

at: the United States District Court
for the Middle District of Florida
Tampa Division

Federal Trade Commission

[‘ Plaintiff’]

-against-

Start Connecting LLC, et. al.,

[“Defendant”]

[Civil] Action

Case No. 8:24-cv-01626

(verified)

**MOTION FOR LEAVE TO FILE
SUR-REPLY TO RECEIVER’S REPLY**

Hamlet Garcia, Jr. (“Garcia”), appearing ‘pro se’, respectfully moves under Local Rule 3.01(d) for leave to file a sur-reply of no more than seven (7) pages in response to the anticipated reply by a man named: Jared J. Perez (the ‘Receiver’) to Garcia’s Court-Ordered Response (Doc. 184) to the Receiver’s Motion for Contempt and Injunctive Relief (Doc. 179).

Alternatively, Garcia opposes the Receiver’s Motion for Leave to Reply (Doc. 185) as unwarranted and prejudicial.

STATEMENT OF ORAL ARGUMENT

i: Hamlet:–II: Garcia respectfully assert that oral argument would greatly assist the Court in resolving the factual and legal issues presented. Given the procedural

posture, the complexity of ADA-related communication barriers, and the due process concerns raised, *Hamlet* believes a live hearing would promote a full and fair adjudication of the matters at issue.¹

I. BACKGROUND

(1) On April 11, 2025, the ‘Receiver’ filed his Contempt Motion (Doc. 179) seeking to enjoin Garcia’s state court action and to hold Garcia in contempt; (2) On April 28, 2025, Garcia filed a Court-Ordered Response (Doc. 184) denying the allegations and raising due process defenses; and now (3) Mr. Perez now seeks leave to reply (Doc. 185), claiming new arguments must be addressed. Therefore, Garcia seeks limited sur-reply leave because *Jared* anticipated reply will likely introduce or misconstrue new material facts and legal assertions critical to Garcia’s defense.

¹ Garcia is presently utilizing an ADA-assistive communication method to prepare and translate filings into formal legal language. Due to the Court’s prior denial of his ADA accommodation request as moot and the absence of a plain-text version of the preliminary injunction (*See* Dkts. 121, 123), written submissions alone may not fully or accurately reflect Garcia’s comprehension, intent, or tone. An oral hearing would better enable the Court to assess demeanor, clarify ambiguities, and avoid prejudicing Garcia based on written communications that do not fully capture his legal understanding or good faith efforts at compliance.

II. LEGAL STANDARD

Local Rule 3.01(d) permits additional briefing upon a showing of good cause. Sur-replies are appropriate where a reply introduces new arguments, evidence, or raises factual issues affecting due process, especially in contempt proceedings implicating non-parties. *Beaird v. Seagate Tech., Inc.*, 145 F.3d 1159, 1164 (10th Cir. 1998); *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100, 110 (1969).

As a ‘pro se’ ‘non-party’, Garcia is entitled to reasonable procedural accommodations to ensure meaningful participation. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

III. ARGUMENT

A. Good Cause Exists to Allow Garcia’s Sur-Reply

The Receiver’s anticipated reply will assert or misconstrue several material issues requiring Garcia’s limited sur-reply:

- **Service of Injunctions and Acknowledgment:** The ‘Receiver’ incorrectly claims Garcia was bound by preliminary injunctions through informal communications.

- Garcia must clarify that while he acknowledged receiving filings via email, he never consented, agreed, or was properly served under Rule 65(d)(2). Efforts to seek clarification about his status were ignored by the Court; Receiver; and; Plaintiff until convenient for enforcement.
- **Alleged Concerted Action:** The Receiver will likely cite generalized, past business activities to imply present concerted efforts with Defendants.
 - Garcia must explain that all marketing activities predated the preliminary injunctions, involved lawful operations, and bore no relationship to any ongoing violation or asset interference. *Additive Controls v. Flowdata*, 96 F.3d 1390, 1397 (Fed. Cir. 1996).
- **Jared's *Ultra Vires* Conduct:** Garcia intends to address how *Jared* acted outside the authorized scope of preliminary injunctions by publicly defaming Garcia through a receivership-controlled website.
 - No provision authorizes issuing "consumer warnings" about non-parties unaffiliated with the Receivership estate. Mr. Perez's actions were personal and *ultra vires*.
- **Retaliatory Characterization of State Court Action:** the Receiver frames Garcia's subsequent state court filings as retaliatory acts.

○ Garcia must explain that filing legitimate, independent tort claims for personal-capacity defamation is protected conduct and does not constitute obstruction or contempt.

- **Due Process and Fairness:** Granting the Receiver's reply without opportunity for Garcia to respond would prejudice fundamental due process rights. *Cf. Bagwell*, 512 U.S. 821, 827 (1994).

A concise sur-reply, limited to seven pages and filed *within 1 day of the Receiver's reply*, will ensure fairness without delay.

B. Alternatively, the Receiver's Motion (Doc. 185) Should Be Denied

If the Court declines to allow a sur-reply, it should alternatively deny the Receiver's motion for leave because:

1. Garcia's Response raised no genuinely new issues; it merely denied allegations and asserted recognized defenses (service, nonconcerted activity, personal-capacity claims).
2. The Receiver's request to "correct" the record would improperly expand the reply beyond permissible scope, rehashing arguments already presented in Doc. 179.

3. Allowing serial filings risks procedural unfairness, particularly to pro se litigants with limited means to match the Receiver's pace of litigation. See Haines, 404 U.S. at 520.

C. Request for Evidentiary Hearing

Garcia also respectfully requests that the Court schedule an evidentiary hearing to resolve contested factual disputes (e.g., service, concerted activity, personal defamation) before ruling on the Contempt Motion (Doc. 179).

A hearing ensures full adversarial testing of claims, as due process demands. *Cf. Zenith*, 395 U.S. at 110.

IV. CONCLUSION

For the foregoing reasons, Garcia respectfully requests that this Court:

- A. Grant leave for Garcia to file a sur-reply not exceeding seven (7) pages within one (1) day of the Receiver's reply filing;
- B. Alternatively, deny the Receiver's Motion for Leave to Reply (Doc. 185);
- C. Schedule an evidentiary hearing on the Contempt Motion (Doc. 179).

Duly Entered for the Record on this 28th day of April, 2025

/s/ Hamlet Garcia II

VERIFICATION

i, Hamlet Garcia Jr., hereby declare under penalty of perjury under the laws of the United States of America that the foregoing Motion is true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein may subject me to penalties under 28 U.S.C. § 1746 and other applicable laws.

Duly Entered for the Record on this 28th day of April, 2025

/s/ Hamlet Garcia II

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LOCAL RULE 3.01(g) CERTIFICATION

Movant Hamlet--II: Garcia, respectfully states that no conferral occurred with counsel for the Receiver or any other party regarding the relief requested herein. As a non-party subject to a pre-filing restriction and given the nature of the proceedings, Movant is uncertain whether Local Rule 3.01(g) strictly applies under these circumstances. Nonetheless, *i*: submit this certification with an abundance of caution.

CERTIFICATE OF SERVICE

i: hereby certify that on April 28, 2025, I electronically filed the foregoing with the Clerk of the Court using the Web Portal system, which will serve all counsel of record. I further certify that a true and correct copy was served via email upon:

- Matthew J. Mueller, Esq. (Counsel for Receiver) – matt@fmhlegal.com
- Jared J. Perez, acting: Receiver
- Counsel for the Federal Trade Commission
- Counsel for participating defendants Doug and Doris Goodman

Defendants Juan S. Rojas and Start Connecting SAS, who are in default, were served via email pursuant to the Court’s prior orders.

Duly Entered for the Record on this 28th day of April, 2025

/s/ Hamlet Garcia II

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