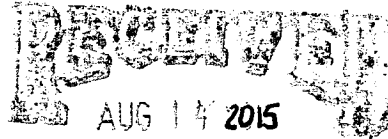


CASE NO: 15-031538DR N
DIVISION: DOMESTIC VIOLENCE

Frederic A Blum
Petitioner

VS.

Randy Scott
Respondent



DOMESTIC VIOLENCE DIVISION

BY _____
01

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FILED
CLERK

**NOTICE OF EMERGENCY MOTION TO STAY
AND EMERGENCY MOTION TO STAY**

Respondent requests the Court to enter an order staying the Final Order of injunction issued in the above styled case while the appeals court completes its complete review:

1. The temporary injunction was issued ex-parte contravening **FLORIDA RULES OF CIVIL PROCEDURES RULE 1.610 INJUNCTIONS**. The rule allows an ex-parte temporary injunction to be issued in two ways: 1.(a)1(B) **the movant's attorney certifies in writing any efforts that have been made to give notice and the reasons why notice should not be required.** OR 2.a(2).... Every temporary injunction granted without notice shall be endorsed with the date and hour of entry and shall be filed forthwith in the clerk's office **AND shall define the injury, state findings by the court why the injury may be irreparable, and give the reasons why the order was granted without notice if notice was not given.** (emphasis supplied)

The opposing counsel stated at the hearing on July 27, 2015 and on the record that she was assisting the petitioner filing the complaint prior to the filing of the complaint. The attorney stated she was "working with the court admin". That conversation occurred when the hearing was discussing the fact that the exhibits were not served with the petition. The opposing counsel DID NOT certify that assistance to the petitioner as required in Florida Family Law Rules 12.040(d):

Appellant Procedure 9.310

Preparation of Pleadings or Other Documents. A party who files a pleading or other document of record pro se with the assistance of an attorney shall certify that the party has received assistance from an attorney in the preparation of the pleading or other document. The name, address, and telephone number of the party shall appear on all pleadings or other documents filed with the court. If the party designates e-mail address(es) for service on and by that party, the party's e-mail address(es) shall also be included.

This is not a purely technical skillful set of the petitioners counsel this was a fundamental avoidance of the subsequent requirement of 1.610 (b) “the movant's attorney certifies in writing any efforts that have been made to give notice and the reasons why notice should not be required!”

The opposing counsel not certifying their petitioner assistance, as required by the Family rules, petitioner counsel avoided the required next step as to its reasons why notice should not be given. The court was sandbagged into issuing a temporary order and putting the respondent one foot deep into the permanent injunction.

Since opposing counsel did not avail itself to those above rules the court was obligating to : “...define the injury, state findings by the court why the injury may be irreparable, and give the reasons why the order was granted without notice if notice was not given.”. Neither occurred. Respondent believes he will be successful in using the record of the lower tribunal to overcome the fruit of the petitioners counsel initial errors in the filing of the petition that may have lead the court down a path of error(s).

Failure to grant the motion to stay will irreparable harm the respondent in any efforts to gain financial support for legal defense. The petition granted appears to

Appellant Procedure 9.310

suggest that any uttering of the petitioner name or his allies in any context could be subjectively seen to violate the protection order. Respondent asked this honorable court what he "can and can't do" and was told by this court gives "no legal advice".

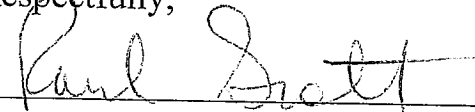
The United States Supreme Court has explained the doctrine of "vagueness":

"It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application. Third, but related, where a vague statute "abut[s] upon sensitive areas of basic First Amendment freedoms," it "operates to inhibit the exercise of those freedoms." Uncertain meanings inevitably lead citizens to "steer far wider of the unlawful ones' . . . than if the boundaries of the forbidden areas were clearly marked." Grayned v. City of Rockford, 408 U.S. 104, 108-09, 92 S.Ct. 2294, 2298-99, 33 L.Ed.2d 222 (1972)

Respondent requests that a full stay is issued until such time that the 2nd District of appeals court issues its order regarding this case.

August 14, 2015 .

Respectfully,



**Randy Scott
343 Hazelwood Ave S
Lehigh Acres, Florida 33936
2393007007**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and the foregoing was filed in the Lee County Clerk of Courts office. AND hand delivered directed at Jennifer Gutmore to 1625 Hendry Street, Third Floor, Fort Myers, FL 33901 also on this day directed at jgutmore@knott-law.com.