-serving orders in the Florida action while there are two federal actions in New York State concerning the same issues and the same parties and over which this Court has already taken subject matter jurisdiction of one of the Federal complaints.

151. Florida Rules of Civil Procedure are modeled after the Federal Rules of Civil Procedure and there is Case Law that reflects this.

"Because the Florida Rules of Civil Procedure are modeled after the Federal Rules of Civil Procedure, Federal decisions are highly persuasive in ascertaining

the intent and operative effect of various provisions of the rules." Wilson v. Clark, 414 So. 2d 526, 531 (Fla. 1st DCA 1982).

152. The Plaintiff provided numerous pieces of Federal Case law to support his pleadings submitted to the Florida court that the Florida court deliberately ignored in an effort to deny the Plaintiff of his Rights of due process and equal protection of the law. The Florida court continues to do so, even currently as documented above. The Florida case should have been stayed the moment the Florida court was made aware that a Federal proceeding that was filed prior to the granting of the illegal Florida movant's Motion for Leave to File Amended Complaint, the filing of the illegal Florida amended complaint and the untimely and improper substitute service of the illegal Florida amended complaint.

153. The Plaintiff would point out to the Court that Judge Polodna and Judge Jordan have no respect for this Court as they have continued with the Florida proceeding even though there was a Federal suit filed on March 25th, 2013 concerning the same parties as in the Florida action and Judge Jordan has continued to rule in the Florida action even after the Federal Civil Rights suit was served upon him documenting that he is depriving the Plaintiff of his rights to due process and equal protection of the law. Further, Judge Jordan has not denied any of the Plaintiffs allegations both in the Florida action and in the Federal Action. Based upon the aforementioned current inaccurate, misleading and illegal self-serving decisions on the Florida record, Judge Jordan has failed to demonstrate that the Osceola County Florida Court has been conferred both Subject-matter jurisdiction over the controverted issues and personal jurisdiction over the Plaintiff here in the Florida matter. Judge Jordan has clearly demonstrated by his aforementioned self-serving Order allegedly attempting to address Subject-matter jurisdiction and Personal jurisdiction that he is incapable of addressing the issues of standing and capacity to sue on the part of Von Curtis, Inc., Giulio Veglio and P.M. Veglio, LLC as documented by the Plaintiff above. He also is

incapable of demonstrating that the Florida court has Personal jurisdiction over the Plaintiff as he was not properly served and the Florida amended complaint was not served according to Florida Law and it was untimely per the Court Order granting the Motion for Leave to File Amended Complaint. In fact, Judge Jordan made a knowingly false statement that Plaintiff never raised these issues before May 8th, 2013 which has been documented above to be false.

154. The Plaintiff is fearful that because of the Florida court's blatant disregard for both Federal Statutes and case law, Florida State statutes and case laws, the contumacious, purposely and willful actions of the Florida court to violate Federal Statutes and case law, Florida State statutes and Case laws, the continuous denial of the Plaintiff's Rights of Due Process, the threatening nature of the Federal named Defendants in regards to the Florida case, the fraudulent conduct of Defendants Campbell and CBS and the complete erosion of justice projected toward the Plaintiff, as demonstrated above and within his Federal Complaint(s), by the Florida court in the Florida case, the Plaintiff is formally requesting:

- a.** immediate Injunctive Relief from this Federal Court; and
- b.** for a stay of the Florida action until the final disposition of the previously filed Federal Diversity of Citizenship 28 U.S.C. §1332 Action by the Plaintiff; and
- c.** for a stay of the Florida action until the final disposition of the filed Civil Rights Complaint pursuant 42 U.S.C. §1983 Action by the Plaintiff; and
- d.** for a stay from the issuance of any further Florida court orders from the Florida courts regarding the Florida case; and
- e.** prohibiting Florida Judge Jordan or any other Florida Judge from taking any further action in the Florida case.

WHEREFORE, your deponent respectfully requests that this Court grant the Plaintiff's

motion for Injunctive Relief with all other relief requested and further relief as this Court may deem just and proper.

VERIFICATION

STATE OF NEW YORK)
COUNTY OF SARATOGA) ss.:

SHAWN P. DUDLA, being duly sworn, says that he is the Plaintiff in the above entitled captioned proceeding and under penalties of perjury, I declare that I have read the foregoing **Verified Affidavit in Support of Order to Show Cause for Injunctive Relief** and that the facts stated herein are true, except as to matters therein stated to be alleged on information and belief and as to those matters he believes to be true.

Shawn P. Dudla - Plaintiff *Pro se*
P.O. Box 1227
Clifton Park, New York 12065-0804
(518) 371-2400

STATE OF NEW YORK)
COUNTY OF SARATOGA) ss.:

This _____ day of October, 2014, before me, the subscriber, personally appeared SHAWN P. DUDLA to me known and known to me to be the same person described in and who executed the within instrument, and he duly acknowledged to me that he executed the same.

Notary Public

Filename: 20141024 in Support of an OTSC for Injunctive Relief.doc
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Template: /Users/charamchev/Library/Group Containers/UBF8T346G9.Office/User
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