
IN THE SUPREME COURT OF THE UNITED STATES

ADEENA WEISS ORTIZ, et al,

Petitioner

v.

CAROLINE WEISS, et al,

Respondent.

**Application for Extension of Time Within Which to File for a Writ
of Certiorari to the Florida Supreme Court and the Florida Third
District Court of Appeal**

**APPLICATION FOR EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

Adeena Weiss Ortiz
Petitioner, Pro se Attorney
(Application to the Supreme
Court Bar in process)
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APPLICATION FOR AN EXTENSION OF TIME

To the Honorable Clarence Thomas, Circuit Justice for the Eleventh Circuit:

In accordance with Supreme Court Rules 13.5, 22, 30.2, and 30.3, Applicant Adeena Weiss Ortiz requests that the time to file her Petition for a Writ of Certiorari be extended for 10 days, to November 18, 2024. The Florida Supreme Court issued its Opinion on August 9, 2024, and is attached hereto as **Exhibit A**. Absent an extension of time, the petition would be due on November 7, 2024. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a). This is Applicant's first request.

Background

This case presents an important question of due process in violation of the 5th and 14th Amendments to the U.S. Constitution by a per curiam affirmance ("PCA") of a final judgment procured by 1) intentional misrepresentations of the record by Respondent's counsel, 2) included every one of the misstatements of the record set forth in Respondent's Proposed Judgment and 3) included the contradictory findings as set forth in Respondent's Proposed Judgment.

Further, the Third DCA's PCA of the trial court's *verbatim* adoption of proposed findings of fact and conclusions of law submitted by Respondent, which demonstrates that the trial judge did not exercise her independent judgment in the case, by affirming without any discussion, the trial court's 31-page fact intensive Judgment which: (a) was adopted *verbatim* from the proposed findings of fact and conclusions of law submitted by Respondent, none of which were announced by the trial court prior to the submission of the parties' proposed judgments; (b) did not

delete nor add any findings, nor anything of substance, set forth in Respondent's Proposed Judgment; (c) did not address any of the evidence or the law set forth in Petitioners' proposed findings of fact and conclusions of law; d) disregarded the Florida Supreme Court's precedent in *Perlow v. Berg-Perlow*, 875 So. 2d 383 (Fla. 2004), regarding the impropriety and violation of due process when a trial court issues an order in such a manner. The lower court also disregarded this Court's precedent in *Scott v. Harris*, 550 U.S. 372, 380, 127 S. Ct. 1769 (2007), Florida law and its own ruling in *Rohart v. International Keys Realty, LLC*, 2024 WL 1894724 at *1 (Fla. 3d DCA May 1, 2024) which held that "a party's uncorroborated self-serving testimony cannot prevent summary judgment, particularly if the overwhelming documentary evidence supports the opposite scenario."

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner respectfully requests a brief 10-day extension of time, up to and including November 18, 2024, to file a petition for a writ of certiorari to the Florida Supreme Court, No. SC2024-0941 and the Florida Third District Court of Appeal, No. 3D22-2136.

JURISDICTION

The jurisdiction of this Court will be invoked under 28 U.S.C. § 1257(a), and the time to file a petition for a writ of certiorari will expire without an extension on November 7, 2024. This application is timely because it has been filed more than 10 days prior to the date on which the time for filing the petition is to expire.

JUDGMENT TO BE REVIEWED

The Judgment to be reviewed is the Opinion of the Supreme Court of Florida, in No. SC2024-0941, *Weiss Ortiz v. Caroline Weiss*, dated August 9, 2024, where the

Court denied discretionary jurisdiction and the Opinion of the Florida Third District Court of Appeal, in No. 3D22-2136, *Weiss Ortiz v. Caroline Weiss*, dated May 29, 2024. Said Opinions are attached hereto as Exhibits A and B, respectively.

REASONS JUSTIFYING AN EXTENSION OF TIME

For the past ten years and since the inception of this matter in 2014, Petitioner has been represented by legal counsel. On October 21, 2024, Petitioner's new counsel fell gravely ill and advised that he can no longer proceed with the handling of this matter.¹ The undersigned seeks a brief 10-day extension in order to complete the drafting of the Petition for Writ of Certiorari and this Court's printing requirements. The undersigned has been diligently working in order to submit timely the Petition for Writ of Certiorari, but prophylactically seeks this extension.

CONCLUSION

Accordingly, Petitioner, Adeena Weiss Ortiz, respectfully requests an order be entered extending the time to file a Petition for a Writ of Certiorari for 10 days, up to and including November 18, 2024.

Dated: October 24, 2024,

Respectfully submitted,

ADEENA WEISS ORTIZ

s/ Adeena Weiss Ortiz

Adeena Weiss Ortiz

Petitioner, Pro se

Attorney

¹ Legal counsel possesses medical documentation as to his illness as is willing to provide the Court with same for *in camera* inspection due to HIPAA and privacy concerns.

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CERTIFICATE OF SERVICE

I hereby certify that this 24th day of October 2024, a true and correct copy of the foregoing was served to: Maurice Baumgarten, Torricella Law, 8950 SW 74th Court, FL 33156 and Michael Schlesinger, 1200 Brickell Ave., Miami, FL 33131.

Respectfully submitted,

ADEENA WEISS ORTIZ

s/ Adeena Weiss Ortiz

Adeena Weiss Ortiz

Petitioner, Pro se

Attorney

(Application to Supreme

Court Bar in process)

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Supreme Court of Florida

FRIDAY, AUGUST 9, 2024

Adeena Weiss-Ortiz, etc.,
et al.,

Petitioner(s)

v.

Caroline Weiss, et al.,

Respondent(s)

SC2024-0941

Lower Tribunal No(s).:

3D2022-2136;

132014CA030864000001

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

CANADY, LABARGA, GROSSHANS, FRANCIS, and SASSO, JJ.,
concur.

A True Copy

Test:

SC2024-0941 8/9/2024

John A. Tomasino

Clerk, Supreme Court

SC2024-0941 8/9/2024



DL



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Served:

MAURICE JAY BAUMGARTEN
3DCA CLERK
MIAMI-DADE CLERK
GEOFFREY BENNETT MARKS
HON. MIGNA SANCHEZ-LLORENS
MICHAEL J. SCHLESINGER

Third District Court of Appeal

State of Florida

Opinion filed May 29, 2024.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-2136
Lower Tribunal No. 14-30864

Adeena Weiss, etc., et al.,
Appellants,

vs.

Caroline Weiss, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Migna Sanchez-Llorens, Judge.

Torricella Law, PLLC, and Maurice J. Baumgarten; Joel S. Perwin, P.A., and Joel S. Perwin, for appellants.

Schlesinger Law Group, and Michael J. Schlesinger; Law Offices of Geoffrey B. Marks, and Geoffrey B. Marks, for appellees.

Before EMAS, GORDO and BOKOR, JJ.

PER CURIAM.



Affirmed. See Fito v. Att'y's Title Ins. Fund, Inc., 83 So. 3d 755, 757 (Fla. 3d DCA 2011) ("A factual finding made by a trial court in a non-jury trial is clearly erroneous only when there is no substantial evidence to sustain it, it is clearly against the weight of the evidence or it was induced by an erroneous view of the law."); Sackett v. Shahid, 722 So. 2d 273, 276 (Fla. 1st DCA 1998) (explaining UCC and common law standard for transfer of stock of a closely held corporation and holding that "even if extrinsic evidence exists which might show that the Shahids intended Mrs. Shahid to possess a shareholder interest in Shoreline, because Mr. Shahid controlled the ability of Shoreline to issue shares of stock or transfer shares on its stock register, in the absence of any documentary evidence sufficient under chapter 678, the record evidence here is insufficient as a matter of law to establish transfer of the Shoreline stock to the Shahids as tenants by the entireties"); Guthartz v. Park Ctr. W. Corp., 409 F. App'x 248, 250 (11th Cir. 2010) (citing Sackett and explaining that: "Such requirements exist to prevent situations exactly like the one at bar: he said/she said lawsuits where one party asserts that a transfer was made based on some document not reflected in the corporate records. These requirements apply with equal force to gifts.").

No. _____

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ADEENA WEISS ORTIZ, *et al.*, PETITIONER

VS.

CAROLINE WEISS, *et al.*, RESPONDENT

DECLARATION VERIFYING TIMELY FILING

Petitioner, Adeena Weiss Ortiz, pursuant to SUP. CT. R. 29.2 and 28 U.S.C. § 1746, declares that an **Application for Extension of Time Within Which to File for a Writ of Certiorari to the Florida Supreme Court and the Florida Third District Court of Appeal** filed in the above-styled matter was sent through the United States Postal Service by first-class mail, postage prepaid, and addressed to the Office of the Clerk, Supreme Court of the United States, on the 24th day of October 2024, which was more than 10 days before the Petition for Writ of Certiorari was due on November 7th, 2024.

Chicago, IL
December 2, 2024

By: /s/ Adeena Weiss Ortiz
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(Application for Supreme Court Bar
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