No. 22-
In the Supreme Court of the United States
October Term, 2022

Evan Gutman JD, CPA
Plaintiff

v.

U.S. SUPREME COURT
U.S. SUPREME COURT JUSTICES
Defendants

MOTION FOR DECLARATORY JUDGMENT TO DECLARE U.S. SUPREME COURT RULE 33 UNCONSTITUTIONAL

NO ORAL ARGUMENT REQUESTED

ORIGINAL JURISDICTION

Submitted By:

Evan Gutman JD, CPA
Plaintiff, Pro Se
Member District of Columbia Bar
Member State Bar of Pennsylvania
Admitted to Federal Sixth Circuit Court of Appeals
Admitted to Federal Ninth Circuit Court of Appeals
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MOTION FOR DECLARATORY JUDGMENT

Plaintiff, Evan Gutman, JD, CPA, Pro Se, respectfully moves this Court for a Declaratory Judgment that this Court's own Rule 33 unconstitutionally violates a Civil Litigant's Fourteenth Amendment Due Process and Equal Protection Clause rights to a fair and impartial adjudication by infringing upon the Litigant's right of access to this Court; and additionally for the reason that to hold the "Convenience" to the Justices enjoyed by Rule 33.1, is an inadequate reason to rationally justify the unduly onerous burden placed upon litigants by Rule 33.

QUESTION PRESENTED

Does U.S. Supreme Court Rule 33 unconstitutionally infringe on a litigant's Fourteenth Amendment Due Process and Equal Protection Clause rights to a fair and impartial adjudication and fundamental right of access to the U.S. Supreme Court ?

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JURISDICTION

The jurisdiction of this Court is invoked under 28 USC § 2071 which grants the U.S. Supreme Court authority to prescribe rules for the conduct of its business and which also requires that such rules be consistent with Acts of Congress. Additionally, jurisdiction is invoked pursuant to the inherent power of the U.S. Supreme Court to prescribe its own rules.

STANDING

Plaintiff has filed a Petition for a Writ of Certiorari with this Court, involving a litigation in which the Florida Supreme Court, Florida Judicial Qualifications Commission, Florida Supreme Court Local Rules Advisory Committee and Florida State Bar are Defendants. The Florida Supreme Court delegated its authority to rule on the issue in that litigation to its Court Clerk. Plaintiff's Petition filed with the U.S. Supreme Court is not in conformity with Rule 33. Plaintiff asserts the burdens imposed by Rule 33 designed to further the administrative convenience of U.S. Supreme Court Justices, infringe upon his Fourteenth Amendment rights to a fair and impartial adjudication and his fundamental right of access to this Court; regarding the Florida Supreme Court litigation.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the Constitution provides:

> "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law . . ."

The First Amendment to the Constitution provides (in relevant part):

> "Congress shall make no law . . . abridging . . . the right of the people . . . to petition the Government for a redress of grievances."

28 U.S.C §2071

STATEMENT OF THE CASE

A. GENERAL SUMMARY

Plaintiff herein, is a Defendant in three litigations in the Palm Beach County Courts of Florida involving alleged credit card debt. Plaintiff filed a Motion for Declaratory Judgment with the Florida Supreme Court pursuant to its Original Jurisdiction. The motion challenged the constitutional legitimacy of several Florida Judicial rules and policies on the grounds they violate his 14th Amendment Due Process and Equal Protection Clause rights to a fair and impartial litigation. The State Supreme Court delegated its judicial decision-making authority to a Clerk. The Clerk in turn issued a judicial ruling by letter (App-2) that the motion did not fall within the limited jurisdiction of the Florida Supreme Court. Plaintiff herein, in turn has concurrently filed with this Motion, a Petition for a Writ of Certiorari with the U.S. Supreme Court based on the Florida Clerk's decision.

The Petition for a Writ of Certiorari filed with the U.S. Supreme Court concurrently is not in conformity with this Court's Rule 33. Plaintiff asserts the unreasonable and irrational logistical burdens imposed by Rule 33 upon litigants, to further the administrative convenience of U.S. Supreme Court Justices, infringe upon his Fourteenth Amendment rights to a fair and impartial adjudication and his fundamental right of access to the U.S. Supreme Court; and thereupon fair consideration of the Petition for Writ of Certioriari that he has filed concurrently.

B. ARGUMENT

Plaintiff herein, is entitled to a fair and impartial litigation in the underlying credit card litigations pending in the Palm Beach County Courts; as well as regarding his Motion filed with the Florida State Supreme Court; and also the Petition for a Writ of Certiorari filed concurrently with this Court. In Re Murchison, 349 U.S. 133, 136 (1995). In Murchison, this Court wrote as follows:

> "A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always **endeavored to prevent even the probability of unfairness**. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that "**every procedure which would offer a possible temptation** to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused, **denies the latter due process of law**." Tumey v Ohio, 273 U.S. 510, 532."

The question thereupon is whether the unreasonable pleading requirements of Rule 33 constitute a "procedure" of this Court that denies Plaintiff due process and fair consideration of his Petition for a Writ of Certiorari, if the submission is rejected solely because it does not conform to the logistical pleading requirements of Rule 33. Three key statements, each rendered by the U.S. Supreme Court, are relevant to this inquiry and are as follows (emphasis added):

1. "Later in the petition for habeas corpus, **signed and apparently prepared by petitioner himself**, he stated, "I Clarence Earl Gideon, claim that I was denied the rights of the 4th, 5th and 14th amendment of the Bill of Rights."

Gideon v Wainwright, 372 U.S. 335, 352-353, Footnote 1 (1963)

2. "Rule 33. Document preparation; Booklet Format; . . . .

1. ***Booklet Format***: (a) . . . . every document filed with the Court shall be prepared in a **6 1/8 by 9 1/4 inch booklet format** format using a standard typesetting process (**e.g. hot metal, photocomposition, or computer typesetting**) to produce text printed in typographic (as opposed to typewriter) characters. . . .

(b) The text of every booklet-format document, including any appendix thereto, shall be **typeset in a Century family** . . . . 12 point type **with 2-point or more leading between lines. . . .**

(c) Every booklet-format document shall be produced on paper that is opaque, unglazed, and **not less than 60 pounds in weight**, and shall have margins of at least three-fourths of an inch on all side. **The text field, including footnotes, may not exceed 4 1/8 by 7 1/8 inches.** The document shall be bound firmly in at least two places along the left margin (**saddle stitch or perfect binding preferred**) so as to permit easy opening, and no part of the text should be obscured by the binding. **Spiral, plastic, metal or string bindings may not be used**. . . . ."

3. "Each of these cases makes clear that ordinary considerations of cost and **convenience alone cannot justify a State's failure to provide individuals with a meaningful right of access to the courts**."

Tennessee v Lane et al, 541 U.S. 509, 533-534 (2004)

It is a logistical impossibility to reconcile the U.S. Supreme Court's willingness to accept Clarence Gidon's Petition (widely recognized as handwritten); with the Court's Rule 33 imposing unreasonable requirements upon law-abiding citizens to obtain access to the Court; with the Court's apparently rather hypocritical assertion that "convenience" does not justify a State's failure to provide court access, when that is precisely what the U.S. Supreme Court is doing itself.

Virtually every single Court in this entire nation, other than the U.S. Supreme Court, and every single government agency other than the U.S. Supreme Court accepts standard sized paper. Standard paper is typically 8 1/2" by 11" and of

20 pound weight. The impact of the U.S. Supreme Court's unduly burdensome requirement is as follows. First, it means litigants seeking review by this Court must have their paper specially cut. Second, they must utilize what is typically referred to as "card stock" rather than paper. Additionally, the binding requirements appear at first glance to preclude stapling the papers. Third, it means in order to meet logistic requirements for document preparation, virtually all litigants other than indigent prisoners must utilize costly outside document services to prepare their submission. Plaintiff understands these document preparation services charge thousands of dollars to just prepare the logistic aspects of the submission. This is in addition to costly amounts litigants probably already pay legal counsel for writing the submission.

Put simply, any rational individual (whether of liberal or conservative political persuasion) would agree Rule 33 imposes unnecessarily burdensome, onerous and costly requirements that infringe upon a litigant's right of meaningful access to the U.S. Supreme Court. Such violates Petitioner's Fourteenth Amendment Due Process and Equal Protection Clause rights to a fair and impartial adjudication, and fundamental right of access to this Court. See legal analysis below.

1. RIGHT OF ACCESS TO COURTS ANALYSIS

This Court on numerous occasions has held a criminal defendant's right of access to **other** courts is a fundamental right. See Lewis v Casey, 518 U.S. 343, 346 (1996) where Justice Scalia wrote for the Court as follows (emphasis added):

> "In *Bounds v Smith*, 430 U.S. 817 (1977), we held that "**the fundamental constitutional right of access to the courts** requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law."

In that same case, Justice Thomas noted the "supposed" right of access to the Courts has been described as a "consequence" of due process and an "aspect" of equal protection, writing as follows, Lewis, supra at 367 (emphasis added):

> "We have described the right articulated in Bounds **as a "consequence" of due process**, *Murray v Giarratano*, 492 U.S. 1, 11, n.6 (1989)(plurality opinion)(citing *Procunier v Martinez*, 416 U.S. 496, 419 (1974), **as an "aspect" of equal protection**, 492 U.S. at 11, n. 6 . . . **or as an "equal protection guarantee**," *Pennsylvania v Finley*, 481 U.S. 551, 557 (1987). In no instance, however, have we engaged in rigorous constitutional analysis of the basis for the asserted right. Thus, even as we endeavor to address the question presented in this case - whether the District Court's order "exceeds the constitutional requirements set forth in Bounds," . . . we do so without knowing which Amendment to the Constitution governs our inquiry."

Although the U.S. Supreme Court has consistently held the right of access to other courts for a criminal defendant is a fundamental right, it has not held so quite as firmly regarding litigants in civil litigation. In the civil litigation of Borough of Duryea v. Guarnieri, 564 U.S. 379, 387 (2011), Justice Kennedy wrote as follow for the Court (emphasis added):

> "Although retaliation by a government employer for a public employee's exercise of the **right of acesss to the courts** may implicate the protections of the Petition Clause, this case provides no necessity to consider the correct application of the Petition Clause beyond that context."

Yet, to provide fair consideration of the issue, in the same case, Justice Scalia in his Opinion, concurring in part, and dissenting in part, interestingly wrote as follows, Duryea, supra at 402 (emphasis added):

> "I disagree with two aspects of the Court's reasoning. First, **the Court is incorrect to state that our "precedents confirm that the Petition Clause protects the right of individuals to appeal to courts and other forums established by the government for resolution of legal disputes. . . . Our first opinion clearly saying that lawsuits are "Petitions" under the Petition Clause** came less than 40 years ago. In California Motor Transport Co. v Trucking Unlimited, 404 U.S. 508 (1972), . . . an opinion by Justice Douglas, the Court asserted that "the **right of access to the courts is indeed but one aspect of the right of petition**." . . . The assertion, moreover, was pure dictum."

Thus, while the Court has squarely held the right of access to the court for criminal defendants is a fundamental right, it also seems to suggest that civil litigants have somewhat of a similar right. But, such is obviously not without objection from certain Justices of the Court. Assuming without deciding that civil litigants also have a right of access to the courts, like criminal defendants, the issue becomes the manner in which limitations upon that right should be assessed. That issue appears to have been addressed in Tennessee v Lane, 541 U.S. 509, 522-530 (2004) where Justice Stevens wrote as follows for the Court (emphasis added):

> "Title II . . . seeks to enforce a variety of other basic constitutional guarantees, infringements of which are subject to more searching judicial review. . . . These rights include some, like the right of access to the courts at issue in this case, that are protected by the Due Process Clause of the Fourtheenth Amendment. . . . The Due Process Clause also **requires the States to afford certain civil litigants a "meaningful opportunity to be heard" by removing obstacles to their full participation in judicial proceedings**. Boddie v Connectituct, 401 U.S. 371, 379 (1971); M.L.B. v S.L.J. 519 U.S. 102 (1996). . . . Title II is aimed at the enforcement of a variety of basic rights, including **the right of access to the courts at issue in this case, that call for a standard of judicial review at least as searching, and in some cases more searching**, than the standard that applies to sex-based classifications."

Accordingly, the Court has made clear that limitations upon the right of access to the courts is subject to heightened scrutiny, which exceeds that known as intermediate scrutiny. Justice Stevens then additionally notes as follows with respect to application of such heightened scrutiny (emphasis added):

> "Each of these cases makes clear that **ordinary considerations of cost and convenience alone cannot justify** a State's failure to provide individuals with a meaningful right of access to the courts."

Tennessee v Lane, supra at 533-534 (2004)

Thus, to the extent the right of access to the courts is limited based upon the "convenience" of those limiting the right (in this case U.S. Supreme Court Justices),

such is of course a largely irrelevant consideration. Put simply, the fact that the Justices of this Court may find it easier to read booklets specially sized and cut on card stock, does not justify the manner in which Rule 33 limits the right of access to the courts for litigants. Similarly, the fact that it may reduce the financial costs for the Court itself is irrelevant. These so-called "reasons," do not justify the fact that some litigants may not seek recourse at all in this Court because they can not afford to have the booklets produced. Additionally, it is irrefutable that to the extent many litigants decline to seek recourse in this Court due to the burdens of Rule 33, this Court's docket is dramatically reduced. It is of serious concern to society, if the Justices are enacting onerous filing requirements specifically to deter litigants from seeking recourse in the Courts, because such works to the benefit and "convenience" of the Justices. This Court is constitutionally prohibited from imposing burdens upon litigants, simply for the "convenience" of the Justices themselves. As indicated herein, this Court itself has already held such regarding the "convenience" of other Courts and governmental agencies. The premise applies equally to the Justices of this Court.

2. RULE 33.1 IS IRRATIONAL IN LIGHT OF RULE 33.2, RULE 29 and RULE 39

U.S. Supreme Court Rule 33.2, read in conjunction with Rule 29 and Rule 39 exempts from the irrational provisions of Rule 33.1, individuals known as "In Forma Pauperis" prisoners who are incarcerated due to convictions for serious violent crimes. Plaintiff herein, understands that it is well known in the historic case of Gideon v Wainwright, 372 U.S. 335, that the litigant's petition to this Court consisted of a handwritten petition.

Plaintiff additionally understands this Court, as well as society in general, properly view the incarceration of an individual as one of the most serious impairments upon freedom that an individual may be subjected to. Accordingly, Plaintiff understands due to this uncontroverted fact, this Court has eased the filing burdens for such

individuals seeking recourse in this Court to prove their innocence. Nevertheless, the impact of doing so is rather astounding and problematic.

Put simply, it means an individual convicted of a serious crime against other law-abiding peaceful citizens, can file documents with this Court more easily and inexpensively than citizens who comply with the law. Suffice it to say, this point kind of turns rationality upon its head, so to speak. The notion, that if you comply with the law, it is more expensive and onerous to go to Court than convicted criminals is irrational. In fact, it means that a person seeking to sue another person for financial damages in any cause of action, might very well be better off and have a better chance of winning the case if they are incarcerated.

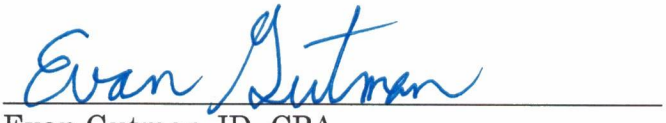
Lastly, Plaintiff herein notes that State Supreme Courts and lower Federal Courts in this nation are supposed to get their messages and learn how to do things from the U.S. Supreme Court. If this Court unreasonably blocks access to litigants by imposing irrational logistical pleading requirements upon litigants as Rule 33 does; then it can fairly be assumed the Florida State Supreme Court will believe it is well justified in blocking access to litigants such as Plaintiff (the subject of the Petition for Certiorari). Similarly, if the Florida Supreme Court does that, it can be fairly assumed Florida District Courts of Appeals will feel free to apply their rules invidiously against litigants. And then of course Florida trial courts in turn. So essentially, as a practical matter the crux of this Motion is what type of message does the U.S. Supreme Court want to send to lower State and Federal Courts.

In these troubled changing times of a largely divided Nation, this Court now is being provided with a magnificent opportunity by this Pro Se litigant. Put simply, this Court now has the opportunity to send a strong message to the entire general public and all lower Courts that it is taking the first step to ensure that moving forward our citizens are entitled to open and free access to all Courts, uninhibited by unreasonable and/or unnecessarily burdensome court rules. A **Unanimous**

Opinion by all Justices, both conservative and liberal, would contribute immensely to uniting the ideologies of conservative and liberal citizens of the entire nation.

For the foregoing reasons, Plaintiff requests this Court declare its own Rule 33 unconstitutional on the grounds it violates the Fourteenth Amendment's due process right to a fair and impartial adjudication by infringing upon a civil litigant's right of access to this Court. Accordingly, Plaintiff also requests this Court accept for filing, Plaintiff's Petition for a Writ of Certiorari submitted concurrently with this Motion even though it is not in conformity with the requisites of Rule 33. [FN 1] A copy of this motion will be made publicly available on Petitioner's website at **www.gutmanvaluations.com** as soon as possible.

Submitted this 11th day of April, 2022.



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FN 1 - It may not be without consequential significance that the numeric delineation of the challenged U.S. Supreme Court Rule is that of "33." More specifically, the number 33 correlates with the highest degree of Freemasonry. It is well known numerous Founders of our Nation were Freemasons. Of course, such may also simply be nothing more than mere Coincidence or Synchronicity, concepts described in greater detail in James Redfield's Novel "THE CELESTINE PROPHECY" (1993).

not done, the Clerk will notify counsel to remove the articles forthwith. If they are not removed within a reasonable time thereafter, the Clerk will destroy them or dispose of them in any other appropriate way.

3. Any party or *amicus curiae* desiring to lodge non-record material with the Clerk must set out in a letter, served on all parties, a description of the material proposed for lodging and the reasons why the non-record material may properly be considered by the Court. The material proposed for lodging may not be submitted until and unless requested by the Clerk.

Rule 33. Document Preparation: Booklet Format; 8½-by 11-Inch Paper Format

1. *Booklet Format:* (a) Except for a document expressly permitted by these Rules to be submitted on 8½- by 11-inch paper, see, *e. g.*, Rules 21, 22, and 39, every document filed with the Court shall be prepared in a 6⅛- by 9¼-inch booklet format using a standard typesetting process (*e. g.*, hot metal, photocomposition, or computer typesetting) to produce text printed in typographic (as opposed to typewriter) characters. The process used must produce a clear, black image on white paper. The text must be reproduced with a clarity that equals or exceeds the output of a laser printer.

(b) The text of every booklet-format document, including any appendix thereto, shall be typeset in a Century family (*e. g.*, Century Expanded, New Century Schoolbook, or Century Schoolbook) 12-point type with 2-point or more leading between lines. Quotations in excess of 50 words shall be indented. The typeface of footnotes shall be 10-point type with 2-point or more leading between lines. The text of the document must appear on both sides of the page.

(c) Every booklet-format document shall be produced on paper that is opaque, unglazed, and not less than 60 pounds in weight, and shall have margins of at least three-fourths of an inch on all sides. The text field, including footnotes, may not exceed 4⅛ by 7⅛ inches. The document shall be bound firmly in at least two places along the left margin (saddle

stitch or perfect binding preferred) so as to permit easy opening, and no part of the text should be obscured by the binding. Spiral, plastic, metal, or string bindings may not be used. Copies of patent documents, except opinions, may be duplicated in such size as is necessary in a separate appendix.

(d) Every booklet-format document shall comply with the word limits shown on the chart in subparagraph 1(g) of this Rule. The word limits do not include the questions presented, the list of parties and the corporate disclosure statement, the table of contents, the table of cited authorities, the listing of counsel at the end of the document, or any appendix. The word limits include footnotes. Verbatim quotations required under Rule 14.1(f) and Rule 24.1(f), if set out in the text of a brief rather than in the appendix, are also excluded. For good cause, the Court or a Justice may grant leave to file a document in excess of the word limits, but application for such leave is not favored. An application to exceed word limits shall comply with Rule 22 and must be received by the Clerk at least 15 days before the filing date of the document in question, except in the most extraordinary circumstances.

(e) Every booklet-format document shall have a suitable cover consisting of 65-pound weight paper in the color indicated on the chart in subparagraph 1(g) of this Rule. If a separate appendix to any document is filed, the color of its cover shall be the same as that of the cover of the document it supports. The Clerk will furnish a color chart upon request. Counsel shall ensure that there is adequate contrast between the printing and the color of the cover. A document filed by the United States, or by any other federal party represented by the Solicitor General, shall have a gray cover. A joint appendix, answer to a bill of complaint, motion for leave to intervene, and any other document not listed in subparagraph 1(g) of this Rule shall have a tan cover.

(f) Forty copies of a booklet-format document shall be filed, and one unbound copy of the document on 8½- by 11-inch paper shall also be submitted.

(g) Word limits and cover colors for booklet-format documents are as follows:

Type of Document	Word Limits	Color of Cover
(i) Petition for a Writ of Certiorari (Rule 14); Motion for Leave to File a Bill of Complaint and Brief in Support (Rule 17.3); Jurisdictional Statement (Rule 18.3); Petition for an Extraordinary Writ (Rule 20.2)	9,000	white
(ii) Brief in Opposition (Rule 15.3); Brief in Opposition to Motion for Leave to File an Original Action (Rule 17.5); Motion to Dismiss or Affirm (Rule 18.6); Brief in Opposition to Mandamus or Prohibition (Rule 20.3(b)); Response to a Petition for Habeas Corpus (Rule 20.4); Respondent's Brief in Support of Certiorari (Rule 12.6)	9,000	orange
(iii) Reply to Brief in Opposition (Rules 15.6 and 17.5); Brief Opposing a Motion to Dismiss or Affirm (Rule 18.8)	3,000	tan
(iv) Supplemental Brief (Rules 15.8, 17, 18.10, and 25.6)	3,000	tan
(v) Brief on the Merits for Petitioner or Appellant (Rule 24); Exceptions by Plaintiff to Report of Special Master (Rule 17)	13,000	light blue
(vi) Brief on the Merits for Respondent or Appellee (Rule 24.2); Brief on the Merits for Respondent or Appellee Supporting Petitioner or Appellant (Rule 12.6); Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	13,000	light red
(vii) Reply Brief on the Merits (Rule 24.4)	6,000	yellow
(viii) Reply to Plaintiff's Exceptions to Report of Special Master (Rule 17)	13,000	orange
(ix) Reply to Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	13,000	yellow
(x) Brief for an *Amicus Curiae* at the Petition Stage or pertaining to a Motion for Leave to file a Bill of Complaint (Rule 37.2)	6,000	cream
(xi) Brief for an *Amicus Curiae* Identified in Rule 37.4 in Support of the Plaintiff, Petitioner, or Appellant, or in Support of Neither Party, on the Merits or in an Original Action at the Exceptions Stage (Rule 37.3)	9,000	light green
(xii) Brief for any Other *Amicus Curiae* in Support of the Plaintiff, Petitioner, or Appellant, or in Support of Neither Party, on the Merits or in		

	an Original Action at the Exceptions Stage (Rule 37.3)	8,000	light green
(xiii)	Brief for an *Amicus Curiae* Identified in Rule 37.4 in Support of the Defendant, Respondent, or Appellee, on the Merits or in an Original Action at the Exceptions Stage (Rule 37.3)	9,000	dark green
(xiv)	Brief for any Other *Amicus Curiae* in Support of the Defendant, Respondent, or Appellee, on the Merits or in an Original Action at the Exceptions Stage (Rule 37.3)	8,000	dark green
(xv)	Petition for Rehearing (Rule 44)	3,000	tan

(h) A document prepared under Rule 33.1 must be accompanied by a certificate signed by the attorney, the unrepresented party, or the preparer of the document stating that the brief complies with the word limitations. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document. The word-processing system must be set to include footnotes in the word count. The certificate must state the number of words in the document. The certificate shall accompany the document when it is presented to the Clerk for filing and shall be separate from it. If the certificate is signed by a person other than a member of the Bar of this Court, the counsel of record, or the unrepresented party, it must contain a notarized affidavit or declaration in compliance with 28 U. S. C. § 1746.

2. *8½- by 11-Inch Paper Format:* (a) The text of every document, including any appendix thereto, expressly permitted by these Rules to be presented to the Court on 8½- by 11-inch paper shall appear double spaced, except for indented quotations, which shall be single spaced, on opaque, unglazed, white paper. The document shall be stapled or bound at the upper left-hand corner. Copies, if required, shall be produced on the same type of paper and shall be legible. The original of any such document (except a motion to dismiss or affirm under Rule 18.6) shall be signed by the party proceeding *pro se* or by counsel of record who must be a member of the Bar of this Court or an attorney appointed under the Criminal Justice Act of 1964, see 18 U. S. C.

§ 3006A(d)(7), or under any other applicable federal statute. Subparagraph 1(g) of this Rule does not apply to documents prepared under this paragraph.

(b) Page limits for documents presented on 8½- by 11-inch paper are: 40 pages for a petition for a writ of certiorari, jurisdictional statement, petition for an extraordinary writ, brief in opposition, or motion to dismiss or affirm; and 15 pages for a reply to a brief in opposition, brief opposing a motion to dismiss or affirm, supplemental brief, or petition for rehearing. The exclusions specified in subparagraph 1(d) of this Rule apply.

Rule 34. Document Preparation: General Requirements

Every document, whether prepared under Rule 33.1 or Rule 33.2, shall comply with the following provisions:

1. Each document shall bear on its cover, in the order indicated, from the top of the page:

(a) the docket number of the case or, if there is none, a space for one;

(b) the name of this Court;

(c) the caption of the case as appropriate in this Court;

(d) the nature of the proceeding and the name of the court from which the action is brought (*e. g.*, "On Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit"; or, for a merits brief, "On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit");

(e) the title of the document (*e. g.*, "Petition for Writ of Certiorari," "Brief for Respondent," "Joint Appendix");

(f) the name of the attorney who is counsel of record for the party concerned (who must be a member of the Bar of this Court except as provided in Rule 9.1) and on whom service is to be made, with a notation directly thereunder identifying the attorney as counsel of record and setting out counsel's office address, e-mail address, and telephone number. Only one counsel of record may be noted on a single document, except that counsel of record for each party must be listed on the cover of a joint appendix. The names of other members of the Bar of this Court or of the bar of the

Supreme Court of Florida

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CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
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January 24, 2022

Evan S. Gutman
Evan Gutman CPA, JD
1675 NW 4th Avenue, #511
Boca Raton, FL 33432

Re: Your filings received January 21, 2022

Dear Mr. Gutman:

In response to your "Motion for Declaratory Judgment" received on January 21, 2022, regretfully, your motion does not fall under this Court's limited jurisdiction. I urge you to review the various types of writ petitions which would invoke this Court's limited jurisdiction and refile your amended documents if you believe my letter is in error. Additionally, if you are suggesting changes to the Florida Rules of General Practice and Judicial Administration you may suggest your changes in a letter directly to that Committee. Because we will not be setting up a new case based on your three filings, enclosed is your $500 check. For future reference, the filing fee for a writ petition in our Court is $300.00. I regret I am unable to be of further assistance.

Sincerely,

John A. Tomasino

JAT/jv
Enclosure