

**NO:**

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**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH  
DISTRICT**

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**MARCIO SOUSA SALLES,**  
Appellant,

**V.**

**ANTONIO DE ANDRADE,**  
Appellee.

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**ON APPEAL FROM THE 15TH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUTY, FLORIDA**

**ORDER DIRECTING THE DEFENDANT TO COMPLETE  
AND RETURN FACT INFORMATION SHEET**

**APPELANT BRIEF**

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**MARCIO SOUSA SALLES, PRO SE  
22187 AQUILA STREET  
BOCA RATON, FLORIDA 33528**

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## **CERTIFICATE OF INTERESTED PERSONS**

Pursuant to Florida Rule of Appellate Procedure 9.210, Appellant certifies that the following individuals and entities have an interest in this appeal:

- Marcio Sousa Sales – Appellant and Defendant in the underlying case.
- Antonio De Andrade – Appellee and Plaintiff in the underlying case.
- STR Sunrise Truck Repair LLC – LLC owned by Marcio Luiz Sales Jr., involved in the underlying dispute.
- Marcio Luiz Sales Jr. – Owner of STR Sunrise Truck Repair LLC and son of Appellant.
- Honorable Reginald R. Corlew – Trial court judge presiding over the underlying case.

## **Statement of Jurisdiction**

Misidentification of Defendant: Appellant has no ownership, management, or operational connection to STR Sunrise Truck Repair LLC. The Plaintiff mistakenly named Appellant instead of LLC or its registered agent, violating Florida Statutes §§ 605.0304 and 48.062.

Trial of the Wrong Party: During trial, the Plaintiff pursued claims against Marcio Luiz Sales Jr., the proper defendant, but judgment was entered against Appellant, who had no opportunity to defend himself.

Payments Misattributed: The trial court incorrectly relied on payments deposited into Appellant's account to justify liability, despite Florida law shielding LLC members and unrelated individuals from personal liability.

Misleading Conduct by Plaintiff: The Plaintiff repeatedly misled the Court, including falsely claiming a language barrier to insert his daughter into the proceedings as a translator.

## **Statement of the Case**

This appeal challenges a judgment entered against Marcio Sousa Sales, Appellant, in Case No. 50-2023-SC-011007-XXXX-SB. The Plaintiff, Antonio De Andrade, wrongfully named Appellant in a lawsuit stemming from a vehicle repair performed by STR Sunrise Truck Repair LLC, which is solely owned and operated by Appellant's son, Marcio Luiz Sales Jr.

Despite being placed on notice during November 5, 2024, hearing that the correct defendant was the LLC, the trial court allowed the case to proceed, resulting in a judgment against Appellant, who was never present, served, or given the opportunity to defend himself.

## **Statement of Facts**

Misidentification of Defendant: Appellant has no ownership, management, or operational connection to STR Sunrise Truck Repair LLC. The Plaintiff mistakenly named Appellant instead of LLC or its registered agent, violating Florida Statutes §§ 605.0304 and 48.062.

Trial of the Wrong Party: During trial, the Plaintiff pursued claims against Marcio Luiz Sales Jr., the proper defendant, but judgment was entered against Appellant, who had no opportunity to defend himself.

Payments Misattributed: The trial court incorrectly relied on payments deposited into Appellant's account to justify liability, despite Florida law shielding LLC members and unrelated individuals from personal liability.

Misleading Conduct by Plaintiff: The Plaintiff repeatedly misled the Court, including falsely claiming a language barrier to insert his daughter into the proceedings as a translator.

## **Summary of the Argument**

This appeal presents multiple grounds for vacating the judgment and dismissing the case with prejudice:

The trial court lacked jurisdiction because the proper party, STR Sunrise Truck Repair LLC, was not named or served.

Procedural errors, including misidentification and improper service, render the judgment void under Florida Rule of Civil Procedure 1.540(b).

The trial court violated Appellant's due process rights by imposing liability without notice or the opportunity to defend himself.

Receiving funds on behalf of the LLC does not impose personal liability under Florida Statute § 605.0304.

Plaintiff's misleading conduct and baseless claims warrant sanctions for malicious prosecution.



## **ARGUMENT**

### **I. The Trial Court Lacked Jurisdiction Over the Proper Party**

The trial court lacked jurisdiction to enter a judgment against Marcio Sousa Sales, as the correct defendant, STR Sunrise Truck Repair LLC (the “LLC”), was neither named nor served in the action. Florida law requires jurisdiction to be established over the proper party before a court can render a valid judgment. Here, the Plaintiff, Antonio De Andrade, failed to name or serve the LLC or its registered agent, Marcio Luiz Sales Jr., who is the sole owner and operator of the LLC. Instead, the Plaintiff improperly pursued claims against the Appellant, who has no ownership, management, or operational connection to the LLC.

#### ***A. Misidentification of Defendant***

Under Florida Statute § 605.0304, LLC members and managers are not personally liable for the debts, obligations, or liabilities of the company solely by reason of their relationship with the LLC. Appellant, as an individual with no connection to LLC’s operations, is shielded from liability. Furthermore, Florida Statute § 605.0102 emphasizes that claims against an LLC must be directed at the LLC entity or its registered agent, not individual members or unrelated parties.

*B. Improper Service of Process*

The Plaintiff failed to comply with Florida Statute § 48.062, which mandates that service of process on an LLC must be made to its registered agent, in this case, Marcio Luiz Sales Jr.. Instead, the Plaintiff improperly served Appellant, rendering the judgment void due to lack of proper jurisdiction.

*C. Legal Precedent Supporting Lack of Jurisdiction*

**Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950):** This case established that due process requires notice and service to be directed toward the correct party in a manner reasonably calculated to apprise them of the action. Failing to notify the LLC or its registered agent, they violated Appellant's due process rights and deprived the trial court of jurisdiction. **Gasparini v. Pordomingo, 972 So. 2d 1053 (Fla. 3d DCA 2008):** The court held that judgments rendered without proper service on the correct party are void. Here, the Plaintiff's failure to serve the LLC's registered agent invalidates the judgment against Appellant, who was not the proper party. **Rayfield v. Homestead Properties, Ltd., 416 So. 2d 1232 (Fla. 3d DCA 1982):** The court ruled that misidentification of the defendant creates a jurisdictional defect that cannot be cured post-judgment. The trial court's jurisdiction must be established over the correct party before proceeding. **Florida Power & Light Co. v. Canal Authority, 423 So. 2d 421 (Fla. 5th DCA 1982):** The court stated that judgments

entered against the wrong party due to misidentification or lack of proper service are void and must be vacated.

*D. Application to This Case*

The Plaintiff named Appellant, Marcio Sousa Sales, instead of the LLC, which is the proper party to this action. During the November 5, 2024, hearing, the trial court was placed on notice of this misidentification but failed to correct the error. The trial proceeded against Marcio Luiz Sales Jr., yet the judgment was imposed on Appellant, who had no opportunity to defend himself. This misidentification and lack of service deprived the trial court of jurisdiction, making the judgment void.

The trial court's jurisdictional errors, including the misidentification of the defendant and failure to serve the proper party, violated Florida statutes and due process protections. The judgment against Appellant must be vacated because jurisdiction was never established over the correct party. Allowing such a judgment to stand perpetuates a miscarriage of justice and undermines the integrity of the judicial process.

**II. Procedural Errors Justify Relief Under Rule 1.540(b)**

The trial court's judgment against Marcio Sousa Sales was fundamentally flawed due to multiple procedural errors, including the misidentification of the defendant,

improper process service, and failure to provide Appellant with an opportunity to defend himself. These errors justify relief under Florida Rule of Civil Procedure 1.540(b), which permits the court to vacate a judgment in cases of procedural defects, lack of jurisdiction, or violations of due process.

**A. Misidentification of the Defendant**

The Plaintiff misidentified Marcio Sousa Sales as the defendant, despite clear evidence that the proper party was STR Sunrise Truck Repair LLC, owned and operated by Appellant's son, Marcio Luiz Sales Jr.. This misidentification constitutes a procedural error that deprived the trial court of jurisdiction over the correct party. Florida law is unequivocal in requiring claims against an LLC to be brought against the entity itself or its registered agent.

**B. Improper Service of Process**

Service of process on Marcio Sousa Sales did not comply with Florida Statute § 48.062, which requires service on the LLC's registered agent, Marcio Luiz Sales Jr.. Improper service renders a judgment void and subject to relief under Rule 1.540(b). Appellant was never properly served as a party to this case and thus had no obligation to respond or defend himself.

**C. Violation of Due Process**

The Appellant was not given an opportunity to defend himself at trial because the trial proceeded against Marcio Luiz Sales Jr., the correct party. However, judgment was ultimately entered against Appellant, who was not present or represented at trial. This deprived Appellant of his constitutional right to notice and a fair hearing, violating the principles of due process.

**D. Legal Precedent Supporting Relief Under Rule 1.540(b)**

**Florida Power & Light Co. v. Canal Authority, 423 So. 2d 421 (Fla. 5th DCA**

**1982)**: The court held that a judgment rendered without proper jurisdiction is void and can be vacated at any time under Rule 1.540(b)(4). Misidentification of the defendant and lack of jurisdiction over the proper party create procedural defects that invalidate the judgment. **Sterling Factors Corp. v. U.S. Bank Nat'l Ass'n, 968**

**So. 2d 658 (Fla. 2d DCA 2007)**: This case emphasizes that Rule 1.540(b) allows a court to set aside a void judgment long after its entry if the judgment resulted from procedural or jurisdictional errors. **Gasparini v. Pordomingo, 972 So. 2d 1053 (Fla.**

**3d DCA 2008)**: The court ruled that a judgment rendered against a party who was improperly served or misidentified is void and warrants relief under Rule 1.540(b). Procedural missteps, like naming the wrong party or failing to properly serve the defendant, undermine the legitimacy of the judgment. **Peralta v. Heights Medical**

**Center, Inc., 485 U.S. 80 (1988)** The United States Supreme Court held that a judgment entered without notice or an opportunity to be heard is void under due process principles. Rule 1.540(b) provides the mechanism for correcting such constitutional violations in Florida courts.

**E. Application to This Case**

The trial court's judgment against Appellant was procedurally defective on multiple grounds:

Appellant was misidentified as the defendant, despite having no ownership or operational connection to the LLC.

The Plaintiff failed to serve the proper party, violating Florida service of process rules.

The trial court entered judgment against Appellant without affording him an opportunity to defend himself, while improperly trying Marcio Luiz Sales Jr., the correct party.

These procedural errors fall squarely within the scope of Rule 1.540(b) and render the judgment void. **As Florida Power & Light Co. v. Canal** Authority and other cases illustrate, judgments based on such errors are legally unenforceable and must be vacated to preserve the integrity of the judicial process.

The procedural defects in this case warrant relief under Florida Rule of Civil Procedure 1.540(b). The trial court's judgment is void due to misidentification, improper service, and due process violations. Appellant respectfully requests that this Court vacate the judgment and dismiss the case with prejudice.

### **III. The Trial Court Violated Appellant's Due Process Rights**

The trial court violated **Appellant Marcio Sousa Sales's** fundamental **due process rights** by entering a judgment against him without proper notice, service, or an opportunity to defend himself. The judgment is void because Appellant was never properly served, never participated in the trial, and had no connection to the LLC at the center of the dispute. By trying **Marcio Luiz Sales Jr.**, Appellant's son, as the de facto defendant but entering judgment against Appellant, the trial court grossly violated constitutional principles of fairness and justice.

#### **A. Due Process Requires Proper Notice and Opportunity to Defend**

Under both Florida and federal law, due process requires that a defendant be provided with adequate notice and an opportunity to be heard. These safeguards are essential to ensure that judgments are not arbitrarily imposed against parties who have no chance to present a defense. **Mullane v. Central Hanover Bank & Trust**

Co., 339 U.S. 306 (1950): The U.S. Supreme Court held that due process requires notice “reasonably calculated” to inform the party of the claims against them and provide an opportunity to defend. The failure to notify and involve the correct defendant violates this standard. Peralta v. Heights Medical Center, Inc., 485 U.S. 80 (1988): The Court ruled that a judgment entered without notice or an opportunity to defend is void under due process principles, regardless of whether the defendant might have had a substantive defense. Appellant’s complete exclusion from the proceedings renders the judgment unenforceable. Rayfield v. Homestead Properties, Ltd., 416 So. 2d 1232 (Fla. 3d DCA 1982): The Florida appellate court held that misidentification of a defendant and lack of proper notice constitutes a jurisdiction defect and deprives the defendant of due process, invalidating the judgment. Florida Power & Light Co. v. Canal Authority, 423 So. 2d 421 (Fla. 5th DCA 1982): This case emphasizes that judgments rendered without notice or jurisdiction are void and must be vacated, as they deny the defendant the opportunity to defend themselves.

**B. Appellant Was Denied Notice and an Opportunity to Be Heard**

The record demonstrates that the trial court conducted proceedings against Marcio Luiz Sales Jr., the owner of STR Sunrise Truck Repair LLC, while Appellant, Marcio Sousa Sales, was wrongly named in the lawsuit. Despite this



misidentification, the trial court entered judgment against Appellant, who:

1. Was Never Properly Served: Service was not directed at STR Sunrise Truck Repair LLC or its registered agent, Marcio Luiz Sales Jr., as required under
2. Florida Statute § 48.062. Appellant, who has no connection to LLC's operations, was improperly served, depriving him of notice.
3. Did Not Participate in the Trial: Appellant was not present during the trial proceedings, which focused on the actions of his son, Marcio Luiz Sales Jr..
4. Had No Opportunity to Defend: Appellant was not provided with an opportunity to present evidence, cross-examine witnesses, or raise defenses, violating his right to a fair hearing.

*C. The Judgment Was Arbitrary and Lacks Procedural Legitimacy*

The trial court's decision to impose judgment on Appellant, despite trying his son as the defendant, reflects a breakdown of procedural safeguards. This judgment is void because it was rendered without jurisdiction over the correct party and without providing Appellant with notice or the opportunity to participate. *Mathews v. Eldridge, 424 U.S. 319 (1976)*: The Court held that due process requires a balancing of the individual's interest against the government's actions. Denying Appellant, the opportunity to defend himself against claims that were incorrectly attributed to him constitutes a severe violation of this principle. *Sterling Factors Corp. v. U.S. Bank*

*Nat'l Ass'n, 968 So. 2d 658 (Fla. 2d DCA 2007)*: The court confirmed that a judgment based on procedural defects, such as lack of notice or participation, is void under Florida Rule of Civil Procedure 1.540(b). *Gasparini v. Pordomingo, 972 So. 2d 1053 (Fla. 3d DCA 2008)*: A judgment entered against a party who was not properly notified or allowed to participate in the proceedings is void and warrants relief.

*D. Misidentification and Denial of Due Process Amount to a Miscarriage of Justice*

The trial court's actions not only violated procedural requirements but also created a miscarriage of justice by holding the wrong party liable for alleged damages. Appellant was denied the ability to defend himself against baseless claims and now faces financial and reputational harm due to Plaintiff's missteps and the trial court's errors, Cite *Peralta v. Heights Medical Center and Mullane v. Central Hanover Bank*.

**IV. Receiving Payments on Behalf of the LLC Does Not Impose Liability**

Appellant, Marcio Sousa Sales, cannot be held personally liable for funds received on behalf of STR Sunrise Truck Repair LLC because such transactions are legally

attributed to the LLC itself, not to the individual who handled the payments. Florida law is explicit in shielding LLC members or unrelated individuals from personal liability for the obligations or transactions of the LLC.

### Legal Framework

Florida Statute § 605.0304 clearly states that members and managers of an LLC are not personally liable for the debts, obligations, or liabilities of the company solely by reason of their role or association with the LLC.

Even if an individual acts as an agent or intermediary for the LLC, the LLC retains liability unless personal guarantees or specific agreements suggest otherwise—neither of which exists in this case. **Becerra v. Equity Trading, LLC, 958 So. 2d**

**1087 (Fla. 3d DCA 2007)**: The court held that funds received on behalf of an LLC or as part of the LLC's operations do not create personal liability for the individual handling the transaction. LLC protections under § 605.0304 apply unless the corporate veil is pierced or the individual explicitly assumes liability. **Abdo v. Abdo,**

**280 So. 3d 133 (Fla. 3d DCA 2019)**: An LLC member received payments related to an LLC transaction but was shielded from personal liability because the court found no evidence of personal assumption of liability. The LLC's structure, under Florida law, protects individuals from liability unless fraud, wrongdoing, or personal guarantees are proven. **Connolly v. Foudy, 791 So. 2d 498 (Fla. 4th DCA 2001)**:

The court clarified that receiving payments for an LLC transaction does not establish personal liability unless there is clear evidence that the individual acted outside the LLC's operational scope or engaged in fraudulent conduct. **Fendrich v. RBF, LLC, 887 So. 2d 406 (Fla. 4th DCA 2004)**: The court reiterated that merely handling funds on behalf of an LLC does not transfer liability to the individual. The LLC's legal entity remains responsible for obligations arising from its business activities.

**Application to This Case**

The trial court erred in holding Appellant liable for payments received into his personal account for services performed by STR Sunrise Truck Repair LLC. The record demonstrates that the funds were related to work performed by the LLC and not by Appellant personally. The appellant was not involved in the business's operations and cannot be held accountable under Florida law simply because the funds passed through his account.

The protections afforded by Florida Statute § 605.0304 are unambiguous: individuals like Appellant, who have no managerial role, ownership interest, or operational involvement in an LLC, are shielded from personal liability.

The judgment against Appellant must be reversed because the trial court misapplied the law regarding LLC liability. Even where funds are received in a personal capacity, such transactions are legally attributable to LLC and cannot impose liability

on the recipient absent extraordinary circumstances, which are not present here. Cite *Abdo v. Abdo and Becerra v. Equity Trading, LLC*.

## **V. Plaintiff's Misleading Conduct and Malicious Prosecution Require Sanctions**

A. The Court Was Notified of the Misidentification on November 5, 2024, hearing. The trial court was placed on notice that Appellant Marcio Sousa Sales was wrongfully named as the defendant in this lawsuit. Despite this, the trial court allowed a trial to proceed against Marcio Luiz Sales Jr., the son of the Appellant, who is the proper party of interest as the owner and operator of STR Sunrise Truck Repair LLC.

This discrepancy demonstrates a gross miscarriage of justice. The judgment was entered into against a party who had no opportunity to defend himself at trial, as he was neither the focus of the litigation nor present for the proceedings.

### **B. *Trying the Wrong Party Violates Due Process and Florida Law***

A fundamental principle of justice is that the correct party must be given an opportunity to defend against claims. Here, the trial court improperly tried Marcio

Luiz Sales Jr. while rendering judgment against Marcio Sousa Sales, who was never a participant in the trial. **Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)**: Due process requires notice “reasonably calculated” to apprise the correct party of the claims and provide an opportunity to defend. Failing to name or serve the correct defendant undermines the legitimacy of the judgment. **Peralta v. Heights Medical Center, Inc., 485 U.S. 80 (1988)**: A judgment entered against a defendant who was not given notice or a fair opportunity to participate violates due process and is void. **Rayfield v. Homestead Properties, Ltd., 416 So. 2d 1232 (Fla. 3d DCA 1982)**: Misidentification of the defendant creates a jurisdictional defect that renders the judgment unenforceable.

In this case, the trial court erred in proceeding with the trial without resolving the misidentification issue. This deprived Appellant of the opportunity to defend himself and failed to ensure that the proper party, STR Sunrise Truck Repair LLC, was held accountable.

**C. Misidentification and Trial Errors Constitute a Miscarriage of Justice**

The trial court’s decision to try Marcio Luiz Sales Jr. while imposing a judgment on Marcio Sousa Sales reflects a complete breakdown of procedural safeguards.

Allowing a judgment to stand against an uninvolved party violates both state and federal principles of fairness and due process. *Florida Power & Light Co. v. Canal Authority*, 423 So. 2d 421 (Fla. 5th DCA 1982): Emphasizes that judgments rendered without proper jurisdiction or involving misidentified parties are void and must be vacated. *Sterling Factors Corp. v. U.S. Bank Nat'l Ass'n*, 968 So. 2d 658 (Fla. 2d DCA 2007): Highlights that procedural errors leading to judgments against the wrong party require reversal to preserve the integrity of the judicial process. *Gasparini v. Pordomingo*, 972 So. 2d 1053 (Fla. 3d DCA 2008): Misidentification of parties creates a legal void that cannot be overlooked, as it constitutes a denial of basic procedural rights.

D. *Allowing the Judgment to Stand Perpetuates a Gross Injustice*

The trial court's refusal to correct the misidentification and subsequent miscarriage of justice violates Appellant's constitutional rights to due process. Entering judgment against an uninvolved party while failing to hold the proper defendant accountable undermines the credibility of the legal system and sets a dangerous precedent. The appellate court should act to: Vacate the judgment against Appellant Marcio Sousa Sales.

Dismiss the case with prejudice due to the procedural and jurisdictional errors.

Sanction Plaintiff Antonio De Andrade for filing a misleading and baseless lawsuit.

By trying the wrong individual and imposing liability on an uninvolved party, the trial court violated fundamental principles of justice. The appellate court must rectify this miscarriage of justice to protect the integrity of the judicial process and ensure that parties are only held accountable for claims to which they are properly connected.

## **CONCLUSION**

For the reasons outlined above, it is indisputable that the trial court's judgment must be vacated, and the case dismissed with prejudice. The procedural errors, misidentification of the defendant, and improper service of process have rendered the judgment void and unjust. The Plaintiff's conduct, characterized by misleading the court, false statements, and malicious prosecution, demonstrates a clear abuse of the judicial system and warrants sanctions.

Appellant, Marcio Sousa Sales, has been unjustly harmed through reputational damage, financial loss, and emotional distress, all caused by the Plaintiff's baseless claims and the trial court's failure to correct these egregious errors despite being on notice of the misidentification. The trial court's failure to address the jurisdictional



defects and provide Appellant with his due process rights is a miscarriage of justice that must not be allowed to stand.

It is clear that the trial court lacked jurisdiction over the proper party, and the Plaintiff's actions were motivated by malice, without probable cause, and with the sole intent of causing harm to Appellant. This malicious prosecution has disrupted the course of justice and created undue hardship for an innocent party.

In light of these factors, Appellant respectfully requests that this Court:

Vacate the judgment entered against Marcio Sousa Sales;

Dismiss the case with prejudice, as the Plaintiff has failed to properly identify and serve the correct defendant; Sanction Plaintiff Antonio De Andrade for malicious prosecution and require him to compensate Appellant for all legal fees, court costs, and damages incurred as a result of this frivolous and harmful lawsuit.

The Plaintiff's misconduct and the trial court's failure to address these errors at the earliest stage have caused irreparable harm to Appellant, and it is time for the appeals court to correct these mistakes and restore justice.

Respectfully Submitted,

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MARCIO SOUSA SALLES, PRO SE  
22187 AQUILA STREET  
BOCA RATON, FLORIDA 33528

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 29 day of November 2024, I have caused to be given a true and correct copy of the Appellant's Initial Brief and Appendices (if applicable), on the following parties by the methods indicated:

Antonio De Andrade

Plaintiff/Appellee

Method of Service Email: [tjlmable@yahoo.com](mailto:tjlmable@yahoo.com)

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MARCIO SOUSA SALLES, PRO SE  
22187 AQUILA STREET  
BOCA RATON, FLORIDA 33528

IN THE COUNTY COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

COUNTY CIVIL DIVISION RD  
CASE NO. 50-2023-SC-011007-XXXX-SB

ANTONIO DE ANDRADE,  
Plaintiff/Petitioner

vs.

MARCIO SALES SOUSA,  
Defendant/Respondent.

**ORDER DIRECTING THE DEFENDANT TO COMPLETE  
AND RETURN FACT INFORMATION SHEET**

**THIS MATTER** came before the court upon a Show Cause/status check hearing regarding fact information sheet on November 5, 2024. At the hearing, both Parties were present. The Defendant was required to provide the fact information sheet during three prior hearings and requested another copy of the Final Judgment along with the Fact information sheet. The Court will provide a fourth copy of said filing via regular mail to the Defendant, (MARCIO SALES SOUSA, 22187 AQUILA ST, BOCA RATON, FL 33428) and email (UNIONMOVING@HOTMAIL@COM). The Court being fully advised in the premises it is upon consideration thereof

**ORDERED AND ADJUDGED** the Defendant shall have 10-days from the date of this Order to provide the fact information sheet (attached to this filing along with the Final Judgment) to the Plaintiff. Failure to provide the completed fact information sheet to the plaintiff will result in Contempt of Court and the issuance of a Civil Writ of Bodily Attachment.

**DONE AND ORDERED** in Chambers, at Delray Beach, Palm Beach County, Florida.

50-2023-SC-011007-XXXX-SB 11/07/2024  
Reginald R. Corlew County Judge  
ADMINISTRATIVE OFFICE OF THE COURT

50-2023-SC-011007-XXXX-SB 11/07/2024  
Reginald R. Corlew  
County Judge

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**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,**

\_\_\_\_\_/

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Marcio Sousa Sales, the Defendant in the above-captioned case, appeals to the Fourth District Court of Appeal of Florida the following orders entered by the Circuit Court for Palm Beach County:

Order Denying Motion to Stay Enforcement Pending Resolution of Pending Motions, entered on November 26, 2024, and Order Directing the Defendant to Complete and Return Fact Information Sheet, entered on November 7, 2024.

The Defendant appeals these orders on the grounds that:

The Order Denying the Motion to Stay Enforcement improperly enforces a judgment that is void due to jurisdictional and procedural errors.

The Order Directing the Defendant to Complete and Return Fact Information Sheet imposes compliance obligations on the wrong party, violating due process rights and statutory protections under Florida Statute § 605.0304.

---

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 foregoing appeal brief have been furnished via Email to the Plaintiff at the following address:

Email: [tjlmarble@yahoo.com](mailto:tjlmarble@yahoo.com) on December 23, 2024.

Respectfully submitted,

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