

AMICUS CURIAE BRIEF OF ROGERIO SCOTTON IN SUPPORT OF DEFENDANT/APPELLEE,
MARCIO SOUSA SALES

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

ANTONIO DE ANDRADE,

Plaintiff,

CASE NO: 50-2023-SC-011007-XXXX-SB

vs.

MARCIO SOUSA SALES,

Defendant,

_____/

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IN SUPPORT OF DEFENDANT SALES

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STATEMENT OF INTEREST OF AMICUS CURIAE

Rogério Scotton submits this amicus curiae brief as a close friend of Marcio Sousa Sales and as a concerned citizen with legal knowledge, committed to ensuring that justice is fairly administered. Scotton is not acting as an attorney but seeks to aid the Court's understanding of the legal, procedural, and factual irregularities that have impacted this case. Scotton witnessed firsthand Plaintiff's behavior during the hearing on November 5, 2024, where Plaintiff misled the Court, and believes that full transparency is essential to correct the record and prevent further miscarriage of justice.

INTRODUCTION AND SUMMARY OF ARGUMENT

This case involves a lawsuit initiated by Antonio De Andrade against Marcio Sousa Sales, mistakenly targeting the Defendant in place of the actual party responsible, his son, Marcio Luiz Sales Jr., the owner of the business in question. Amicus curiae asserts that Plaintiff's own negligence contributed to the issues he alleges, and Plaintiff's history of manipulation, misrepresentation, and intimidation has obscured the true facts from the Court, resulting in procedural errors and undue burdens placed on Defendant.

AMICUS CURIAE BRIEF OF ROGERIO SCOTTON IN SUPPORT OF DEFENDANT/APPELLEE,
MARCIO SOUSA SALES**ARGUMENT****I. The Plaintiff's Own Negligence is the Primary Cause of His Alleged Damages**

Plaintiff's claim of damages arises not from any negligence by Defendant or his son but from Plaintiff's own disregard for professional advice. When Plaintiff brought his vehicle for repairs, he was informed by Defendant's son, Marcio Luiz Sales Jr., that the primary issue was the transmission, not the motor. Despite being advised multiple times that the transmission needed service or replacement, Plaintiff insisted on replacing the motor alone. This decision, driven by Plaintiff's refusal to follow professional guidance, ultimately led to the ongoing vehicle issues and undermines the basis for any negligence claim against Defendant. **Ryan v. Commodity Futures Trading Comm'n, 125 F.3d 1062 (7th Cir. 1997)**: This case underscores the importance of relying on professional guidance when available, and disregarding such advice limits the right to claim negligence. **Florida Power & Light Co. v. Canal Authority, 423 So. 2d 421 (Fla. 5th DCA 1982)**: Highlights the limits of liability in cases where the plaintiff's own conduct was a contributory factor.

United States v. Nobles, 422 U.S. 225 (1975): Emphasizes the principle of fairness in judicial proceedings, especially when a party disregards clear evidence in favor of their narrative.

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II. Plaintiff's History of Intimidation and Misleading Behavior Has Led to Procedural Irregularities and Unjust Burden on Defendant

Plaintiff has a well-documented pattern of intimidating and attempting to manipulate others, including Defendant's family members, to secure outcomes in his favor. During the November 5, 2024, hearing, Plaintiff misled the Court by falsely stating that he required his daughter's assistance as a translator, only to later reveal his full proficiency in English by addressing the Court directly. This pattern of deceitful conduct extends to multiple interactions, where Plaintiff has resorted to yelling and intimidating Defendant's son, Marcio Luiz Sales Jr., attempting to undermine the facts and further a misleading narrative. **Faretta v. California, 422 U.S. 806 (1975)**: Recognizes the right to self-representation but stresses the need for courts to protect against manipulative conduct by pro se litigants. **Miller-Wohl Co., Inc. v. Comm'r of Labor & Indus., 694 F.2d 203 (9th Cir. 1982)**: This case underscores the necessity for courts to assess credibility and protect the judicial process from individuals who may exploit it.

Florida Statute § 605.0304: Protects LLC members from personal liability for the business's obligations, reinforcing that the named defendant, Marcio Sousa Sales,

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was improperly named in a suit that should have targeted the business entity or its operator.

III. Plaintiff's Attempts to Mislead the Court Through Misrepresentation and Concealment Have Resulted in a Miscarriage of Justice

Plaintiff has not only misrepresented his English proficiency but has also concealed exculpatory evidence and presented misleading claims to the Court to obscure his own role in the alleged negligence. For instance, Plaintiff concealed his refusal to service the transmission and instead demanded the motor replacement, against clear professional advice. Such actions demonstrate a disregard for truth and transparency, resulting in an erroneous judgment against Defendant, who is not legally responsible for the alleged damage. Allowing this judgment to stand would perpetuate a miscarriage of justice. **Haines v. Kerner, 404 U.S. 519 (1972)**: Supports the notion that courts should look past mere allegations when a party's own actions contribute to the outcome. **Young v. United States ex rel. Vuitton et Fils S.A., 481 U.S. 787 (1987)**: Highlights the need for judicial integrity and ensuring that courts are not misled by incomplete or manipulated information. **Peralta v. Heights Medical Center, Inc., 485 U.S. 80 (1988)**: Reinforces that judgments based on procedural errors or misrepresentation can be vacated to prevent injustice.

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CONCLUSION

The procedural and factual irregularities in this case demand a reassessment of the judgment against Defendant Marcio Sousa Sales. Plaintiff's own negligence, history of intimidation, and misleading conduct have led to undue burdens on Defendant and have obscured the truth from the Court. As amicus curiae, I, Rogerio Scotton, urge the Court to closely examine the facts, reassess the validity of Plaintiff's claims, and recognize that the Defendant is not the party responsible in this case. Granting the relief sought would serve justice and protect the Court's integrity from Plaintiff's attempts to manipulate and misuse its resources.

Respectfully submitted,

Dated this 13 day of November 2024.

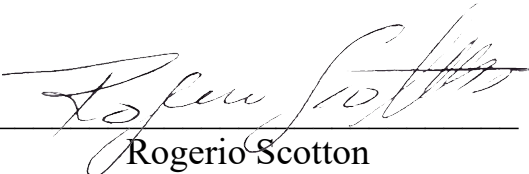


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Curiae Brief was served on Antonio de Andrade, at his e-mail tjlmable@yahoo.com provided in court by the Plaintiff himself, on this 13 day of November 2024.



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