

Supreme Court of Florida

CASE NO.: SC20-985

HONORABLE GERALDINE F. THOMPSON,  
in her Official Capacity as a  
Representative for District 44  
in the Florida House of  
Representatives, and as an  
Individual,  
Petitioner,

vs.

HONORABLE RON DESANTIS, in his  
Official Capacity of Governor  
of Florida, and DANIEL E. NORDBY,  
in his Official Capacity as Chair  
of the Florida Supreme Court  
Nominating Commission,  
Respondents.

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**ERWIN ROSENBERG'S MOTION FOR LEAVE TO FILE AMICUS BRIEF IN  
SUPPORT OF RESPONDENTS**

This Court allows amicus curiae via Florida Rule of Appellate Procedure 9.370. I want to seek leave to appear as amici curiae in support of Respondents.

I have a Bachelors Degree from Florida International University in Economics, a J.D. from New England School of Law and an LL.M. in International Banking Law from Boston University School of Law. I am registered as an active New York lawyer and retired Massachusetts lawyer. I was for many years a member in good standing of The Florida Bar. I am seeking to vacate the disciplinary orders I received from this Court, via

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filings in Case No. SC17-1108. I would like to file an amicus curiae brief in support of Respondents by mentioning that other than Justice Curiel, all the current Justices should recuse themselves because they received a bible from The Florida Bar at their investitures which pursuant to the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution makes them objectively biased to strictly enforce Article V, Section 8 of the Florida Constitution ("No person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless the person is, and has been for the preceding ten years, a member of the bar of Florida."). Furthermore, I would like to explain why the 10-year Florida Bar requirement is unenforceable pursuant to the U.S. Constitution's Supremacy Clause as violative of federal antitrust law. See page 25 of USDOJ and FTC Amicus Brief in *Leeds v. Jackson*, Eleventh Cir. Court of Appeal, Case No. 19-11502

For this reason, *Rosenberg v. State of Florida*, 2015 WL 13653967 (S.D. Fla. Oct. 14, 2015), does not help the Board members (see Br. 14-15). That decision's description of the Florida Bar as an "arm of the state" by virtue of Florida Supreme Court rules (i.e., state law) does not overcome *Dental Examiners'* directive that whether the *Midcal* requirements apply does not "turn[] ... on the formal designation given by States to regulators." 135 S. Ct. at 1114.

[https://www.ftc.gov/system/files/documents/amicus\\_briefs/d-blaine-leeds-smiledirectclub-llc-v-jackson-et-al/leeds-v-jackson\\_ca11\\_ftc\\_amicus\\_brief\\_9-11-19.pdf](https://www.ftc.gov/system/files/documents/amicus_briefs/d-blaine-leeds-smiledirectclub-llc-v-jackson-et-al/leeds-v-jackson_ca11_ftc_amicus_brief_9-11-19.pdf)

Movant's interest is in residing in a more fair society. Wherefore I move to file an Amicus Brief in support of Respondents.

The parties have not responded to my email asking whether they consent to the filing of my amicus brief.

CERTIFICATE OF SERVICE

I hereby certify that on this July 17, 2020 I served by Portal Filing a copy hereof on all

parties.

Respectfully,

/s./ Erwin Rosenberg  
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