

In the matter of Marcio Sousa Sales vs. Antonio de Andrade

PLAINTIFF’S OBJECTION TO DEFENDANT’S MOTION FOR EXTENSION OF TIME AND
MOTION TO STRIKE PREJUDICIAL ASSERTIONS
**IN THE CIRCUIT OF THE 15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUTY, FLORIDA
(DIVISION: AG)**

MARCIO SOUSA SALES,

Plaintiff,

CASE NO: 2025CA005676

vs.

ANTONIO DE ANDRADE,

Defendant,

_____/

**PLAINTIFF’S OBJECTION TO DEFENDANT’S
MOTION FOR EXTENSION OF TIME AND MOTION TO
STRIKE PREJUDICIAL ASSERTIONS**

COMES NOW, the Plaintiff, Marcio Sousa Sales, pro se, and respectfully submits this Objection to Defendant’s Motion for Extension of Time filed on July 1, 2025. The plaintiff simultaneously moves to strike several prejudicial, improper, and legally unsubstantiated assertions embedded in what should have been a purely

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procedural motion. This objection is submitted in the interest of justice and to preserve the integrity of due process and fundamental fairness under both Florida

Civil Procedure and applicable constitutional safeguards, and to apprise this Honorable Court of a concerning pattern of conduct by Defendant Antonio De Andrade that has systematically violated Plaintiff's rights.

**I. THE DEFENSE MOTION VIOLATES THE PURPOSE OF
RULE 1.090 EXTENSION AND CONSTITUTES
SCANDALOUS MATTER**

Under Fla. R. Civ. P. 1.090(b), a motion for extension of time is a ministerial and procedural filing, intended solely to permit counsel additional time to prepare. It is not intended to opine upon the merits, nor to impute pejorative, conclusory, or defamatory characterizations of the opposing party's claims to the Court or the record. Yet, defense counsel's motion transcends this purpose and contains the following improper assertions:

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“Plaintiff’s over 110-page complaint seems to allege points that have already been determined in another related case or simply have no merit... [and] seems to invent new ones...”

This language constitutes *scandalous* matter under Fla. R. Civ. P. 1.150(a) and is a textbook violation of Florida’s professional and procedural norms. Such remarks must be stricken. Allowing such assertions to remain on the record would unfairly prejudice the Plaintiff by tainting the Court’s perception of the merits before any substantive pleading has been filed. See, *Fidelity & Casualty Co. v. Tiedtke*, 207 So.2d 40 (Fla. 4th DCA 1968); *Swan v. Florida Farm Bureau Ins. Co.*, 404 So.2d 802 (Fla. 5th DCA 1981); *Morrison v. State*, 818 So.2d 432 (Fla. 2002). *In re Amendments to Fla. Rules of Civil Procedure*, 682 So.2d 105 (Fla. 1996).

These statements constitute a premature and improper dispositive argument “masquerading” under the guise of a time extension, demonstrating a disregard for the proper order of litigation.

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II. THE MOTION IS SELF-CONTRADICTIONARY AND VIOLATES DUE PROCESS

The Defendant simultaneously:

Requests time “to understand” the complaint, and

Asserts that the complaint is frivolous or “confuses legal causes of action.”

This contradiction is not harmless—it reveals a strategic misuse of procedure designed to prejudice the Plaintiff and influence the Court’s view of the case before any responsive pleading is entered. This conduct violates the doctrine of procedural neutrality and borders on bad faith, as outlined in: **Pino v. Bank of New York, 121 So.3d 23 (Fla. 2013); Mercer v. Raine, 443 So.2d 944 (Fla. 1983).**

By asserting unsubstantiated legal conclusions in a ministerial motion, Defendant's counsel violates **Fla. R. Civ. P. 1.110**, which demands that all filings be well-grounded in fact and warranted by existing law. Such conduct is repugnant to fair advocacy and encroaches upon due process, as defined in Black’s Law Dictionary: **“A fundamental, constitutional guarantee that all legal proceedings will be fair and that one will be given notice and an opportunity to be heard.”**

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It is a fundamental principle of civil procedure that a complaint, when properly filed, is presumed to be truthful for the purpose of initiating litigation, and the burden then shifts to the defendant to respond and present their defense on the merits. The Court's role is to review the complaint for its sufficiency and the defendant's subsequent answer or motion to dismiss, not to entertain premature and unsubstantiated attacks on the merits within a procedural request for an extension of time. The Defendant's current motion attempts to circumvent this foundational aspect of due process and fair litigation. *Conley v. Gibson, 355 U.S. 41 (1957) (establishing the "notice pleading" standard, where a complaint is sufficient if it gives the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests, and generally, factual allegations are taken as true at the motion to dismiss stage).*

Fla. R. Civ. P. 1.140(b) (outlining defenses that may be presented by motion, which typically require taking the allegations of the complaint as true for the purpose of the motion). *Neve v. Neve, 40 So. 3d 4 (Fla. 2d DCA 2010) (reiterating that in considering a motion to dismiss, all well-pleaded allegations of the complaint must be accepted as true).*

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**III. DEFENDANTS' PATTERN OF PROCEDURAL
ABUSE AND CONSTITUTIONAL VIOLATIONS**

Plaintiffs seek not leniency, but a level playing field. This motion is part of a longstanding pattern of procedural abuse. The original lawsuit (Case No. 50-2023-SC-011007) involved: A wrongful filing against Plaintiff individually, instead of the LLC that operated the business.

Defendant failed to serve the registered agent of the LLC, violating Fla. Stat. § 48.062.

Defendant knowingly remained silent while Plaintiff's son—a member of the LLC—participated in hearings.

A judgment was wrongly entered against Plaintiff, and Plaintiff was forced to file a financial disclosure for a debt he did not incur. See, *Sierra Holdings, LLC v. Credit Suisse AG*, 239 So. 3d 102 (Fla. 3d DCA 2017); *Dade County v. Pena*, 664 So.2d 959 (Fla. 1995); *Richardson v. State*, 246 So.3d 1300 (Fla. 2018); *Salazar v. State*, 991 So.2d 364 (Fla. 2008).

In that prior case, attorneys Brandon Gibson filed documents without proper notice of appearance, violating Fla. R. Jud. Admin. 2.505(e). Plaintiff has filed four complaints with the Florida Bar concerning this conduct. *The Florida Bar v. Scott*, 773 So. 2d 1126 (Fla. 2000).

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**IV. THE COURT MUST STRIKE IMPROPER MATERIAL AND
CAUTION COUNSEL**

Plaintiff does not seek retaliation—but requests that this Court:

Strike Paragraphs 1–3 of Defendant’s Motion under Fla. R. Civ. P. 1.150(a).

Issue a judicial admonition to defense counsel for making prejudicial comments in procedural motions.

Reaffirm the rights of pro se litigants to equal protection and procedural fairness under Florida and federal law. *Kohn v. City of Miami Beach*, 611 So.2d 538 (Fla. 3d DCA 1992); *Public Defender v. State*, 12 So.3d 798 (Fla. 2009); *Moakley v. Smallwood*, 826 So. 2d 221 (Fla. 2002).

V. MOTION FOR JUDICIAL NOTICE

Pursuant to Fla. Stat. § 90.202, Plaintiff requests that this Court take judicial notice of:

The procedural record in Case No. 50-2023-SC-011007

The active appeal in 4D2024-3229

Defendant’s failure to serve the LLC properly

Unauthorized appearances and filings by counsel in prior litigation

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These facts are verifiable from court records and relevant to the assessment of Defendant's ongoing litigation conduct.

VI. CONCLUSION:

DUE PROCESS IS NOT FOR SALE

This case transcends a private repair dispute. It has become a constitutional confrontation. Plaintiff has been wrongly named, wrongly judged, and systematically denied the opportunity to defend himself. The Court must act to safeguard the dignity of this forum and the rights of every litigant—licensed or not.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

Deny the Defendant's Motion for Extension in its current form;

Strike Paragraphs 1–3 from the motion as scandalous and prejudicial;

Issue judicial admonition to defense counsel regarding future conduct;

Take judicial notice of the record and misconduct described herein; and

Grant any other relief this Court deems just and proper.

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Respectfully Submitted,

Marcio Sousa Sales
22187 Aquila Street
Boca Raton, FL 33528
(561) 909-8184

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the PLAINTIFF'S OBJECTION TO DEFENDANT'S MOTION FOR EXTENSION OF TIME AND MOTION TO STRIKE PREJUDICIAL ASSERTIONS was served on Antonio de Andrade, at his e-mail tjlmarble@yahoo.com as well to his currently attorney, Morris Shields LeBlanc at curtis@morrisshieldsleblanc.com on June 2 2025.

Marcio Sousa Sales
22187 Aquila Street
Boca Raton, FL 33528