

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

KELLY HYMAN and
BOUGANVILLA INVESTMENTS INC.,

Plaintiff,

Case No. 12-44972-CA-01

vs.

ARNOLD DAOUD,

Defendant.

NOTICE OF NON-COMPLIANCE BY NON-PARTY EUGENE VOLOKH

Non-Party Eugene Volokh respectfully gives notice of his non-compliance with the Order of this Court entitled *Order on Plaintiff, Kelly Hyman's, Motion to Correct Clerical Error in Judgment or Order* dated March 13, 2024 (the "Order"). It was served upon him on October 17, 2024, via email.

Volokh is not bound by the Order, despite its seemingly purporting to require him and other third parties to take down certain webpages and refrain from posting judicial documents, because he is not a party to this action, and he is not acting with or for any Party. *See* Fla. R. Civ. P. 1.610(c). To any extent the Order does bind him, it is transparently invalid. *See, e.g., In re Providence Journal Co.*, 820 F. 2d 1342 (1st Cir. 1986). For these reasons, and for the reasons set forth in Volokh's *Motion to Intervene and for Reconsideration of Order*, filed contemporaneously herewith, Volokh has not complied with the Order and does not intend to comply with the Order, which infringes on his rights under the First and Fourteenth Amendments to the U.S. Constitution.

Dated: October 25, 2024.

Respectfully submitted,

/s/ Marc J. Randazza

Marc J. Randazza (Fla. Bar No. 625566)

Kylie R. Werk (Fla. Bar No. 1031756)

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Attorneys for Non-Party

Eugene Volokh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished via the Florida Court E-Filing Portal on October 25, 2024, upon Counsel for Plaintiffs Kelly Hyman and Bouganvilla Investments, Inc., REID BURMAN LEBEDEKER XENICK PEPIN, Bernard A. Lebedeker, bal@reidburmanlaw.com, gmb@reidburmanlaw.com, Jeffrey C. Pepin, jcp@reidburmanlaw.com, 250 South Australian Ave., Ste. 602, West Palm Beach, FL 33401, BURSTEIN & ASSOCIATES, P.A., Bernardo Burstein, bburstein@bursteinpa.com, bursteinandassociates@gmail.com, and Counsel for Defendant Arnold Daoud, ZARCO EINHORN SALKOWSKI & BRITO, P.A., Alejandro Brito, One Biscayne Tower, 2 South Biscayne Boulevard, 34th Floor, Miami, Florida 33131, abrito@zarcolaw.com, apiriou@zarcolaw.com.

/s/ Marc J. Randazza
MARC J. RANDAZZA