

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 04-80669  
ASSIGNED TO: JUDGE ZLOCH-SNOW

STEWART GREENBERG,  
Plaintiff, Former Husband

ELAINE GREENBERG  
Defendant, Former Wife

CLARENCE MARROCK  
CLERK U.S. DISTRICT  
COURT  
S.D. OF FLA. - FTL

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FILED BY 1-1-04

MOTION TO DISMISS PLAINTIFF STEWART  
GREENBERG'S MOTION FOR INJUNCTIVE RELIEF AND NOTICE OF  
REMOVAL

COMES NOW, ELAINE GREENBERG, pro se, one of three defendants named and files this Motion to Dismiss and in support thereof would state as follows:

1. Civil Action Case No: CD 98-9754 FZ, Stewart Greenberg v Elaine T. Greenberg, has been within the jurisdiction of the Fifteenth Judicial Circuit Court of Florida, Palm Beach County, Florida, since its inception in December of 1998.
2. On April 17, 2000, a Final Judgment of Dissolution of Marriage was entered after several days of testimony.
3. Former Husband appealed this Final Judgment, which on July 5, 2001, was reversed in part, and remanded.
4. On July 25 and July 26, 2002, a Remand trial took place. A Final Judgment on Remand was entered on October 15, 2002.
5. Former Husband appealed the Final Judgment on Remand to the

Fourth District Court of Appeal.

6. On November 26, 2003, the Fourth District Court of Appeal affirmed all issues except the one requiring former husband to maintain a life insurance policy.
7. Former Husband's litigating of this case has been so overextensive, so self-defeating, self-destructive and destructive to all parties involved, as the record bears out. He sees the Court as his enemy since the rulings have not been in his favor, and, for this reason he is determined to make an example of this case; as well as to set some-type of precedent in the legal system.

Dr. Greenberg has resorted to all forms of manipulative tactics, such as requesting the recusal of Judges, writing letters to Chief Justices complaining about what he sees as a deficient knowledge base on the part of one Judge; the culmination being this most recent frivolous motion to place this ongoing matter in new hands and to appeal to new courts. He has clearly exhausted his options at both the trial and appellate levels, where he has been given more than an ample voice.

8. Dr. Greenberg presents himself as the victim, as being denied due process and as having his civil rights abrogated, when, in fact, despite his repeated contemptuous acts over the course of the past five and one half years, he has been successful at escaping incarceration and at delaying the enforcement of due process by finding loopholes and filing sham motions, such as the matter at hand. The record is replete with these issues.

At present, it has served Dr. Greenberg well, to tie up matters in the lower court, while Judge Colbath awaits rulings on matters filed in the United States District Court. Dr. Greenberg has paid less than one third this past year in alimony of what the court has ordered him to pay, as well as what was affirmed on appeal.

WHEREFORE, Defendant, Elaine T. Greenberg, requests that this Court dismiss the complaint in a timely fashion plus any and all relief that this Court deems just and proper under the circumstances.