

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

CASE NO.: SC20-1602

vs.

The Florida Bar File Nos.
2019-70,188 (11H)
2019-70,358 (11H)
2020-70,056 (11H)

BRUCE JACOBS,

Respondent.

AFFIDAVIT OF ELIZABETH CABRERA

I, Elizabeth Cabrera, do hereby swear and affirm under penalties of perjury that:

1. I am the senior paralegal for Bruce Jacobs, Esq. and Jacobs Legal, PLLC responsible for preparing appendixes and pleadings to file at the Florida Supreme Court.

2. On September 19, 2022 I filed 5 separate appendixes to the Corrected Reply/Answer Brief of Respondent, Mr. Jacobs, in this case. The appendixes were not amended appendixes but first appendixes filed in support of the Corrected Reply/Answer Brief.

3. On September 20, 2022, this Court entered an order striking the appendixes and granting 3 days, until September 23, 2022, to file amended appendixes.

4. On September 20, 2022, I prepared the amended appendixes pursuant to the Order. As I have not had extensive experience filing pleadings and appendixes with the Court, on September 21, 2022, I contacted Don Johnston from Board Certified Appellate Attorney Roy Wasson's office to confirm I had made the necessary corrections to file the amended appendixes.

5. On September 21, 2022 at approximately 3:08pm I filed the amended appendixes on the Florida E-filing Portal. Immediately after filing the amended appendix, I sent a text message to my office group chat advising: "Just filed the amended appendixes 🙏🙏🙏."

RECEIVED, 10/03/2022 12:14:21 PM, Clerk, Supreme Court

6. On September 27, 2022, Mr. Jacobs showed me The Florida Bar's response stating that Amended Appendix was never re-filed. I reviewed my emails and noticed a noreply email from the efilng portal dated September 19, 2022 that reflected the Document type filed was "Amended Appendix" which is not what was filed on September 19, 2022. There is no explanation for why the document type reads Amended Appendix.

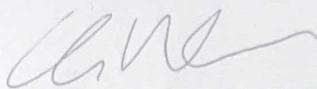
7. As best I can recall, on September 21, 2022, I refiled the amended appendixes, selected the same filing number from September 19, 2022, and uploaded the amended appendix to that filing. I had believed in good faith the amended appendixes were accepted and informed Mr. Jacobs and my office that the amended appendixes were properly filed two days early.

8. On September 28, 2022, our office reached out to Florida Efilng Portal Clerk for the Supreme Court and were advised that they did not see a filing from September 21, 2022.

9. On September 28, 2022, that same day, I refiled the corrected Amended Appendixes under a new filing number. Our office contacted the clerk once again and were advised that the appendixes needed to be one document.

10. On September 28, 2022, I prepared a second amended appendix, confirmed it complied with Fla. R. App. P. Rule 9.220, and ensured the second amended appendix was properly filed on the portal. Finally, on September 30, 2022, I realized I filed the second amended appendix in the wrong case and refiled it in this case.

11. I respectfully submit my unfamiliarity with the intricacies of filing pleadings such as appendixes to briefs in this Court should not prevent Mr. Jacobs from having his appeal heard on the merits. I can represent to the Court I have taken efforts to seek the advice of more experience paralegals from offices that have more experienced appellate counsel to avoid these filing errors in the future. I am doing my best and ask the Court forgive Mr. Jacobs for any error.



Elizabeth Cabrera

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, personally appeared Elizabeth Cabrera who, being first duly sworn, on oath deposes and says the facts in this affidavit are true and correct.

SWORN TO AND
SUBSCRIBED before me this 30
day of September, 2022.



NOTARY PUBLIC



BRUCE JACOBS
Commission # GG 241103
Expires November 22, 2022
Bonded Thru Budget Notary Services