

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

DAVID GARTEN, ESQ.,

Plaintiff,

V

SKENDER HOTI,

Defendant.

---

CASE NO: 2012CA011639XXXXMB  
CIRCUIT CIVIL DIVISION AE

**DEFENDANT SKENDER HOTI'S  
MOTION FOR REHEARING**

COMES NOW SKENDER HOTI, the Defendant in this case Pro Se, who makes and files this motion for Rehearing and respectfully pleads and shows as follows:

1. I am the Defendant Skender Hoti Pro Se.
2. I make this motion for Rehearing of the Final Judgment and Orders issued on April 12, 2017 and make this motion according to Florida Rules of Civil Procedure 1.530.
3. As the 10th day to file this motion fell on a Saturday, and today April 24, 2017 is the first business day after the weekend, this motion is timely under Florida Rule of Civil Procedure 1.090.
4. I make this Motion to Rehear and Vacate, alter and amend the Final Judgment dated April 12, 2017 ( See Exhibit 1 ), the Nunc Pro Tunc Order also dated April 12, 2017 on Defendant's prior Motion to Dismiss the Plaintiff's application and other relief ( See Exhibit 2 ), and Order on Plaintiff's Motion to Tax Costs also dated April 12, 2017 ( See Exhibit 3 ).
5. This Court has overlooked, disregarded or misapprehended the material facts in the case and -or alternatively misapplied or failed to apply the law.

6. My motion to Dismiss the Plaintiff's Application and seeking a Stay and continuance filed with this Court on Feb. 17, 2017 under Docket Entry No. 231 set out facts from the underlying actions of Judge Colin in taking Gwendolyn Batson into Guardianship without a hearing undisclosed through his Wife Betsy Savitt and attorney Sheri Hazeltine which were the primary reasons David Garten had been hired as an attorney. See Defendant's Motion of Feb. 17, 2017 Docket Entry 231 ( Exhibit 4 ).
7. As shown to this Court in Par. 9-18 of this filing, "My case became the lightning rod for a series of Investigative articles by the Palm Beach Post which are still ongoing.
8. As shown in this April 2015 article by John Pacenti titled "Professional guardian's lawyer empties man's home", "One afternoon three years ago, Skender Hoti received an unusual call from a neighbor asking whether he was moving out of his Lake Worth home.
9. Hoti rushed to the house to find a moving truck packed with furniture, heirlooms and valuables owned by him and the elderly woman he called mom. The lock on his front door was bashed in and the house ransacked.
10. But this wasn't breaking and entering by a street thug. This was an attorney operating under a court-ordered guardianship."
11. Still further according to the article and factual background for this case, "Court records shows that there was no legally required examination of Batson within five days of the appointment of temporary guardians to determine whether she was incapacitated by Alzheimer's disease.(emphasis added )."
12. Further, In a court pleading, "Hoti said that Hazeltine mocked him in his home. "She was laughing and waving the house key in the air stating, 'I have a key and a court order. I come into this house anytime I want.' "

13. Deputies ordered Hazeltine, against her strenuous objections, to return all the items taken from Hoti's home after he proved he had title to the house, according to an offense report. Hoti claims many of the valuables are still missing and there were at least three confrontations between the parties at the home." ( emphasis added ).
14. "The strategy didn't work. Circuit Judge James Martz overturned Colin's previous ruling finding Batson incapacitated and appointing Davis as emergency temporary guardian. Martz interviewed Batson, finding her to "be delightful." according to the article.
15. Lastly, "Hoti's former attorney Debra Rochlin of Fort Lauderdale was also highly critical of Hazeltine, saying the elder law attorney "just made up stuff as she went along."  
"It was a miracle the judge (Martz) saw the light and saw what was going on. He understood. He was upset," she said. "I think what happened to Skender was a crime." See, Palm Beach Post April 2015. <http://www.mypalmbeachpost.com/news/professional-guardian-lawyer-empties-man-home/Ks1BZu5Aq0pEohOWiKZYiO>" See Exhibit 4.
16. Yet, none of the Proceedings or Orders or Judgments of this Court has considered and acted upon these facts which have been disregarded, overlooked, or other, not mentioning any of these facts whatsoever. ( See Exhibits 1-3 )
17. More importantly, the Feb. 17, 2017 filing ( Exhibit 4 ) further showed in Par. 21 and 22: "As shown to the 4th DCA in the other case on Appeal from the alleged "Fraudulent Transfer" case 4D16-0444, "Because of the complete lack of Substantial and Competent Evidence to Support any Award of fees to Appellee in the underlying fee dispute claim beyond possibly \$6,413.35 as shown by the Records on Appeal in Case No. D16-0444 ( 1244 Pages ) and Case No.4D14-4826 ( 1353 Pages ), the 4th DCA is Demanded to Perform it's Mandatory duty to Reverse and Vacate All Orders, Decisions and Judgments against Appellant in both cases and issue sanctions against

Appellee and attorneys.” See, 4th DCA Case No. D16-0444 Appellant’s Reply Brief of 9-27-16.  
Exhibit B.

18. Thus, in 2597 Pages ( Two-Thousand-Five hundred and Ninety-seven pages ) of Records  
DAVID GARTEN AND HIS ATTORNEYS STILL HAVE NOT PRODUCED ANY  
COMPETENT OR SUBSTANTIAL EVIDENCE to justify ANY fees beyond \$6,413.35 and yet  
has been permitted in this Billing Scheme of Fraud to attack me and litigate for years, putting  
Liens on properties and harassment and interference with basic civil rights and human life.”
19. Thus, in the **nearly 2600 PAGES of DOCUMENTS in Appellate Records and in None of the  
additional pages in this Case, neither David Garten nor his Attorneys have ever come  
forward with competent substantial evidence to prove entitlement to the underlying fees  
and have thus been engaged in a fraudulent billing scheme.**
20. Yet, once again, none of the Proceedings or Orders or Judgments of this Court has considered  
and acted upon these facts which have been disregarded, overlooked, or other, not mentioning  
any of these facts whatsoever. ( See Exhibits 1-3 )
21. Defendant continued to file further Objections with this Court and even a Proposed Order  
pointing out that none of the proposed or issued Orders addressed any of the Facts or law  
submitted by Defendant. See, Objections and filings on March 7, 2017 under Docket Entry No.  
233 ( Exhibit 5 ), Objections and Alternate Proposed Order April 6, 2017 under Docket Entry  
No. 239 ( Exhibit 6 ), and Objections To Tax Costs filed April 11, 2017 under Docket No. 241 (   
Exhibit 7 ).
22. All of these Docket Entries are shown by Exhibit 8, a Screen print from this Case from the  
Clerk’s E-View of this date, April 24, 2018.

23. “This court and others have held that if a party files a motion pursuant to rule 1.540(b)(3), pleads fraud or misrepresentation with particularity, and shows how that fraud or misrepresentation affected the judgment, the trial court is required to conduct an evidentiary hearing to determine whether the motion should be granted.[7]See Seal v. Brown, 801 So. 2d 993, 994-95 (Fla. 1st DCA 2001); St. Surin v. St. Surin, 684 So. 2d 243, 244 (Fla. 2d DCA \*782 1996); Estate of Willis v. Gaffney, 677 So. 2d 949 (Fla. 2d DCA 1996); Dynasty Exp. Corp. v. Weiss, 675 So. 2d 235, 239 (Fla. 4th DCA 1996); Townsend v. Lane, 659 So. 2d 720 (Fla. 5th DCA 1995); S. Bell Tel. & Tel. Co. v. Welden, 483 So. 2d 487, 489 (Fla. 1st DCA 1986)”.
24. “[W]here the moving party's allegations raise a colorable entitlement to rule 1.540(b)(3) relief, a formal evidentiary hearing on the motion, as well as permissible discovery prior to the hearing, is required.”; Kidder v. Hess, 481 So. 2d 984, 986 (Fla. 5th DCA 1986); Stella v. Stella, 418 So. 2d 1029 (Fla. 4th DCA 1982); see also Robinson. Moreover, the courts have held that the hearing requirement applies when fraud is asserted as a grounds for relief under either rule 1.530 or 1.540, Florida Rules of Civil Procedure. See Stella. The motion filed by Robinson sufficiently alleges fraud and demonstrates how it affected the judgment, thereby satisfying the requirement for an evidentiary hearing under either rule 1.530 or 1.540.”
25. The requisite fraud on the court occurs where “it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system’s ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party’s claim or defense.” *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989) .
26. The trial court has the inherent authority, within the exercise of sound judicial discretion, to dismiss an action when a plaintiff has perpetrated a fraud on the court, or where a party refuses

to comply with court orders. See, Kornblum v. Schneider, 609 So. 2d 138, 139 (Fla. 4th DCA 1992).

27. The plaintiff's false or misleading statement given under oath concerning issues central to her case amounted to fraud. See Cox v. Burke, 706 So. 2d 43, 47 (Fla. 5th DCA 1998).
28. Courts throughout this state have repeatedly held "that a party who has been guilty of fraud or misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the very institution it has subverted to achieve her ends." Metropolitan Dade County v. Martinsen, 736 So. 2d 794, 795 (Fla. 3d DCA 1999) (quoting Hanono v. Murphy, 723 So. 2d 892, 895 (Fla. 3d DCA 1998)); see also Cox v. Burke, 706 So. 2d 43, 47 (Fla. 5th DCA 1998); O'Vahey v. Miller, 644 So. 2d 550, 551 (Fla. 3d DCA 1994); Kornblum v. Schneider, 609 So. 2d 138, 139 (Fla. 4th DCA 1992).
29. Defendant's moving papers of Feb. 17, 2017 and continuing Objections filed ***demonstrated sufficient facts and law to entitle Defendant to an Evidentiary Hearing and Discovery from David Garten and his Attorneys as it shows that David Garten has wholly failed throughout the entirety of this Case and Appeal either through himself or Attorneys to file or provide any competent and substantial evidence according to established standards to prove attorney's fees.*** "[W]here the moving party's allegations raise a colorable entitlement to rule 1.540(b)(3) relief, a formal evidentiary hearing on the motion, as well as permissible discovery prior to the hearing, is required."); Kidder v. Hess, 481 So. 2d 984, 986 (Fla. 5th DCA 1986); Stella v. Stella, 418 So. 2d 1029 (Fla. 4th DCA 1982); see also Robinson. Moreover, the courts have held that the hearing requirement applies when fraud is asserted as a grounds for relief under either rule 1.530 or 1.540, Florida Rules of Civil Procedure. See Stella. The motion filed by Robinson

sufficiently alleges fraud and demonstrates how it affected the judgment, thereby satisfying the requirement for an evidentiary hearing under either rule 1.530 or 1.540.”

30. This Court has either overlooked or disregarded both the law and facts herein.

31. As shown in the Feb. 17, 2017 papers under Exhibit 4 in Paragraphs 24-41, “Just like the Miller case above, this Court is duly demanded to perform mandatory duties in this case as follows from Miller: “On the face of it, the order embodies an unacceptable, even incredible result. No court is obliged to approve a judgment which so obviously offends even the most hardened appellate conscience and which is so obviously contrary to the manifest justice of the case. Indeed, it is obliged not to. Florida Nat'l. Bank v. Sherouse, 80 Fla. 405, 406, 86 So. 279, 279 (1920) (“[I]f a decree is manifestly against the weight of the evidence, or contrary to the legal effect of the evidence, then it becomes the duty of the appellate court to reverse the same.”); Newman v. Smith, 77 Fla. 633, 650, 82 So. 236, 241 (1918) (“Where the finding of a trial judge is contrary to the legal effect of the evidence on the issues made the appellate court should reverse the finding even though the trial judge personally saw and heard the witnesses testify, and even though there were conflicts in the testimony, and there was some evidence tending to support the finding.”). Accord Howell v. Blackburn, 100 Fla. 114, 129 So. 341 (1930); Boyd v. Gosser, 78 Fla. 64, 82 So. 758 (1918); Fuller v. Fuller, 23 Fla. 236, 2 So. 426 (1887); John D.C. v. State, 16 Fla. 554 (1878); Uhley v. Tapio Constr. Co., Inc., 573 So.2d 390 (Fla. 4th DCA), rev. denied, 583 So.2d 1037 (Fla. 1991); C.M. Life Ins. Co. v. Ortega, 562 So.2d 702 (Fla. 3d DCA 1990), rev. denied, 576 So.2d 289 (Fla. 1991). See, Miller v. First American Bank & Trust 607 So.2d 483 (4th DCA 1992).

Just like in the Miller case this 15th Judicial Circuit Court is demanded to perform its duties and find in this case, “The appellees claim that, in effect, we have no choice but to affirm the

judgment as within the trial court's discretion, particularly since the fact that the record contains no transcript of the fee hearing requires the conclusion that the order is supported by competent evidence. See *Applegate v. Barnett Bank*, 377 So.2d 1150 (Fla. 1979). We strongly disagree.” Just like in the Miller case above, “This is especially true with respect to attorney's fees, with which the profession and the courts must be particularly concerned, see *Florida Patient's Compensation Fund v. Rowe*, 472 So.2d 1145 (Fla. 485\*485 1985),[4] and even more so since the case involves the notorious "billable hours" syndrome, with its multiple evils of exaggeration, duplication, and invention. *Mercy Hosp., Inc. v. Johnson*, 431 So.2d 687 (Fla. 3d DCA), pet. for review denied, 441 So.2d 632 (Fla. 1983); *In re Estate of Simon*, 402 So.2d 26 (Fla. 3d DCA 1981), appeal after remand, 427 So.2d 235 (Fla. 3d DCA 1983); see also *Browne v. Costales*, 579 So.2d 161 (Fla. 3d DCA) (abuse of "unit billing"), rev. denied, 593 So.2d 1051 (Fla. 1991).”

Just like in the Miller case above, “Nor are we precluded from reaching this result by the fact that, under *Applegate*, we must presume that someone testified that the hours in question were actually employed and that an "expert" opined that they and the fee awarded were "reasonable.”[5] The existence of such evidence does not require that we abandon our own expertise, much less our common sense.”

"Competent evidence includes invoices, records and other information detailing the services provided as well as the testimony from the attorney in support of the fee." *Brewer v. Solovsky*, 945 So.2d 610, 611 (Fla. 4th DCA 2006) (citations omitted).” See, *Diwakar v. Montecito Palm Beach Condominium*, No. 4D13-915. 143 So.3d 958 (2014). Yet, NONE of this proof has ever been provided by David Garten nor his attorneys at Walton, Lantaff and these parties must now be Stopped and Stayed from pursuing any further fees at this time.



As shown to this Court herein and by the Attached Exhibit A to the 4th DCA “Thus, as factually shown by the Record on Appeal at pages 000007-000011 the only Billing Statement for any fees in the Original Complaint seeking \$32,952.32 are some alleged factual details for the Bill totalling \$6,413.35.

But even for this alleged amount, there is No Sworn Testimony from David Garten in the Record on Appeal, No full Invoice or Account History in the Record on Appeal of David Garten, and absolutely NO Factual basis in the Record on Appeal whatsoever to claim anything more than the \$6, 413.35.

In fact, even for this amount the Record on Appeal and documents from this 15th Judicial case have no Sworn Testimony, and no copies of Any of the work Garten allegedly did even for this amount.

The Bill refers to several “Draft motions” and “Draft emails” but none of these items are contained anywhere in the Record on Appeal as these items were not provided in the proceedings below.”

As further shown to the 4th DCA in the June 21, 2016 motion for Rehearing, “Thus, not only is there absolutely NO Facts in the Record nor in the original Complaint filed before Judge Lucy Brown to claim the additional \$26,137.38 claimed as “Prior Balance” but even the amount where there is a Billing Statement is significantly in question.”

There are No Invoices for the \$26,137.38 in the Record on Appeal, No Sworn Testimony from David Garten in the Record on Appeal or documents in this 15th Judicial for this amount, No Invoice Notices or Proof of Sending Invoices in the Record on Appeal, no Proof of when I allegedly received such Bills in the Record on Appeal, no documents or records to show what was done for the \$26,137.38 such as Motions or Hearings, nothing other than an attorney

claiming he is owed some amount.

Nowhere in the Record on Appeal of this Case or documents in the 15th Judicial are there any Exhibits or Transcripts or Sworn Testimony to support the Arbitrator's Award found at pages Record on Appeal 00153-00158.

Nor are any of these items contained anywhere in this Record on Appeal to support the original Order of Judge Lucy Brown upholding the Arbitrator's Award which has to be an Abuse of Discretion under the standards established by the 4th DCA and District Courts of Appeal and Supreme Court in Florida and this must now be reversed and vacated on appeal."

As further shown to the 4th DCA in the June 21, 2016 motion for Rehearing, "The long line of cases from the 4th DCA and other District Courts of Appeal in Florida further make it clear that, "Generally, when an attorney's fee or cost award is appealed and the record on appeal is devoid of competent substantial evidence to support the order, the appellate court will reverse the award without remand." Rodriguez v. Campbell, 720 So. 2d 266, 268 (Fla. 4th DCA 1998); Cooper v. Cooper, 406 So. 2d 1223 (Fla. 4th DCA 1981); Warner v. Warner, 692 So. 2d 266, 268 (Fla. 5th DCA 1997); Brake v. Murphy, 736 So. 2d 745 (Fla. 3d DCA 1999). See, FAIRCLOTH, v BLISS, No. 4D04-2761, 917 So. 2d 1005 (2006) District Court of Appeal of Florida, Fourth District. January 4, 2006."

And further shown to the 4th DCA and now to this Court, "As stated by this Court in Faircloth v Bliss, 917 So. 2d 1005 ( 2006 ). "Here, the record is devoid of any competent evidence regarding the number of hours reasonably expended, the reasonable hourly rate or details of the services performed. We, therefore, reverse the fee award without remand."

Thus, this Court must find the underlying Judgments for attorney's fees against me as Defendant VOID and without force and effect and therefore there is No proper Appeal upon which

Attorney's fees may be granted.

Alternatively this Court should STAY and CONTINUE these matters until the 4th DCA rules on the DEMAND to Perform Mandatory obligations as set out in Exhibit A and for such time as actions by WRIT may be taken and further for time to file a Motion with this Court under Florida Rules 1.540(b)(4).

As the 4th DCA said in Tannebaum v Shea, No. 4D13-1368 ( 4th DCA 2014 ), “A void judgment is so defective that it is deemed never to have had legal force and effect.” Sterling Factors Corp. v. U.S. Bank Nat'l Ass'n, 968 So.2d 658, 665 (Fla. 2d DCA 2007). As legally ineffective and a nullity, “[a] void judgment may be attacked” pursuant to Rule 1.540(b)(4) “at any time because the judgment creates no binding obligation on the parties.” Fisher v. State, 840 So.2d 325, 331 (Fla. 5th DCA 2003) (emphasis added).” See, Exhibit 4.

32. Because the underlying fee awards and Judgment must be Vacated, the Final Judgement herein and award of Fees and Costs on Appeal must also be Vacated and an Evidentiary Hearing set after proper Discovery.

**WHEREFORE**, it is respectfully prayed for an Order vacating the Final Judgment herein and the accompanying Orders and vacating all awards of Fees, attorneys' fees, Costs, Taxes and for granting an Evidentiary Hearing upon Proper Discovery from David Garten and his attorneys and for such other and further relief as is just and proper.

Respectfully submitted,

Dated: April 24th, 2017

**/s/ Skender Hoti**  
Skender Hoti  
3103 Drew Way

Palm Springs, Florida 33406  
Telephone: (561) 385-6390  
[skendertravel@hotmail.com](mailto:skendertravel@hotmail.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been served via Electronic mail to Walton Lantaff Schroeder & Carson LLP 110 E. Broward Blvd. Suite 2000 Fort Lauderdale, Fl 33301-3503 on this 24th day of April, 2017 at the following addresses: FTLfiling@waltonlantaff.com; dfitzgerald@waltonlantaff.com; kvogt@waltonlantaff.com.

**/s/ Skender Hoti**  
Skender Hoti  
3103 Drew Way  
Palm Springs, Florida 33406  
Telephone: (561) 385-6390  
[skendertravel@hotmail.com](mailto:skendertravel@hotmail.com)

EXHIBIT 1

Final Judgment dated April 12, 2017

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

Case No. 2012CA011639-XXXX-MB (AJ)

DAVID M. GARTEN, ESQ.,

Plaintiff/Counter-Defendant,

v.

SKENDER HOTI AKA KENNETH BATSON,

Defendant/Counter-Plaintiff.

---

**FINAL JUDGMENT**

Pursuant to the Court's Order dated March 17, 2017 granting Plaintiff/Counter-Defendant's Motion to Set the Amount of the Attorneys' Fees Pursuant to Fourth District Court of Appeal Order Granting Entitlement and pursuant to the Court's Order dated April 12, 2017 granting Plaintiff/Counter-Defendant David M. Garten, Esq.'s Motion to Tax Costs Against Defendant Skender Hoti AKA Kenneth Batson,, it is hereby:

ORDERED AND ADJUDGED as follows:

1. Defendant/Counter-Plaintiff, SKENDER HOTI AKA KENNETH BATSON, whose last known address is: 3396 Via Mancebo, Lake Worth, Florida 33467, takes nothing by this action and that Plaintiff/Counter-Defendant, DAVID M. GARTEN, ESQ., whose address is 1921 Emilio Lane, Palm Springs, Florida 33406, shall go hence without day and recover the sum of \$ 41,161.50 from Defendant/Counter-Plaintiff SKENDER HOTI AKA KENNETH

BATSON, that shall bear interest at the statutory rate of 4.75% a year, for which let execution issue.

2. Defendant/Counter-Plaintiff (also hereinafter referred to as the "Judgment Debtor"), shall complete under oath Fla. R. Civ. P. Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the Plaintiff/Counter-Defendant's (also hereinafter referred to as the "Judgment Creditor") attorney, Deborah P. FitzGerald, or such other attorney Plaintiff/Counter-Defendant shall designate by Notice of Appearance in this case, or the Plaintiff/Counter-Defendant if the Plaintiff/Counter-Defendant is not represented by an attorney, within forty-five (45) days from the date of this Final Judgment, unless the Final Judgment is satisfied or post-judgment discovery is stayed.

3. Jurisdiction of this case is retained to enter such further Orders that are proper to compel the Defendant/Counter-Plaintiff, Judgment Debtor, to complete Form 1.977, including all required attachments, and serve it on the Plaintiff/Counter-Defendant's attorney, or the Plaintiff/Counter-Defendant, Judgment Creditor, if the Judgment Creditor is not represented by an attorney.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida, this 12<sup>th</sup> day of APRIL, 2017.

  
HONORABLE JEFFREY D. GILLEN  
Circuit Judge

Copies furnished to:

Mr. Skender Hoti, *Pro se*, 3396 Via Mancebo, Lake Worth, FL 33461  
E-mail: [skendertravel@hotmail.com](mailto:skendertravel@hotmail.com)

Deborah P. FitzGerald, Esq., Walton Lantaff Schroeder & Carson LLP, Corporate Center, 110 E. Broward Blvd., Suite 2000, Fort Lauderdale, FL 33301  
E-mail: [FTLfiling@waltonlantaff.com](mailto:FTLfiling@waltonlantaff.com); [dfitzgerald@waltonlantaff.com](mailto:dfitzgerald@waltonlantaff.com); [kvogt@waltonlantaff.com](mailto:kvogt@waltonlantaff.com)

EXHIBIT 2

Nunc Pro Tunc Order dated April 12, 2017



IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

DAVID M. GARTEN, ESQ.,

Plaintiff/Counter-Defendant,

v.

Case No. 2012CA011639-XXXX-MB

SKENDER HOTI AKA KENNETH  
BATSON,

Defendant/Counter-Plaintiff.

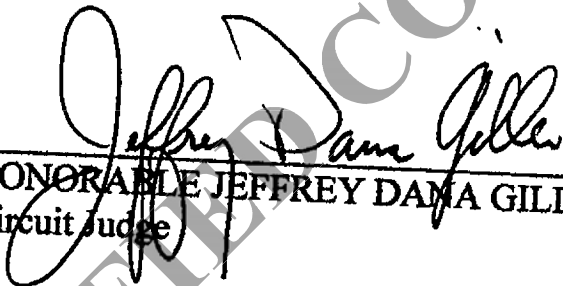
**NUNC PRO TUNC ORDER ON DEFENDANT/COUNTER-PLAINTIFF  
SKENDER HOTI'S MOTION TO DISMISS PLAINTIFF'S APPLICATION  
FOR ATTORNEY'S FEES AND ALTERNATIVELY FOR A STAY-  
CONTINUANCE AND TO APPEAR BY TELEPHONE AND OTHER  
RELIEF**

THIS CAUSE having come on to be heard on February 17, 2017 on Defendant/Counter-Plaintiff Skender Hoti aka Kenneth Batson's Motion to Dismiss Plaintiff's Application for Attorney's Fees and Alternatively for a Stay-Continuance and to Appear by Telephone and Other Relief, and the Court having considered the Motion and having been duly advised in the premises, it is hereby:

ORDERED that Defendant/Counter-Plaintiff Skender Hoti aka Kenneth Batson's Motion to Dismiss Plaintiff's Application for Attorney's Fees and Alternatively for a Stay-Continuance are hereby **DENIED**. Defendant/Counter-Plaintiff Skender Hoti aka Kenneth Batson's Motion to Appear by Telephone is

hereby **GRANTED**. Defendant/Counter-Plaintiff Skender Hoti aka Kenneth Batson's Motion as to any Other Relief is hereby **DENIED**.

**DONE AND ORDERED** *nunc pro tunc* in Chambers in West Palm Beach, Palm Beach County, Florida, this <sup>th</sup> 12 day of APRIL, 2017.

  
HONORABLE JEFFREY DANA GILLEN  
Circuit Judge

Copies furnished to:

Deborah P. FitzGerald, Esq., Walton Lantaff Schroeder & Carson LLP, Corporate Center  
110 E. Broward Blvd., Suite 2000, Fort Lauderdale, FL 33301-350  
E-mail: [FTLfilling@waltonlantaff.com](mailto:FTLfilling@waltonlantaff.com); [dfitzgerald@waltonlantaff.com](mailto:dfitzgerald@waltonlantaff.com);  
[kvogt@waltonlantaff.com](mailto:kvogt@waltonlantaff.com)

Skender Hoti, *Pro Se*, 3396 Via Mancebo, Lake Worth, Florida 33467  
E-mail: [skendertravel@hotmail.com](mailto:skendertravel@hotmail.com)

EXHIBIT 3

Order on Plaintiff's Motion to Tax Costs dated April 12, 2017

IN THE CIRCUIT COURT OF THE  
15TH JUDICIAL CIRCUIT IN AND  
FOR PALM BEACH COUNTY,  
FLORIDA

Case No. 2012CA011639-XXXX-MB

DAVID M. GARTEN, ESQ.,

Plaintiff/Counter-Defendant,

v.

SKENDER HOTI AKA KENNETH  
BATSON,

Defendant/Counter-Plaintiff.

---

**ORDER ON PLAINTIFF/COUNTER-DEFENDANT'S MOTION TO TAX  
COSTS AGAINST SKENDER HOTI AKA KENNETH BATSON**

**THIS CAUSE** having come on to be heard on Plaintiff/Counter-Defendant David M. Garten, Esq.'s Motion to Tax Costs Against Defendant Skender Hoti AKA Kenneth Batson, and the Court having considered the Motion and having been duly advised in the premises, it is hereby:

**ORDERED** that said Motion be, and the same is hereby **GRANTED**.  
Plaintiff/Counter-Defendant, David M. Garten, shall recover costs from

Defendant/Counter-Plaintiff, Skender Hoti a/k/a Kenneth Batson, in the sum of \$ 580.50 that shall bear interest at the statutory rate of 4.75% a year.

**DONE AND ORDERED** in West Palm Beach, Palm Beach County, Florida, this 12<sup>th</sup> day of APRIL, 2017.

  
HONORABLE JEFFREY DANA GILLEN  
Circuit Judge

Copies furnished to:

Deborah P. FitzGerald, Esq.  
Walton Lantaff Schroeder & Carson LLP  
Corporate Center  
110 E. Broward Blvd., Suite 2000  
Fort Lauderdale, FL 33301-350  
E-mail: [FTLfiling@waltonlantaff.com](mailto:FTLfiling@waltonlantaff.com); [dfitzgerald@waltonlantaff.com](mailto:dfitzgerald@waltonlantaff.com);  
[kvogt@waltonlantaff.com](mailto:kvogt@waltonlantaff.com)

Skender Hoti, Pro Se  
3396 Via Mancebo  
Lake Worth, Florida 33467  
E-mail: [skendertravel@hotmail.com](mailto:skendertravel@hotmail.com)

EXHIBIT 4 Feb. 17, 2017 Defendant's Motion Docket Entry No. 231 citing  
Palm Beach Post April 2015. [http://www.mypalmbeachpost.com/news/professional-guardian-  
lawyer-empties-man-home/Ks1BZu5Aq0pEohOWiKZYiO](http://www.mypalmbeachpost.com/news/professional-guardian-lawyer-empties-man-home/Ks1BZu5Aq0pEohOWiKZYiO)

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO: 2012CA011639XXXXMB  
CIRCUIT CIVIL DIVISION AE

DAVID GARTEN, ESQ

Plaintiff,

V

SKENDER HOTI,

Defendant,

---

**DEFENDANT SKENDER HOTI'S MOTION TO DISMISS PLAINTIFF'S  
APPLICATION FOR ATTORNEY'S FEES AND ALTERNATIVELY FOR A STAY-  
CONTINUANCE AND TO APPEAR BY TELEPHONE AND OTHER RELIEF**

COMES NOW, Skender Hoti, pro se, who respectfully shows this Court and pleads as follows:

1. I am the Defendant in this case and appear pro se.
2. I make this Motion for several forms of relief and request to appear by Telephone at the Specially Set Hearing scheduled for Feb. 17, 2017 at 11 am EST in Courtroom 9a before Judge Gillen and my phone number to be reached is 561-385-6390.
3. I have previously made several requests to the Walton, Lantaff law firm representing attorney and Officer of the Court David Garten to **Cease and Desist** the continuing actions in this Court seeking to collect "Attorney's Fees" as further acts of fraud upon a fraudulent billing scheme and have further requested this law firm and the Plaintiff to withdraw all motions in this regard before the Court and discontinue the action and attempts to wrongfully collect fees from myself and my properties.

4. Last week on Feb. 10, 2017 I filed a DEMAND Motion with the 4th DCA to perform Mandatory Duties and Obligations under law and I have attached a Filed copy of this motion which was served on the Plaintiff's law firm as Exhibit A.
5. I apologize to the Court for my late submission of the request to appear by telephone but my entire life and business have been "under siege" for multiple years as a direct cause from the false and fraudulent Billing scheme by Plaintiff David Garten and now his law firm at Walton, Lantaff amounting to a scheme to generate and collect "Fees upon Fees" for Fees which were never due and owed in the first instance.
6. I now respectfully request this Court to issue a Stay and Continuance pending Decision and action by the 4th DCA on my attached DEMAND to Perform Mandatory Duties under law.
7. I further respectfully suggest to this Court that actions to proceed and award further fees to the Plaintiff and Plaintiff's law firm are acts outside and beyond the jurisdiction as there is no proper Judgement or Order awarding the original fees in the first instance as shown to the 4th DCA in the attached DEMAND motion.
8. As this Court is or may be aware, this case began upon hiring David Garten after what was later found to be a "scheme" at play involving Palm Beach Attorney Hazeltine who was found to be working with one Betsy Savitt who turned out to be married to Palm Beach Judge Martin Colin but used her prior name "Savitt" allegedly as a way of hiding the fact that she was married to Judge Colin while working in Guardianship cases and taking large fees often not approved by any Court before doing so.
9. My case became the lightning rod for a series of Investigative articles by the Palm Beach Post which are still ongoing.



10. As shown in this April 2015 article by John Pacenti titled “**Professional guardian’s lawyer empties man’s home**”, “One afternoon three years ago, Skender Hoti received an unusual call from a neighbor asking whether he was moving out of his Lake Worth home.
11. Hoti rushed to the house to find a moving truck packed with furniture, heirlooms and valuables owned by him and the elderly woman he called mom. The lock on his front door was bashed in and the house ransacked.
12. But this wasn’t breaking and entering by a street thug. This was an attorney operating under a court-ordered guardianship.”
13. Still further according to the article and factual background for this case, “*Court records shows that there was no legally required examination of Batson within five days of the appointment of temporary guardians to determine whether she was incapacitated by Alzheimer’s disease.* (emphasis added).”
14. Further, In a court pleading, “Hoti said that Hazeltine mocked him in his home. “She was laughing and waving the house key in the air stating, ‘I have a key and a court order. I come into this house anytime I want.’ ”
15. **Deputies ordered Hazeltine, against her strenuous objections, to return all the items taken from Hoti’s home after he proved he had title to the house, according to an offense report. Hoti claims many of the valuables are still missing and there were at least three confrontations between the parties at the home.** ( emphasis added ).
16. “The strategy didn’t work. Circuit Judge James Martz overturned Colin’s previous ruling finding Batson incapacitated and appointing Davis as emergency temporary guardian. Martz interviewed Batson, finding her to “be delightful.” according to the article.

17. Lastly, “Hoti’s former attorney Debra Rochlin of Fort Lauderdale was also highly critical of Hazeltine, saying the elder law attorney “just made up stuff as she went along.”
18. **“It was a miracle the judge (Martz) saw the light and saw what was going on. He understood. He was upset,” *she said. “I think what happened to Skender was a crime.”*** See, Palm Beach Post April 2015.  
<http://www.mypalmbeachpost.com/news/professional-guardian-lawyer-empties-man-home/Ks1BZu5Aq0pEohOWiKZYiO>
19. Upon information and belief, the Palm Beach Post Investigative articles relating to these cases continue and here is just one other article from Jan. 2016, **“Chief judge investigating Post’s findings on Colin, Savitt”**, See <http://www.mypalmbeachpost.com/news/chief-judge-investigating-post-findings-colin-savitt/EZIEUntckLFsLboCn86YvL/>.
20. In the midst of all this, came David Garten, the Plaintiff in this case and an attorney who was paid \$35,000 which is shown in Checks already in the Record of these case and yet the Fraud and scheme continues by Garten and now his attorneys at Walton, Lantaff which must be Stayed and stopped.
21. As shown to the 4th DCA in the other case on Appeal from the alleged “Fraudulent Transfer” case 4D16-0444, **“Because of the complete lack of Substantial and Competent Evidence to Support any Award of fees to Appellee in the underlying fee dispute claim beyond possibly \$6,413.35 as shown by the Records on Appeal in Case No. D16-0444 ( 1244 Pages ) and Case No.4D14-4826 ( 1353 Pages ), the 4th DCA is Demanded to Perform it’s Mandatory duty to Reverse and Vacate All Orders, Decisions and Judgments against Appellant in both cases and issue sanctions against**

Appellee and attorneys.” See, 4th DCA Case No. D16-0444 Appellant’s Reply Brief of 9-27-16. Exhibit B.

22. Thus, in 2597 Pages ( Two-Thousand-Five hundred and Ninety-seven pages ) of Records DAVID GARTEN AND HIS ATTORNEYS STILL HAVE NOT PRODUCED ANY COMPETENT OR SUBSTANTIAL EVIDENCE to justify ANY fees beyond \$6,413.35 and yet has been permitted in this Billing Scheme of Fraud to attack me and litigate for years, putting Liens on properties and harassment and interference with basic civil rights and human life.
23. This must now be stopped and Stayed and the Judgements and Orders voided and at least Stayed pending action by the 4th DCA on the DEMAND to perform Mandatory Duties under law and if necessary further action by WRIT and proper process. specifically demanded to perform its mandatory duties and obligations under Miller v. First American Bank and Trust, 607 So. 2d 483 (Fla. 4th Dist. Ct. App. 1992).
24. Just like the Miller case above, this Court is duly demanded to perform mandatory duties in this case as follows from Miller: “On the face of it, the order embodies an unacceptable, even incredible result. No court is obliged to approve a judgment which so obviously offends even the most hardened appellate conscience and which is so obviously contrary to the manifest justice of the case. Indeed, it is obliged not to. Florida Nat’l. Bank v. Sherouse, 80 Fla. 405, 406, 86 So. 279, 279 (1920) (“If a decree is manifestly against the weight of the evidence, or contrary to the legal effect of the evidence, then it becomes the duty of the appellate court to reverse the same.”); Newman v. Smith, 77 Fla. 633, 650, 82 So. 236, 241 (1918) (“Where the finding of a trial judge is contrary to the legal effect of the evidence on the issues made

the appellate court should reverse the finding even though the trial judge personally saw and heard the witnesses testify, and even though there were conflicts in the testimony, and there was some evidence tending to support the finding."). Accord *Howell v. Blackburn*, 100 Fla. 114, 129 So. 341 (1930); *Boyd v. Gosser*, 78 Fla. 64, 82 So. 758 (1918); *Fuller v. Fuller*, 23 Fla. 236, 2 So. 426 (1887); *John D.C. v. State*, 16 Fla. 554 (1878); *Uhley v. Tapio Constr. Co., Inc.*, 573 So.2d 390 (Fla. 4th DCA), rev. denied, 583 So.2d 1037 (Fla. 1991); *C.M. Life Ins. Co. v. Ortega*, 562 So.2d 702 (Fla. 3d DCA 1990), rev. denied, 576 So.2d 289 (Fla. 1991). See, *Miller v. First American Bank & Trust* 607 So.2d 483 (4th DCA 1992).

25. Just like in the Miller case this 15th Judicial Circuit Court is demanded to perform its duties and find in this case, "The appellees claim that, in effect, we have no choice but to affirm the judgment as within the trial court's discretion, particularly since the fact that the record contains no transcript of the fee hearing requires the conclusion that the order is supported by competent evidence. See *Applegate v. Barnett Bank*, 377 So.2d 1150 (Fla. 1979). *We strongly disagree.*"
26. Just like in the Miller case above, "*This is especially true with respect to attorney's fees, with which the profession and the courts must be particularly concerned, see Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 485\*485 1985),[4] and even more so since the case involves the notorious "billable hours" syndrome, with its multiple evils of exaggeration, duplication, and invention.* *Mercy Hosp., Inc. v. Johnson*, 431 So.2d 687 (Fla. 3d DCA), pet. for review denied, 441 So.2d 632 (Fla. 1983); *In re Estate of Simon*, 402 So.2d 26 (Fla. 3d DCA 1981), appeal after remand, 427

So.2d 235 (Fla. 3d DCA 1983); see also Browne v. Costales, 579 So.2d 161 (Fla. 3d DCA) (abuse of "unit billing"), rev. denied, 593 So.2d 1051 (Fla. 1991)."

27. Just like in the Miller case above, "Nor are we precluded from reaching this result by the fact that, under Applegate, we must presume that someone testified that the hours in question were actually employed and that an "expert" opined that they and the fee awarded were "reasonable." [5] The existence of such evidence does not require that we abandon our own expertise, much less our common sense."

28. **"Competent evidence includes invoices, records and other information detailing the services provided as well as the testimony from the attorney in support of the fee."**

Brewer v. Solovsky, 945 So.2d 610, 611 (Fla. 4th DCA 2006) (citations omitted)." See, Diwakar v. Montecito Palm Beach Condominium, No. 4D13-915. 143 So.3d 958 (2014).

**Yet, NONE of this proof has ever been provided by David Garten nor his attorneys at Walton, Lantaff and these parties must now be Stopped and Stayed from pursuing any further fees at this time.**

29. As shown to this Court herein and by the Attached Exhibit A to the 4th DCA **"Thus, as factually shown by the Record on Appeal at pages 000007-000011 the only Billing Statement for any fees in the Original Complaint seeking \$32,952.32 are some alleged factual details for the Bill totalling \$6,413.35.**

30. But even for this alleged amount, there is No Sworn Testimony from David Garten in the Record on Appeal, No full Invoice or Account History in the Record on Appeal of David Garten, and absolutely NO Factual basis in the Record on Appeal whatsoever to claim **anything more than the \$6, 413.35.**

31. In fact, even for this amount the Record on Appeal and documents from this 15th Judicial case have no Sworn Testimony, and **no copies of Any of the work Garten allegedly did even for this amount.**
32. The Bill refers to several “Draft motions” and “Draft emails” but **none of these items are contained anywhere in the Record on Appeal as these items were not provided in the proceedings below.”**
33. As further shown to the 4th DCA in the June 21, 2016 motion for Rehearing, **“Thus, not only is there absolutely NO Facts in the Record nor in the original Complaint filed before Judge Lucy Brown to claim the additional \$26,137.38 claimed as “Prior Balance” but even the amount where there is a Billing Statement is significantly in question.”**
34. There are No Invoices for the \$26,137.38 in the Record on Appeal, No Sworn Testimony from David Garten in the Record on Appeal or documents in this 15th Judicial for this amount, No Invoice Notices or Proof of Sending Invoices in the Record on Appeal, no Proof of when I allegedly received such Bills in the Record on Appeal, no documents or records to show what was done for the \$26,137.38 such as Motions or Hearings, nothing other than an attorney claiming he is owed some amount.
35. Nowhere in the Record on Appeal of this Case or documents in the 15th Judicial are there any Exhibits or Transcripts or Sworn Testimony to support the Arbitrator’s Award found at pages Record on Appeal 00153-00158.
36. Nor are any of these items contained anywhere in this Record on Appeal to support the original Order of Judge Lucy Brown upholding the Arbitrator’s Award which has to be an Abuse of Discretion under the standards established by the 4th DCA and District

Courts of Appeal and Supreme Court in Florida and this must now be reversed and vacated on appeal.”

37. As further shown to the 4th DCA in the June 21, 2016 motion for Rehearing, “The long line of cases from the 4th DCA and other District Courts of Appeal in Florida further make it clear that, ***“Generally, when an attorney's fee or cost award is appealed and the record on appeal is devoid of competent substantial evidence to support the order, the appellate court will reverse the award without remand.”*** *Rodriguez v. Campbell*, 720 So. 2d 266, 268 (Fla. 4th DCA 1998); *Cooper v. Cooper*, 406 So. 2d 1223 (Fla. 4th DCA 1981); *Warner v. Warner*, 692 So. 2d 266, 268 (Fla. 5th DCA 1997); *Brake v. Murphy*, 736 So. 2d 745 (Fla. 3d DCA 1999). See, *FAIRCLOTH, v BLISS*, No. 4D04-2761, 917 So. 2d 1005 (2006) District Court of Appeal of Florida, Fourth District. January 4, 2006.”
38. And further shown to the 4th DCA and now to this Court, “As stated by this Court in *Faircloth v Bliss*, 917 So. 2d 1005 ( 2006 ). **“Here, the record is devoid of any competent evidence regarding the number of hours reasonably expended, the reasonable hourly rate or details of the services performed. We, therefore, reverse the fee award without remand.”**
39. Thus, this Court must find the underlying Judgments for attorney’s fees against me as Defendant VOID and without force and effect and therefore there is No proper Appeal upon which Attorney’s fees may be granted.
40. Alternatively this Court should STAY and CONTINUE these matters until the 4th DCA rules on the DEMAND to Perform Mandatory obligations as set out in Exhibit A and for such time as actions by WRIT may be taken and further for time to file a Motion with this Court under Florida Rules 1.540(b)(4).

41. As the 4th DCA said in *Tannebaum v Shea*, No. 4D13-1368 ( 4th DCA 2014 ), “**A void judgment is so defective that it is deemed never to have had legal force and effect.**”

*Sterling Factors Corp. v. U.S. Bank Nat'l Ass'n*, 968 So.2d 658, 665 (Fla. 2d DCA 2007).

As legally ineffective and a nullity, “[a] **void judgment may be attacked**” pursuant to **Rule 1.540(b)(4)** “**at any time because the judgment creates no binding obligation on the parties.**” *Fisher v. State*, 840 So.2d 325, 331 (Fla. 5th DCA 2003) (emphasis added).

42. Defendant Hoti further reserves any and all rights to attack the underlying Judgments and Orders herein on lack of Subject Matter jurisdiction grounds for actions by David Garten violating the Arbitration agreement and other subject matter jurisdiction grounds.

WHEREFORE, Defendant Hoti respectfully requests that this Court DISMISS the application for Attorney’s Fees on Appeal and Vacate the underlying Judgments and Orders herein or alternatively STAY and CONTINUE such actions herein pending determination by the 4th DCA upon a DEMAND TO PERFORM MANDATORY OBLIGATIONS UNDER LAW TO REVERSE AND VACATE THE ORDERS ON APPEAL AND UNDERLYING JUDGMENTS AND ORDERS HEREIN and further Staying and Continuing the matters until Action by Writ may be taken if necessary and or alternatively fully briefed motion to this Court to VACATE all Judgments, Orders and Liens awarding David Garten and his Attorneys any fees and rights against myself and properties under Florida Rules of Civil Procedure 1.540(b)(4), granting Defendant Hoti opportunity to appear today by Telephone and for such other and further relief as may be just and proper.

Respectfully submitted,

Dated: Feb. 17, 2017



/s/ Skender Hoti  
Skender Hoti  
3103 Drew Way  
Palm Springs, Florida 33406  
Telephone: (561) 385-6390  
skendertravel@hotmail.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been served via Electronic mail to Walton Lantaff Schroeder & Carson LLP 110 E. Broward Blvd. Suite 2000 Fort Lauderdale, Fl 33301-3503 on this 17th day of February, 2017.

---

/s/ Skender Hoti  
Skender Hoti  
3103 Drew Way  
Palm Springs, Florida 33406  
Telephone: (561) 385-6390  
skendertravel@hotmail.com

Exhibit A - 4th DCA CASE NO., 4D14-4826 DEMAND to PERFORM MANDATORY OBLIGATIONS FILED

FEB. 10, 2017

**NOT A CERTIFIED COPY**

IN THE DISTRICT COURT OF APPEAL  
FOURTH DISTRICT, STATE OF FLORIDA

CASE NO. 4D14-4826

LOWER TRIBUNAL NO. 2012CA011639XXXXMB AJ

SKENDER HOTI,

Appellant,

v,

DAVID M. GARTEN,

Appellee,

---

**APPELLANT SKENDER HOTI'S DEMAND FOR FOURTH DISTRICT  
COURT OF APPEALS TO PERFORM MANDATORY DUTIES AND  
OBLIGATIONS UNDER LAW**

Comes now Skender Hoti, Appellant herein, who respectfully shows this Court and makes Demand upon the Fourth District Court of Appeals to perform mandatory duties and obligations under law as follows:

1. I am the Appellant Skender Hoti pro se.

2017 FEB 10 PM 1:56  
CLERK  
DISTRICT COURT OF APPEALS  
FOURTH DISTRICT

2. This Court can take judicial notice of the facts and background of the case herein from the Docket and Records filed under CASE NO. 4D14-4826 including Appellant's Motion for Rehearing and other relief filed with this Court on June 21, 2016.
3. This Court was petitioned by Appellant by a Motion for Rehearing also seeking other relief for a Written opinion on June 21, 2016 with Appellant petitioning this Court to perform mandatory duties and obligations under law concerning the underlying action of David Garten, attorney and attorney's on his behalf acting in the 15th Judicial Circuit Court under Lower Tribunal NO. 2012CA011639XXXXMB AJ.
4. Appellant prayed for relief from this 4th District Court of Appeals where Appellant, "respectfully prayed for an Order vacating all of these Court's Orders issued May 19, 2016 including the per curiam Affirmance and further reversing the Order, Decision and Judgements below as an abuse of discretion without remand for David Garten to prove any further fee or alternatively limiting any remand solely to fees no greater than \$6, 413.35 and striking and enjoining David Garten and any attorney acting on his behalf from pursuing any fees beyond that amount in this case herein" and other relief therein.

5. This Court issued an Order denying the Rehearing and other relief on July 12, 2016 and a Mandate on July 29, 2016.
6. Appellee David Garten and his attorneys continue to not only pursue a fraudulent billing scheme contrary to law in the 15th Judicial Circuit but are seeking to obtain further fraudulent fees on Appeal at a hearing set at the 15th Judicial Circuit court in the underlying case on Feb. 17, 2017.
7. Appellant has duly demanded of attorney Garten and the attorneys acting on his behalf at Walton Lantaff Schroeder & Carson LLP to withdraw the actions and discontinue seeking the fraudulent billing fees.
8. Appellee David Garten and his attorneys at Walton Lantaff Schroeder & Carson LLP continue to disregard the demands of Appellant to cease and desist such actions.
9. This 4th District Court of Appeals is now duly demanded to perform its mandatory duties and obligations under law knowing and actually knowing that there is no substantial and competent evidence under law to support the continued fraudulent billing scheme by Appellee David Garten and his employees.
10. This 4th District Court of Appeals is specifically demanded to perform its mandatory duties and obligations under Miller v. First American Bank and Trust, 607 So. 2d 483 (Fla. 4th Dist. Ct. App. 1992).

11. Just like the Miller case above, this Court is duly demanded to perform mandatory duties in this case as follows from Miller: “On the face of it, the order embodies an unacceptable, even incredible result. No court is obliged to approve a judgment which so obviously offends even the most hardened appellate conscience and which is so obviously contrary to the manifest justice of the case. **Indeed, it is obliged not to. Florida Nat'l. Bank v. Sherouse, 80 Fla. 405, 406, 86 So. 279, 279 (1920) (“[I]f a decree is manifestly against the weight of the evidence, or contrary to the legal effect of the evidence, then it becomes the duty of the appellate court to reverse the same.”); Newman v. Smith, 77 Fla. 633, 650, 82 So. 236, 241 (1918)** (“Where the finding of a trial judge is contrary to the legal effect of the evidence on the issues made the appellate court should reverse the finding even though the trial judge personally saw and heard the witnesses testify, and even though there were conflicts in the testimony, and there was some evidence tending to support the finding.”). Accord *Howell v. Blackburn*, 100 Fla. 114, 129 So. 341 (1930); *Boyd v. Gosser*, 78 Fla. 64, 82 So. 758 (1918); *Fuller v. Fuller*, 23 Fla. 236, 2 So. 426 (1887); *John D.C. v. State*, 16 Fla. 554 (1878); *Uhley v. Tapio Constr. Co., Inc.*, 573 So.2d 390 (Fla. 4th DCA), rev. denied, 583 So.2d 1037 (Fla. 1991); *C.M. Life Ins. Co. v. Ortega*, 562 So.2d 702 (Fla. 3d DCA 1990),

rev. denied, 576 So.2d 289 (Fla. 1991). See, Miller v. First American Bank & Trust  
**607 So.2d 483 (4th DCA 1992).**

12. Just like in the Miller case this 4th DCA is demanded to perform it's duties and find in this case, "The appellees claim that, in effect, we have no choice but to affirm the judgment as within the trial court's discretion, particularly since the fact that the record contains no transcript of the fee hearing requires the conclusion that the order is supported by competent evidence. See Applegate v. Barnett Bank, 377 So.2d 1150 (Fla. 1979). *We strongly disagree.*"

13. Just like in the Miller case above, "*This is especially true with respect to attorney's fees, with which the profession and the courts must be particularly concerned, see Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 485\*485 1985).[4] and even more so since the case involves the notorious "billable hours" syndrome, with its multiple evils of exaggeration, duplication, and invention.* Mercy Hosp., Inc. v. Johnson, 431 So.2d 687 (Fla. 3d DCA), pet. for review denied, 441 So.2d 632 (Fla. 1983); In re Estate of Simon, 402 So.2d 26 (Fla. 3d DCA 1981), appeal after remand, 427 So.2d 235 (Fla. 3d DCA 1983); see also Browne v. Costales, 579 So.2d 161 (Fla. 3d DCA) (abuse of "unit billing"), rev. denied, 593 So.2d 1051 (Fla. 1991)."

14. Just like in the Miller case above, “Nor are we precluded from reaching this result by the fact that, under Applegate, we must presume that someone testified that the hours in question were actually employed and that an "expert" opined that they and the fee awarded were "reasonable.”[5] The existence of such evidence does not require that we abandon our own expertise, much less our common sense.”
15. "Competent evidence includes invoices, records and other information detailing the services provided as well as the testimony from the attorney in support of the fee." Brewer v. Solovsky, 945 So.2d 610, 611 (Fla. 4th DCA 2006) (citations omitted).” See, Diwakar v. Montecito Palm Beach Condominium, No. 4D13-915. 143 So.3d 958 (2014).
16. As previously shown to this Court in the Motion for Rehearing of June 21, 2016, “Thus, as factually shown by the Record on Appeal at pages 000007-000011 the only Billing Statement for any fees in the Original Complaint seeking \$32,952.32 are some alleged factual details for the Bill totalling \$6,413.35.
17. But even for this alleged amount, there is No Sworn Testimony from David Garten in the Record on Appeal, No full Invoice or Account History in the Record on Appeal of David Garten, and absolutely NO Factual basis in the Record on Appeal whatsoever to claim ***anything more than the \$6, 413.35.***



18. In fact, even for this amount the Record on Appeal has no Sworn Testimony, and **no copies of Any of the work Garten allegedly did even for this amount.**
19. The Bill refers to several “Draft motions” and “Draft emails” but **none of these items are contained anywhere in the Record on Appeal as these items were not provided in the proceedings below.”**
20. As further shown in the June 21, 2016 motion for Rehearing, “Thus, not only is there absolutely NO Facts in the Record nor in the original Complaint filed before Judge Lucy Brown to claim the additional \$26,137.38 claimed as “Prior Balance” but even the amount where there is a Billing Statement is significantly in question.
21. There are No Invoices for the \$26,137.38 in the Record on Appeal, No Sworn Testimony from David Garten in the Record on Appeal for this amount, No Invoice Notices or Proof of Sending Invoices in the Record on Appeal, no Proof of when I allegedly received such Bills in the Record on Appeal, no documents or records to show what was done for the \$26,137.38 such as Motions or Hearings, nothing other than an attorney claiming he is owed some amount.
22. Nowhere in the Record on Appeal are there any Exhibits or Transcripts or Sworn Testimony to support the Arbitrator’s Award found at pages Record on Appeal 00153-00158.

23. Nor are any of these items contained anywhere in this Record on Appeal to support the original Order of Judge Lucy Brown upholding the Arbitrator's Award which has to be an Abuse of Discretion under the standards established by the 4th DCA and District Courts of Appeal and Supreme Court in Florida and this must now be reversed and vacated on appeal."

24. As further shown to this Court in the June 21, 2016 motion for Rehearing, "The long line of cases from the 4th DCA and other District Courts of Appeal in Florida further make it clear that, ***"Generally, when an attorney's fee or cost award is appealed and the record on appeal is devoid of competent substantial evidence to support the order, the appellate court will reverse the award without remand."*** *Rodriguez v. Campbell*, 720 So. 2d 266, 268 (Fla. 4th DCA 1998); *Cooper v. Cooper*, 406 So. 2d 1223 (Fla. 4th DCA 1981); *Warner v. Warner*, 692 So. 2d 266, 268 (Fla. 5th DCA 1997); *Brake v. Murphy*, 736 So. 2d 745 (Fla. 3d DCA 1999). See, *FAIRCLOTH, v. BLISS*, No. 4D04-2761, 917 So. 2d 1005 (2006) District Court of Appeal of Florida, Fourth District. January 4, 2006."

25. And further shown previously to this Court, "As stated by this Court in *Faircloth v. Bliss*, 917 So. 2d 1005 ( 2006 ). ***"Here, the record is devoid of any competent evidence regarding the number of hours reasonably expended, the reasonable***

**hourly rate or details of the services performed. We, therefore, reverse the fee award without remand.”**

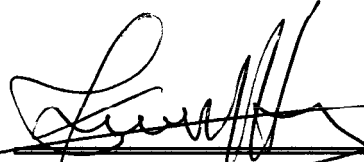
26. This 4th DCA is now duly Demanded to mandatorily Vacate the prior Orders on Appeal and Judgment below without remand or alternatively stay and limit any claim and action in the Lower Tribunal by David Garten and his attorneys to no greater than \$6, 413.35 with Appellant being afforded the right to offset all such amounts by claims of damages from the multi-year false and fraudulent billing scheme herein,

27. This Court is further duly demanded to perform its mandatory obligations and duties under fraud upon the Court standards and the Statewide Court Fraud policy.

WHEREFORE, this 4th DCA is duly demanded to perform its mandatory duties and obligations under law herein under Miller v. First American Bank and Trust, 607 So. 2d 483 (Fla. 4th Dist. Ct. App. 1992) by vacating the Orders on Appeal and Mandate, reversing and vacating the Judgements below without remand, correcting the manifest injustice in this case and for such other and further relief as is just and proper.

Respectfully submitted,

Dated: Feb. 10, 2017



/s/ Skender Hoti

Skender Hoti

3103 Drew Way

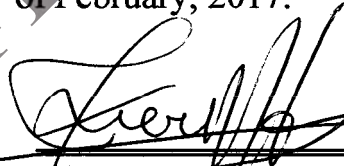
Palm Springs, Florida 33406

Telephone: (561) 385-6390

skendertravel@hotmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served via regular mail to Walton Lantaff Schroeder & Carson LLP 110 E. Broward Blvd. Suite 2000 Fort Lauderdale, Fl 33301-3503 on this 10th day of February, 2017.



/s/ Skender Hoti

Skender Hoti

3103 Drew Way

Palm Springs, Florida 33406

Telephone: (561) 385-6390

skendertravel@hotmail.com

NOT A CERTIFIED COPY

Exhibit B - 4th DCA Case No. D16-0444 Appellant's Reply Brief of 9-27-16.

**NOT A CERTIFIED COPY**

IN THE DISTRICT COURT OF APPEAL  
FOURTH DISTRICT, STATE OF FLORIDA

CASE NO.: 4D16-0444  
LOWER TRIBUNAL NO.: 502013CA012409XXXXMB

---

SKENDER & BEBA HOTI,  
  
                    APPELLANT,  
  
V.  
  
DAVID GARTEN,  
  
                    APPELLEE.

---

**REPLY BRIEF OF APPELLANT SKENDER HOTI**

**TABLE OF CONTENTS**

**REPLY BRIEF OF APPELLANT SKENDER HOTI** ..... 1  
**TABLE OF CITATIONS AND AUTHORITIES** ..... 2  
    **TABLE OF CASES:**..... 2  
    **STATUTES:** ..... 4  
    **Other Authorities:**..... 4

RECEIVED, 9/27/2016 1:21 AM, Clerk, Fourth District Court of Appeal

NOT A CERTIFIED COPY

<b>RULES:</b> .....	5
<b>INTRODUCTION</b> .....	5
<b>STATEMENT OF THE CASE AND FACTS</b> .....	5
<b>ARGUMENT</b> .....	7
<b>I. Appellee has failed to bring forward competent and substantial evidence to show a fraudulent transfer while Appellant’s showed exempt transfer and fraud by Appellee and thus the Lower Court abused it’s Discretion and must be vacated and reversed.</b> .....	7
<b>II. Because of the complete lack of Substantial and Competent Evidence to Support any Award of fees to Appellee in the underlying fee dispute claim beyond possibly \$6,413.35 as shown by the Records on Appeal in Case No. D16-0444 ( 1244 Pages ) and Case No.4D14-4826 ( 1353 Pages ), the 4th DCA is Demanded to Perform it’s Mandatory duty to Reverse and Vacate All Orders, Decisions and Judgments against Appellant in both cases and issue sanctions against Appellee and attorneys.</b> .....	10
<b>III. Appellee Came into the Fraudulent Transfer Case with Unclean Hands; the Judgments against Appellants must now be Vacated and Reversed.</b> .....	18
<b>CONCLUSION</b> .....	20
<b>CERTIFICATE OF SERVICE</b> .....	20

**TABLE OF CITATIONS AND AUTHORITIES**

**TABLE OF CASES:**

Farish v. Lum's Inc., 267 So. 2d 325, 327-8 (Fla. 1972),

Florida Nat'l. Bank v. Sherouse, 80 Fla. 405, 406, 86 So. 279, 279 (1920)

Newman v. Smith, 77 Fla. 633, 650, 82 So. 236, 241 (1918)

Miller v. First American Bank & Trust 607 So.2d 483 (4th DCA 1992)

Uhley v. Tapio Constr. Co., Inc., 573 So.2d 390 (Fla. 4th DCA), rev. denied, 583 So.2d 1037 (Fla. 1991)

Mercy Hosp., Inc. v. Johnson, 431 So.2d 687 (Fla. 3d DCA), pet. for review denied, 441 So.2d 632 (Fla. 1983)

In re Estate of Simon, 402 So.2d 26 (Fla. 3d DCA 1981), appeal after remand, 427 So.2d 235 (Fla. 3d DCA 1983)

Browne v. Costales, 579 So.2d 161 (Fla. 3d DCA) (abuse of "unit billing"), rev. denied, 593 So.2d 1051 (Fla. 1991).

CONGRESS PARK OFFICE CONDOS II LLC v. FIRST CITIZENS BANK TRUST COMPANY Florida, Fourth District Court of Appeals. No. 4D11-4479. (January 16, 2013)

Shahar v Green Tree, DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA ( January 2013)

Ocean View Towers, Inc. v. First Fid. Sav. & Loan Ass'n, 521 So. 2d 325, 326 (Fla. 4th DCA 1988)

PROGRESSIVE EXPRESS INSURANCE COMPANY v. DONALD SCHULTZ, Case No. 5D06-444. District Court of Appeal of Florida, Fifth District ( 2007 )

Florida Patient's Compensation Fund v. Rowe, 472 So. 2d 1145, 1150 (Fla. 1985)

Ziontz v. Ocean Trail Unit Owners Ass'n, 663 So. 2d 1334 ( 4th DCA 1996 )



In re Estate of Lopez, 410 So.2d 618 (Fla. 4th DCA 1982);

**STATUTES:**

**CHAPTER 726**

FRAUDULENT TRANSFERS

726.101 Short title.

726.102 Definitions.

726.103 Insolvency.

726.104 Value.

726.105 Transfers fraudulent as to present and future creditors.

726.106 Transfers fraudulent as to present creditors.

726.107 When transfer made or obligation incurred.

726.108 Remedies of creditors.

726.109 Defenses, liability, and protection of transferee.

726.110 Extinguishment of cause of action.

**Other Authorities:**

Bankruptcy Code, 11 U.S.C. Sec. 101, et seq. ....17,22

Title 11 of the United States Code, 11U.S. C.A. Sec. 101-t532

## **RULES:**

Florida Statewide Court Fraud Policy

## **INTRODUCTION**

Skender and Beba Hoti are referred to as the Appellants herein. Attorney David Garten is referred to the Appellee. Appellant has filed a supplemental Appendix with this Reply brief to Supplement the Record on Appeal. The Supplemental Appendixes consist of Appellant's Motion for Rehearing in the related underlying Fee dispute Case, Appellee's Answer in response, and the Record on Appeal from the underlying Fee Dispute Case under 4th District Court of Appeals CASE NO. 4D14-4826, LOWER TRIBUNAL NO. 2012CA011639XXXXMB AJ.

References to Appellants' Initial Brief are made as "IB".

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

As the Court should be aware, this Appeal of an alleged "fraudulent transfer" arose after a "Billing case" by one David Garten who had been retained by Appellant in relation to the unlawful detention and taking into "Guardianship" of his adopted mother Gwendolyn Batson by one Elizabeth Savitt and others working in concert with Elizabeth Savitt, the new wife of 15th Judicial Circuit Judge Martin Colin

who originally presided over the case where David Garten was retained but later was removed. The related Appeal under Case No. 4D-14-4826 is raised herein. As shown herein, not only is the Record on Appeal devoid of any competent, substantial evidence by Appellee to show intent to delay or hinder for purposes of fraudulent transfer, but the Appellants have been insolvent at all times and any transfer at issue was done at the direction of licensed counsel from an Attorney who works in real estate with the transfers exempt and protected under FS 726.109(b) as “made in the ordinary course of business or financial affairs of the debtor and the insider”.

Further, because Appellant adequately showed the lower tribunal the Fraud on the Court and unlawful “billing scheme” by Appellee and his attorneys, it was an abuse of discretion for the Lower Court to strike Appellants’ pleadings, Answers, affirmative defenses and issue Final Judgment voiding transfers of several properties and issuing fee awards.

Because the Fraud on the Court is clearly shown by the utter lack of proper, substantial, competent evidence to support the underlying Fee award in the Fee dispute case, this Court has a mandatory duty to Reverse and Vacate All Orders and Judgments against Appellants in both appeals with sanctions against Appellee David Garten and his attorneys issued in favor of Appellants.

## ARGUMENT

- I. Appellee has failed to bring forward competent and substantial evidence to show a fraudulent transfer while Appellant's showed exempt transfer and fraud by Appellee and thus the Lower Court abused it's Discretion and must be vacated and reversed.**

Appellee's brief and the Record on Appeal are wholly lacking in showing any fraudulent intent or fraudulent transfer by Appellants while to the contrary, Appellant showed the lower court Fraud on the Court and a false Billing scheme and good faith transfers advised by licensed counsel.

Appellee filed the underlying Fee dispute case in June of 2012. (R. 63-64).

Appellant contested and filed a counterclaim for legal malpractice. (R. 72).

Appellee's fee dispute claimed approximately \$32,000 in fees after being

Discharged by Appellant for cause and achieving no results for Appellant.

Appellant's transfer of properties was only to include his wife on the properties

and was done on or around October of 2012 over 3 months after the Billing case

started while there was no judgment against Appellant, nor injunction or

restraining Order. See Record on Appeal, devoid of injunction or restraining order

against Appellant.

Appellant's filed an Answer and Affirmative Defenses in Nov. of 2013 against the alleged fraudulent transfer charges. Record on Appeal pages 154-157. These defenses showed adequate proof that no fraudulent intent was present. Further, that any such transfer was exempt under FS 726.109 "Defenses, liability, and protection of transferee.—(b) If made in the ordinary course of business or financial affairs of the debtor and the insider"

Appellants' further filed an Emergency Motion to Stop Harassing and Extorting Money by Appellee David Garten which not only claimed and showed these actions as a "bill padding" case, but further attached the Actual proof of payments to Appellee for several checks over a several month period totalling \$35,000.00 made by Appellant. See Record on Appeal 204-213.

A review of Appellee's "complaint" for fees in the fee dispute case shows a conclusory claim to fees, no Payment history, no Account history, no proof of Notice of the Bills to the Appellant, and no documentation to support the work done. This Complaint was entered into the Record on Appeal in this case. See Record on Appeal pages 371-381.

Appellant had filed a Motion to Dismiss this Fraudulent Transfer case which included the factual allegations that Appellee wholly failed to attach or provide any supporting documentation or exhibits to support his fee award. See Record on Appeal pages 396-397.

Appellants filed further motions showing fraud on the Court, abusive discovery and objections to any judgment by motions found at Record on Appeal pages 398-402; 981-984; 1218-1222 and others.

The Record on Appeal is Devoid of any competent, substantial evidence to show the Appellant's were not sufficiently solvent in Oct. of 2012 to satisfy any alleged claim for Attorney's Fees in the amount of approximately \$32,000.00 although only Fees in the amount of \$6,413.35 have any remote support in the Record in the Fee case or in the Record on Appeal in this case.

Under FS Sec. 726.108(1)(a) avoidance of any transfer that can be shown to be fraudulent nonetheless is only allowed "**to the extent necessary to satisfy the creditor's claim**". Both the Record on Appeal in this case as well as the fee dispute case are devoid of any competent, substantial evidence remotely beyond the amount of \$6,413.35 and yet even with this amount, the Record in both cases is filled with Abuse of Civil process and civil fraud and torts by Appellee against the Appellants to offset even such amount of \$6,413.35. Thus, if anything, it is the Appellee and his attorneys who should be setting aside properties and assets to satisfy the Appellants

.

The lower tribunal had ample evidence in the Record below to have halted Appellee and make Appellee prove his claim. Instead, what has been allowed is an abuse of process, Scheme to generate fees by “invention” and creation.

All Judgments and Orders of the Lower Tribunal must now be reversed. See, Farish v. Lum's Inc., 267 So. 2d 325, 327-8 (Fla. 1972).

**II. Because of the complete lack of Substantial and Competent Evidence to Support any Award of fees to Appellee in the underlying fee dispute claim beyond possibly \$6,413.35 as shown by the Records on Appeal in Case No. D16-0444 ( 1244 Pages ) and Case No.4D14-4826 ( 1353 Pages ), the 4th DCA is Demanded to Perform it’s Mandatory duty to Reverse and Vacate All Orders, Decisions and Judgments against Appellant in both cases and issue sanctions against Appellee and attorneys.**

**The 2,597 Pages of Records on Appeal from the 2 Cases show the “Virus is Loose” again as the 4th DCA noted in 1996 with respect to Billing Schemes; Appellee has had nearly 2600 Pages of Appellate Records to Demonstrate the Basis for the Original Fees and has Failed to Do So; the 4th DCA is Mandated to Act to Vacate the Fraud and Stop the “Virus”**

Attached as Appendix 1 is Appellant's Motion for Rehearing in the Fee Dispute Case that clearly demonstrated that the Appellee had showed an utter lack of competent and substantial evidence to justify his original claim for Fees in the underlying case. In fact, even on such a motion, in response Appellee still did not bring forward any proof to justify his original claim to fees of approximately \$32,000 by an answer filed with this Court in Case No. 4D14-4826 on July 5, 2016. See Appendix 2. The entirety of the Record on Appeal from Case No. 4D14-4826 shows no competent, substantial evidence to justify the original fees. See, Appendix 3 ROA Case No. 4D-4826. Nor is there any competent, substantial proof in the Record on Appeal in this case.

As this Court noted in *Miller v First American Bank and Trust*, "On the face of it, the order embodies an unacceptable, even incredible result. **No court is obliged to approve a judgment which so obviously offends even the most hardened appellate conscience and which is so obviously contrary to the manifest justice of the case. Indeed, it is obliged not to.** *Florida Nat'l. Bank v. Sherouse*, 80 Fla. 405, 406, 86 So. 279, 279 (1920) ("**If a decree is manifestly against the weight of the evidence, or contrary to the legal effect of the evidence, then it becomes the duty of the appellate court to reverse the same.**"); *Newman v. Smith*, 77 Fla. 633, 650, 82 So. 236, 241 (1918) ("Where the finding of a trial judge is contrary to the legal effect of the evidence on the issues made the appellate court



should reverse the finding even though the trial judge personally saw and heard the witnesses testify, and even though there were conflicts in the testimony, and there was some evidence tending to support the finding." ). Accord *Howell v. Blackburn*, 100 Fla. 114, 129 So. 341 (1930); *Boyd v. Gosser*, 78 Fla. 64, 82 So. 758 (1918); *Fuller v. Fuller*, 23 Fla. 236, 2 So. 426 (1887); *John D.C. v. State*, 16 Fla. 554 (1878); *Uhley v. Tapio Constr. Co., Inc.*, 573 So.2d 390 (Fla. 4th DCA), rev. denied, 583 So.2d 1037 (Fla. 1991); *C.M. Life Ins. Co. v. Ortega*, 562 So.2d 702 (Fla. 3d DCA 1990), rev. denied, 576 So.2d 289 (Fla. 1991). See, *Miller v. First American Bank and Trust*, 607 So. 2d 483 - Fla: Dist. Court of Appeals, 4th Dist.

**Appellant Demands the 4th DCA comply with it's duty to reverse and vacate the Judgements and Decisions and Orders from the 2 cases herein and report appropriately under the Statewide Court Fraud policy:**

As this Court said in *Miller*, "The appellees claim that, in effect, we have no choice but to affirm the judgment as within the trial court's discretion, particularly since the fact that the record contains no transcript of the fee hearing requires the conclusion that the order is supported by competent evidence. See *Applegate v. Barnett Bank*, 377 So.2d 1150 (Fla. 1979). ***We strongly disagree.***"

The *Miller* case goes on to note, "**This is especially true with respect to attorney's fees, with which the profession and the courts must be particularly concerned**, see *Florida Patient's Compensation Fund v. Rowe*, 472 So.2d 1145

(Fla. 485\*485 1985),[4] and even more so since the case involves the notorious "billable hours" syndrome, with its multiple evils of exaggeration, duplication, and invention. Mercy Hosp., Inc. v. Johnson, 431 So.2d 687 (Fla. 3d DCA), pet. for review denied, 441 So.2d 632 (Fla. 1983); In re Estate of Simon, 402 So.2d 26 (Fla. 3d DCA 1981), appeal after remand, 427 So.2d 235 (Fla. 3d DCA 1983); see also Browne v. Costales, 579 So.2d 161 (Fla. 3d DCA) (abuse of "unit billing"), rev. denied, 593 So.2d 1051 (Fla. 1991).”

**The Cases by Appellee herein are by “Invention” , a “Virus”and fraud on the Court and must be Vacated and Reversed:**

As this Court noted in Ziontz v Ocean Trail, “We cannot let this occasion pass without commenting on what we perceive to be the source of fee awards such as this one. Since the Florida Supreme Court's decision in Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985), there seems to be a virus loose in Florida. As Judge Schwartz said in Miller, the obsession with hours and hourly rates required by Rowe has spawned among lawyers moving for court awarded fees the "multiple evils of exaggeration, duplication, and invention." Miller, 607 So.2d at 485.

The use of lawyers as expert witnesses to justify the fees sought as reasonable seems to have lead only to more exaggeration and invention. Perhaps it is quixotic to expect the lawyer witnesses who actually testify at fee hearings to do anything

but justify the fee claimed, for if they do not they simply would not be called to testify. Opposing expert witnesses may not be much of a reliable check on the claimant's lawyers, because lawyers in general profit from the patina of authority given to one's own fees by a court award of a similar one. Hence, the obsession to justify hours and rates now seems to riddle the fee process with an air of mendacity.

This obsession with hours and rates has apparently caused judges and lawyers to lose sight of a truth they formerly accepted almost universally: viz., that there is an economic relationship to almost every legal service in the market place. The value of any professional service is almost always a function of its relationship to something else — i.e., some property or other right. In this case, for example, no business could long expect to spend \$60,000 to collect \$100 accounts. Trial judges and lawyers used to accept a priori the idea that, no matter how much time was spent or how good the advocate, the fair price of some legal victories simply could not exceed — or, conversely, should not be less than — some relevant sum not determined alone by hours or rates. Since Rowe, that all seems lamentably forgotten.

**This case appears to exemplify what has gone wrong. Fees of the kind awarded here threaten to make the respect of nonlawyers for judicial control of fees — indeed, for the very legal system itself — a thing of the past. Because**

**of the manifest justice rule in this instance, however, and not out of any disagreement with Rowe, we conclude that this fee award must be set aside.”**

See, Ziontz v. Ocean Trail Unit Owners Ass'n, 663 So. 2d 1334 ( 4th DCA 1996 ).

As shown by Paragraphs 12-23 in Appendix Exhibit 1 herein, Appellant’s motion for Rehearing in the 4D14-4826 case,

“12. Thus, as factually shown by the Record on Appeal at pages 000007-000011 the only Billing Statement for any fees in the Original Complaint seeking \$32,952.32 are some alleged factual details for the Bill totalling \$6,413.35.

13. But even for this alleged amount, there is No Sworn Testimony from David Garten in the Record on Appeal, No full Invoice or Account History in the Record on Appeal of David Garten, and absolutely NO Factual basis in the Record on Appeal whatsoever to claim **anything more than the \$6, 413.35.**

14. In fact, even for this amount the Record on Appeal has no Sworn Testimony, and **no copies of Any of the work Garten allegedly did even for this amount.**

15. The Bill refers to several “Draft motions” and “Draft emails” but **none of these items are contained anywhere in the Record on Appeal as these items were not provided in the proceedings below.**

16. The Billing Statement does give this Court a strong insight into the actions of attorney David Garten, however, as seen on Record on Appeal Page 00009 where David Garten “bills” myself as Appellant on 6-5-12 \$85.00 for calling my Wife who he did NOT have a Retainer Agreement with to talk to her about me Paying his alleged Bill and then goes on 6-8-12 to Bill both of us \$425.00 to have a Conference on Paying his Bill and then proceeds on Record on Appeal Page 000010 to Bill in excess of another \$500 plus total AFTER he had received notice that I discharged him.

17. Thus, not only is there absolutely NO Facts in the Record nor in the original Complaint filed before Judge Lucy Brown to claim the additional \$26,137.38 claimed as “Prior Balance” but even the amount where there is a Billing Statement is significantly in question.

18. There are No Invoices for the \$26,137.38 in the Record on Appeal, No Sworn Testimony from David Garten in the Record on Appeal for this amount, No Invoice Notices or Proof of Sending Invoices in the Record on Appeal, no Proof of when I allegedly received such Bills in the Record on Appeal, no documents or records to show what was done for the \$26,137.38 such as Motions or Hearings, nothing other than an attorney claiming he is owed some amount.

19. Nowhere in the Record on Appeal are there any Exhibits or Transcripts or Sworn Testimony to support the Arbitrator’s Award found at pages Record on Appeal 00153-00158.

20. Nor are any of these items contained anywhere in this Record on Appeal to support the original Order of Judge Lucy Brown upholding the Arbitrator’s Award which has to be an Abuse of Discretion under the standards established by the 4th DCA and District Courts of Appeal and Supreme Court in Florida and this must now be reversed and vacated on appeal.

21. The Arbitrator’s Award says nothing other than a conclusory statement based upon alleged Testimony which is **NOT shown to be sworn and in fact does not even Exist in the Record on Appeal** that somehow the case was “complex” but there are no Facts, no motions, no records to show this as a factual matter.

22. Nowhere in the Record on Appeal does it show that David Garten provided these missing invoices or records in his motions to Confirm the Arbitrator’s award and in fact David Garten did not even claim that these records exist or try to provide them to this Court in response when I filed the June 3, 2016 Motion for Extension of time.

23. In fact the Record on Appeal makes it crystal clear that all David Garten did was provide further Bills to the Lower Court charged **after the Retainer Agreement was**

**cancelled to then Bill Appellant to collect Fees which had not justified in the first instance.** See, Appendix Exhibit 1.

As the Third DCA noted citing several 4th DCA cases, “The court should review the nature of the services rendered and the necessity for their performance, along with the reasonableness of the charges. Lyle v. Lyle, 167 So.2d 256 (Fla. 2d DCA), cert. denied, 172 So.2d 601 (Fla. 1964). **Johnson's failure to present detailed evidence of his services is fatal to his claim. In re Estate of Lopez, 410 So.2d 618 (Fla. 4th DCA 1982); Cohen v. Cohen, 400 So.2d 463 (Fla. 4th DCA 1981); Nevins v. Nevins, 312 So.2d 201 (Fla. 2d DCA 1975). The opinion of an expert witness does not constitute proof that the facts necessary to support the conclusion exist. Arkin Construction Co. v. Simpkins, 99 So.2d 557 (Fla. 1957).**” See, Mercy Hosp., Inc. v. Johnson, 431 So.2d 687 (Fla. 3d DCA), pet. for review denied, 441 So.2d 632 (Fla. 1983)

In both the underlying fee case and this case, Appellee has wholly failed to bring forward proof detailing his claim or any details at all on the alleged Prior Balance and **no Payment history to show the clear \$35,000.00 actually paid. There are no Transcripts of what any alleged Expert testified to and nothing but a conclusory statement that the underlying garden variety Habeus Corpus / Release from Guardianship case was complex while Appellee has pursued abusive civil process for years. See Appendix Exhibit 2, 3.**

As the 5th DCA noted, "*Lawyers are officers of the court. The court is an instrument of society for the administration of justice. Justice should be administered economically, efficiently, and expeditiously. The attorney's fee is, therefore, a very important factor in the administration of justice, and if it is not determined with proper relation to that fact[,] it results in a species of social malpractice that undermines the confidence of the public in the bench and bar. It [sic] does more than that; it brings the court into disrepute and destroys its power to perform adequately the function of its creation.*" See, PROGRESSIVE EXPRESS INSURANCE COMPANY v. DONALD SCHULTZ, Case No. 5D06-444. DCA Fifth District ( 2007 )

This Court must now perform its mandatory duty to Vacate and Reverse all such Decisions, Orders and Judgments herein against Appellants from this case and the 4D-4826 case.

**III. Appellee Came into the Fraudulent Transfer Case with Unclean Hands; the Judgments against Appellants must now be Vacated and Reversed.**

This court has previously concluded that unclean hands, if sufficiently pled, may be asserted as an affirmative defense to a mortgage foreclosure action. See, e.g., Quality Roof Servs., Inc. v. Intervest Nat'l Bank, 21 So. 3d 883, 885 (Fla. 4th DCA 2009); cf. Congress Park Office Condos II, LLC v. First-Citizens Bank &

Trust Co., No. 4D11-4479 (Fla. 4th DCA Jan. 16, 2013) (finding that an unclean hands affirmative defense in a mortgage foreclosure case was not pled with sufficient facts).

This court has described unclean hands as follows: “It is certainly beyond question that “one who comes into equity must come with clean hands else all relief will be denied him regardless of the merits of his claim. **It is not essential that the act be a crime; it is enough that it be condemned by honest and reasonable men.**”

Ocean View Towers, Inc. v. First Fid. Sav. & Loan Ass’n, 521 So. 2d 325, 326 (Fla. 4th DCA 1988) (quoting Roberts v. Roberts, 84 So. 2d 717, 720 (Fla. 1956)). Recently, this court found that unclean hands is tantamount to “[u]nscrupulous practices, overreaching, concealment, trickery or other unconscientious conduct.” Congress Park Office Condos II, No. 4D11-4479 at 6-7 (citation omitted). See, Shahar v Green Tree, DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA ( January 2013)

**The nearly 2600 PAGES of CERTIFIED Appeal Records from both cases certified by Clerk Bock shows the Appellee has come into the fraudulent transfer case with Unclean hands as 4 years later and still no proof to support the original fee claim. See ROA Case No. 4D-16-0444 and Appendix Exhibit 3, ROA Case No. 4D14-4826.**



**CONCLUSION**

All Orders, Judgments and Decisions against Appellant must now be vacated and reversed.

**WHEREFORE**, Appellants respectfully pray for an Order vacating and reversing all Decisions, Orders and Judgments in Cases No. 4D-16-0444 and 4D-4826, sanctions to issue against Appellee and his attorneys, and for such other and further relief as may be just and proper,

Dated: Sept. 27, 2016

Respectfully submitted,

**/s/ Skender Hoti**

Skender Hoti

3103 Drew Way

Palm Springs, Florida 33406

Telephone: (561) 385-6390

skendertravel@hotmail.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been served via email to

dfitzgerald@waltonlantaff.com on Walton Lantaff Schroeder & Carson LLP 110

E. Broward Blvd. Suite 2000 Fort Lauderdale, Fl 33301-3503 on this 27<sup>th</sup> day of

September, 2016.

**/s/ Skender Hoti**

Skender Hoti  
3103 Drew Way  
Palm Springs, Florida 33406  
Telephone: (561) 385-6390  
skendertravel@hotmail.com

NOT A CERTIFIED COPY

APPENDIX EXHIBIT 1 FROM CASE NO. 4D-4826

06/21/2016 Motion For Rehearing

APPENDIX EXHIBIT 2 FROM CASE NO. 4D-4826

07/05/2016 Response TO MOTION FOR REHEARING, ETC.

APPENDIX EXHIBIT 3 FROM CASE NO. 4D-4826

05/28/2015 Brief/Record Records EIGHT (8) VOLUMES

NOT A CERTIFIED COPY

EXHIBIT 5

Objections and filings on March 7, 2017 under Docket Entry No. 233

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO: 2012CA011639XXXXMB  
CIRCUIT CIVIL DIVISION AE

DAVID GARTEN, ESQ

Plaintiff,

V

SKENDER HOTI,

Defendant,

---

**DEFENDANT SKENDER HOTI'S OBJECTIONS TO PROPOSED ORDER ON  
PLAINTIFF'S MOTION FOR ATTORNEY'S FEES ON APPEAL AND OTHER RELIEF**

COMES NOW SKENDER HOTI Pro Se who makes and files these Objections to the Plaintiff's Proposed Order on Attorney's Fees on Appeal, who respectfully says and shows this Court.

1. I am the Defendant Pro Se.
2. I make these Objections to the Proposed Order by Plaintiff's for Attorney's Fees on Appeal.
3. All such Fees are objected to in general as part of a fraudulent billing scheme that began with Attorney David Garten.
4. Such fees on Appeal were unnecessary and unearned and Plaintiff and Plaintiff's lawyers were asked to cease and desist in these matters of generating fees as part of such scheme as unnecessary.



5. Defendant Objects and submits this Court at minimum should Stay all fee matters pending Discovery and a full evidentiary hearing on Defendant's motion filed with this Court on Feb. 17, 2017 as any fees owed to David Garten should have been limited to **\$6,413.35 at most with all appeal fees denied.**
6. That there is no substantial and competent evidence for the underlying Judgments which are void and should be voided included all fees on appeal.

Respectfully submitted,

Dated: March 6th, 2017

**/s/ Skender Hoti**

Skender Hoti

3103 Drew Way

Palm Springs, Florida 33406

Telephone: (561) 385-6390

skendertravel@hotmail.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been served via Electronic mail to Walton Lantaff Schroeder & Carson LLP 110 E. Broward Blvd. Suite 2000 Fort Lauderdale, FL 33301-3503 on this 6th day of March, 2017.



**/s/ Skender Hoti**

Skender Hoti

3103 Drew Way

Palm Springs, Florida 33406

Telephone: (561) 385-6390

EXHIBIT 6

Objections and Alternate Proposed Order April 6, 2017 under Docket Entry No. 239

IN THE CIRCUIT COURT OF THE 15TH

JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO: 2012CA011639XXXXMB  
CIRCUIT CIVIL DIVISION AE

DAVID GARTEN, ESQ

Plaintiff,

V

SKENDER HOTI,

Defendant,

---

**DEFENDANT SKENDER HOTI'S OBJECTIONS TO PROPOSED ORDER  
SUBMITTED BY ATTORNEY'S FOR DAVID GARTEN ON SKENDER HOTI'S  
MOTION FOR DISMISSAL OR STAY-CONTINUANCE:**

COMES NOW SKENDER HOTI Pro Se who makes and files these Objections to the Plaintiff's Proposed Order on Skender Hoti's Motion for Dismissal and alternatively a Stay and Continuance, who respectfully says and shows this Court.

1. I am the Defendant Pro Se.
2. I make these Objections to the Proposed Order by submitted by Plaintiff's Attorneys.
3. I promptly responded to the Proposed Order submitted by David Garten's attorneys as follows: From: Skender Hoti [mailto:skendertravel@gmail.com]

Sent: Wednesday, April 05, 2017 2:46 PM

To: Beau Ugarte; Kelly M. Vogt; Deborah P. FitzGerald

Cc: Slender Hoti; Skender Hoti



Subject: Skender Hoti Objections to Proposed Order 4.5.17 Re: Proposed Order, 4/12/17

Hearing - In re: Hoti v. Garten

Wednesday April 5, 2017

Beau Ugarte

rugarte@WaltonLantaff.com

Re: Skender Hoti's Objections to Proposed Order submitted by David Garten's

Attorneys

Case No. 2012CA011639-XXXX-MB

I, Skender Hoti, Object to the Proposed Order as drafted.

The Proposed Order Submitted should have specific sections for the Judge to make Specific Findings of Fact and Written Opinion on the law on the following:

1. The Court makes the following Findings of Fact on Mr. Hoti's factually detailed Motion to Dismiss the application for Attorney's Fees on Appeal:

---

\_\_\_\_\_;

2. The Court makes the following conclusions of law and written opinion on Mr. Hoti's factually detailed Motion to Dismiss the application for Attorney's Fees on Appeal:

---

\_\_\_\_\_;

3. The Court makes the following Findings of Fact on Mr. Hoti's factually detailed motion for a Stay and Continuance:

\_\_\_\_\_  
\_\_\_\_\_;

4. The Court makes the following conclusions of law and written opinion on Mr. Hoti's factually detailed motion for a Stay and Continuance:

\_\_\_\_\_  
\_\_\_\_\_;

Please confirm that your office will be incorporating these changes into the Proposed Order and filing this with the Court or if I must file this with the Court instead.

Thank you.

Skender Hoti

April 5, 2017

cc: Deborah P. FitzGerald, DFitzgerald@WaltonLantaff.com, Kelly M. Vogt,

KVOGT@WaltonLantaff.com;

4. Plaintiff David Garten's Attorneys responded as follows: From: "Kelly M. Vogt"

<KVOGT@WaltonLantaff.com>

Date: April 5, 2017 at 3:23:54 PM EDT

To: Skender Hoti <skendertravel@gmail.com>, Beau Ugarte

<rugarte@WaltonLantaff.com>, "Deborah P. FitzGerald"

<DFitzgerald@WaltonLantaff.com>

Cc: Slender Hoti <skendertravel@hotmail.com>

Subject: RE: Skender Hoti Objections to Proposed Order 4.5.17 Re: Proposed Order,

4/12/17 Hearing - In re: Hoti v. Garten

Mr. Hoti,

We propose the attached order but we will not agree to the requests you made in your email. The Court already ruled on this orally at the hearing held on February 17, 2017.

You will have to bring it up to the judge at the hearing on April 12, 2017.

Kelly M. Vogt

Partner

Walton Lantaff Schroeder & Carson LLP

Attorneys at Law

110 East Broward Blvd, Suite 2000 | Fort Lauderdale Florida 33301

Office: (954) 463-8456 | Fax: (954) 763-6294

kvogt@WaltonLantaff.com | Website | Biography

WLSC: This message contains confidential information and is intended only for the

individual(s) addressed in the message. If you are not the named addressee, you should not disseminate, distribute, or copy this e-mail. If you are not the intended recipient, you are notified that disclosing, distributing, or copying this e-mail is strictly prohibited.

5. The Court should have performed a proper, comprehensive and full fact finding on my detailed motion and full analysis and application of the law.
6. The Court should be able to Enter such detailed Factual Findings and detailed legal analysis and Opinion into the Order, otherwise the Court should be Vacating any Oral Decision, granting the Stay and Continuance and opening up proceedings accordingly.
7. As Defendant I have submitted a proposed Alternate Order to be filed with this Court as well.
8. All such Fees are objected to in general as part of a fraudulent billing scheme that began with Attorney David Garten.
9. Such fees on Appeal were unnecessary and unearned and Plaintiff and Plaintiff's lawyers were asked to cease and desist in these matters of generating fees as part of such scheme as unnecessary.
10. Defendant Objects and submits this Court at minimum should Stay all fee matters pending Discovery and a full evidentiary hearing on Defendant's motion filed with this Court on Feb. 17, 2017 as any fees owed to David Garten should have been limited to *\$6,413.35 at most with all appeal fees denied.*
11. That there is no substantial and competent evidence for the underlying Judgments which are void and should be voided included all fees on appeal.
12. Defendant reserves all rights to seek relief as the law and justice requires.

Respectfully submitted,

Dated: April 6th, 2017

/s/ Skender Hoti  
Skender Hoti  
3103 Drew Way  
Palm Springs, Florida 33406  
Telephone: (561) 385-6390  
skendertravel@hotmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served via Electronic mail to Walton Lantaff Schroeder & Carson LLP 110 E. Broward Blvd. Suite 2000 Fort Lauderdale, Fl 33301-3503 on this 6th day of April, 2017 at the following addresses:  
FTLfiling@waltonlantaff.com; dfitzgerald@waltonlantaff.com; kvogt@waltonlantaff.com.

/s/ Skender Hoti  
Skender Hoti  
3103 Drew Way  
Palm Springs, Florida 33406  
Telephone: (561) 385-6390  
skendertravel@hotmail.com

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

DAVID M. GARTEN, ESQ.,

Plaintiff/Counter-Defendant,

Case No. 2012CA011639-XXXX-MB

v.

SKENDER HOTI AKA KENNETH BATSON,

Defendant/Counter-Plaintiff.

\_\_\_\_\_ /

**ORDER ON DEFENDANT/COUNTER-PLAINTIFF SKENDER HOTI'S MOTION TO DISMISS PLAINTIFF'S APPLICATION FOR ATTORNEY'S FEES AND ALTERNATIVELY FOR A STAY- CONTINUANCE AND TO APPEAR BY TELEPHONE AND OTHER RELIEF**

THIS CAUSE having come on to be heard on February 17, 2017 on Defendant/Counter-Plaintiff Skender Hoti aka Kenneth Batson's Motion to Dismiss Plaintiff's Application for Attorney's Fees and Alternatively for a Stay-Continuance and to Appear by Telephone and Other Relief, and the Court having considered the Motion and having been duly advised in the premises, the Court determines as follows:

1. The Court makes the following Findings of Fact on Mr. Hoti's factually detailed Motion to Dismiss the application for Attorney's Fees on Appeal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. The Court makes the following conclusions of law and written opinion on Mr. Hoti's factually detailed Motion to Dismiss the application for Attorney's Fees on Appeal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

3. The Court makes the following Findings of Fact on Mr. Hoti's factually detailed motion for a Stay and Continuance:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

4. The Court makes the following conclusions of law and written opinion on Mr. Hoti's factually detailed motion for a Stay and Continuance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

;  
It is therefore hereby ORDERED that Defendant/Counter-Plaintiff Skender Hoti aka Kenneth Batson's Motions to Dismiss Plaintiff's Application for Attorney's Fees and Alternatively for a Stay-Continuance are hereby \_\_\_\_\_

Defendant/Counter-Plaintiff Skender Hoti aka Kenneth Batson's Motion to Appear by Telephone is hereby GRANTED.

It is further ORDERED that \_\_\_\_\_

DONE AND ORDERED in Chambers in West Palm Beach,  
Palm Beach County, Florida, this \_\_\_ day of \_\_\_\_\_, 2017.

HONORABLE JEFFREY DANA GILLEN Circuit Judge

Copies furnished to:

Deborah P. FitzGerald, Esq., Walton Lantaff Schroeder & Carson LLP, Corporate Center 110 E. Broward Blvd., Suite 2000, Fort Lauderdale, FL 33301-350 E-mail:

FTLfiling@waltonlantaff.com; dfitzgerald@waltonlantaff.com; kvogt@waltonlantaff.com

Skender Hoti, Pro Se, 3396 Via Mancebo, Lake Worth, Florida 33467 E-mail:

skendertravel@hotmail.com

**NOT A CERTIFIED COPY**



EXHIBIT 7

Objections To Tax Costs filed April 11, 2017 under Docket No. 241

IN THE CIRCUIT COURT OF THE 15TH

JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO: 2012CA011639XXXXMB  
CIRCUIT CIVIL DIVISION AE

DAVID GARTEN, ESQ

Plaintiff,

V

SKENDER HOTI,

Defendant,

**DEFENDANT'S OBJECTIONS TO  
MOTION TO TAX COSTS**

COMES NOW SKENDER HOTI Pro Se who makes and files these Objections to the Plaintiff's Motion to Tax Costs and shows this Court:

1. I am the Defendant Pro Se.
2. I make these Objections to the Plaintiff's Motion to Tax Costs and for other relief.
3. These motions should be denied entirely as furthering a fraud upon the Court and fraud in the case.
4. This Court has already been petitioned under Filing No. 52638010 filed on Feb. 17, 2017 at 10:44 am EST that there is no basis for the Plaintiff or the Plaintiff's lawyers to claim the underlying fees. See Exhibit 1.
5. This Court has not ruled substantively on my prior Motion for Dismissal and I have further noticed the Court with a proposed Order to make specific findings of fact and apply specific case law by documents filed with this Court under Filing No. 54745179 filed April 6, 2017 at 2:48 PM EST. See Exhibit 2.

6. This Court has an obligation to deter fraudulent claims from proceeding in court. See, SAVINO v. FLA. DRIVE IN THEATRE MANAGEMENT, 697 So.2d 1011 (1997).
7. This Court must now perform it's obligations under law and dismiss the fraudulent claims of Plaintiff David Garten and his attorneys including the Motion to Tax Costs.

**WHEREFORE**, it is respectfully prayed for an Order denying the Motion to Tax Costs in their entirety and to further dismiss all claims of Plaintiff David Garten and his Attorneys as a fraudulent billing scheme or make specific findings of fact and written analysis of the law and for such other and further relief as may be just and proper.

Respectfully submitted,

Dated: April 11th, 2017

**/s/ Skender Hoti**

Skender Hoti

3103 Drew Way

Palm Springs, Florida 33406

Telephone: (561) 385-6390

[skendertravel@hotmail.com](mailto:skendertravel@hotmail.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been served via Electronic mail to Walton Lantaff Schroeder & Carson LLP 110 E. Broward Blvd. Suite 2000 Fort Lauderdale, Fl 33301-3503 on this 11th day of April, 2017 at the following addresses:

FTLfiling@waltonlantaff.com; dfitzgerald@waltonlantaff.com; kvogt@waltonlantaff.com.

**/s/ Skender Hoti**

Skender Hoti  
3103 Drew Way  
Palm Springs, Florida 33406  
Telephone: (561) 385-6390  
[skendertravel@hotmail.com](mailto:skendertravel@hotmail.com)

**NOT A CERTIFIED COPY**

**NOT A CERTIFIED COPY**

EXHIBIT 8

Screen print from this Case from the Clerk's E-View of this date, April 24, 2018



**CASE NUMBER: 50-2012-CA-011639-XXXX-MB**

Dockets & Documents ▾

Public =






VOR =

In Process =   
Page Size: 25 ▾

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

	Docket Number	Effective Date	Description
	228	10/11/2016	RETURNED MAIL
	229	11/01/2016	REQUEST
	230	12/22/2016	ORDER SETTING HEARING
	231	02/17/2017	MOTION TO DISMISS
	232	02/27/2017	ORDER SETTING HEARING
	233	03/07/2017	OBJECTION
	234	03/10/2017	EXHIBIT LIST
	235	03/17/2017	ORDER ON PLT/ CDFT MOTION TO SET THE AMOUNT OF THE ATTYS FEES PURSUANT TO FOURTH DISTRICT COURT OF APPEAL ORDER GRANTING ENTITLEMENT GRANTED AS FOLLOWS: ** SEE ORD FOR DETAILS ** J GILLEN DTD 3/17/17
	236	03/21/2017	RETURNED MAIL
	237	03/30/2017	NOTICE OF FILING
	238	03/30/2017	MOTION FOR WRIT
	239	04/06/2017	OBJECTION
	240	04/06/2017	PROPOSED UNSIGNED ORDER
	241	04/11/2017	OBJECTION

---

	242	04/11/2017	EXHIBIT
	243	04/11/2017	EXHIBIT
	244	04/13/2017	ORDER ON PLT/ CDFT'S MOTION TO TAX COSTS AGAINST SKENDER HOTI AKA KENNETH BATSON GRANTED SHALL RECOVER COSTS IN THE SUM OF \$580.50 J GILLEN DTD 4/12/17
	245	04/13/2017	ORDER NUNC PRO TUNC ON DFT/ CPLT SKENDER HOTI'S MOTION TO DISMISS PLT'S APPLICATION FOR ATTY'S FEES AND ALTERNATIVELY FOR A STAY-CONTINUANCE DENIED DFT/ CPLT SKENDER HOTI AKA KENNETH BATSON'S MOTION TO APPEAR BY TELEPHONE GRANTED DFT / CPLT SKENDER HOTI AKA KENNETH BATSON'S MOTION AS TO ANY OTHER RELIEF DENIED J GILLEN DTD 4/12/17
	246	04/13/2017	FINAL JUDGMENT BOOK 29020 PAGE 1839-1840

---

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----



