24-385

ORIGINAL

Appeals: 23-12413-AA & 23-13392-AA

IN THE SUPREME COURT
OF THE UNITED STATES

Carlos A. Alonso Cano,
Fé Morejón Fernández,
Jany Alonso Morejón — *Petitioners*

v.

245 C & C, LLC and
C.F.H. Group, L.L.C — *Respondents*

On petition for a Writ of Certiorari
to the United States Court of Appeals
for the 11th Circuit, Atlanta, Georgia

PETITION FOR A WRIT OF CERTIORARI

Carlos A. Alonso Cano
Fé Morejón Fernández
Jany Alonso Morejón

6700 NW 186th Street, Apt. # 121
Hialeah, FL. 33015
Phone: (214) -962-7965
carloscaco3@yahoo.com

Pro Se Petitioners

***Clarification**: To avoid misunderstandings, all the page numbers mentioned here, are not referred to the pages of this version of (8.5 X 11) inches, **but to the pages of the (40) books**, provided together with document (**emphasis added**).*

QUESTIONS PRESENTED

1. - *Whether* the CA, erred and violated the Canon 3B (6) of the Code of Conduct of U.S. Judges for not ordering the DC, to investigate the fraud upon the court, that we denounced was committed by Defendants' attorney Leslie W. Langbein, together with Defendants' Court Reporter Mr. Elías Martínez, by redacting the transcripts of our depositions and by withholding until today, the Zoon recordings of those depositions that are needed to be compared with the "forged" transcripts that they provided and filed in the DC and in the CA.

2. – *Whether* the CA, erred by "conclusory" saying that we filed frivolous motions without demonstrating it, based on what says the 11th Cir. R. 27-4.

3. - *Whether* the CA erred by granting Defendants' motion for sanctions against us, even when the Defendants neither contradict nor defeat each one of our arguments and evidences, demonstrating that the Defendants and their lawyer, mislead the DC, misrepresented the facts, withheld relevant evidence and committed discovery abuses all of which have affected the outcome of this case.

4. – *Whether* the CA erred by imposing us to pay Lawyer's fees to Defendants, using the two cases of Procup v. Strickland, 792 F.2d 1069, 1073–74 (11th Cir. 1986) and Theriault v. Silber, 579 F.2d 302, 303 (5th Cir. 1978), to support its order (**Doc. 81**, 5/31/24), when these two cases were not decided in the context of the Fair Housing Act.

5. – *Whether*, on the contrary, the CA erred by imposing sanctions on us, without demonstrating that the claims we included in our motions are "frivolous, unreasonable, or without foundation," pursuant the standard established by this court in *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 421 (1978).

6. - Whether, the CA erred by imposing us to pay lawyer's fees as sanction, if recently the U.S. Magistrate Judge LAUREN F. LOUIS of the DC, recommended to deny Defendants' request for lawyer's fees. See case No. 19-cv-21826-JAL, (DE 822, 8/30/24), and

7. – *Whether* this court or the CA, sua sponte, should "**severely**" sanction Defendants and/or Ms. Leslie W. Langbein, by ordering them to pay up to $500,000.00 or serve up to five years in prison, pursuant to 18 U.S.C. § 152(4) for filing a "FALSE CLAIM FOR ATTORNEY'S FEES" in Carlos' bankruptcy case (No. 21-19589-LMI) in the Southern District of Florida, because said attorney's fees that were claimed there, had not been granted at that time either by the order (DE 555, 8/12/22), nor by the orders (DE 678 & 679, 7/20/23), which demonstrates that the Defendants were not entitled to lawyer's fees which "is supported" by the recent "Report and Recommendation of the Magistrate Judge Lauren Lois." See (DE 822, 8/30/24), (emphasis added).

PARTIES TO THE PROCEEDING

Petitioners: Carlos A. Alonso Cano

Fé Morejón Fernández

Jany Alonso Morejón

Respondents: 245 C & C, LLC and CFH Group, LLC.

RELATED PROCEEDINGS

In State Courts of Florida:

- 245 C & C, LLC v. Carlos Alberto Alonso Cano and Fé Morejón Fernández. No. 2018-000236-CC-21. Judgment entered June 20, 2019.
- 245 C&C LLC v. Carlos Alberto. No. 2019-000208-AP-01. Opinion entered Sept. 3, 2020. Judgment entered Sept. 21, 2020. (Appellate Court of Florida).

In the 11th Cir. Courts of U.S.:

- Carlos Alonso for Angie Alonso (Disabled) v. 245 C & C, LLC "Villas of Hialeah Apartments" No. 18-cv- 20537-UU. Feb. 2, 2018. (11th Cir. Southern Dist. of FL).
- Carlos A. Alonso Cano v. 245 C & C, LLC et al. No. 19-cv-21045-CMA. Mar. 19, 2019. (11th Cir. Southern Dist. of FL).
- Carlos A. Alonso Cano v. 245 C & C, LLC and CFH Group, LLC. No. 19-cv-21826-JAL. May 6, 2019. Judgment entered July 20, 2023. (11th Cir. Southern Dist.

- Carlos Alberto Alonso Cano, Case No. 21-19589-LMI, (Chapter 13 Plan). U.S. Bankruptcy Court of the Southern District of Florida
- Carlos Alonso Cano et al v. 245 C & C, LLC et al. Consolidated appeals 23-12413-AA & 23-13392-AA. (11th Cir. Appellate Court, Atlanta, Georgia.

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PETITION FOR A WRIT OF CERTIORARI

Appellants 2nd petition for a writ of certiorari to review other orders of the U. S. Court of Appeals for the 11th Circuit, in Atlanta, Georgia (CA).

ORDERS BELLOW

The orders in App. E, (**pg. 69a**) & App. F, (**pg. 73a**), are reported as the (**Doc. 81**) and (**Doc. 93**), respectively of the USCA11, Case No. 23-12413-FF.

JURISDICTION

The CA entered these orders on (5/31/24) and on (7/23/24) respectively. Pursuant this court's letter dated on (7/30/24) and sent by Ms. Sara Simmons, we have (60) days, that is, until (9/28/24) to file this petition, which is timely sent by certified mail on (9/23/24). Petitioners invoke this Court's jurisdiction under Titles 28 U.S.C. § 1254(1) and 28 U.S.C. §2101(e) respectively.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pursuant the 62 Stat., ch. 646 (June 25, 1948), the 63 Stat. 103 (May 24, 1949, ch. 139, § 91), and the code 28 U.S. C. § 1654: "In all courts of the United States "the parties may plead and conduct their own cases personally" ....., by the rules of such courts, respectively, are permitted to manage and conduct causes therein." Pursuant the Notes of the Advisory Committee on Rules—1979, and the FRAP 10(a)(1): "the original papers and exhibits filed in the district court constitute the

record on appeal." Also see "THE CONSEQUENCES OF PERJURY AND RELATED CRIMES," by the "House of Representatives, Committee on the Judiciary," Washington, DC, Tuesday, December 1, 1998," in which the CHAIRMAN Hyde in his opening statements, said:

"There is nothing just or fair in a double standard. We make perjury, subornation of perjury, obstruction of justice, and witness tampering crimes because a judicial system can only succeed if its procedures expose the truth. If citizens are allowed to lie with impunity or "encourage other to tell false stories," or hide evidence, judges and juries cannot reach just results, because courtroom becomes an arena for "artful liars" and the jury a mere focus group "choosing between alternative fictions." So for my friends who think that perjury, lying, and deceit are cceptable and undeserving of punishment, "I respectfully disagree" (emphasis added).

STATEMENT

We will not attach some documents here as an Appendix because it would make this book very voluminous and expensive, but will mention parts of them that this court can easily find in the cases mentioned in the "Related Proceedings" section.

The documents mentioned in our Motion (Doc. 73, 4/29/24) of the CA case No. 23-12413, show that Defendants and their witnesses, committed fraud on the court, abuse of discovery, by withholding relevant evidence and misrepresented the facts, while Mrs. Langbein and the court reporter Mr. Elías Martínez, committed fraud

upon the court, by filing in both courts, forged (redacted) transcripts of our depositions, which precluded us to present our case properly and to use the Zoom recordings taken by Mrs. Langbein during our depositions to support our claims, and counter Defendants' misrepresentations of facts and laws.

A. Pursuant to our "MOTION" (Doc. 73, 4/29/24), (pg. 3: pt. 9; pt.11; pt. 12 and so on) filed in the CA, Case No. 23-12413: "they eliminated from the transcripts, our declarations supporting each "verbal" and "written" request we made to Defendants, to accommodate Angie, within the two year statute of Limitation of the FHA.

(a) Furthermore, respondents' attorney (Ms. Lagnein), and the court reporter (Mr. Elias Martinez), both paid by Defendants, should be considered by the CA, as the primary responsible and executors of the fraud upon the court and misconduct that we are denouncing, by withholding the original transcripts of our depositions, because they actually provided redacted transcripts, which do not contain several of our most important material representations, regarding each "verbal" and "written" request for reasonable accommodations and modification we made for Angie within the Fair Housing Act's (FHA) two-year statute of limitations, and because those transcripts, did not contain all the arguments and reasons we gave to Vilma each time a request was made in different years, all of which also was said to Mrs. Langbein during discovery, because those facts and arguments supported the reasonableness and necessity of every request we made to accommodate Angie over all those years. But many of those explanations and arguments we said to Vilma

during each meeting in which we requested to accommodate Angie, which later "also" were narrated to Mrs. Langbein, were eliminated (redacted) from the transcripts, together with the date to which every request was made (emphasis added). Even so, until now, Ms. Langbein "also" have flatly refused, to provide the Zoom recordings she has in her possession and control and by which she "remotely" took our depositions during the COVID-19 pandemic, because those Zoom recordings will prove that the transcripts that the court reporter Mr. Elias Martinez gave us, along with the transcripts filed by Mrs. Langbein in the district court (DC) and in the court of appeals (CA), were greatly redacted to eliminate the dates and the facts that supported our claims of discrimination and retaliation which occurred within the two years statute of limitation of the FHA (emphasis added).

Contrary to what Mrs. Langbein wrote in Defendants motion to summary judgment (DE 364, 11/16/20), and said during the bench trial, we knew every date during which we requested accommodation or modification for Angie and which arguments we said to Vilma, Tom Cabrerizo and Defendants, to support those requests; which also was said to Mrs. Langbein, during our depositions.

We know that there was no mistake, but a fraud intentionally and maliciously committed upon the courts and committed in bad faith against us, to erode and affect our credibility, to deceive the judicial system and to prevent us from properly presenting our case and to allow the Respondents to prevail in this case. The fraud upon the courts, committed by Mrs. Langbein and the court reporter Mr. Elías

Martínez, has thus far favored respondent until now, even when there are competent substantial evidence in the record of case (1:19-cv-21826-JAL), which strongly suggest the contrary and support our claims and "Response" (DE 491, 8/3/21) to "Defendants' Motion for Summary Judgment" (DE 364, 11/16/20) in which Mrs. Langbein, repeatedly misrepresented facts and laws (emphasis added).

The evidence at record, "also" supports our "Statements of Material Facts" (DE 492, 8/3/21); and our declarations at trial, but until now, the DC have turned a blind eye to those evidences, some of which will be mentioned bellow.

(b) We have the opinion that Mrs. Langbein, as the only person with legal knowledge about the two years statute of limitation of the FHA, is the main author of the "redaction" of the depositions' transcripts, because until now, she have refused to provide the Zoom recordings of our depositions, to compare them with the transcripts that were provided to us and court. Besides that, during discovery, when we did not have representation from a lawyer, and were acting pro se, already Mrs. Langbein said to Carlos "Okay. And so this will be an issue of Vilma's credibility versus yours." See (DE 435-1, 2/5/21),(pg. 8:13-14) of the DC case (No. 1:19-cv-21826-JAL).

Meaning that during our depositions Mrs. Langbein realized that the only way to help respondents to prevail, was (redacting) the transcripts of our depositions, to use them to support their misrepresentations. See (DE 435-1, 2/5/21),(pg. 8:13-14) of case No. 1:19-cv-21826-JAL.

Therefore, we have no doubt, that most of the arguments and explanations we gave to Mrs. Langbein during our depositions, related to the dates mentioned bellow, which were within the two years statute of limitation, in which was requested to accommodate Angie, "were intentionally and maliciously eliminated" (redacted) from the transcripts, including the dates (3/29/17) and (4/7/17) during which Carlos "personally" visited Vilma, manager of Villas of Hialeah Apartments (VOH) in the leasing office and "verbally" asked her to accommodate Angie in the disabled parking area by assigning the (2nd) disabled parking space (the nearest with the aisle for Angie' wheelchair at the left side of Carlos' car); and with an accessible bathroom (by permitting to remove the bathtub, because Angie couldn't get in or stand inside it), to make a flat floor bathroom in which will be placed a customized bath chair which did not fit inside that bathtub. Also were redacted our statements about the dates (10/2/17) and (10/3/17), in which "in writing" we requested what is shown in the (DE 430, 1/22/21), (pg. 23 to 25 of 245) during a conciliation process requested by respondents after we filed our second (2nd) HUD complaint, which investigation occurred from September 27, 2017 to December 26, 2017 (emphasis added). Relevant is that the record shows the requests we made in "writing" during the conciliation process during HUD investigation, for:

(1) "the second (2nd) disabled parking space to be assigned only for Angie," see (DE 430, 1/22/21), (pg. 24: pt. 4);

(2) "to permit us to remodel Angie's Bathroom," see (DE 430, 1/22/21), (pg.24: pt. 3);

(3) "We wanted to stay in Apt. # 1301 of VOH, until can buy our own house, "WITHOUT ANY RETALIATION," See (DE 430, 1/22/21), (pg. 24: pt. 1)

Relevant here is that, the above three requests also were made "verbally" by Carlos to Tom Cabrerizo on (8/4/16) in the presence of Angie (sitting in his wheelchair), Fe, Jany and Katy, which were sitting in front of Tom Cabrerizo, but he denied all those request outright that day; and (2) Carlos told Mrs. Langbein during his deposition, that he requested to Tom on (8/4/16) some of the same requests that we requested in writing on (10/3/17) as shown in (DE 430, 1/22/21), (pg. 23 & 24), but such statements also were eliminated (redacted) from the transcripts (emphasis added).

Relevant also is that, in the DC in the record of the case (No: 1:19-cv-21826-JAL) , from long time ago, Carlos filed several circumstantial evidences, which support that we continuously have had good reasons to make those requests to accommodate Angie because his disabled condition did not get better, on the contrary was worsening every year, so we started doing accommodation and modification requests to Vilma and respondents from (2/3/13), see (DE 417-1)(pg. 3 & 4), when Vilma denied Carlos' first two requests to (1) provide us the 2nd disabled parking space assigned only for Angie, and (2) the permission to remodel his bathroom), which Vilma also denied again at the end of 2015, see (DE 417-1),(pg. 8: 23-25), and at the end of 2016, see (DE 417-1),(pg. 9: 21-24).

The same occurred on (8/4/16) in the main office of respondents, when we the five Plaintiffs, went to downtown of Miami and met with Tom Cabrerizo (CEO and

Owner of 245 C & C and of CFH, Group, LLC), who was able to see Angie in his 32" wheelchair for more than half an hour, but he also denied those requests outright without entering in an interactive process. See (DE 417-1, 1/12/21), (pg. 5 of 117).

But this (pg. 5 of 117) of the (DE 417-1), also was redacted, because in it does not appear all the other requests Carlos made to Tom on (8/4/16), which were: (1) not to place near our Apt. # 1301, the noisy tree cutting machine that produced a very loud noise because it caused a lot of discomfort to Angie, which is why Angie also complained and cried when he was forced to listen to that loud noise for several hours, see (Files # 42, 42-A, 43, 50, 53 & 55) of the (DE 502, 8/9/21); and (2) on (8/4/16), Carlos also asked Tom, to allow us to renew our rent at VOH every year, until we can buy our own house, because Angie was well adapted and entertained in his Apt. # 1301 of VOH, watching from the big glass door located in his bedroom which headed to the balcony and to the biggest parking area of VOH, the cars entering and leaving the property and the children and people walking in that area during the days and night, all of which kept Angie calm, smiling and sedated, when other tenants living above us or those noisy cutting tree machine did not disturb ours and Angie's right to the quiet enjoyment of the premises. All these facts also were told to Mrs. Langbein, during Carlos' deposition, but all of them also were redacted from the transcripts (emphasis added).

Since respondents denied "ALL" our formers requests made from (2/3/13) up to the end of 2016, and because Angie still needed to be accommodated, we also made to

Vilma the other requests mentioned above, at the beginning of March, 2017; on (3/29/27) and on (4/7/17), and all of them were made within the two years statute of limitation of the FHA, with respect to the date (5/6/19) in which we filed the instant lawsuit (DE 1).

But, with respect to our first lawsuit (DE 1) filed on (5/6/19), we "also" made the "written requests" to accommodate Angie, dated on (10/3/17), shown in the (DE 430, 1/22/21)(pg. 23 to 25 of 245) within the two year statute of limitations, with the mediation of the HUD investigator Adoniram Vargas, during the conciliation process requested by the respondents after the HUD investigation started due to our 2nd complaint against respondents, and when the statute of limitation was stopped from (9/27/17) to (12/26/17). Therefore, those written request made on (10/3/17) were made within one year and four (4) months with respect to (5/6/19) when we filed this lawsuit (emphasis added).

Relevant also is the fact, that during his deposition, Carlos told Mrs. Langbein: (1) that we made these written request on (10/3/17), with the mediation of the HUD investigator, which also were denied outright by the respondents, but Mrs, Langbein, turned a blind eye to them and (2), the HUD investigator Adoiniram Vargas, who in our opinion did a bad investigation, told us (Carlos and Fe) on (10/2/17), that "after that date any action taken against us by Defendants, would be considered as a retaliatory action from defendants," after we filed the second (2nd)

HUD complaint against them on (9/27/17). See in case (No. 1:19-cv-21826-JAL), the (DE 447-1, 3/15/21), (pg. 25: lines 2 & 3).

But, those statements said to us by the HUD investigator on (10/2/17), about Defendant possible retaliation against us, "also" were eliminated (redacted) from the transcripts of Carlos' deposition which was made by Mrs. Langbein (emphasis added).

See 11USCA, (Doc. 73, 4/29/24), (pg. 14: pt. 37 (a)), (lines: 13 to 17), showing the written requests we made to accommodate Angie and his family living with him and taking care of him every day and 24/7, sent by Carlos to the HUD investigator on (10/2/17), who as the mediator, transmitted them to the respondents, but they denied all those "written request" too (emphasis added).

Pay attention that, some of these written requests made on (10/2/17) and on (10/3/17), and shown in the (Doc. 73, 4/29/24) from (pg. 119 to 123 of 275), are the same requests we made to Tom Cabrerizo on (8/4/16), and it also was told by Carlos to Mrs. Langbein during Carlos' deposition, but these statements "also" were redacted from the transcripts, (emphasis added).

(c) Carlos "also" made a "verbal request" to Vilma: (1) "at the beginning of March, 2017," see (DE 435-1, 2/5/21), (pg. 4: 8), after Angie's primary doctor Reynold Duarte Martínez, gave Carlos the prescription dated on (2/27/17), for a new and customized shower chair because Angie's old bath chair was broken at that time,

and gave Carlos the MEDICAL NECESITY LETTER dated (2/28/17), because Carlos told Dr. Duarte that Vilma always have denied the permit to remove the bathtub from Angie's bathroom until that moment, to make a bathroom more accessible for Angie, because he could not enter the bathtub and cannot be standing inside it due to his mental retardation, physical disability and lack of balance. So Angie was sitting with his legs and feet out of the tub and splashing water out of that tub. Carlos told all these facts to Vilma at the beginning of March, 2017, and later Carlos told these facts to Mrs. Langbein, during his deposition, but all these declarations of Carlos, "also" were eliminated (redacted) from the transcripts of Carlos' deposition. See (DE 430, 1/22/21), (pg. 14-16), (emphasis added).

Relevant here is that, those medical documents of Angie, shown in the (DE 430, 1/22/21), (pg. 14 -16) which constitute "circumstantial evidence" supporting our claims of discrimination against Angie in the Counts I & III of our SAC (DE 92, 12/2/19), were in the record from long time ago, but they have not been properly considered by the DC, neither in its order (DE 483, 6/25/21) to re-open the case for fraud pursuant the Rule 60(b), see (DE 470, 6/1/21), nor they were considered when the DC entered the orders (DE 555, 8/17/22) for summary judgment's motion and (DE 678 & 679, 7/20/23), after the bench trial (emphasis added).

(d) Carlos visited the leasing office for the second time on March 29, 2017, after Fe arrived to our apartment (1301) of VOH, from taking Katy to school and after

taking a picture of a parking warning posted on Carlos's on (3/29/17), even when his car, was properly parked in a handicapped spot.

Before Carlos went to the leasing office on (3/29/17), Fe asked him to ask Vilma "again" for permission to remodel Angie's bathroom, because Fe was tired of bathing Angie in an uncomfortable position for her and Angie and tired of collecting the water that fell on the floor outside the tub when he bathed Angie twice a day. Carlos requested it to Vilma and also asked her to remove that parking warning from his records as tenants, because his car was correctly parked. That day, Carlos said to Vilma that he suspected that she ordered to put that warning in his car to harass Carlos, for requesting accommodations for Angie in early March, 2017.

On (3/29/17), again, Carlos asked Vilma to give the second (2nd) disabled parking space with the aisle for Angie's wheelchair at the left side of the parking, "only" for Angie, because Carlos could only get Angie in on the left side of his car where the seat is right near the door, which was necessary for Angie from the first time requested it on (2/3/13), and also to avoid that On Call Patrol would put more warnings on his car, but Vilma also denied those requests too. During his deposition, Carlos told Mrs. Langbein, everything that occurred during his conversation with Vilma on (3/29/17) and also asked Fe questions during her cross-examination about what happened on (3/29/17), but all of those declarations made by Carlos and Fe about (3/29/17), were eliminated (redacted) from the transcripts of

our depositions (emphasis added). See 11USCA, case No. 23-12413, (Doc. 73, 4/29/24),(pg. 6: pt. 19); (pg. 7: pt. 21); (pg. 8: pt. 22), and so on (emphasis added).

Relevant here are: (1) the photo taken by Fe on (3/29/17) at (7:56 AM) of the parking warning posted in Carlos' car that it is in the record at (DE 430, 1/22/21), (pg. 22 of 245), which was filed in color by Carlos, but was uploaded to the docket in black and white, and (2) the email sent to Carlos by On Call Patrol on (3/29/17) at (3:45 AM), because both evidences support that Fe saw the parking warning, photographed it, and it was the reason for which Carlos visited the leasing office on (3/29/17) and requested Vilma those accommodations that day, but until today, the respondents and Mrs. Langbein, continued misrepresenting the facts about what occurred on (3/29/17) and "falsely" denying that Carlos did those requests that day, besides that, the DC, did not consider properly those evidences, when entered its orders (DE 555, 8/17/22) and (DE 678 & 679, 7/20/23) for the Counts I and III of our SAC (DE 92, 12/2/19). Other relevant evidences that are in the docket from long time ago, but also were not properly considered by the DC until today, and which prove that: (1) several times during long then (10) years, Angie was loaded and unloaded from Carlos' car in danger and uncomfortable conditions for not having an assigned disabled parking space only for him (Count I), are shown in the (DE 470, 6/1/21),(pg. 29 to 31 of 294), showing Fe stresses and struggling alone to load Angie in Carlos' car, because Carlos could not help her in that narrow space, left by the other car parked at the left side of Carlos' car, which was parked in the first (1st) disabled

parking space which did not have any aisle for Angie's wheelchair at the left side of that parking space and in which narrow space Carlos could not enter to help Fe. This occurred several times, and repeatedly during various years, because Carlos could not park his car always in the second (2nd) disabled parking space, the nearest with the aisle for Angie's wheelchair at its left side as Angie and Carlos needed, when he came to VOH after (1:00 PM); and (2) that Angie twice per day was bathed in an uncomfortable and danger condition, because Vilma and Defendants denied the permission to remodel Angie's bathroom (Count III), are shown in the (DE 470, 6/1/21), (pg. 35 to 37 of 294) showing the wood bath chair that Carlos was forced to fabricate in a hurry, and install on April 2, 2017, to bath Angie seating above the bathtub, after Vilma denied Carlos's request to permit removal of the bathtub, made on (3/29/17), which Vilma denied outright that day (**emphasis added**).

Relevant here, also is the fact, that: (1) all these evidences mentioned above, about the parking area and Angie's bathroom, were filed by Carlos in color, in the DC, but uploaded in black and white by the DC in the docket and the worsen part is that, until today, the DC did not send those evidences to the CA, which were filed in color by Carlos, see 11USCA (Doc. 56, 3/18/24); and (2) that all these facts and explanations of the necessity of such accommodation for Angie, were told to Mrs. Langbein during Carlos' depositions but they "also" were eliminated (redacted) from

the transcripts. See 11USCA, (**Doc. 73**, 4/29/24), (pg. 6: pt. 16 to 19) and Id, (pg. 7: pt. 20 & 21), (emphasis added).

(d) After leaving Angie and Fe in their apartment, Carlos also went to the leasing office on (4/7/17), and "again" requested that Vilma assigned the second (2nd) disabled parking space for Angie, because that day after the three of them returned to VOH, Carlos was forced to park his car and unload Angie far from the main entrance of his 2500 building, and to carry Angie in his wheelchair down the street located inside VOH where cars would speed by every day, because the narrow road located between the handicapped parking area and the main entrance of their building was obstructed by two cars. See (DE 430, 1/22/21), (pg. 46 of 246) which shows the two cars that were illegally parked there, which occurred daily because several tenant cars and moving trucks used to be parked there for several hours.

On (4/7/17), Carlos "also" asked Vilma, to go with him to that area to put parking warnings to those cars, but Vilma denied all the requests made by Carlos, and told Carlos, to call the police when he found out those cars parked there illegally, which Carlos did after that day in one occasion, but the police officer that met Carlos, told him that he could not fine or take any action against those drivers, because it was a private property, and that, Vilma misinformed Carlos, because she as manager of VOH, was responsible to enforce the parking policy inside VOH.

Relevant here is that, all these facts about what occurred on (4/7/17), and what that police officer told Carlos, were said to Mrs. Langbein, during Carlos' deposition, but

they "also" were eliminated (redacted) from the transcripts. See that Carlos wrote these facts in his affidavit shown in the (DE 447-1, 3/15/21), (pg. 4(c): lines 6 to 10), (emphasis added).

See (DE 430, 1/22/21), (pg. 46) showing the circumstantial evidence proving that these two cars were illegally parked on (4/7/17) and obstructing the path from the disabled parking area to the main entrance of our building 2500, which moved Carlos to go to the leasing office that day, after leaving Fe and Angie in our Apt. # 1301 of VOH (emphasis added).

Worse part is that, the DC did not allow us to move to "phase two" during the ten (10) days bench trial, during which we would support our arguments with all the photos mentioned above, which along with the other photos and videos (circumstantial evidence), which we provided to the DC, in the USB (PSUSB) that Carlos filed in (DE 502, 8/9/21) to support our response (DE 491, 8/3/21) to Defendants' Motion for Summary Judgment (DE 364), will surely support our following claims and statements:

(1) Since Carlos first requested it from Vilma on (3/2/13), we needed the (2nd) handicapped parking space for Angie all these years as a reasonable accommodation, for the reasons already explained above, but Vilma denied it on (2/3/13) for the first time, and also later, in late 2015, late 2016, early March 2017, on (3/29/17), and on (4/7/17), saying that the parking policy at VOH was "first come, first served" even in the handicapped parking area. But after this lawsuit was filed,

Ms. Langbein came up with the argument that they wouldn't give us the 2nd handicapped spot for Angie because Defendants interpreted Florida law to require that handicapped parking spaces cannot be assigned because they must be vacant at all times for any car bearing a handicapped symbol that arrives at VOH, even if that person is not a VOH resident, but neither Vilma nor Tom Cabrerizo told us that when we asked for Angie's accommodations, because those "false arguments" were invented several years later by Mrs. Langbein and written into her filing (emphasis added).

(2) That it was necessary to make a safe path from the handicapped parking area to the main entrance of our building 2500 of VOH, which was denied by Vilma and the Defendants during various years, as a reasonable accommodation for Angie, to prevent accidents and injuries to Angie and Carlos who many times was forced to carry Angie's wheelchair down the street located within VOH in which cars were commonly speeding on it, because other cars used to be illegally parked in the roundabout located in front of the building 2500 of VOH, and obstructing the path between the disabled parking area and the main entrance of our building 2500, as shown in the photo at (DE 430, 1/22/21), (pg. 46), which the Judge Joan A. Lenard refused to consider during the bench trial, arguing that the photo was blur, when she saw it in white and black in her computer. But such photo was very clear and in vivid colors, when Carlos filed it as evidence, for the DC to see all the details of

what happened in front of our building 2500 on (4/7/17). In case (1:19-cv-21826-JAL), see Counts I and II of our SAC (DE 92, 12/2/19), (page 24 of 55).

Relevant here is that, all the statements and explanations that Carlos told Mrs. Langbein, during his deposition, about this safe path between the disabled parking area and the main entrance of the building 2500 of VOH in which we lived, "also" were eliminated (redacted) from the transcripts of Carlos' deposition (emphasis added).

REASONS FOR GRANTING THE PETITION

This (***2nd***) Writ of Certiorari is due to be granted for the following reasons:

a) When the respondents in their answer (Doc. 75, 5/7/24), (pg. 4: lines 4-6) of CA case (No. 23-12413), said "the appellees renew their request for the imposition of sanctions, since nothing less will impress ALONSO, MOREJON and JANY to stop filing frivolous motions"; and when the CA in its ORDER in Id, (Doc. 81, 5/31/24), (pg. 2: lines 8-10) said "this Court warned Plaintiffs-Appellants that they could be sanctioned if they continued to file frivolous motions," they did so conclusively, but without proving that our motions are frivolous, because:

(1) Neither Mrs. Langbein, nor the CA, made the necessary and detailed analysis, nor they rebutted each of the arguments and evidence that we presented in our motions (Doc. 45, 3/7/24) and (Doc. 73, 4/29/24) showing that both the Defendants and Mrs. Langbein have acted dishonestly thus far, and both the DC and the CA,

failed to compel Mrs. Langbein to provide the Zoom Recordings of our depositions and cross-examinations, which she have denied to do so far because the fraud she and the court reporter Mr, Elías Martínez perpetrated by "redacting" the transcripts of our depositions, will be demonstrated more clearly by comparing the transcripts they provided with the Zoom recording, and (2) Because, neither Mrs. Langbein, nor the CA have demonstrated the "alleged frivolity" of our motions, by counter them with competent substantial evidence to prove that our motions are (a) without legal merit and cannot be supported by a reasonable argument for an extension, modification, or reversal of existing law, or the establishment of new law; or (b) contains assertions of material facts that are false or unsupported by the record; or (c) are presented for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation, as they should have done, pursuant the 11th Cir. R. 27-4.

b) The decision bellow is flatly inconsistent with the "policy that the U.S. Congress considered of the highest priority," "Newman v. Piggie Park Enterprises, 390U.S. 400, 390 U.S. Sup. Court (1968), because "there are at least two strong equitable considerations favoring an attorney's fee award to a prevailing Title VII plaintiff that "are holly absent in the case of a Title VII defendant," since when a court awards Counsel fees to a prevailing plaintiff, it is awarding them against a violator of a federal law. Pp. 434 U .S.418-419. Here, on the contrary, Defendants should not be considered the prevailing party yet, besides that, they are not suing

us, but defending for discriminating and retaliating against us for various years consecutively, pursuant the Fair Housing Act (FHA), which we will demonstrate to an impartial jury when this case is reversed and remanded to the DC, not only because of the fraud on the court, and their discovery abuses, commited by Defendants, e.g. see USCA11 Case: 23-12413 (Doc. 73, 4/29/24), (pg. 150 to 160), and because of the fraud upon the court committed by Mrs. Langbein and Mr. Elías Martínez (both judicial employees paid by the Defendants) by "intentionally" redacting the transcripts of our depositions to give advantage to the Defendants to prevail in this case, but this case also should be reversed and remanded because other many arguments which will be demonstrated in our appellate Brief (emphasis added

c) The decision bellow is flatly inconsistent with this Court's precedents; it deepens a growing split with regard to the questions presented, and, it also split with the decisions already taken by other U.S. Circuit Courts of Appeals on the same issues presented here.

I. REVIEW THE ORDER (Doc. 81, 5/31/24) DENYING OUR MOTION (Doc. 41, 2/26/24) FOR LEAVE TO FILE "TWO BRIEFS"

1. – In the CA Case: 23-12413, (Doc. 81, 5/31/24), (pg. 2: lines 5 &6), the CA said "Plaintiffs-Appellants' motions to file two principal briefs and

to stay this appeal are DENIED," and "Plaintiffs-Appellants shall file a single consolidated principal brief raising all issues related to Case Numbers 23-12413 and

23-13392. See (Doc. 81),(pg. 4), but the CA did not say in its order that our motion for leave to file two briefs was frivolous.

2. – As we stated in (Doc. 41, 2/26/24), (pg. 12: pt. 25), pursuant the 11th Cir. R. 28-1, in this appeal, each one of the three pro se Appellants "as a party" could file a separated Brief, but we wanted to file only two separated Briefs because "joining in a co-party's brief can be cost effective and aid the court in streamlining legal issues." See, United States v. Ramirez-Rivera, 800F. 3d 1(1st Cir. 2015).

3. – Therefore, based on the FRAP 28(i); based on the 11th Cir. R. 28-1(f) mentioned in our motion (Doc. 41, 2/26/24), (pg. 25: pt. 25), and based on the decision on United States v. Ramirez-Rivera (1st Cir. 2015), mentioned above, the 11USCA, should not consider "frivolous" our motion (Doc. 41), even when it was not granted (emphasis added).

II. REVIEW THE ORDER (Doc. 81, 5/31/24) DENYING OUR MOTION (Doc. 73, 4/29/24) TO COMPEL Mrs.Langbein, TO SUPPLEMENT THE RECORD ON APPEAL WITH THE ZOOM RECORDINGS BEFORE WE FILE OUR BRIEF, PURSUANT THE Fed. R. Civ. P. 30(f)(3)

A. The order (Doc. 81) is flatly inconsistent with the duty of the 11USCA, to investigate the fraud we denounced in our motion (Doc. 73) pursuant the Canon 3(B)(6) of the Code of Conduct of U.S. Judges