



within his Verified Complaint. Further and most importantly, Counsel Bernstein for the Defendants has not made any statement(s), provided any documentation or material evidence that the Defendants herein ever provided proof to the Florida court, let alone by way of a preponderance of evidence, that the Osceola County Florida Court at bar had been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein. Furthermore, Counsel Bernstein has completely ignored this critical issue all together within his Affidavit in Support of his Motion to Dismiss and his Memorandum of Law.

4. That annexed as “Exhibit B” to counsel Bernstein’s affidavit is an “Affidavit of John W. Campbell, ESQ”. In this sworn Affidavit, Campbell fails to address these critical issues:

- a) him **not** being the “Attorney of Record” in the Florida action as he never properly filed and served the Plaintiff his first pleading, the Florida “Summons & Complaint” as required by Florida Law as fully documented in the plaintiff’s Federal Complaint; and
- b) The movant to his first pleading and subsequent amended pleading, Von Curtis, Inc., d/b/a Paul Mitchell the School Orlando, did not have standing and capacity to sue in the Florida action and in fact, Campbell has admitted multiple times that Von Curtis, Inc., d/b/a Paul Mitchell the School Orlando was the wrong Florida plaintiff which is fully documented in the Plaintiff’s Federal Complaint; and
- c) The Florida action being filed in the wrong Florida County Venue as none of the parties resided in Osceola County and no work was performed in Osceola County which has been fully documented in the Plaintiff’s Federal Complaint and was never disputed; and

- d) The “Indemnification Clause” within the Contract in dispute prohibited any “Client” from commencing any legal recourse against the Plaintiff if money was owed to the Plaintiff for additional work rendered as part of and outside of the scope of the original contract agreement which totaled \$96,198.32 as documented in Plaintiff’s Federal Complaint; and
- e) Judge Polodna and Judge Jordan of the Osceola Florida County court lacked Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff in the Florida action and were ruling in the complete absence of all jurisdictions as fully documented in the Plaintiff’s Federal Complaint and no party or their counsel to this action has disputed or provided any documentation to the contrary. Their only argument provides that the amount claimed exceeded \$15,000 and therefore, the circuit court has jurisdiction. They do not state which Florida County Circuit Court has jurisdiction of this matter pursuant to Florida Statute Chapter 47 and they have made no effort to demonstrate that it is Osceola County Florida, which is located in the (9<sup>th</sup>) Ninth District Circuit Florida court. This is because they are fully aware, that because of the Plaintiff’s supporting documentation that contradicts their claim, which clearly has not been contradicted by any of the Defendants in this instant action, the only Florida County that would have jurisdiction is Seminole County, which is the (18<sup>th</sup>) Eighteenth District Circuit Florida Court’s jurisdiction. This is where all of the Defendants reside and where the work was done by the Plaintiff. Pursuant to the Contract in dispute, the work was to be done in

Oviedo, Florida which is located in Seminole County. Further, none of the Defendants or their attorneys in this action has provided any address for any of the Defendants that are located in Osceola County and they have not provided any documentation or the address of where in Osceola County Florida any of the alleged work was done by the Plaintiff.

- f) The Defendants have not provided any material evidence or documentation supporting this claimed figure of \$15,000. They have provided no documentation documenting and demonstrating that the Osceola County Florida Circuit Court had jurisdiction in this matter as the \$15,000 claim is only one of the elements that needs to be met in order for the Osceola County Florida court to have both Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff herein.

5. Mr. Campbell makes the following false or misleading statements in his Affidavit:

- a) “1. Suit was filed on behalf of on Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando against Mr. Dudla in Florida on December 26, 2012. It was filed in the name of the real party in interest which is the school, but upon Mr. Dudla raising objection to the named Plaintiff, the Complaint was amended to add other Plaintiffs who did hold the contract rights. Plaintiff Giulio Veglio was joined in that capacity and as a Plaintiff for a claim for Mr. Dudla's violation of Chapter 934, Florida Statutes.”

This statement is false. Neither, Von Curtis Inc. or Paul Mitchell the School Orlando was named in the “Contract in dispute”. There was no interest expressly assigned to either of the aforementioned parties in the contract and the movant party, Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando provided no such documentation, material evidence in support nor demonstrated such an interest existed within the “Contract in Dispute”. Campbell, within his “Motion for Leave to file Amended Complaint” clearly only requested that P.M. Vagelio LLC be

added to the amended complaint and clearly claimed that Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando was the wrong Plaintiff and was to be substituted out of the proceedings. Campbell clearly claimed this in his “Motion for Leave to file Amended Complaint” testified to this during a Florida Court Hearing on the matter. There was no mention of P.M. Veglio, LLC d/b/a Paul Mitchell the School Oviedo or Guilio Veglio in the motion to amend or within his prior first pleading, the Florida “Summons & Complaint.

It should be duly noted by this Court, Campbell stated above “the complaint was amended to add other Plaintiffs *who did hold the contract rights*”. Therefore, Campbell is again admitting that Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando did not hold the contract rights and therefore, lacked standing and capacity to sue. With Campbell’s admission, the matter should have been immediately dismissed for lack of standing and capacity to sue. Further, this statement clearly demonstrates the Florida complaint **was not** filed on behalf of the real party in interest as claimed by Campbell.

- b) “3. Thereafter, Mr. Dudla has filed lengthy repetitive motions and pleadings in an apparent attempt to obstruct progress of the case. He has filed repetitive and voluminous motions attacking every aspect of the case and has done so repeatedly despite adverse rulings. His motions attacking subject matter jurisdiction, en personam jurisdiction, venue, even his own name and identity, have all been denied by the Court. Mr. Dudla filed an appeal to the Fifth District Court of Appeals and he lost that appeal. He filed a Motion for Reconsideration with the Fifth District Court of Appeals and that was denied. He then proceeded to repeat his motions and arguments before the Trial Court.”
- c) “4. Mr. Dudla has also refused to respond to discovery or to Court orders on discovery matters.”

The Plaintiff has responded to the discovery demands by stating that the Osceola County Florida court lacks Subject-matter jurisdiction as Florida movant Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando lacks both standing and capacity to sue, that the matter was filed in

the wrong county court venue as none of the parties reside in Osceola County, no work was performed by Plaintiff in Osceola County and because of the “Indemnification Clause” of the contract in dispute. The Osceola County Florida court also lacks en personam jurisdiction in the matter as Campbell never properly filed his Florida “Summons and Complaint” as there was no “Certificate of Service” affixed to the Florida “Complaint”, there is no record of a “Return of Service” and “Affidavit of Service” filed with the Osceola County court Clerk’s Office as required by law and the Plaintiff was not served according to either Florida or New York State Law. The Plaintiff, on numerous times, demanded an “Evidentiary Hearing” on these issues, which have been summarily denied by both Florida judiciary, Judge Polodna and Judge Jordan.

It should be further noted by this Court, that on March 25<sup>th</sup>, 2013, the Plaintiff filed a Federal Diversity of Citizenship 28 U.S.C. §1332 Complaint naming Giulio Veglio, P.M. Veglio, LLC, Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando and Winn Claybaugh as Defendant’s within the action. This was prior to Campbell’s “Motion for Leave to File Amended Complaint” was illegally heard on April 1<sup>st</sup>, 2013, the Osceola County Florida court order granting his motion being executed by Judge Polodna on April 10<sup>th</sup>, 2013 and Campbell improperly officially filing and substitute serving his Amended Complaint on April 29<sup>th</sup>, 2013.

Giulio Veglio and P.M. Veglio, LLC could not have been added to Campbell’s initial “Complaint” of his “Amended Complaint” as they were already named within a pending Federal action with similar subject-matter to that of the Florida complaint. This would create a conflict of interest between the (2) two actions.

More importantly, Giulio Veglio and P.M. Veglio, LLC could not be added to the Florida action as Campbell never mentioned either one of them in his motion to amend or in his proposed amended complaint. They were added by Judge Jordan by judicial fiat without any

notice or notice of motion to do so before the Florida court. In doing so, the Florida court unduly prejudiced the Plaintiff as he was not allowed the ability to respond.

Furthermore, it should be noted by this Court, that because the 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. Therefore, none of the movant parties in the Florida action were entitled to any discovery until a final disposition of the Federal matter had taken place as the Florida action should have been stayed.

It should be duly noted by this Court that Campbell and CBS as well as Florida Judge Polodna were well aware that the Plaintiff's Federal Diversity of Citizenship 28 U.S.C. §1332 Complaint existed as the issue was brought up Campbell during the June 11<sup>th</sup>, 2013 Florida Plaintiff's Hearing to have the Florida action dismissed. **(See Plaintiff's Complaint PCC Exhibit 28, Page 12, Lines 6 - 10)**

Further, in regards to Subject-matter jurisdiction of the Osceola County Florida court, it was the responsibility of Campbell to demonstrate, document and prove that the Osceola County Florida court had been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff once the Plaintiff raised and disputed these issues in his answering papers. It was the responsibility of the Osceola County Florida court to evoke Campbell to specifically address each and every one of these issues and finally address each and every one of these issues in a proper decision on the record. This never occurred and Counsel Bernstein has not refuted this within his pleadings.

If the Florida court had both Subject-matter jurisdiction and Personal jurisdiction, all of the Defendants and their attorneys in this instant action would have clearly pointed this out and fully documented that the Osceola County Florida court had been conferred all jurisdictions.

Instead, they are asking this Court to do what they have done, ignore all of the controverted issues pertaining to Subject-matter jurisdiction and Personal jurisdiction.

This Court should take Judicial Notice, Campbell states, “that Plaintiff raised the issues of Subject-matter jurisdiction and en Person am jurisdiction, venue, even his own name and identity, have all been denied by the Court”. The Plaintiff emphatically denies this to be true as they have never been ever addressed within any Florida order and therefore were never denied. They have been ignored by both Campbell and the Florida court. There is not one Florida court order addressing any of these issues and counsel for Campbell and CBS has not attached one Florida court order that addresses these issues and documents these issues were denied.

The Plaintiff is attaching each and every Florida court order issued by Judge Polodna, Judge Jordan and the 5<sup>th</sup> DCA which clearly demonstrates that these issues of; Standing and Capacity to sue, Subject-matter jurisdiction, Improper County court Venue, Personal jurisdiction and the “Indemnity Clause” found within the Contract in dispute have not been addressed and have been ignored by Defendants Campbell, CBS and the Osceola County Florida court. The following Florida court Orders are annexed as exhibits chronologically and herein are made part of:

**Exhibit 02** – Florida Judge Polodna Order dated 03/22/2013 Granting of the Withdrawal by Caren Skyversky Attorney for Florida Plaintiff

**Exhibit 03** – 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 04** – Florida Judge Polodna Order dated 06/25/2013 Denying of Florida Defendant’s (Plaintiff herein) Motion to Dismiss

**Exhibit 05** – Florida 5<sup>th</sup> District Court of Appeals Order dated 08/29/2013 Denying of Petitioner’s (Plaintiff herein) Writ of Prohibition

**Exhibit 06** – Florida 5<sup>th</sup> District Court of Appeals Order dated 09/10/2013 Denying of Petitioner’s (Plaintiff herein) Clarification Rehearing-Request for Opinion

- Exhibit 07** – Florida Judge Polodna Order dated 12/23/2013 Granting of Florida Plaintiff’s Motion to Compel
- Exhibit 08** – Florida Judge Polodna Order dated 01/29/2014 Granting Disqualification
- Exhibit 09** – Florida Administrative Judge Order of Re-Assignment dated 01/30/2014 to Judge John E. Jordan
- Exhibit 10** – Florida Judge Jordan Order dated 02/05/2014 Setting of Case Management-Conference and Telephonic appearance at future Hearings
- Exhibit 11** – 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 12** – Florida Judge Jordan Order dated 04/14/2014 Granting of Florida Plaintiff’s Order To Show Cause & Defaulting of Defendant (Plaintiff herein)
- Exhibit 13** – Florida Judge Jordan Order dated 04/14/2014 Order as to the Style of the Case
- Exhibit 14** – Florida Judge Jordan Order dated 04/25/2014 Denying of Florida Defendant’s (Plaintiff herein) Motion for Disqualification/Recusal of Florida Trial Judge
- Exhibit 15** – Florida Judge Jordan Order dated 05/19/2014 Granting of Florida Defendant’s (Plaintiff herein) Alleged Motion to Reset Hearing
- Exhibit 16** – Florida Judge Jordan Order dated 06/19/2014 Denying of Florida Defendant’s (Plaintiff herein) Motion to Strike
- Exhibit 17** – 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.

d) “5. On December 12, 2012 I served a request for production and interrogatories upon Mr. Dudla. He never directly objected or responded to that discovery but in one unrelated pleading he made a comment appearing to be an objection to the discovery, so I treated that as an objection to the discovery.”

“6. On April 17, 2013 I served a second set of discovery that cured the "objections" raised by Mr. Dudla. That discovery was a set of interrogatories and a request for production served on behalf of one of the Plaintiffs. Mr.Dudla ignored that discovery and never responded in any fashion in any paper or message.”

“7. On October 8, 2013 I served an additional request for production upon Mr. Dudla. He responded to that discovery with note objections, all consisting of the same objection:

**Alleged named Defendant's Answer:** Not Applicable. Plaintiff Von Curtis, Inc. does not have and has not a Contract Agreement or an Assigned Contract Agreement by and between the named Defendant and therefore lacks standing, the capacity to sue and is not entitled to the information requested.”

Campbell complains about the Plaintiff not responding to his discovery demands but contradicts himself as documented by Campbell in both item 5 and 7. On one hand he states that the Plaintiff never directly objected or responded to that discovery. Then he turns around and states that the Plaintiff did appear to make an objection to the discovery and Campbell “treated that as an objection to the discovery”. Campbell then states that he made a second set of “Discovery” on behalf of one of the alleged Plaintiff’s, not defining who, saying that it was to cure the Defendant’s (Plaintiff herein) **objections** made regarding the first set of Discovery. This was again, after Campbell clearly stated that the Plaintiff hadn’t made any objections or responses to the first set of “Discovery”.

The Court should take Judicial Notice, Campbell has openly admitted now (4) four times that the sole movant to the Florida proceedings, Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando was the wrong Plaintiff to the proceedings. His admissions can be found within his “Motion for Leave to File Amended Complaint”, his testimony on the record in an open Florida court hearing, a Federal Affidavit made part of the Record in the Plaintiff’s “Diversity of Citizenship 28 U.S.C. §1332 Complaint” and now this current Affidavit on his behalf. Campbell by way of his admissions has clearly addressed the issue of Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando not having both standing and capacity to sue. More importantly to be noted by this Court is the fact that Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando was the only

identified captioned Plaintiff on any of the discovery demands made by Campbell. Further, Campbell was restricted by Case Law from using Giulio Veglio and P.M. Veglio, LLC as they were named Defendant's within the Plaintiff's "Diversity of Citizenship 28 U.S.C. §1332 Complaint" that was filed weeks prior to Campbell's Florida "Motion for Leave to File Amended Complaint" was heard, granted and improperly substitute served and was not properly filed or served within the time requirements required by the Florida court Order granting the motion to amend the complaint.

Campbell is painting a canvas of misleading falsehoods to this Court as he knows full well that Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando was never entitled to any "Discovery" as Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando had no standing nor capacity to sue in the Florida action. That Giulio Veglio and P.M. Veglio, LLC were never granted permission by the Florida court to be added to the illegal complaint and that they could not have been added as they were already named as Defendant's within a prior ongoing Federal proceeding that contained similar subject-matter as the Florida action.

Furthermore, Campbell has refused to document, demonstrate and prove that both Judge Polodna and Judge Jordan and the Osceola County Florida court had been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff as required by law.

- e) "8. Despite the objection, that discovery **was not filed or served** on behalf of Plaintiff Von Curtis, Inc. and it is hardly appropriate for Mr. Dudla to refer to himself as an alleged Defendant."

Clearly Campbell states "that discovery was **not filed or served** on behalf of Plaintiff Von Curtis, Inc." The critical question before this Court, then on whose behalf was it filed and served? Especially since Campbell does not state who. The only sole movant Florida Plaintiff captioned or

referred to on the discovery demands was Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando as Plaintiff. The Plaintiff herein had no contract or dealing with Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando. The Plaintiff had no other legal way of responding to the discovery demands made on behalf of this Florida named movant. Campbell failed to state, list or name any other party to the Discovery Demands, other than the sole captioned party of Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando on two out of the three requests for "Discovery". Only one "Discovery Demand" mentions Giulio Veglio and P.M. Veglio, as Plaintiffs within the document but not within the caption as that names Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando as the Plaintiff (noted singular). This demand for discovery could not be issued as Giulio Veglio and P.M. Veglio, LLC were never granted permission by the Florida court to be added to the illegal complaint and that they could not have been added as they were already named as Defendant's within a prior ongoing Federal proceeding that contained similar Subject-matter as the Florida action.

Attached as **Exhibits 18 thru 21** are the discovery demands by Campbell which only list one Plaintiff, Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando and Plaintiff is clearly singular.

- f) "9. A Motion to Compel was filed, a hearing set and argued on December 16, 2013 and an Order was entered on December 23, 2013 giving Mr. Dudla ten (10) days to properly respond to discovery. A copy of that Order is attached hereto as Exhibit 1.

Rather than comply, Mr. Dudla filed a Motion seeking the disqualification of Judge Polodna arguing among other things that Judge Polodna had committed treason in his actions in the case."

This Court should take notice that Campbell willfully neglects and fails to mention that the Plaintiff's motion also included the fact that Judge Polodna lacked Subject-matter jurisdiction to hear the controverted issues and Personal jurisdiction over the Plaintiff. Judge Polodna clearly recused himself as he was fully aware that he was prejudiced against the Plaintiff and lacked

Subject-matter jurisdiction and Personal jurisdiction. Further, Campbell fails to state that the Plaintiff at the beginning of the aforementioned proceeding demanded from Judge Polodna an “Evidentiary Hearing” on several key critical issues that pertained to Subject-matter jurisdiction and Personal jurisdiction. That Judge Polodna was obligated by law to evoke such a hearing once the issues were raised by a non-moving party. That Judge Polodna clearly knew that a motion for such was before him. The Judge Polodna clearly ignored the pleading altogether and because the Judge did so the Plaintiff made an oral attempt on the Record, during the aforementioned proceeding, to have the Florida Trial Judge recused and at that moment Judge Polodna abruptly closed the proceedings. This was clearly recorded by a Florida court Reporter that was present at the proceeding. **(See Complaint PCC Exhibit 31)**

Again, Judge Polodna refused to address any of the critical key issues concerning Subject-matter jurisdiction, Personal jurisdiction, Improper Florida County court venue, the Florida movant’s lack of standing and capacity to sue and failure to enforce an “Indemnification Clause” within the Contract in dispute that were all raised by the Plaintiff in all of his court filings.

- g.** “10. Florida's Rules of Judicial Administration are liberal on the first Motion for Disqualification filed by a party and Judge Polodna ruled that he would disqualify himself upon the bare allegations without commenting or ruling upon their falsity. Thereafter the case was assigned to Judge Jordan.”

Judge Polodna did not rule on or comment on Plaintiff’s allegations because Judge Polodna knew they were all true and that he had no authority in the matter and that Campbell’s complaint was filed in the wrong Florida County in addition to all of the other documentation about the Florida court lacking Subject-matter and Personal jurisdiction. If he could have refuted Plaintiff’s documentation to these issues, Judge Polodna would have done so and yet he did not. This Court is well aware that in the motions presented by and on behalf of Osceola County and the State of Florida, neither has claimed or documented that Judge Polodna or Judge Jordan had been conferred

Subject- matter jurisdiction over the controverted issues or Personal jurisdiction over the Plaintiff in the Florida matter. They have not refuted any of the Plaintiff's allegations or documentation that clearly demonstrates they were acting in complete absence of all jurisdictions. The same is true with this motion by Counsel Bernstein.

- h)** "10. Mr. Dudla then filed a Motion seeking to have Judge Jordan reconsider every ruling during the case by Judge Polodna. That motion was properly denied as well."

Judge Jordan dismissed the Plaintiff's motion with a simple denial in violation of his Civil Right to an accurate and proper Decision on the Record. There were no Findings of Fact or Conclusions of Law within the aforementioned Florida Order. Not one issue concerning Subject-matter jurisdiction, Personal jurisdiction, Improper Florida County court venue, the Florida movant's lack of standing and capacity to sue, failure to enforce an "Indemnification Clause" found within the Contract in dispute nor any other issue raised by the Plaintiff was addressed within said Florida court order. This was purposely and willfully done in order to prevent the Plaintiff from appealing the ruling as there were no legal issues addressed by Judge Jordan for the Florida Appellate court to rule on or review. **(See Copy of Order Annexed as Exhibit 11)**

- i)** "12. In a later hearing Judge Jordan considered the December Order compelling discovery Mr. Dudla had chosen to ignore. I filed a Motion for an Order to Show Cause and in response Mr. Dudla did file an "affidavit" and a response that repeated many of the previously disposed of objections and motions."

Plaintiff's motions and objections were all ignored and were never addressed by the Florida court in any Florida court order, even though the Court was mandated and required by law to address the issues of Subject-matter jurisdiction and Personal jurisdiction and Campbell was mandated and required by law to document, demonstrate and prove that Subject-matter jurisdiction and Personal jurisdiction were conferred to the Osceola County Florida court when

these controverted issues were raised by the Plaintiff.

- j) “13. Mr. Dudla did raise a new objection complaining that he was being denied due process and that the hearings were "ex parte" because he was not allowed to attend hearings telephonically. I responded to him by email that the hearings were not ex parte, he could attend live or have counsel attend. He also complained that he was denied due process because the hearings were not reported. I informed him by email that he could at his own expense have a court reporter attend.”

Campbell’s aforementioned statement(s) clearly misconstrues the Plaintiff’s allegations and clearly are misleading in that Campbell neglects to inform this Court that he never once responded to any of the Plaintiff’s opposing pleadings prior to a hearing. He never once refuted nor denied any of the Plaintiffs’ opposing argument(s). He never informed the Plaintiff of the material substance of his argument(s) or evidence that he intended to present to the Florida court on the date of the hearings. Campbell did in fact present findings and facts that were outside of motions presented to the Florida court and openly admitted to doing so on the record. He also openly has admitted to presenting additional oral motions to the Florida court without formally noticing the Plaintiff. Because the Plaintiff was not present to these proceedings he was incapable of redress to the aforementioned. The Florida Court and the Campbell are required by law to provide such to the Plaintiff in a good faith effort in order to prevent the appearance of impropriety by way of Ex Parte communications. This never occurred during any hearing that the Plaintiff was appearing by way of “Memorandum of Law” lieu of his personal appearance. Campbell and Judge Jordan took advantage of the Plaintiff’s non-appearance status and entered non noticed Motions and creating orders that clearly prejudiced the Plaintiff’s defenses during the hearings. Campbell was clearly provided, by both Judge Polodna and Judge Jordan, a tactical advantage over the Plaintiff as he was clearly misinforming and hindering the Plaintiff from being able to present an appropriate defense against Campbell’s motion(s). Plaintiff was never

informed by the Florida court of any material evidence entered or additional arguments made by Campbell that were not presented within his motions. The Plaintiff was never given the ability to redress such before an order of the court was executed and entered. That said orders were usually drafted or rendered by Campbell, executed and subscribed to by either Judge Polodna or Judge Jordan and entered with the clerk before the Plaintiff was given ample time for review.

Further, Plaintiff was in New York and the scheduled 15 minute hearings were being held in Florida. Plaintiff could neither afford to hire an attorney for a 15 minute hearing as an attorney would want a retainer for several thousands of dollars and Plaintiff could not afford to travel to Florida for a 15 minute hearing. Furthermore, if Plaintiff did attend the Florida court proceeding, the Florida court and Campbell have intimated, there was a very high chance the Plaintiff would have been arrested for the recording of phone conversations in New York which was perfectly legal under New York State law and Federal law. Further, the Court had no legal jurisdiction over the Plaintiff and has failed to document it did.

- k) “14. At the last hearing, held on April 8, 2014, after due notice and with an opportunity for Mr. Dudla to attend or have counsel appear, Judge Jordan entered a default after careful consideration of the facts. The facts that appeared to weigh most heavily were the refusal of Mr. Dudla to provide any discovery papers at all and the willfulness of that refusal. A copy of the order is attached hereto as Exhibit 2.

As clearly documented above, Plaintiff did not refuse to answer the discovery demands. Campbell’s statement the Plaintiff never provided any discovery papers at all is clearly false as Campbell clearly admits the Plaintiff made objections and answered Interrogatory question, unfortunately not to Campbell’s liking. The Plaintiff clearly stated that Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando lacked both standing and capacity to sue which has never been addressed or refuted by the Florida court or Campbell. Further, Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando is not entitled to any discovery documentation for this very fact.

Furthermore, P.M. Veglio, LLC and Guilio Veglio were not entitled to any discovery documentation as there was no mention of these parties within Campbell's "Motion for Leave to File Amended Complaint" nor in the proposed amended complaint. More importantly, at the time of Campbell's "Motion for Leave to File Amended Complaint" there was already an ongoing Federal action in New York against P.M. Veglio d/b/a Paul Mitchell the Scholl Oviedo, Guilio Veglio and Von Curtis, Inc. d/b/a Paul Mitchell the School Orlando which would have precedence over the Florida State action by way of Case Law and Campbell was made well aware of this as it was mentioned within Plaintiff's Florida pleadings.

**m)** "15. The case is being set for a trial on damages."

Campbell and Judge Jordan are going to hold a trial while refusing to document, demonstrate or prove that the Osceola County Florida Court has been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff. They intend to do so regardless and while this Federal proceeding is being heard. They intend to do so regardless of solidly based and sound founded facts, which have not ever been refuted, that clearly document and demonstrate that the Osceola County Florida court has no legal authority or jurisdiction to take any action in the Florida matter. Campbell and Jordan clearly know and are well aware that Judge Jordan is acting in complete absence of all jurisdictions.

**n)** "16. The events which are the subject of this dispute all occurred in the Middle District of Florida, Orlando Division of the United States District Court which is in the areas near Orlando, Florida. The school is located there, the work Mr. Dudla himself did was done there, the subcontractors he hired worked there, the damages for the many things that did not work occurred there and the repairs and re-work that had to be done all occurred there."

The Plaintiff wishes it to made emphatically clear, he did not hire any subcontractors while in Florida.

This Court should not *sua sponte* dismiss this instant action for improper venue but in the alternative and in the interest of justice, this Court should, if the Court determines the Plaintiff filed his Federal Complaint in the wrong Federal District Court, transfer this Civil Action to the Florida Middle District Court as all Defendants reside in that district as required by Federal Case Law.

- o) “17. The expert hired to examine the nonfunctional computer system diagnosed and resolved the problems apparent at the time at the school in the Orlando area as including:”

This Court should duly note, if the court would review over the Contract in Dispute, the Court will clearly deduce the list of complained about items stated by Campbell were not the responsibility of the Plaintiff pursuant to the Contract in dispute. The Plaintiff was clearly only obligated to install the equipment, hardware, wiring and building materials specific to the project’s Contract that is now in dispute. The Plaintiff was not required to hire or subcontract any personnel or services to do any programming of any nature of the equipment or install any applications or programs required by the school nor was he required to activate, adjust, modify or initialize any preinstalled applications or programs by the manufacturers of the system’s hardware equipment that the Plaintiff was hired to install. These elements were clearly the responsibility of the school to complete at their own behest. Further, the Plaintiff was owed substantial monetary compensation in the amount of \$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 in the so specified “Change Orders” that Giulio clearly requested and demanded the Plaintiff to 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.

6. On September 9<sup>th</sup>, 2014 Mr. Campbell sent the following e-mail to the Plaintiff:

“Please review the orders denying your many motions. I will not take the time to point out the specific motions and orders, you have them. As I said, you do not understand subject matter jurisdiction under Florida law. I do not have to prove that, you have.

We will set the hearing at our convenience. You will receive the notice within a few days.”

A copy of **Campbell’s e-mail** is annexed as **Exhibit 22** and herein is made part of.

That Campbell is fully aware that it is his responsibility pursuant to United States Supreme Court rulings that it is Campbell who has to demonstrate jurisdiction of the court when questioned. He has openly admitted that Plaintiff has raised the issues of Subject-matter and Personal jurisdiction in the Florida matter. He is also fully aware there are no specific orders or documentation before the Florida court demonstrating the Osceola County Florida court has been conferred Subject-matter jurisdiction over the controverted issues and Personal jurisdiction over the Plaintiff in the Florida matter as none of the defendants or their attorneys in this matter have provided any documentation to demonstrate both subject matter and personal jurisdiction or to refute any of the plaintiff’s documentation in his Verified Federal Complaint.

7. The Plaintiff has clearly demonstrated a *Prima facie* cause of action above and in his verified complaint as he has fully documented the violation of this due process rights and equal protection of the law as the judges have acted in complete absence of all jurisdictions and have conspired with Campbell and CBS to cover up the fact that the original complaint was filed without a certificate of service and was not properly served upon the Plaintiff pursuant to Florida Law which deprives Defendants Judge Polodna and Judge Jordan of en Person am jurisdiction over the Plaintiff and the fact that Von Curtis Inc. d/b/a Paul Mitchel the School Orlando lacks both standing and capacity to sue, Campbell filed the complaint in the wrong Florida county venue, the “Indemnification Clause” found in the Contract in dispute, that Campbell prepared the

order(s) for the Florida court and the judges signed the court order(s) knowing that they had no authority or jurisdiction to do so, is clearly demonstrates that the Plaintiff has cause(s) of action in this matter supported with a preponderance of material evidence. Notably this is without even taking into consideration and accounting of all the other documentation furnished by the Plaintiff in his Verified Federal Civil Rights Complaint that was never contradicted by any of the named Defendants in this instant action.

**WHEREFORE**, your deponent respectfully requests that this Court deny Counsel for the Defendants, Jonathan M. Bernstein’s Motion to Dismiss and for such other 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 Opposition** 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.

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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 September, 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.

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Notary Public

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