

**IN THE SUPREME COURT FOR THE STATE OF FLORIDA
500 SOUTH DUVAL STREET, TALLAHASSEE, FL 32399-1927**

2 DCA CASE NO: 2D15-1805
L.T. CASE NO: 10-CA-54593

VICTOR S. SHIRIAEV AND
MARY SWARTZ

V

WELLS FARGO BANK, N.A.

Appellants/Petitioners

Appellee/Respondent

**APPELLANT'S AFFIDAVIT AND
PETITION FOR WRIT OF MANDAMUS**

COMES NOW, the Petitioners/Appellants, Victor Shiriaev and Mary Swartz,
petition the Florida Supreme Court for the issuance of a writ of mandamus to order
the Second District Court of Appeals of Florida to recognize the jurisdiction of the
Florida Supreme Court and order the Second District Court of Appeals to produce
a written opinion with findings of fact and conclusions of law to support the
Second District Court of Appeals purported decision of PER CURIAM, Affirm
which contained no findings of fact or conclusions of law nor any judges
signatures on the purported decision. Failure to do so, is in violation of
Appellants/Purported Defendants' Fifth and Fourteenth Amendments to the
Constitution of Due Process and Equal Protection as well as their First Amendment
Right of access to the courts, and right to petition government for a redress of
grievances. Further, this action is a violation of Florida's Constitution Article 1

Section 2 – Basic Rights; Article 1 Section 9 – Due Process; Article 1 Section 12 Searches and Seizures; **Article 1 Section 21, Access to the Courts,**

I. Basis for Jurisdiction

This petition for mandamus is brought under Florida Constitution Article V, Sec. 4(b)(3), and under Florida Rules of Appellant Procedure 9.030(a)(2)(A)(iv), 9.030(a)(2)(B)(ii) and 9.100(a) and other relevant authorities.

II. The Facts Upon Which Petitioner Relies

1. The reason for Writ of Mandamus is that the Petitioner did not receive a written opinion from the Second District Court of Appeals which shows how the Judges came to the decision of a PER CURIAM, Affirm. With not giving a written opinion shows bias and prejudice for the Petitioners/Appellants and denying them the right to access the courts. This is a violation as guaranteed under the Florida Constitution Article 1 Section 5.
2. The Petitioners/Appellants did not bring this fraudulent action and have the right to petition for redress of a grievance as guaranteed by and without limitations to Florida Constitution Article 1 Section 5; Which states: The people shall have the right peacefully to assemble, to instruct their representatives, and to petition for redress of grievances. Further the Petitioners/Appellants declare and exercise their right as guaranteed

without limitation to the Florida Constitution Article 1 Section 21 wherein it state: Access to courts - The courts shall be open to every person for redress of an injury, and justice shall be administered without sale, denial or delay.

3. Failure to order the Second District Court to show just cause for the PER CURIAM, Affirm decision and to support its decision based on fact and conclusion of law would be a violation of the Petitioners/Appellants' rights to due process and equal protection as guaranteed under the Florida and United States Constitutions.

III. The Nature of the Relief Sought

The Petitioner/Appellants respectfully demand this court issue an order to the Second District Court of Appeals to give a written and signed opinion with findings of fact and conclusions of law to support any decision in this case.

WHEREFORE, the Petitioner/Appellants respectfully demand the Florida Supreme Court order the Second District Court of Appeals File a written and signed opinion with findings of fact and conclusions of law to support the decision made in the Second District Court of Appeals Case No 2D15-1805 and Lower Tribunal Case No. 10-CA-54593 to comply with the Florida Constitution as well as the Florida Rules of Appellant Procedure.

Under penalty of perjury and respectfully submitted

By: Victor Shiriaev
Victor Shiriaev All Rights Reserved Without Prejudice

Mary Swartz
Mary Swartz All Rights Reserved Without Prejudice

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that by signing this below, a true and correct copy of the foregoing Appellants' Affidavit And Petition For Writ Of Mandamus was furnished by hand delivery or USPS 1st Class Mail to: The Florida Supreme Court, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, District Court of Appeals, 2nd District, Clerk of Appeal, P.O. Box 327, Lakeland, Florida 33802; McGuire Woods LLP Ada Agusti Hammond, Gabriel M. Hartsell, Sara F. Holladay-Tobias and Emily Y. Rottmann, 50 N. Laura Street, Suite 3300, Jacksonville, Florida 32202; and Lee County Justice Center, Clerk of the Court, Linda Doggett, 1700 Monroe Street, Fort Myers, Florida 33901 on this 21st day of March 2017.

By: Victor Shiriaev
Victor Shiriaev All Rights Reserved without Prejudice
Mary Swartz
Mary Swartz All Rights Reserved without Prejudice

CERTIFICATE OF COMPLIANCE WITH RULE 9.100(L)

I HEREBY CERTIFY that by signing this below, on this 21st day of March, 2017, I have complied with Florida Rules of Appellant Procedure 9.100(l).

By: Victor Shiriaev
Victor Shiriaev All Rights Reserved without Prejudice
Mary Swartz
Mary Swartz All Rights Reserved without Prejudice

FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

Post Office Box 14106
Tallahassee, FL 32317
(850) 488-1581

COMPLAINT FORM

This form is designed to provide the Commission with information required to make an initial evaluation of your complaint.

PLEASE NOTE: COMPLAINT FORM MUST BE TYPED OR LEGIBLY HAND PRINTED, DATED AND SIGNED BEFORE IT WILL BE CONSIDERED.

(Note: This form can be typed into here, then printed, or print it out and fill it in by hand.)

I. Person Making Complaint

Name Shiriaev Victor
Mr. (Last) (First) (Middle)
Ms.
Mrs.

Address 3619 SE 17th Ave
Cape Coral, FL 33904

Telephone Number(s): (Day) 239-540-0054 (Evening) _____

II. Judge Against Whom Complaint is Made

Name Villanti Craig C
(Last) (First) (Middle)

Address 811 E. Main St.
Lakeland, FL 33801

Supreme Court _____

District Court of Appeal X _____

Circuit Court _____

County Court _____

III. Statement of Facts

Please provide in as much detail as possible the information which you have knowledge which you believe constitutes judicial misconduct or disability. Include names, dates, places, addresses and telephone numbers which may assist the Commission.

On December 28, 2015, an appeal was filed with the Florida Second District Court of Appeals, Case Number 2D15-1805. An unsigned order was received from the Second District Court of Appeals. It stated the ruling was a PER CURIAM, Affirm. (see attached) As one of the names listed as purportedly signing this purported order, whether actually signed by Judge Villanti or not, he is responsible for the actions taken by persons unknown on their behalf at the Second District Court of Appeals using his name. The judges, or person(s) unknown by purported order of Judge Villanti, is blocking the Appellants' access to the courts which is a violation of the Appellants' Fifth and Fourteenth Constitutional Amendment rights to due process and equal protection. These are our rights as Americans and as Floridians which are guaranteed under the United States and Florida Constitutions. This judge purportedly made a decision and gave no opinion which included findings of fact and conclusions of law. The Appellants have clearly exposed fraud that was perpetrated against them and upon the court by Wells Fargo Bank, or their unnamed purported representative and the four attorneys of McGuire Woods LLP, of which none of the four have shown a receipt of retainer, client consent, or proof of payment for services. By failing to give a ruling with findings of fact and conclusions of law, it appears to me that Judge Villanti is condoning fraud upon the court as well as aiding the unnamed representative of Wells Fargo Bank and the four (4) attorneys of McGuire Woods LLP in committing such fraud. Judges must avoid even the appearance of impropriety pursuant to the Judicial Canons, and oath of office. Judge Villanti has also violated and perjured his oath of the Florida Constitution Article VI Section 3 by failing to uphold both the United State and Florida Constitution. Since Judge Villanti has turned a blind eye

Complaint Judge Villanti

Continued from Page 2

to the fraudulent filings, he has perjured his oath to uphold the Constitution and must now be held accountable and liable for this fraudulent action and is now a party to the fraud, and needs to be investigated and removed from the bench. Judge Villanti is engaged in covering up the attempt to steal the Appellants' property.

Judge Villanti has failed to show who his liability insurance carrier is as well as their Errors and Omissions insurer. The failure to address the fraudulent actions of the judges will put the court in a position of being liable for this fraudulent claim of \$554,677.08 upon the court and any damages the Appellants may incur, as a result, and thereby Appellants' need to know who the liability insurer is and who to send the bill to for failure to address the violations of Appellants' Fifth and Fourteenth Constitutional Amendments.

By: Victor Shiriaev
Victor Shiriaev All Rights Reserved Without Prejudice

Date: March 21, 2017

cc: Florida Attorney General

IV. Additional Information (if available)

a. If your complaint arises out of a court case, please answer the following questions:

1. What is the name and number of the case?

Case name: WellsFargo v Shiriaev/Swartz Case No. 2D15-1805/LT10-ca-54593

2. What kind of case is it?

civil criminal domestic relations probate

small claims traffic other (specify)

3. What is your relationship to the case?

plaintiff/petitioner defendant/respondent

attorney for _____:

witness for _____:

other (specify)

b. If you were represented by an attorney in this matter at the time of the judge's conduct, please identify the attorney:

Name _____

Address _____

Phone _____

c. List and attach copies of any relevant documents which you believe support your claim that the judge has engaged in judicial misconduct or has a disability. (Note: Retain a copy for your records as these documents shall become the property of the Commission and may not be returned.)

See attached

d. Identify, if you can, any other witnesses to the conduct about which you complain:

Name(s): n/a

Addresses: _____

Phone Numbers: _____

IN FILING THIS COMPLAINT, I UNDERSTAND THE COMMISSION'S RULES PROVIDE THAT ALL PROCEEDINGS OF THE COMMISSION, INCLUDING COMPLAINTS FILED WITH THE COMMISSION, SHALL BE KEPT CONFIDENTIAL PRIOR TO THE FILING OF FORMAL CHARGES. I FURTHER UNDERSTAND THAT THIS RULE OF CONFIDENTIALITY ATTACHES AND BECOMES EFFECTIVE UPON THE FILING OF THIS COMPLAINT AND THAT ANY VIOLATION COULD RESULT IN A CITATION FOR CONTEMPT BY THE COMMISSION.

- V. Under penalty of perjury, I declare that I have examined and understand this complaint form and to the best of my knowledge and belief, the above information is true, correct and complete and submitted of my own free will.

03/21/2017

(Date)

Victor Shiver

(Complainant's Signature)

(Note: Only signed complaints will be considered.)

Please note that the Commission only has authority to investigate allegations of judicial misconduct or permanent disability by persons holding state judicial positions. The Commission has no jurisdiction over and does not consider complaints against Federal Judges, magistrates, lawyers, police, court personnel, or State Attorneys. The Commission does not act as an appellate court and cannot review, reverse or modify a legal decision made by a judge in the course of a court proceeding. For example, the Commission does not investigate claims that a judge wrongfully excluded evidence; imposed an improper sentence, awarded custody to the wrong party; incorrectly awarded alimony or child support; incorrectly resolved a legal issue or believed perjured testimony.

Please return this form and direct all future communications to:

Florida Judicial Qualifications Commission
Post Office Box 14106
Tallahassee, FL 32317

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

VICTOR SHIRIAEV & MARY SWARTZ,)
)
 Appellant,)
)
 v.)
)
 WELLS FARGO BANK, N.A.,)
)
 Appellee.)
 _____)

Case No. 2D15-1805

Opinion filed November 23, 2016.

Appeal from the Circuit Court for Lee
County; Thomas S. Reese and Alane C.
Laboda, Judges.

Victor Shiriaev and Mary E. Swartz,
pro se.

Sara F. Holladay-Tobias and Emily
Rottmann, of McGuire Woods LLP,
Jacksonville, for Appellee.

PER CURIAM.

Affirmed.

VILLANTI, C.J., CASANUEVA, and BADALAMENTI, JJ., Concur.

FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

Post Office Box 14106
Tallahassee, FL 32317
(850) 488-1581

COMPLAINT FORM

This form is designed to provide the Commission with information required to make an initial evaluation of your complaint.

PLEASE NOTE: COMPLAINT FORM MUST BE TYPED OR LEGIBLY HAND PRINTED, DATED AND SIGNED BEFORE IT WILL BE CONSIDERED.

(Note: This form can be typed into here, then printed, or print it out and fill it in by hand.)

I. Person Making Complaint

Name Shiriaev Victor
Mr. (Last) (First) (Middle)
Ms.
Mrs.

Address 3619 SE 17th Ave
Cape Coral, FL 33904

Telephone Number(s): (Day) 239-540-0054 (Evening) _____

II. Judge Against Whom Complaint is Made

Name Casanueva Darryl C
(Last) (First) (Middle)

Address 811 E. Main St.
Lakeland, FL 33801

Supreme Court _____
District Court of Appeal X _____
Circuit Court _____
County Court _____

III. Statement of Facts

Please provide in as much detail as possible the information which you have knowledge which you believe constitutes judicial misconduct or disability. Include names, dates, places, addresses and telephone numbers which may assist the Commission.

On December 28, 2015, an appeal was filed with the Florida Second District Court of Appeals, Case Number 2D15-1805. An unsigned order was received from the Second District Court of Appeals. It stated the ruling was a PER CURIAM, Affirm. (see attached) As one of the names listed as purportedly signing this purported order, whether actually signed by Judge Casanueva or not he is responsible for the actions taken by persons unknown on their behalf at the Second District Court of Appeals using his name. The judges, or person(s) unknown by purported order of Judge Casanueva, is blocking the Appellants' access to the courts which is a violation of the Appellants' Fifth and Fourteenth Constitutional Amendment rights to due process and equal protection. These are our rights as Americans and as Floridians which are guaranteed under the United State and Florida Constitutions. This judge purportedly made a decision and gave no opinion which included any findings of fact and conclusions of law. The Appellants have clearly exposed fraud that was perpetrated against them and upon the court by Wells Fargo Bank, or their unnamed purported representative and the four attorneys of McGuire Woods LLP, of which none of the four have shown a receipt of retainer, client consent, or proof of payment for services. By failing to give a ruling with findings of fact and conclusions of law, it appears to me that Judge Casanueva is condoning fraud upon the court as well as aiding the unnamed representative of Wells Fargo Bank and the four (4) attorneys of McGuire Woods LLP in committing such fraud. Judges must avoid even the appearance of impropriety pursuant to the Judicial Canons, and oath of office. Judge Casanueva also violated and perjured his oath of the Florida Constitution Article VI Section 3 by failing to uphold both the United State and Florida Constitution. Since Judge

Complaint Judge Casanueva

Continued from Page 2

Casanueva has turned a blind eye to the fraudulent filings, he has perjured his oath to uphold the Constitution and must now be held accountable and liable for this fraudulent action and is now a party to the fraud, and needs to be investigated and removed from the bench. Judge Casanueva is engaged in covering up the attempt to steal the Appellants' property.

Judge Casaneuva has failed to show who his liability insurance carrier is as well as their Errors and Omissions insurer. The failure to address the fraudulent actions of the judges will put the court in a position of being liable for this fraudulent claim of \$554,677.08 upon the court and any damages the Appellants may incur, as a result, and thereby Appellants need to know who the liability insurer is and who to send the bill to for failure to address the violations of Appellants' Fifth and Fourteenth Constitutional Amendments.

By: Victor Shiriaev

Victor Shiriaev All Rights Reserved Without Prejudice

Date: March 21, 2017

cc: Florida Attorney General

IV. Additional Information (if available)

a. If your complaint arises out of a court case, please answer the following questions:

1. What is the name and number of the case?

Case name: Wells Fargo Bank v Shiriaev Case No. 2D15-1805/LT10-ca-54593

2. What kind of case is it?

civil criminal domestic relations probate

small claims traffic other (specify)

3. What is your relationship to the case?

plaintiff/petitioner defendant/respondent

attorney for _____: _____

witness for _____: _____

other (specify)

b. If you were represented by an attorney in this matter at the time of the judge's conduct, please identify the attorney:

Name _____

Address _____

Phone _____

c. List and attach copies of any relevant documents which you believe support your claim that the judge has engaged in judicial misconduct or has a disability. (Note: Retain a copy for your records as these documents shall become the property of the Commission and may not be returned.)

See attached

d. Identify, if you can, any other witnesses to the conduct about which you complain:

Name(s): n/a

Addresses: _____

Phone Numbers: _____

IN FILING THIS COMPLAINT, I UNDERSTAND THE COMMISSION'S RULES PROVIDE THAT ALL PROCEEDINGS OF THE COMMISSION, INCLUDING COMPLAINTS FILED WITH THE COMMISSION, SHALL BE KEPT CONFIDENTIAL PRIOR TO THE FILING OF FORMAL CHARGES. I FURTHER UNDERSTAND THAT THIS RULE OF CONFIDENTIALITY ATTACHES AND BECOMES EFFECTIVE UPON THE FILING OF THIS COMPLAINT AND THAT ANY VIOLATION COULD RESULT IN A CITATION FOR CONTEMPT BY THE COMMISSION.

V. Under penalty of perjury, I declare that I have examined and understand this complaint form and to the best of my knowledge and belief, the above information is true, correct and complete and submitted of my own free will.

03/21/2017

(Date)

Vicki Strasser

(Complainant's Signature)

(Note: Only signed complaints will be considered.)

Please note that the Commission only has authority to investigate allegations of judicial misconduct or permanent disability by persons holding state judicial positions. The Commission has no jurisdiction over and does not consider complaints against Federal Judges, magistrates, lawyers, police, court personnel, or State Attorneys. The Commission does not act as an appellate court and cannot review, reverse or modify a legal decision made by a judge in the course of a court proceeding. For example, the Commission does not investigate claims that a judge wrongfully excluded evidence; imposed an improper sentence, awarded custody to the wrong party; incorrectly awarded alimony or child support; incorrectly resolved a legal issue or believed perjured testimony.

Please return this form and direct all future communications to:

Florida Judicial Qualifications Commission
Post Office Box 14106
Tallahassee, FL 32317

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

VICTOR SHIRIAEV & MARY SWARTZ,)
)
 Appellant,)
)
 v.)
)
 WELLS FARGO BANK, N.A.,)
)
 Appellee.)
 _____)

Case No. 2D15-1805

Opinion filed November 23, 2016.

Appeal from the Circuit Court for Lee
County; Thomas S. Reese and Alane C.
Laboda, Judges.

Victor Shiriaev and Mary E. Swartz,
pro se.

Sara F. Holladay-Tobias and Emily
Rottmann, of McGuire Woods LLP,
Jacksonville, for Appellee.

PER CURIAM.

Affirmed.

VILLANTI, C.J., CASANUEVA, and BADALAMENTI, JJ., Concur.

FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

Post Office Box 14106
Tallahassee, FL 32317
(850) 488-1581

COMPLAINT FORM

This form is designed to provide the Commission with information required to make an initial evaluation of your complaint.

PLEASE NOTE: COMPLAINT FORM MUST BE TYPED OR LEGIBLY HAND PRINTED, DATED AND SIGNED BEFORE IT WILL BE CONSIDERED.

(Note: This form can be typed into here, then printed, or print it out and fill it in by hand.)

I. Person Making Complaint

Name Shiriaev Victor
Mr. (Last) (First) (Middle)
Ms.
Mrs.

Address 3619 SE 17th Ave
Cape Coral, FL 33904

Telephone Number(s): (Day) 239-540-0054 (Evening) _____

II. Judge Against Whom Complaint is Made

Name Badalamenti John L
(Last) (First) (Middle)

Address 811 E. Main St.
Lakeland, FL 33801

Supreme Court _____

District Court of Appeal X _____

Circuit Court _____

County Court _____

III. Statement of Facts

Please provide in as much detail as possible the information which you have knowledge which you believe constitutes judicial misconduct or disability. Include names, dates, places, addresses and telephone numbers which may assist the Commission.

On December 28, 2015, an appeal was filed with the Florida Second District Court of Appeals, Case Number 2D15-1805. An unsigned order was received from the Second District Court of Appeals. It stated the ruling was a PER CURIAM, Affirm. (see attached) As one of the names listed as purportedly signing this purported order, whether actually signed by Judge Badalament or not he is responsible for the actions taken by persons unknown on their behalf at the Second District Court of Appeals using his name. The judges, or person(s) unknown by purported order of Judge Badalamenti, is blocking the Appellants' access to the courts which is a violation of the Appellants' Fifth and Fourteenth Constitutional Amendment rights to due process and equal protection. These are our rights as Americans and as Floridians which are guaranteed under the United State and Florida Constitutions. This judge purportedly made a decision and gave no opinion which included any findings of fact and conclusions of law. The Appellants have clearly exposed fraud that was perpetrated against them and upon the court by Wells Fargo Bank, or their unnamed purported representative and the four attorneys of McGuire Woods LLP, of which none of the four have shown a receipt of retainer, client consent, or proof of payment for services. By failing to give a ruling with findings of fact and conclusions of law, it appears to me that Judge Badalamenti is condoning fraud upon the court as well as aiding the unnamed representative of Wells Fargo Bank and the four (4) attorneys of McGuire Woods LLP in committing such fraud. Judges must avoid even the appearance of impropriety pursuant to the Judicial Canons, and oath of office. Judge Badalamenti also violated and perjured his oath of the Florida Constitution Article VI Section 3 by failing to uphold both the United State and Florida Constitution. Since Judge

Complaint Judge Badalamenti

Continued from Page 2

Badalamenti has turned a blind eye to the fraudulent filings, he has perjured his oath to uphold the Constitution and must now be held accountable and liable for this fraudulent action and is now a party to the fraud, and needs to be investigated and removed from the bench. Judge Badalamenti is engaged in covering up the attempt to steal the Appellants' property.

Judge Badalamenti has failed to show who his liability insurance carrier is as well as their Errors and Omissions insurer. The failure to address the fraudulent actions of the judges will put the court in a position of being liable for this fraudulent claim of \$554,677.08 upon the court and any damages the Appellants may incur, as a result, and thereby Appellants need to know who the liability insurer is and who to send the bill to for failure to address the violations of Appellants' Fifth and Fourteenth Constitutional Amendments.

By: Victor Shiriaev

Victor Shiriaev All Rights Reserved Without Prejudice

Date: March 21, 2017

cc: Florida Attorney General

IV. Additional Information (if available)

a. If your complaint arises out of a court case, please answer the following questions:

1. What is the name and number of the case?

Case name: Wells Fargo Bank v Shiriaev Case No. 2D15-1805/LT10-ca-54593

2. What kind of case is it?

civil criminal domestic relations probate

small claims traffic other (specify)

3. What is your relationship to the case?

plaintiff/petitioner defendant/respondent

attorney for _____: _____

witness for _____: _____

other (specify)

b. If you were represented by an attorney in this matter at the time of the judge's conduct, please identify the attorney:

Name _____

Address _____

Phone _____

c. List and attach copies of any relevant documents which you believe support your claim that the judge has engaged in judicial misconduct or has a disability. (Note: Retain a copy for your records as these documents shall become the property of the Commission and may not be returned.)

See attached

d. Identify, if you can, any other witnesses to the conduct about which you complain:

Name(s): n/a

Addresses: _____

Phone Numbers: _____

IN FILING THIS COMPLAINT, I UNDERSTAND THE COMMISSION'S RULES PROVIDE THAT ALL PROCEEDINGS OF THE COMMISSION, INCLUDING COMPLAINTS FILED WITH THE COMMISSION, SHALL BE KEPT CONFIDENTIAL PRIOR TO THE FILING OF FORMAL CHARGES. I FURTHER UNDERSTAND THAT THIS RULE OF CONFIDENTIALITY ATTACHES AND BECOMES EFFECTIVE UPON THE FILING OF THIS COMPLAINT AND THAT ANY VIOLATION COULD RESULT IN A CITATION FOR CONTEMPT BY THE COMMISSION.

- V. Under penalty of perjury, I declare that I have examined and understand this complaint form and to the best of my knowledge and belief, the above information is true, correct and complete and submitted of my own free will.

03/21/2017

(Date)

Viola Sherwin

(Complainant's Signature)

(Note: Only signed complaints will be considered.)

Please note that the Commission only has authority to investigate allegations of judicial misconduct or permanent disability by persons holding state judicial positions. The Commission has no jurisdiction over and does not consider complaints against Federal Judges, magistrates, lawyers, police, court personnel, or State Attorneys. The Commission does not act as an appellate court and cannot review, reverse or modify a legal decision made by a judge in the course of a court proceeding. For example, the Commission does not investigate claims that a judge wrongfully excluded evidence; imposed an improper sentence, awarded custody to the wrong party; incorrectly awarded alimony or child support; incorrectly resolved a legal issue or believed perjured testimony.

Please return this form and direct all future communications to:

Florida Judicial Qualifications Commission
Post Office Box 14106
Tallahassee, FL 32317

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

VICTOR SHIRIAEV & MARY SWARTZ,)
)
 Appellant,)
)
 v.)
)
 WELLS FARGO BANK, N.A.,)
)
 Appellee.)
 _____)

Case No. 2D15-1805

Opinion filed November 23, 2016.

Appeal from the Circuit Court for Lee
County; Thomas S. Reese and Alane C.
Laboda, Judges.

Victor Shiriaev and Mary E. Swartz,
pro se.

Sara F. Holladay-Tobias and Emily
Rottmann, of McGuire Woods LLP,
Jacksonville, for Appellee.

PER CURIAM.

Affirmed.

VILLANTI, C.J., CASANUEVA, and BADALAMENTI, JJ., Concur.



UNITED STATES
POSTAL SERVICE®

Click-N-Ship®

E

usps.com 9481 7036 9930 0027 9525 38 0248 0000 0933 2399
\$24.80

US POSTAGE



03/21/2017 0 lb 9 oz Mailed from 33904 062S0000000312

PRIORITY MAIL EXPRESS 1-DAY™

MARY E SWARTZ
3619 SE 17TH AVE
CAPE CORAL FL 33904-5067

Scheduled Delivery Date: 03/22/17

0007

C001

SIGNATURE REQUIRED

SCHEDULED DELIVERY 3:00 PM

SHIP
TO:

THE FLORIDA SUPREME COURT
500 S DUVAL ST
TALLAHASSEE FL 32399-1927

USPS SIGNATURE TRACKING #



9481 7036 9930 0027 9525 38

CLEARED

MAR 22 2017

Florida Supreme Court