

PLAINTIFF'S MOTION TO REQUIRE DEFENDANT TO POST A BOND DUE TO FRAUDULENT ACTIONS,  
BAD FAITH LITIGATION, AND ABUSE OF PROCESS

**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,**

\_\_\_\_\_ /

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BOND DUE TO FRAUDULENT ACTIONS, BAD FAITH  
LITIGATION, AND ABUSE OF PROCESS**

**COMES NOW**, Plaintiff Marcio Sousa Sales, pro se, and respectfully moves this Honorable Court to enter an order requiring Defendant Antonio De Andrade to post a bond pursuant to Florida Statute § 45.045 due to Defendant's ongoing fraudulent actions, perjury, and bad faith litigation tactics.

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As a pro se litigant, Plaintiff respectfully requests that this Court construe this motion liberally pursuant to *Haines v. Kerner, 404 U.S. 519 (1972)*. The Court must accept all factual allegations as true and evaluate all reasonable inferences derived from

those facts in the light most favorable to Plaintiff, as established in *Tannenbaum v. United States, 148 F.3d 1262 (11th Cir. 1998)*.

Additionally, pro se filings are held to less stringent standards as affirmed in *United States v. Jones, 125 F.3d 1418, 1428 (11th Cir. 1997)*, and this Court must interpret the motion based on its substance rather than technical labels, per *Means v. Alabama, 209 F.3d 1241 (11th Cir. 2000)*. This is to ensure that justice prevails despite the procedural challenges faced by a self-represented litigant.

## I. INTRODUCTION

This case is a classic example of bad faith litigation, where Defendant Antonio De Andrade has knowingly abused the judicial system to pursue an unlawful, baseless judgment against the wrong party. Despite knowing that Plaintiff is not the owner, operator, or agent of the LLC involved in this dispute, Defendant continues to fraudulently seek enforcement of a void judgment against Plaintiff.

Defendant has consistently acted in bad faith, engaged in fraud upon the court, and misled the judicial system to extract an unlawful financial gain. *Visoly v. Security*

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**Pac. Credit Corp., 768 So. 2d 482 (Fla. 3d DCA 2000)** (Fraud upon the court occurs

when a party knowingly misrepresents material facts). **Pino v. Bank of New York,**

**76 So. 3d 927 (Fla. 2011)** (Fraudulent litigation practices justify severe judicial

sanctions). **Sunbeam Television Corp. v. Mitzel, 857 So. 2d 955 (Fla. 3d DCA 2003)**

(Courts have inherent authority to curb fraudulent or bad faith litigation).

Given the egregious nature of Defendant's conduct, this Court must act to protect the integrity of the judicial process by requiring Defendant to post a substantial bond.

## **II. DEFENDANT'S FRAUDULENT ACTIONS AND ABUSE OF PROCESS**

### ***A. Defendant is Fraudulently Seeking to Enforce a Judgment Against a Non-Liable Party***

Defendant Antonio De Andrade is fully aware that:

Plaintiff is not the owner of the LLC that performed the vehicle service.

Plaintiff never entered into a contract with Defendant nor performed any work on Defendant's vehicle.

Defendant filed suit under Plaintiff's name but litigated the case against Plaintiff's son and the LLC, leading to an unjustified and unlawful judgment.

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Despite knowing these facts, Defendant has persisted in his fraudulent collection efforts, engaging in judicial deception and attempting to collect from an innocent party in violation of well-established legal principles. *Deutsche Bank Nat'l Trust Co. v. Prevratil, 120 So. 3d 573 (Fla. 2d DCA 2013)* (Attempting to collect an invalid judgment is an abuse of the judicial system). *Martinez v. State, 982 So. 2d 3*

*(Fla. 4th DCA 2008)* (Providing false information to a court is grounds for legal penalties). *State v. Burton, 314 So. 3d 825 (Fla. 5th DCA 2021)* (Fraud upon the court undermines judicial integrity and warrants severe consequences).

Defendant's actions clearly demonstrate an intent to use the court system as a weapon for financial gain, despite knowing the underlying judgment is unlawful.

## **B. Defendant's Perjury and False Testimony Regarding His English Proficiency**

On November 5, 2024, during a court hearing, Defendant falsely represented that he does not speak or understand English, bringing his daughter as a "translator" to mislead the Court. However, on March 11, 2025, in another hearing, Defendant spoke fluent English, contradicting his prior sworn statements. Florida Statute § 837.02 (False statements made in official proceedings constitute perjury and are subject to criminal penalties). *Cox v. Burke, 706 So. 2d 43 (Fla. 5th DCA 1998)*

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(Misleading a court through false testimony constitutes fraud). *SunTrust Bank v. Cauthon*, 135 So. 3d 104 (Fla. 1st DCA 2013) (Perjury justifies legal sanctions and damages against the offending party). Defendant knowingly provided false testimony to gain an unfair advantage, warranting serious judicial scrutiny.

### **III. REQUEST FOR A SECURITY BOND TO PREVENT FURTHER FRAUD AND ABUSE**

Given Defendant's fraudulent actions, perjury, and ongoing abuse of process, this Court has clear authority under Florida Statute § 45.045 to require Defendant to post a security bond to:

Protect Plaintiff from further unlawful collection efforts on a fraudulent judgment.

Deter Defendant from continuing his fraudulent conduct and false statements before this Court.

Ensure that Plaintiff's legal costs are covered in the event Defendant's bad faith litigation tactics continue. Florida Statute § 45.045 (Courts have discretion to require financial security to prevent legal abuse). *Gleason v. Gleason*, 965 So. 2d 984 (Fla. 5th DCA 2007) (Courts have authority to impose financial requirements

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to prevent bad faith litigation). *Tramel v. Bass*, 672 So. 2d 78 (Fla. 1st DCA 1996)

(A party's misconduct may justify requiring financial security).

This Court must act immediately to prevent Defendant from continuing his  
fraudulent and abusive litigation tactics.

#### **IV. RELIEF REQUESTED**

WHEREFORE, Plaintiff Marcio Sousa Sales respectfully requests that this Court:  
  
Order Defendant Antonio De Andrade to post a bond of no less than \$50,000 as a  
condition of continuing this litigation.

Issue sanctions against Defendant for his false testimony and fraudulent collection  
efforts.

Grant any other relief this 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 REQUIRE DEFENDANT TO POST A BOND DUE TO FRAUDULENT ACTIONS, BAD FAITH LITIGATION, AND ABUSE OF PROCESS was served on Antonio de Andrade, at his e-mail [tjlmarble@yahoo.com](mailto:tjlmarble@yahoo.com) AS WELL as to his attorney Keller Gibson, PLLC e-mail [seth@kellergibson.com](mailto:seth@kellergibson.com)

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