

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

IN RE:THE MARRIAGE OF

JULIA M. GONZALEZ,

APPELLANT-PETITIONER,

CASE NO. 502010DR003810XXXXSB

NOTICE OF APPEAL

v.

LLOYD G. WICKBOLDT,

APPELLEE-RESPONDENT.

NOTICE IS GIVEN that Julia M. Gonzalez, Appellant-Petitioner, Appeals to the
Fourth (4th) District Court of Appeals from the Order of Palm Beach County
Judge Howard K. Coates dated April 10th, 2017 ORDER Precluding Appellant

from filing further motions, pleadings, etc, and hereby appeals from each and every part of said Order.

Dated: May 10, 2017

/s/ Julie M. Gonzalez
Julie M. Gonzalez
PO 8212911
Pembroke Pines, FL 33082
954-245-4653
juliegonzalez64@hotmail.com

CERTIFICATE OF SERVICE

Petitioner does hereby certify that the foregoing Petition was served on all parties below by e-file with the clerk of the court this 10th day of May, 2017.

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/s/ Julie M. Gonzalez
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EXHIBIT 1 MARCH 29, 2017 ORDER GRANTING RECEIVER'S MOTION
FOR APPROVAL OF SALE OF PROPERTY

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

FAMILY DIVISION FY
CASE NO. 50-2010-DR-003810-XXXX-SB

LLOYD G. WICKBOLDT,
Petitioners(s)

v.

JULIE M. GONZALEZ,
Respondents(s).

**ORDER PRECLUDING RESPONDENT
FROM FILING ANY FURTHER MOTIONS, PLEADINGS, OR
MEMORANDA IN THIS MATTER ON A PRO SE BASIS ABSENT HAVING SUCH
SUBMISSIONS BEING REVIEWED AND APPROVED BY A MEMBER OF THE
FLORIDA BAR IN GOOD STANDING**

In conjunction with the Court's consideration of Respondent's Emergency Motion filed in this matter and upon Petitioner's Expedited Motion for an Order to Show Cause heard on April 3, 2017 (at which hearing Respondent failed to appear), this Court *sua sponte* raised for hearing and consideration as to whether Respondent, Julie M. Gonzalez, should be precluded from filing any further motions, pleadings, or memoranda on a *pro se* basis absent having such submissions being reviewed and approved by a member of the Florida Bar in good standing and such other and further restrictions and limitations as may be appropriate to be imposed on Respondent for any *pro se* filings in this matter. By Order dated April 3, 2017, this Court entered an Order To Show Cause And Setting Hearing As To Why Respondent Should Not Be Precluded From Filing Any Further Motions, Pleadings, Or Memoranda In This Matter On A Pro Se Basis Absent Having Such Submissions Being Reviewed And Approved By A Member Of The Florida Bar In Good Standing ("Order to Show Cause")(D.E. 382), which order set the hearing on the Order to Show Cause for April 10, 2017 @10:00 a.m. Despite the Court's Order

to Show Cause specifically providing that “[t]he Court reiterates that Respondent’s personal appearance in this matter is mandatory and the Court will not entertain any request for telephonic appearance. **Failure to appear in person at this hearing may result in sanctions and/or arrest. . . .**” (Emphasis Original), Respondent failed to appear at the scheduled hearing. After hearing on the matter, a review of the Court’s file and docket in this matter, and the Court being otherwise fully advised in the premises, the Court finds as follows:

A. The record in this matter is replete with docket entries reflecting filings by Ms. Gonzalez that are specious, duplicative, harassing, and serving no legitimate purpose other than to cause wasteful and unnecessary delay in this matter and to openly flout and disregard the Court’s prior orders in this matter. Ms. Gonzalez’s abuse of the legal system, her unethical and frivolous filings and appeals, the malicious filing of various new lawsuits, and her willful noncompliance with the valid Final Judgment entered in this matter and affirmed on appeal have cost the Petitioner thousands of dollars in legal fees and required and wasted a considerable amount of the Court’s judicial time and resources. The recent submissions of Ms. Gonzalez also reflect her rambling disagreement with the entry of the original Final Judgment, as well as her using her submissions as a platform for the assertion of vexatious, scandalous, and impertinent allegations, as well as a vehicle for wrongfully frustrating and impeding the enforcement of the Final Judgment.

B. Upon receipt of Respondent’s Emergency Motion and other filings in this and other matters, and upon a further review of the file, the Court finds that Respondent should be precluded from filing any further motions, pleadings, or memoranda on a *pro se* basis absent having such submissions being reviewed and approved by a member of the Florida Bar in good standing and such other and further restrictions and limitations as may be appropriate to be

imposed on Respondent for any *pro se* filings in this matter.

C. After hearing on the matter, and the Court thoroughly reviewing the file in this matter, the Court finds that Respondent Gonzalez has exhausted the Court by her frequent, duplicative, repetitive, frivolous, wasteful, and legally unsupported filings, that she is not representing herself effectively, and that her representation of herself is taking place in a manner that is impeding the ability of the Court to do its work in an efficient and correct manner.

D. The Court further finds that due to the time and attention required of the Court in dealing with Respondent Gonzalez's duplicative, repetitive, frivolous, wasteful, and legally unsupported filings, she has prejudiced the rights of the other party to this action, as well as other litigants seeking access to the Court in this division.

E. In considering this matter, the Court has carefully reviewed the governing law concerning the Court's ability to restrict Respondent's *pro se* filings in this matter. In this regard, the case of Sibley v. Sibley, 885 So.2d 980 (Fla. 3d DCA 2004) is instructive. In Sibley, the former wife filed a motion for sanctions in which she sought to preclude the husband, a lawyer, from any further self-representation in court without being represented by counsel. In so doing, the former wife contended that the husband's appeals had repeatedly been shown to be without merit and constituted an abuse of the legal process. Id. at 985. The Third District Court of Appeal, in addressing former wife's position, engaged in a thorough and detailed analysis of the Court's inherent authority to prevent abuse of the legal system, and stated:

The Florida Supreme Court has said:

Abuse of the legal system is a serious matter, one that requires this Court to exercise its inherent authority to prevent. As we held in Rivera v. State, 728 So.2d 1165, 1166 (Fla. 1998): "This Court has a responsibility to ensure every citizen's access to courts. To further that end, this Court has prevented abusive litigants from continuously filing frivolous petitions, thus enabling the Court to devote its finite resources to those who have not abused the system."

Although rare, we have not hesitated to sanction petitioners who abuse the legal process by requiring them to be represented by counsel in future actions. In Jackson v. Florida Department of Corrections, 790 So.2d 398 (Fla.#2001), the sanction of requiring a member of The Florida Bar to sign all of petitioner's filings with this Court and dismissing all other pending cases was imposed on a litigious inmate who repeatedly filed frivolous lawsuits that disrupted the Court's proceedings. In Martin v. State, 747 So.2d 386, 389 (Fla. 2000), the sanction was imposed against a petitioner who, like Lussy, repeatedly filed lawsuits that included personal attacks on judges, were "abusive," "malicious," "insulting," and demeaning to the judiciary. In Attwood v. Singletary, 661 So.2d 1216 (Fla.#1995), the petitioner was sanctioned for filing numerous frivolous petitions, including one that was filed shortly after the Court's order to show cause was issued.

Like the individual in Attwood, Lussy has abused the processes of this Court with his constant filings. Accordingly, a limitation on Lussy's ability to file would further the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others. See generally In re McDonald, 489 U.S. 180, 184, 109 S.Ct. 993, 103 L.Ed.2d 158 (1989) (finding that "[e]very paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources"). Lussy v. Fourth District Court of Appeal, 828 So.2d 1026, 1027 (Fla.#2002); see Slizyk v. Smilack, 734 So.2d 1166 (Fla. 5th DCA 1999); Platel v. Maguire, Voorhis & Wells, P.A., 436 So.2d 303 (Fla. 5th DCA 1983); Shotkin v. Cohen, 163 So.2d 330 (Fla. 3d DCA 1964); see also Safir v. United States Lines, Inc., 792 F.2d 19 (2d Cir.1986).

In Safir the court stated:

[I]n determining whether or not to restrict a litigant's future access to the courts, [a court] should consider the following factors: (1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g. does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties. 792 F.2d at 24.

Sibley, 885 So. 2d at 985.

F. In applying the foregoing Florida law, the Third DCA directed "the clerk of this court to reject any further filings in this court on the former husband's behalf unless signed by a

member of the Florida Bar (other than the former husband).” Sibley, 885 So.2d at 987.

G. Based on Sibley, it is clear that consideration must be given by the Court not only to the impact that abusive litigation tactics can have on a party to the litigation, but also to the impact such tactics have on the overall administration of justice and the courts and the ability of the Court to devote time and attention to other legitimate matters and issues when it is not called upon to waste precious time and judicial resources attending to meritless, frivolous, harassing, and vexatious conduct engaged in by a litigant. Under these circumstances, restricting a party’s *pro se* filings has been deemed to be most appropriate, and contrary to being a denial of access to the courts, has been held to be in furtherance of the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others. Sibley, 885 So.2d at 984; see also, Durie v. State of Florida, 69 So.3d 274 (Fla. #2011) (“Sanctioning abusive litigants by prohibiting *pro se* filings and requiring that all prospective filings with the Court be signed by a member of The Florida Bar in good standing furthers the right of access to the courts. Such a sanction allows the Court to devote its “finite resources to the consideration of legitimate claims of persons who have not abused the process.”); Ardis v. Ardis, 130 So.3d 791, 793 (Fla. 1st DCA 2014) (“This court does not impose sanctions against *pro se* litigants lightly. However, a citizen abuses the right to *pro se* access by filing repetitious and frivolous pleadings, thereby diminishing the ability of the courts to devote their finite resources to the consideration of legitimate claims.”).

H. Notably, in Durie, 69 So.3d at 276, the Supreme Court made clear that any filing in violation of a court order requiring the pleading to be signed by a member of the Florida Bar is subject to enforcement by contempt in stating:

Under the sanction herein imposed, Durie is not being denied access to the courts; access is simply being limited due to his abusive and frivolous *pro se* filings. We

cannot tolerate Durie's continued inability or unwillingness to abide by the legal processes of the judicial system. Therefore, the Court makes clear that, in the event Durie submits a filing in violation of this order, he may be subjected to contempt proceedings or other appropriate sanctions.

Id.

I. In applying the factors set forth in Safir, above, the Court finds that it is appropriate that Respondent Gonzalez be precluded from filing further motions, petitions or other documents in this matter unless such papers have been reviewed and signed by a member of the Florida Bar in good standing.

Based on the foregoing, it is thereby

ORDERED and **ADJUDGED** as follows:

1. Respondent Gonzalez is precluded from filing any further pleadings, motions, memoranda, or other written submissions or requests for relief in this matter *unless those pleadings are reviewed and signed by a member of the Florida Bar*. To be clear, the foregoing shall apply to any and all motions, pleadings, memoranda, or any other submission by Respondent to the Court directly or to the Clerk of the Court for filing. As such, the Clerk of the Court is directed on a continuing basis and until further Order of the Court to refuse to accept any further motions, petitions, pleadings, memoranda, or other written submissions, requests, or other documents of Respondent Gonzalez, unless such papers have been reviewed and signed by a member of the Florida Bar in good standing.

2. Failure to comply with this Order and all aspects thereof shall be enforceable by contempt.

3. The Court reserves jurisdiction to determine additional sanctions resulting from Respondent's failure to appear at the hearing on the Order to Show Cause and will address same at the additional upcoming hearing on Order to Show Cause (D.E. 392) scheduled for April 21, 2017 @1:30 p.m.

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida, this 10th day of April, 2017.



THE
15TH JUDICIAL CIRCUIT
OFFICE OF
ADMINISTRATIVE SERVICES

Howard K. Coates, Jr.

HOWARD K COATES, JR
Circuit Judge

Copies furnished to:

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to Show Cause specifically providing that “[t]he Court reiterates that Respondent’s personal appearance in this matter is mandatory and the Court will not entertain any request for telephonic appearance. **Failure to appear in person at this hearing may result in sanctions and/or arrest. . . .**” (Emphasis Original), Respondent failed to appear at the scheduled hearing. After hearing on the matter, a review of the Court’s file and docket in this matter, and the Court being otherwise fully advised in the premises, the Court finds as follows:

A. The record in this matter is replete with docket entries reflecting filings by Ms. Gonzalez that are specious, duplicative, harassing, and serving no legitimate purpose other than to cause wasteful and unnecessary delay in this matter and to openly flout and disregard the Court’s prior orders in this matter. Ms. Gonzalez’s abuse of the legal system, her unethical and frivolous filings and appeals, the malicious filing of various new lawsuits, and her willful noncompliance with the valid Final Judgment entered in this matter and affirmed on appeal have cost the Petitioner thousands of dollars in legal fees and required and wasted a considerable amount of the Court’s judicial time and resources. The recent submissions of Ms. Gonzalez also reflect her rambling disagreement with the entry of the original Final Judgment, as well as her using her submissions as a platform for the assertion of vexatious, scandalous, and impertinent allegations, as well as a vehicle for wrongfully frustrating and impeding the enforcement of the Final Judgment.

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C. After hearing on the matter, and the Court thoroughly reviewing the file in this matter, the Court finds that Respondent Gonzalez has exhausted the Court by her frequent, duplicative, repetitive, frivolous, wasteful, and legally unsupported filings, that she is not representing herself effectively, and that her representation of herself is taking place in a manner that is impeding the ability of the Court to do its work in an efficient and correct manner.

D. The Court further finds that due to the time and attention required of the Court in dealing with Respondent Gonzalez's duplicative, repetitive, frivolous, wasteful, and legally unsupported filings, she has prejudiced the rights of the other party to this action, as well as other litigants seeking access to the Court in this division.

E. In considering this matter, the Court has carefully reviewed the governing law concerning the Court's ability to restrict Respondent's *pro se* filings in this matter. In this regard, the case of Sibley v. Sibley, 885 So.2d 980 (Fla. 3d DCA 2004) is instructive. In Sibley, the former wife filed a motion for sanctions in which she sought to preclude the husband, a lawyer, from any further self-representation in court without being represented by counsel. In so doing, the former wife contended that the husband's appeals had repeatedly been shown to be without merit and constituted an abuse of the legal process. Id. at 985. The Third District Court of Appeal, in addressing former wife's position, engaged in a thorough and detailed analysis of the Court's inherent authority to prevent abuse of the legal system, and stated:

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In Safir the court stated:

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Sibley, 885 So. 2d at 985.

F. In applying the foregoing Florida law, the Third DCA directed "the clerk of this court to reject any further filings in this court on the former husband's behalf unless signed by a

member of the Florida Bar (other than the former husband).” Sibley, 885 So.2d at 987.

G. Based on Sibley, it is clear that consideration must be given by the Court not only to the impact that abusive litigation tactics can have on a party to the litigation, but also to the impact such tactics have on the overall administration of justice and the courts and the ability of the Court to devote time and attention to other legitimate matters and issues when it is not called upon to waste precious time and judicial resources attending to meritless, frivolous, harassing, and vexatious conduct engaged in by a litigant. Under these circumstances, restricting a party’s *pro se* filings has been deemed to be most appropriate, and contrary to being a denial of access to the courts, has been held to be in furtherance of the constitutional right of access because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others. Sibley, 885 So.2d at 984; see also, Durie v. State of Florida, 69 So.3d 274 (Fla. #2011) (“Sanctioning abusive litigants by prohibiting *pro se* filings and requiring that all prospective filings with the Court be signed by a member of The Florida Bar in good standing furthers the right of access to the courts. Such a sanction allows the Court to devote its “finite resources to the consideration of legitimate claims of persons who have not abused the process.”); Ardis v. Ardis, 130 So.3d 791, 793 (Fla. 1st DCA 2014) (“This court does not impose sanctions against *pro se* litigants lightly. However, a citizen abuses the right to *pro se* access by filing repetitious and frivolous pleadings, thereby diminishing the ability of the courts to devote their finite resources to the consideration of legitimate claims.”).

H. Notably, in Durie, 69 So.3d at 276, the Supreme Court made clear that any filing in violation of a court order requiring the pleading to be signed by a member of the Florida Bar is subject to enforcement by contempt in stating:

Under the sanction herein imposed, Durie is not being denied access to the courts; access is simply being limited due to his abusive and frivolous *pro se* filings. We

cannot tolerate Durie's continued inability or unwillingness to abide by the legal processes of the judicial system. Therefore, the Court makes clear that, in the event Durie submits a filing in violation of this order, he may be subjected to contempt proceedings or other appropriate sanctions.

Id.

I. In applying the factors set forth in Safir, above, the Court finds that it is appropriate that Respondent Gonzalez be precluded from filing further motions, petitions or other documents in this matter unless such papers have been reviewed and signed by a member of the Florida Bar in good standing.

Based on the foregoing, it is thereby

ORDERED and **ADJUDGED** as follows:

1. Respondent Gonzalez is precluded from filing any further pleadings, motions, memoranda, or other written submissions or requests for relief in this matter *unless those pleadings are reviewed and signed by a member of the Florida Bar*. To be clear, the foregoing shall apply to any and all motions, pleadings, memoranda, or any other submission by Respondent to the Court directly or to the Clerk of the Court for filing. As such, the Clerk of the Court is directed on a continuing basis and until further Order of the Court to refuse to accept any further motions, petitions, pleadings, memoranda, or other written submissions, requests, or other documents of Respondent Gonzalez, unless such papers have been reviewed and signed by a member of the Florida Bar in good standing.

2. Failure to comply with this Order and all aspects thereof shall be enforceable by contempt.

3. The Court reserves jurisdiction to determine additional sanctions resulting from Respondent's failure to appear at the hearing on the Order to Show Cause and will address same at the additional upcoming hearing on Order to Show Cause (D.E. 392) scheduled for April 21, 2017 @1:30 p.m.

DONE AND ORDERED in Delray Beach, Palm Beach County, Florida, this 10th day of April, 2017.



THE
15TH JUDICIAL CIRCUIT
OFFICE OF THE CLERK
ADMINISTRATIVE OFFICE OF THE COURT

Howard K. Coates, Jr.

HOWARD K COATES, JR
Circuit Judge

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