

In the

FLORIDA SUPREME COURT

Scott Huminski,)	
Petitioner,)	Case Number: 2025-0176
v.)	
State of Florida,)	Original Jurisdiction
Respondent.)	

MOTION TO TAKE JUDICIAL NOTICE

NOW COMES, Petitioner Scott Huminski (“Huminski”) and moves that the Court take judicial notice of the 7/31/2017 Affidavit filed in *State v. Huminski*, 17-MM-815, Lee County Court (previously contempt allegations in *Huminski v. Gilbert, et al.*, 17-CA-421, 20th Circuit Court) after the lawless transfer of contempt from the Circuit to the Lee County Court. A true and correct copy of the 7/31/2017 affidavit, as-filed in *State v. Huminski*, 17-MM-815, is attached hereto as Exhibit “A”.

The affidavit contains a listing of docket entries from the Circuit Court, 17-CA-421 (post April 2017 bankruptcy filing), that detail violations of the automatic stay, 11 U.S.C. § 362. The affidavit also memorializes that the Circuit Court contempt show cause order transformed from 120 pages to 3 pages prior to service omitting 117 pages of attachments suggesting that the service in the Circuit Court was fatally flawed and incomplete. Regardless, no service occurred in *State v. Huminski*, 17-MM-815. Whoever migrated the 6/5/2017 Circuit Court contempt

show cause order to the Lee County Court chose to not migrate the 6/26/2017 Notice of Removal into the County case. Federal removal negatively impacted the contempt claims in Huminski v. Gilbert prompting courthouse staff to file State v. Huminski in County Court to evade federal jurisdiction.

A few weeks after the affidavit filing, the presiding Circuit Court judge *sua sponte* recused with several denied Huminski motions for recusal on the record.

Dated February 23, 2025.

Respectfully Submitted,

-/s/- Scott Huminski

Scott Huminski

26 Fleetwood Drive

Palm Coast, FL 32137

(239) 300-6656

s_huminski@live.com

Certificate of Service

True and correct copies of the above document and any attachment was served upon the State of Florida via the Florida e-filing portal on February 23, 2025.

-/s/- Scott Huminski

Scott Huminski

Exhibit “A”

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 20th 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

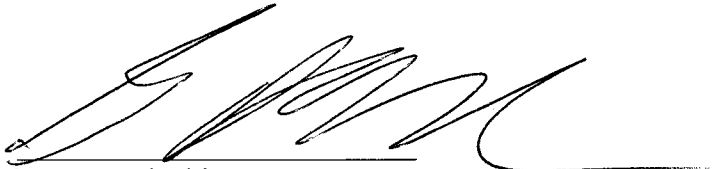
stay and removal may also be intentional as the State Court judge has 40 years of experience in the practice of law as an attorney and a judge.

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 County, Florida this 24th day of July, 2017.



Scott Huminski, pro se

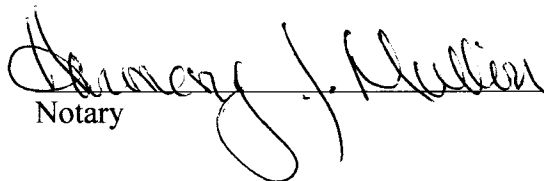
24544 Kingfish St.

Bonita Springs, FL 34134

(239) 300-6656

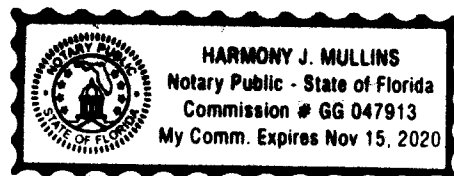
s_huminski@live.com

SWORN AND SUBSCRIBED to before me this 24th 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 #2 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

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

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

00:27:20

AT

ACKNOWLEDGEMENT

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

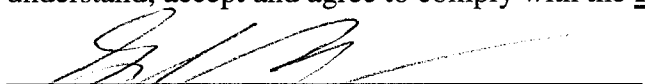
CASE STYLE: Scott Huminski v. Town of Gilbert AZ et al.
CASE NO.: 17-CA-421

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

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>>>

MR017033
Length: 00:27:20

Scott Huminski vs. Town of Gilbert
Show cause / criminal contempt
17-CA-421
Judge Krier
Date: 6-29-17

Twentieth Judicial
Circuit
Lee County



I certify that, to the best of my ability, this CD is a true and accurate copy of the original audio recording of the proceedings named below.
Date 7/20/17