

IN THE CIRCUIT COURT OF THE
TWENTIETH, JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY FLORIDA
CASE NO: 15-031538DR N
DIVISION: DOMESTIC VIOLENCE

Randy A Scott)
Respondent)
)
v.)
)
Frederic A Blum)
Petitioner)

MOTION TO COMPEL

Florida Rules of Judicial Administration 2.516 Service of Pleadings and Documents require attorneys to use the e-portal in all filings. This in turn will immediately email all participants with the filed times. Please take notice that the appellant transcript of the proceedings held July 27, 2015 before the Honorable R. Thomas Corbin, Circuit Judge was filed via the Florida e-portal September 3, 2015 and opposing counsel was notified of same. On September 4, 2015 an entry was made into the docket showing a motion to strike. That motion was not entered into the e-portal system as required by the Florida Supreme Court by the opposing counsel. Respondent did not receive the motion. An email is attached showing the request to obtain the motion from Ms Gutmore.

The procedural missteps in this case are prejudicing the respondent's ability to prosecute this case. This is not the only incident of such prejudicial activity

associated with counsel /petitioner not following procedures. The initiating documents show that the opposing counsel prepared and signed the notice of limitation of services prior to appearing. That form is clear it is for a prose party. Yet that form is instrumental in the court administration accepting a petition. The solution at that point was for opposing counsel to file an appearance. Instead opposing counsel signed the notice of limitation form. This appears strategic and not a simple error. This allowed the court to approve a temporary injunction without opposing counsels:

“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”

Since the opposing counsel did not appear until AFTER the temporary injunction was granted the petitioner was apparently avoiding the counsel required statement. Because opposing counsel did not supply this statement petitioner left the obligation to the court. The court order furthers the plaintiffs procedural prejudice against the defendant by not declaring in its granting the order as required under RULE 1.610.INJUNCTIONS the following:

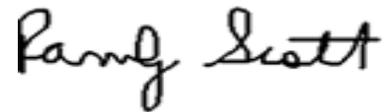
Every temporary injunction granted without notice shall be endorsed with the date and hour of entry and shall be filed forthwith in the clerk’s office and shall define the injury, **state findings by the court why the injury may be irreparable**, and give the reasons why the order was granted without notice if notice was not given. (Emphasis supplied)

I respectfully ask this court to compel the opposing counsel to follow the Florida Family Law Rules and the Florida Rules of Civil Procedures in all aspects of this

case. This will allow the efficiencies of the court to move forward and swiftly toward the simple oath of justice. The court can then make decisions based on good and accurate information it receives and not be bound by its previous decisions that keep intact orders based on petitioner's counsels procedural errors and not be held against a prose defendant and petitioner receiving the benefits of such errors by a favorable ruling on their behalf.

I also request you compel the petitioner and her counsel to those matters and require them to file all subsequent filings in the lower tribunal with designated email of the respondent listed using the e-portal system that notified them on September 3, 2015 it is operational.

September 5, 2015



Randy A Scott
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Lehigh Acres , Florida 33936
randy@randyscott.us
239.300.7007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and the foregoing was filed on the Florida e-portal under 2.516. Jennifer Gutmore was notified directed at jgutmore@knott-law.com on this day September 5, 2015.

Randy Scott

From: Randy Scott [randy@randyscott.us]
Sent: Friday, September 04, 2015 7:45 PM
To: 'jgutmore@knott-law.com'
Cc: 'Randy Scott'
Subject: Scott V. Blum Eportal Service requirement

Dear Ms Jennifer Gutmore:

Florida rules of Judicial Administration 2.516 requires the use of the eportal for service of all filings. As you are aware you were noticed of some filings via the lower tribunal e-portal on September 3, 2015.

I understand a new filing called a motion to strike was physically filed today in the lower tribunal please email me a copy of this order or comply with the Florida Supreme Court e-filing order and put it in the e-portal with my designated email address that is in the court record as of July 24, 2015.

Sincerely yours,

Randy Scott