

The appellee's argument of judicial economy is ironic and not consistent with concerns and actions in this case. In the lower court the appellee's filed what is known as a "Notice of Limitation of Services". (attached) That is a form that is supposed to be signed by the petitioner. Instead in order to move fast and furious and in the advantageous representation that this was a prose filing the opposing counsel signed that form to keep the cause under the appearance of a prose filing. This allowed the lower court to believe it was a prose filing and issue the temporary injunction. Florida rules of civil procedure shows this idea that was strategically evaded in this case;

**Florida Rules of Civil Procedure
RULE 1.610 INJUNCTIONS**

(a) Temporary Injunction.

(1) A temporary injunction may be granted without written or oral notice to the adverse party only if:

(A) it appears from the specific facts shown by affidavit or verified pleading that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(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.

By maintaining the appearance of a prose filing the judicial economy of the courts was usurped and the petitioner should not gain an advantage by such glaring absences.

The appellee did not use the March 2013 petition approved by the Florida Supreme Court relating to these sort of filings and the court did not order the form to be used. Most would agree the Florida Supreme Court approved forms are all about the foundation of judicial economy. By the petitioner not using the form it hampered the judicial economy of the courts. That form in section 5 shows the Florida forms committee believed direct contact is an important consideration for the court in issuing the temporary injunction.

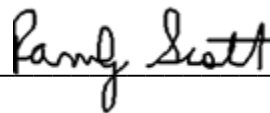
Further the concept of Family Court is “one family one judge”. This case is in the domestic violence Family court division in the lower tribunal. The motion to stay was filed and set for September 10, 2015. The motions under consideration of relinquishment was filed later and scheduled for that same date. The point is the clerks office scheduled it with a different judge for September 10, 2015 and that judge reset the hearing to September 28, 2015. If judicial economy was the concern of the lower court the experienced clerk scheduler would have understood the docket should have been with Honorable Judge Corbin or even better yet with whomever the original judge was that signed the temporary injunction. That would be the “one judge one family” theory known well to the family court and the clerk of court.

In brief by relinquishing these two motions back to the lower tribunal and IF the lower tribunal takes the opportunity to form an opinion based on the application of the facts to the law it will support the judicial economy of the appellant court. The support will be by having the lower court do the work required of it and lessening the end result of a de novo do over in the appeals court.

For the foregoing reasons I believe shifting the responsibility back to the lower court for these motions will provide for long term considerations of the workload between the appellant court and the lower tribunal in Lee County Florida.

I hope you agree and relinquish these motions back to the lower court for consideration and expansion of its reasons of issuing same.

September 15, 2015

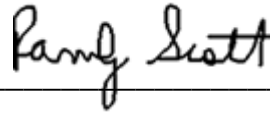


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CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy hereof was filed electronically through the Court's eDCA system on September 15, 2015 and service was effected upon opposing counsel.

September 15, 2015



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**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW
FORM 12.980(t)
PETITION FOR INJUNCTION FOR PROTECTION AGAINST STALKING
(03/15)**

When should this form be used?

If you are a victim of stalking, you can use this form to ask the court for a protective order prohibiting stalking. Stalking means the repeated following, harassment, or cyberstalking of one person by another. Cyberstalk means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Because you are making a request to the court, you are called the **petitioner**. The person whom you are asking the court to protect you from is called the **respondent**. If you are under the age of eighteen and have never been married or had the disabilities of nonage removed by a court, and are living at home, one of your parents or your legal guardian must sign this petition on your behalf.

The parent or legal guardian of any minor child *who is living at home* may seek an injunction for protection against stalking on behalf of the minor child.

If the respondent is your **spouse**, former spouse, related to you by blood or marriage, living with you now or has lived with you in the past (if you are or were living as a family), or the other parent of your child(ren), whether or not you have ever been married or ever lived together, you may, instead, choose to use the **Petition for Injunction for Protection Against Domestic Violence**, Florida Supreme Court Approved Family Law Form 12.980(a), rather than this form.

This form should be typed or printed in black ink. You should complete this form (giving as much detail as possible) and sign it the presence of a notary or in front of the **clerk of the circuit court** in one of the following: the circuit where you currently or temporarily reside; the circuit where the respondent resides; or the circuit where the stalking occurred. The clerk will take your completed petition to a **judge**. You should keep a copy for your records. If have any questions or need assistance completing this form, the clerk or **family law intake staff** will help you. There is no filing fee for a petition for protection against stalking.

What should I do if the judge grants my petition?

If the facts contained in your petition convince the judge that stalking or cyberstalking exists, the judge will sign a **Temporary Injunction for Protection Against Stalking**, Florida Supreme Court Approved Family Law Form 12.980(u). A temporary injunction is issued without notice to the respondent. The clerk will give your **petition**, the temporary injunction, and any other papers filed with your petition to the sheriff or other law enforcement officer for **personal service** on the respondent. The temporary injunction will take

effect immediately after the respondent is served with a copy of it. It lasts until a **hearing** can be held or for a period of 15 days, whichever comes first.

The court may extend the temporary injunction beyond 15 days for a good reason, which may include failure to obtain **service** on the respondent.

The temporary injunction is issued **ex parte**. This means that the judge has considered only the information presented by one side--YOU. Section I of the temporary injunction gives a date that you should appear in court for a hearing. You will be expected to testify about the facts in your petition. The respondent will be given the opportunity to testify at this hearing also. At the hearing, the judge will decide whether to issue a **Final Judgment of Injunction for Protection Against Stalking (After Notice)**, Florida Supreme Court Approved Family Law Form 12.980(v), which will remain in effect for a specific time period or until modified or dissolved by the court. **If either you or the respondent do not appear at the hearing, the temporary injunction may be continued in force, extended, or dismissed, and/or additional orders may be granted, including entry of a permanent injunction and the imposition of court costs. You and the respondent will be bound by the terms of any injunction or order issued at the final hearing.**

IF EITHER YOU OR THE RESPONDENT DO NOT APPEAR AT THE FINAL HEARING, YOU WILL BOTH BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED IN THIS MATTER.

If the judge signs a temporary or final injunction, the clerk will provide you with the necessary copies. **Make sure that you keep one certified copy of the injunction with you at all times!**

What can I do if the judge denies my petition or does not issue a Temporary Injunction?

If your petition is denied, you may amend your petition by filing a **Supplemental Affidavit in Support of Petition for Injunction for Protection**, Florida Supreme Court Approved Family Law Form 12.980(g). If the only ground for not granting an ex parte temporary injunction is no appearance of immediate and present danger of stalking, the court shall set a full hearing on your petition for injunction at the earliest possible time. The respondent will be notified by **personal service** of your petition and the hearing. You must attend the hearing, present facts, and bring evidence that supports your petition; failure to attend the hearing may result in dismissal of your petition.

Where can I look for more information?

Before proceeding, you should read General Information for Self-Represented Litigants found at the beginning of these forms. The words that are in **bold underline** are defined in that section. The clerk of the circuit court or **family law intake staff** will help you complete any necessary forms. For further information, see Section 784.0485, Florida Statutes, and Rule 12.610, Florida Family Law Rules of Procedure.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.**

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

Special Notes

If you require that your address be confidential for safety reasons, you should complete a **Request for Confidential Filing of Address**, Florida Supreme Court Approved Family Law Form 12.980(h), and file it with the clerk of the circuit. You should then write confidential in the space provided on the petition.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

Petitioner,

and

Respondent.

PETITION FOR INJUNCTION FOR PROTECTION AGAINST STALKING

I, *{full legal name}* _____, being sworn, certify that the following statements are true:

SECTION I. PETITIONER

(This section is about you. It must be completed; **however, if you require that your address be confidential for safety reasons**, you should complete and file a **Request for Confidential Filing of Address**, Florida Supreme Court Approved Family Law Form 12.980(h), and write confidential in the space provided on this form for your address and telephone number.)

1. Petitioner resides at the following address: *{address, city, state, zip code}* _____

{Indicate if applicable}

_____ **Petitioner seeks an injunction for protection on behalf of a minor child.** Petitioner is the parent or legal guardian of *{full legal name}* _____, a minor child who is living at home.

2. Petitioner's attorney's name, address, and telephone number is: _____

(If you do not have an attorney, write "none.")

SECTION II. RESPONDENT

(This section is about the person you want to be protected from. It must be completed.)

1. Respondent resides at the following address: *{provide last known street address, city, state, and zip code}* _____

2. Respondent's last known place of employment: _____
 Employment address: _____
 Working hours of Respondent: _____

3. Physical description of Respondent:
 Race: _____ Sex: Male _____ Female _____ Date of Birth: _____
 Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____
 Distinguishing marks and/or scars: _____
 Vehicle: (make/model) _____ Color: _____ Tag Number (if known) _____

4. Other names Respondent goes by (aliases or nicknames): _____

5. Respondent's attorney's name, address, and telephone number is: _____

 (If you do not know whether Respondent has an attorney, write "unknown." If Respondent does not have an attorney, write "none.")

SECTION III. CASE HISTORY AND REASON FOR SEEKING PETITION (This section must be completed.)

1. Has Petitioner ever received or tried to get an injunction for protection against stalking against Respondent in this or any other court?
 ___ Yes ___ No If yes, what happened in that case? {Include case number, if known}

2. Has Respondent ever received or tried to get an injunction for protection against stalking against Petitioner in this or any other court?
 ___ Yes ___ No If yes, what happened in that case? {Include case number, if known} _____

3. Describe any other court case that is either going on now or that happened in the past **between Petitioner and Respondent** {Include case number, if known}:

4. Petitioner is a victim of stalking because Respondent has: {please mark all sections that apply}
 - a. ___ Committed stalking;
 - b. ___ Previously threatened, harassed, stalked, cyberstalked, or physically abused the Petitioner;
 - c. ___ Threatened to harm Petitioner or family members or individuals closely associated with Petitioner;
 - d. ___ Intentionally injured or killed a family pet;
 - e. ___ Used, or threatened to use, against Petitioner any weapons such as guns or knives;
 - f. ___ A criminal history involving violence or the threat of violence, if known;

- g. ____ Another order of protection issued against him or her previously from another jurisdiction, if known;
- h. ____ Destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to Petitioner.

5. Below is a description of the specific incidents of stalking or cyberstalking: *{for cyberstalking, please include a description of all evidence of contacts and/or threats made by Respondent in voice messages, texts, emails, or other electronic communication}*

On *{dates}* _____ the following incidents of stalking occurred at the following locations: *{the locations may include, but need not be limited to, a home, school, or place of employment}*

____ Please indicate here if you are attaching additional pages to continue these facts.

6. **Additional Information**

____ Respondent owns, has, and/or is known to have guns or other weapons.

Describe weapon(s) and where they may be located, if known: _____

SECTION IV. INJUNCTION *{This section must be completed}*

1. Petitioner asks the Court to enter a **TEMPORARY INJUNCTION** for protection against stalking that will be in place from now until the scheduled hearing in this matter, which will immediately restrain Respondent from committing any acts of stalking, and which will provide any terms the Court deems necessary for the protection of a victim of stalking, including any injunctions or directives to law enforcement agencies.

2. Petitioner asks the Court to enter, after a hearing has been held on this petition, a **FINAL JUDGMENT** for protection against stalking prohibiting Respondent from committing any acts of stalking against Petitioner **and:**

a. prohibiting Respondent from going to or within 500 feet of any place Petitioner lives, or to any specified place regularly frequented by Petitioner and any named family members or individuals closely associated with Petitioner; _____

b. prohibiting Respondent from going to or within 500 feet of Petitioner's place(s) of employment or the school that Petitioner attends; the address of Petitioner's place(s) of employment and/or

school is: _____
_____;

c. prohibiting Respondent from contacting Petitioner by telephone, mail, by e-mail, in writing, through another person, or in any other manner;

d. ordering Respondent that he or she shall not have in his or her care, custody, possession, or control any firearm or ammunition;

e. prohibiting Respondent from knowingly and intentionally going to or within 100 feet of Petitioner's motor vehicle, whether or not that vehicle is occupied;

3. Petitioner asks the Court to enter any other terms it deems necessary to protect Petitioner from stalking by Respondent.

I UNDERSTAND THAT BY FILING THIS PETITION, I AM ASKING THE COURT TO HOLD A HEARING ON THIS PETITION, THAT BOTH THE RESPONDENT AND I WILL BE NOTIFIED OF THE HEARING, AND THAT I MUST APPEAR AT THE HEARING. I UNDERSTAND THAT IF EITHER THE RESPONDENT OR I FAIL TO APPEAR AT THE FINAL HEARING, WE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED AT THAT HEARING.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

Dated: _____

Signature of Petitioner
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Designated E-Mail Address(es): _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____.

NOTARY PUBLIC or DEPUTY CLERK

{Print, type, or stamp commissioned name of notary or clerk.}

_____ Personally known
_____ Produced identification
_____ Type of identification produced _____

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

Frederic A. Blum
Petitioner

CASE NO. 15-31538-DR N

And
Randy Allen Scott
Respondent

NOTICE OF LIMITATION OF SERVICES PROVIDED

The personnel in the Domestic Violence Division, a self help program, are not acting as your lawyer or providing legal advice to you.

Self-Help personnel are not acting on behalf of the court or any judge. The presiding judge in your case may require amendment of a form or substitution of a different form.

The personnel in this self-help program cannot tell you your legal rights or remedies are or represent you in court or tell you how to testify in court.

Self help services are available to all persons who are or will be parties to a family case.

The information that you give and receive from self-help personnel is not confidential and maybe subject to disclosure at a later date. (Please Note: Information concerning Confidential Addresses cannot be disclosed by a self-help personnel as required by Florida Law)

If another person involved in your case seeks assistance from the self-help program, that person will be given the same type of assistance that you receive.

In all cases, it is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits assets or liabilities.

I CAN READ ENGLISH
 I CANNOT READ ENGLISH. THIS NOTICE WAS READ TO ME BY
(NAME) _____ IN (LANGUAGE) _____

[Signature]
Signature of Party
7/16/15
Date

[Signature]
Signature of Non Lawyer
7/16/15
Date

Jennifer S. Gutmore
Print Name of Party

Carlos E. Valverde
Print Name of Non Lawyer

Attorney for Petitioner
FL Bar # 40078