

PLAINTIFF'S NOTICE OF OBJECTION TO HEARING AND REQUEST FOR RULING BASED ON
SUBMITTED MEMORANDA

**IN THE CIRCUIT OF THE 15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA**

MARCIO SOUSA SALES,

Plaintiff,

CASE NO: 50-2025-CA-000969-XXA-MB

vs.

ANTONIO DE ANDRADE,

Defendant,

_____/

**PLAINTIFF'S NOTICE OF OBJECTION TO HEARING AND
REQUEST FOR RULING BASED ON SUBMITTED
MEMORANDA**

COMES NOW, Marcio Sousa Sales, appearing pro se, hereby respectfully objects to the setting of a hearing on Defendant's Motion to Dismiss and Motion for Sanctions under Fla. Stat. '57.105, and requests that this Honorable Court rule based on the parties' previously submitted memoranda. All Arguments Are Fully Briefed.

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Plaintiff filed a comprehensive Memorandum of Law in Opposition on April 16, 2025, which addressed all points of law and fact raised in Defendant's motion. The legal issues presenter's re judicata, collateral estoppel, fraud upon the court, and abuse of process 'are purely legal in nature and do not require an evidentiary hearing or oral testimony.

Attendance at Hearing Is Not Feasible Due to Work Obligations

The plaintiff is the owner and principal operator of a licensed moving and trucking company. He is routinely on the road fulfilling contractual obligations for clients, often across county and state lines, and does not have fixed availability during standard court hours. As a result, attendance at a hearing, particularly one scheduled unilaterally, would result in significant financial and logistical hardship.

Request for a Ruling on the Record

Plaintiff respectfully invokes the Court's authority to rule on motions based solely on the written submissions. Florida courts have consistently held that where legal issues are fully briefed and do not require factual determinations, the Court may rule without hearing. See Norris v. Norris, 64 So.3d 214 (Fla. 5th DCA 2011). This approach would avoid unnecessary delay, conserve judicial resources, and prevent potential misuse of the Uniform Motion Calendar as a tool to gain unfair advantage.

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WHEREFORE, Plaintiff respectfully asks this Court to:

Vacate or cancel the proposed hearing on Defendant's Motion to Dismiss and for Sanctions.

Issue a ruling on the pending motions based on the filed memoranda and applicable law.

And grant any other relief the Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PLAINTIFF'S MOTION TO SET DEADLINE FOR DISCOVERY RESPONSES AND PRESERVE EVIDENCE

was served on Antonio de Andrade, at his e-mail tjlmable@yahoo.com AS WELL as to his attorney Keller Gibson, PLLC e-mail seth@kellergibson.com

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