

No. \_\_\_\_\_

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

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TAWOOS BAZARGANI, M.D.,

*Petitioner,*

vs.

LATCH'S LANE OWNERS ASSOCIATION AND THE  
BOARD OF LATCH'S LANE OWNERS ASSOCIATION,

*Respondents.*

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**On Petition For Writ Of Certiorari  
To The Supreme Court Of Pennsylvania**

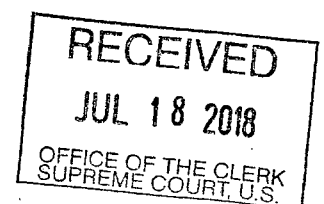
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**PETITION FOR A WRIT OF CERTIORARI**

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TAWOOS BAZARGANI, M.D.  
40 Old Lancaster Road, No. 406  
Merion, PA 19066

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## QUESTIONS PRESENTED

I. IS PETITIONER ENTITLED OF THE TRIAL OF THE ABOVE IDENTIFIED CLAIM? BECAUSE PETITIONER HAS LONG BEEN A VICTIM OF THE ABOVE IDENTIFIED RESPONDENT AND SUBJECT TO THE ABOVE RESPONDENT'S THREAT WHILE PROCEEDING THE RELATED CLAIMS INVOLVING ABOVE IDENTIFIED RESPONDENT WHEN THE ABOVE RESPONDENT HAS DIRECTED A THREAT TOWARD PETITIONER "RESPONDENT IN THE RELATED CLAIM" AND IN NO UNCERTAIN TERM HAS VERIFIED THAT IF THE PETITIONER DOES NOT DROP PETITIONER'S ACTION INVOLVING RESPONDENT THEN PETITIONER WILL HAVE EASTERN BLOCKS TO DEAL WITH AND THAT WE KNOW HOW TO CREATE IT.

II. IS PETITIONER ENTITLED OF THE TRIAL OF THE ABOVE IDENTIFIED CLAIM BECAUSE LOWER COURT'S DISMISSAL OF THE ABOVE CLAIM ON APRIL 12, 2016 APPENDIX B (APP 3) FOLLOWING PETITIONER'S DEPARTURE FROM THE STATE OF PENNSYLVANIA FOR MEDICAL LEAVE ON APRIL 9, 2016, DUE TO PETITIONER'S FAILING HEART, TO CLEVELAND CLINIC, OH, (APP 16) FOLLOWING FILING PETITIONER'S NOTICE OF MEDICAL LEAVE OF MARCH 24, 2017 FOR THREE (3) WEEKS (EXHIBIT B) HAS DEPRIVED PETITIONER FROM PETITIONER'S RIGHT FOR APPEAL, WITHIN THIRTY (30) DAYS FROM THE ORDER OF APRIL 12, 2016, PURSUANT TO

**QUESTIONS PRESENTED – Continued**

PENNSYLVANIA RULES OF APPELLATE PROCEDURE, RULE 903, RULE IS REPRINTED, THEREFORE, IT INVOLVES PROBLEMS WITH THE ISSUE OF CONSTITUTIONALITY OF THE STATUTE OF COMMONWEALTH OF PENNSYLVANIA AND WAS VIOLATION OF PETITIONER'S DUE PROCESS RIGHTS (APP 8).

III. IS PETITIONER ENTITLED OF THE TRIAL OF THE ABOVE IDENTIFIED CLAIM BECAUSE LOWER COURT'S DISMISSAL OF THE ABOVE CLAIM ON APRIL 12, 2016, APPENDIX A (APP 2) IS VIOLATION OF PETITIONER'S DUE PROCESS RIGHT AND BECAUSE SUPERIOR COURT OF PENNSYLVANIA SUPERVISES PENNSYLVANIA COURT OF COMMON PLEAS, MONTGOMERY COUNTY, FOR PROPER APPLICATION OF PENNSYLVANIA LAWS AND WITH THE ISSUE OF CONSTITUTIONALITY OF THE STATUTES OF COMMONWEALTH, AS IT HAS BEEN DEFINED BY PENNSYLVANIA RULES OF APPELLATE PROCEDURE, BY ISSUING ITS ORDER OF SEPTEMBER 6, 2017 SEE APPENDIX A (APP 1) AND DISMISSING THE APPEAL OF THE ABOVE CLAIM (APPENDIX B) SETS THE RULE FOR ISSUING AN ORDER AND DISMISSING THE CLAIM WHILE PETITIONER IS IN MEDICAL LEAVE WHICH DEPRIVES THE PETITIONER FROM PETITIONER'S RIGHT FOR APPEAL THEREFORE IT CONTRADICTS WITH PENNSYLVANIA RULES OF APPELLATE PROCEDURE RULE 903 WHICH ENTITLES THE PETITIONER WITH SUCH AN APPEAL (APP 8).

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Petitioner respectfully requests that a Writ of Certiorari be issued to review the order and opinion of the Pennsylvania Supreme Court in this case.



### **OPINION BELOW**

The United States Court of Appeals entered its Order on April 16, 2018 for the case No. 757 MAL 2017 the order and opinion are reprinted Appendix D (APP 6) and the deadline date for filing the writ of certiorari is July 16, 2018.



### **STATEMENT OF JURISDICTION**

The Court of Appeals entered the order on April 16, 2018. The jurisdiction of this Court is invoked under 28 U.S.C. Section 1254(1).



### **CONSTITUTIONAL AND STATUTORY PROVISION AND RULES INVOLVED**

Article XIV, Section 1 of the United States constitution has been precise about a petitioner's rights in prosecuting its claim to its merit, therefore, any respondent's interference with such a prosecution will be the violation of due process law and rules as follow: "All persons born or naturalized in the United States and subject to jurisdiction thereof, are citizen of the United States and of the State wherein they reside. No State

shall make or enforce any law which shall abridge the privileges or immunities of citizen of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" the related laws have been reprinted see Petition for Certiorari (hereinafter "Petition") (APP 12).

Pennsylvania Rules of Civil Procedure, Rule 216(A)(2) has clarified about continuing the trial of a claim due to illness of counsel of record, a material witness or a party and rules as follow: "The illness of the counsel of the record, a material witness or a party is a ground for continuance. If requested a certificate of a physician must be furnished stating that such illness will probably be of sufficient duration to prevent the ill person from participating in the trial. The certificate should indicate the precise nature of the illness" medical certificate from Petitioner's cardiologist is reprinted see Exhibit A (APP 16). The above documented Rule in this paragraph further documents the following involving the party's illness "The absence of a party may be a ground for continuance of a case. A continuance generally is granted, however, only where the party's presence is shown to be essential." Petitioner has been proceeding this claim as a pro se (Pennsylvania Rules of Civil Procedure, Rule 216(A)(2)) has been reprinted (APP 7).

Article XIV, Section 1 of the United States constitution has been precise about appellate Court's supervision involving proper implementation of Pennsylvania

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constitution and the related statutes of the lower courts and because Superior Court of Pennsylvania supervises Pennsylvania Court of Common Pleas, Montgomery County, for proper application of Pennsylvania laws and with the issue of constitutionality of the statutes of Commonwealth as it has been defined by Pennsylvania Rules of Appellate Procedure, therefore by issuing its order of October 10, 2017 Appendix A (APP 1) and dismissing the appeal of the above claim has deprived the Petitioner from Petitioner's due process rights for appeal, therefore it contradicts with Pennsylvania Rules of Appellate Procedure 903 which entitles the Petitioner with such an appeal, the Rule is reprinted (APP 9).

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### STATEMENT OF THE CASE

The fundamental question in this case is whether a litigant is entitle for relief from an order (APP 3) which has been issued while the litigant was on Medical Leave, for a period over thirty (30) day from the date of the order, therefore, out of the State of Pennsylvania Exhibit A (APP 16) for Medical Certificate.

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### CLINICAL HISTORY

1. Petitioner has history of open heart surgery for what Petitioner has being followed up in Cleveland Clinic, Cleveland, OH see Exhibit A (APP 16). Petitioner because of Medical Emergency due to deficiency in

Petitioner's heart, see (APP 16) on March 24, 2017 pursuant to Pennsylvania Rules of Civil Procedure 216(A)(2), which entitles Petitioner of Medical Leave has filed Petitioner's Emergency Notice for Medical Leave for three weeks effective immediately through Prothonotary office of the lower court, a time stamped, true and correct copy of this Emergency Notice has also been attached to Petitioner's motion of September 18, 2017 which has been filed in Pennsylvania Superior Court Exhibit A (APP 16) then Petitioner on April 9, 2017 has left Pennsylvania to Cleveland Clinic in Cleveland, OH, in order to be prepared for Petitioner's heart evaluation on April 11, 2017 Exhibit A (APP 16) Petitioner because of gravity of Petitioner's Medical Emergency following medical tests which documented of very ill heart (such as Ejection Fraction of Petitioner's heart which has been, dropped from 55 in to 35) which was a life threatening condition to Petitioner, therefore, has necessitated filing further Emergency Notices for Medical Leave, pursuant to Pennsylvania Rules of Civil Procedure 216(A)(2) (hereinafter "Pa. R. Civ. P.") which has entitled Petitioner pro se of such a Medical Leave, consecutively on April 14, 2017 for three (3) weeks (APP 24) and Exhibit C and another Emergency Notice on May 8, 2017 (APP 35) for one week to be continued by further Emergency Notice on May 15, 2017 through June 2, 2017 and finally the last Emergency Notice on Monday of about June 6, 2017 through June 17, 2017, Petitioner's last appointment with Petitioner cardiologist was on June 15, 2017 Exhibit A (APP 16), all above documented Emergency Notices in this paragraph have been composed of solid documents all have been verified and have been filed

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from Cleveland, OH, through Fedex Express with identification of recipients, the true and correct copies of the Emergency Notices and the related solid documents are attached (motion for clarification Exhibit B through G) Petitioner on May 19, 2017 had to be hospitalized in Cleveland Clinic, Hospital Main Emergency Department due to pain in Petitioner's lung where the medical evaluation (C.T. scan) Exhibit H revealed changes in petitioner's lung tissue, Petitioner has never smoked and has never had any kind of lung disease Exhibit H (APP 61) please consider that because this medical document has not been filed confidentially consequently the patient medical number, date of birth and some other confidential information are covered, Furthermore, please consider that Petitioner's admission in to Hospital Main Emergency Department and the related lung problems has not been included in Medical Certificate from the Cleveland Clinic because it has been prepared by Petitioner's Cardiologist. Finally, Petitioner on Friday June 16, 2017 has left Cleveland, OH, following last appointment on June 15, 2017 and was in Pennsylvania by June 17, 2017 (APP 16). Then Petitioner has learned that on April 12, 2017 Court of Common Pleas of Montgomery County, following Petitioner's departure from Pennsylvania for Medical Leave on April 9, 2017 has issued its order and has dismissed the above claim and because Petitioner's Medical Leave had to be continued till June 17, 2017 pursuant to Pa. R. Civ. P. Rule 216(A)(2) due to gravity of Petitioner's medical emergency see Exhibit A (APP 16) therefore has deprived Petitioner from Petitioner's right for appealing the order

of April 12, 2017 (Appendix B) dismissing the above claim, to the Pennsylvania Superior Court Pursuant to Pa. R. App. P. Rule 903, the Rule is reprinted (APP 8), which entitles Petitioner with the appeal of order April 12, 2017 as of rights. Consequently, within very time limit as defined by Pennsylvania Rules of Civil Procedure Petitioner has filed Petitioner's motion for objection in Court of Common Pleas Montgomery County PA involving Petitioner's entitlement for appeal pursuant to Pa. R. App. P. 903, Rule is reprinted (APP 8), from the order of April 12, 2017 (Appendix B) and all causes for untimeliness and further petitioner has filed Petitioner's Notice of Appeal to the Pennsylvania Superior Court within every time limit as it has been defined by Pennsylvania Rules of Appellate Procedure from the date denying Petitioner's motion for objection (Appendix C). **The following paragraph involves the Statement of the Case which is indirectly related to the instant claim where the parties are the same except the claim had been commenced by the party Latch's Lane Owners Association et al. who is respondent in the instant claim and the claim had been commenced against Petitioner Tawoos Bazargani, M.D. who is petitioner in the instant claim. Although indirectly related but the relation is of special significance because the Latch's Lane Owners Association et al. who was Petitioner in that claim (hereinafter "Petitioner Latch's Lane") has directed a serious threat toward Petitioner Tawoos Bazargani, M.D. who was respondent in that claim (hereinafter "respondent Dr. Bazargani") which speaks**

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**for itself about the abuse and vindictiveness of Petitioner Latch's Lane.** Petitioner Latch's Lane had commenced its claim against respondent Dr. Bazargani in Court of Common Pleas of Montgomery County, Commonwealth of the State of Pennsylvania, following Capital Improvement Plan of Latch's Lane Condominium excusing a payment where petitioner Latch's Lane had charged respondent Dr. Bazargani with illegal interest rate (case No. 2007-06290), which was followed by a counter claim on the behalf of respondent Dr. Bazargani case (No. 2010-17409) these cases had proceeded and an order was issued in favor of the petitioner Latch's Lane (respondent in the instant claim) respondent Dr. Bazargani had appealed the order and the cases were proceeded in Pennsylvania Commonwealth Court, finally the claim and counter claim were terminated with no prevailing party because Petitioner Latch's Lane had failed to substantiate its claim (case No. 2007-06290). Petitioner Latch's Lane while proceeding its claim, in its desperate attempt to win its claim had directed a serious threat against respondent Dr. Bazargani, though indirectly, but was a serious threat which spoke for itself, therefore, as a related case, which involves Petitioner Latch's Lane as a respondent in the instant claim, it has been documented through the instant Petitioner Tawoos Bazargani's Petition for Writ of Certiorari. On or about September 25, 2007 Petitioner Tawoos Bazargani, M.D. had visited the branch of Provident National Corporation (PNC) Bank located at Market Street and Twelve Street of city of Philadelphia, State of Pennsylvania in order to withdrew money



money available in petitioner's PNC bank account and to deposit in to Petitioner's Citizen bank account for paying bills, then a young lady whom had looked like a lady from Philippines or similar, in her early twenties, by the year 2007, came and had said that the requested amount would not be rendered because of Petitioner Tawoos Bazargani, M.D.'s signature, then Petitioner sincerely had explained that Petitioner had recently developed tremor in both hands which has impacted Petitioner's signature (Petitioner has the history of familial tremor), then the lady had led the Petitioner to another room and her departure had immediately after been followed by appearance of another rather tall, thin, blonde lady, about mid thirty by the year 2007, and she raised the same question as the previous lady. As Petitioner had began to explain about Petitioner's familial tremor she had, in no uncertain term, made it clear that, she do not care about Petitioner's hand tremor, rather she had clarified that if respondent Dr. Bazargani do not drop her defense against then respondent Dr. Bazargani would deal with eastern blocks and added that, as we could master such an atmosphere, respondent Dr. Bazargani had left the branch and had completed the banking transaction through the branch of the Bank where Petitioner had routinely done Petitioner's banking transaction and had proceeded with litigation of petitioner Latch's Lane claim against respondent Dr. Bazargani to its merit accordingly.



## REASONS FOR GRANTING THE WRIT

- I. **IS PETITIONER ENTITLED TO THE TRIAL OF THE ABOVE IDENTIFIED CLAIM BECAUSE PETITIONER HAS LONG BEEN A VICTIM OF THE ABOVE IDENTIFIED RESPONDENT AND SUBJECT TO THE ABOVE RESPONDENT'S THREAT WHILE PROCEEDING THE RELATED CLAIMS INVOLVING ABOVE IDENTIFIED RESPONDENT WHEN THE ABOVE RESPONDENT HAS LONGED A DIRECT THREAT TOWARD PETITIONER AND IN NO UNCERTAIN TERM HAS VERIFIED THAT IF THE PETITIONER DOES NOT DROP THE PETITIONER'S ACTION INVOLVING RESPONDENT THEN PETITIONER WILL HAVE EASTERN BLOCKS TO DEAL WITH.**

United States Constitution, in no uncertain term, has clarified the following as fundamental basis of Constitution "WE THE PEOPLE of the United States, in Order to form a more perfect union, establish justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America," it is self explanatory that implementing threat against the merit of a claim is contradictory, by any standard, with such a strong and inclusive expression involving the peoples' rights, defendant's ignorance involving such a strong and inclusive expression and the circumstance involving defendant's action has thoroughly been documented through Statement of the Case which speak for itself and well explains the significance of any legal action

which would demonstrate the necessity of judiciary system and the impact of such a system upon the people's rights see *Anderson v. Guerrein Sky-Way Amusement Co.*, 346 Pa. 80 29 A.2d 682, 144 A. L. R. 1258 (1943).

**II. IS PETITIONER ENTITLED OF THE TRIAL OF THE ABOVE IDENTIFIED CLAIM BECAUSE LOWER COURT'S DISMISSAL OF THE ABOVE CLAIM ON APRIL 12, 2016 (APPENDIX C) FOLLOWING PETITIONER'S DEPARTURE FROM PENNSYLVANIA FOR MEDICAL LEAVE ON APRIL 9, 2017, DUE TO PETITIONER'S FAILING HEART EXHIBIT A (APP 16) FOR MEDICAL CERTIFICATE, TO CLEVELAND CLINIC, CLEVELAND, OH, FOLLOWING FILING PETITIONER'S NOTICE OF MEDICAL LEAVE OF MARCH 24, 2017 FOR THREE (3) WEEKS SEE EXHIBIT B, HAS DEPRIVED PETITIONER FROM PETITIONER'S DUE PROCESS RIGHT FOR APPEAL, WITHIN THIRTY (30) DAYS FROM THE ORDER OF APRIL 12, 2017, PURSUANT TO PENNSYLVANIA RULES OF APPELLATE PROCEDURE, RULE 903, THE RULE IS REPRINTED EXHIBIT B (APP 18) THEREFORE, IT INVOLVES PROBLEMS WITH THE ISSUE OF CONSTITUTIONALITY OF THE STATUTE OF COMMONWEALTH OF PENNSYLVANIA AND HAS BEEN VIOLATION OF PETITIONER'S DUE PROCESS RIGHTS.**

Pennsylvania Rules of Civil Procedure, Rule 216(A)(2), in no uncertain term, entitles Petitioner

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Dr. Bazargani of Medical Leave, the Rule is reprinted, therefore, continuing the trial of the above identified claim because of pro se Petitioner's Medical Leave (APP 7), and rules as follow, "The illness of the counsel of the record, a material witness or a party is a ground for continuance. If requested a certificate of a physician must be furnished stating that such illness will probably be of sufficient duration to prevent the ill person from participating in the trial. The certificate should indicate the precise nature of the illness see (APP 16) for medical certificate from Petitioner's cardiologist of Cleveland Clinic, Cleveland, OH. The above documented Rule in this paragraph further documents the following involving the party's illness." The absence of a party may be a ground for continuance of a case. A continuance generally is granted, however, only where the party's presence is shown to be essential. The Rule is reprinted (APP 7), see *El Predomino Cigar Co. v. Blaustein*, 82 Pa. Super, 267, 1923, Petitioner has been proceeding this claim as a pro se. see *Davidson v. Davidson*, 262 Pa. 520, 106 A. 64 (1919); see *First Nat. Bank of Leechberg v. Title Guaranty & Surety Co.*, 238 Pa. 75, 85 A. 1126 (1913); see *Weiner v. Targan*, 100 Pa. Super. 278, 1930 WL 3728 (1930). Petitioner has history of open heart surgery for what Petitioner has being followed up by petitioner's cardiologist in Cleveland Clinic (APP 16), Cleveland, OH. **Due to Petitioner's life threatening medical emergency Petitioner has filed Petitioner's emergency Notice of Medical Leave of March 24, 2017 for three (3) weeks effective immediately a true copy of this Notice is attached to Petitioner's motion of**

**September 18, 2017 which has been filed In Pennsylvania Superior Court** see (Appendix A) and on April 9, 2017 has left the State of Pennsylvania to Cleveland, OH, to be evaluated by Petitioner's cardiologist in Cleveland Clinic on April 11, 2017 (APP 16) for Petitioner's Medical Certificate, Petitioner's emergency Notice for Medical Leave, due to Petitioner's life threatening condition (Ejection Fraction of Petitioner's heart has been dropped from 55 to 35) necessitated further tests for a thorough evaluation, therefore, Notice for Medical Leave has to be extended on April 14, 2017 (APP 24) for three (3) weeks, May 8, 2017 Exhibit D (APP 35) for one week to be continued by further Emergency Notice on May 15, 2017, see Exhibit E (APP 44) through June 2, 2017 and finally the last Emergency Notice on Monday of about June 6, 2017 through June 17, 2017 (APP 35), Petitioner's last appointment with Petitioner cardiologist was on June 15, 2017, see (APP 18-50, APP 54-60) all above documented Emergency Notices in this paragraph have been composed of solid documents all have been verified and have been filed from Cleveland, OH, through Fedex Express with identification of recipients, the true and correct copies of the Emergency Notices and the related solid documents are attached see Exhibit B through G). Following Petitioner's departure on April 9, 2017 to Cleveland, OH, Court of Common Pleas of Montgomery County, Commonwealth of Pennsylvania, while in total violation of above documented Pennsylvania Rules of Civil Procedure, Rule 216(A)(2) hereinafter "Pa. R. Civ. P." Rule 216(A)(2), the Rule is reprinted, and while in total

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violation of Petitioner's rights for appeal pursuant to Pennsylvania Rules of Appellate Procedure, Rule 903, the Rule is reprinted, on April 11, 2017 issued its order and dismissed the above identified claim which was entered in to record on April 12, 2017 (see Appendix C). Petitioner has noticed Montgomery County Court of Common Pleas's order of April 12, 2017 (Appendix C) upon return from Medical Leave on June 17, 2017, and within the time limit has filled Petitioner's motion to object in Court of Common Pleas see attached docket entry to (motion for clarification) where Petitioner informed the Court that the Order of April 12, 2017 is violation of Pa. R. Civ. P. Rule 216(A)(2) which entitles Petitioner with Medical Leave and violation of Pa. R. App. P. Rule 903 which entitles Petitioner with right to appeal the order of April 12, 2017, the Court dismissed this motion the next day from the filing date on July 18, 2017 see (Appendix D), then Petitioner within the time limit appealed dismissal of the order of July 18, 2017 to the Superior Court of Pennsylvania see (Appendix C).

**III. IS PETITIONER ENTITLED TO THE TRIAL OF THE ABOVE IDENTIFIED CLAIM BECAUSE LOWER COURT'S DISMISSAL OF THE ABOVE CLAIM ON APRIL 12, 2016 (SEE APPENDIX B) IS VIOLATION OF PETITIONER'S DUE PROCESS RIGHT AND BECAUSE SUPERIOR COURT OF PENNSYLVANIA SUPERVISES PENNSYLVANIA COURT OF COMMON PLEAS, MONTGOMERY COUNTY, FOR PROPER APPLICATION OF PENNSYLVANIA LAWS AND WITH THE ISSUE OF CONSTITUTIONALITY OF THE STATUTES OF COMMONWEALTH, AS IT HAS BEEN DEFINED BY PENNSYLVANIA RULES OF APPELLATE PROCEDURE BY ISSUING ITS ORDER OF SEPTEMBER 10, 2017 (SEE APPENDIX A) AND DISMISSING THE APPEAL OF THE ABOVE CLAIM SETS THE RULE FOR ISSUING AN ORDER AND DISMISSING THE CLAIM WHILE PETITIONER IS IN MEDICAL LEAVE WHICH DEPRIVES THE PETITIONER FROM PETITIONER'S RIGHT FOR APPEAL THEREFORE IT CONTRADICTS WITH PENNSYLVANIA RULES OF APPELLATE PROCEDURE RULE 903 SEE (APP 8-9) WHICH ENTITLES THE PETITIONER WITH SUCH AN APPEAL.**

42 Pa. C. S. Section 102 and Pa. R. App. P. 102 rules govern the right for appeal, the following documentation legally defines the appeal see (APP 8). "An appeal is any petition or other application to a court for review of subordinate governmental determination. The term

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includes an application for certiorari, and, where required by the context, proceedings on petition for review”, the above documented Pa. R. App. P. 102 further rules the following “A subordinate governmental determination includes an order of a lower court” and above documented 42 Pa. C. S. Section 102 further rules the following” and a “determination” “includes any action or inaction by a government unit which action or inaction is subject to judicial review by a court, and includes an order entered by a government unit”; the following Rule define the right for appeal while proceeding a claim in Pennsylvania, 42 Pa. C. S. Section 5105(a)(1) has ruled about the right of appeal as follow, “There is a right of appeal from the final order (including an order defined as a final order by general rule) of every court or magisterial district judge of the Commonwealth to the court having jurisdiction of such appeals Rules are reprinted” see *Dietrich v. Com., Dept. of Transp., Bureau of Driver Licensing*, 82 A.3d 1087 (Pa. Commw. Ct. 2013), 42 Pa. C. S. Section 102 and Pa. R. App. P. 102, in no uncertain term, clarifies about Pennsylvania Superior Court’s legal duty involving the review of Court of Common Pleas, Montgomery County’s order in reference to Petitioner Dr. Bazargani’s entitlement with Medical Leave pursuant to Pa. R. Civ. P. Rule 216(A)(2) (see preceding paragraph) for Medical Certificate see Exhibit A (APP 16) and the review of order of April 12, 2017 which was issued with knowledge that Petitioner Dr. Bazargani was in Medical Leave see (Appendix B), therefore, out of the State of Pennsylvania following Petitioner’s Emergency Notice of March 24, 2017 see Exhibit B (APP 18),



therefore, was a direct violation of due process law and violation of Pa. R. App. P. Rule 963, which entitles Petitioner of such an appeal Rules are reprinted (APP 8), because it was depriving Petitioner from the appeal of order of April 12, 2017 (Appendix B) which was dismissing the above claim see *Riverlife Task Force v. Planning Com'n of City of Pittsburgh*, 600 Pa. 378, 966 A.2d 551 (2009). Issuing order of April 12, 2017 see (Appendix B) while Petitioner was on Medical Leave not only deprived the Petitioner from appeal by May 12, 2017 when Petitioner was in Cleveland Clinic, Cleveland, OH see Exhibit A (APP 16) where Petitioner has learned about dangerous condition of Petitioner's heart (the Ejection Fraction of Petitioner's heart has been dropped from 55 to 35) but also further victimized Petitioner by very limited appeal choice as appeal nunc pro tunc which is far limited than the appeal pursuant to Pa. R. App. P. Rule 903 (APP 8). An appeal nunc pro tunc (APP 9-10) may be granted (1) where a party has failed to file a timely notice of appeal as a result of fraud or a breakdown in court's operation Rules are reprinted see *Amicone v. Rok*, 2003 PA Super. 500, 839 A.2d 1109 (2003); see *Criss v. Wise*, 566 Pa. 437, 781 A.2d 1156 (2001). Amendment XIV, Section 1 of the United States constitution has been precise about appellate Court's supervision involving proper implementation of Pennsylvania constitution and the related statutes of the lower courts.

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### CONCLUSION

This case presents a question of exceptional importance whether a litigant is entitled for relief from an order issued, while pro se litigant was on Medical Leave due to litigant ill heart Exhibit A (APP 16), and dismissed the entire claim (Appendix B), litigant's Medical Leave last more than thirty (30) days from the date of order, due to life threatening medical emergency, and is being followed by filing the Notices for Medical Leave, consequently see Exhibits B-E & Exhibit G (APP 18-50 & 54-60) litigant has been deprived from litigant's due process right, pursuant to Pennsylvania Rules of Appellate Procedure Rule 903 (APP 8) which entitles Petitioner to appeal within thirty (30) days from the order. By granting the Petitioner's Petition for Certiorari this Honorable Court can correct the lower court's decision which defies the existing litigant's due process rights, who is a patient, for Medical Leave due to medical emergency and if the opinion below is allowed to stand the Petitioner will be deprived from Petitioner's due process right for Medical Leave (APP 7) due to medical emergency and will suffer from the consequences of permanent body damage forever.

Date: July 13, 2018

Respectfully submitted,

TAWOOS BAZARGANI, M.D.