

No. _____

**In The
Supreme Court of the United States**

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LARRY KLAYMAN,

Petitioner,

v.

STEPHANIE LUCK,

Respondent.

—————◆—————
**On Petition For Writ Of Certiorari
To The Court Of Appeals Of Ohio**

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PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW

Does the Supremacy Clause of the Constitution, Article VI, Clause 2, preclude a state court from issuing an order preventing the enforcement of a judgment obtained in federal court in the U.S. District Court for the Southern District of Florida, and enforced through a valid writ of execution in the U.S. District Court for the District of Columbia?

PARTIES TO THE PROCEEDINGS

I. Larry Klayman

Petitioner Larry Klayman (“Petitioner”) is the Defendant-Appellant in the lower court proceedings in the Cuyahoga County Court of Common Pleas, the Eighth District Court of Appeals, and the Supreme Court of Ohio.

II. Stephanie Ann Luck

Respondent Stephanie Ann Luck (“Luck”) is the Plaintiff-Appellee in the lower court proceedings in the Cuyahoga County Court of Common Pleas, the Eighth District Court of Appeals, and the Supreme Court of Ohio.

III. Judicial Watch, Inc.

Judicial Watch, Inc. (“Judicial Watch”) was a co-Defendant with Petitioner in the lower court proceedings in the Cuyahoga County Court of Common Pleas.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6, Petitioner states that no parties are corporations that are publicly held.

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OPINIONS AND ORDERS ENTERED

I. May 9, 2018 order of the Supreme Court of Ohio declining jurisdiction in *Luck v. Klayman*, 2018-0030. App. 16.

II. October 29, 2017 order of the Ohio Court of Appeals, Eighth Appellate District affirming judgment of the Cuyahoga County Court of Common Pleas in *Luck v. Klayman*, 16-CA-105239. App. 1-App. 11.



JURISDICTION

This petition is timely filed because it was mailed within ninety days of May 9, 2018, the date the Supreme Court of Ohio declined jurisdiction of Petitioner’s appeal. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).



RELEVANT LEGAL PROVISIONS

United States Constitution, Article VI, Clause 2, Supremacy Clause.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or

Laws of any state to the Contrary notwithstanding.

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STATEMENT OF THE CASE

This case presents a critical issue that affects any litigant in the federal court system: whether a state trial court has jurisdiction to enjoin a party from enforcing a federal judgment.

In this case, the Eighth District Court of Appeals (“Court of Appeals”) ruled that the state trial court’s order enjoining Judicial Watch, Inc. (“Judicial Watch”) from paying Petitioner Larry Klayman (“Petitioner”) pursuant to his judgment did not conflict with the federal court ruling that Petitioner was entitled to a judgment. App. 1-App. 11. The Court of Appeals also noted that Petitioner’s federal judgment is not immune to a valid lien under R.C. 2333.01. The Supreme Court of Ohio declined jurisdiction over Petitioner’s subsequent appeal. App. 16.

The decision of the Court of Appeals threatens the legitimacy of every judgment awarded in a federal court, as the Cuyahoga County Court of Common Pleas (“Lower Court”) has enjoined Petitioner from collecting the damages to which he is entitled. App. 13-App. 15. The implications of the decision affect the public at large because such a ruling would sabotage the legitimacy of every ruling by the federal judiciary. A federal judgment is sacrosanct, and allowing a state court to interfere is a clear encroachment by the state court

upon federal powers, which sets a dangerous precedent that is a violation of the U.S. Constitution.

In 2013, Petitioner filed suit against his former employer, Judicial Watch (which he had also founded and run successfully as its chairman and general counsel for ten years before he left in 2003 to run for the U.S. Senate in Florida) in the U.S. District Court for the Southern District of Florida seeking to receive justice for false and defamatory statements that had been made against him by his former employer. A jury awarded Klayman \$181,000 in both compensatory and punitive damages to compensate him for the harm that was done by Judicial Watch (the “Defamation Judgment”). App. 22-App. 23.

After obtaining the Defamation Judgment against Judicial Watch, Petitioner attempted to enforce it in the District of Columbia, where Judicial Watch is headquartered. Petitioner obtained valid writs of execution, issued by the U.S. District Court for the District of Columbia and initiated the collection action in the same court (the “Enforcement Action”).¹ App. 17-App. 21. The Enforcement Action is currently still pending in the District Court.

Stephanie Luck (“Luck”) filed suit in the Lower Court to seek enforcement of a judgment (the “Luck Judgment”) that was obtained against Petitioner using fraud. The Luck Judgment stems from long-standing litigation between the two parties regarding the

¹ *Klayman v. Judicial Watch*, 16-mc-1430 (D.D.C).

custody of their children in a lawsuit within the Domestic Relations Court for Cuyahoga County, Ohio. See *Klayman v. Luck*, No. DR 07 3i6840. Luck filed the underlying action here, a Creditor's Bill, on June 23, 2014, seeking to order Judicial Watch, as a garnishee, to pay over any money due and owing to herself as a result of the Luck Judgment.

On December 5, 2016, the Lower Court granted Luck's motion for summary judgment, ruling that:

Plaintiff is entitled to judgment as a matter of law on her creditor's bill because she has proven all three elements under section 2333.01. . . . It is therefore ordered . . . that (1) Plaintiff has a valid lien on Klayman's judgment against Judicial Watch; (2) Judicial Watch is enjoined from paying Klayman pursuant to his judgment against it until Plaintiff's judgment against Klayman is satisfied; (3) Klayman is enjoined from receiving payment from Judicial Watch pursuant to his judgment against it until Plaintiff's judgment against Klayman is satisfied; and (4) Judicial Watch shall instead pay all money due and owing to Klayman pursuant to Klayman's judgment against it, to Plaintiff. . . . App. 13-App. 14.

On January 27, 2017, Judicial Watch deposited the \$181,000 due in owing to Petitioner from the Defamation Judgment into the court registry of the Lower Court.

Petitioner subsequently appealed to the Ohio Court of Appeals, Eighth District, which upheld the Lower Court's decision. App. 1-App. 12. The Supreme Court of Ohio declined jurisdiction, App. 16, leaving this Petition as Petitioner's last recourse.



REASONS FOR GRANTING THE WRIT

I. A State Court Has No Jurisdiction to Enjoin Klayman From Enforcing his Federal Judgment

This Court must, respectfully, grant certiorari because “a state court . . . decided an important federal and in fact constitutional question in a way that conflicts with relevant decisions of this Court.” Sup. Ct. Rule 10(c).

A state court has no jurisdiction to enjoin enforcement of a federal judgment. The state and federal court systems are independent of each other. “When administering state laws and determining rights accruing under those laws the jurisdiction of the Federal court is an *independent one, not subordinate to* but coordinate and concurrent with the jurisdiction of the state courts.” *Kuhn v. Fairmont Coal Co.*, 215 U.S. 349, 360 (1910). Particularly relevant to this instant matter is the Supreme Court's holding in *Donovan v. Dallas*, 377 U.S. 408, 412 (1964) which held that, “[e]arly in the history of our country a general rule was established that state and federal courts would not interfere with or try to restrain each other's proceedings. That rule has

continued substantially unchanged to this time.” The same Court reiterated the well-decided rule that “old and well-established judicially declared rule that state courts are completely without power to restrain federal-court proceedings in in personam actions like the one here.” *Id.* at 412-413. In fact, based on the Supremacy Clause of the U.S. Constitution, federal laws supersede and preempt any state laws that conflict. See, e.g., *Edgar v. MITE Corp.*, 457 U.S. 624 (1982) (“A state statute is void to the extent that it actually conflicts with a valid Federal statute.”). The U.S. Supreme Court further found in *Crosby v. National Foreign Trade Council*, 530 U.S. 363 (2000), that even when a state law is not in direct conflict with a federal law, the state law could still be found unconstitutional under the Supremacy Clause if the “state law is an obstacle to the accomplishment and execution of Congress’s full purposes and objectives.” *Crosby*, 530 U.S. at 373. Because Petitioner is properly enforcing his federal judgment in the “independent” federal court system, jurisdiction to decide this matter properly lies in the U.S District Court for the District of Columbia.

II. This is a Matter of Grave Importance Because it Affects Potentially Every Judgment Debtor and Creditor

As it stands, the precedent created by the Court of Appeals directly affects the rights of every litigant in federal court who has obtained a judgment. The Court of Appeals holding essentially grants state courts superior power over federal courts by allowing them to

enjoin the enforcement of a federal judgment. As set forth above, this directly contravenes the Supremacy Clause of the Constitution, and as such, must be remedied to ensure that the constitutional, statutory, and other rights of federal litigants are protected.

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CONCLUSION

This Court, respectfully, must grant review of Petitioner's instant Petition for Writ of Certiorari, as it seeks to correct precedent that defies the Supremacy Clause of the Constitution, as well as the common law of this Court.

Federal courts are independent from state courts. Federal courts also enjoy supremacy over state courts. Thus, an order from a state court enjoining enforcement of a federal judgment, thereby severely prejudicing the rights of Petitioner, a federal court litigant, must be corrected. Failing to do so would create confusing and conflicting precedent, and would interfere with the rights of federal litigants throughout this nation.

Respectfully submitted,

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