

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE
THE HONORABLE VEGINA T. HAWKINS
JQC No. 2019-351

SC19-1193

_____/

**ERWIN ROSENBERG'S MOTION TO THE SUPREME COURT OF FLORIDA
FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF RESPONDENT**

On July 19, 2019 this Court accepted the JQC's recommendation and suspended Respondent. On January 17, 2020 I moved for leave to file an amicus brief. On January 21, 2020 the FJQC Chair, the Honorable Kevin Emas, denied the motion. On January 21, 2020 I moved for a full hearing panel review. On January 24, 2020 the full panel (with the Honorable Jonathan D. Gerber abstaining) affirmed judge Emas' decision. Since this Court has already actively involved itself in this case by suspending Respondent, albeit pending disposition of this proceeding, this Court should consider whether retaining the suspension is appropriate. My proposed amicus brief, as is evident from my motion for leave to file an amicus and my motion for a full hearing panel review show, speaks to that issue. Furthermore, by having issued a suspension against Respondent this Court caused the public to stop accepting Respondent's judicial services which arguably caused the JQC, its members and The Florida Bar to be liable under federal antitrust law. See Cantor v. Detroit Edison Co., 428 US 579, 602-603 (1976)("Moreover, nothing in the *Noerr* opinion implies that the mere fact that a state regulatory agency may approve a proposal included in a tariff, and thereby require that the proposal be implemented until a revised tariff is filed and approved, is a sufficient reason for conferring antitrust immunity on the proposed conduct."). The seriousness of liability for a suspension is also found in

RECEIVED, 01/25/2020 09:32:29 PM, Clerk, Supreme Court

the fact that the statute of limitations does not end a suit for damages that arose from the suspension that were unrecoverable as future damages because their accrual was speculative or the amount and nature unprovable. See Zenith Radio v. Hazeltine Research, Inc., 401 US 321, 339-340 (1971). Wherefore I move the Supreme Court of Florida for leave to file an amicus brief in support of Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2020 I served via Portal Filing a copy hereof on all persons registered to receive filings in this case.

Respectfully,

/s./ Erwin Rosenberg
Erwin Rosenberg
1000 Island Blvd. #2305
Aventura, Florida 33160
786-299-2789
erwinrosenberg@gmail.com
erwinrosenberg@icloud.com