IN THE SUPREME COURT OF THE STATE OF FLORIDA
500 SOUTH DUVAL STREET, TALLAHASSEE, FLORIDA 32399

RE: GEORGE MAY VS. PATRICK C. BARTHET ET. AL.

CASE NUMBER: SC04–2270
Lower Tribunal Case Number: 4D04–2800
Lower Tribunal Filing Date: 11/15/04

Appellant/Petitioner(s) Appellee/Respondent(s)

AMENDED
APPELLANT/PETITIONER, GEORGE MAY
INITIAL BRIEF ON JURISDICTION

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STATEMENT OF FACTS

The respondent's here committed grand theft of the Petitioner, George May, and his joint venture partners property, articles, English Common Law Inventions, Discovery's prohibited by Florida Criminal Statutes Chapter §772, §775, §777, §812, §831. The Petitioner filed his complaint's for grand theft in the Circuit Court of West Palm Beach, where the respondent's committed grand theft of the petitioner's property, mentioned herein above. The respondent's filed false, fraudulent court papers to remove the petitioner's complaint's to the Federal District Court. The Honorable United States District Judge, Kenneth L. Ryskamp, on February 10, 2003, found all of the defendant's guilty of the grand theft of the petitioner's property mentioned herein above based on Florida Statutes. Chapter §772, §775, §777, §812, §831. The respondent's defendant's signed written, corroborated letters of confession, dated December 3, 1993, December 29, 1993, November 21, 1995, and remanded the case back to the Circuit Court of West Palm Bch., Florida, for judgment to be entered against the respondent's/defendant's. The respondent's/defendant's then filed more false, fraudulent court papers with the court in West Palm Beach, Florida committing grand theft of the petitioner/plaintiff, George May, and his joint venture partners property, and judgment to be entered under Florida Criminal Statutes Chapter §772, §775, §777, §812, §831, as the respondent's/defendant's here confessed by signed written, corroborated letters mentioned herein above, that they did commit grand theft of the petitioner's property before mentioned herein, waiving any, all defenses to the petitioner's complaint's, and prohibiting all judicial

discretionary acts by a judge, except entering the required Default Final Judgment against the respondent's/defendant's.

The petitioner refilled his complaint's in the Circuit Court of West Palm Beach, Florida, under Florida Criminal Statutes Chapter §772, §775, §777, §812, §831,

The respondent's/defendant's here refused to answer the petitioner/plaintiff's complaint's, defaulted under Florida Rules of Civil Procedure, Orders by the Supreme Court of Florida 1.1 40(a)(1), then after default, filed a prohibited motion under Florida Statutes Chapter §68.093, after waiving all of their defenses under Florida Statutes Chapter §68.093, by their signed written, corroborated letter confession of the grand theft of the petitioner/plaintiff's property before mentioned herein. See Anton v. Anton, 763 So. 2d 404, (Fla. 4th DCA 2000), (defendant pled guilty to grand theft). Weitnauer Trading Co. Ltd. v. Annis, 516 F.2d 878, (averment that indebtedness defendant had guaranteed was in excess of $150,000.00 was admitted by his failure to deny it.)

The administrative Judge Elizabeth T. Maass, without the petitioner, being personally served with the notice of hearing, without permitting the petitioner to obtain licensed counsel, without the respondent's/defendant's filing the required affidavit required by the Laws of Florida, Equity Rule 73 (U.S.S.C. 33 Sup. Ct. xxxix), and being prohibited by the preempted order by the Honorable United States District Judge, Kenneth L. Ryskamp, Order of February 10, 2003, that found all of the respondent's/defendant's guilty, of grand theft of the petitioner's property, and prohibited by the signed written, corroborated letter confession's by the respondent's/defendant's of the grand theft of the Petitioner/Plaintiff's

property before mentioned herein, entered the void, unconstitutional, without subject matter jurisdiction, in clear absence of all authority Order of July 15, 2004, October 4, 2004, November 16, 2004. On October 14, 2004, Judge Jeffrey A. Winikoff, entered a void, unconstitutional, Order based on the void, unconstitutional Order by Administrative Judge, Elizabeth T. Maass of July 15, 2004, October 4, 2004. On October 19, 2004, Judge Timothy P. McCarthy entered a void, unconstitutional Order by Judge Jeffrey A. Winikoff, based on the void, unconstitutional Order by Administrative Judge Elizabeth T. Maass, entered on July 15, 2004, and October 4, 2004, all of which declare the First, Fifth, Fourteenth Thirteenth Amendment of the United States Constitution, the Due Process Clause, the Order by United States District Judge Kenneth L. Ryskamp, of February 10, 2003, Orders by the Supreme Court of the United States, the Civil Rights Act of 1870, 42 U.S.C. §1983, the Civil Rights Act of 1871, 42 U.S.C. §1985, Florida Statutes Chapter §772, §775, §777 §812, §831, "INVALID" for the special defendant's here.

SUMMARY OF THE ARGUMENT

The Order entered on July 15, 2004, October 4, 2004, November 10, 2004, are final appealable Orders, giving the Supreme Court of Florida jurisdiction of this matter under Florida Rules of Appellate Procedure 9.130, 1977 Revision, Subsection (a)(5),

> "Subsection (a)(5), grants a right of review on motions seeking relief on the grounds of mistake, fraud, satisfaction of judgment, or other grounds listed in Florida Rule of Civil Procedure 1.540."

The Order's entered on July 15, 2004, October 4, 2004, November 10, 2004, in error are Final Appealable Order's requiring the Supreme Court Review, and Jurisdiction of this matter under Florida Rules of Appellate Procedure 9.030(a)(1)(A)(ii), decisions of district courts of appeal declaring invalid a State Statute or a provision of a State Constitution.

> "The Honorable Court here is required to review the lower court's Orders of July 15, 2004, October 4, 2004, November 10, 2004, attached hereto entered in error, as they declare the before mentioned herein United States of America Constitution, the State of Florida Constitution, Federal Statutes, the Civil Rights Act of 1870, 42 U.S.C. §1983, the Civil Rights Act of 1871, 42 U.S.C §1985, Florida Statutes Chapter §772, §775, §777, §812, §831, "INVALID".

The Order's entered in error on July 15, 2004, October 4, 2004, November 10, 2004 after signed written, corroborated confessions of grand theft by the appellee/defendant's and default for refusal to file any court paper within the time required by Orders by the Supreme Court of Florida, Florida Rule of Civil Procedure 1.140(a)(1), are Final Appealable Order's giving the Supreme Court of Florida Jurisdiction of this matter under Florida Rules of Appellate Procedure 9.030 (2)(A)(vi) as they are certified to be in direct conflict with decisions of other district court's of appeal.

The Order's entered on July 15, 2004, October 4, 2004, November 10, 2004, opinion November 10, 2004, in error, are additionally prohibited as they deprive the Appellant, George May, of his protected Constitutional Rights.

ARGUMENT

The Supreme Court of Florida is required under Florida Rules of Appellate Procedure 9.030(a)(1)(A)(ii), to have jurisdiction of this matter and reverse the Order's entered in error by the lower court's on July 15, 2004, October 4, 2004, November 10, 2004, Opinion Filed November 10, 2004, attached hereto as they effect a grand theft of the Appellant/Plaintiff, George May, and his joint venture partners property, article, English Common Law Inventions, by declaring Florida Statutes Chapter §772, §775, §777, §812, §831, the United States of America, the State of Florida Constitutions, the Civil Rights Act of 1870, 42 U.S.C. §1983, the Civil Rights Act of 1871, 42 U.S.C. §1985, "INVALID". Orner v. Shalala, 30 F.3d 1307 (10th Cir. 1994); Briley v. Hidalgo, 981 F.2d 246 (5th Cir. 1993); Bolling v. Sharpe, 347 U.S. 497 (1954); In re Intermagnetics Am. Inc. 926 F.2d 912 (9th Cir. 1991): Hanson v. Denckia, 357 U.S. 235, 78 S. Ct. 1228; U.S. v. Will 449 U.S. 200, 216. 101 S. Ct. 471; Cohens v. Virginia, 19 U.S. (6 wheat) 264; Sabariego v. Marverick, 124 U.S. 261,8 S. Ct. 461; League v. De Young, U.S. 11 How 184; Exparte State of Virginia, 100 U.S. 339 (1879); Zarcone v. Perry, 572 F.2d 52, 53-54 (2nd Cir. 1978).

The Order's by the Administrative Judge Elizabeth T. Maass of July 15, 2004, October 4, 2004, entered in error, and the Order entered by the Fourth District Court of Appeal, Opinion Filed November 10, 2004, attached hereto that is based on the void, unconstitutional Orders of July 15, 2004, October 4, 2004, entered by Elizabeth T. Maass, after signed, written, corroborated confessions

of grand theft by the appellee, defendant's of December 3, 1993, December 29, 1993, November 21, 1995, the Order by Honorable United States District Judge Kenneth L. Ryskamp of February 10, 2003, that finds all of the appellee/defendant's here guilty of grand theft of the Appellant's property before mentioned herein, the appellee/defendant's default under Orders by the Supreme Court of Florida, Florida Rules of Civil Procedure 1.140(a)(1), for their refusal to file any paper within the period of time required by Rule 1.140(a)(1), are void, in clear absence of all authority, as the Federal Constitution, governs under the Supremacy Clause, and are additionally void, prohibited by Article I, Section 9, Clause 3, Article I, Section 10, Clause I, Article VI, as Florida Statutes §68.093, is a prohibited Bill of Attainder, Ex Post Facto Law, and as Elizabeth T. Maass, the Fourth District Court of Appeal, Judges Shahood, Hazouri, JJ., are prohibited from impairing the obligation of the appellee/defendant's signed written, corroborated confession of grand theft of the Appellant/Plaintiff, George May, and his joint venture partners property before mentioned herein by Article I, Section 10, Clause I, Article VI, of the U.S. Constitution, which prohibit's the State of Florida from impairing the obligation of the appellee/defendant's signed written, corroborated contract confession of grand theft of the Appellant's property, that supplies both evidence and verdict, ending controversy. The Orders entered in error here by before mentioned Judges, the lower Court are not Constitutional, and have been ruled unconstitutional in Procup v. Strickland, 792 F.2d 1071. The Supreme Court here has required jurisdiction because it is the kind of injunction, Order, which affects the rights of litigants.

CONCLUSION

The Supreme Court of Florida has required jurisdiction over this matter under Florida Rules of Appealate Procedure, 9.030(a)(1)(A)(ii), the lower Court's Orders, entered in error on July 15, 2004, October 4 , 2004, November 10, 2004, opinion filed November 10, 2004, attached hereto, must be reversed as they are prohibited by the appellee/detendant's signed, written, corroborated confessions of grand theft of the Appellant's property, the Order by Honorable U.S. Judge Kenneth L. Ryskamp of February 10, 2003, that finds all of the defendant's guilty, the appellee/defendant's refusal to file any paper required by Orders by the Supreme Court of Florida, Florida Rule of Civil Procedure 1.140(a)(1), within the period of time required by the Rules, and as they effect a prohibited grand theft of the Appellant, George May, and his joint venture partners property, articles, English Common Law Inventions, by declaring Florida Criminal Statutes Chapter §772, §775, §777, §812, §831, the United States of America Constitution, the Florida Constitution, the Common Law of England, the Civil Rights Act of 1870, 42 U.S.C. §1983, the Civil Rights Act of 1871, 42 U.S.C. §1985, "INVALID",

The Appellant/Plaintiff, George May, prays that this honorable court reverse the Order's mentioned herein above that are prohibited, entered in error by the lower court's,. and enter it's order requiring the lower court's to enter a default, default judgment, summary judgment, default final judgment, in the Appellant, George May, favor and against the appellee/defendant's Patrick C. Barthet, Andrew M. Feldman, Michael K. Winston, John R. Hart, Paul D.

Breitner, Glenn Schaeffer, Michael Ensign, Mandalay Resort Group, Inc., International Game Technology, Inc., G. Thomas Baker, Charles N. Mathewson, jointly and severally, in the amount of treble $3.6 Billion Dollars, exclusive of attorney fee's and costs.

VERIFICATION

STATE OF FLORIDA

COUNTY OF PALM BEACH

Before me the undersigned authority, personally appeared George May, who was sworn and says the foregoing is true to the best of his knowledge and belief.

_____

George May

Sworn to and subscribed before me this December 28, 2004, by George May.

_____

NOTARY PUBLIC

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief is in compliance with Rule 9.210 (a) (2), and the font requirements of Rule 9.100(1), Florida Rules of Appellate Procedure.

George May

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by mail on January 7, 2004, to:

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APPENDIX

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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT JULY TERM 2004

GEORGE MAY

Appellant,

vs.

PATRICK C. BARTHET, ANDREW M. FELDMAN, MICHAEL K. WINSTON, JOHN R. HART, PAUL D. BREITNER, GLENN SCHAEFFER, MICHAEL ENSIGN, MANDALAY RESORTS GROUP, INC., INTERNATIONAL GAME TECHNOLOGY, INC., G. THOMAS BAKER and CHARLES N. MATHEWSON,

Appellees.

CASE NO. 4D04-2800

Opinion filed November 10, 2004

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Elizabeth T. Maass, Judge; L.T. Case No. 502044CA004938XXXXMB.

George May, Palm Beach Gardens, pro se.

John R. Hart and Michael K. Winston of Carlton Fields, P.A., for appellees Mandalay Resorts Group, Inc., John R. Hart, and Michael K. Winston.

Patrick C. Barthet and Paul D. Breitner of The Barthet Firm, Miami, for appellees International Game Technology, Inc., G. Thomas Baker, Charles N. Mathewson, Patrick C. Barthet, Andrew M. Feldman, and Paul D. Breitner.

GROSS, J.

Appellant, George May, is a *pro se* litigant who has flooded Florida's courts with lawsuits. With this appeal, appellant seeks reversal of a final order dismissing a complaint with prejudice that he filed against International Game Technologies, Inc., G. Thomas Baker, Charles N. Mathewson, Patrick C. Barthet, Andrew M. Feldman, Paul D. Breitner, Mandalay Resorts Group, Inc., Michael K. Winston, John R. Hart, Glenn Schaeffer, and Michael Ensign (collectively the "appellees"). No legal basis for reversal is apparent from appellant's brief. The brief is rambling and largely unintelligible.

Appellant is the subject of two orders entered by the Fifteenth Judicial Circuit under Florida's Vexatious Litigant Law, section 68.093, Florida Statutes (2003). Those orders prohibit appellant from filing *pro se* matters in that circuit without first obtaining the signature of an attorney of record or without the court's prior authorization. These restraints were imposed in response to appellant's practice of filing baseless lawsuits which were dismissed, and then refilling those same claims, in new lawsuits, frequently joining as defendants the attorneys and trial judges who participated in the prior proceedings decided against him. Despite those orders, however, the clerk of the circuit court inadvertently accepted appellant's *pro se* complaint for filing in the instant case.

The Vexatious Litigant Law delineates a statutory dismissal procedure created specifically for correcting such errors. It provides:

If the clerk of the court mistakenly permits a vexatious litigant to file an action pro se in contravention of a prefiling order, any party to that action may file with the clerk and serve on the plaintiff and all other defendants a notice stating that the plaintiff is a pro se vexatious litigant subject to a prefiling order. The filing of such a notice shall automatically stay the litigation against all defendants to the action. The administrative judge shall automatically dismiss the action with prejudice within 10 days after the filing of such notice unless the plaintiff files a motion for leave to file the action.

§68.093 (5)

Appellees responded to the complaint by initiating that statutory procedure. They filed the necessary notice with the trial court and the matter was heard on July 14, 2004. The circuit court ultimately dismissed the complaint after appellant failed to appear. This appeal followed. We affirm. See Fla. R. App. P. 9.315(a).

Some of the appellees have filed a joint motion requesting, inter alia, that this court enter an order to show cause why appellant should not be prohibited from filing further *pro se* appeals with this court. For the reasons that follow, the appellees' motion is granted.

Appellant's practices have caused this court (and others) to expend an unreasonable amount of judicial resources disposing of frivolous claims. See, e.g., May v. Int'l Game Tech., Inc., 871 So. 2d 242 (Fla. 4th DCA 2004); May v. Allapattah Props. P'ship, 867 So. 2d 442 (Fla. 4th DCA 2004); May v. Gen. Elec. Capital Auto Lease, Inc., 661 So. 2d 1309 (Fla. 4th DCA 1995); see also May v. Hatter, 2001 WL 579782 (S.D. Fla. 2001) (offering a detailed chronology of appellant's similar abuse of Florida's federal court system). This court takes judicial notice of this and prior appeals appellant has filed in this court and finds that his *pro se acticitives* have needlessly interfered with the resolution of our other cases.

Further, while Article I, § 21, of the Florida Constitution offers some protection to an individual's access to courts, the fifth district has recognized that:

When one person, by his activities, upsets the normal procedure of the court so as to interfere with the causes of other litigants, it is necessary to exercise restraint upon that person, i.e., [a] requirement that pleadings be accompanied by an attorney's signature – a restraint which does not amount to a complete denial of access.

Platel v. Maguire, Voorhis & Wells, P.A., 436 So. 2d 303, 304 (Fla. 5th DCA 1983); accord Kreager v. Glickman, 519 So. 2d 666, 668-69 (Fla. 4th DCA 1988). Such restraints are now widely accepted by Florida courts and have been successful in controlling past *pro se* litigants who have engaged in similarly disruptive activities. See e.g., Martin v. State. 747 So. 2d 386 (Fla. 2000); Attwood v. Singletary, 661 So. 2d 1216 (Fla.4th DCA 1995); Attwood v. State, 660 So. 2d 358 (Fla. 4th DCA 1995); Martin v. Stewart, 588 So. 2d 996 (Fla. 4th DCA 1991); Helm v. Hillsborough County, 849 So. 2d 322 (Fla. 2d DCA 2003); Peterson v. State, 530 So. 2d 424 (Fla. 1st DCA 1988). Based on the foregoing, it is appropriate to impose an attorney signature requirement on appellant to prevent him from continuing his *pro se* misconduct).

It is therefore ordered and adjudged that:

No later that within twenty days after the entry of this order, appellant shall show cause in writing why this court should not prohibit him from filing further *pro se* appeals in this court without first obtaining the signature of an attorney of record who is licensed to practice law in Florida. After appellant's response to this order, the appellees shall have ten days to reply in writing.

SHAHOOD and HAZOURI, JJ., concur.
NOT FINAL UNTIL DISPOSITION OF ANY TIMELY FILED MOTION FOR REHEARING.