

IN THE DISTRICT COURT OF APPEAL OF FLORIDA
FOURTH DISTRICT

CASE NO. 4DCA#22- 2821

Lower Tribunal Case No. 50-2020-CC-005756-XXXX-MB

EVAN S. GUTMAN

Appellant

vs.

CITIBANK, N.A.

Appellee

APPELLANT'S MOTION TO SUPPLEMENT RECORD

EVAN S. GUTMAN, CPA, JD
Appellant Pro Se
Member State Bar of Pennsylvania
Member District of Columbia Bar
Admitted to U.S. Tax Court Bar
Florida Certified Public Accountant
1675 NW 4th Avenue, Apt. 511
Boca Raton, FL 33432
561-990-7440

MOTION

Pursuant to FRAP 9.200(f) Appellant hereby respectfully Moves the Court for an Order to Supplement the Record in this case on the ground it is incomplete as transmitted by the trial court. Specifically, on or about October 27, 2022 in accordance with FRAP 9.200(b) Appellant filed with the trial court a document titled "**DESIGNATION OF PROCEEDINGS NECESSARY FOR TRANSCRIPTION AND REQUEST FOR TRANSCRIPT**" reflecting the entire trial that was held on September 15, 2022. That document is reflected in the trial court record as Docket Entry #109. Appellant then arranged for preparation and payment of the complete trial transcript, which was filed with the trial court by the court reporter and is reflected as Docket Entry #123 at the trial court. However, for some reason, the trial transcript was never transmitted to the Appellate Court by the trial court.

In addition, several other documents included in the trial court record as listed on Exhibit 1 attached were also not transmitted to the Appellate Court for some inexplicable unknown reason. Appellant has separately included the missing documents in the Appendix accompanying his Initial Brief on the Merits filed this same day. Accordingly, this Court should now have the necessary documents that were missing and which now have

been submitted by Appellant in the Appendix. The Order requested herein is simply for purposes of having those same documents officially transmitted from the trial court to the Appellate Court as necessary.

References in Appellant's Initial Brief submitted this same day are delineated by "A" followed by the applicable Appendix Page number to the extent the documents are contained within the Appendix. References to the Record as transmitted by the trial court are delineated by "R" followed by the applicable Record on Appeal Page number to the extent contained within the Record on Appeal as transmitted. The documents requested to be transmitted by the trial court to the Appellate Court to Supplement the Record, (and which are contained in the Appendix submitted by Appellant this same day) are listed on the following two pages attached as **Exhibit 1**:

Submitted humbly and graciously this 2nd day of January, 2023.



Evan Gutman CPA, JD
Appellant Pro Se
Member State Bar of Pennsylvania
Member District of Columbia Bar
1675 NW 4th Avenue, Apt. 511
Boca Raton, FL 33432
561-990-7440

EXHIBIT 1

LIST OF DOCUMENTS NECESSARY TO SUPPLEMENT RECORD ON APPEAL: FN 1

TRIAL COURT DOCKET ENTRY #	APPELLATE APPENDIX NUMBER	DOCUMENT DESCRIPTION
123	App-1	Complete Trial Transcript of "Trial" September 15, 2022
24 - 26	App-2	Appellant's Discovery Requests Including Interrogatories; Requests for Admissions; and Requests for Production; Filed on July 1, 2021
39-41	App-3	Citibank Responses to Discovery Requests Filed on February 15, 2022
44	App-4	Notice of Hearing on Citibank Motion to Strike Affirmative Defenses and Motion for Extension of Time to Respond to Discovery -Citibank Filing June 13, 2022
113	App-5	Notice of Deposit of Funds for Automatic Stay Pending Appeal - Submission of Bond or Cash Deposited with Clerk
108	App-6	Citibank Motion for Dismissal as to Count II for Unjust Enrichment
112	App-7	Order Granting Citibank Motion for Dismissal Four Days After its Filing

FOOTNOTE 1 - App-8 (Citibank's pending Motion for Attorney Fees) is included in both the Record on Appeal transmitted by the trial court and also the Appendix. Accordingly, App-8 is excluded from this Motion.

EXHIBIT 1 (cont.)

117	App-9	Opposition to Citibank Motion for Attorney Fees
109	App-10	Designation of Proceedings Necessary for Transcription and Request for Transcript FRAP 9.200(b)
65	App-11	Second Court Order Setting Hearing on Citibank Motion to Strike Affirmative Defenses - Set for August 31, 2022

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing is being furnished to opposing counsel by E-Mail and a follow up copy will be sent via US Mail, to Donald Allen Mihokovich, Esquire, of the law firm of ADAMS AND REESE, LLP addressed as follows:

ADAMS AND REESE LLP
Attn: Donald Allen Mihokovich, Esq.
100 North Tampa Street, Suite 4000
Tampa, FL 33602


Dated this 2nd day of January, 2023.



Evan Gutman CPA, JD

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that to the best of my knowledge and belief, the foregoing comports with the Font and Spacing requirements of Fla. R. App. P. 9.210 and 9.045(b).



Evan Gutman CPA, JD