

**at; ‘united states district court
Middle District of Florida
Tampa Division’**

‘FEDERAL TRADE COMMISSION’

‘600 Pennsylvania Avenue, NW

Washington, DC 20580’

[‘ Plaintiff’]

-v-

‘Start Connecting LLC; et al

[‘Defendants’]

‘No. 8:24-cv-01626-KKM-AAS’

[Judge] Kathryn K. Mizzle

Hon. Amanda A. Sansone

**REQUEST FOR
JUDICIAL NOTICE**

(verified)

PETITIONER’S REQUEST FOR JUDICIAL NOTICE

NOW COMES Petitioner Hamlet Garcia Ily, pursuant to Fed. R. Evid. 201(b), requesting that the Court take judicial notice of indisputable adjudicative facts critical to procedural integrity. Orders 126 and 127 contain material misstatements, procedural irregularities, and inconsistencies that necessitate formal recognition. Judicial notice is mandatory when facts are not subject to reasonable dispute and derive from verifiable sources. *See Bryant v. Avado Brands, Inc.*, 187 F.3d 1271, 1278 (11th Cir. 1999) (mandatory judicial notice applies to verifiable records).

I. LEGAL STANDARD FOR JUDICIAL NOTICE ¹

Federal Rule of Evidence 201(b) mandates judicial notice where facts are (1) not subject to reasonable dispute and (2) verifiable through reliable sources, including court records. A court must take judicial notice when requested by a party and supplied with the necessary information. *See Fed. R. Evid. 201(c)(2)*.

¹ Where court records, procedural anomalies, or rulings contradict the record, judicial notice is not discretionary—it is a procedural necessity.

1 Binding Eleventh Circuit precedent establishes that procedural
2 inconsistencies, misstatements of fact, and adjudicative irregularities demand
3 judicial notice when they affect case disposition. *Bryant v. Avado Brands, Inc.*,
4 187 F.3d 1271, 1278 (11th Cir. 1999); *Dippin' Dots, Inc. v. Frosty Bites*
5 *Distribution, LLC*, 369 F.3d 1197, 1204 (11th Cir. 2004).^{*} Courts must also
6 correct procedural defects that undermine due process before substantive
7 determinations are made. *Simmons v. Conger*, 86 F.3d 1080, 1086 (1996).^{*}

8 II. FACTS WARRANTING JUDICIAL NOTICE

9 Errors in procedure, misattribution of party interests, and premature
10 judicial determinations undermine fundamental fairness and necessitate
11 judicial notice. *Cf. EEOC v. STME, LLC*, 938 F.3d 1305, 1313 (11th Cir. 2019)
12 (preemptive rulings deprive litigants of due process).

13 1. Dual Termination of Intervention Defies Procedural Logic

14 PACER records indisputably show two separate terminations of
15 Petitioner's intervention—on December 31, 2024, and January 31, 2025. A
16 litigant cannot be terminated twice from the same action absent intervening
17 justification, which is entirely absent from the record. This procedural
18 inconsistency renders the status of intervention legally indeterminate and raises
19 due process concerns. Doc. 120 at ¶¶4-6 explicitly challenged procedural
20 mismanagement, yet the court failed to address these concerns.²
21

² See *Simmons v. Conger*, 86 F.3d 1080, 1086 (11th Cir. 1996) (inconsistent judicial rulings constitute reversible error).

2. Erroneous Attribution of Petitioner’s Interest

Order 126 at ¶3 misattributes Petitioner’s asserted interest to CORE, despite Petitioner’s filings establishing personal, direct economic, regulatory, and reputational stakes—which were unchallenged by any party. Doc. 120 at ¶7 explicitly states that Petitioner’s interest arises independent of CORE, yet this was ignored. Mischaracterization of a party’s legal standing is a material error warranting correction. ³

3. Premature Grant of an ‘Unopposed’ Motion Suggests Foreknowledge

Plaintiff’s Doc. 125, filed at 1:11 PM on January 31, 2025, was labeled “unopposed” before Order 126 issued at 3:21 PM, which denied intervention. The sequence of filings contradicts the order’s premise—if Plaintiff’s motion was filed before intervention was denied, it could not have been “unopposed” absent procedural foreknowledge. Doc. 120 at ¶9 raised the issue of procedural irregularities, yet no findings were made. ⁴

4. Summary Dismissal of ADA Accommodations Violates Federal and State Law

Order 126 at ¶4 summarily denies Doc. 123 as ‘moot’ without independent review, violating: (1) 42 U.S.C. § 12132 (requiring equal access to judicial proceedings). (2) Fla. Stat. § 760.07 (state-level anti-discrimination provision). (3) 28 C.F.R. § 35.160(b)(1) (mandating individualized ADA assessments). ADA

³ *Cf. Chiles v. Thornburgh*, 865 F.2d 1197, 1213 (11th Cir. 1989) (economic and financial interests justify intervention). See also *Mt. Hawley Ins. v. Sandy Lake Props.*, 425 F.3d 1308, 1311 (11th Cir. 2005) (protectable interests extend beyond property ownership).

⁴ *EEOC v. STME, LLC*, 938 F.3d 1305, 1313 (11th Cir. 2019) (preemptive rulings deprive litigants of due process).

1 requests must be adjudicated independently of other issues. Doc. 120 at ¶10
2 detailed the individualized basis for accommodation, yet the ruling failed to
3 address any specific need, making the dismissal legally infirm. *See Tennessee v.*
4 *Lane*, 541 U.S. 509 (2004) (*ADA claims require independent adjudication*).

5 **III. PLAINTIFF’S PROCEDURAL MISCONDUCT WARRANTING NOTICE**

6 Courts rely on adversarial fairness—not procedural ambush. Plaintiff’s
7 conduct reflect a deliberate pattern of *strategic maneuvering*—filing an
8 “unopposed” motion before intervention was denied, evading opposition, and
9 capitalizing on procedural irregularities. Judicial notice must be taken where
10 litigation is manipulated to preemptively shape outcomes, violating due process.

11 **1. Failure to Confer in Good Faith (Local Rule 3.01(g))**

12 PACER records show no evidence of Plaintiff engaging in good-faith
13 conferral before filing Doc. 125, a prerequisite under M.D. Fla. Local Rule
14 3.01(g). Courts routinely reject motions filed in violation of local procedural
15 mandates. The court granted Plaintiff’s motion without requiring certification of
16 conferral, which Doc. 120 at ¶11 explicitly challenged. *See Horenkamp v. Van*
17 *Winkle & Co., Inc.*, 402 F.3d 1129, 1132 (11th Cir. 2005) (*procedural*
18 *noncompliance invalidates substantive rulings*).

19 **2. Procedural Irregularities Indicate Pre-Determined Outcomes**

20 A pattern of judicial inconsistencies, selective procedural enforcement,
21 and unexplained timing anomalies suggests systemic procedural missteps. The
22

1 court granted Plaintiff's preemptive motion while simultaneously denying
2 Petitioner's motion without requiring opposition—an imbalance violating
3 fundamental fairness. Doc. 120 at ¶12 highlighted these inconsistencies, yet they
4 remain unaddressed. *See Harrelson v. United States*, 613 F.2d 114, 116 (5th Cir.
5 1980) (*sanctioning procedural abuse for strategic gain*).

6 IV. LEGAL BASIS FOR JUDICIAL NOTICE

7 Judicial notice prevents adjudication untethered from indisputable facts.
8 Federal Rule of Evidence 201 mandates recognition of facts that are not subject
9 to reasonable dispute and are verifiable from sources of unquestioned reliability,
10 including court records, filings, and procedural histories. The missteps
11 identified herein—dual terminations, misattributed interests, and preemptive
12 rulings—fall squarely within this framework, necessitating formal
13 acknowledgment and rectification.

14 Judicial notice under Rule 201(b) is not discretionary where:

- 15 a. Facts are indisputable and beyond reasonable debate.
- 16 b. Court records or government sources verify the facts.
- 17 c. The facts materially impact adjudication.

18 Failure to correct such errors corrupts procedural integrity and
19 undermines fundamental fairness. The Eleventh Circuit has held that courts
20 must recognize and correct factual inconsistencies impacting case disposition.
21 See *Bryant v. Avado Brands, Inc.*, 187 F.3d 1271, 1278 (11th Cir. 1999)
22

1 (mandating judicial notice of indisputable record facts). See also Dippin' Dots,
2 Inc. v. Frosty Bites Distribution, LLC, 369 F.3d 1197, 1204 (11th Cir. 2004)
3 (judicial notice proper for court filings and procedural histories).⁵

4 **V. RELIEF REQUESTED**

5 For the foregoing reasons, Petitioner respectfully requests the Court take
6 judicial notice of the following:

- 7 1. Dual termination of intervention, which lacks legal justification.
- 8 2. Need for supplemental briefing to rectify due process violations.
- 9 3. Erroneous attribution of Petitioner’s interest, warranting correction
- 10 4. Procedural anomalies surrounding Plaintiff’s preemptive ‘unopposed’ motion.
- 11 5. Improper dismissal of ADA accommodations in violation of federal law

12 Respectfully submitted: ⁶

13 /s/ Hamlet Garcia II

Executed: this 14th day of February, 2025.

14 i: [a] man

15 See also *Exhibit A - Verified Objection*

⁵ Judicial notice ensures that adjudication is based on verified reality, not procedural distortion. The facts presented meet every criterion for Rule 201 recognition and demand judicial correction.

⁶ Striking the Verified Objection on procedural grounds does not absolve this Court of its duty to correct due process violations and adjudicative inconsistencies it raised. A District Judge remains bound by 28 U.S.C. § 455 and Fla. Stat. § 38.10 to rectify rulings predicated on material factual misstatements or procedural irregularities, irrespective of procedural misclassification. The ABA Model Code of Judicial Conduct, Rule 2.2, further mandates that judicial fairness and impartiality cannot be compromised by technical dismissals when substantive rights are at stake. Courts may not disregard meritorious objections simply because they were not labeled in the preferred procedural format. If clarification is required, this Court must either adjudicate the objections on the merits or permit supplemental briefing to ensure due process compliance. *Cf. Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012).

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VERIFICATION OF SERVICE⁷

i: hereby *verify* that on February 14, 2025 a true and correct copy of the foregoing
Petitioner Request for Judicial Notice was filed via CM/ECF, which *purportedly*
effectuates automatic service upon all counsel of record.

Respectfully submitted,

/s/ Hamlet Garcia II

i: [a] man



Hamlet Garcia II

Executed: February 14th, 2025

⁷ Per Fed. R. Civ. P. 5(d)(1) and M.D. Fla. Local Rule 1.08.



The Catalyst Accord
Central Office of Reform and Efficiency
Philadelphia, P.A. 19120



Exhibit Cover Page

VERIFIED OBJECTION TO MIZZLE'S ORDER DOC NO. 126 - 8

Re: January 31st Order (Doc. 126) on Intervention (Doc. No. 120):
*In the Matter of Federal Trade Commission v. Start Connecting
LLC, et al., Case No. 8:24-cv-1626-KKM-AAS (M.D. Fla.);*

EXHIBIT NUMBER A

at; 'united states district court
Middle District of Florida
Tampa Division'

'FEDERAL TRADE COMMISSION'

'600 Pennsylvania Avenue, NW

Washington, DC 20580'

[' Plaintiff']

v.

'Start Connecting LLC; et al

['Defendants']

[Civil] Action
'No. 8:24-cv-01626-KKM-AAS'
[Judge] Kathryn K. Mizzle
Hon. Amanda A. Sansone
NOTICE OF FILING
(*verified*)

NOTICE OF FILING VERIFIED OBJECTION [TO DOC. NO. 126 ; 127; & 128 *]

NOW COMES the above-named, Hamlet Garcia Jr., 'Defendant-intervenor' herein, submit this Objection to [Judge] Mizzle Order on intervenor-defendant (Doc No. 120); Requirement for Oral Argument (Doc No. 122; and; Notice of 'ADA' Accommodation (Rec. No 121) For the reasons stated Intervenor-Defendant attached Memorandum of Law, which is incorporated herein by reference, the Order for denial should be reconsidered.

Respectfully submitted,

/s/ Hamlet Garcia II

i: [a] man



Hamlet Garcia II

Executed: February 13th, 2025

**at; ‘united states district court
Middle District of Florida
Tampa Division’**

‘FEDERAL TRADE COMMISSION’

‘600 Pennsylvania Avenue, NW

Washington, DC 20580’

[‘ Plaintiff’]

v.

‘Start Connecting LLC; et al

[‘Defendants’]

[Civil] Action

‘No. 8:24-cv-01626-KKM-AAS’

[Judge] Kathryn K. Mizzle

Hon. Amanda A. Sansone

MEMORANDUM OF LAW

(verified)

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**MEMORANDUM OF LAW IN SUPPORT OF *VERIFIED* OBJECTIONS TO
[U.S. JUDGE] MIZZLE’S FINDING, CONCLUSIONS, AND ORDER 126-8**

NOW COMES; Intervenor-Defendant, Hamlet Garcia Jr., present before this matter: in line with Federal Rule of Civil Procedure 72(a) and (b), hereby objects to Dkt. No. 126-8 as being contrary to law, predicated upon material factual misstatements, and violative of due process. Mizzle’s misapplication of Rule 24(a) and (b), premature denial of intervention, failure to adjudicate ADA accommodations, and disregard of unopposed motions render the ruling legally defective. Intervenor respectfully requests *de novo* review, vacatur of Order No. 126, and reconsideration of his intervention and ADA accommodation requests.

I. VEXATIOUS LITIGANT FINDING ¹

¹ No principle is more settled in the Eleventh Circuit than the Court's inherent authority under 28 U.S.C. § 1651 (the “All Writs Act”) to curb vexatious litigation and sanction parties engaging in procedural manipulation. See *Copeland v. Green, 949 F.2d 390 (1991)* (“Courts have a responsibility to prevent abuse of judicial process and maintain the integrity of the system.”).

1 Records and pleadings reveal procedural gamesmanship and
2 irregularities warranting judicial scrutiny. *Dual* terminations of
3 defendant-intervention (on December 31, 2024, and January 31, 2025), granting
4 an ‘unopposed’ motion filed before the ruling it benefits from, and dismissing
5 Intervenor’s motion without justification reflect the very conduct courts deem
6 vexatious when committed by litigants. *See Procup v. Strickland*, 792 F.2d 1069,
7 1072 (11th Cir. 1986) (courts have inherent power to curb abuse of process).

8
9 **A. Plaintiff’s Procedural Gamesmanship and Bad-Faith Tactics**²

10 Binding Eleventh Circuit precedent leaves no doubt that a pattern of
11 procedural maneuvering, inconsistent filings, and disregard for due process
12 constitutes vexatious litigation. Here, Plaintiff’s actions reflect such tactics:

13 Plaintiff’s maneuvering reflects hallmarks of vexatious litigation:

- 14 ➤ Filed an “unopposed” motion at 1:11 PM—before intervention was
15 denied—strongly suggesting foreknowledge of the ruling.
- 16 ➤ Evaded substantive engagement, filing no opposition yet
17 benefitting from judicial action terminating intervention.
- 18 ➤ PACER records reveal *dual* termination of Petitioner’s motion—on
19 December 31, 2024, and January 31, 2025—exposing procedural
20 irregularities and coordinated timing.
- Violated M.D. Fla. Local Rule 3.01(g) by failing to engage in good
faith before filing the ‘**unopposed**’ motion.

² A vexatious litigant finding is appropriate when there is a clear pattern of bad-faith conduct, strategic procedural maneuvers to delay or manipulate outcomes, or repeated misrepresentations to the court. *See Harrelson v. United States*, 613 F.2d 114, 116 (5th Cir. 1980) (holding that vexatious litigation includes conduct that is “abusive, repetitive, or improperly motivated”). *See* ECF No. 35; 41; 50; 69; 80-3.

1 **B. Procedural Irregularities Indicate a Pre-Determined Outcome**

2 A pattern of judicial inconsistencies, selective procedural enforcement,
3 and unexplained timing anomalies raises serious due process concerns. Court
4 Mizzle granted Plaintiff's unopposed motion—filed prematurely—while
5 simultaneously disposing of Intervenor's motion without requiring opposition.
6 If a 'pro se' litigant engaged in such procedural evasion, courts would swiftly
7 impose a vexatious litigant designation. See *Harrelson v. United States*, 613
8 F.2d 114, 116 (5th Cir. 1980) (sanctioning procedural abuse for strategic gain).

9 Intervenor does not impugn the Court but seeks procedural parity. The
10 law forbids selective application of rules, and these irregularities demand
11 judicial review and correction to preserve the integrity of these proceedings.³

12
13 **II. STANDARD OF REVIEW**

14 The Court's January 31st order on a dispositive motion—including denial
15 of intervention—is subject to *de novo* review under 28 U.S.C. § 636(b)(1). *Davis*
16 *v. Apfel*, 93 F. Supp. 2d 1313, 1316 (M.D. Fla. 2000). Non-dispositive orders,
17 including those concerning ADA accommodations, are reviewed under a 'clearly
18 erroneous or contrary to law' standard under Rule 72(a). See *Merritt v. Int'l*
19 *Broth. of Boilermakers*, 649 F.2d 1013, 1017 (5th Cir. 1981). Moreover, a ruling
based on material factual misstatements is reversible error.⁴

³ The Eleventh Circuit reserves extreme sanctions for only the most egregious abuses. See *Miller v. Donald*, 541 F.3d 1091, 1096 (11th Cir. 2008) ("Vexatious litigant restrictions are an extraordinary remedy, imposed only when lesser sanctions have failed."). Intervention cannot be denied as a procedural sanction absent a clear showing of abuse. Cf. *Thomas v. Fulton Cnty. Bd. of Educ.*, 818 F. App'x 916, 919 (11th Cir. 2020)

⁴ Cf. *Florida Dep't of Child. & Fam. Servs. v. P.E.*, 14 So. 3d 228, 230 (Fla. 3d DCA 2009).

1 **III. ERRORS IN DENYING INTERVENTION**

2 Intervention exists to prevent exclusion, not to be wielded as a
3 gatekeeping tool. Rule 24 imposes clear standards, yet the ruling erects artificial
4 barriers, distorts precedent, and denies a legally protectable interest without
5 justification. Judicial discretion cannot override established rights—where
6 intervention is warranted, denial is error.

7 **A. Kimball’s Finding That Petitioner Lacks a Protectable
8 Interest Contradicts Eleventh Circuit Precedent**

9 Order Doc. No. 126 at ¶¶2-3 states:

10 ‘Garcia has not shown that he has the
11 kind of ‘interest’ required by Rule 24(a).’

12 This conclusion misapplies Federal Rule of Civil Procedure 24(a)(2),
13 which allows intervention where an applicant “claims an interest relating to the
14 property or transaction that is the subject of the action” and is “so situated that
15 disposing of the action may as a practical matter impair or impede the movant’s
16 ability to protect its interest” unless adequately represented by existing parties.⁵

17 Binding authority forecloses any dispute—economic, regulatory, and
18 financial interests warrant intervention under Rule 24(a). See *Chiles v.*
19 *Thornburgh*, 865 F.2d 1197, 1213 (11th Cir. 1989) (“The inadequacy of
20 representation is a minimal burden requiring only that the intervenor show that
21 representation ‘may be inadequate.’”). Likewise, in *Mt. Hawley Ins. v. Sandy
Lake Props.*, 425 F.3d 1308, 1311 (11th Cir. 2005), the court held:

“A protectable interest must be ‘direct, substantial, and
legally protectable,’ but intervention is not limited to
property ownership alone.” - Senior Circuit Judge Tjoflat

⁵ Cf. *Athens Lumber Co. v. Federal Election Commission*, 690 F.2d 1364 (11th Cir. 1982)

1 Here, Petitioner’s stake in the underlying regulatory enforcement action is
2 direct and substantial, as the outcome will materially impact his financial and
3 legal interests. Court Mizzle’s ruling mischaracterizes the standard and
4 contradicts governing precedent.⁶

5 **B. [Her] Conclusion of Law That ‘[His] Claims Are Better**
6 **Suited for a Separate Challenge’ Contradicts Rule 24**

7 Order 126 asserts:

8 “His claims are better suited for a separate
9 challenge of the regulations.” (Doc. 126 at ¶4).

10 Said statement directly contradicts the Court’s own conclusion that
11 Petitioner lacks a protectable interest. If Petitioner lacks an interest sufficient
12 for intervention, then he logically cannot sustain an independent lawsuit on the
13 same grounds. This internal contradiction renders the ruling legally unsound.

14 Under Rule 24, an interest sufficient to sustain independent litigation
15 necessarily satisfies intervention requirements. See *Fund for Animals v. Norton*,
16 322 F.3d 728, 735 (D.C. Cir. 2003). This forum of law failure to apply this
17 principle constitutes reversible error.

18 **C. The Court Failed to Provide Factual Findings**
19 **Justifying Its Denial of Permissive Intervention**

20 Under Rule 24(b), permissive intervention is warranted where an
21 applicant, *inter alia*, asserts a claim or defense interwoven with the primary
action through a common question of law or fact.

Order 126 at ¶4 states: “Regardless, intervention will certainly delay
the proceedings without benefit to the primary acion’s resolution.”

⁶ See *United States v. Jefferson County*, 720 F.2d 1511 (11th Cir. 1983).

1 This assertion is unsubstantiated and contrary to law. In *McDonald v.*
2 *Means*, 309 So. 3d 130, 136 (Fla. 1st DCA 2020), the court held:

3 “Permissive intervention cannot be denied without factual
4 findings demonstrating a clear risk of undue delay or prejudice.”

5 Here, the record contains no factual findings demonstrating that
6 intervention would delay proceedings, rendering the denial legally infirm.⁷

7 **IV. PROCEDURAL VIOLATIONS & DUE PROCESS ERRORS**

8 Due process is neither optional nor elastic—it is the bedrock of judicial
9 integrity. A ruling untethered from procedural fairness undermines confidence
10 in the adjudicative process. The record here reveals a pattern of premature
11 determinations, unexplained denials, and procedural maneuvers that demand
12 correction. [*Cf.* 28 U.S.C. § 2241; Fla. Stat. § 57.105; ABA Mod. C. Jud. Cond. R. 2.6].

12 **A. Premature Ruling Without Adversarial Testing Violates Due Process**

13 Order 126 at ¶1 states:

14 “Garcia moves to intervene under Rule 24(a) or 24(b). For
15 the reasons below, the motion is denied on both grounds.”

16 This ruling was issued before responses were due, violating Fed. R. Civ. P.
17 24(c) and M.D. Fla. Local Rule 3.01(c). Courts have repeatedly held that a
18 motion may not be denied before the movant has had an opportunity to address
19 Court’s concerns. See *EEOC v. STME, LLC*, 938 F.3d 1305, 1313 (11th Cir. 2019).

20 **B. Denial of Oral Argument Lacks Justification**

21 Order 126 at ¶4 states: “The Request for Oral
Argument (Doc. 120-6) is DENIED as moot.”

⁷ *Cf.* *Georgia v. U.S. Army Corps of Engineers*, 302 F.3d 1242 (11th Cir. 2002)

1 Ruling fails to provide any justification for denying oral argument. Courts
2 have consistently held: oral argument is required during *contested* intervention.
3 *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 433 (1982) (Due process
4 requires adversarial testing before final determination of contested issues).

5
6 **C. The Court’s Grant of an Unopposed
Motion Was Procedurally Defective**

7 Order 126 dismisses Doc. 123 as ‘moot’ while granting Plaintiff’s
8 **‘unopposed’** motion, ECF. No. 125, filed at 1:11 PM—before Order 126 was
9 issued at 3: [] PM. This sequence suggests improper foreknowledge of the
10 ruling, undermining judicial integrity and procedural fairness.⁸

11 Further, PACER records show defendant-intervention was ‘terminated’
12 twice—on December 31, 2024, and January 31, 2025. Dual terminations make
13 no legal sense. If intervention ended at 3 PM on January 31, why did Plaintiff
14 file an *unopposed* motion on 1:11 PM Jan. 31, without addressing or opposing
15 Petitioner’s filings? The record reflects a breakdown in the judicial process.⁹

- 16
- 17 • A motion cannot be dismissed without findings. *Tech. Training
18 Assocs., Inc. v. Buccaneers Ltd. P’ship*, 874 F.3d 692, 696 (11th Cir.
19 2017) (“A court must substantiate procedural rulings with
20 record-based justification.”).
 - Mr. Nathan’s motion violated M.D. Fla. Local Rule 3.01(g), which
requires a good faith conference before filing. None occurred.

⁸ Cf. *Royal Palm Properties v. Pink Palm Properties, LLC*, 950 F.3d 776 (11th Cir. 2020).

⁹ Ref. *Shipley v. Helping Hands Therapy*, 996 F.3d 1157 (11th Cir. 2021).

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Therefore, the Court must vacate Order 126 or account for these irregularities—if termination was proper, why the contradictions, dual rulings, and premature filings? These errors warrant reconsideration and correction.

V. THE COURT ERRED IN DISMISSING INTERVENORS’ ADA ACCOMMODATION REQUEST WITHOUT INDEPENDENT REVIEW

A request for ADA accommodations must be adjudicated independently of other issues. See *Tennessee v. Lane*, 541 U.S. 509 (2004). Order 126 dismisses Petitioner’s ADA accommodation demand (Doc. 123) as ‘moot’, in direct violation of 42 U.S.C. § 12132; Fla Stat. § 760.07; and; 28 C.F.R. § 35.160(b)(1). The ruling lacks any individualized assessment, making it legally unsustainable.

VI. RELIEF REQUESTED

For the foregoing reasons, Petitioner respectfully requests the District Judge to:

- A. Vacate Order 126-7 & grant intervention as of right under Rule 24(a); or;
- B. Alternatively, grant permissive intervention under Rule 24(b); and;
- C. Addressing procedural irregularities and vexatious litigation; and;
- D. Direct the Court to evaluate its findings independently; and/or;
- E. Schedule oral argument to ensure proper adversarial testing; and;
- F. Vacate the [legally] infirm denial of ADA accommodations.

i: say here and [shall] verify in open court that all herein be true;

/s/ Hamlet Garcia II

i: [a] man



Hamlet Garcia II

Executed: February 13th, 2025

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VERIFICATION OF SERVICE ¹⁰

i: hereby *verify* that on February 13, 2025 a true and correct copy of the foregoing Verified Objection to Order No. 126; 127; & 128 was filed via CM/ECF, which *purportedly* effectuates automatic service upon all counsel of record.

Respectfully submitted,

/s/ Hamlet Garcia II

i: [a] man



Hamlet Garcia II

Executed: February 13th, 2025

¹⁰ Per Fed. R. Civ. P. 5(d)(1) and M.D. Fla. Local Rule 1.08.