

**IN THE FOURTH DISTRICT
COURT OF APPEAL OF FLORIDA**

CASE NO.: 4D2026-2262
L.T. CASE NO.: FMCE-25-021084

LORIE JEAN LISANDRILLO,
Petitioner,
v.
RENEE PALOZZI,
Respondent.

**ON PETITION FROM THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA**

**RESPONSE OF JACLYN R. SOROKA, ESQ., TO THE
ORDER TO SHOW CAUSE OF SEPTEMBER 16, 2026**

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Jaclyn R. Soroka, Esq., counsel for Petitioner, responds to this Court's order of September 16, 2026, directing her to show cause why sanctions should not be imposed, and states:

Part I. The Charge, the Counts, and the Standard

Suspicion can be formed from the way something looks; authenticity can only be taken from the source. In this Court the source is the record, and the authenticity of my filings is established by it, not by suspicion. The opinion was written, by its own account, solely to address my filing as it appears to be 'AI slop.' (Op. at 1.) The operative word, appears.

My citations are real, my cases exist, and my language is confident because the record supports it; the opinion's first footnote says as much in the words it quotes. What that footnote suspects, that the reasoning was 'assembled by an AI tool rather than developed through a trained advocate's independent judgment,' is answered by that same judgment, which was mine in every filing to this Court, and by the responsibility for it, which I take fully, as it belongs to no one and nothing else.

With regard to the use of artificial intelligence, my practice is this. The Florida Bar's advisory opinion on generative artificial intelligence draws the line at delegation: lawyers "may use generative artificial intelligence in the practice of law"; they "remain responsible for their work product and professional judgment" and "are ultimately responsible for the work product that they create regardless of whether that work product was originally

drafted or researched by a nonlawyer or generative AI"; they "must review the work product" as they would a paralegal's; and they "may not delegate to generative AI any act that could constitute the practice of law... or any other function that requires a lawyer's personal judgment and participation." Fla. Bar Ethics Op. 24-1 (Jan. 19, 2024). I draw the line in the same place. To generate a filing is to cause it to come into existence: to decide which strategy to take, which theories of law apply to the facts, what kind of filing to make, what to file and what can be filed, what to argue and how, what to write and what to cite, and what to sign. I do not delegate the generation of a filing to artificial intelligence, to any tool, or to any other person; I have no associate, because my work product is mine, and its strategy, its judgment, and its words originate with me and pass through my experience, my practice, the circumstances, and the client. Technology assists me the way a computer or a telephone does, and to that extent it is welcome, but I would not trust a machine to do what I do not entrust to another human being, and I do not. Every word I file is a word I have read, judged, verified against its source, and adopted as my own, with the technological competence the same opinion requires. That is what it means to generate a filing: the judgment and the responsibility are the lawyer's, and the filing is hers. The column the opinion relies on in footnote 1 says the same thing,

"AI can assist. It can't be the lawyer." (Bloomberg Law, Jan. 26, 2026, at 3.)

In my filings it did not, and in this response it does not.

I answer this Court's charge with the record, section by section in the order the opinion is written, with one exception I take first and explain, with its words first and my filings as filed beside them. My filings to this Court consist of three documents, all filed on July 30, 2026: a petition, a two-page request for emergency treatment on this Court's form, and an appendix. Combined, they cite seventy-one cases, nine statutes, and sixteen rules and administrative orders. The trial court filings the opinion reprints, my Omnibus Application and my motion to disqualify, combined cite forty-five cases, six statutes and constitutional provisions, and seven rules.

I do not represent that my filings are free of my human error. In preparing this response, I inspected and re-inspected every citation in the filings the opinion describes, approximately two hundred thirty-seven citation instances, each pin cite and each repetition, letter by letter and pin by pin. Every authority exists; footnote 1 states that the problem the opinion addresses "has nothing to do with hallucinated law or false legal citations," and the opinion identifies no authority in my filings as nonexistent or miscited. Where I found error, I correct it where it arises.

This Court's sole stated reason for writing its opinion is that my filings appear to be "AI slop." (Op. at 1.) "AI slop" has no definition in any Florida statute, rule of procedure, Rule Regulating The Florida Bar, or appellate decision. Rule 2.515(d)(2)(D), the signer's representation the Supreme Court amended this year as the statewide replacement for circuit-court administrative orders on the use of artificial intelligence in filings, asks whether the authorities identified "exist and are accurately cited." *In re Amendments to Fla. R. Gen. Prac. & Jud. Admin. 2.515*, 435 So. 3d 5, 5-7 (Fla. 2026).

The meaning of "frivolous" is defined by *Treat v. State ex rel. Mitton*, 121 Fla. 509, 163 So. 883 (Fla. 1935), and *Visoly v. Security Pacific Credit Corp.*, 768 So. 2d 482, 490-91 (Fla. 3d DCA 2000). The opinion cites neither *Treat* nor *Visoly*, and it quotes Rule 2.515(d)(2) without subdivision (D). This Court's sanction decisions this year involved a nonexistent rule, a nonexistent case, and fabricated quotations.¹ None of that is present in my filings to this Court, and the opinion does not say it is.

¹ *Avery v. Beauzil*, Nos. 4D2026-0406 & 4D2026-0921, 2026 WL 1475262 (Fla. 4th DCA May 27, 2026) (prior warning for citing a nonexistent rule of procedure; pro se filing bar); *Eclectic Synergy, LLC v. Seredin*, 435 So. 3d 1074 (Fla. 4th DCA 2026) (nonexistent case; Bar referral); *Gouldy v. Chiasson*, No. 4D2025-1289, 2026 WL 2104492 (Fla. 4th DCA July 22, 2026) (nonexistent case and fabricated quotations; pro se, twice warned).

I ask that the standard the opinion applies to my filings, accuracy tested against the record, be applied to what the opinion says about them. Where the opinion is right, I say so; where the opinion paraphrases, I set the paraphrase beside the text. Where it says the record refutes a statement, I give the page and line. Where I made a human error, I address it even if this Court did not.

My participation before this Court occurred for one reason. Confucius said that to see what is right and not to do it is want of courage. Analects, Book II. I agreed to take on this appellate matter pro bono, at my own expense, because I believed it was the right thing to do: my client could not otherwise afford appellate counsel, and a minor child's best interests were at issue, precisely what chapter 61 directs us to protect. The alternative was to ignore the opportunity to help a mother in need of services I could provide and decline because the "cost" of representation would require additional work without compensation and time with my own child. I did not take that alternative, and despite my present circumstances, I would not take it today.

I ask to be fairly judged by the four corners of my filings to this Court, not by suspicion or inference, and certainly not by a technology label ("AI slop") that dates as fast as the technology it names. I respectfully ask this

Court to test my filings against the record and to measure my conduct by the standards that exist: Rule 2.515(d)(2)(D), Treat, and Visoly.

The mere fact that my client could not pay me bears no relation to the quality of my work, and any inference otherwise would be mistaken. I worked at my highest capacity on this matter, irrespective of compensation, because it was the right thing to do; the reward for that work was felt, not deposited. Should this Court, measured by those standards, adhere to the characterization of me and of my work as the opinion presently states it, I could not reconcile it with anything I know about my own work product and dedication to the practice of law, and I say so with humble honesty. What I can state to this Court wholeheartedly, so help me God, and with the record behind every sentence, is my answer to the charge: no filing I made to this Court was frivolous.

The column the opinion relies on in footnote 1, and where it is applied first:

The Court's authority for the label is the Bloomberg Law column quoted in footnote 1. I have read it in full. Its subject is filings that "look polished on the surface but signal that no lawyer has engaged with the record or legal research"; its examples are a brief in which "every authority appeared by name only," with "no proper citations, no pin cites, and no page or line references to support the key arguments," and a filing that

quoted contract provisions that "appeared nowhere in the contract at issue." Its test for the reader is a filing that "feels generic, disconnected from the actual record, or strangely divorced from prior conversations." Its counsel on sanctions is one sentence: "Requests for sanctions should be reserved for clear, provable patterns of carelessness or deception." And its premise is that "[n]one of this means lawyers should avoid AI"; "AI can assist. It can't be the lawyer." (Swick & Ganer, Bloomberg Law, Jan. 26, 2026, at 1-4.) I accept that test. By its own examples, the filings it describes are the opposite of mine, the ones before this Court: seventy-one cases, most with pin cites, and the record cited by appendix page and transcript line throughout. It is more demanding than "suspect," which the opinion uses three times before concluding that the answer "makes no difference" (Op. at 2, 12, 13).

I apply it first to the one red flag that rests on a document in this Court's own file, and I take that place out of the opinion's order. Because it is the first citation the opinion identifies as a red flag, the underlying document and the stated purpose for citing it warrant examination.

Part II. "Citations to an Unpublished Order": Grant v. Grant, No. 4D2023-2534 (Fla. 4th DCA May 1, 2024)

Another red flag is the citation to our unpublished order deciding a wholly unrelated case three years ago. Our unpublished decision in that case has no precedential

value and should not have been cited. See *Dep't of Legal Affairs v. Dist. Ct. of Appeal*, 5th Dist., 434 So. 2d 310, 313 (Fla. 1983) (explaining that an unwritten decision—a per curiam affirmance—"is not a precedent for a principle of law and should not be relied upon for anything other than *res judicata*"). Our decision in the prior case is irrelevant to anything in this proceeding. Petitioner cites it solely to disparage the judge. Indeed, at paragraph 109, the author of the motion to disqualify acknowledges: "The only unifying feature between this Court's rulings/acts in [the unreported case] and the case at bar — is that this Court departed from the essential requirements of law, in both cases, whilst adjudicating chill[sic]-related matters."

Op. at 6, l. 21 to p. 7, l. 2; see also Op. at 9 n.3 ("our unpublished decision in the unrelated and irrelevant 2023 case").

Jaclyn R. Soroka, Esq. responds as follows:

Soroka's Filing - MDQ, Section M, ¶¶ 104-110 (A30-A31), the section from which the opinion quotes one sentence, as filed:

M. Notably, the Fourth District Court of Appeal Has Previously Reversed This Court, Judge Carbuccia, for Departure from Essential Requirements of Law in Its Treatment of Medical Authority, and This Court Has Now Adopted the Diametrically Opposite Position on the Same Type of Evidence.

104. On May 1, 2024, the Fourth District Court of Appeal granted certiorari and quashed this Court's order in *Thomas J. Grant v. Jennifer N. Grant*, Case No. 4D2023-2534 (L.T. Case No. FMCE21-005624). The Fourth District held that this Court "departed from the essential requirements of law by delegating the medical decision making for the child to the doctor," because a trial court "may not delegate this authority to a third party." The Court was reversed for giving too much deference to a physician's authority over a child's medical care.

Schwieterman v. Schwieterman, 114 So. 3d 984, 989 (Fla. 5th DCA 2012).

105. At the July 14, 2026 contempt hearing in this case, this Court adopted the precisely opposite position: it excluded testimony about the treating pediatrician's clinical diagnoses, refused to receive the clinical documentation, and found Respondent in willful contempt for acting on her child's physicians' recommendations. The Court stated in its contempt ruling: "The court finds that the mother does not have the authority to decide when and where reunification or other therapy sessions are to occur." (Rough Tr. II, pp. 00047-00048.)

106. In the *Grant*, this court gave a physician more authority over a child's medical care than Florida law permits, and was reversed.

107. In this case, it gave the child's treating physicians' documented clinical recommendations zero evidentiary weight and found contempt where a parent followed them.

108. These are not two close calls that reasonable judges might resolve differently. They are the same type of evidence: physician recommendations regarding a child's medical care applied in two proceedings before the same court to produce opposite applications. The the [sic] distinguishing factor, being predominantly the parties involved, poignantly the Respondent and the Respondent's counsel in this matter versus the parties in the *Grant* matter.

109. The only unifying feature between this Court's rulings/acts in *Grant* and the case at bar – is that this Court departed from the essential requirements of law, in both cases, whilst adjudicating chill-related matters.

110. A reasonably prudent person who observed that pattern would have a well-grounded fear that the Court's rulings on medical evidence are directed toward a result rather than by consistent legal principle.

(A30-A31.)

The one sentence of that section the opinion quotes, ¶ 109, as the opinion prints it:

"The only unifying feature between this Court's rulings/acts in [the unreported case] and the case at bar — is that this Court departed from the essential requirements of law, in both cases, whilst adjudicating chill[sic]-related matters." (Op. at 6-7.)

The opinion quotes one sentence of a seven-paragraph section, ¶ 109, and replaces the word "*Grant*" in it with "[the unreported case]." The heading and the six paragraphs before it, which the opinion does not quote, say why the order was cited: same judge, same category of evidence, opposite result, and the fear a reasonably prudent person would draw from the pattern. The word "chill" for "child" is my typographical error, and the opinion's "[sic]" is correct. My petition cited the same order, by caption, docket number and lower-tribunal number, for the same proposition. (Pet. pp. 8-9, 40-42.)

Four record facts concerning *Grant*:

1. It is a written, reasoned order of a three-judge panel of this Court, not a per curiam affirmance and not an unwritten decision.

2. It granted certiorari and quashed an order of the same trial judge whose disqualification the motion sought, and it was served on her.

3. Its subject is a child's medical care and who decides it, which is the category of evidence the July 14 rulings excluded in my case, and then found contempt for following.

4. Its citation, docket number, and lower-tribunal number were before this Court at A30-A31, and the notice of its filing under confidential cover in the trial court was before this Court at A40; the order itself is this Court's own, in its own records, and is reproduced at App. C-01.

The order has no precedential value, and the motion did not cite it as precedent. It was raised as context for one component of the motion, ground M, not as an independent basis for disqualification and not for any precedential value. It was cited as a record fact: an order of this Court, directed to the same judge, on who decides a child's medical care, offered for what a reasonably prudent person in my client's position would fear under Rule 2.330 after the July 14 rulings on the same subject.

The authority the opinion cites in a parenthetical, and the sentence that follows the words it quotes:

"We reiterate that such a decision is not a precedent for a principle of law and should not be relied upon for anything other than res judicata. Usually, however, *it would not be*

improper for counsel, in an effort to persuade a court to adopt a certain position, to refer to such a decision and thereby suggest to the court how it previously viewed the proposition."

Dep't of Legal Affairs, 434 So. 2d at 313 (emphasis added).

The opinion cites the case in a parenthetical that quotes part of one sentence. The sentence after it, in the same passage, is the one above. The case arose from the Fifth District striking a citation to another court's per curiam affirmance, which the Supreme Court held "has no relevance for any purpose." *Id.* at 312-13.

The order I cited is a written, reasoned order of this Court, cited to this Court.

The opinion's description, against the written order:

"Unpublished" is accurate as to reporter status; but the order is written, reasoned, and signed by three judges of this Court.

An ordinary Westlaw search for *Grant v. Grant* in this Court for 2024 returns a different disposition, *Grant v. Grant*, No. 4D2023-1459, 404 So. 3d 374 (Table), 2024 WL 632346 (Fla. 4th DCA Feb. 15, 2024), a per curiam affirmance without opinion, from a different trial judge in a different case, L.T. No. FMCE99017359. It does not return the written order I cited, which I obtained from this Court's own records. The authority the opinion invokes describes an unwritten per curiam affirmance with no precedential

value; that describes the disposition the search returns, not the order I cited. The order I cited, No. 4D2023-2534, is written and reasoned, and it is reproduced at App. C-01.

"Wholly unrelated" describes an order against the same trial judge on the same category of evidence.

"Solely to disparage the judge" describes a paragraph whose stated purpose is a reasonably prudent person's fear under Rule 2.330 (omitted from the opinion), drawn from the same judge's opposite treatment of the same kind of evidence. The opinion's characterization rests on one sentence of a seven-paragraph section.

I obtained the order from this Court's own records while preparing the motion. I then filed it in the trial court as an exhibit under a notice of confidential cover, so that the judge whose disqualification was sought had the order before her and the public docket did not. My petition cites it at pages 8-9 and 40-42.

Measured by the column the opinion relies on, the citation is pinned to a docket number, a lower-tribunal number, a date, and a composite page, and it is accurate; the opinion's description does not match it. That is the footnote's own test, applied to the first citation the opinion singles out. I ask that the remaining findings be weighed with that order in view.

The remaining sections of the opinion are answered below in the order the opinion presents them, each under the opinion's own heading, with the opinion's text set out in full before the response.

A word first about the length of this response. I can only imagine how difficult it must be for this Court, and for every court, to meet the volume and the length of what is filed, and I will carry forward in my practice a heightened sensitivity to the judiciary's workload, and encourage my colleagues to do the same, because it is often true that what a lawyer says in eight words could be said in two. This filing, however, is unlike any other in my career, in what it asks of me and in the level at which I have synthesized, reviewed, organized, researched, and addressed every concern the Court raised. To answer the order at a level commensurate with the regard I hold for it, my response mirrors the opinion's layout, section by section, and sets the opinion's words, my filings as filed, and the transcript beside one another, so that the Court is not asked to take my characterization of any of them. Approximately 33 percent of what follows is quotation for that reason. The opinion is roughly 5,500 words; answering each of its statements with the source it rests on takes more words than the statements took, and I chose completeness of the record over brevity because the order asks me to show cause, and cause is shown from the

record. Where the full text was not needed, I have cited by page. The pages that follow do not reargue the merits of my petition or relitigate any ruling below. My petition has been denied; the charge is directed at me personally; and I do not argue with the Court about its decision, because that is not what the order asks me to answer. They do one thing, the thing this response began with: for each statement the opinion makes about my filings, they place the source beside it, so that what appeared to be one thing can be tested against what it is. That is the most methodical way I know to answer a charge, and it is the only way to answer one that rests on appearance. I ask the Court to resist the inference that the length of this response invites, and to look instead to the source I am answering with, the record, because that is where authenticity lies.

The Emergency Petition

The opinion's text for this section is at Op. at 4, l. 24 to p. 5, l. 1. The statements answered are quoted by phrase below.

The filings contain indicia of non-human authorship.

Jaclyn R. Soroka, Esq. responds as follows:

The opinion states my petition "purports to seek certiorari review of seven other rulings" alongside prohibition. My petition seeks both, identifies

that the two writs are independent and that granting one without the other has a stated consequence, and invokes Rule 9.040(c) in case any ground belongs under the other.

What my petition says about the two writs, p. 4:

"The two writs are independent. If this Court grants prohibition and declines certiorari, the challenged rulings remain in place, subject only to a successor judge's discretionary reconsideration under Rule 2.330(j). If this Court grants certiorari and declines prohibition, the rulings are quashed but the same judge continues to preside ... Lisandrillo respectfully submits that both are warranted, and requests this Court addresses them in turn. To the extent any ground stated herein is properly reviewed under the other writ, Lisandrillo invokes Florida Rule of Appellate Procedure 9.040(c)." (Pet. pp. 4, 33.)

The trial court conducted two hearings on the same day (July 14, 2026), commencing at 1:30 p.m. and then again at 3:30 p.m. and orally pronounced all rulings from the bench. For efficiency and to avoid duplicative filings, I filed one petition, within the single-petition word limit (Pet. p. 61), rather than two petitions with two identical appendices, citing Rule 9.040(c). The opinion does not mention or cite Rule 9.040(c).

The opinion states my petition "demands an emergency stay of all proceedings below, including stopping the trial court from memorializing its rulings in writing," and finds it strange that my petition "then recognizes that the court did so." (Op. at 4, ll. 27-29.)

What the stay request says as pled, p. 23, and the sentences that follow it, which the opinion does not quote:

"By interim order: an emergency stay of all proceedings in the lower tribunal pending disposition of this Petition, including the entry of any written order memorializing the rulings announced July 14, 2026, the issuance of the rule to show cause, and further accrual of guardian ad litem fees and appointed counsel fees chargeable to Lisandrillo under the Ex Parte Order and the July 14, 2026 rulings. The need is immediate. A proposed written order memorializing the contempt adjudication, the fee award, the fifty percent fee sanction, and the makeup timesharing award was transmitted to chambers on July 24, 2026 and rejected by the lower tribunal's case management system on July 28, 2026 at 1:54 p.m. (A253–A264.) Palozzi's counsel wrote to chambers at 5:44 p.m. that same day seeking to cure the stated deficiency. (A262–A264.) No cure appears in this record. On July 29, 2026 at 1:54 p.m. the tribunal signed the contempt order, served at 7:02 p.m. that evening. (A265–A272.) The relief this Petition sought to forestall has issued, and the accrual it sets in motion is continuing." (Pet. pp. 23-24.)

My petition states both, one after the other. The stay addressed the written order, the rule to show cause, and the fee accrual; and then explained the written order issued on July 29.

The trial court where the stay was filed, and this Court's Form Request's stay field:

"A Request for Emergency Treatment is filed contemporaneously, and a motion to stay has been filed in the lower tribunal under Rule 9.310(a)."

Request: "Yes. Petitioner moved below to stay all proceedings and enforcement under Rule 9.310(a), renewed July 30, 2026 to reach the contempt order. No ruling has issued. In prohibition an order to show cause

'will stay further proceedings in the lower tribunal.' Fla. R. App. P. 9.100(h)." (Pet. p. 8.)

The stay itself was sought by separate motion at the appropriate trial court level, and renewed to the July 29 order appropriately, the same day my petition was filed as the request discloses. (Pet. p. 8; Request p. 1.)

The opinion states, "Strangely, however, the petition then recognizes that the court did so. The petition discusses in granular detail how respondent's proposed order was initially rejected by the case management system and that the court signed the contempt order the next day at 1:54 p.m. and served it at 7:02 p.m."

What my petition said, twice, before the passage the opinion calls strange, pp. 3 and 6:

The July 28 order was entered "one day after the Denial Order and after this Petition was prepared." (Pet. p. 3.) At page 6: "On July 28, 2026 at 4:57 p.m., one day after denying the Disqualification Motion as legally insufficient and while this Petition was being prepared for filing, the court entered a written order..." (Pet. p. 6.) (emphasis added)

The rejected draft against the entered order, A260 decretal ¶ 5 against A269-A270:

Rejected draft (submitted by Palozzi's counsel July 24): "The Court hereby issues a Rule to Show Cause directed to the Respondent. The Rule to Show Cause shall be held in abeyance and shall be discharged upon the Respondent's full compliance with this Order." Entered order, July 29: contempt adjudicated, "a Rule to Show

Cause should issue" (§ 19), and no purge or discharge mechanism anywhere in decretal §§ A through E. (A260, § 5.)

Palozzi's counsel submitted a proposed order on July 24 (the rule to show cause) that included a purge provision, "shall be held in abeyance and shall be discharged upon the Respondent's full compliance." The case management system rejected it. (A264.) The order the trial court signed the next day adjudicates contempt and contains no purge provision at all. (A265-A272.) That detail is the record for the seventh certiorari ground: the signed order omits the purge provision the rejected draft contained.

The opinion's section closes with "the filings contain indicia of non-human authorship." (Op. at 5, l. 1.)

A sixty-one-page petition that states its two writs on page four, its stay procedure on page eight, and its record on every page may be long, but it is not frivolous. I hear and receive the Court's concern with the length of appellate filings, and I can only imagine what an appellate court sees in a year of filings of every kind. My petition was long; the length is the record it carries, and the record is what the opinion does not discuss. Length within the rules is not a finding of frivolousness.

Abusive Emergency Filing

The opinion's text for this section is at Op. at 5, l. 3 to p. 6, l. 11. The statements answered are quoted by phrase below.

Jaclyn R. Soroka, Esq. responds as follows:

The opinion states my petition's "first red flag is the emergency request. 'Pursuant to our Administrative Order 2014-1, an emergency is a matter of extreme urgency that requires immediate action by this Court in order to avoid imminent, irreparable, and material harm.' *Eclectic Synergy, LLC v. Seredin* (Fla. 4th DCA May 27, 2026) (quoting AO 2014-1). The request must 'succinctly' state the 'nature of the emergency.'

AO 2014-1 ¶ 1 in full, vs the part the opinion quotes:

"For purposes of this administrative order, an 'emergency' is a matter of extreme urgency that requires immediate action by this Court in order to avoid imminent, irreparable, and material harm. **An exigency that is caused by the lack of diligence of the moving party shall not constitute an 'emergency.'**" (emphasis added)

AO 2014-1 ¶ 2, what the request must contain:

A separate document titled "Request for Emergency Treatment," filed simultaneously, stating succinctly (a) the nature of the emergency, (b) the date the order at issue was entered, and (c) the date of the event that constitutes the basis for requesting emergency treatment, i.e., the deadline;

if a stay is sought, whether relief was applied for below and the outcome; a good-faith certification; not to exceed two pages.

The request filed:

The request used this Court's published form, filled every field it requires, stayed within its two-page limit, certified good faith under Administrative Order 2014-1 and acknowledged the sanction provision. The opinion does not quote the diligence sentence, and the filed Request provides it; three orders on three consecutive days, the last served at 7:02 PM, Petition and Request "[f]iled the next business day." (Op. at 5, ll. 3-10.)

My request was denied by a separate one-line order on September 16, forty-eight days after filing. The word frivolous attaches specifically to an argument in my request once, at page five, and only for repeating the argument about the guardian's report. Request p. 2; AO 2014-1 ¶¶ 3-4. The opinion's comparator, Eclectic Synergy, is distinct from the case at bar; there was no child, no contempt adjudication, no accruing fee sanction, no trial court finding of emergency. Eclectic Synergy involved a certiorari petition and emergency stay motion over a denial of a motion to disqualify, with a nonexistent Florida case, misstated holdings, a seven-page notice of supplemental authority the Court found an abuse of process, and a response to a separate show cause order the Court found "not credible."

Another distinction, I was not provided with an opportunity to respond to any show cause order, prior to this Court's current opinion being published.

The opinion states, "Petitioner's confusing request complains about rulings, including that the court declined to treat petitioner's filings as an 'emergency' but did so at the hearing."

The four documents, in order:

July 8 order (A201-A202): the motion "does not qualify for emergency disposition," "[t]his matter is not an emergency," and in the same document the hearing is "specially set by Court Order, unilaterally, pursuant to the Court's emergency jurisdiction, and cannot be cancelled, reset, or added on to except by further order of the Court." July 9 order (A216-A217): Amended Motion denied without hearing. July 14 hearing bench oral pronouncement (A64, p. 24:18-20; A65, p. 25:6-9): "I am exercising Emergency jurisdiction with regards to the allegations raised in this Emergency Motion" and "There is an expression that the child is in an Emergency posture. The Court will exercise its Emergency jurisdiction." July 28 order (A249-A250, finding 12): the motions "do not constitute an emergency pursuant to Administrative Order 2019-9-UFC."

The opinion's sentence concedes the fact (court declined to treat petitioner's filings as an 'emergency' but did so at the hearing), yet calls the request "confusing" for stating it. The confusion rests with the trial court's pronouncement contrasted with the four corners of its July 8 written order.

My request's central point was the direct contradiction in the trial court's own orders and its oral ruling.

July 8 Order: No emergency.

July 9 Order: No emergency.

July 14 Bench: Child is in an Emergency posture / will exercise its Emergency jurisdiction.

July 28 Order: No emergency.

At the July 14 hearing the court twice said it was exercising emergency jurisdiction on the same motions: "I am exercising Emergency jurisdiction with regards to the allegations raised in this Emergency Motion," and later, "The Court will exercise its Emergency jurisdiction." A201-A202; A216-A217; A249-A250 ¶ 12; A64 p. 24:18-20; A65 p. 25:7-9.

The opinion says the request "complains... that the court declined to treat petitioner's filings as an 'emergency' but did so at the hearing," which is exactly what happened, and moves on, without further comment, or reconciliation of its confusion. The order that found the motion "does not qualify for emergency disposition" and "is not an emergency" set the hearing on it in the same document "unilaterally, pursuant to the Court's emergency jurisdiction," and directed that the setting "cannot be cancelled, reset, or added on to except by further order of the Court."

The opinion then provides a block quotation of my request: "Nature of the emergency: This tribunal declared the child in an emergency posture,

exercised emergency jurisdiction over her, denied evidentiary filings without notice or hearing, and the same afternoon held Petitioner in contempt, directed a rule to show cause, awarded fees, imposed fifty percent of the guardian's fees on her as a sanction, and modified her timesharing. It has three times refused, in writing, to treat her filings pertaining to that child as emergencies: July 8, July 9, and July 28, a day after denying her disqualification motion. Both cannot be true...."

What the opinion's ellipsis removed from the request and the two sentences that follow it:

"Every filing at issue concerns the child directly, or matters directly relating to her: her therapy, medical care, safety, and time. None seeks personal or financial gain for Petitioner." (emphasis added)

My request logically stated, "Both cannot be true," because either the trial court:

- 1) treated the filings pertaining to the child as emergencies, or
- 2) denied the filings pertaining to the child as emergencies. The opinion does not say which one is true. The two sentences the opinion's ellipsis removed from my request negate the conclusion the opinion draws four paragraphs later, that I "merely sought priority over other litigants."

Every one of my filings at issue concerned the child, her therapy, her medical care, her safety and her time, and none sought anything for my

client or myself for pecuniary gain. In fact, I did not file a Motion for Appellate Fees and Costs, as I accepted the representation pro bono genuinely, without any expectation of compensation.

The opinion states, "The description continues on like this and repeats a frivolous argument raised throughout these proceedings, that the court could not hear from the GAL because she had not filed a report." The Opinion's paraphrase is contradicted by full arguments in the record.

The argument as made, Omnibus ¶¶ 34-35 (A163-A164) and WHEREFORE (c) (A184), vs the opinion's paraphrase:

Omnibus: first, the 20-day filing requirement of § 61.403(5) and Paragraph 25 of the appointment order, with the June 24 deadline computed from the June 18 notice; second, "**Beyond the procedural defect, due process independently precludes this Court from taking any substantive action based on unsworn verbal representations by the GAL without a filed written report,**" citing *Bahl v. Bahl*, 220 So. 3d 1214 (Fla. 2d DCA 2016). WHEREFORE (c): "take no action based on unsworn verbal representations by the Guardian ad Litem in the absence of a written report filed and served in compliance with Florida Statute section 61.403 and Paragraph 25 of the Order of Appointment, consistent with Respondent's due process rights to review, rebut, and cross-examine any report before relief is ordered, as required by *Bahl v. Bahl*." (emphasis added)

I never made the argument that the court could not "hear" from the GAL in the record. The argument I made was that the court could not grant substantive relief on the GAL's unsworn verbal recommendations, without a

filed report the parties could review, rebut and cross-examine. Ultimately, at the 1:30 non-evidentiary GAL status hearing, the trial court did just that. Yet, the trial court's July 28 order decretal states "the evidence presented."

Two more statements in my request the opinion does not mention.

1. The appointment order provides that guardian fees and costs "are in the nature of child support," which bears on both appealability under Rule 9.130 and on Rule 12.615. A126-A131.

2. My request told this Court that the trial court July 28 order cites Owens v. Owens, 685 So. 2d 1038, as a 1997 Florida Supreme Court decision when it is a decision of this Court. That point is correct, yet this Court's opinion never mentions Owens. Request p. 1; A250 ¶ 11.

The opinion states, "No imminent irreparable harm of any kind is shown. The document alleges an emergency exists because the July 29, 2026, contempt order required the parties to reestablish a timesharing schedule by July 17, 2026, and stated that a rule to show cause should issue on noncompliance. The court, however, has not threatened incarceration as a sanction. Another purported harm was that the GAL's fees are accruing."

The bench, A123, p. 57:11-19, vs the July 29 order, finding 24 and decretal D (A269-A270):

Bench pronouncement: answering Mr. Segarra's question whether the parties should confer "within the next day or two": "Sure. I would like -- that's what I'll do. A schedule of future appointments for the next 60 days should be coordinated by the end of the week, and a Notice of Compliance can be filed with the Court. You can note -- or if you feel inclined, you can just notify Pam by shooting an email."

July 29 Decretal Order: "No later than July 17, 2026, the parties shall establish a schedule for the next sixty (60) days" and "The parties shall complete such coordination no later than July 17, 2026."

The opinion accurately recites that the order signed July 29 set a compliance date of July 17, the Friday of the hearing week, with a rule to show cause to issue on noncompliance; yet draws no meaningful implication or consequence from the sequence. The bench had said "by the end of the week... if you feel inclined"; the order signed fifteen days after the hearing says "shall," carries no purge or discharge provision, and directs a rule to show cause for a deadline that had passed twelve days before the order existed.

The bench against what the order does (A65, p. 25:1-6 and A269-A270):

Bench, 1:30: "The guardian ad litem will be provided access to the child immediately and failure to do so will be considered contempt of Court and failure to follow Court Orders. An appropriate hearing will be held should that

continue." Order: contempt adjudicated; "a Rule to Show Cause should issue."

The fees, from the appointment order and the ex parte order (A126-A131 ¶ 9; A188-A189; Pet. p. 33):

GAL fees and "costs are in the nature of child support." GAL at \$400 per hour; GAL's counsel at \$500 per hour; uncapped; accruing from July 7; fifty percent charged from July 14 to a party whose financial affidavit shows \$0.00 monthly net income.

The foregoing establishes the basis for the irreparable harm stated in my filings: a contempt adjudication with a compliance date already passed at entry, no purge or discharge provision, and uncapped professional fees accruing daily at \$400 and \$500 an hour, half to a party with no income, characterized as child support. "Should be coordinated by the end of the week... if you feel inclined" from the bench became a decretal deadline in the past. (Op. at 5, ll. 29-34.)

The opinion concludes the section: "No 'emergency' by any definition exists. Counsel merely sought priority over other litigants, which is an abuse of procedure. Emergency filings disrupt proceedings by causing this Court to drop everything and should not be filed for tactical reasons." (Op. at 5, l. 35 to p. 6, l. 2.) It then sets out, as a block quotation attributed to Eclectic Synergy and USAA: "A true emergency requiring 'immediate' action by this Court means action is needed within a matter of hours, not an event that is days or weeks away. Filing an emergency request merely because counsel desires to have a matter expedited is an abuse of procedure." (Op. at 6, ll. 3-7.)

"By any definition" includes the trial court's nature-of-the-emergency, wherein the trial court judge exercised emergency jurisdiction over the filings relating to the minor child. If the panel's position is that the child was not in an emergency posture, the finding it disagrees with is the trial court's, which is why I went into granular detail to set forth the record.

"Merely sought priority" is answered by the two sentences the opinion's ellipsis removed from the request filed, "Every filing at issue concerns the child directly, or matters directly relating to her: her therapy, medical care, safety, and time. None seeks personal or financial gain for Petitioner."

"Tactical reasons": three orders on three consecutive days, the last served after close of business, a petition filed the next business day, twenty-seven days before the earliest certiorari deadline, on a two-page form request that was denied by a separate one-line order the same day the opinion issued. No delay was sought at any point; my client has complied with every order entered since; and the only filing of mine below since my petition is an objection to the September 8 notice setting the case for trial.

The emergency designation is the highest request for immediacy a party can make of this Court, and I did not make it lightly. I made it knowing

what it asks of the Court's resources, on facts and circumstances that included information I cannot divulge due to attorney-client privilege, because I believed it was the most responsible request I could make of this Court at that moment. I anticipated that if the Court did not consider the matter an emergency, it would say so by order, and it did.

Eight Proceedings in One

The opinion's text for this section is at Op. at 6, ll. 13-20. The statements answered are quoted by phrase below.

Jaclyn R. Soroka, Esq. responds as follows:

The opinion calls it a “red flag” that my petition sought prohibition on the disqualification denial and certiorari on seven rulings, and the opinion cites one case for the red flag and no case for the sentence after it.

My petition accurately identified seven rulings from one hearing day, July 14, 2026, involving the same parties, the same child, the same guardian ad litem, and the same appointment order, each reduced to writing before my petition was filed (July 28 and July 29 orders, A249-A251, A265-A272), together with the denial of my motion to disqualify prompted by the same hearing day, July 14, 2026, which is reviewed by prohibition. My petition stated the two writs clearly, gave each ruling its own jurisdictional showing (Part IV.B), and invoked Rule 9.040(c) twice, so that

any ground the Court viewed as belonging under the other writ could be treated accordingly. (Pet. pp. 3-4, 33.)

Int'l House of Pancakes (IHOP) v. Robinson, 124 So. 3d 1004 (Fla. 4th DCA 2013):

Instances it states the rule:

"Further, it was improper for petitioner to seek review of two distinct and separate non-final orders in this single certiorari petition. Had a separate petition been filed as to this first order, we would dismiss. In future cases, this court may very well strike a petition that improperly seeks review of distinct and unrelated orders." (Id. at 1004-05.)

IHOP involved an order denying a motion to vacate a default, entered against a prep cook who had not answered a complaint about a severed fingertip in a salad, which the Court held was neither appealable nor reviewable by certiorari because no final judgment existed; and, "[i]n a separate and unrelated order," an order compelling production of an insurer's witness statement as work product, which the Court reviewed and quashed. Two orders, two subjects, one of them not reviewable by any route.

The petition in *IHOP* was "[g]ranted in part." The Court quashed the discovery order, held the default order unreviewable, and said that "[i]n future cases, this court may very well strike a petition that improperly seeks

review of distinct and unrelated orders." No sanction was imposed, no order to show cause issued, and the word "frivolous" does not appear in *IHOP* in reference to the petition or its author. Here, every ruling under review issued from one hearing day, between the same parties, concerning the same child and the same guardian ad litem, and each had been reduced to writing before my petition was filed. (A249-A251; A265-A272.) The one authority the opinion cites for this red flag treated the practice it describes as a reason to dismiss a claim, not as a violation of any conduct standard. The sentence that follows, "[a]s discussed further below, the requests for certiorari relief are frivolous," carries no citation of its own, and *IHOP* does not supply one.

The same combination, decided elsewhere on the same authorities, without a red flag:

Golub v. Golub, 325 So. 3d 164 (Fla. 5th DCA 2021): involved one amended petition seeking "both a writ of prohibition and for a writ of certiorari," counsel on both sides, decided under separate headings, "CERTIORARI" and "PROHIBITION." Certiorari was dismissed for want of irreparable harm on *Williams v. Oken*, 62 So. 3d 1129, 1132 (Fla. 2011), and *Bared & Co. v. McGuire*, 670 So. 2d 153, 157 (Fla. 4th DCA 1996);

prohibition was denied. The joinder drew no comment, and the word "frivolous" does not appear.

Jackson v. Leon County Elections Canvassing Board, 214 So. 3d 705 (Fla. 1st DCA 2016): involved "an emergency petition for writ of certiorari, writ of prohibition, and constitutional stay writ," addressed section by section. Cited in my petition and in the request.

The opinion's section calls the same combination in my petition, a "red flag" and closes with "[a]s discussed further below, the requests for certiorari relief are frivolous." The discussion below, at page 14, rests on *Williams v. Oken and Bared*, the two authorities *Golub* applied to the same combination and that my Petition itself cited at pages 4 and 33. Neither *Golub* nor *Jackson v. Leon County Elections Canvassing Board* is mentioned in the opinion. No rule and no decision bars the combination; IHOP granted relief through it.

The opinion's sentence with no citation:

"A prohibition petition seeking review of the denial of a motion to disqualify cannot be used to simultaneously challenge the court's rulings." No authority follows it.

My petition did not use prohibition to challenge unrelated rulings; it sought prohibition for the disqualification and certiorari for the rulings both

emanating from the same hearing and issue (the minor child), as two independent writs, and further invoked Rule 9.040(c) so that any ground the Court viewed as belonging under the other writ could be treated accordingly, which is not frivolous.

Joining eight rulings in one petition was a professional judgment, and I accept full ownership. I understand why a panel would rather have had two. I would rather have had two, or better yet, none. I filed one petition consolidating the eight rulings because, in my professional judgment, it was the way to protect my client's rights under the standard I set out for each ruling, and I accept that the panel sees it differently.

The Motion to Disqualify

The opinion's text for this section is at Op. at 7, ll. 3-13. The statements answered are quoted by phrase below.

Jaclyn R. Soroka, Esq. responds as follows:

This section rests on two quotations from my filings. The first is not a quotation; it is a rewrite of one sentence of my motion. The second is eight words cut from the middle of a 117-word passage, exclusive of its citation, before the clause that explains them and the holding they rest on. Both are set out below beside what the opinion made of them. The section does not

note that my motion states Rule 2.330 correctly two pages later, or that every other citation to the rule in my motion and my petition carries the correct subdivision.

Soroka's Filing - MDQ, p. 1 (A6), the sentence the opinion rewrites:

The opinion does not quote the sentence. It effectively rewrites it and then labels the rewrite "frivolous" and "often seen in AI hallucinations."

As I filed: "Upon filing of this Motion, Rule 2.330(j) operates to stay all substantive proceedings, including any action or implementation of the oral pronouncements/declarations made at the time of hearing, and on any orders relating to the July 14, 2026 hearings, pending resolution of the instant Motion." (A6.)

As the opinion states it: "that the filing of a motion to disqualify under rule 2.330 automatically stays all proceedings in the trial court." (Op. at 7.)

The opinion's paraphrase omits two qualifiers, "substantive" and "pending resolution of the instant Motion," and adds one word, "automatically." The sentence I filed addresses the challenged judge's interim action on the July 14 rulings in the time before my motion was decided.

The sentence as paraphrased says the case stops entirely, which is a proposition I did not assert, and it is the link to the *Avery* comparison. In *Avery* the argument was that the trial court "lacked jurisdiction and that

proceedings were automatically stayed" by the motion, and that the motion "excused his failure to appear for hearings in the trial court." *Avery*, 2026 WL 1475262, at *1. My motion did not say the court lacked jurisdiction, and I appeared at every hearing. I am held to a standard of accuracy in what I attribute to a court's written word, and I ask only that my filing's written word be read as filed.

The rule's procedure, followed at every step:

The procedure the rule sets was followed at every checkpoint. My motion was in writing, alleged the facts and reasons specifically, was sworn to by my client, and carried my separate certificate that my motion and her statements were made in good faith. Fla. R. Gen. Prac. & Jud. Admin. 2.330(c). It was served, rule 2.330(d), and filed on the third of the ten days the rule allows, rule 2.330(e). It stated the standard the judge was bound to apply, legal sufficiency only with the facts taken as true, and the judge applied that standard and ruled within the time the rule sets. Rule 2.330(h), (l). The opinion does not say that any step was missed; what it disputes is the legal sufficiency of the grounds. That is a disagreement about the merits of a motion the rule permits, decided on the record the rule requires. A motion that follows every step of the rule and is denied is a motion that was denied; it is not a frivolous one.

Soroka's Filing - Petition, p. 30, the passage the opinion cuts to eight words:

As filed: "The court that declared this child in an emergency posture on July 14, 2026 and ruled from its bench at the times of hearing(s) the same day, stating it was exercising emergency jurisdiction. Two days later, Lisandrillo filed her Motion for Disqualification, and the court took ten (10) days to enter a denial as the motion is legally insufficient. During that ten (10) day interval, Lisandrillo was foreclosed by Rule 2.330 from submitting anything, while Palozzi submitted a proposed order memorializing the challenged findings three days before the ruling. A party who follows the rule should not find that her compliance is what silences her, particularly with a minor child at the very heart of this matter. *Rose v. State*, 601 So. 2d 1181, 1183 (Fla. 1992)." (Pet. p. 30.)

As the opinion quotes it: petitioner "was foreclosed by Rule 2.330 from submitting anything." (Op. at 7.)

The opinion's quotation of my filing stops before "while Palozzi submitted a proposed order memorializing the challenged findings three days before the ruling," which is the point of the sentence, and before the authority that follows it.

I am ordered to show cause why filings before this Court are not frivolous. The two passages on which this section rests are answered here against the passages as filed, and I ask that they be read that way.

The holding the passage rests on, Jackson v. Leon County Elections Canvassing Board, 214 So. 3d 705, 707-08 (Fla. 1st DCA 2016), cited in my petition and the request:

"[T]he principles of timeliness and preservation of the disqualification claim apply with equal force where a party having knowledge of grounds for disqualification participates in further proceedings before the trial judge without first seeking a stay or seeking appellate review of the order denying disqualification."

Page one of my motion and page thirty of my petition are not "similarly mistaken" as the opinion concludes. They state the same rule from its two sides. Under subdivision (h) the challenged judge rules only on legal sufficiency and proceeds no further; under *Jackson*, a movant who participates before that judge while the motion is pending risks waiver of the challenge.

Jackson cites the same *Fischer v. Knuck*, 497 So. 2d 240, 243 (Fla. 1986), that the opinion relies on at pages 11 and 15. Palozzi submitted a proposed order memorializing the challenged findings on July 24, day seven of the ten, and the court received it and acted on it. (A252-A264.) I, following the rule, submitted nothing. The opinion mentions the proposed order only at page 4, in describing the stay request, and not in connection with the ten-day interval; it does not mention *Jackson v. Leon County Elections Canvassing Board* or *Rose*.

What happened in the ten days:

The opinion's citation to Rule 2.330(l) for the thirty-day outside limit is correct. (Op. at 13.) The rule's first word for the challenged judge's ruling is "immediately," and this opinion has defined "immediate" for the emergency context as a matter of hours. (Op. at 6.)

My motion was filed July 17 and ruled on July 27. Inside that interval the opposing party's proposed order arrived on day seven. *Tableau Fine Art Group, Inc. v. Jacoboni*, 853 So. 2d 299, 303 (Fla. 2003), and *Anderson v. Glass*, 727 So. 2d 1147 (Fla. 5th DCA 1999), were cited at page 30 for the proposition that delayed rulings on disqualification call the judge's motives into question; the opinion cites neither. That asymmetry, not the count of days, was my petition's point.

Allegations that are Contrary to the Record

The opinion's text for this section is at Op. at 7, ll. 14-26. The statements answered are quoted by phrase below.

Jaclyn R. Soroka, Esq. responds as follows:

This section, and the two that follow it, say "contrary to the record" of seven allegations in my motion. Each of the seven has a transcript location. Five are set out below, once, in the order the opinion raises them, with the

transcript at each. Later sections that repeat the phrase are answered by reference to this list.

My motion disclosed on its third page that it was drafted from rough transcripts rush-ordered the day of the hearing; the certified transcripts were ordered the same day and delivered July 29, 2026, two days after my motion was decided; the correspondence is at App. D-03. My motion was verified by my client, who observed both hearings. The standard under Rule 2.330 is her fear, not mine.

(a) "*Systematically muzzled*," MDQ p. 2 (A7), and its four predicates, ¶ 75 (A24):

"She watched her attorney, who was appearing before this Court for the first time, with no prior history appearing before the Honorable Elaine A. Carbuccia, and without any basis for the apparent hostility her lawyer encountered (as further detailed infra), ie. her being cut off before completing a sentence, have her objections overruled without consideration and at times without response, admonished for the consequences of rulings the Court itself had made, be called 'Mr. Soroku' during a proceeding in which counsel for the Respondent was blocked at every turn and effectively, systematically muzzled without basis in law or fact."

(A7.)

"At the time of those admonishments, the Court had: categorically refused to receive proffers before the first witness testified; applied an invented hearsay waiver to the opposing witnesses while blocking Respondent's medical evidence through sustained hearsay objections; overruled Respondent's standing objection to the GAL's testimony without citation or analysis; and told defense

counsel that she could 'file motions' to address her disagreements with evidentiary rulings, in a proceeding that was already in progress and minutes from conclusion."

(A24.)

The opinion calls the allegation false; its predicates are quoted from the transcript below: the proffer refusal at (f), the objection sequence (A79), the resting exchange at (e), and the hearsay rulings the opinion itself recites at page 4, against a July 28 finding of a hearsay "waiver" the 1:30 transcript never mentions (A249, ¶ 9). Each predicate is in the transcript. The word is the client's, in a verified motion whose standard is what a reasonably prudent person in her position would fear. "Systematically" is a description of a pattern, and the pattern is in the transcript from 1:30 until after 4:00: the proffer refused, the speaking objections refused, the records excluded, the objections "noted and ruled upon." It is the word a client who sat through both settings would choose, and it was hers, in a verified motion. "Engineered," in ground G's heading, was a stronger word than the record required; the predicates carry that point without it.

(c) *The domestic violence filings, A60, p. 20:5-16, and A64, p. 24:21-25:*

"Ms. Lisandrillo has been adamant since the inception of all of these cases that there is an Emergency with regards to this little girl who will be 10 years old in just six days ... And there are numerous allegations as to her safety. The guardian ad litem will be provided access to the child

immediately and failure to do so will be considered contempt of Court and failure to follow Court Orders." (A64, p. 24:21 to A65, p. 25:4.)

Ground L did not allege that the words "bad faith" were used. It alleged that the court characterized a domestic violence petitioner's filings, which it acknowledged in the same breath had been "granted... in their entirety," as "again and again, Motion after Motion, petition after petition," and then invoked the same allegations as the basis for emergency jurisdiction and a contempt warning minutes later. The passage is quoted above. The opinion does not quote it.

(e) The defense, A114, p. 48:12 to A115, p. 49:10:

"THE COURT: Excellent. All right. Ms. Soroka? MS. SOROKA: Nothing, Your Honor. I stand on my filings and my prior objections. THE COURT: Okay. Again, prior filings are not before the Court. You can file something and it is not properly before the Court. I just want you to understand that by resting on prior filings, it is not before the Court. Pursuant to Florida law, Motions are not self-executing and they are not reported to the Court. For a Motion to be before the Court, it must be properly filed with the clerk of Court and then it must be set for a hearing pursuant to division procedures. The only Motion set at this time is the Motion for Contempt and Enforcement. Your objections during these hearings were noted and ruled upon. I just want to make sure that you understand that before you rest without presenting any evidence or testimony which is evidence on behalf of your client. MS. SOROKA: I understand the Court's ruling, Your Honor. THE COURT: Okay. All right. Closing arguments, very brief."

(A114-A115.)

The opinion quotes my two-sentence reply and nothing after it. What follows it, on the same two pages, is the court telling me my filings are not before it, confirming that my objections were "noted and ruled upon," and admonishing me for resting "without presenting any evidence." Before the floor was opened, proffers had been refused (A73), speaking objections refused (A79), the clinical records excluded on hearsay while the guardian's unsworn recommendations were received (Op. at 3), and cross confined to the scope of direct, § 90.612(2), Fla. Stat., so that the records could not come in through the other side's witnesses. I cross-examined my client after she was called adversely, roughly thirty questions across eight pages (A105, p. 39:15 to A112, p. 46:14), and closed on the willfulness standard (A117, p. 51:21 to A118). "Nothing" answered whether I would call a witness into that proceeding.

(f) The disqualification opportunity, A239 and A73:

"Drafting Session Commenced: July 14, 2026 at 2:38 P.M. EDT ... Document Last Saved: July 14, 2026 at 3:22:11 P.M. EDT ... Page/Length: 8 pages ... Drafted By / USER: JSOROKA."

(A239-A247.)

"MS. SOROKA: ... And, Your Honor, before we proceed, I'm just putting on the record, I think we got cut off at the end of the -- THE COURT: No, we didn't. We're here on this Motion. We will proceed on this Motion. MS. SOROKA: For the record -- THE COURT: We are adjourned. Not -- no ma'am. I do not take proffers. You

can make your opening statement in response to this Motion. Thank you."

(A73, p. 7:17-25.)

Rule 2.330(c) requires a written motion, sworn by the party; there is no oral motion to disqualify under the rule. The written motion was eight pages long eight minutes before the 3:30 hearing. At the opening of that hearing I was interrupted twice and told "I do not take proffers." My motion was filed on the third of the ten days the rule allows, before any ruling on it. The opinion does not mention A239. When the court said "No ma'am. I do not take proffers. You can make your opening statement," I had been given a direct instruction by the judge presiding over a contempt hearing against my client. Continuing to press the point after that instruction, in that setting, would have exposed my client to the potential additional adverse consequences during a contempt proceeding, thus I complied with the court's directive and preserved the record to the best of my ability given the circumstances.

(g) "Mr. Soroka," MDQ p. 3 (A8-A9), the source disclosure in full:

"The Respondent rush-ordered a copy of the rough draft transcript on July 14, 2026, received on the afternoon of July 15, 2026, and has relied upon it to bring this Motion before the Court in a timely manner, as expediently as possible. All quotations cited herein are from the rough draft transcript and are subject to correction upon receipt of the certified transcript. For purposes of this Motion, 'Rough Tr. I' refers to the rough draft transcript of the 1:30

p.m. proceedings (USL7183263) and 'Rough Tr. II' refers to the rough draft transcript of the 3:30 p.m. proceedings (USL7183266). Copies of both rough draft transcripts are attached hereto."

(A8-A9.)

The renderings my motion described are in the roughs: seven misspellings in Rough I (Sirocco, 00011:8; Ms. Aroka, 00012:7; Aroga, 00012:9; Ms. Rocca, 00012:16; Ms. Soa, 00016:19; Ms. Soga; Ms. Soka), two in Rough II (Ms. Rocca, 00017:20; Ms. Siroca), and, separately, "Mr. Soroka" four times in Rough II (00036:16, 00036:21, 00037:3, 00045:21). (App. D-01, D-02.)

The certified transcripts, prepared by the same reporter and delivered July 29, 2026, read "Ms. Soroka" seventy-eight times and "Mr. Soroka" never, and corrected every misspelled name for every participant.

That is what page three of my motion said would happen. The roughs are not in the appendix (index, A2-A3); the panel could not compare them. The certified transcript superseded the rough, so my petition did not carry the point; "Mr. Soroka" appears in it not at all. I heard it, my client heard it and verified my motion, and the rough reflects it; my motion said the certified transcript would control, and it does.

Gregory v. State, 118 So. 3d 770, 779-80 (Fla. 2013), the authority for this section:

"Although trial counsel apparently did not intentionally misrepresent the judge's comment but instead misheard the remarks, a motion made on a trial judge's statement in open court that does not accurately represent what has actually been said cannot comply with the requirement that an affidavit be made 'in good faith.'"

(Id. at 779-80.)

Gregory is a motion whose author misheard the judge and attributed to the judge a word the judge did not say. My motion here was filed from two transcripts, rush-ordered the day of the hearing and received the next afternoon, with every quotation pinned to a page and line, the source named on page three, and the reader told that the certified transcript would control. This motion quoted a certified stenographer's draft and said so.

"Contrary to the record" is asserted nine times in the opinion, seven of them across these three sections and shown, on the opinion's own terms, once: a name rendering in a disclosed rough draft that the certified transcript corrected as my motion said it would.

Nothing in this section is frivolous.

Scattershot Arguments

The opinion's text for this section is at Op. at 7, l. 27 to p. 11, l. 13. The statements answered are quoted by phrase below.

Opinion footnotes 3 and 4: ³ This argument cites our unpublished decision in the unrelated and irrelevant 2023 case.

⁴ Spanning pages 13 to 15, the petition quotes the Omnibus Application's entire "wherefore" clause, which is appended.

Jaclyn R. Soroka, Esq. responds as follows:

The opinion reproduces my trial court filing, fifteen grounds verbatim over a page and a half, and answers nine of them across the next four pages. Those already addressed in the preceding section (the domestic violence filings, the defense, and the disqualification opportunity) are not repeated. The report argument and the appointment of the guardian's counsel are answered at Abusive Emergency Filing.

My motion stated on its first page that it "is not a reaction to adverse rulings, as it is black-letter-law that adverse rulings alone do not support disqualification" (A6)(emphasis added), and cited *Thompson v. State*, 759 So. 2d 650, 659 (Fla. 2000), for the same rule (A37). The grounds concern the conduct of the hearing, not its outcome.

Two items remain here: grounds A and B, and *Fischer*.

Grounds A and B as the opinion reproduced them, vs "complain about the timing":

"A. The Court Declared the Agreed Order's (Specifically, the Fee Arrangement) Binding and Unreviewable at 1:30 P.M., Then Modified It as a Contempt Sanction at 3:30

P.M. Without Motion, Notice, or Evidence, After Having Just Told Respondent She Had No Standing to Contest It."

"B. The Court Manufactured a Finding of Consent to Adjudicate the 4:30 P.M. Motion at 1:30 P.M.: a Finding Directly Contradicted by the Transcript, While Ignoring That Its Own Scheduling Order Prohibited Any Change to the Hearing Time."

(Op. at 7-8; A10; A12.)

As cited by the opinion, neither ground complains about timing, and neither asks that my motion be heard "again."

Ground A is the trial court's standing oral ruling at 1:30 and then the same fee reallocation to my client at 3:30 on the same afternoon:

"And finally, as to the arguments raised about Ms. Forrest's fees and Ms. Seyba's fees, I'm not so sure that Ms. Lisandrillo has standing to argue as to the fees, as the Order that she agreed through -- through counsel indicates that Ms. Palozzi is paying the entirety of the fees owed to the guardian ad litem and any fees via the appointment of Ms. Forrest. ... So the objection as to the fees is unfounded, not ripe and not appropriate for Ms. Lisandrillo to bring."

(A63, p. 23:13 to A64, p. 24:6.)

"Accordingly, going forward, from this day forth, the parties shall split the guardian ad litem fees 50/50, without prejudice, to be reallocated at the equitable distribution stage of this case."

(A122, p. 56:12-15.)

"The Court finds that the Respondent lacks standing to challenge the allocation of Guardian ad Litem fees and costs and the waiver of hearsay objections contained in the Order Appointing Guardian ad Litem."

(July 28 order, ¶ 9, A249.)

"As a sanction for the Respondent's contempt, the Court finds it appropriate that the Respondent be responsible for fifty percent (50%) of the Guardian ad Litem's fees incurred through the date of this Order and continuing fees moving forward."

(July 29 order, ¶ 23, A270.)

A party found at 1:30 to have no standing to speak about the fees was ordered at 3:30 to pay half of them, and no party had asked for it. The written order adds a "waiver of hearsay objections" to the standing finding; the word "hearsay" does not appear in the 1:30 transcript. (A41-A66.)

Ground B is the consent finding.

Soroka's actual statement, un-cut by the opinion:

"MS. SOROKA: ... today, without waiving our position, I know that Ms. Seyba had requested this case status conference. As Your Honor is aware, I did file an omnibus application directing the Court's attention to multiple issues and Motions in this case, and most recently, the Emergency Motion to Vacate the Guardian Ad Litem Order, which Your Honor set for later this afternoon. But as it relates procedurally, initially, I'm objecting to hearing from Ms. Seyba and/or from her attorney on multiple grounds which were raised. But since we're here, I may as well put it before Your Honor. Unless you'd like me to wait. THE COURT: That's fine." (emphasis added)

(A47, p. 7:14 to A48, p. 8:2.)

"... but since the door is open without waiving, of course my positions that are pending before the Court with the underlying guardian ad litem Motion and various other relief that I've sought therein ..." (emphasis added)

(A55, p. 15:20-24.)

"And finally for an Emergency hearing. That part was granted. We were set for a hearing and pursuant to Ms. Soroka's request, we heard that Motion first here at 1:30 instead of when we were set at 4:30. So that was also by consent." (emphasis added)

(A63, p. 23:8-12.)

"A. The Respondent's Emergency Motion to Vacate Ex Parte Order Appointing Counsel for Guardian Ad Litem, Discharge of Guardian Ad Litem, and for Emergency Hearing On or Before July 14, 2026, filed July 7, 2026, and the Respondent's Amended [Emergency – As Titled at Original Filing] Motion to Vacate ... filed on July 8, 2026, are DENIED."

(July 28 order, decretal ¶ A, A251.)

The opinion quotes the last two sentences of the A47 passage. The sentence before them identifies the emergency motion as "set for later this afternoon," and the word "it" in "put it before Your Honor" refers to the procedural objection to hearing from the guardian, stated in the sentence immediately preceding. Nonwaiver was stated twice (A47; A55). "Request" and "consent" are the court's words, at A63 and A65; nothing I said at A47-A48 or A55 asks that the emergency motion be heard first, and the opinion adopts the court's after-the-fact characterization as the record.

The 1:30 hearing closed with my question whether the 4:30 motion had just been adjudicated (A65, p. 25:11-14). The court then said the request for an emergency hearing "was granted," and its written order

denied both motions in their entirety, with no exception for the branch it said was granted, and found at ¶ 12 that they "do not constitute an emergency" (A250) after exercising emergency jurisdiction on them from the bench (A64, p. 24:18-20).

Fischer v. Knuck, 497 So. 2d 240, 243 (Fla. 1986):

"The instant motion was filed eleven days after all the testimony had been taken and five days after the judge had announced his ruling. ... Further, the asserted bias and prejudice did not 'dawn on' petitioner until she suffered the adverse ruling by the judge. ... We find the motion for disqualification legally insufficient, frivolous, and untimely. It would appear that the motion for disqualification was being used to frustrate a final decision in this dissolution of marriage action."

(Id. at 243.)

Fischer's motion was filed eleven days after the evidence closed and five days after the ruling, about incidents its author had not mentioned at final argument, by a movant on whom the bias "did not 'dawn'" until she lost. This motion was drafted during the recess between the two hearings (A239), its subject was raised at the opening of the second hearing and refused (A73), and it was filed on the third of the ten days the rule allows, before any ruling on it. *Jackson* applies Fischer at 243 to a party who participated "without asserting any objection"; I attempted twice to make a record at the opening of the hearing and was cut off before the subject could be stated. The phrase the opinion uses at page 15, that my motion

"merely sought to 'frustrate' the court's rulings," is Fischer's description of a motion filed after the ruling it sought to frustrate.

Grant, footnote 3: see Part II.

The opinion reproduces my motion's fifteen grounds and answers nine of them, and does not apply the standard my motion stated at A7-A8: legal sufficiency only, facts taken as true, viewed from the movant's perspective, under the totality of the circumstances alleged. *Sawyer v. State*, 301 So. 3d 393, 396 n.4 (Fla. 3d DCA 2020); *Chillingworth v. State*, 846 So. 2d 674, 676-77 (Fla. 4th DCA 2003); *Michaud-Berger v. Hurley*, 607 So. 2d 441, 446-47 (Fla. 4th DCA 1992).

The word "totality" does not appear in the opinion. A motion that states that standard, disclaims adverse rulings on its first page, and ties each of fifteen grounds to a transcript location is not frivolous.

Legal Gibberish

The opinion's text for this section is at Op. at 11, ll. 14-28. The statements answered are quoted by phrase below.

Jaclyn R. Soroka, Esq. responds as follows:

The words this section uses:

The section rests on three words, "gibberish," "admonish," and "puzzling." Each describes what a reader did or did not understand, and none is the standard under Rule 9.410, which is *Treat* and *Visoly*.

The admonishment, A114, p. 48:15 to A115, p. 49:6:

"THE COURT: Okay. Again, prior filings are not before the Court. You can file something and it is not properly before the Court. I just want you to understand that by resting on prior filings, it is not before the Court. ... Your objections during these hearings were noted and ruled upon. I just want to make sure that you understand that before you rest without presenting any evidence or testimony which is evidence on behalf of your client."

(A114-A115.)

"No such citation or quotation of the alleged admonishment is in the record." (Op. at 11.)

Paragraph 76 and paragraph 77 as filed, MDQ (A24):

"In that environment, cross-examination would have added pages of blocked questions and sustained objections to a record already full of them. Exhibits cannot be admitted through the opposing party's witnesses except within the scope of direct. Respondent's medical records would not have reached the record through cross. Respondent's counsel made a judgment, under conditions not of her making, that further participation in a proceeding from which every evidentiary avenue had been closed would not benefit her client.

The Court admonished her for that judgment. The bind that creates, participate and get shut down on the one hand.... decline and get admonished on the other, is not a fair proceeding. It is the record of one."

(A24; § 90.612(2), Fla. Stat.)

The opinion quotes paragraph 77 and not paragraph 76. Paragraph 76 is the reason, in plain text, immediately above the conclusion, with the evidentiary mechanism: cross-examination is confined to the scope of direct, so the clinical records excluded on hearsay could not come in through the other side's witnesses. Read together, the two paragraphs describe a sequence in the transcript. With every evidentiary avenue closed, cross would have added blocked questions to the record, so I declined, and was then admonished for resting without evidence. The sentence the opinion calls gibberish is the last sentence of that sequence, and it is not offered as a quotation of anyone. The sentence is mine. I began my career as an assistant public defender trying cases to juries, and the choice paragraph 76 describes, whether to participate in a proceeding whose evidentiary avenues have been closed or to decline and preserve, is one trial lawyer weighs regularly. It is not unintelligible.

"Puzzling" is not grounds for sanctions, and no puzzling argument is identified in this section. The one sentence it quotes has its reason in the paragraph above it and its admonishment on the page the opinion cites for the opposite.

Arguments Not Supported by the Official Record

The opinion's text for this section is at Op. at 11, l. 29 to p. 12, l. 8.

The statements answered are quoted by phrase below.

Jaclyn R. Soroka, Esq. responds as follows:

The source disclosure on page three of my motion, the nine misspellings and the four "Mr." renderings in the roughs, and the certified transcripts' correction of them are set out at item (g) of Allegations that are Contrary to the Record and are not repeated. Three statements in this section are specific to it.

"No citations are given," against MDQ ¶ 121 (A32):

"Throughout the July 14, 2026 proceedings, the Court referred to Respondent's counsel as 'Mr. Soroka' on multiple occasions on the record and made other negative commentary. Among some of the documented instances in the transcripts:

I can't see your face. You need to lower your camera, Mr. Soroka.

Thank you.

(Rough Tr. II, p. 00037, ll. 2-3.)

Closing arguments. Ms. Soroka. I can't hear you.

(Rough Tr. II, p. 00046, ll. 19-21.)

In the 1:30 p.m. transcript, Respondent's counsel is rendered as 'Ms. Soa,' 'Ms. Rocca,' 'Ms. Sirocco,' 'Ms. Aroka,' and 'Ms. Aroga'...."

(A32.)

Two citations are given in ¶ 121, each beneath the quotation it supports. The first is exact. The second states the correct lines at a page one later than the passage; the words are at 00045, ll. 19-21, and my closing begins at 00045, l. 25. The five renderings from the 1:30 rough are listed without pins, and all five are at the locations given at item (g). "No citations are given" is not accurate as to ¶ 121, and the opinion does not distinguish it from the sentence that follows.

"The official transcript, however, reflects no such mistakes":

Correct, and necessarily so: the certified transcript is the corrected one. "Mr. Soroka" appears in it not at all and "Ms. Soroka" seventy-eight times; the two passages ¶ 121 pinned read "Ms." in the certified version (A106, p. 41:14-15; A117, p. 51:14-20). The same certification corrected every misspelled name for every participant. The reporter confirmed in writing that she retains no audio and that correcting participant name spellings on certification is her standard practice. (App. D-04.) My motion said on page three that this would happen.

The counts are these. Across both roughs, the names of nine participants were misrendered sixty-one times: the guardian twenty-four times (Siba, Saba, Seba, Seva, Siva, Sea), mine nine (Rocca twice, Sirocco, Siroca, Aroka, Aroga, Soa, Soga, Soka), my client's nine, Ms.

Forrest's eight, Ms. Palozzi's six, and the others once or twice. Certification corrected every one, for everyone. That is spelling.

The honorific is a different matter. In the 3:30 rough the court addresses me as "Mr. Soroka" four times, at 00036:16, 00036:21, 00037:3 and 00045:21, each time in the court's own words. No other participant's honorific changed gender between the rough and the certified transcript; Mr. Segarra is "Mr." in both, Ms. Palozzi moves between "Ms." and "Mrs." in both, Dr. Painter is "Dr." in both. Mine is the only one that changed. My motion said the renderings were subject to correction on certification, and they were; the correction does not mean the words were not spoken, and I, my client, and my staff heard them. (App. D-01, D-02; A41-A125.)

"Counsel never objected at the hearing":

The certified transcripts were delivered July 29, 2026 (App. D-03). My motion had been decided two days earlier, on July 27. There was nothing pending in which to correct a rough-draft citation, and the certified transcript, which superseded the rough, is the one my petition used. That is why my petition does not carry the point.

There was nothing to object to on the certified record, because the certified record says "Ms."; the renderings exist only in the rough. My motion raised them afterward, as one strand of ground O (name, audio,

demeanor) under the totality rule my motion cited at A7-A8, in a verified motion that told the court where the words came from.

The quotations are accurate to their disclosed source. The mistranscriptions are the reporter's; my motion disclosed them as the source and reserved for correction; the certified transcript made the correction; and the panel, which did not have the roughs (index, A2-A3), could see all three facts in the appendix it did have (A8-A9; A32; A106; A117). *Gregory*, the authority cited, is a motion whose author misheard the judge. This one quoted two transcripts and named them.

Issue Churning and Unpreserved Issues

The opinion's text for this section is at Op. at 12, l. 9 to p. 13, l. 36. The statements answered are quoted by phrase below.

Jaclyn R. Soroka, Esq. responds as follows:

The seven bullets are the seven headings of my petition's cumulative-effect section (Pet. p. 30). Each has a record location. The opinion states five of them accurately and answers two; the remaining five are either answered with the wrong hearing, answered by adopting the trial court's characterization, or not answered. They are taken in the opinion's order.

"Adjudication of matters not noticed":

"First, the evidence presented establishes that the Respondent's unilateral actions in limiting the Guardian

ad Litem's access to the Minor Child and relevant professionals impeded the Guardian ad Litem's investigation and ability to complete recommendations."

(July 28 order, ¶ 11, A250.)

The ground concerned the 1:30 GAL status conference, at which no witness was sworn and no exhibit was offered or admitted (A41-A66), and after which the July 28 order found that "the evidence presented establishes" facts. The opinion answers with the 3:30 contempt hearing, which no one said was not evidentiary. Testimony was taken at 3:30; no exhibit was admitted at either hearing (MDQ ¶¶ 111-114, A26). Both statements are true, and they are about different hearings.

"A consent finding the transcript refutes":

Answered at Scattershot Arguments, Ground B, with the A47-A48 passage in full, the second nonwaiver at A55, and the court's own words at A63 and A65. "Asked for permission and agreed" is the court's after-the-fact finding adopted as the record.

"Denial of a hearing the court had ordered":

"And finally for an Emergency hearing. That part was granted. We were set for a hearing and pursuant to Ms. Soroka's request, we heard that Motion first here at 1:30 instead of when we were set at 4:30."

(A63, p. 23:8-12.)

The opinion states the ground accurately and does not answer it. The July 8 order set the motion for 4:30 and provided that the setting could not be changed except by further order; no further order issued; my motion was adjudicated at 1:30; the court said the request for an emergency hearing "was granted"; the written order denied it in its entirety (A251, decretal ¶ A). Four documents.

"Prejudgment from the bench":

"The guardian ad litem will be provided access to the child immediately and failure to do so will be considered contempt of Court and failure to follow Court Orders. An appropriate hearing will be held should that continue."

(A65, p. 25:1-6, at 1:30.)

Contempt was found at 3:30 the same afternoon. (A120, p. 54:23-25.) The statement exists at that location in the rough and in the certified transcript. The word "prejudgment" is my petition's heading at page 28; my motion pled the passage and the sequence under grounds D and L without that word. "No such prejudgment occurred" is the opinion's conclusion about a warning of contempt delivered from the bench two hours before a contempt hearing on the same conduct, by the same judge, who found contempt.

"Rulings irreconcilable on the record":

Answered at Scattershot Arguments, Ground A: A63-A64 (no standing; "not ripe"), A122 (fifty percent "from this day forth"), July 28 order ¶ 9, July 29 order ¶ 23. The opinion states the ground and does not resolve it.

"Systematic denial of record-making":

Answered at Allegations that are Contrary to the Record, items (a), (e) and (f): proffers refused (A73), speaking objections refused (A79), the clinical records excluded on hearsay (Op. at 4), § 90.612(2) on the scope of cross, and "noted and ruled upon" (A115). The record supports every predicate; "systematic" is the characterization and definition, and the opinion says it is contrary to the record without engaging any predicate.

The ten-day delay:

Answered at The Motion to Disqualify, "What happened in the ten days." The opinion's citation to Rule 2.330(l) is correct. My petition's point at page 30 was not the count of days; it was the proposed order that arrived on day seven, from the other side, to the judge whose disqualification was pending, while the movant under *Jackson* could submit nothing. Seven headings from a cumulative-effect argument, each with a record location, in a motion whose governing test is the totality of the circumstances, are the argument the rule calls for. None is frivolous.

The Requests for Certiorari

The opinion's text for this section is at Op. at 14, ll. 1-16. The statements answered are quoted by phrase below.

Jaclyn R. Soroka, Esq. responds as follows:

The opinion applies the word "frivolous" to the certiorari requests once, at page 6, in advance of this section, which does not use the word; the other is the report point in the request, answered at Abusive Emergency Filing. Its support is three sentences: not appealable, not subject to certiorari, and premature. Each is answered below, and each turns on a document my petition already contained.

Twenty-five pages for seven rulings is a jurisdictional showing and a merits argument for each, in the order Bared requires, the same Bared the opinion cites for the standard and my petition cited first, en banc, at 156-57. The seven "Irreparable harm" showings follow, one per ruling. The showings for rulings 4, 5 and 6, which the opinion does not quote, read:

"Irreparable harm. The award is unliquidated and entitlement has been adjudicated, fixing liability before any evidence of amount or ability to pay. The obligation attaches now and is enforced through the same proceeding." (Pet. p. 44, ruling 4.)

"Irreparable harm. This obligation is prospective and continuing, running against fees billed at \$400 per hour by the guardian and \$500 per hour by her counsel. The GAL Order provides that guardian ad litem fees 'are in the

nature of child support.' (DE 33 ¶ 12; A127.) An obligation so characterized carries enforcement consequences including contempt. Imposing it on a party whose income the court's own order records as zero, and leaving it to run during the pendency of the litigation, is injury that no final judgment can undo." (Pet. p. 45, ruling 5.)

"Irreparable harm. The ruling alters the timesharing arrangement of a child who turned ten years of age six days after the hearing. Time with a child is not recoverable at the end of a case, and this Court has recognized that modifications of parental rights entered without the required process cause injury plenary appeal cannot repair." (Pet. p. 48, ruling 6.)

The word "irreparable" appears in the opinion twice, once inside the quoted emergency standard and once in the emergency-request finding (Op. at 5); it does not appear in the opinion's discussion of the seven showings, because the opinion does not discuss them.

"Not appealable":

Stated without a rule. My petition addressed Rules 9.110 and 9.130 on its face and invoked Rule 9.040(c) twice (pp. 4, 33). None of Rules 9.040, 9.100, 9.110 or 9.130 is cited in the opinion. "Not appealable" and "will be appealable" are both asserted of the same rulings; my petition took the position that they were interlocutory and reviewable, if at all, by certiorari, and said so.

Holt v. Keetley, 250 So. 3d 206, 209 (Fla. 2d DCA 2018), dismissing a certiorari petition directed to an oral ruling:

"Pursuant to Florida Rule of Appellate Procedure 9.100(c) (1), a petition for a writ of certiorari shall be filed within thirty days of rendition of the order to be reviewed, and pursuant to rule 9.020(i), '[a]n order is rendered when a signed, written order is filed with the clerk of the lower tribunal.' Absent a signed, written order, our certiorari jurisdiction may not be invoked."

(*Id.* at 209.)

Keetley is the reason my petition waited. The July 14 rulings were pronounced from the bench; my petition was not filed until the written orders existed, July 28 and July 29, and then the next business day. Every ruling under review had a signed, written order behind it when my petition was filed. (A249-A251; A265-A272.) The oral pronouncements were then placed beside the written orders because the two diverge, and the divergence is the certiorari argument on rulings 7 and 8: emergency jurisdiction exercised orally, "do not constitute an emergency" in writing (A64, p. 24:18-20; A250, ¶ 12); "not so sure... not ripe" orally, "lacks standing" plus a hearsay waiver in writing (A63-A64; A249, ¶ 9); "That part was granted" orally, both motions denied in their entirety in writing (A63; A251); "by the end of the week... if you feel inclined" orally, "no later than July 17, 2026" and "shall" in an order signed July 29 (A123, p. 57:11-19; A270, ¶ 24). *Keetley* was a certiorari petition filed by the elected Public

Defender, dismissed on two grounds, with no sanction and no finding of frivolousness. My petition followed that rule.

"This precludes certiorari review" (prematurity):

Five of the seven rulings attack one order. Each has a jurisdictional showing, a departure showing, and a merits argument, in that order, under the test this Court adopted en banc. That is the structure *Bared* requires when one afternoon produces seven rulings. It is not scattershot, and it is not frivolous. Losing a certiorari petition is not frivolousness.

Courts Should Not Tolerate Abusive AI-Assisted Filing

The opinion's text for this section is at Op. at 14, l. 17 to p. 15, l. 19. The statements answered are quoted by phrase below.

Jaclyn R. Soroka, Esq. responds as follows:

This section states the policy and names the rules. It does not identify a filing, a sentence, or an act that violates any of them. The comparators it cites are answered at Part I; what follows is what is specific to this page.

Avery, "where the pro se litigant sought a ruling on more than 90 pending motions":

Avery: a pro se petitioner who sought a ruling on more than ninety motions and conceded in his show cause response to having filed at least 145; a 41-page single-spaced petition, two supplements adding 43 pages, and more than 1,000 pages of documents; a 45-page response to the order

to show cause with an 863-page appendix; eight pro se proceedings in this Court in less than a year, three dismissed for nonpayment of the filing fee; a prior warning in No. 4D2026-0544 for citing a nonexistent rule of procedure, followed by the petitions at issue and another emergency request; and a bar on further filings without counsel.

My record: a Board Certified marital and family lawyer (2020) with seventeen years of trial and appellate practice; one appellate proceeding, one petition, one two-page request on this Court's form, one appendix, filed once, the business day after the last of three orders.

In the trial court I appeared May 4, 2026, filed nothing until June 20, and filed fourteen documents between June 20 and July 30, ten of them substantive and four of them notices attached to those filings, each in response to a specific event. After my petition I filed one document below, an objection to the opposing party's September 8 notice setting the case for trial while my petition was pending. (App. B-11.) The opposing party, represented by three attorneys, filed the contempt motion, a motion to compel, five notices of production, interrogatories, subpoenas, an exhibit list, and a notice for trial in the same period.

The respondent did not appear in this Court. No fee motion was filed. "Delay, annoyance, and expense to the other side" is, on this docket, none

of the three; the request asked the Court to move faster, not slower, and nothing below was continued, extended, or stayed.

Capital Standard, LLC v. U.S. Bank Nat'l Ass'n, No. 2D2024-1392, 2026 WL 2450571, at *1 (Fla. 2d DCA Aug. 21, 2026), "it defies belief for a practicing attorney to plead ignorance of the risks of relying on generative AI without double-checking the results":

Capital Standard involved forty-six citations across two briefs to cases that did not exist or did not say what they were cited for, including one case that does not exist at all; the Second District fined counsel \$1,500, ordered him to pay the opposing party's fees personally, and referred him to the Bar.

My filings to this Court were checked, re-checked, and checked again. The sentence is about not checking results. Every result in these filings was checked, and footnote 1 of the opinion places false citations outside the problem it addresses. The comparators the opinion compiles, Avery, Gouldy, Eclectic Synergy, Capital Standard and Gregory, are, without exception, cases of fabricated or misstated authority or of misstating what a judge said. Not one is a case of accurate citations, correctly stated authority and accurate transcript quotations.

Rule 2.515(d)(2)(D):

"On filing, each signer represents that ... (D) the legal authorities identified exist and are accurately cited."

In re Amendments to Fla. R. Gen. Prac. & Jud. Admin. 2.515, 435 So. 3d 5, 7 (Fla. 2026) (appendix), effective June 15, 2026, at 12:01 a.m.

The rule in force on every filing date to this Court and trial court had four representations. The opinion cites subdivision (d)(2) without its letters and recites the first three representations, omitting the one the Supreme Court added this year, adopted "principally to create a statewide, uniform replacement for varied circuit court administrative orders imposing disclosure and certification requirements about the use of artificial intelligence in filings." *Id.* at 7 (court commentary). The amendment also states the procedure: sanctions for a filing inconsistent with the representation may be imposed "after providing the signer notice and an opportunity to be heard." *Id.* Every document I signed after June 15, 2026 carries it: my Omnibus, my motion to disqualify, my petition, the request, the appendix. Footnote 1 does not say otherwise. "Good grounds" and "not interposed for delay": sixteen days from hearing to petition, fifteen of them waiting for written orders under Keetley, filed the next business day, with a request for expedition.

"Resemble what we typically see from vexatious pro se litigants. The filings appear designed to cause delay":

In this appellate proceeding, there has been no prior warning and no prior sanction, and my filings carry real citations, were filed the business

day after the last order was entered, and sought expedition. *Visoly's* referral, the case that defines the standard, followed nine years, six appeals, three recusal motions against three judges, false affidavits, and an express on-the-record warning of personal exposure. "Designed to cause delay" is asserted of a petition that says on its face it was filed the next business day and a request that asked the Court to move faster. The opinion reproduces, without comment, roughly a third of its own length from those filings. Since my petition was filed my client has complied with every order below; the parties mediated on August 28 and September 17 and entered an agreed temporary order that provides for no overnight timesharing and for a mental health professional to assess a reunification step-up plan, which is the relief the July filings sought.

"Implicates many rules of professional conduct," 4-1.1, 4-2.1, 4-3.1, 4-3.2, 4-3.3:

"Implicates." Five rules are said to be implicated and none is applied to an act; the one rule the opinion says is violated, Rule 4-2.1, is addressed at Courts Should Not Tolerate Abusive AI-Assisted Filing; and no statement is identified as lacking candor. The one passage the opinion treats as inaccurate came with its source and its disclaimer, on page three of my motion: "All quotations cited herein are from the rough draft transcript and are subject to correction upon receipt of the certified transcript." (A8.) Five

pages later the motion flagged, unprompted, "a misattribution in the rough draft that the certified transcript will correct." (A13.) That is candor.

Competence: forty-five authorities in my Omnibus and my motion combined, and seventy-one in my petition, all real; a certiorari structure that follows Bared; a stay motion filed below under Rule 9.310(a) before my emergency request, as the administrative order requires; Rule 9.040(c) invoked twice. Meritorious claims: the standard is the one set out under Order to Show Cause, and it is met.

Expediting litigation: the one ten-day interval in this sequence is the court's. Notwithstanding the forty-eight days between my filings to this court and its disposition and denial of my request, I continued to actively participate in and proceed with the underlying trial court proceeding. At each opportunity to consolidate, I did, and said so in the filing: my Omnibus sought its relief "efficiently in one 'Omnibus' application as opposed to multiple, successive Motions" (Pet. p. 8); my petition joined two writs in one filing rather than two petitions with two identical appendices, and invoked Rule 9.040(c) twice so that no ground would need refiling under the other writ (Pet. pp. 4, 33).

"Ethical questions concerning billing," 4-1.5:

No fee was sought from or awarded to anyone in this proceeding, no billing record is before the Court, and none exists: I represented my client in this Court pro bono, at my own expense, her financial affidavit reporting \$0.00 in income (A127, ¶ 9). Rule 4-1.5 governs fees charged; no fee was charged, and the rule has no application here.

A section that names six rules, says five are implicated, and identifies no act under any of them does not state a violation. Rule 9.410(a) requires frivolousness, bad faith, or a rule violation; this section supplies none.

The Opinion's Conclusion

The prohibition petition shows no basis for discretionary writ relief. The motion to disqualify merely sought to “frustrate” the court’s rulings and was properly denied. Fischer, 497 So. 2d at 243 (“We find the motion for disqualification legally insufficient, frivolous, and untimely.”). The request for certiorari relief is likewise denied.

Op. at 15, ll. 20-25.

Jaclyn R. Soroka, Esq. responds as follows:

The conclusion is three sentences, and each is answered above; I summarize and cross-reference rather than repeat.

First, “no basis for discretionary writ relief.” Under Rule 2.330(h) the only question on the motion was legal sufficiency: whether the facts alleged, taken as true, would place a reasonably prudent person in fear of

not receiving a fair hearing. My motion stated that standard at A7-A8 and tied each of fifteen grounds to a transcript location, and my petition carried those grounds to this Court with the same citations. A basis that is stated, sourced, and rejected is a basis that was rejected; it is not a basis that was absent. The grounds and their record are at The Motion to Disqualify, Allegations that are Contrary to the Record, and Scattershot Arguments.

Second, "merely sought to 'frustrate' the court's rulings." The parenthetical is *Fischer's* description of the motion in *Fischer*, filed eleven days after the evidence closed and five days after the ruling, by a movant on whom the bias "did not 'dawn'" until she lost. It is a takeaway from *Fischer*, and nothing in the parenthetical or in the opinion connects it to my motion, which was drafted during the recess between the two hearings (A239), raised at the opening of the second and refused (A73), and filed on day three of ten, before any ruling on it. The comparison is at Scattershot Arguments.

Third, "likewise denied." Certiorari was sought in the structure *Bared* requires, a jurisdictional showing and a departure showing for each ruling, after waiting for rendition under *Keetley*, as set out at The Requests for Certiorari. A petition can be denied on its merits and be nothing more than

denied. *Treat* and *Visoly* define what more the order requires, and the conclusion does not find it.

Order to Show Cause

Within ten (10) days of this opinion, petitioner's counsel, Jaclyn R. Soroka, shall file a response and show cause—without the use of AI—why sanctions, such as referral to the Florida Bar for consideration of disciplinary proceedings, should not be imposed for submitting frivolous filings to this Court. See Fla. R. App. P. 9.410(a) ("After 10 days' notice, on its own motion, the court may impose sanctions for any violation of these rules, or for the filing of any proceeding, motion, brief, or other document that is frivolous or in bad faith."). Petition denied. Order to show cause concerning sanctions issued.

Op. at 15, ll. 26-35.

Jaclyn R. Soroka, Esq. responds as follows:

The charge is stated in this paragraph and nowhere else in the opinion: "submitting frivolous filings to this Court." Three documents were filed to this Court, all on July 30, 2026, under Filing No. 253676455: my petition, the two-page request for emergency treatment, and the appendix. Rule 9.410(a) permits sanctions for a rule violation, for frivolousness, or for bad faith; the order invokes frivolousness only. The opinion states that filing "AI slop" violates Rule 4-2.1 (Op. at 15) but identifies no act of mine under that rule; the other rules are said only to be "implicated"; and bad faith is not found by that name. No party moved for sanctions or fees in this Court

under Rule 9.410 or section 57.105; the respondent did not appear; the Court raised frivolousness on its own motion.

"Frivolous" has a definition in this State, and it is the one I ask the Court to apply. The Supreme Court stated it in *Treat v. State ex rel. Mitton*, 121 Fla. 509, 510-11, 163 So. 883, 883-84 (Fla. 1935), and the Third District restated it, with guidelines, in *Visoly v. Security Pacific Credit Corp.*, 768 So. 2d 482, 490-91 (Fla. 3d DCA 2000).

"A frivolous appeal is not merely one that is likely to be unsuccessful. It is one that is so readily recognizable as devoid of merit on the face of the record that there is little, if any, prospect whatsoever that it can ever succeed. ... It must be one so clearly untenable, or the insufficiency of which is so manifest on a bare inspection of the record and assignments of error, that its character may be determined without argument or research. An appeal is not frivolous where a substantial justiciable question can be spelled out of it, or from any part of it, even though such question is unlikely to be decided other than as the lower court decided it, i. e., against appellant or plaintiff in error."

(*Treat*, 121 Fla. at 510-11, 163 So. at 883-84.)

"These include where a case is found: (a) to be completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law; (b) to be contradicted by overwhelming evidence; (c) as having been undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another; or (c) [sic] as asserting material factual statements that are false. ... In other words, a 'frivolous' appeal is one which raises arguments a reasonable lawyer would either know are not

well grounded in fact, or would know are not warranted either by existing law or by a reasonable argument for the extension, modification, or reversal of existing law."

(*Visoly*, 768 So. 2d at 490-91.)

Four things follow from those passages, and each is applied in the sections above.

First, likelihood of failure is not the test; an appeal "is not frivolous where a substantial justiciable question can be spelled out of it, or from any part of it," even one "unlikely to be decided other than as the lower court decided it."

Second, the defect must be manifest "on a bare inspection of the record," so that "its character may be determined without argument or research."

Third, the *Visoly* guidelines describe four categories: no merit in law and no reasonable argument for changing the law; contradiction by overwhelming evidence; a purpose to delay or harass; or false statements of material fact.

Fourth, the test is objective: what a reasonable lawyer would know.

Treat itself denied the motion to dismiss while signaling that the judgment below would "inevitably be affirmed," because a justiciable question could be spelled out of the writ; and *Visoly* found frivolousness

only after nine years, six appeals, three recusal motions, and a litigating position the trial court found "a complete sham." 768 So. 2d at 489.

Measured by the definition Treat and Visoly state: the opinion took eighteen pages, reprinted fifteen grounds and two pages of my Omnibus, and answered the arguments one by one, which is not "a bare inspection"; the opinion identifies no authority as nonexistent or miscited and footnote 1 states that the problem it addresses "has nothing to do with hallucinated law or false legal citations," which removes guideline (a)'s premise of an argument unsupported by law; the statements the opinion calls false or contrary to the record are each answered above with the transcript beside them, at Allegations that are Contrary to the Record, items (a), (c), (e), (f) and (g), and none is a false statement of material fact; no purpose to delay is shown against a petition filed the business day after the last order with a request for expedition; and at least one substantial justiciable question can be spelled out of my sixty-one-page petition on its face, the divergence between what the trial court pronounced and what it signed, on rulings that govern timesharing and uncapped fees.

The opinion uses the word "frivolous" eleven times and cites neither *Treat* nor *Visoly*. Two are directed at specific arguments in my filings to this Court: the report point in my request (Op. at 5) and the certiorari requests

(Op. at 6), answered at Abusive Emergency Filing and The Requests for Certiorari. Four describe arguments made in the trial court (Op. at 4, 7, 10). Two are general (Op. at 1, 14). The remaining three are at page 15: the charge itself and the two quotations, from *Fischer* and from Rule 9.410(a), that accompany it.

Two corrections, made on my own motion. In re-inspecting every citation in the four filings the opinion describes, about two hundred thirty-seven citation instances, I found two errors, both in my motion to disqualify and both mine. First, the motion's opening paragraph cites Rule 2.330 by its subdivision letters as they stood before March 1, 2021, (f) and (j) for what are now (h) and (l); my petition, filed thirteen days later, and the opinion use the current letters, and the proposition is the same under either. *In re Amendments to the Florida Rules of Judicial Administration, 2020 Regular-Cycle Report*, 310 So. 3d 374 (Fla. 2021). Second, one sentence the motion places in quotation marks and attributes to *Chillingworth v. State*, 846 So. 2d 674 (Fla. 4th DCA 2003), at A8, is not in that opinion. The rule it states is the law, "the totality of the circumstances alleged," *Sawyer v. State*, 301 So. 3d 393, 396 n.4 (Fla. 3d DCA 2020), and "the cumulative effect of events occurring within a short space of time," *Chillingworth*, 846 So. 2d at 676-77, and the motion cites *Chillingworth* four

other times for the rule it does state; the words should not have been in quotation marks. Neither error is a nonexistent authority or a proposition the law does not hold. Both are the human errors of a lawyer drafting from earlier pleadings under time pressure, and I correct them here because the representation under Rule 2.515(d)(2)(D) is mine to correct.

The charge is "submitting frivolous filings to this Court," and it does not specify which filing or which argument. I have therefore answered every statement in the opinion that I could reasonably read as connected to it, and I ask the Court to consider this response as a whole; the pages above are the answer, and they do not depend on any one section. Should the Court consider any point unanswered, or intend to rest a sanction on a filing or argument not identified in the order, I respectfully request notice of the particular and an opportunity to respond to it before any further action is taken, as Rule 9.410(a) and Rule 2.515(d)(2) both contemplate.

Conclusion

I began this response with a distinction: a suspicion can be formed from the way something looks, and the truth of it can only be taken from the source. Everything between that sentence and this one has been the source. The opinion issued on September 16, the same day a separate one-line order denied my request for emergency treatment, and it was

reported that day. My last filing in this Court before the order to show cause was July 30, the day I filed the only three documents I have filed in this case; no response was ordered, none was filed, and nothing was asked of me in between. The opinion does not attach the filings it describes, so those who have read it have read the "AI slop" label without the source. I have not answered it anywhere but in these pages. It has had immediate consequences for me and for my family that I will not describe here, because my family comes first, always and in all ways. I include this because I hope the Court understands the magnitude of its opinion and of the suspicion that endures while it sits non-final. I say it not for pity and not to escape scrutiny, but because words placed in a public forum carry a permanent digital footprint, and I pray that our profession does better than this, because no one deserves to be placed in a category called slop without the authentic source set beside it. On September 17, the day after it issued, I spent the full day in mediation for the same client, advocating through the storm and adversity because that is the right thing to do, and that did not change on September 16. I say this not to shift the Court's attention from the seriousness of its order, which I accept, but because accuracy is a standard for everyone in a courtroom, on either side of the bench, and everyone in a courtroom is a human being; and because the

question the order asks, whether these filings were frivolous, has nothing to do with the technology the opinion is about, which the opinion itself says makes no difference. I have looked for the place in the opinion, or in the record, where my professional judgment is questioned by reference to something I did rather than something I am said to be, and I have not found one. Where the opinion says what I did, I have set the record beside it. Because the order is contained in a non-final opinion, I reserve, and ask the Court to preserve, my client's rights and my own under Rules 9.330 and 9.331, which run separately from this response. Confucius said that to see what is right and not to do it is want of courage, and that the will of even a common man cannot be taken from him. Analects, Books II and IX. The first is why I took this case: a mother who could not afford counsel and a ten-year-old child whose best interests chapter 61 directs us to protect. The second is why I have answered this order the way I have. Nothing in the record of this case was filed for any reason other than her, and nothing in this response has been written for any reason other than to show that from the source. The source is the record, and the record is what I have brought.²

I deeply and humbly appreciate this Court's time, labor, and consideration in its review of my response.

WHEREFORE, Jaclyn R. Soroka, Esq. respectfully requests that this Court discharge the order to show cause of September 16, 2026, and impose no sanction.

² I have written this response in the first person and the possessive, my petition, my motion, my request, for the first time in any filing of mine. The opinion names me, Jaclyn R. Soroka, three times, at pages 1, 2 and 15, quotes the "Mr. Soroka" rendering at page 11, and directs its order to me by name. The work is mine to own, and page one says so.

The appendix to this response is filed separately in accordance with Florida Rule of Appellate Procedure 9.220, together with a Notice of Confidential Information Within Court Filing under Rule 2.420(d).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 28, 2026, this Response was filed through the Florida Courts E-Filing Portal, which serves all counsel of record, and that a copy was served by e-mail on each person on the Service List below.

/s/ Jaclyn R. Soroka
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CERTIFICATE OF COMPLIANCE

I certify that this Response complies with the font requirements set forth in Rule 9.045 of the Florida Rules of Appellate Procedure, as it has been prepared in Arial 14-point font. No word limit applies to a response to an order to show cause under Rule 9.410(a); the Response contains 19,178 words.

/s/ Jaclyn R. Soroka
Jaclyn R. Soroka, Esq.