

**IN THE FLORIDA SUPREME COURT  
CASE NO. SC2024-1862**

TERESA M. GAFFNEY,

Appellant,

v.

Petition from the Second  
District Court of Appeal  
Case No. 2D24-0352  
L.T. Case No. 14-CA-003762

PHILLIP A. BAUMANN,  
Administrator ad Litem of the  
Estate of John J. Gaffney,

Appellee.

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**ON APPEAL FROM THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA**

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**RESPONDENT'S BRIEF ON JURISDICTION**

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## **PRELIMINARY STATEMENT**

Respondent, MICHAEL R. KANGAS, as Administrator Ad Litem of the Estate of John J. Gaffney, was the Appellee in the district court of appeal. He is referred to in this brief as “Respondent.” Phillip A. Baumann, identified in the case style above, served as administrator ad litem of the Estate of John J. Gaffney from April of 2014, through his death in August of 2023. Respondent was appointed in October of 2023 as the successor administrator ad litem.

Petitioner, TERESA M. GAFFNEY, individually, was the sole Appellant in the district court of appeal and was one of three defendants in the trial court. She is referred to in this brief as “Petitioner.”

The Second District Court of Appeal’s November 22, 2024, **Order Restricting Appellant, Teresa M. Gaffney, From Future Pro Se Filings** is included in Petitioner’s Appendix at **Tab 1**. (herein, the “Order”). The Order is in effect an order entered after an order to show cause<sup>1</sup> and finds that Petitioner’s response to the

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<sup>1</sup> The order to show cause was included as part of the Second District Court of Appeal’s September 12, 2024, order dismissing for

order to show cause was “unavailing as it fails to justify her meritless and repetitive filings” and directs the clerk of the Second District Court of Appeal to place future filings by Petitioner in an inactive file, unless such filing is “signed by a member in good standing of The Florida Bar.” **Order, p. 2.** Petitioner’s attempt to invoke this Court’s discretionary jurisdiction is her latest *meritless and repetitive* attempt to reverse the Final Judgment that was per curiam affirmed in Case No. 2D2017-4238;<sup>2</sup> and the orders denying her prior attempts to seek relief from judgment, which orders were per curiam affirmed in Case No. 2D2019-3972.

Petitioner’s recitation of the case and facts is inaccurate and is presented contrary to the Rules of Appellate Procedure and dictates of this Court. Therefore, Respondent elects to include a Statement of the Case and Facts in this brief.

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lack of jurisdiction Petitioner’s latest appeal to the Second District Court of Appeal. This Court previously dismissed Petitioner’s attempt to invoke this Court’s discretionary jurisdiction to review that order on December 19, 2024, in Case SC2024-1474.

<sup>2</sup> This Court denied a petition for writ of mandamus related to that opinion in Case No. SC19-893 and denied discretionary review of that opinion in Case No. SC19-899.

## **STATEMENT OF THE ISSUE**

Under Article 5, Section 3(b) of the Florida Constitution, does the Florida Supreme Court have jurisdiction to review per curiam affirmed orders, for which mandates have been issued, that the Florida Supreme Court previously denied to review, through the request to invoke the Court's discretionary jurisdiction seeking review of an order of the Second District Court of Appeal that sanctions a litigant and prohibits that litigant from future pro se filings?

The short answer is no. This Court lacks jurisdiction to review prior *decisions* of the Second District Court of Appeal under the guise of review of the Order granting sanctions against Petitioner.<sup>3</sup>

## **STATEMENT OF THE CASE AND FACTS**

Petitioner disregards the role of "facts" in a jurisdictional brief. Briefs on jurisdiction are limited solely to the issue of the supreme court's jurisdiction. Fla. R. App. P. 9.120(d). For purposes of

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<sup>3</sup> Petitioner's jurisdictional brief erroneously requests that this Court review of all prior decisions of the Second District Court of Appeal, and not the November 22, 2024, Order granting sanctions as Petitioner's brief requests review of "decisions" (plural) five different times. (Petitioner's Jurisdictional Brief, p.5, p.9 (three references), and p. 12).

determining jurisdiction, this court is limited to the facts which appear on the face of the opinion. Hardee v. State, 534 So. 2d 706, 708 (Fla. 1988). Petitioner’s Jurisdictional Brief is replete with unreferenced “facts” that are nowhere to be found in the Order of the court of appeal. Many of these alleged “facts” are half-truths and innuendo, some are not found in the record, some are outright falsehoods, and some wholly ignore that the trial court and court of appeal rejected arguments previously made, and this Court subsequently denied review of those appellate court opinions.<sup>4</sup> Refuting these inaccuracies and falsehoods requires delving into the long record and history of this case, which not only would take much of the length of this brief, but would be inappropriate in a jurisdictional brief. The appropriate response to Petitioner’s Jurisdictional Brief would be a motion to strike. However, due to the seven-plus years of post-judgment delay caused by Petitioner, Respondent will not subject the Estate of John J. Gaffney to added delays by filing such a motion.

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<sup>4</sup> For example, Petitioner states as fact that the “statute of limitations had expired,” and Respondent “lacked standing” however these are arguments have been rejected multiple times over the past seven years of relentless post-judgment litigation by Petitioner. **Petitioner’s Jurisdictional Brief**, p. 1.

Concerning the facts relevant to this proceeding, Respondent faces some difficulty in presenting the same because, frankly, it is a real challenge to discern the alleged basis for jurisdiction from the Petitioner's brief. The Order solely restricted Petitioner's ability to file any further pro se appeals in the Second District Court of Appeal. Petitioner's jurisdictional brief neither addresses that sanction nor the case cited in the Order, to wit State v. Spencer, 751 So. 2d 47 (Fla. 1999). Petitioner's arguments in Petitioner's Jurisdictional Brief that the Order somehow expressly and directly conflicts with case law on Florida's constitutional homestead protection have no basis in fact or law.

Instead, Petitioner submits a jurisdictional brief that fails to address the substance of the Order for which she seeks discretionary review.

### **SUMMARY OF THE ARGUMENT**

The court of appeal correctly restricted Petitioner's ability to file documents pro se in the Second District Court of Appeal due to her "meritless and repetitive" filings. Petitioner erroneously requests that this court exercise its jurisdiction alleging that the Order expressly and directly conflicts with a decision of another court,

however fails to cite to any case from any court that conflicts with State v. Spencer, which the only case cited in the Order. 751 So. 2d 47 (Fla. 1999).

### **ARGUMENT**

The Florida Constitution provides the supreme court:

May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.

Art. V, § 3, Fla. Const. In interpreting its jurisdiction, this Court has cautioned that it does not “have subject matter jurisdiction over a district court opinion that fails to expressly address a question of law, such as [decisions] issued without opinion or citation.” Wheeler v. State, 296 So. 3d 895, 896 (Fla. 2020) (quoting Florida Star v. B.J.F., 530 So. 2d 286, 288 n.3 (Fla. 1988)). Following Wheeler, this Court must decline review and dismiss Petitioner’s attempt to invoke this Court’s discretionary jurisdiction, pursuant to Fla. R. App. P. 9.120.

The Order on review provides that Petitioner’s “response [to the order to show cause] is unavailing as it fails to justify her meritless and repetitive filings” and directed the clerk to place certain future filings made by Ms. Gaffney in the Second District Court in an inactive file “unless the filing is signed by a member in good standing of the Florida Bar.” (Petitioner’s App’x, Tab 1).

Petitioner fails to demonstrate that the Order expressly conflicts with any other appellate decision and therefore this Court must decline Petitioner’s request to exercise its discretionary jurisdiction.

### **CONCLUSION**

Under the constitutional plan of the State of Florida, the powers of this court to review decisions of the district courts of appeal are limited and strictly prescribed. It was never intended that the district courts of appeal should be intermediate courts. This appellate court after its review of the record correctly restricted Petitioner from further “meritless and repetitive filings.” This court must decline to exercise its discretionary jurisdiction, as no grounds exist for this court to exercise the same. In addition, this Court should consider issuing sanctions against Petitioner under

Fla. R. App. P. 9.410(a) including reprimand, contempt, striking of briefs or pleadings, dismissal of proceedings, costs, attorneys' fees, an order prohibiting Petitioner from filing any further motions or proceedings, in this Court, or the state courts of Florida without said motion or proceeding being signed by a member in good standing of the Florida Bar, and for any further sanctions this Court deems just and appropriate.

Respondent respectfully requests this court to promptly deny the application for discretionary review.

Dated this 14th day of January 2025.

Respectfully submitted,

/s/ Michael R. Kangas

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing will be served this 14th day of January 2025, via US Mail to: Teresa Gaffney, at PO BOX 18112, Tampa, Florida 33679.<sup>5</sup>

/s/ Michael R. Kangas  
Michael R. Kangas  
Florida Bar Number 54492

**CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that the foregoing complies with the font (Bookman Old Style 14-point font) and word count limit (2,500 words) requirements of Rule 9.045 and Rule 9.210 of the Florida Rules of Appellate Procedure.

s/ Michael R. Kangas  
Michael R. Kangas  
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<sup>5</sup> The Florida Supreme Court recently permanently disbarred Ms. Gaffney from The Florida Bar for her violations of the Rules Regulating the Florida Bar in the cases related to this matter. Because Ms. Gaffney is no longer an attorney, the undersigned believes it to be inappropriate to serve her via the e-filing portal using the credentials she obtained as a licensed lawyer, and Ms. Gaffney has not filed a designation of e-mail address for service as provided for in the Rules of General Practice and Judicial Administration. In addition to mailing, a courtesy copy will be e-mailed to Ms. Gaffney at [msamuel31106@yahoo.com](mailto:msamuel31106@yahoo.com).