

- ☒ IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.  
☐ IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

**DIVISION**

- ☒ CIVIL  
☐ DISTRICTS  
☐ FAMILY  
☐ OTHER

**CIVIL COVER SHEET**

CASE NUMBER: \_\_\_\_\_

JUDGE \_\_\_\_\_

**PLAINTIFF**

Scott Huminski, Michael Essix

**VS. DEFENDANT**

State of Florida, Ashley Moody, Governo

**CLOCK IN**

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

**AMOUNT OF CLAIM**

Please indicate the estimated amount of the claim, rounded to the nearest dollar. \$ 0.0

**TYPE OF CASE** (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

- ☐ Condominium
- ☐ Contracts and Indebtedness
- ☐ Eminent domain
- ☐ Auto Negligence
- ☐ Negligence - Other
  - ☐ Business Governance
  - ☐ Business Torts
  - ☐ Environmental/Toxin Tort
  - ☐ Third Party Indemnification
  - ☐ Construction Defect
  - ☐ Mass Tort
  - ☐ Negligent Security
  - ☐ Nursing Home Negligence
  - ☐ Premises Liability - Commercial
  - ☐ Premises Liability - Residential
- ☐ Products Liability
- ☐ Real Property/Mortgage Foreclosure
  - ☐ Commercial Foreclosure
  - ☐ Homestead Residential Foreclosure
  - ☐ Non-Homestead Residential Foreclosure
  - ☐ Other Real Property Actions
- ☐ Professional Malpractice
  - ☐ Malpractice - Business
  - ☐ Malpractice - Medical
  - ☐ Malpractice - Other professional

- ☒ Other
  - ☐ Antitrust/Trade Regulation
  - ☐ Business Transactions
  - ☒ Circuit Civil - Not Applicable
  - ☐ Constitutional Challenge - Statute or Ordinance
  - ☐ Constitutional Challenge - Proposed amendment
  - ☐ Corporate Trust
  - ☐ Discrimination - Employment or Other
  - ☐ Insurance claims
  - ☐ Intellectual property
  - ☐ Libel/Slander
  - ☐ Shareholder derivative action
  - ☐ Securities Litigation
  - ☐ Trade Secrets
  - ☐ Trust Litigation
- ☐ County Civil
  - ☐ Small Claims up to \$8,000
  - ☐ Civil
  - ☐ Replevins
  - ☐ Evictions
  - ☐ Other civil (non-monetary)

### COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. ☐ Yes ☒ No

**REMEDIES SOUGHT** (check all that apply):

- ☐ Monetary; <sup>^</sup>
- ☒ Non-monetary declaratory or injunctive relief;
- ☐ Punitive

**NUMBER OF CAUSES OF ACTION:** [ 7 ]

(specify) 5 Void ab initio County Court Contempt cases initiated in 2 Circuit Court cases

**IS THIS CASE A CLASS ACTION LAWSUIT?**

- ☐ Yes
- ☒ No

**HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?**

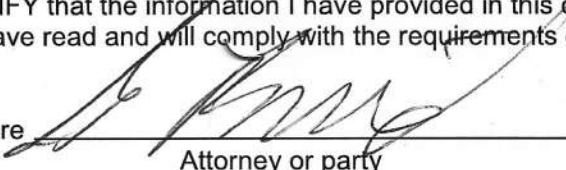
- ☒ No
- ☐ Yes If "Yes", list all related cases by name, case number, and court.

**IS JURY TRIAL DEMANDED IN COMPLAINT?**

- ☒ Yes
- ☐ No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature



Attorney or party

Florida Bar # n/a

(Bar #, if attorney)

Scott Huminski

(type or print name)

8/1/2021

Date

In The  
Eleventh Judicial Circuit Court

SCOTT HUMINSKI,	)	
MICHAEL ESSIX,	)	CASE NUMBER:
PLAINTIFFS	)	
V.	)	
STATE OF FLORIDA,	)	
FLORIDA ATTORNEY GENERAL ASHLEY	)	
MOODY,	)	JURY TRIAL DEMAND
FLORIDA GOVERNOR RON DESANTIS,	)	
DEFENDANTS.	)	

**Complaint for Injunctive and Declaratory Relief**  
**and, in the alternative,**  
**Petition for Writ of Prohibition/Mandamus**

NOW COMES, Scott Huminski (“Huminski”) and Michael Essix (“Essix”), and complain/petition as follows:

- 1 Scott Huminski is a resident of Flagler County, Florida.
- 2 Michael Essix is a resident of Homestead, Florida, Miami-Dade County.
- 3 Huminski and Essix have both been convicted of indirect criminal contempt in Florida County Courts (Lee) grounded upon alleged contempt in Circuit Court matters.
- 4 Essix was charged with a criminal information or other various techniques that fail to comply with the Florida Rules of Criminal Procedure 3.840(a) because he was charged with a criminal information, not a show cause order, that was not authored by a judge and that fails to incorporate or reference a personal knowledge fact affidavit. The docket in, State v. Essix, 12-MM-21332, merely states “*case opened by booking sheet*” absent a document. The docket in, State v. Essix, 13-MM-473, states “*Case Opened by Capias*” absent any document and “*Information and Notice to the Clerk Filed*” and “*Capias (Original) with Copy to State Attorney Filed*”. The docket in, State v. Essix, 12-MM-

1070, states “*Information Filed*” associated with a 2 page confidential document. The docket in, State v. Essix, 13-MM-148 states “*Information and Notice to the Clerk Filed*” and “*Case Opened by Summons*”. The Circuit Court contempt case with alleged contempt in the Essix matters was Guios v. Essix, 12-DR-382, 20<sup>th</sup> Circuit Court.

- 5 Huminski’s County Court contempt prosecution was not initiated with any charging document. An old 20<sup>th</sup> Circuit Court show cause order, Huminski v. Town of Gilbert, Az, et. al., 17-CA-421, was modified by Lee County Court staff and the State’s Attorney with a hand-written County Court misdemeanor docket number, 17-MM-815. This modified copy of a Circuit show cause order was then filed in Lee County Court without a new judicial signature after the modifications and was presented to the County Court by the prosecutor as a legitimate and original County Court order. Attached hereto as Exhibit “A” is a true and correct copy of a brief filed in the Florida Supreme Court detailing the forgery of a County Court order by the State’s Attorney and courthouse staff in the Huminski contempt prosecution. Huminski v. Town of Gilbert, et al., 17-CA-421, 20<sup>th</sup> Circuit Court was the case where contempt was alleged.
- 6 Huminski was never served with the above-mentioned manufactured County Court order in the County Court case, State v. Huminski, 17-MM-815.
- 7 Upon information and belief, Circuit Court Contempt cases are not captioned differently (with the State listed as a Plaintiff) than the originating case and misdemeanor docket numbers are not assigned to Circuit Court Contempt cases in Florida.
- 8 Upon rendering of judgment/convictions in all above-mentioned Huminski and Essix County Court contempt prosecutions there was no “*recital of the facts constituting the contempt of which the defendant has been found and adjudicated guilty.*” *Rule 3.840 - INDIRECT CRIMINAL CONTEMPT*, Fla. R. Crim. P. 3.840(f).
- 9 The Judge who presided over Huminski’s County Court case and one of Essix’s cases was Hon. James Adams (retired) who had been condemned for

case hijacking over a dozen cases by the 2 DCA, YORLAN ESPINOSA PENA v. STATE OF FLORIDA, 17-4465 (Fla. Dist. Ct. App. 2018), not dissimilar from the instant hijacking of contempt cases from the Circuit Court, however, Plaintiffs believe the aforementioned official misconduct is attributable to the 20<sup>th</sup> Circuit State's Attorney with the presiding judge(s) just going along with the misconduct.

**Ongoing injury and prejudice to Plaintiffs**

- 10 Huminski is unable to obtain a Florida Driver's License as a result of the outstanding fines imposed in State v. Huminski, Lee County Court, 17-MM-815.
- 11 Huminski is constantly and continually being harassed and badgered by the State of Florida via telephone and mail concerning collection of fines and fees arising out of 17-MM-815.
- 12 Both Huminski and Essix are suffering on-going and continuing actual injury and prejudice proximately caused from the aforementioned contempt convictions with respect to obtaining employment, housing, credit and professional licensure. They are also suffering damage and injury to reputation, credit worthiness, discrimination as "ex-cons" and social exclusion.
- 13 Huminski removed 17-CA-421 to the United States District Court (Bankruptcy Unit) on 6/26/2017, yet, the Circuit Court held what was termed a criminal "arraignment" on 6/29/2017 absent any and all jurisdiction despite Huminski pointing out at hearing the Circuit Court civil case and the contempt show cause order therein were removed. Chief United States Bankruptcy Judge for the Middle District of Florida, Hon. Judge Delano, opined at hearing in July of 2017 that she had jurisdiction over 17-CA-421 and the contempt contained therein. See generally Exhibit "A".
- 14 On 6/30/2017, a new contempt case in County Court, State v. Huminski, 17-MM-815, appeared via an unknown method or procedure along with a filing of a modified Circuit Court show cause order in this new County Court case. This new hybrid manufactured show cause order had been tampered with

to make it appear as a County Court order and the prosecution did present to the Court that this modified Circuit order was a legitimate and original County Court order contrary to the truth. See generally, Exhibit “A”.

### **Relief Requested:**

#### COUNT 1

#### DECLARATORY RELIEF

15 A declaration that the above County Courts (Lee) acted in the absence of subject matter jurisdiction and the judgments/convictions/papers/pleadings and all proceedings therein in the above detailed County Court contempt prosecutions are void or *void ab initio* for want of subject matter jurisdiction under Huminski v. State, 2 DCA, 19-1247. stating in pertinent part:

*“The petition for writ of prohibition and in the alternative for writ of mandamus is granted. As this court concludes that it has jurisdiction over the appeal of case 17-MM815, the Appellate Division of the Twentieth Judicial Circuit Court for Lee County shall immediately transfer the appeal of that case to this court. Although it appears that a given court must address its own contempt cases, § 38.22, Fla. Stat. (2018) (“Every court may punish contempts against it . . .” (emphasis added)), we additionally rely on the series of administrative orders issued by the Chief Judge of the Twentieth Judicial Circuit appointing all county judges as acting circuit judges, beginning with the order signed on December 2 and filed on December 5, 2016, in Book 60, Page 124 of the clerk's records, such that the disposition order in case 17-MM-815 may be considered an order of the circuit court. See also Fla. R. Jud. Admin. 2.515(b)(4); Wild v. Dozier, 672 So. 2d 16, 20 (Fla. 1996); State ex rel. Treadwell v. Hall, 274 So. 2d 537, 539 (Fla. 1973); see also § 38.22, Fla. Stat. (2018). NORTHCUTT, VILLANTI, and KHOUZAM, JJ., Concur.”*

and under the reasoning in Jenkins v. State, 4 DCA, 20-1171, stating in the dissent in pertinent part:

*“ ... The case was later assigned to another circuit court judge to try the contempt, but subsequently the chief judge of the circuit ordered the case to be transferred to the county court criminal division. A misdemeanor file was opened, and the order directed that a “county court criminal judge” hear the case.*

*Section 38.22, Florida Statutes (2019), provides that “[e]very court may punish contempts against it whether such contempts be direct, indirect, or constructive, and in any such proceeding the court shall proceed to hear and determine all questions of law and fact.” (emphasis added). As I read the statute, each court can hear contempts against it. No provision allows one level of court to hear*

*contempts committed in another court. Cf., e.g., Schaab v. State, 33 So. 3d 763 (Fla. 4th DCA 2010); Johnson v. State, 218 So. 3d 957 (Fla. 5th DCA 2017). The county court did not have subject matter jurisdiction to hear a circuit court contempt, any more than it would have jurisdiction to hear a civil case in excess of its jurisdictional amount. ...”*

and the charging documents are procedurally infirm for failure to comply with Rule 3.840 as set forth in Levine v. State, 4 DCA, 4D20-118 (opinion 02/03/2021) stating in pertinent part:

*“... Attorney Scott Levine appeals his conviction and sentence for one count of indirect criminal contempt. We reverse because the charging document, the order to show cause, failed to state the essential facts constituting the criminal contempt, as required by Florida Rule of Criminal Procedure 3.840(a). ...”*

## COUNT 2

### DECLARATORY RELIEF

- 16 A declaration that absent service of the charging document upon Huminski in 17-MM-815 the County Court lacked personal jurisdiction and that case is void or *void ab initio*.

## COUNT 3

### DECLARATORY RELIEF

- 17 A declaration that the fines and fees levied upon Huminski and Essix were issued illegally and that any incarceration, probation or other consequences of the contempt convictions are void or *void ab initio*.

## COUNT 4

### DECLARATORY RELIEF

- 18 A declaration that alleged contempt in Huminski’s matter, 17-MM-815 arising out of Huminski v. Town of Gilbert, AZ, et al. constitutes a *sui generis* common law offense, neither a misdemeanor nor felony which is establish law in Florida and all other jurisdictions in the United States and that contempt in a civil (“CA” designated) case can not be treated by a State’s Attorney as a routine statutory misdemeanor and that Family Court (“DR”) contempt matters such as in the Essix cases related to protective orders must comply

with Rule 3.840 despite their classification as a statutory misdemeanor. F.S. 741.31.

COUNT 5  
DECLARATORY RELIEF

- 19 A declaration that in both Huminski's and Essix's County Court cases detailed above, the charging instruments were deficient and unable to support a prosecution for indirect contempt pursuant to Rule 3.840(a).

COUNT 6  
DECLARATORY RELIEF

- 20 A declaration that in both Huminski's and Essix's County Court cases detailed above, the judgments/convictions are void or *void ab initio* for failure to set forth the details of the alleged contempt at judgment/conviction as mandated by Rule 3.840(f).

COUNT 7  
DECLARATORY RELIEF

- 21 A declaration that Rule 3.840 does not anticipate or allow the initiation of a legitimate Criminal Contempt proceeding in County Courts; (1) with an adulterated and modified Circuit Court show cause order absent a valid judicial signature as used in the Huminski matter or, (2) with the miscellaneous and sundry techniques used in the Essix matters set forth in the various dockets including:  
"case opened by booking sheet",  
"Case Opened by Capias",  
"Information and Notice to the Clerk Filed",  
"Capias (Original) with Copy to State Attorney Filed",



*“Information Filed”,*

*“Information and Notice to the Clerk Filed”,*

*“Case Opened by Summons”,*

and Plaintiffs request a declaration that all these techniques used by the State of Florida do not comply with Florida law, Rule 3.840 and no procedure, rule, law or authority permits the opening of a case captioned “State of Florida v.” with a “MM” case descriptor in County Court for a Circuit Court contempt.

- 22 A declaration that contempts are prosecuted in the allegedly offended Court. See generally, Count 1. Criminal prosecutions with liberty interests at stake have no room for an over-zealous prosecutor’s use of novel methods to invoke the power of the State in direct contravention of the law, rules and procedures. Although, Plaintiffs do not file this complaint for those who are similarly situated, the Court should consider *sua sponte* omnibus relief of this nature because in the 20<sup>th</sup> Circuit there appears to be a long-standing epidemic of prosecutorial misconduct concerning the initiation of contempt proceedings absent compliance with Rule 3.840 and from looking at Jenkins it appears there is multiple Circuit confusion concerning the Rules and procedures related to contempt cases..

## COUNT 8

### INJUNCTIVE RELIEF

- 23 An injunction prohibiting the State of Florida from prosecuting Circuit Court contempt in the County Courts. A widespread problem within the Florida criminal justice system and especially the 20<sup>th</sup> Circuit.

## COUNT 9

### INJUNCTIVE RELIEF

- 24 An injunction prohibiting the State of Florida from maintaining, sharing or publishing any records reflecting the existence of the aforementioned County Court contempt prosecutions and convictions related thereto equivalent to an expungement of the cases in their entirety and all papers and pleadings therein.

COUNT 10  
INJUNCTIVE RELIEF

- 25 An injunction prohibiting the State of Florida from continuing its collection activities via telephone, U.S. Mail or any other method against Huminski related to fines and fees foisted upon him in the aforementioned County Court contempt matter, State v. Huminski, 17-MM-815.

COUNT 11  
INJUNCTIVE RELIEF

- 26 An injunction prohibiting the 20<sup>th</sup> Circuit State's Attorney and the State of Florida from prosecuting contempt cases in an unlawful manner violative of Rule 3.840. The 20<sup>th</sup> Circuit State's Attorney, as set forth in the forgoing, has a problem with obeying Rule 3.840 and procedures set forth therein. At hearing in 17-CA-421 on 6/29/2017, the presiding judge commented that the procedures used in the Huminski Lee County case concerning contempt were based upon policies and procedures that originated in Collier County (a County residing in the 20<sup>th</sup> Judicial Circuit). The 20<sup>th</sup> Circuit State's Attorney is the initiator of the custom, policies and procedures that led to this disdain for the rule of law, specifically, Rule 3.840.

**Opening Motion(s)**

Plaintiffs move that the Court issue summons in this matter and email them to s\_huminski@live.com and ssixcorp077@gmail.com for service. This complaint has been served on this day via email and U.S. Mail (see below certificate of service), but summons need to be generated by the Court to complete service.

Plaintiffs further move for enlargement of time to serve summons to 90 days after receipt of summons from the Court.

**WHEREFORE**, Plaintiffs request the aforementioned relief and any other relief the Court deems fair and just.

Dated in Homestead, Florida this 1<sup>st</sup> day of August 2021.

-/s/- Michael Essix

-----  
Michael C. Essix, Pro Se  
3124 Southeast 2nd drive  
Homestead, Florida 33033  
[ssixcorp077@gmail.com](mailto:ssixcorp077@gmail.com)

-/s/- Scott Huminski

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Scott Huminski, Pro Se  
P.O. Box 353820  
Palm Coast, FL 32137  
(239) 300-6656  
[S\\_huminski@live.com](mailto:S_huminski@live.com)

Certificate of Service

Plaintiff, Scott Huminski, hereby certifies that State of Florida has been served the above pleading along with attachments via email to the Florida Attorney General's Office, the Governor's Office and the 20<sup>th</sup> Circuit State's Attorney's Office (the prosecuting entity in the aforementioned contempt cases) at the following mail/emails pursuant to SC11-399 on this day First day of August, 2021 as set forth below:

Via Certified Mail # 9502 6066 9811 1208 4088 84:

Florida Attorney General Ashley Moody  
State of Florida  
PL-01 The Capitol  
Tallahassee, FL 32399-1050

Via Certified Mail # 9502 6066 9811 1208 4089 07:

Gov. Ron DeSantis  
Office of Governor  
State of Florida  
The Capitol

400 S. Monroe St.  
Tallahassee, FL 32399-0001

Via Email:

[oag.civil.eserve@myfloridalegal.com](mailto:oag.civil.eserve@myfloridalegal.com), [oag.cse1.eserve@myfloridalegal.com](mailto:oag.cse1.eserve@myfloridalegal.com),  
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[ashley.moody@myfloridalegal.com](mailto:ashley.moody@myfloridalegal.com), [Afox@sao.cjis20.org](mailto:Afox@sao.cjis20.org), [akunasek@sao.cjis20.org](mailto:akunasek@sao.cjis20.org),  
[chelsea.alper@myfloridalegal.com](mailto:chelsea.alper@myfloridalegal.com), [fdlecomments@fdle.state.fl.us](mailto:fdlecomments@fdle.state.fl.us), [ldoggett@leeclerk.org](mailto:ldoggett@leeclerk.org),

[governorron.desantis@eog.myflorida.com](mailto:governorron.desantis@eog.myflorida.com), [ltgovernorjeanette.nunez@eog.myflorida.com](mailto:ltgovernorjeanette.nunez@eog.myflorida.com)

Proof of mailing and the sent email to the above email list are appended to the Complaint after the Exhibits in this filing.

Dated this First day of August, 2021.

-/s/- Scott Huminski

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Scott Huminski

<ATTACHMENT(S)>

# Exhibit “A”

In The  
Supreme Court of Florida

SCOTT HUMINSKI	)	DOCKET # SC2020-598
v.	)	DCA Number: 2D20-0650
STATE OF FLORIDA	)	
Trial Courts:	)	Related 2 DCA case
	)	HUMINSKI V. STATE,
LEE COUNTY 17-MM-815	)	19-1914

**Initial Brief on Jurisdiction for Direct Appeal and Writs of Prohibition/Mandamus and to assert this Court's rule-making and inherent supervisory and disciplinary powers**  
**And**  
**Notice of no final order, a motion for rehearing *en banc* remains pending in the closed case below 2D20-0650**

NOW COMES, Scott Huminski ("Huminski"), and submits this initial brief and will file a proper appendix, if he is not incarcerated, by the deadline set by this Court.

**Contempt is a matter private to the offended Court**

Although the Second District ruled that subject-matter jurisdiction in contempt is an issue private to the offended court, it denied Huminski's attempt below to simply assert this issue it clarified months earlier. The Court below states, in pertinent part (Huminski v. State, 2D19-1247):

"The petition for writ of prohibition and in the alternative for writ of mandamus is granted. As this court concludes that it has jurisdiction over the appeal of case 17-MM815, the Appellate Division of the Twentieth Judicial Circuit Court for Lee County shall immediately transfer the appeal of that case to this court. Although it appears that a given court must address its own contempt cases, § 38.22, Fla. Stat. (2018) ("Every court may punish contempts against it . . .") (emphasis

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added)), we additionally rely on the series of administrative orders issued by the Chief Judge of the Twentieth Judicial Circuit appointing all county judges as acting circuit judges, beginning with the order signed on December 2 and filed on December 5, 2016, in Book 60, Page 124 of the clerk's records, such that the disposition order in case 17-MM-815 may be considered an order of the circuit court. See also Fla. R. Jud. Admin. 2.515(b)(4); Wild v. Dozier, 672 So. 2d 16, 20 (Fla. 1996); State ex rel. Treadwell v. Hall, 274 So. 2d 537, 539 (Fla. 1973); see also § 38.22, Fla. Stat. (2018).” (emphasis of against it is in the original 2 DCA ruling)

In the 20<sup>th</sup> Circuit there exists a practice, procedure and custom considering contempt a statutory misdemeanor, thus, a Circuit Court is prohibited from hearing its own contempt cases and an “automatic transfer” to County Court occurs in Circuit contempt matters contradicting every other Circuit and DCA in the State. In the instant matter forging a County Court show cause order is a side-effect of this unlawful “automatic transfer” to County Court as discussed in the next section. Under this reasoning, the Supreme Court of Florida would not have jurisdiction to hear a contempt that occurred in a case before it.

### **Forgery/Manufacture of County Court Orders, 17-mm-815**

Attached hereto are two show cause orders as Exhibit “A”, one legitimate order from Circuit Court and one County Court order that was forged/manufactured from the valid Circuit show cause order by printing out the valid order, hand-modifying it with a County docket number and filing it without a new judicial signature in the County Court. This is not a lawful method for initiating a criminal prosecution in any jurisdiction in Florida except the 20<sup>th</sup> Circuit.

Both show cause orders (Circuit and County) are missing 117 pages of attachments, they fail as a legitimate charging documents and Huminski requested a bill of particulars in the Trial Court and for compulsory process and for taking of depositions, all denied. See Aaron v. State, 284 So. 2d 673 - Fla: Supreme Court 1973 (“We, therefore, hold that the trial court's denial of petitioner's motions to take Mrs. Rosenbaum's deposition and for a bill of particulars was error<sup>[17]</sup> — error which deprived petitioner of his rights to due process and a fair trial.<sup>[18]</sup>”) Huminski directed appellate counsel to challenge the conviction under these rudimentary principles and counsel refused in collateral case 2D19-1914.

The double time stamps two weeks apart on the forged County order and the identical hand-written judicial signature and document dates are dispositive of forgery.

Attached hereto as Exhibit “B” are 3 judicial recusal orders, one legitimate Circuit Court order and the two versions of it filed in County Court. The content of all three orders is different. One County Court order is stamped “COPY” and the second one is double stamped “COPY” “COPY”. Copies or copies of copies are not valid Court orders.

**On 6/26/2017, the Circuit Contempt case, 17-ca-421, was removed to United States District Court (Bankruptcy Unit) prior to the “automatic transfer” of 6/30/2017 – There existed no case to transfer**

The civil case containing the alleged contempt was Scott Huminski v. Town of Gilbert, et al., 20<sup>th</sup> Circuit, 17-CA-421, which contained assets of the Chapter 7 Bankruptcy estate of Scott Huminski filed on 4/28/2017, In Re: Scott Huminski, 9:17-bk-03658-FMD. The State matter was stayed as the claims in the case became



part of the Bankruptcy Estate on 4/28/2017 pursuant to 11 U.S. Code § 362, the *automatic stay*. The parties of the State case and the State of Florida via the State's Attorney prosecuting the case failed to file for relief from stay in the Bankruptcy Court and the parties, prosecutor and the Circuit Court plowed ahead. Attached hereto as Exhibit "C" is a true and correct copy of defendant Sheriff Mike Scott's paper filed in 17-CA-421, a suggestion of bankruptcy, in Huminski v. Gilbert, et al. on 5/9/2017. Probably the only legal State Court filing allowed under the *automatic stay*.

After Huminski noticed violations of the automatic stay, he then removed the case in its entirety on 6/26/2017 to the United States District Court (Bankruptcy Unit), Adversary Proceeding #: 9:17-ap-00509-FMD. Nevertheless, hearing was held on 6/29/2017 in the State case, 17-CA-421. Huminski constantly complained that there was no jurisdiction and the case had been removed. A hysterical Circuit Judge then exclaimed, "Nothing gets removed from my Court –EVER!" (emphasis in original, paraphrase), despite the Florida e-filing system listing removal as a frequently filed motion/paper. Indeed, many insurance company attorney's first play is to remove a State civil case to federal Court when a hint of a federal issue is mentioned in a Complaint. Attached hereto as Exhibit "D" is a true and correct copy of Huminski's Notice of Removal to U.S. Bankruptcy Court, filed in both the Bankruptcy Court and in 17-CA-421 (note the State e-filing stamp on the paper). The case treating a *sui generis* common law offense as a statutory misdemeanor, 17-mm-815, State v. Huminski, did not exist until 6/30/2017 with the filing of a forged charging document (see second paper in Exhibit "A") absent a proper motion from the State for immediate remand or to sever/bifurcate the criminal portion of the

removed case in the Bankruptcy Court and then request the remand of that portion. In Exhibit “A”, both the proper and the forged versions of the contempt show cause orders mention civil and/or criminal sanctions, the show cause orders were exceedingly vague as to the nature of the contempt and did not merit an immediate remand had the State requested it. Both the State prosecutor and the State Court chose to plow ahead in a case that didn’t exist in State Court.

The contempt arraignment held in, Huminski v. Gilbert, et al., 17-CA-421, on 6/29/2017 is and was *void ab initio* as was every paper and ruling made by the judge who believed she could violate the Supremacy Clause, ... just because, until remand in early August, 2017. All filings of the Circuit judge who harbored an extreme animus and disdain for the jurisdiction, powers and authority of the federal courts were/are *void ab initio* for the lack of any and all jurisdiction including her recusal from the case when Huminski exposed her behavior very publicly.

Attached hereto as Exhibit “E” is a Notice filed on 7/1/2017 in both the Bankruptcy Court and the State Court indicated the removal and with the Dockets in both 9:17-ap-00509-FMD and Huminski v. Gilbert, et al. as it existed in federal court at the time as Adversary Proceeding #: 9:17-ap-00509-FMD. As of removal on 6/26/2017, no case existed in State Court, not Huminski v. Gilbert, et al., 17-CA-421, nor the case initiated on 6/30/2017 as all aspects of that case including the *sui generis* common law offense were being handled in the Bankruptcy Court. Exhibit “E” also provides the text of Bankruptcy Rule 9027 and no party nor the State challenged the removal under Rule 9027 to Bankruptcy Court. They simply continued on litigating in contempt of the federal court.

Attached hereto as Exhibit “F” is a true and correct affidavit of Scott Huminski as filed in both the Bankruptcy Court and 17-mm-815 in an attempt to suppress the desire of the State Court to proceed in a matter pending in the federal courts in violation of the Supremacy Clause. To no avail, the State Court was out for blood and nothing was going to stop her.

Attached hereto as Exhibit “G” is a true and correct copy of a motion for a temporary restraining order against the State Court filed in both the Bankruptcy Court and the State Court.

Attached hereto as Exhibit “H” is a true and correct copy of a motion supporting a temporary restraining order against the State Court filed in both the Bankruptcy Court and the State Court.

**Contempt is a *sui generis* common law offense heard in the allegedly offended Court, transfer to County Court as a statutory misdemeanor with the “mm” designation and captioning it as State v. Huminski is incorrect**

The “automatic transfer” of Circuit Court contempt to County Court on the misguided belief that contempt is a statutory misdemeanor, therefore County Courts have exclusive jurisdiction conflicts with law in every Circuit in Florida (sans the 20<sup>th</sup>) and every DCA in Florida. Changing the caption to State v. Huminski is inconsistent with every jurisdiction in Florida (sans the 20<sup>th</sup>).

Every fine/fee assessed in judgment only apply to statutory misdemeanors. Not being able to afford the illegal statutory misdemeanor fees caused the incarceration of Huminski for 3 weeks and Huminski was convicted of a probation

violation for being too indigent to pay the illegal statutory misdemeanor fines and fees.

### **The absence of service in the Trial Court**

Huminski can not prove a negative. Exhibit “A” details a served Circuit Court contempt charging document, a show cause order and the next paper in Exhibit “A” is a forgery of a County Court order, a hand-modified Circuit order with a County Court docket number hand-written in without a new judicial signature. It is not a valid court order, it is criminal forgery. It was never served.

Obviously, no other jurisdiction in the United States proceeds with a criminal case in the absence of personal jurisdiction or with a forged charging document.

### **Refusal of the Court below to Rule upon a Motion for Rehearing *En Banc***

Huminski can not supply a conformed order because the case was simply closed without distribution of the Motion for Rehearing *en banc* and without a ruling by the *en banc* Court.

Obviously, no other jurisdiction in the United States simply closes cases with a motion for rehearing *en banc* pending demanding a grant or denial under rudimentary Due Process – substantive and procedural.

### **The issuance of gag orders to deprive Huminski of Public Safety Services**

The matters below (County and Circuit) issued prior restraint gag orders preventing Huminski from the access to public safety services, the reporting of crime to the only local law enforcement agency available to Huminski and any and

all communication with the entire Lee County Sheriff's Department. This is the first time Huminski, as a citizen-reporter, has encountered this heavy-handed misuse of police power since Huminski v. Corsones, 396 F.3d 53 (2nd Cir. 2005) where he was banned from all Vermont courthouses for life.

### **Memorandum of Law**

#### **Point 1 - Fl. Const. Art. 5, Section 3(b)(3):**

The denial of the writs and appeal below sanctifies the use of forged/manufactured orders in the 20th Judicial Circuit and the Second District Court of Appeal ("2DCA") contrary to all other District Court of Appeal("DCAs") and the treatment of forgery by this Court. In all jurisdictions in Florida, forged/manufactured Court orders are treated as criminal offenses and not given an air of legitimacy that has occurred in the 2DCA and the 20<sup>th</sup> Circuit.

The automatic transfer custom, policy and procedure concerning Circuit Court contempt in the 20<sup>th</sup> Circuit confirms and mandates that Court orders can be forged. This, the automatic transfer policy and the associated forgery of court orders can not stand. The "automatic transfer" procedure begs for this Court to assert its rule-making authority for the benefit of the 20<sup>th</sup> Circuit as it appears this is a practice unique to that Circuit alone. No other Circuit in Florida has adopted this dubious policy that led to forgery of court orders.

Contempt is a *sui generis* common law offense in Florida, in the federal courts and virtually every jurisdiction in the United States. The 20<sup>th</sup> Circuit must be alerted to the deviance from bedrock law in the United States and be mandated to conform with the rest of the United States and Florida.

The DCA's ignoring their own precedent in Huminski v. State, 2D19-1247 is baffling and no other Circuit or DCA in Florida has taken this approach to subject-matter jurisdiction regarding contempt. The correct position already existed in 2D19-1247, contempt subject-matter jurisdiction is private to the offended court, and Huminski merely wished to enforce this in the case below.

The 2 DCA's position below that no service nor personal jurisdiction is required to gain a conviction in a contempt case is flawed interpretation of bedrock law. The Trial Court record in 17-mm-815 contains only a forged show cause order with no service of the forgery. This position conflicts with every jurisdiction in the United States and Florida except the 20<sup>th</sup> Circuit and now the 2 DCA.

The DCA refusing to distribute a motion for rehearing *en banc* and closing the case without a grant or denial of the motion is a substantive and procedural Due Process error of the most basic sort. Huminski did not expect a granting of his motion, but, under Due Process he expected it to be heard. This anti-Due Process procedure conflicts with all jurisdictions in the United States, Florida and perhaps law in most of the free world.

Depriving Huminski of access to public safety services, law enforcement and the ability to report crime to the only local law enforcement in his town of residence is a extreme attempt to top his banishment from all courthouses in the State of Vermont, FOR LIFE. See generally Huminski v. Corsones, 396 F.3d 53 (2nd Cir. 2005).

The continuation of a case removed to federal court in State court is inconsistent with every jurisdiction in the United States and Florida except the 20<sup>th</sup> Circuit and now the 2 DCA.

Point 2 - Fl. Const. Fl. Const. Art. 5, Sections 3(b)(4), 3(b)(5):

Huminski requests leave to seek certification of all the issues set forth in Point 1 as being of “great public importance” and requests appointment of counsel in this criminal case that includes official crime.

The issues in Point 1 are:

- official forgery
- contempt subject matter jurisdiction
- contempt a *sui generis* common law offense, not a misdemeanor
- the absence of personal jurisdiction/no County Court service
- the refusal to distribute and hear a motion for rehearing *en banc*
- the prior restraint gag orders forbidding all communication with law enforcement
- the contempt of the Bankruptcy Court by refusing to honor a removal and continuing litigation in State Court while the matter was being heard in federal court creating a pot pourri of void ab initio court orders

Huminski requests leave to seek certification of these issue as being of “great public importance” and requests appointment of counsel in this criminal case that includes official crime. Huminski has filed a motion in the 2DCA seeking certification.

Docket excerpt 2D20-650,

Point 3 - Fl. Const. Art. 5, Sections 3(b)(6):

There is no controlling precedent in Florida as to allow any of the issues proffered in Point 1 above. The issues in Point 1 are:

- official forgery
- contempt subject matter jurisdiction
- contempt a *sui generis* common law offense, not a misdemeanor
- the absence of personal jurisdiction/no County Court service
- the refusal to distribute and hear a motion for rehearing *en banc*
- the prior restraint gag orders forbidding all communication with law enforcement
- the contempt of the Bankruptcy Court by refusing to honor a removal and continuing litigation in State Court while the matter was being heard in federal court creating a pot pourri of void ab initio court orders

:

Most of these issues are matters of first impression. Huminski requests leave to seek certification of the above issue as being of “great public importance” and requests appointment of counsel in this criminal case that includes official crime for re-briefing by an attorney. A motion for certification has been filed in the 2 DCA. Docket excerpt 2D20-650,



Point 4 - This Court's inherent rule-making, supervisory and disciplinary powers

This Court can exercise its inherent powers to address the forgeries of Court orders and the other issues presented in Point 1. The issues in Point 1 are:

- official forgery
- contempt subject matter jurisdiction
- contempt a *sui generis* common law offense, not a misdemeanor
- the absence of personal jurisdiction/no County Court service
- the refusal to distribute and hear a motion for rehearing *en banc*
- the prior restraint gag orders forbidding all communication with law enforcement
- the contempt of the Bankruptcy Court by refusing to honor a removal and continuing litigation in State Court while the matter was being heard in federal court creating a pot pourri of void ab initio court orders

Forgery of Court orders is a criminal offense and is the method used in the 20<sup>th</sup> Circuit for the implementation of its “automatic transfer” of Circuit Court contempt to the County Courts.

**WHEREFORE,** This court should assert jurisdiction for the above reasons and consider asserting its rule-making, supervisory and disciplinary powers with regard to some of the more disturbing issues presented, the worst being, the “automatic transfer” policy that spawned the forgery of court orders to accomplish the unlawful “automatic transfer”.

Dated at Bonita Springs, Florida this 8<sup>th</sup> day of June, 2020.

-/S/- Scott Huminski

---

Scott Huminski, pro se  
24544 Kingfish Street  
Bonita Springs, FL 34134  
(239) 300-6656  
[S\\_huminski@live.com](mailto:S_huminski@live.com)

Certificate of Service

Copies of this document and any attachment(s) were **NOT** served upon the State of Florida because gag orders of Judge Adams in 17-mm-815 prohibit communication with the State of Florida under penalty of further incarceration and prosecution.

Dated this 8<sup>th</sup> day of June, 2020.

-/s/- Scott Huminski

---

Scott Huminski

# Exhibit “A”

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT,  
IN AND FOR LEE COUNTY, FLORIDA

## CIVIL CASE CAPTION

SCOTT HUMINSKI,  
Plaintiff

Civil Case No.: 17CA421

v.

TOWN OF Gilbert, AZ, et al

**ORIGINAL FOR SERVICE**

2017 JUN -5 PM 4:13

OFFICE OF THE SHERIFF  
LEE COUNTY, FL  
RECEIVED

Criminal Case No. \_\_\_\_\_

DESCRIPTION OF SCOTT HUMINSKI	
GENDER: Male	EYE COLOR: ?
RACE: Caucasian	HAIR COLOR: Brown
HEIGHT: approx. 5 ft 10 in.	LAST KNOWN ADDRESS: 24544 Kingfish St.
WEIGHT: ?	Bonita Springs, FL 34134
DOB: 12/1/59	

**ORDER TO SHOW CAUSE**

This cause comes before the court for review based upon the alleged conduct of SCOTT HUMINSKI for the issuance of an Order to Show Cause directed to SCOTT HUMINSKI for violation of the Orders set forth below copies of which are attached hereto and made a part hereof.

The Orders that SCOTT HUMINSKI is alleged to be in violation of are:

DATE executed by Court	CASE No.	ORDER TITLE
4/19/17	17CA421	Order on Defendant Mike Scott's Motion to Dismiss and Motion for Protective Order (specifically Paragraphs 1, 2 & 7) – attached hereto as Exhibit A
4/19/17	17CA421	Order on Scribd, Inc's Motion to Dismiss Plaintiff's Verified Complaint for Declaratory, Injunctive and

Sheriff, Lee County, Florida

☒ SERVED ☐ NOT SERVED  
TIME 0850 AM. DATE 6-13 2017  
COMMENT PERS. SERV.  
DEPUTY RUSSELL 06011

1

6/6 1400 NO ANSWER  
6/7 1012 "  
6/8 808 "



FILED  
CLERK  
JUL 14 2017

		Other Relief (specifically Paragraph 2) – attached hereto as Exhibit B
--	--	--

**COUNT 1: INDIRECT CRIMINAL CONTEMPT**

In the Order on Defendant Mike Scott's Motion to Dismiss and Motion for Protective Order, SCOTT HUMINSKI was specifically ordered that any further pleadings be signed by a licensed attorney representing the Plaintiff (Paragraph 7). In the Order on Scribd, Inc's Motion to Dismiss Plaintiff's Verified Complaint for Declaratory, Injunctive and Other Relief, SCOTT HUMINSKI was specifically ordered not to file any additional documents or materials of any nature with the Court unless the filing was signed by an attorney and specifically provided that an Order to Show Cause might be entered against him if he did so (Paragraph 2). SCOTT HUMINSKI has continued to file multiple documents in the Court file in contradiction to these Orders as evidenced by the attached composite Exhibit C.

**COUNT 2: INDIRECT CRIMINAL CONTEMPT**

In the Order on Defendant Mike Scott's Motion to Dismiss and Motion for Protective Order, SCOTT HUMINSKI was specifically prohibited from directly contacting, communicating with or otherwise serving materials directly on Sheriff Scott, his agents and employees (see Paragraph 1 & 2). SCOTT HUMINSKI was specifically ordered to direct such contact to counsel for Mike Scott (see Paragraph 2). SCOTT HUMINSKI has repeatedly violated this Order by contacting Sheriff Scott, his agents and employees since the execution of the Court's orders – see the emails attached as composite Exhibit D.

NOW, THEREFORE, you SCOTT HUMINSKI are hereby ORDERED to appear before this court before Judge KRIER on **THURSDAY, 6/29/17, at 1:30 p.m.**, in Room 4H of the Lee County Courthouse, located at 1700 Monroe Street, Ft. Myers, Florida 33901, to be arraigned. THIS IS A CRIMINAL PROCEEDING. A subsequent trial will be scheduled requiring Respondent to show cause why he should not be held in contempt of this court for violation of the above Orders. **Punishment, if imposed, may include a fine and incarceration.** Should the court determine, based on the evidence presented at trial, that the conduct of SCOTT HUMINSKI warrants sanctions for civil contempt in addition to or instead of indirect criminal contempt, the court reserves the right to find him guilty of civil contempt and impose appropriate civil sanctions.

IF YOU FAIL TO APPEAR as set forth above, a warrant for your arrest or a writ of bodily attachment may be issued to effectuate your appearance.



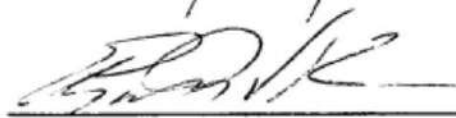
The court hereby appoints the STATE ATTORNEY's OFFICE to prosecute the case.

The Court hereby advises SCOTT HUMINSKI that he is entitled to be represented by counsel and if he can't afford an attorney, that one may be appointed for him in this criminal contempt proceeding ONLY (not in the civil Case). This Court hereby appoints the PUBLIC DEFENDER's OFFICE to provisionally represent SCOTT HUMINSKI at the above Arraignment proceeding pending a determination of indigency. This Court anticipates that SCOTT HUMINSKI will be found to be indigent.

**If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact: Court Administration at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

IT IS FURTHER ORDERED that the Sheriff of this County serve this Order to Show Cause by delivering copies to SCOTT HUMINSKI, with proof of Sheriff's service.

DONE AND ORDERED in Lee County, Florida, on 6/5/17



Circuit Judge, Elizabeth V. Krier

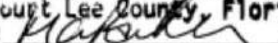
Copies to:

- ☒ State Attorney's Office
- ☒ Public Defender's Office

6/5/17  
m  
S. Douglas Knox & Keely Morton, attorneys for Defendant-City of Glendale at [douglas.knox@quarles.com](mailto:douglas.knox@quarles.com); [keely.morton@quarles.com](mailto:keely.morton@quarles.com); [docketfl@quarles.com](mailto:docketfl@quarles.com)  
Robert D. Pritt & James D. Fox, Attorneys for City of Surprise, AZ at [serve.rpritt@ralaw.com](mailto:serve.rpritt@ralaw.com); [jfox@ralaw.com](mailto:jfox@ralaw.com); [serve.jfox@ralaw.com](mailto:serve.jfox@ralaw.com)  
Robert Sherman, attorneys for Defendant-Sheriff Mike Scott at [Robert.sherman@henlaw.com](mailto:Robert.sherman@henlaw.com); [Courtney.ward@henlaw.com](mailto:Courtney.ward@henlaw.com)  
Kenneth R. Drake & Doron Weiss, attorneys for SCRIBD, INC. at [kendrake@dldlawyers.com](mailto:kendrake@dldlawyers.com); [dweiss@dldlawyers.com](mailto:dweiss@dldlawyers.com)

I CERTIFY THIS DOCUMENT TO BE  
A TRUE & CORRECT COPY OF THE  
RECORD ON FILE IN MY OFFICE.

JUN - 5 2017

Linda Doggett, Clerk Circuit  
Court, Lee County, Florida  
By:  D.C.





Filed 06/30/2017

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT,  
IN AND FOR LEE COUNTY, FLORIDA

CIVIL CASE CAPTION

SCOTT HUMINSKI,  
Plaintiff

Civil Case No.: 17CA421

v.

TOWN OF Gilbert, AZ, et al

Criminal Case No. 17-MM-000815

DESCRIPTION OF SCOTT HUMINSKI	
GENDER: Male RACE: Caucasian HEIGHT: approx. 5 ft 10 in. WEIGHT: ? DOB: 12/1/59	EYE COLOR: ? HAIR COLOR: Brown LAST KNOWN ADDRESS: 24544 Kingfish St. Bonita Springs, FL 34134

ORDER TO SHOW CAUSE

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		Other Relief (specifically Paragraph 2) – attached hereto as Exhibit B
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**COUNT 1: INDIRECT CRIMINAL CONTEMPT**

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**COUNT 2: INDIRECT CRIMINAL CONTEMPT**

In the Order on Defendant Mike Scott's Motion to Dismiss and Motion for Protective Order, SCOTT HUMINSKI was specifically prohibited from directly contacting, communicating with or otherwise serving materials directly on Sheriff Scott, his agents and employees (see Paragraph 1 & 2). SCOTT HUMINSKI was specifically ordered to direct such contact to counsel for Mike Scott (see Paragraph 2). SCOTT HUMINSKI has repeatedly violated this Order by contacting Sheriff Scott, his agents and employees since the execution of the Court's orders – see the emails attached as composite Exhibit D.

**NOW, THEREFORE, you SCOTT HUMINSKI are hereby ORDERED to appear before this court before Judge KRIER on THURSDAY, 6/29/17, at 1:30 p.m., in Room 4H of the Lee County Courthouse, located at 1700 Monroe Street, Ft. Myers, Florida 33901, to be arraigned. THIS IS A CRIMINAL PROCEEDING. A subsequent trial will be scheduled requiring Respondent to show cause why he should not be held in contempt of this court for violation of the above Orders. Punishment, if imposed, may include a fine and incarceration. Should the court determine, based on the evidence presented at trial, that the conduct of SCOTT HUMINSKI warrants sanctions for civil contempt in addition to or instead of indirect criminal contempt, the court reserves the right to find him guilty of civil contempt and impose appropriate civil sanctions.**

**IF YOU FAIL TO APPEAR as set forth above, a warrant for your arrest or a writ of bodily attachment may be issued to effectuate your appearance.**

The court hereby appoints the STATE ATTORNEY's OFFICE to prosecute the case.

The Court hereby advises SCOTT HUMINSKI that he is entitled to be represented by counsel and if he can't afford an attorney, that one may be appointed for him in this criminal contempt proceeding ONLY (not in the civil Case). This Court hereby appoints the PUBLIC DEFENDER's OFFICE to provisionally represent SCOTT HUMINSKI at the above Arraignment proceeding pending a determination of indigency. This Court anticipates that SCOTT HUMINSKI will be found to be indigent.

**If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact: Court Administration at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

IT IS FURTHER ORDERED that the Sheriff of this County serve this Order to Show Cause by delivering copies to SCOTT HUMINSKI, with proof of Sheriff's service.

DONE AND ORDERED in Lee County, Florida, on 6/5/17



Circuit Judge, Elizabeth V. Krier

Copies to:

- ☒ State Attorney's Office
- ☒ Public Defender's Office

6/5/17  
BZ  
S. Douglas Knox & Keely Morton, attorneys for Defendant-City of Glendale at [douglas.knox@quarles.com](mailto:douglas.knox@quarles.com); [keely.morton@quarles.com](mailto:keely.morton@quarles.com); [docketfl@quarles.com](mailto:docketfl@quarles.com)  
Robert D. Pritt & James D. Fox, Attorneys for City of Surprise, AZ at [serve.rpritt@ralaw.com](mailto:serve.rpritt@ralaw.com); [jfox@ralaw.com](mailto:jfox@ralaw.com); [serve.jfox@ralaw.com](mailto:serve.jfox@ralaw.com)  
Robert Sherman, attorneys for Defendant-Sheriff Mike Scott at [Robert.sherman@henlaw.com](mailto:Robert.sherman@henlaw.com); [Courtney.ward@henlaw.com](mailto:Courtney.ward@henlaw.com)  
Kenneth R. Drake & Doron Weiss, attorneys for SCRIBD, INC. at [kendrake@dldlawyers.com](mailto:kendrake@dldlawyers.com); [dweiss@dldlawyers.com](mailto:dweiss@dldlawyers.com)

# Exhibit “B”

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA  
CIVIL DIVISION

SCOTT HUMINSKI

Plaintiff

CASE NO: 17-CA-421

vs.

TOWN OF GILBERT, AZ, et al

Defendant

**ORDER OF DISQUALIFICATION**

THIS CAUSE having come before this Court on 8/1/17 on its own Motion, it is ORDERED and ADJUDGED:

Pursuant to Cannon 3E of the Florida Code of Judicial Conduct, the undersigned Judge hereby disqualifies herself from cases involving the above Plaintiff, including the above styled Case.

DONE and ORDERED this 1<sup>st</sup> day of August, 2017.



Honorable Elizabeth V. Krier  
Circuit Court Judge, 20<sup>th</sup> Circuit

Conformed copies to:

Scott Huminski, pro se Plaintiff at [s\\_huminski@live.com](mailto:s_huminski@live.com)

Kenneth R. Drake, attorney for Scribd, Inc at [kendrake@dldlawyers.com](mailto:kendrake@dldlawyers.com); [dweiss@dldlawyers.com](mailto:dweiss@dldlawyers.com)

S. Douglas Knox & Keely Morton, attorneys for City of Glendale at [douglas.knox@quarles.com](mailto:douglas.knox@quarles.com);

[keely.morton@quarles.com](mailto:keely.morton@quarles.com); [docketfl@quarles.com](mailto:docketfl@quarles.com)

Robert D. Pritt & James D. Fox, attorneys for City of Surprise AZ at [serve.rpritt@ralaw.com](mailto:serve.rpritt@ralaw.com);

[jfox@ralaw.com](mailto:jfox@ralaw.com); [serve.jfox@ralaw.com](mailto:serve.jfox@ralaw.com)

Robert C. Sherman, attorneys for Lee County Sheriff at [Robert.shearman@henlaw.com](mailto:Robert.shearman@henlaw.com);

[Courtney.ward@henlaw.com](mailto:Courtney.ward@henlaw.com)

COURT ADMINISTRATION

8/1/17

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA  
CIVIL DIVISION

STATE OF FLORIDA

CASE NO: 17-MM-815

vs.

SCOTT HUMINSKI

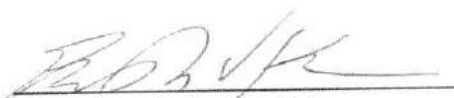
Defendant

**ORDER OF DISQUALIFICATION**

THIS CAUSE having come before this Court on 8/1/17 on its own Motion, it is ORDERED and ADJUDGED:

Pursuant to Cannon 3E of the Florida Code of Judicial Conduct, the undersigned Judge hereby disqualifies herself from cases involving the above Plaintiff, including the above styled Case.

DONE and ORDERED this 1<sup>st</sup> day of August, 2017.



Honorable Elizabeth V. Krier  
Circuit Court Judge, 20<sup>th</sup> Circuit

Conformed copies to:  
Scott Huminski at [s\\_huminski@live.com](mailto:s_huminski@live.com)  
State Attorney's Office  
Public Defender's Office  
COURT ADMINISTRATION

 **COPY**

 **CC** /

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA  
CIVIL DIVISION

SCOTT HUMINSKI

Plaintiff

CASE NO: 17-CA-421

vs.

TOWN OF GILBERT, AZ, et al

Defendant



COPY

ORDER OF DISQUALIFICATION

THIS CAUSE having come before this Court on 8/1/17 on its own Motion, it is ORDERED and ADJUDGED:

Pursuant to Cannon 3E of the Florida Code of Judicial Conduct, the undersigned Judge hereby disqualifies herself from cases involving the above Plaintiff, including the above styled Case.

DONE and ORDERED this 1<sup>st</sup> day of August, 2017.

Honorable Elizabeth V. Krier  
Circuit Court Judge, 20<sup>th</sup> Circuit

Conformed copies to:

Scott Huminski, pro se Plaintiff at [s\\_huminski@live.com](mailto:s_huminski@live.com)

Kenneth R. Drake, attorney for Scribd, Inc at [kendrake@dldlawyers.com](mailto:kendrake@dldlawyers.com); [dweiss@dldlawyers.com](mailto:dweiss@dldlawyers.com)

S. Douglas Knox & Keely Morton, attorneys for City of Glendale at [douglas.knox@quarles.com](mailto:douglas.knox@quarles.com);  
[keely.morton@quarles.com](mailto:keely.morton@quarles.com); [docketfl@quarles.com](mailto:docketfl@quarles.com)

Robert D. Pritt & James D. Fox, attorneys for City of Surprise AZ at [serve.rpritt@ralaw.com](mailto:serve.rpritt@ralaw.com);  
[jfox@ralaw.com](mailto:jfox@ralaw.com); [serve.jfox@ralaw.com](mailto:serve.jfox@ralaw.com)

Robert C. Sherman, attorneys for Lee County Sheriff at [Robert.shearman@henlaw.com](mailto:Robert.shearman@henlaw.com);  
[Courtney.ward@henlaw.com](mailto:Courtney.ward@henlaw.com)

COURT ADMINISTRATION

# Exhibit “C”

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
LEE COUNTY, FLORIDA CIVIL ACTION

---

SCOTT HUMINSKI,

Plaintiff,

v.

CASE NO. 17-CA-000421

TOWN OF GILBERT, AZ, et al.

Defendants.

---

**SUGGESTION OF BANKRUPTCY**

Defendant, MIKE SCOTT, individually and as Sheriff of Lee County, Florida, by and through his undersigned counsel, hereby files this Suggestion of Bankruptcy for SCOTT HUMINSKI and attaches Plaintiff's Notice of Chapter 7 Bankruptcy as Exhibit A.

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of Court using the E-Filing Portal System which will send a notice of electronic filing to the following:

Scott Huminski  
24544 Kingfish Street  
Bonita Springs, FL 34134  
Pro se Plaintiff  
[s\\_huminski@live.com](mailto:s_huminski@live.com)

S. Douglas Knox, Esquire  
Keely Morton, Esquire  
Quarles & Brady, LLP  
101 E. Kennedy Blvd., Suite 3400  
Tampa, FL 33602-5195  
Attorneys for Defs. City of Glendale and  
Town of Gilbert, Az, Pillar and Ameiss  
[Douglas.knox@quarles.com](mailto:Douglas.knox@quarles.com)  
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Robert D. Pritt, Esquire  
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850 Park Shore Drive  
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Naples, FL 34103  
Attorneys for Defs. City of Surprise, AZ  
and Surprise Police Dept.  
[Serve.pritt@ralaw.com](mailto:Serve.pritt@ralaw.com)  
[jfox@ralaw.com](mailto:jfox@ralaw.com)  
[serve.jfox@ralaw.com](mailto:serve.jfox@ralaw.com)

this 9<sup>th</sup> day of May, 2017.

Kenneth R. Drake, Esquire  
Doron Weiss, Esquire  
DeMahy Labrador Drake, et al.  
Douglas Entrance  
806 Douglas Road, 12<sup>th</sup> Floor  
Coral Gables, FL 33134  
Attorneys for Def. Scribd, Inc.  
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By: \_\_\_\_\_

Robert C. Shearman  
Florida Bar No. 0614025

SUN-21907 113A-9 309A 17-03658  
Scott Alan Huminski  
24544 Kingfish Street  
Bonita Springs, FL 34134

054885 54885 1 MB 0.420 33912 8,0 8287-1-55293



Sheriff Mike Scott/Lee County FL  
14750 Six Mile Cypress Hwy  
Fort Myers, FL 33912-4406

## Electronic Bankruptcy Noticing

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EXHIBIT A

**Information to identify the case:**

Debtor 1 Scott Alan Huminski  
 First Name Middle Name Last Name

Social Security number or ITIN [REDACTED]

EIN                     

Debtor 2  
 (Spouse, if filing) First Name Middle Name Last Name

Social Security number or ITIN           

EIN                     

United States Bankruptcy Court Middle District of Florida

Date case filed for chapter 7 4/28/17

Case number: 9:17-bk-03658-FMD

**Official Form 309A (For Individuals or Joint Debtors)****Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline**

12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Scott Alan Huminski	
2. All other names used in the last 8 years		
3. Address	24544 Kingfish Street Bonita Springs, FL 34134	
4. Debtor's attorney Name and address	None	
5. Bankruptcy Trustee Name and address	Luis E Rivera II Henderson Franklin Starnes & Holt PA Post Office Box 280 1715 Monroe Street Fort Myers, FL 33902-0280	Contact phone (239) 344-1104

Notice is further given that effective on the date of the Petition, the United States Trustee appointed the above named individual as interim trustee pursuant to 11 USC § 701.

For more information, see page 2 >

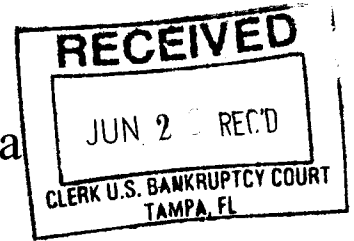
Official Form 309A (For Individuals or Joint Debtors) Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline

page 1

<b>6. Bankruptcy Clerk's Office</b>  Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .	801 N. Florida Ave. Suite 555 Tampa, FL 33602-3899	Hours open: Monday – Friday 8:30 AM – 4:00PM  Contact phone 813-301-5162  Date: April 28, 2017
<b>7. Meeting of creditors</b>  Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so. You are reminded that Local Rule 5073-1 restricts the entry of personal electronic devices into the Courthouse.	<b>May 30, 2017 at 02:30 PM</b>  The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.  *** Debtor(s) must present Photo ID and acceptable proof of Social Security Number at § 341 meeting. ***	Location:  <b>United States Courthouse Federal Bldg., 2110 First Street 2-101, Fort Myers, FL 33901</b>
<b>8. Presumption of abuse</b>  If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.	Insufficient information has been filed to date to permit the clerk to make any determination concerning the presumption of abuse. If more complete information, when filed, shows that the presumption has arisen, creditors will be notified.	
<b>9. Deadlines</b>  The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	<b>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:</b>  <b>Filing deadline: July 31, 2017</b>  You must file a complaint: • If you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or • If you want to have a debt excepted from discharge under 11 U.S.C § 523(a)(2), (4), or (6).  You must file a motion: • If you assert that the discharge should be denied under § 727(a)(8) or (9).  <b>Deadline to object to exemptions:</b> The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.  <b>Filing deadline: 30 days after the conclusion of the meeting of creditors</b>	
<b>10. Proof of claim</b>  Please do not file a proof of claim unless you receive a notice to do so.	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.	
<b>11. Creditors with a foreign address</b>	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
<b>12. Exempt property</b>	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> . If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.	
<b>13. Voice Case Info. System (McVCIS)</b>	McVCIS provides basic case information concerning deadlines such as case opening and closing date, discharge date and whether a case has assets or not. McVCIS is accessible 24 hours a day except when routine maintenance is performed. To access McVCIS toll free call 1-866-222-8029.	

# Exhibit “D”

In The  
United States Bankruptcy Court  
For the Middle District of Florida



IN RE, )  
SCOTT ALAN HUMINSKI, ) CASE No.17-03658-9D7  
DEBTOR )  
 ) ADV. PROC. No.  
 )

**NOTICE OF REMOVAL TO U.S. BANKRUPTCY COURT**  
**and**  
**PROSECUTION OF VIOLATIONS OF THE 11 U.S. Code § 362 –**  
**AUTOMATIC STAY**

NOW COMES, Debtor, Scott Huminski ("Huminski"), notices of the removal of Huminski v. Town of Gilbert, et al., 17CA421, 20<sup>th</sup> Judicial Circuit, Lee County, Florida.

Huminski also seeks to prosecute three violations of the automatic stay by one of the defendants in the removed case, Sheriff Mike Scott and his agency. Defendants and the Court below have ignored the automatic stay and, in hearing, the Judge below stated that she can ignore bankruptcies (paraphrase).

Huminski filed for bankruptcy on 4/28/2017. Meeting of creditors was held on 6/13/2017.

The State proceeding may be removed to this Court pursuant to 28 U.S.C. § 1452, which provides in pertinent part:

A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title. 28 U.S.C.A. § 1452(a).

Based on the language of § 1452, a party may remove any civil action over which a bankruptcy court has jurisdiction under 28 U.S.C. § 1334. Pursuant to 28 U.S.C. § 1334, this Court has original jurisdiction over all civil proceedings "arising under title 11, or arising in or related to cases under Title 11." 28 U.S.C. § 1334(b). The State suit was the catalyst that caused the filing of bankruptcy. Filed herewith are two motions requesting relief against a defendant in the removed matter for violation of the automatic stay. 11 U.S.C. § 362

The removed proceeding is related to the Debtor's Bankruptcy Case within the meaning of 28 U.S.C. § 1334 and it was essentially the sole motivation for bankruptcy.

The removed proceeding is a civil action within the meaning of 28 U.S.C. § 1452 because: a) the proceeding is a private party dispute between the Defendants and the Debtor in which the Plaintiff and Defendants seeks money and injunctive relief; and b) the Proceeding is not an action before the Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power.

Based on the foregoing, removal to this Court pursuant to 28 U.S.C. § 1452 is proper.

This Notice of Removal is timely pursuant to F.R.B.P. 9027 because the Debtor filed this Notice of Removal with this Court within ninety (90) days of entry of the order for relief under the Bankruptcy Code and within ninety (90) days of the Petition Date because the commencement of a voluntary Chapter 7 proceeding constitutes an order for relief. 11 U.S.C. § 301(b).

Upon removal, the Proceeding is a "core" proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (B) and (O). Moreover, because the Proceeding asserts a claim against the Debtor, it necessarily implicates the bankruptcy claims allowance process and is therefore constitutionally as well as statutorily "core" within the Supreme Court's recent ruling in *Stern v. Marshall*, 131 S. Ct. 2594 (2011).

Further removal is proper: (a) under 28 U.S.C. § 1452, because the Action arises under the United States Bankruptcy Code, 11 U.S.C. § 101, et seq., (the "Bankruptcy Code"), and relates to a case under the Bankruptcy Code, as contemplated by 28 U.S.C. §1334(b); (b) under 28 U.S.C. § 1441(b), because the case arises under federal law, as contemplated by 28 U.S.C. §1331.

In addition, removal of this Action is proper under 28 U.S.C. § 1441(b) because this Court has federal question jurisdiction over Plaintiff's claims under 28 U.S.C. § 1331. Debtor has alleged a violation of his human rights in treaties the U.S. is a party to and under the supremacy clause such treaties become "law of the land" and Debtor seeks relief for vioations of 11 U.S.C. § 362, the automatic stay.

Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of the Debtor's rights to maintain and/or assert any affirmative defenses in this matter, including, but not limited to, the defenses of: (1) lack of jurisdiction over the person or subject matter; (2) arguments that venue is improper; (3) insufficiency of process; (4) failure to state a claim; (5)

and any other pertinent defense available under applicable state or federal law, or otherwise, which rights are expressly reserved.

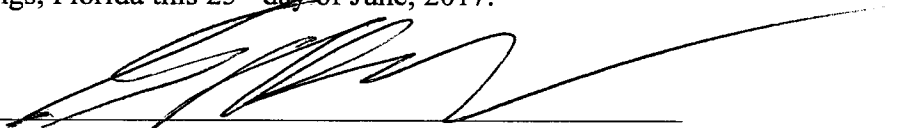
Further, nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of the Debtor's rights and protections under the automatic stay provided pursuant to § 362 of the Bankruptcy Code and any other provision of the Bankruptcy Code, which rights and protections are expressly reserved.

Notice of this filing is being served upon defendants and will be filed in the State Court as soon as possible. When service is complete, Debtor will file a certificate of service.

WHEREFORE the Debtor hereby removes the aforementioned State Proceeding, Huminski v. Town of Gilbert, et al. to the United States Bankruptcy Court for the Middle District of Florida pursuant to 28 U.S.C. §§ 1441, 1452 and F.R.B.P. 9027.

Dated at Bonita Springs, Florida this 25<sup>th</sup> day of June, 2017.

-/s/- Scott Huminski

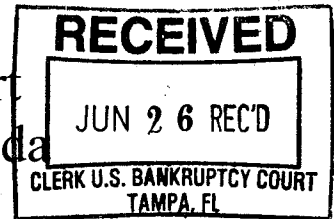


---

Scott Huminski, pro se  
24544 Kingfish Street  
Bonita Springs, FL 34134  
(239) 300-6656  
S\_huminski@live.com



In The  
United States Bankruptcy Court  
For the Middle District of Florida



IN RE, )  
SCOTT ALAN HUMINSKI, ) CASE No.17-03658-9D7  
DEBTOR )  
 ) ADV. PROC. No.  
 )

**MOTION TO VACATE PROTECTIVE ORDRS AS VOID AB INITIO OR  
VOID AND FOR DECLARATORY RELIEF**

NOW COMES, Debtor, Scott Huminski ("Huminski"), moves to vacate the protective order concerning Sheriff Mike Scott and the protective order prohibiting filing the Notice of Removal as unconstitutional and for a declaration that the protective orders issued in the Court below are unconstitutionally vague/over-broad, undermine federal bankruptcy law, are not narrowly tailored and contain unconstitutional time, place and manner restrictions on core protected speech as follows:

1. Debtor is required to file his notice of removal in the State Court under F.R.B.P. 9027 (c) which states in pertinent part,

*"Filing in Non-Bankruptcy Court. Promptly after filing the notice of removal, the party filing the notice shall file a copy of it with the clerk of the court from which the claim or cause of action is removed. Removal of the claim or cause of action is effected on such filing of a copy of the notice of removal. The parties shall proceed no further in that court unless and until the claim or cause of action is remanded"*

2. The protective order issued in the State Court obstructs Huminski's duty under 9027 and was issued after Debtor informed the State Court his bankruptcy was looming at hearing in April 2017. The State Court knows removal to bankruptcy court involves filing the notice in the State Court, thus, the State Court chose to foil bankruptcy law and obstruct justice with a prior restraint targeting removal to U.S. Bankruptcy Court and bankruptcy proceedings.

3. The protective order in the State Court states in pertinent part,

*"... Huminski was specifically ordered not to file any additional documents or materials of any nature with the Court unless the filing was signed by an attorney ..."*

4. No attorney is involved in IN RE Scott Alan Huminski, Huminski's bankruptcy.

5. The State Court knew that Huminski was indigent and could banish him from the courthouse and obstruct any bankruptcy matter by requiring he hire an attorney on his meager Social Security income. Mission accomplished – obstruction of justice. Which caused the delay of this filing until 4/26/2017 when Huminski had to weigh the contempt of state court versus the procedures of the bankruptcy court. Huminski opted to obey the constitution and federal law instead of the illegal protective orders. This conflict between State and Federal Courts is a product of a patently unconstitutional state court orders. No person should face contempt for obeying the rules of the bankruptcy court.

6. At hearing, the State Court opined that the bankruptcy court did not have to be obeyed by State courts. the Court Below was subject to *ex parte* contacts which were revealed when the State Court opined at hearing that the sworn description in the Complaint Para. 2 was false despite it is unopposed on the record. The *ex parte* contact created an improper animus and bias in the State Court.

7. The State Court also forbade service of bankruptcy court papers upon Sheriff Mike Scott as follows:

*"[I]n the Order on Defendant Mike Scott's Motion to Dismiss and Motion for Protective Order, SCOTT HUMINSKI was specifically prohibited from directly contacting, communicating with or otherwise serving materials directly on Sheriff Scott, his agents and employees Scott ..."*

8. No attorney has appeared for Sheriff Scott in this adversary proceeding, as such, the State Court order concerning Sheriff Scott is wildly over-broad in violation of the First Amendment/Due Process and obstructs justice concerning service of papers related to this adversary proceeding upon Sheriff Scott. *Per se* obstruction of justice of matters pending before the United States Courts.

9. The prohibition of contact by Debtor with the only local law enforcement agency having jurisdiction in his town prohibiting reporting crime to the LCSO is for a lifetime, patently unconstitutional, over-broad and draconian concerning duration. Should deputies ask Huminski about a potential crime, Huminski is forbidden to talk to them. Another indication of the patently over-broad nature of the protective orders.

10. The order has not only theoretically obstructed justice, it has obstructed Huminski's ability to comply with F.R.B.P. 9027 (c) violating the First Amendment, Due Process. Huminski contacts with the sheriff reported a campaign of terrorist death threats issued to Huminski via the U.S. Mails and were sometimes critical of the Sheriff for ignoring and thus

supporting the crimes targeting Huminski – core protected political speech critical of a elected government actor. The order is against public policy as it denies Huminski access to public safety personnel and forbids Huminski's contact with an elected official and prohibits criticism of a politician.

11. Huminski emailed the judicial assistant for the State Court judge on 6/14/2017 noting the problem with the order obstructing bankruptcy matters. No response was received.

12. A similar banishment from a courthouse is documented at **Huminski v. Corsones**, 396 F.3d 53 (2nd Cir. 2005) although that case did not go to the extremes of constitutional deprivation depicted in the instant matter in violation of the First Amendment, Due Process and the Supremacy Clause. No party should have to risk contempt and imprisonment for merely obeying federal court rules as Huminski was forced to here.

13. All Huminski's communications with the defendant Sheriff were in furtherance of Huminski's report of a two year assassination plot which were met with the extremes of obstructing justice by usurping and rendering federal bankruptcy court rules void with vague and over-broad unconstitutional judicial threats.

#### MEMORANDUM OF LAW

The Supreme Court strongly protects “core political speech” as a “value hat occupies the highest, most protected position” in the hierarchy of constitutionally-protected speech. R.A.V. v. City of St. Paul, Minn., 505 U.S. 377, 422 (1992) (Stevens, J., concurring). See also Burson v. Freeman, 504 U.S. 191, 217 (1992). In defining the core political speech worthy of this elevated level of protection, the Court has broadly included “interactive communication concerning political change.”, the essence of Huminski's communications with the sheriff. Meyer v. Grant, 486 U.S. 414, 422 (1988).

Political speech gets higher protection because it is an essential part of the democratic process. Indeed, evaluating a statute that would have restricted all anonymous leafleting in opposition to a proposed tax, the Supreme Court reflected on the importance of specifically protecting such political speech which applies equally here to Huminski's speech regarding corruption and oppression by police and government actors who support the death threats received by Huminski. The First Amendment affords the broadest protection to such political expression in order “to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people.” McIntyre v. Ohio Elections

Comm'n, 514 U.S. 334, 346-47 (1995), quoting Roth v. United States, 354 U.S. 476, 484 (1957)

Recently, the Supreme Court made it abundantly clear that laws or in this case a court order that burden political speech are subject to strict scrutiny review. Citizens United v. Federal Election Comm'n, 558 U.S. 310 (2010), invalidated a federal statute that barred certain independent corporate expenditures for electioneering communications. Highlighting the primacy of political speech, the Court noted that “political speech must prevail against laws that would suppress it, whether by design or inadvertence. Laws that burden political speech are ‘subject to strict scrutiny,’ which requires the Government to prove that the restriction ‘furthers a compelling interest and is narrowly tailored to achieve that interest.’” Citizens United, 558 U.S. at 340 (quoting Federal Election Comm'n v. Wisconsin Right To Life, Inc., 551 U.S. 449, 464 (2007)). There exists no compelling reason to silence Huminski's reporting of crime or criticism of the sheriff.

The order and the threats from the Court under State/Common Law cut off the “unfettered interchange of ideas” in an important place for individual political expression—the Courts. McIntyre, 514 U.S. at 346-47.

Treading upon core First Amendment expression must be accomplished in as minimally a restrictive manner as possible, and should never be done so in the form of an absolute bar on all political expression as is the case at Bar whereby civil/bankruptcy litigation has been viewed as a *per se* criminal activity by the State Court. See Bd. of Airport Comm'rs of City of Los Angeles v. Jews for Jesus, Inc., 482 U.S. 569, 574 (1987) (invalidating a statute because it “reache[d] the universe of expressive activity, and, by prohibiting all protected expression, purport[ed] to create a virtual ‘First Amendment Free Zone.’”) (emphasis in original). Validating a sweeping ban on core political speech would seriously undermine the Supreme Court’s stated goal of safeguarding the democratic process.

The contact with the Sheriff made by the Debtor were related to reporting crime and criticism of a political figure. A constitutional solution should have been to direct the sheriff to delete any emails he considered junk mail. Shutting down Huminski's reporting crime to law enforcement is an extreme remedy that does not survive constitutional scrutiny under vagueness and over-breadth precepts.

Grayned v. The City of Rockford, 408 U.S. 104 (1972) summarized the time, place, manner concept: “The crucial question is whether the manner of expression

is basically incompatible with the normal activity of a particular place at a particular time." Time, place, and manner restrictions must withstand intermediate scrutiny. Note that any regulations that would force speakers to change how or what they say do not fall into this category (so the government cannot restrict one medium even if it leaves open another) *Ward v. Rock Against Racism*(1989) held that time, place, or manner restrictions must:

- Be content neutral
- Be narrowly tailored
- Serve a significant governmental interest
- Leave open ample alternative channels for communication

If the government tries to restrain speech before it is spoken, as opposed to punishing it afterward, it must be able to show that punishment after the fact is not a sufficient remedy, and show that allowing the speech would "surely result in direct, immediate, and irreparable damage to our Nation and its people" (*New York Times Co. v. United States*). U.S. courts have not permitted most prior restraints since the case of *Near v. Minnesota* in 1931.

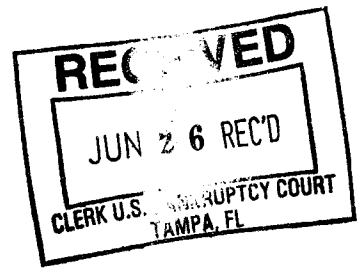
Reporting crime to a local agency is not a crime or contempt, however, obstruction of service of bankruptcy court papers and compliance with Bankruptcy rules is *per se* criminal. Orders of the State Court have obstructed service of bankruptcy related papers upon the sheriff and were an attempt to obstruct Bankruptcy Rules.

Dated at Bonita Springs, Florida this 25<sup>th</sup> day of June, 2017.

-/s/- Scott Huminski

\_\_\_\_\_  
Scott Huminski, pro se  
24544 Kingfish Street  
Bonita Springs, FL 34134  
(239) 300-6656  
S\_huminski@live.com

In The  
United States Bankruptcy Court  
For the Middle District of Florida



IN RE, )  
SCOTT ALAN HUMINSKI, ) CASE No.17-03658-9D7  
DEBTOR )  
 ) ADV. PROC. No.  
 )

**MOTION TO VACATE STATE ORDERS – EX PARTE  
COMMUNICATIONS – Judge Krier will be called as a witness**

NOW COMES, Debtor, Scott Huminski (“Huminski”), and moves to vacate all orders of the State Court because they are products of *ex parte* communications as follows:

1. Huminski received a series of death threats via the U.S. Mails beginning in May of 2015 with the series of letters continuing to June 2017. See Complaint and attachments.
2. The record in the State court contains no information from any other party concerning the death threats. The record concerning the death threats is solely from Huminski with references to the stamped and postmarked envelopes used to mail the death threats. The most recent letter was sent certified and insured from Scottsdale AZ and the mailer was caught on post office surveillance.
3. At hearing in April 2017, the State Judge declared that the death threats do not exist.
4. Notice is given that Judge Krier will be called as a witness.

The stating that the death threats do not exist can only be a product of *ex parte* communications or, less likely, judicial disability or judicial lies or bias. The judge appeared irate and hostile at the hearing. Huminski's Due Process rights were violated because of the aforementioned.

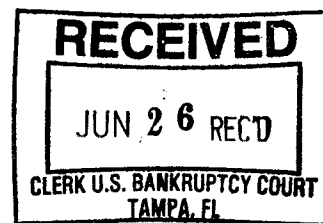
Dated at Bonita Springs, Florida this 25<sup>th</sup> day of June, 2017.

-s/- Scott Huminski

\_\_\_\_\_  
Scott Huminski, pro se

24544 Kingfish Street  
Bonita Springs, FL 34134  
(239) 300-6656  
S\_huminski@live.com

In The  
United States Bankruptcy Court  
For the Middle District of Florida



IN RE, )  
SCOTT ALAN HUMINSKI, ) CASE No.17-03658-FMD  
DEBTOR )  
 ) ADV. PROC. No.  
 )

**MOTION TO SHOW CAUSE AS TO WHY SHERIFF MIKE SCOTT  
SHOULD NOT BE HELD IN VIOLATION OF THE 11 U.S. Code § 362 and  
MOTION FOR PROTECTIVE ORDER ENJOINING CONTACT WITH  
DEBTOR ARISING FROM ANY CIVIL CASE BY SHERIFF MIKE SCOTT  
HIS AGENTS OR EMPLOYEES**

NOW COMES, Plaintiff, Scott Huminski ("Huminski"), and moves as set forth above as follows:

1. Sheriff Mike Scott was alerted to the filing of this Bankruptcy on 4/29/2017 via emails sent to himself and his staff and was alerted by U.S. Mail, as a creditor, by the Court.
2. Despite the automatic stay enjoining the Sheriff's contact related to civil case Huminski v. Town of Gilbert, AZ, et al, the sheriff persists in attempts to serve various papers related to the civil suit upon Scott Huminski, a service attempt by the sheriff was made in the morning of 5/2/2017.

Dated at Bonita Springs, Florida this 25<sup>th</sup> day of June, 2017 .

-/s/- Scott Huminski

\_\_\_\_\_  
Scott Huminski, pro se  
24544 Kingfish Street  
Bonita Springs, FL 34134  
(239) 300-6656  
S\_huminski@live.com



In The  
United States Bankruptcy Court  
For the Middle District of Florida

IN RE,	)	
SCOTT ALAN HUMINSKI,	)	CASE No.17-03658-9D7
DEBTOR	)	
	)	ADV. PROC. No.
	)	

**Second MOTION TO SHOW CAUSE AS TO WHY SHERIFF MIKE  
SCOTT SHOULD NOT BE HELD IN VIOLATION OF THE 11 U.S. Code §  
362 and MOTION FOR PROTECTIVE ORDER ENJOINING CONTACT  
WITH DEBTOR ARISING FROM ANY CIVIL CASE BY SHERIFF MIKE  
SCOTT HIS AGENTS OR EMPLOYEES**


NOW COMES, Plaintiff, Scott Huminski ("Huminski"), and moves as set forth above as follows:

1. Sheriff Mike Scott was alerted to the filing of this Bankruptcy on 4/29/2017 via emails sent to himself and his staff and was alerted by U.S. Mail, as a creditor, by the Court.
2. Despite the automatic stay enjoining the Sheriff's contact related to civil case Huminski v. Town of Gilbert, AZ, et al, the sheriff persists in attempts to serve various papers related to the civil suit upon Scott Huminski, an attempt was made in the early afternoon of 5/10/2017.
3. Huminski's first motion concerning the violation by the Sheriff and the LCSO of the automatic stay was filed with the Court U.S. Bankruptcy court, certified mail, 9507 1000 1746 7129 0000 89.
4. Related to the Complaint in this matter it is further noted that the City of Surprise, AZ has received the third payment (others allegedly lost) via certified mail # 7016356000060581639 on May 8, 2010. Failure of Surprise to forward paid for documents is fraud, a florida tort committed in FL, jurisdiction is proper.
5. In the morning of June 13, 2017 the sheriff served civil paper upon Scott Huminski by speaking with his wife and dropping the papers in Debtor's driveway.

6. It is believed that the sheriff continues to violate the automatic stay based upon dicta uttered by Judge Krier at hearing in this matter whereby the judge indicated no respect for federal bankruptcy law.

Dated at Bonita Springs, Florida this 25<sup>th</sup> day of June, 2017.

-/s/- Scott Huminski



---

Scott Huminski, pro se  
24544 Kingfish Street  
Bonita Springs, FL 34134  
(239) 300-6656  
S\_huminski@live.com

# Exhibit “E”

In The  
Circuit Court of the Twentieth Judicial Circuit  
In and for Lee County, Florida  
- Civil Division -

SCOTT HUMINSKI, FOR HIMSELF	)	
AND FOR THOSE SIMILARLY SITUATED,	)	CIVIL ACTION
PLAINTIFF	)	
v.	)	DOCKET NO. 17-CA-421
TOWN OF GILBERT, AZ, ET AL.	)	
DEFENDANTS.	)	

**NOTICE OF BANKRUPTCY COURT DOCKET INDICATING REMOVAL  
OF THIS MATTER AND TEXT TO BANKRUPTCY RULE 9027**

NOW COMES, Scott Huminski ("Huminski"), and provides docket listings from bankruptcy court evidencing removal of this case and reproduces Bankruptcy Rule 9027 which caused removal of this matter on 6/26/2017. Further litigation in State Court constitutes contempt of the federal court. This matter is being addressed in the adversary proceedings. Please contact the Clerk of Bankruptcy Court to avoid further contempt of federal court. The State Court has been divested of all jurisdiction in this case.

**Adversary Proceeding #: 9:17-ap-00509-FMD**

*Assigned to:* Caryl E. Delano

*Date Filed:* 06/26/17

*Lead BK Case:* 17-03658

*Date Removed From State:* 06/26/17

*Lead BK Title:* Scott Alan Huminski

*Lead BK Chapter:* 7

[Show Associated Cases](#)

*Demand:*

*Nature[s] of Suit:* 01 Determination of removed claim or cause

***Plaintiff***

-----  
**Scott Alan Huminski**

represented by **Scott Alan Huminski**

24544 Kingfish Street  
Bonita Springs, FL 34134  
239-300-6656  
SSN / ITIN: [REDACTED]

PRO SE

V.

*Defendant*

-----  
**Town of Gilbert, AZ**

represented by **Town of Gilbert, AZ**  
PRO SE

*Defendant*

-----  
**Gilbert Police Department**

represented by **Gilbert Police Department**  
PRO SE

*Defendant*

-----  
**Ryan Pillar**

represented by **Ryan Pillar**  
PRO SE

*Defendant*

-----  
**Stephanie Ameiss**

represented by **Stephanie Ameiss**  
PRO SE

*Defendant*

-----  
**City of Surprise, AZ**

represented by **City of Surprise, AZ**  
PRO SE

*Defendant*

-----  
**City of Phoenix, AZ**

represented by **City of Phoenix, AZ**  
PRO SE

*Defendant*

-----  
**Phoenix Police Department**

represented by **Phoenix Police Department**  
PRO SE

*Defendant*

-----  
**Heather Ard**

represented by **Heather Ard**  
PRO SE

*Defendant*

-----  
**Scribd, Inc.**

represented by **Scribd, Inc.**  
PRO SE

*Defendant*

-----  
**Jason Bentley**

represented by **Jason Bentley**  
PRO SE

*Defendant*

-----  
**Lee County, Florida**

represented by **Lee County, Florida**  
PRO SE

*Defendant*

-----  
**Lee County Sheriff's Office**

represented by **Lee County Sheriff's Office**  
PRO SE

*Defendant*

-----  
**Sheriff Mike Scott**

represented by **Sheriff Mike Scott**  
PRO SE

***Defendant***

**Brian Allen**

represented by **Brian Allen**  
PRO SE

***Defendant***

**City of Glendale, AZ**

represented by **City of Glendale, AZ**  
PRO SE

***Defendant***

**Glendale Police**

represented by **Glendale Police**  
PRO SE

***Defendant***

**Tracey Wood**

represented by **Tracey Wood**  
PRO SE

***Defendant***

**Surprise Police Department**

represented by **Surprise Police Department**  
PRO SE

Filing Date	#	Docket Text
06/26/2017	<u>1</u> (95 pgs; 4 docs)	Notice of Removal by Scott Alan Huminski against Town of Gilbert, AZ, Gilbert Police Department, Ryan Pillar, Stephanie Ameiss, City of Surprise, AZ, Surprise Police Department, City of Phoenix, AZ, Phoenix Police Department, Heather Ard, Scribd, Inc., Jason Bentley, Lee County, Florida, Lee County Sheriff's Office, Sheriff Mike Scott, Brian Allen, City of Glendale, AZ, Glendale Police, Tracey Wood. Filing Fee Not Required. Nature of Suit: [01 (Determination of removed claim or cause)]. (Attachments: # <u>1</u> Exhibit Verified Complaint - Lee County 17-CA-421 # <u>2</u> Exhibit Notice of Appeal of Judgment, et al, CT USDC 3-14-cv-01390-MPS # <u>3</u> Exhibit LCSO Polygraph Report)

		(Deanna) Modified on 6/27/2017 (Deanna). (Entered: 06/27/2017)
06/26/2017	<u>2</u> (2 pgs)	Motion to Vacate <i>State Orders of Judge Krier</i> Filed by Plaintiff Scott Alan Huminski. (Deanna) (Entered: 06/27/2017)
06/26/2017	<u>3</u> (5 pgs)	Motion to Vacate <i>Protective Orders as Void Ab Initio or Void and for Declaratory Relief</i> Filed by Plaintiff Scott Alan Huminski. (Deanna) (Entered: 06/27/2017)
06/26/2017	<u>4</u> (1 pg)	Motion for Order to Show Cause <i>as to why Sheriff Mike Scott Should not be Held in Violation of the 11 U.S. Code 362 and</i> , Motion for Protective Order <i>Enjoining Contact with Debtor Arising from any Civil Case by Sheriff Mike Scott, His Agents or Employees</i> Filed by Plaintiff Scott Alan Huminski (Deanna) (Entered: 06/27/2017)
06/26/2017	<u>5</u> (2 pgs)	Second Motion for Order to Show Cause <i>as to why Sheriff Mike Scott Should not be Held in Violation of the 11 U.S. Code 362 and</i> , Motion for Protective Order <i>Enjoining Contact with Debtor Arising from any Civil Case by Sheriff Mike Scott, His Agents or Employees</i> Filed by Plaintiff Scott Alan Huminski (related document(s) <u>4</u> ). (Deanna) (Entered: 06/27/2017)
06/28/2017	<u>6</u> (8 pgs)	Summons issued on Town of Gilbert, AZ, Gilbert Police Department, Ryan Pillar, Stephanie Ameiss, City of Surprise, AZ, Surprise Police Department, City of Phoenix, AZ, Phoenix Police Department, Heather Ard, Scribd, Inc., Jason Bentley, Lee County, Florida, Lee County Sheriff and #039;s Office, Sheriff Mike Scott, Brian Allen, City of Glendale, AZ, Glendale Police, Tracey Wood along with Local Rule 7001-1 - Adversary Proceedings - Procedures. Answer Due 07/28/2017. If one or more defendants are the United States or an officer or agency thereof, add an additional five days to the Answer Due date. A copy of this summons must be included when filing proof of service of this summons. (ADIClerk) (Entered: 06/28/2017)

**U.S. Bankruptcy Court  
Middle District of Florida (Ft. Myers)  
Bankruptcy Petition #: 9:17-bk-03658-FMD**

Assigned to: Caryl E. Delano  
Chapter 7  
Voluntary

Date filed: 04/28/2017  
341 meeting: 06/13/2017  
Deadline for objecting to discharge: 08/14/2017



No asset  
Show Associated Cases

***Debtor***

**Scott Alan Huminski**  
24544 Kingfish Street  
Bonita Springs, FL 34134  
LEE-FL  
239-300-6656  
SSN / ITIN: [REDACTED]

represented by **Scott Alan Huminski**  
PRO SE

***Trustee***

**Luis E Rivera, II**  
Henderson Franklin Starnes & Holt PA  
Post Office Box 280  
1715 Monroe Street  
Fort Myers, FL 33902-0280  
(239) 344-1104  
*TERMINATED: 05/11/2017*

represented by **Luis E Rivera, II**  
PRO SE

***Trustee***

**Robert E Tardif, Jr.**  
Trustee  
Post Office Box 2140  
Fort Myers, FL 33902  
(239) 362-2755

***U.S. Trustee***

**United States Trustee - FTM7/13**  
Timberlake Annex, Suite 1200  
501 E Polk Street  
Tampa, FL 33602  
813-228-2000

Filing Date	#	Docket Text
04/28/2017	<u>1</u> (56 pgs)	Voluntary Petition under Chapter 7. Installments Schedules and Summary of Assets. Statement of Financial Affairs. Statement of Intentions. Statement of Income and Means Test Calculation. <i>Disclosure of Compensation Not Filed or Not Required</i> . Filed by Scott Alan Huminski. (Jeffery H.) (Entered: 04/28/2017)
04/28/2017	<u>2</u>	Statement of Debtors Social Security Numbers Filed by Debtor Scott Alan Huminski. (Jeffery H.) (Entered: 04/28/2017)
04/28/2017	<u>3</u> (1 pg)	Application to Pay Filing Fee in Installments Filed by Debtor Scott Alan Huminski (Jeffery H.) (Entered: 04/28/2017)

		04/28/2017)
04/28/2017	<u>4</u> (2 pgs)	Notice of Commencement of Case, Section 341 Meeting of Creditors, and Fixing Deadlines . Section 341(a) meeting to be held on 5/30/2017 at 02:30 PM at Ft. Myers, FL (892) - 2-101 United States Courthouse, 2110 First Street. Last day to oppose discharge or dischargeability is 7/31/2017. (Jeffery H.) (Entered: 04/28/2017)
04/28/2017		The Clerk's Office has reviewed this case and it appears that the requirements of 11 U.S.C. Section 521(a)(1) have been met. (ADIClerk) (Entered: 04/28/2017)
04/28/2017		Receipt of Installment Payment. Receipt Number 135781, Fee Amount \$100.00. (Dkt) (Entered: 04/29/2017)
04/30/2017	<u>5</u> (3 pgs)	BNC Certificate of Mailing - Notice of Meeting of Creditors. (related document(s) (Related Doc # <u>4</u> )). Notice Date 04/30/2017. (Admin.) (Entered: 05/01/2017)
05/01/2017		Prior Bankruptcy Case(s) for debtor Scott Alan Huminski Case Number <u>96-10391</u> , Chapter 7 filed in Vermont Bankruptcy Court on 04/12/1996 , Standard Discharge on 07/22/1996.(Admin) (Entered: 05/01/2017)
05/01/2017	<u>6</u> (2 pgs)	Order Approving Application To Pay Filing Fees In Installments. (Related Doc # <u>3</u> ). Service Instructions: Clerks Office to serve. (Christiane) (Entered: 05/01/2017)
05/03/2017	<u>7</u> (3 pgs)	BNC Certificate of Mailing - Order (related document(s) (Related Doc # <u>6</u> )). Notice Date 05/03/2017. (Admin.) (Entered: 05/04/2017)
05/09/2017	<u>8</u> (1 pg)	Notice of Resignation of Trustee Filed by Trustee Luis E Rivera II. (Rivera, Luis) (Entered: 05/09/2017)
05/11/2017	<u>9</u> (1 pg)	Notice of Withdrawal of Trustee and Appointment of New Trustee. Luis E Rivera, II withdrew from case, Robert E Tardif, Jr. appointed as Trustee (related document(s) <u>8</u> ). (Lidia) (Entered: 05/11/2017)
05/11/2017	<u>10</u> (2 pgs)	Amended Notice of Commencement of Case, Section 341 Meeting of Creditors, and Fixing Deadlines . Amended for new Chapter 7 Trustee and Meeting date and time. Section 341(a) meeting to be held on 6/13/2017 at 09:00 AM at Ft. Myers, FL (892) - 2-101 United States Courthouse, 2110 First Street. Last day to oppose discharge or dischargeability is 8/14/2017. (Lidia) Modified on 5/11/2017 (Lidia).

		(Entered: 05/11/2017)
05/12/2017	<u>11</u> (1 pg)	Motion for Order to Show Cause <i>as to Sheriff Mike Scott Should Not be Held in Violation of the 11 US Code 362 and Motion for Protective order Enjoining Contact With Debtor Arising From Any Civil Case by Sheriff Mike Scott His Agents or Employees</i> Filed by Debtor Scott Alan Huminski (Alyssa) (Entered: 05/12/2017)
05/12/2017		Receipt of Installment Payment. Receipt Number 136047, Fee Amount \$100.00. (Dkt) (Entered: 05/12/2017)
05/13/2017	<u>12</u> (3 pgs)	BNC Certificate of Mailing - Notice of Meeting of Creditors. (related document(s) (Related Doc # <u>10</u> )). Notice Date 05/13/2017. (Admin.) (Entered: 05/14/2017)
05/13/2017	<u>13</u> (2 pgs)	BNC Certificate of Mailing - Notice to Creditors and Parties in Interest (related document(s) (Related Doc # <u>9</u> )). Notice Date 05/13/2017. (Admin.) (Entered: 05/14/2017)
05/31/2017	<u>14</u> (2 pgs)	Order Denying Motion For Order to Show Cause without Prejudice (Related Doc # <u>11</u> ). Service Instructions: Clerks Office to serve. (Pamella) (Entered: 05/31/2017)
06/02/2017	<u>15</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>14</u> )). Notice Date 06/02/2017. (Admin.) (Entered: 06/03/2017)
06/14/2017		The trustee appointed in this case states that the initial meeting of creditors was held and concluded on <b>6/13/2017</b> . (Tardif, Robert) (Entered: 06/14/2017)
06/26/2017		Receipt of Installment Payment. Receipt Number 136810, Fee Amount \$75.00. (Dkt) (Entered: 06/26/2017)
06/27/2017		Adversary Proceeding Filed # 9:17-ap-00509-FMD; 01 Determination of removed claim or cause - Lee County 17-CA-421.; Scott Alan Huminski vs. Town of Gilbert, AZ, et al.,.. (Deanna) (Entered: 06/27/2017)

PACER Service Center

Transaction Receipt

06/29/2017 16:33:26

PACER Login:	mollydog123:5271502:0	Client Code:	
Description:	Docket Report	Search Criteria:	9:17-bk-03658-FMD Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
Billable Pages:	2	Cost:	0.20

1. Federal Rules of Bankruptcy Procedure › PART IX—GENERAL PROVISIONS › Rule 9027. Removal

### **Rule 9027. Removal**

(a) Notice of Removal.

(1) Where Filed; Form and Content. A notice of removal shall be filed with the clerk for the district and division within which is located the state or federal court where the civil action is pending. The notice shall be signed pursuant to Rule 9011 and contain a short and plain statement of the facts which entitle the party filing the notice to remove, contain a statement that upon removal of the claim or cause of action the party filing the notice does or does not consent to entry of final orders or judgment by the bankruptcy court, and be accompanied by a copy of all process and pleadings.

(2) Time for Filing; Civil Action Initiated Before Commencement of the Case Under the Code. If the claim or cause of action in a civil action is pending when a case under the Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under §362 of the Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief.

(3) Time for filing; civil action initiated after commencement of the case under the Code. If a claim or cause of action is asserted in another court after the commencement of a case under the Code, a notice of removal may be filed with the clerk only within the shorter of (A) 30 days after receipt, through service or otherwise, of a copy of the initial pleading setting forth the claim or cause of action sought to be removed, or (B) 30 days after receipt of the summons if the initial pleading has been filed with the court but not served with the summons.

(b) Notice. Promptly after filing the notice of removal, the party filing the notice shall serve a copy of it on all parties to the removed claim or cause of action.

(c) Filing in Non-Bankruptcy Court. Promptly after filing the notice of removal, the party filing the notice shall file a copy of it with the clerk of the court from which the claim or cause of

action is removed. Removal of the claim or cause of action is effected on such filing of a copy of the notice of removal. The parties shall proceed no further in that court unless and until the claim or cause of action is remanded.

(d) Remand. A motion for remand of the removed claim or cause of action shall be governed by Rule 9014 and served on the parties to the removed claim or cause of action.

(e) Procedure After Removal.

(1) After removal of a claim or cause of action to a district court the district court or, if the case under the Code has been referred to a bankruptcy judge of the district, the bankruptcy judge, may issue all necessary orders and process to bring before it all proper parties whether served by process issued by the court from which the claim or cause of action was removed or otherwise.

(2) The district court or, if the case under the Code has been referred to a bankruptcy judge of the district, the bankruptcy judge, may require the party filing the notice of removal to file with the clerk copies of all records and proceedings relating to the claim or cause of action in the court from which the claim or cause of action was removed.

(3) Any party who has filed a pleading in connection with the removed claim or cause of action, other than the party filing the notice of removal, shall file a statement that the party does or does not consent to entry of final orders or judgment by the bankruptcy court. A statement required by this paragraph shall be signed pursuant to Rule 9011 and shall be filed not later than 14 days after the filing of the notice of removal. Any party who files a statement pursuant to this paragraph shall mail a copy to every other party to the removed claim or cause of action.

(f) Process After Removal. If one or more of the defendants has not been served with process, the service has not been perfected prior to removal, or the process served proves to be defective, such process or service may be completed or new process issued pursuant to Part VII of these rules. This subdivision shall not deprive any defendant on whom process is served after removal of the defendant's right to move to remand the case.

(g) Applicability of Part VII. The rules of Part VII apply to a claim or cause of action removed to a district court from a federal or state court and govern procedure after removal. Repleading is not necessary unless the court so orders. In a removed action in which the defendant has not answered, the defendant shall answer or present the other defenses or objections available under the rules of Part VII within 21 days following the receipt through service or otherwise of a copy of the initial pleading setting forth the claim for relief on which the action or proceeding is based, or within 21 days following the service of summons on such initial pleading, or within seven days following the filing of the notice of removal, whichever period is longest.

(h) Record Supplied. When a party is entitled to copies of the records and proceedings in any civil action or proceeding in a federal or a state court, to be used in the removed civil action or proceeding, and the clerk of the federal or state court, on demand accompanied by payment or tender of the lawful fees, fails to deliver certified copies, the court may, on affidavit reciting the facts, direct such record to be supplied by affidavit or otherwise. Thereupon the proceedings,

trial and judgment may be had in the court, and all process awarded, as if certified copies had been filed.

(i) Attachment or Sequestration; Securities. When a claim or cause of action is removed to a district court, any attachment or sequestration of property in the court from which the claim or cause of action was removed shall hold the property to answer the final judgment or decree in the same manner as the property would have been held to answer final judgment or decree had it been rendered by the court from which the claim or cause of action was removed. All bonds, undertakings, or security given by either party to the claim or cause of action prior to its removal shall remain valid and effectual notwithstanding such removal. All injunctions issued, orders entered and other proceedings had prior to removal shall remain in full force and effect until dissolved or modified by the court.

#### Notes

(As amended Mar. 30, 1987, eff. Aug. 1, 1987; Apr. 30, 1991, eff. Aug. 1, 1991; Apr. 29, 2002, eff. Dec. 1, 2002; Mar. 26, 2009, eff. Dec. 1, 2009; Apr. 28, 2016, eff. Dec 1, 2016.)

#### Notes of Advisory Committee on Rules—1983

Under 28 U.S.C. §1478(a) “any claim or cause of action in a civil action, other than a proceeding before the United States Tax Court or a civil action by a Government unit to enforce [a] . . . regulatory or police power” may be removed “if the bankruptcy courts have jurisdiction over such claim or cause of action.” This rule specifies how removal is accomplished, the procedure thereafter, and the procedure to request remand of the removed claim or cause of action. If the claim or cause of action which is removed to the bankruptcy court is subject to the automatic stay of §362 of the Code, the litigation may not proceed in the bankruptcy court until relief from the stay is granted.

The subdivisions of this rule conform substantially to 28 U.S.C. §§1446–1450 and Rule 81(a) F.R.Civ.P. pertaining to removal to the district courts.

Subdivision (a)(1) is derived from 28 U.S.C. §1446(a).

Subdivisions (a)(2) and (a)(3) are derived from paragraphs one and two of 28 U.S.C. §1446(b). Timely exercise of the right to remove is as important in bankruptcy cases as in removals from a state court to a district court.

Subdivision (a)(2) governs the situation in which there is litigation pending and a party to the litigation becomes a debtor under the Code. Frequently, removal would be of little utility in such cases because the pending litigation will be stayed by §362(a) on commencement of the case under the Code. As long as the stay remains in effect there is no reason to impose a time limit for removal to the bankruptcy court and, therefore, clause (B) of subdivision (a)(2) provides that a removal application may be filed within 30 days of entry of an order terminating the stay. Parties to stayed litigation will not be required to act immediately on commencement of a case under the Code to protect their right to remove. If the pending litigation is not stayed by §362(a) of the Code, the removal application must ordinarily be filed within 90 days of the order for relief.

Clause (C) contains an alternative period for a chapter 11 case. If a trustee is appointed, the removal application may be filed within 30 days of the trustee's qualification, provided that the removal application is filed not more than 180 days after the order for relief.

The removal application must be filed within the longest of the three possible periods. For example, in a chapter 11 case if the 90 day period expires but a trustee is appointed shortly thereafter, the removal application may be filed within 30 days of the trustee's qualification but not later than 180 days after the order for relief. Nevertheless, if the claim or cause of action in the civil action is stayed under §362, the application may be filed after the 180 day period expires, provided the application is filed within 30 days of an order terminating the stay.

Subdivision (a)(3) applies to the situation in which the case under the Code is pending when the removable claim or cause of action is asserted in a civil action initiated in other than the bankruptcy court. The time for filing the application for removal begins to run on receipt of the first pleading containing the removable claim or cause of action. Only litigation not stayed by the Code or by court order may properly be initiated after the case under the Code is commenced. See e.g., §362(a).

Subdivision (b). With one exception, this subdivision is the same as 28 U.S.C. §1446(d). The exemption from the bond requirement is enlarged to include a trustee or debtor in possession. Complete exemption from the bond requirement for removal is appropriate because of the limited resources which may be available at the beginning of a case and the small probability that an action will be improperly removed.

Recovery on the bond is permitted only when the removal was improper. If the removal is proper but the bankruptcy court orders the action remanded on equitable grounds, 28 U.S.C. §1478(b), there is no recovery on the bond.

Subdivisions (c) and (d) are patterned on 28 U.S.C. §1446(e).

Subdivision (e). There is no provision in the Federal Rules of Civil Procedure for seeking remand. The first sentence of this subdivision requires that a request for remand be by motion and that the moving party serve all other parties; however, no hearing is required. In recognition of the intrusion of the removal practice on the state and federal courts from which claims or causes of action are removed, the subdivision directs the bankruptcy court to decide remand motions as soon as practicable. The last sentence of this subdivision is derived from 28 U.S.C. §1446(c).

Subdivisions (f) and (g), with appropriate changes to conform them to the bankruptcy context, are the same as 28 U.S.C. §1447(a) and (b) and 28 U.S.C. §1448, respectively.

Subdivisions (h) and (i) are taken from Rule 81(c) F.R.Civ.P.

Subdivisions (j) and (k) are derived from 28 U.S.C. §1449 and §1450, respectively.

Remand orders of bankruptcy judges are not appealable. 28 U.S.C. §1478(b).

This rule does not deal with the question whether a single plaintiff or defendant may remove a claim or cause of action if there are two or more plaintiffs or defendants. See 28 U.S.C. §1478.

#### **Notes of Advisory Committee on Rules—1987 Amendment**

Section 1452 of title 28, with certain exceptions, provides for removal of claims or causes of action in civil actions pending in state or federal courts when the claim or cause of action is within the jurisdiction conferred by 28 U.S.C. §1334. An order granting or denying a motion for remand is not appealable. 28 U.S.C. §1452(b). Under subdivision (e), as amended, the district court must enter the order on the remand motion, however, the bankruptcy judge conducts the initial hearing on the motion and files a report and recommendation. The parties may file objections. Review of the report and recommendation is pursuant to Rule 9033.

Subdivision (f) has been amended to provide that if there has been a referral pursuant to 28 U.S.C. §157(a) the bankruptcy judge will preside over the removed civil action.

Subdivision (i) has been abrogated consistent with the abrogation of Rule 9015.

#### **Notes of Advisory Committee on Rules—1991 Amendment**

The abrogation of subdivision (b) is consistent with the repeal of 28 U.S.C. §1446(d). The changes substituting the notice of removal for the application for removal conform to the 1988 amendments to 28 U.S.C. §1446.

Rules 7008(a) and 7012(b) were amended in 1987 to require parties to allege in pleadings whether a proceeding is core or non-core and, if non-core, whether the parties consent to the entry of final orders or judgment by the bankruptcy judge. Subdivision (a)(1) is amended and subdivision (f)(3) is added to require parties to a removed claim or cause of action to make the same allegations. The party filing the notice of removal must include the allegation in the notice and the other parties who have filed pleadings must respond to the allegation in a separate statement filed within 10 days after removal. However, if a party to the removed claim or cause of action has not filed a pleading prior to removal, there is no need to file a separate statement under subdivision (f)(3) because the allegation must be included in the responsive pleading filed pursuant to Rule 7012(b).

Subdivision (e), redesignated as subdivision (d), is amended to delete the restriction that limits the role of the bankruptcy court to the filing of a report and recommendation for disposition of a motion for remand under 28 U.S.C. §1452(b). This amendment is consistent with §309(c) of the Judicial Improvements Act of 1990, which amended §1452(b) so that it allows an appeal to the district court of a bankruptcy court's order determining a motion for remand. This subdivision is also amended to clarify that the motion is a contested matter governed by Rule 9014. The words "filed with the clerk" are deleted as unnecessary. See Rules 5005(a) and 9001(3).

#### **Committee Notes on Rules—2002 Amendment**

Subdivision (a)(3) is amended to clarify that if a claim or cause of action is initiated after the commencement of a bankruptcy case, the time limits for filing a notice of removal of the claim



or cause of action apply whether the case is still pending or has been suspended, dismissed, or closed.

Changes Made After Publication and Comments. No changes were made.

#### **Committee Notes on Rules—2009 Amendment**

The rule is amended to implement changes in connection with the amendment to Rule 9006(a) and the manner by which time is computed under the rules. The deadlines in the rule are amended to substitute a deadline that is a multiple of seven days. Throughout the rules, deadlines are amended in the following manner:

- 5-day periods become 7-day periods
- 10-day periods become 14-day periods
- 15-day periods become 14-day periods
- 20-day periods become 21-day periods
- 25-day periods become 28-day periods

#### **Committee Notes on Rules—2016 Amendment**

Subdivisions (a)(1) and (e)(3) are amended to delete the requirement for a statement that the proceeding is core or non-core and to require in all removed actions a statement that the party does or does not consent to the entry of final orders or judgment by the bankruptcy court. Some proceedings that satisfy the statutory definition of core proceedings, 28 U.S.C. § 157(b)(2), may remain beyond the constitutional power of a bankruptcy judge to adjudicate finally. The amended rule calls for a statement regarding consent at the time of removal, whether or not a proceeding is termed non-core.

The party filing the notice of removal must include a statement regarding consent in the notice, and the other parties who have filed pleadings must respond in a separate statement filed within 14 days after removal. If a party to the removed claim or cause of action has not filed a pleading prior to removal, however, there is no need to file a separate statement under subdivision (e)(3), because a statement regarding consent must be included in a responsive pleading filed pursuant to Rule 7012(b). Rule 7016 governs the bankruptcy court's decision whether to hear and determine the proceeding, issue proposed findings of fact and conclusions of law, or take some other action in the proceeding.

Dated at Bonita Springs, Florida this 1<sup>st</sup> day of July 2017.

-/S/- Scott Huminski

---

Scott Huminski, pro se  
24544 Kingfish Street  
Bonita Springs, FL 34134  
(239) 300-6656  
S\_huminski@live.com

# Exhibit “F”

In The  
**United States Bankruptcy Court**  
**For the Middle District of Florida**

IN RE,	)	
SCOTT ALAN HUMINSKI,	)	CASE No.17-03658-9D7
DEBTOR	)	
	)	ADV. PROC. NO. 9:17--509-FMD
	)	HUMINSKI V. TOWN OF GILBERT, ET AL

**AFFIDAVIT OF SCOTT HUMINSKI RE: STATE COURT STATEMENTS**  
**ON BANKRUPTCY FROM AUDIO RECORDING**

NOW COMES, Debtor, Scott Huminski ("Huminski"), and based upon personal knowledge, under oath, hereby swears, deposes and states as follows:

1. Huminski is over the age of 18 and under no legal disability.
2. Huminski received an audio disk from the 20<sup>th</sup> Circuit Court containing the hearing of 6/29/2017 in 17-CA-421, Huminski v. Town of Gilbert, et al., 3 days after removal, and herein are the true and correct statements made by the State Court concerning bankruptcy.
3. On the audio disk at 1:25:10 the State Court opines, *"This case hasn't been removed anyplace Mr. Huminski"*.
4. On the audio disk at 1:26:35 the State Court opines, *"Nothing gets removed from this Court to Bankruptcy Court. That doesn't happen - ever."*.
5. On the audio disk at 1:37:10 the Huminski States, *"You will not respect the removal to United States bankruptcy court?"* and the State Court replies *"Again evidence that you do not understand the law, it's not removed to bankruptcy court"*.
6. On the audio disk at 1:37:11 the State Court opines, *"It [bankruptcy] might stay a civil proceeding ... Bankruptcy court can stay a civil proceeding"*.
7. Upon information and belief and from the aforementioned content and below docket entries, the State Court does not accept the fundamental precept that there exists an automatic stay of bankruptcy intending to give the debtor breathing room during the bankruptcy process. From interaction with the State Court, Huminski believes the State Court mistakenly thinks that a debtor has to file a motion to stay concerning every creditor placing an additional burden on a debtor instead of breathing room provided by the automatic stay. The violations of


stay and removal may also be intentional as the State Court judge has 40 years of experience in the practice of law as an attorney and a judge.

8. Below are true and correct docket entries from the State Court from the date of bankruptcy filing to the present.

OrderProhibiting Contact	
04/28/2017	2
Comments: Prohibiting Contact	
Motionto Show Cause	
05/02/2017	1
Comments: to Show Cause	
05/09/2017 Suggestion of Bankruptcy	5
Motionto Show Cause	
05/10/2017	2
Comments: to Show Cause	
05/11/2017 Notice of Appearance	3
05/12/2017 Return of Service Served	1
05/12/2017 Order to Show Cause Returned Not Served	120
05/12/2017 Motion to Dismiss	9
05/25/2017 Certified Copy of Show Cause Order for Service handed to LCSO	
05/25/2017 Minutes	1
05/25/2017 Order to Show Cause Returned Not Served	120
06/05/2017 Order to Show Cause	3
06/05/2017 Certified Copy of Show Cause Order for Service handed to LCSO	
06/14/2017 Order to Show Cause Returned Served	3
Notice of Removal to US District CourtBankruptcy Court	
06/26/2017	13
Comments: Bankruptcy Court	
Motionto Allow Service of Sheriff	
06/27/2017	16
Comments: to Allow Service of Sheriff	

06/28/2017 Order of Dismissal	3
06/28/2017 Objection	1
06/29/2017 Minutes	2
07/01/2017 Correspondence	15
07/02/2017 Correspondence	28
Order Setting Case Management Conference(Rescheduled) to 8/15/17	
07/05/2017	1
Comments: (Rescheduled) to 8/15/17	
07/05/2017 Bankruptcy Document	5
07/08/2017 Motion to Dismiss	2
07/09/2017 Notice of Taking Deposition	2
07/09/2017 Notice of Taking Deposition	2
07/11/2017 Bankruptcy Document	2
07/11/2017 Correspondence	3

Dated at Bonita Springs, Lee Couny, Florida this 24<sup>th</sup> day of July, 2017.



Scott Huminski, pro se

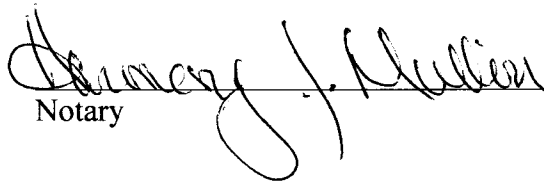
24544 Kingfish St.

Bonita Springs, FL 34134

(239) 300-6656

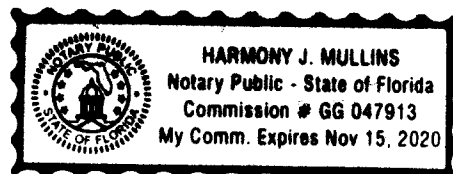
[s\\_huminski@live.com](mailto:s_huminski@live.com)

SWORN AND SUBSCRIBED to before me this 24<sup>th</sup> day of July, 2017,



Notary

Nov. 15, 20  
Exp.





✓ # 001004

Tracking # MR017033**Twentieth Judicial Circuit  
Electronic Court Reporting**Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901  
Phone 239.533-8207 – FAX 239.485.2524**REQUEST FOR DIGITAL RECORDING OF DUE PROCESS PROCEEDING**

MAIL REQUEST FORM & PAYMENT TO ELECTRONIC COURT REPORTING AT THE ADDRESS LISTED ABOVE, OR BRING THE FORM TO YOUR LOCAL COURTHOUSE. REQUESTS FOR GLADES & HENDRY COUNTIES MUST BE MAILED TO LEE ECR OFFICE IN FORT MYERS. A CHECK OR MONEY ORDER FOR \$25.00US PAYABLE TO STATE OF FLORIDA FOR EACH PROCEEDING PER DATE REQUESTED MUST BE RECEIVED BEFORE A REQUEST CAN BE FILLED.

CASE NUMBER: 17-CA-421  
JUDGE/MAG/HEARING OFFICER: KRIER COUNTY: LEE  
CASE NAME/STYLE: Scott Huminski v. Town of Gilbert et al.

TYPE OF PROCEEDING	DATES	TIMES	CHECK NUMBER
<u>Civil Hearing Show Cause</u>	<u>6-29-17</u>	<u>1:30</u>	<u>1004</u>

☐ CRIMINAL ☒ CIVIL ☐ POST-CONVICTION ☐ DELINQUENCY\*  
☐ DEPENDENCY\* ☐ OTHER ☐ APPEAL \*\*

\* Court order required for juvenile proceedings outlined in Florida Rules of Juvenile Procedure

\*\* Designation to Court Reporter and Order Approving Transcript required for indigent defendants

REQUESTED BY: Scott Huminski DATE: 7/17/2017  
EMAIL ADDRESS: S-Huminski@Live.com COURTHOUSE BOX #: None  
AGENCY/FIRM: Plaintiff pro se

^Order of Appointment must be attached.

☐ Private Atty. ☒ Pro Se ☐ State Atty/ Pub Def/Reg Coun ☐ ^Court Appointed Atty.

ADDRESS: 24544 Kingfish St.  
Bonita Springs FL 34134

**Electronic Court Recording will only supply a certified copy of recorded proceedings.****DISCLAIMER**

The Administrative Office of the courts of the Twentieth Judicial Circuit, Electronic Court Reporting Office, Court Administrator, Judges, State, County and any employees thereof, shall not be held responsible or liable for any errors, omissions, mistakes, negligence, or any other acts committed by or on behalf of the transcriptionist, or committed by or on behalf of any party, person, or entity requesting or utilizing the electronic recording, regardless of whether or not the acts are, or were, committed intentionally, maliciously, or in bad faith. Any party, person or entity requesting a recording of due process proceedings electronically recorded for transcription purposes, or for any other purposes, shall indemnify and hold harmless the Administrative Office of the Courts of the Twentieth Judicial Circuit, Electronic Court Reporting Office, Court Administrator, Judges, State, County and any employees thereof, from any actions or claims which might arise based upon any errors, omissions, mistakes, negligence, or any other acts committed by or on behalf of the transcriptionist, or committed by or on behalf of any party, person, or entity requesting or utilizing the electronic recording, regardless of whether or not the acts are or were committed intentionally, maliciously, or in bad faith.

**Requests will be filled within 7-10 days from receipt of full payment.**

AT

00:27:20

### ACKNOWLEDGEMENT

#### RELEASE OF AUDIO RECORDING OF COURT PROCEEDING TO ATTORNEY OF RECORD OR PARTY

CASE STYLE: Scott Huminski v. Town of Gilbert AZ et al.  
CASE NO.: 17-CA-421

### PROHIBITION AGAINST DISSEMINATION

The audio recording of the above-referenced court proceeding that has been provided to you upon request may contain information that is confidential or exempt from public disclosure by court order or under Florida law. Dissemination of this confidential or exempt information to any other person is strictly prohibited. Violation of this prohibition may subject you to legal action for contempt of court.

Members of the general public may obtain a copy of this recording through a request to the Electronic Court Reporting Office, unless the recording is protected from public disclosure by court order or Florida law. Prior to release of the recording to a member of the general public, the Electronic Court Reporting Office will review the recording for confidential or exempt information, and redact such information from the recording.

I, Scott Huminski, am an attorney of record or a party in the above-referenced court case. I acknowledge that I have received and read the **Prohibition Against Dissemination** and understand that further dissemination of any confidential or exempt information contained on the audio recording provided to me is strictly prohibited and may subject me to legal action for contempt of court. By my signature below, I acknowledge, understand, accept and agree to comply with the **Prohibition Against Dissemination**.

  
Signature of Requester

7/17/2017  
Date

Scott Huminski  
Printed Name of Requester

24544 Kingfish St, Bonita Springs FL 34134  
Requester's Address

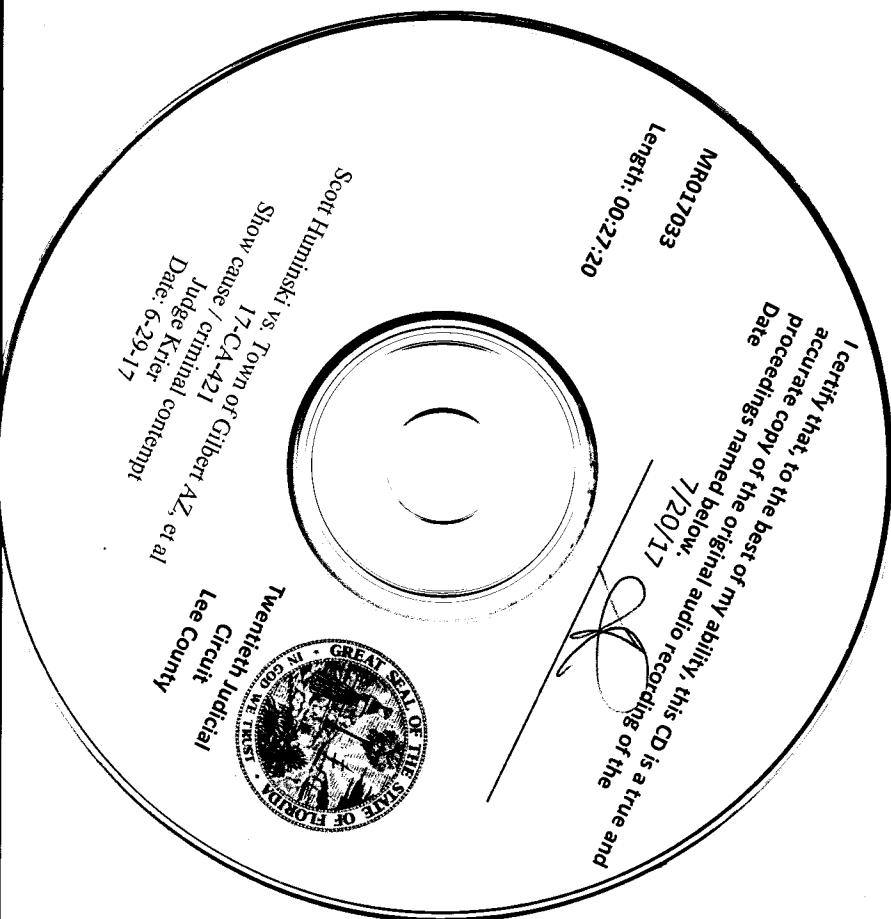
239 300 6656  
Requester's Telephone Number

S\_Huminski@Live.COM  
Requester's Email Address



# CourtSmart Tag Report

1:21:15 PM	<<<MR017033 BEGINS>>>	
1:21:16 PM	HUMINSKI, SCOTT vs TOWN OF GILBERT AZ 17CA421	SHOW CAUSE / CRIMINAL
	CONTEMPT Atty KNOX, STEVEN DOUGLAS	
1:21:17 PM	APPEARANCES	
1:21:21 PM	DISCUSSION	
1:21:51 PM	IN RE: BOND/PRETRIAL RELEASE	
1:25:01 PM	MR. HUMINSKI SPEAKS	
1:25:33 PM	COURT ADVISES MR. HUMINSKI OF HIS RIGHTS	
1:26:52 PM	COURT SUGGESTS MENTAL HEALTH EVAL	
1:27:30 PM	8/15/17 @ 1PM	
1:28:40 PM	COURTS CONCERNS ABOUT PRETRIAL ASPECTS	
1:29:31 PM	ARGUMENTS AS TO PRETRIAL	
1:30:42 PM	MR. HUMINSKI REQUESTS CLARIFICATION	
1:35:10 PM	MR. HUMINSKI INQUIRES ABOUT BEING PRO SE	
1:36:56 PM	DISCUSSION OF BANKRUPTCY	
1:38:25 PM	COURT ADVISES MR. HUMINSKI TO GET AN ATTORNEY	
1:40:35 PM	PLEA OF NOT GUILTY	
1:40:41 PM	MR. HUMINSKI OBJECTS TO JURISDICTION OF THE COURT	
1:47:35 PM	MR. HUMINSKI DISCUSSES BANKRUPTCY	
1:48:35 PM	CONCLUDED	
1:48:35 PM	<<<MR017033 ENDS>>>	



# Exhibit “G”

In The  
**United States Bankruptcy Court**  
**For the Middle District of Florida**

IN RE, )  
SCOTT ALAN HUMINSKI, ) CASE No.17-03658-9D7  
DEBTOR )  
 ) ADV. PROC. No. 9:17--509-FMD  
 ) HUMINSKI V. TOWN OF GILBERT, ET AL

**EMERGENCY MOTION FOR EX PARTE TEMPORARY RESTRAINING ORDER**

NOW COMES, Debtor, Scott Huminski ("Huminski"), moves for an emergency temporary restraining order as follows:

1. Despite removal of the State case to this Court, at a State Court hearing on 5/29/2017 in violation of 11 USC 362, the State Court indicated that it would not obey the automatic stay 11 USC 362 and further indicated that Huminski v. Town of Gilbert, the case removed concerning this adversary proceeding, would continue to be litigated in State Court. See attached Affidavit of Scott Huminski.

2. Although this is clearly contempt of this Court and a complete disrespect and disdain for the authority and jurisdiction of the federal Courts, Huminski only seeks a temporary restraining order and believes the State Court will cease its activities if such an order is issued.

3. Debtor is astonished concerning the brazen conduct of the State Court.

**WHEREFORE**, the Court should issue a TRO enjoining the State Court from continuing to litigate the removed case, Huminski v. Town of Gilbert, and to enjoin further violations of 11 USC 362 related to Huminski v. Town of Gilbert until the removed matter is disposed of in the Bankruptcy Court, in the alternative, the Court should issue a declaratory order addressing these issues.

Dated at Bonita Springs, Florida this 30<sup>th</sup> day of June, 2017.

-s/- Scott Huminski

\_\_\_\_\_  
Scott Huminski, pro se  
24544 Kingfish Street  
Bonita Springs, FL 34134  
(239) 300-6656

In The  
United States Bankruptcy Court  
For the Middle District of Florida

IN RE,	)	
SCOTT ALAN HUMINSKI,	)	CASE No.17-03658-9D7
DEBTOR	)	
	)	ADV. PROC. No. 9:17--509-FMD
	)	HUMINSKI V. TOWN OF GILBERT, ET AL

**AFFIDAVIT OF SCOTT HUMINSKI IN SUPPORT OF TEMPORARY  
RESTRAINING ORDER**

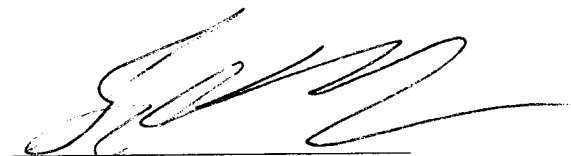
NOW COMES, Debtor, Scott Huminski ("Huminski"), and based upon personal knowledge, under oath, hereby swears, deposes and states as follows:

1. Huminski is over the age of 18 and under no legal disability.
2. After filing bankruptcy, service in Huminski v. Town of Gilbert was performed 3 times by the Lee county sheriff. On 5/2/2017 and 5/10/2017 the Lee Sheriff attempted service upon Huminski unsuccessfully.
3. At hearing in State Court on 6/29/2017, Huminski learned that the Sheriff was attempting to serve a notice of hearing in the State Court on the two occasions in May(despite the automatic stay) and a hearing was held without notice to Huminski in May concerning Huminski v. Town of Gilbert (despite the automatic stay).
4. On 6/13/2017, Huminski was served a Notice of Hearing to be held on 6/29/2017 (despite the automatic stay).
5. At hearing on 6/29/2017 in State Court, I informed the State Judge ("Krier") that the case had been removed and that the State Court was divested of jurisdiction. Krier argued that her cases are exempt from Bankruptcy law and that the case was not removed.
6. At hearing on 6/29/2017 in State Court, I informed Krier that Bankruptcy Rule 9027 effectuated the removal of Huminski v. Town of Gilbert and Krier denied the existence of Rule 9027.
7. At hearing on 6/29/2017 in State Court, Krier continued on with the business of the case discussing pre-trial hearings and trial dates.
8. At hearing on 6/29/2017 in State Court, Huminski continually asserted a lack of jurisdiction and asserted the matter was removed. In response Krier stated that cases can not be

removed from her Court to Bankruptcy Court and that the Bankruptcy Court lacked authority to remove cases and asserted there exists no automatic stay and that a Bankruptcy Court's powers are limited to issuing stays denying an automatic stay of Huminski v. Town of Gilbert.

8. I mentioned to Krier that I would have to pursue this TRO and she responded sarcastically "good luck with that". Krier's disdain for this Court was quite apparent as well her clear position that Bankruptcy Courts are a joke to be ignored.

Dated at Bonita Springs, Lee Couny, Florida this 30<sup>th</sup> day of June, 2017.



Scott Huminski, pro se

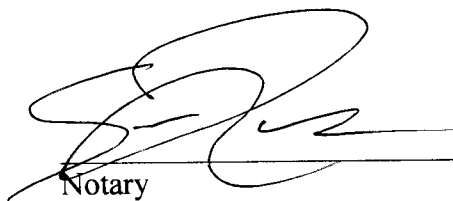
24544 Kingfish St.

Bonita Springs, FL 34134

(239) 300-6656

s\_huminski@live.com

SWORN AND SUBSCRIBED to before me this 30<sup>th</sup> day of June, 2017,

  
Notary

7-20-21  
Exp.



In The  
United States Bankruptcy Court  
For the Middle District of Florida

IN RE,	)	
SCOTT ALAN HUMINSKI,	)	CASE No.17-03658-9D7
DEBTOR	)	
	)	ADV. PROC. No. 9:17--509-FMD
	)	HUMINSKI V. TOWN OF GILBERT, ET AL

**NOTIFICATION THAT STATE COURT CONTINUES TO LITIGATE  
REMOVED CASE, HUMINSKI V. TOWN OF GILBERT**

NOW COMES, Debtor, Scott Huminski ("Huminski"), and notifies that the State Court refuses to honor the removal of Huminski v. Town of Gilbert to this tribunal. The State Court believes it is exempt from the automatic stay of 11 USC 362 and exempt from the removal Rule 9027. Only the injunctive relief filed herewith can rectify this jurisdictional conflict.

Litigating the matter in both Courts is absurd, an abuse of judicial economy, not in the interests of justice, violates public policy and is plainly bizarre conduct of the State Court.

Dated at Bonita Springs, Florida this 30<sup>th</sup> day of June, 2017.

-/s/- Scott Huminskin

\_\_\_\_\_  
Scott Huminski, pro se  
24544 Kingfish Street  
Bonita Springs, FL 34134  
(239) 300-6656  
S\_huminski@live.com

P



U.S. POSTAGE  
\$10.00  
PM 1-DAY  
33928 0006  
Date of sale  
06/30/17  
06 2500  
08276708

**PRIORITY MAIL 1-DAY™**

EXPECTED DELIVERY 07/01/2017

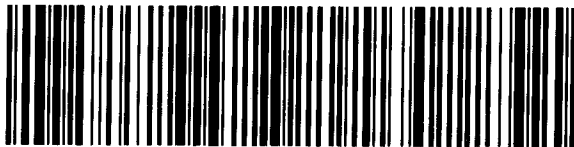
SHIP  
TO:

0006

Clerk  
U.S. Bankruptcy Court

801 N FLORIDA AVE STE 555  
TAMPA FL 33602-3860

**USPS CERTIFIED MAIL™**



9502 6000 3214 7181 0000 41



# Exhibit “H”

In The  
United States Bankruptcy Court  
For the Middle District of Florida

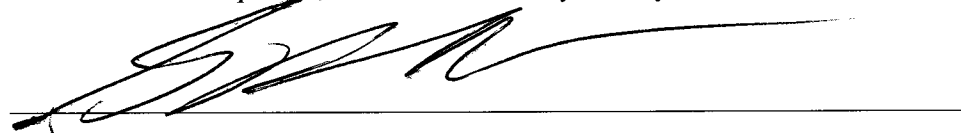
IN RE, )  
SCOTT ALAN HUMINSKI, ) CASE No.17-03658-9D7  
DEBTOR )  
 ) ADV. PROC. No. 9:17--509-FMD  
 ) HUMINSKI V. TOWN OF GILBERT, ET AL

**NOTICE OF COMPLIANCE WITH F.R.C.P. 65(b)(1)(A), 65(b)(1)(B),**  
**RE: Ex Parte TRO**

NOW COMES, Debtor, Scott Huminski ("Huminski"), and notifies that the failure of the State Court to respect the authority and jurisdiction vested to this Court via Rule 9027 removal constitutes disrespect for the integrity, powers, authority and jurisdiction of this tribunal and litigating the case in both State and Federal Courts causes *per se* harm and injury to Debtor and other parties and constitutes conduct prejudicial to the administration of justice, judicial economy and public policy. F.R.C.P. 65(b)(1)(A) The pending *ex parte* temporary restraining order may be granted without notice, although the papers were filed and served upon the State Court. Notice was proper, but not necessary under Rule 65.

Notice has been given to the State Court, but it is not necessary considering the conduct of the State Court indicates a deep disrespect for the Rule of Law and integrity of this Court. F.R.C.P. 65(b)(1)(B).

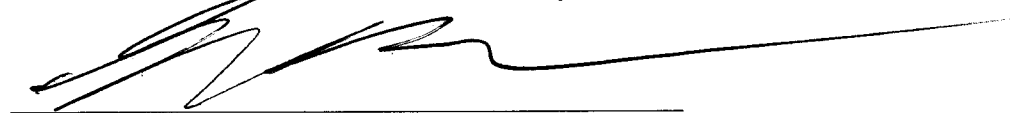
Dated at Bonita Springs, Florida this 9<sup>th</sup> day of July, 2017.



Scott Huminski, pro se  
24544 Kingfish Street  
Bonita Springs, FL 34134

Certificate of Service

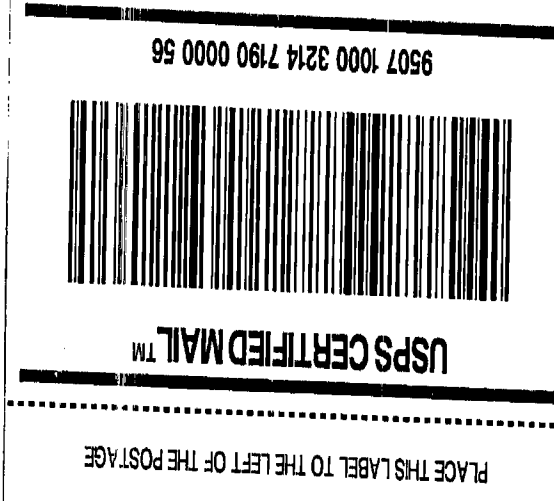
Copies of this document and any attachment(s) was mailed via First Class Mail, prepaid to the 20<sup>th</sup> Circuit Court, 1700 Monroe St., Ft Myers, FL 33901 on this 9<sup>th</sup> day of July, 2017.



Scott Huminski

US Bankruptcy Court - Clerk  
 801 W Florida Ave #555  
 Tallahassee FL 33602-3899

U.S. POSTAGE \$3.84  
 FCM LETTER 33928  
 Date of sale 07/09/17  
 A48570709 165008  
 408276708  
 SSK



24544 Hwy 57  
 Bonita Springs FL 3413

From Huminski  
PO BOX 3258A20  
Palm Coast FL

PRESS FIRMLY TO SEAL



PRESS FIRMLY TO SEAL

PRIORITY MAIL  
FLAT RATE ENVELOPE  
POSTAGE REQUIRED



- Expected delivery date specified for domestic use.
- Most domestic shipments include up to \$50 of insurance (restrictions apply).\*
- USPS Tracking® included for domestic and many international destinations.
- Limited international insurance.\*\*
- When used internationally, a customs declaration form is required.

\*Insurance does not cover certain items. For details regarding claims exclusions see the Domestic Mail Manual at <http://pe.usps.com>.

\*\* See International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.

Ashley Moody  
Atty General's Office  
PL-DI  
The Capital  
Tallahassee FL 32399

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EP14F May 2020  
OD: 12 1/2 x 9 1/2

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EXPECTED DELIVERY DAY: 07/30/21

Ashley Moody, Esq.  
Attorney General's Office  
PL-DI  
The Capital

SHIP TO:

Tallahassee FL 32399

0006

USPS CERTIFIED MAIL®



9502 6066 9811 1208 4088 84

AG

From: Huminski  
PO Box 353820

PRESS FIRMLY TO SEAL

PJM Cons FL 32137



PRESS FIRMLY TO SEAL

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POSTAGE REQUIRED



UNITED STATES  
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- Expected delivery date specified for domestic use.
- Most domestic shipments include up to \$50 of insurance (restrictions apply).\*
- USPS Tracking® included for domestic and many international destinations.
- Limited international insurance.\*\*
- When used internationally, a customs declaration form is required.

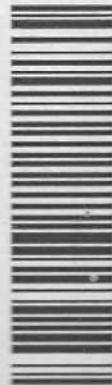
\*Insurance does not cover certain items. For details regarding claims exclusions see the Domestic Mail Manual at <http://pe.usps.com>.

\*\* See International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.

Gov Ron DeSantis  
Office of The Governor  
400 S. Monroe  
Tallahassee FL 32399

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EP14F May 2020  
OD: 12 1/2 x 9 1/2

To schedule free Package Pickup,  
scan the QR code.



USPS.COM/PICKUP



U.S. POSTAGE  
\$11.55  
PM 2-DAY  
32137 0006  
Date of sale  
07/27/21  
06 25 55  
11487516

P

PRIORITY MAIL 2-DAY®

EXPECTED DELIVERY DAY: 07/30/21

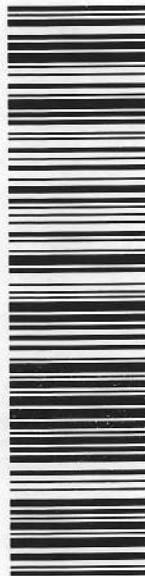
0006

Gov. Ron DeSantis  
Office of the Governor  
The Capital  
400 S. Monroe Street

SHIP  
TO:

Tallahassee FL 32399

USPS CERTIFIED MAIL®



9502 6066 9811 1208 4089 07