

**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.

**MOTION TO DEEM RESPONDENT'S SECOND AMENDED APPENDIX  
TO THE CORRECTED REPLY/ANSWER BRIEF TIMELY FILED**

Respondent, Bruce Jacobs, Esq. ("Jacobs"), respectfully requests this Court deem his Second Amended Appendix to the Corrected Reply/Answer Brief Timely Filed and states:

1. On September 27, 2022, The Florida Bar filed its Reply Brief on Cross Review that essentially asked this Court to ignore the factual and legal basis showing this prosecution violates precedent of the Third DCA, this Court, the U.S. Supreme Court, and Jacobs' constitutional rights.
2. The opening paragraph on page 1 of the Reply Brief on Cross-Review noted the Court struck Jacobs' appendix and that "Mr. Jacobs did not refile the appendix within the additional time provided by this Court."

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3. Jacobs immediately contacted his senior paralegal, Elizabeth Cabrera, who he believed had filed the amended appendix pursuant to the Court's order the afternoon of September 21, 2022.

4. Ms. Cabrera swears she filed the amended appendix and even sent a text message to the entire office confirming "Just filed the amended appendixes " at approximately 3:08pm on September 21, 2022. See affidavit of Elizabeth Cabrera attached as Exhibit A.

5. Ms. Cabrera used an emoji expressing the stress she felt in getting this amended appendix filed two days before the deadline imposed by the Court. She understood the importance of this appendix to her boss' fight to keep his bar license.

6. Ms. Cabrera swears she even spoke with a senior paralegal from a board certified appellate lawyer's office to ensure she filed the amended appendix correctly. At all times, Mr. Jacobs and Ms. Cabrera believed they timely complied with the court's order - two days early.

7. Jacobs does not contest that the filing does not appear in the record. His paralegals confirmed with the clerk of court that the filing was not timely according to their records. As soon as this became clear, Ms. Cabrera made every effort to properly file the amended appendix.

8. After several attempts, Ms. Cabrera did file the amended appendix in compliance with the rules of procedure and this Court's order. It is not an excuse, but it is a reality, that Jacobs Legal does not routinely litigate in this Court. It did its best to timely comply.

9. Respectfully, this Court should decide this appeal on the merits and not apply the rules so strictly to reach a result that puts form over substance. Mr. Jacobs should not lose his license to practice law when the appendix sets forth an objective basis in fact for his statements exposing valid problems within the judicial system ... and assisting to publicize problems that legitimately deserve attention." *The Fla. Bar v. Ray*, 797 So. 2d 556, 560 (Fla. 2001).

10. The Florida Bar asks this Court to ignore the appendix which sets establishes these constitutional issues and dismiss all Jacobs' arguments claiming it was improper to file an 13,000 word Answer Brief raising arguments to refute the Bar's demand for a 2 year suspension, and also a 4,000 word reply brief to refute the Bar's argument that Florida law allows the fraudulent foreclosures at issue.

WHEREFORE, Respondent respectfully submits this Court should decide his appeal on the merits, deem the appendix timely filed, and grant any further relief deemed mete and just.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing was filed with the Florida Courts e-filing Portal, and served on all those on the Service List, either via Notices of Electronic Filing generated by the e-Portal system or another authorized manner on October 3, 2022.

Respectfully submitted,  
**Jacobs Legal, PLLC**  
Alfred I. DuPont Building  
169 East Flagler Street, Suite 1620  
Miami, Florida 33131  
Tel (305) 358-7991  
Fax (305) 358-7992  
**Service email: [efile@jakelegal.com](mailto:efile@jakelegal.com)**

By: /s/Bruce Jacobs  
Bruce Jacobs  
Florida Bar No. 116203

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**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 🙏🙏🙏."

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.

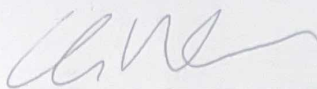
7. As best I can recall, on September 21, 2022, I refiled the amended appendixes, selected the same filing number from September 19, 2022, and uploaded the amended appendix to that filing. I had believed in good faith the amended appendixes were accepted and informed Mr. Jacobs and my office that the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