

Evan Gutman CPA, JD
1675 NW 4th Avenue, #511
Boca Raton, Florida 33432
Member State Bar of Pennsylvania
Member District of Columbia Bar
Admitted to Federal Sixth Circuit Court of Appeals
Admitted to Federal Ninth Circuit Court of Appeals
E-Mail: egutman@gutmanvaluations.com
561-990-7440

JUDGE EDWARD GARRISON : " **Fire Away.**

CITIBANK ATTORNEY CARTER POPE:
Just to confirm, **Your Honor, it's fine to fire away ?**

JUDGE EDWARD GARRISON : **Yes, that's fine. "**

Official Transcript of Hearing Held March 24, 2023 - Matter Pending on Appeal Currently

"The litigation privilege applies across the board to actions in Florida, both to common-law causes of action, those initiated pursuant to a statute, or of some other origin. **"Absolute immunity must be afforded to any act occurring during the course of a judicial proceeding. . . .** so long as the act has some relation to the proceeding."

Echevarria, McCalla, Raymer v Cole, 950 So.2d 380 (Fla. 2007)

"An ordinance unconstitutional on its face or patently unconstitutional as applied - is not made sacred by an unconstitutional injunction that enforces it. It can and should be flouted in the manner of the ordinance itself. **Courts as well as citizens are not free "to ignore all the procedures of the law," to use the Court's language. The "constitutional freedom" of which the Court speaks can be won only if judges honor the constitution.**"

Walker v City of Birmingham, 388 U.S. 307, 338-339 (1967) - Justices Warren, Brennan, Fortas and Douglas Dissenting

U.S. Department of Justice
Attn: Attorney General Merrick Garland
950 Pennsylvania Avenue, NW
Washington, DC 20530

Palm Beach County District Attorney's Office
Attn: Dave Aronberg, Esq.
401 N. Dixie Highway
West Palm Beach, 33401

U.S. Department of Treasury
Attn: Financial Crimes Enforcement Unit
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Re: Citibank N.A. v Evan Gutman
Palm Beach County Case #50-2020-CC-005756-XXXX-MB
Florida 4th DCA Case #4DCA23-1058

Dear U.S. Attorney General Merrick Garland; Palm Beach County District Attorney Dave Aronberg; Palm Beach County Sheriff Rick Bradshaw; and U.S. Dept. of Treasury Financial Crimes Enforcement Division:

You are of many government officials, agencies, media organizations, public interest organizations, personal friends, prominent Florida attorneys, and numerous others who I am sending this letter to.

I am writing regarding Judge Edward Garrison and the above case currently pending on appeal at Florida's Fourth District Court of Appeal. One issue pending on appeal is Judge Garrison's statement to "Fire Away" made in open court, which intimidated me. His statement was made at a Hearing on **March 24, 2023** and is in the official court transcript cited in my Reply Appellate Brief. It was made subsequent to my filing two Motions to Disqualify him (both Denied); and notably after significant friction had already developed between us since he became the Fourth Judge on the case. The context of the phrase suggests it might not have been be a direct physical threat, but could reasonably be construed as a thinly disguised threat to intimidate me. That said, the possibility of it not being a threat, changed markedly at a later Contempt hearing held on April 3, 2024. At the **April 3, 2024 Contempt Hearing**, Page 85 of the Transcript (attached) shows matters have now escalated. Specifically, on that page, Garrison expressly stated it was my choice **if I wanted to have one foot on a banana peel and my neck in a noose**. It is clear this new statement constitutes a direct physical threat by Judge Garrison to myself. (See Attached Excerpt of Transcript of April 3, 2024 Hearing). Accordingly, I now request he be investigated for possible Prosecution of physically threatening a litigant in open court with bodily harm.

As you know, in this nation there are many angry people. I do not believe any Judge would respond favorably to a litigant directing such language at the Court. Further, to allow a Judge to use such language jeopardizes public respect for other Judges. Accordingly, I request the U.S. Justice Department and Palm Beach County District Attorney's Office to investigate Judge Garrison, Citibank Attorney Carter Pope, Esq., and Citibank Attorney Kenneth Michael Curtin, Esq. about this. I would like to know what they were thinking when then spoke in open court about "Firing Away." And more importantly that Judge Garrison be questioned regarding his April 3, 2024 statement about my being on a "banana peel" with "my neck in a noose." A determination should be made as to whether Judge Garrison should be Prosecuted for his express physical threat made in open court and on the transcript.

I am also writing about the Florida Supreme Court's opinion in Echevarria, McCalla, Raymer v Cole, 950 So.2d 380 (Fla. 2007). So far as I know, no other State has provided Absolute Immunity for the commission of any illegal tortious act. In my view, such constitutes a massive breakdown in the law. Ultimately, if debt collector attorneys are given immunity to violate all laws, it can fairly well be anticipated citizens will lose faith and confidence in the Judiciary and violate laws on their own. Florida stands alone on this issue to the best of my knowledge. The problems related to this issue have the following impact:

- a. Nullifies a Massive Body of U.S. Congressional Legislative Power
- b. Nullifies a Massive Body of Florida State Legislative Power
- c. Nullifies the 14th Amendment Due Process Clause
- d. Nullifies the 14th Amendment Equal Protection Clause
- e. Substantively consolidates within the Judiciary alone, the control of all three branches of government in the State of Florida
- f. Deprives litigants of Fair Access to Courts because the Judiciary is no longer trustworthy.
- g. Effectively Diverts, Seizes and Steals Financial Assets and monies from Impoverished citizens to benefit financial interests of Banks and Debt Collector attorneys

- h. Effectively Diverts and Steals financial assets from litigants lacking legal knowledge to benefit Financial interests of Banks and Debt Collector attorneys
- i. Unlawfully Results in Citibank being able to Seize and Steal my own Legitimate Inheritance from my Parents (deceased a few years ago)
- j. Destroy Family Relationships of Law-Abiding Citizens and ruins the lives of their Children

The Third reason I am writing is predicated upon Citibank filing massive numbers of meritless lawsuits against impoverished citizens and those lacking knowledge of the law based upon a legally defective claim of Unjust Enrichment. Specifically, an Unjust Enrichment claim is predicated upon the nonexistence of a written contract. However, Citibank knows written contracts exist for all credit card accounts. Thus, they are knowingly filing meritless lawsuits on a massive scale in Florida. This is the issue I am referring to the U.S. Treasury Department's Financial Crimes Unit and which gives rise to Paragraphs (f) thru (j) in the list presented above. Also, by utilizing the U.S. Mail to send legal filings to impoverished citizens; Citibank and their attorneys are likely guilty of committing Mail Fraud.

I raised their filing of meritless lawsuits in my counterclaim. However, my counterclaim was dismissed based upon the doctrine of litigation privilege delineated in Echevarria. Thus, what occurred in this case, is Citibank is being allowed to violate laws and when I point out their violations, Judge Garrison simply adopts the position that it really does not matter if they violated the law or not; because they have absolute immunity to violate statutes in the context of a legal proceeding.

The Fourth reason I am writing is there is a pervasive ongoing practice in Palm Beach County Courts for Judges to refuse to render any type of ruling at all on certain motions. Specifically, I served discovery upon Citibank almost three years ago. Citibank timely filed a motion for an extension, which I opposed. To date, almost three years later Judge Garrison (similar to Judge April Bristow) is refusing to rule upon Citibank's extension motion in any manner. The reason he is doing so is because if their extension motion is denied, the requests for admissions I served upon Citibank are deemed admitted. Liability issues would then be resolved in my favor. In contrast, if their motion for an extension is granted, it serves as precedent that 3 years is a "reasonable period of time" for a Court to rule upon a motion. Florida Rule of Judicial Procedure 2.215(f) states as follows:

" (f) Duty to Rule within a Reasonable Time. Every judge has a duty to rule upon and announce an order or judgment in every matter submitted to the judge within a reasonable time. "

It is my position Judge Garrison is in Contempt of the Florida Supreme Court by intentionally refusing to rule in any manner upon Citibank's Motion for an Extension. He is also overtly refusing to comply with Chief Judge Glenn Kelley's Order requiring a Good Faith Certificate be attached to a Motion to Compel.

The Fifth reason for this letter is due to the breakdown in the rule of law, I have indicated in writing and open court that I refuse to provide financial discovery to Citibank. The impact is I have been held in Contempt by Garrison. Judge Garrison has indicated I may be held until I provide the financial discovery. Due to matters set forth herein, I do not currently intend to comply with further Court Orders issued by Judge Garrison even though such may cost me my freedom. In this regard, **Citibank has never even filed a Motion to Compel Discovery.** Garrison also never even issued a Court Order scheduling the Contempt hearing for the time it was held. Citibank Attorney Kenneth M. Curtin, Esq. also represented in writing that he was willing to commit Perjury in order to advance illegal debt practices of the Bank. I attached that e-mail to my own Motion for a Protective Order from discovery. Garrison denied that motion thereby placing the Judiciary itself in a position of Suborning Perjury.

Suffice it to say, this has been a very lengthy and difficult case. Bottom line is Citibank is literally being given judicial permission to violate statutes. Judge Garrison is then intentionally ignoring virtually all required due process constitutional protections. Hence, a full breakdown of the legal system in Florida.

The original alleged debt in this case only involved the sum of **\$ 11,292.15** on a credit card account. To date, Garrison has awarded Citibank approximately **\$ 60,000** in attorney fees and costs on top of the credit card amount. He is working in conjunction with Citibank Counsel for the purpose of stealing my own legitimate inheritance from my parents. I have consistently exercised my rights in a legitimate, legal manner (albeit passionately exercising my First Amendment Speech Rights). In turn, Garrison and Citibank are trampling the Due Process and Equal Protection Clauses without hesitation.

I request law enforcement authorities look into this matter. A copy of this letter is being sent to multiple individuals and organizations and will be available on my own websites as soon as possible at www.gutmanvaluations.com and www.heavensadmissions.com. I am also the author two books that I have contributed to the public domain. They are both also available on my websites. My first book is titled "STATE BAR ADMISSIONS AND THE BOOTLEGGERS SON." It is about the hypocrisy of the Judiciary focusing on the Good Moral Character requirement to obtain a law license. The other is an upbeat, provocative and somewhat comical fictional novel titled "HEAVEN'S ADMISSIONS PROCESS."

A copy of the transcripts of the attorney fee hearing and "so-called" contempt hearing will also be put on my websites. I understand I may be arrested as early as 5:01 this Friday, unless I comply with Judge Garrison's Court Orders. I have also been notified already that at my request, the Public Company Accounting Oversight Board is now looking into this matter. A copy of my letter to them and their response received a few days ago (April 12, 2024) is also going to be on my websites. My websites also already include a multiplicity of the most relevant legal filings, including the Motions to Disqualify.

Judge Garrison historically has had a troubled and controversial judicial career. His reputation is that of a so-called "No Nonsense" Judge. His reputation, which has been in the media previously does not give him the right to ignore all procedures of law and just "do whatever he wants." Years ago Garrison announced his retirement from the bench to collect both a judicial pension and a judicial salary at the same time. Thus, he got paid twice for doing one job and it became a public embarrassment. He even openly stated he did so for financial reasons. Put simply, he "played" the system to be paid twice for the same job. Another issue in the media, involved a divorce case in which he refused to grant a couple a divorce, even though both the husband and wife agreed to stipulated terms.

In closing, I have never been convicted of any crime in my entire life. I also have never been subjected to professional discipline in my capacity as either a CPA or Attorney, as no ethical complaint of any nature has ever been filed against me. It is irrational to give dishonest debt collector attorneys "absolute immunity"; when we give man law enforcement officials only "qualified immunity."

Thank you very much for your consideration of the matters delineated herein and please also see below.

Very truly yours,

Evan Gutman CPA, JD

TRANSCRIPT PAGE 85 OF APRIL 3, 2024 CONTEMPT HEARING (Attached hereto)

JUDGE GARRISON All I'm suggesting to you, Mr. Gutman - this is your choice. These are direct questions, and you're avoiding them, but I'm trying to get a direct response.

MR. GUTMAN: Unlikely is the answer.

JUDGE GARRISON: **If you want to have one foot on a banana peel and your neck in a noose, that's entirely up to you**, but there will be no more games, so when this order is entered, that's it.

1 THE COURT: All I'm suggesting to you,
2 Mr. Gutman -- this is your choice. These are direct
3 questions, and you're avoiding them, but I'm trying to
4 get a direct response.

5 MR. GUTMAN: Unlikely is the answer.

6 THE COURT: If you want to have one foot on a
7 banana peel and your neck in a noose, that's entirely
8 up to you, but there will be no more games, so when
9 this order is entered, that's it.

10 MR. GUTMAN: Mmhmm. Well, like I say,
11 unlikely. I --

12 THE COURT: Okay.

13 MR. GUTMAN: My answer went from -- from no to
14 unlikely.

15 THE COURT: Okay. Well, it's your choice.

16 MR. GUTMAN: Understood.

17 THE COURT: All I'm trying to make is that
18 clear.

19 All right. The other motion that you wanted
20 to deal with?

21 MR. CURTIN: Yes, Your Honor, one other
22 motion. This is for the final motion on various writs
23 of acknowledgement, Your Honor. I have a copy of the
24 motion, Your Honor.

25 So this is an interesting one, Your Honor.