
IN THE SUPREME COURT OF THE UNITED STATES

ELIZABETH HARING COOMES,

Petitioner

v.

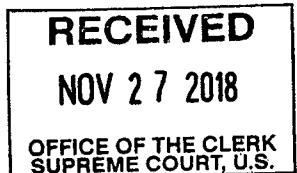
MARYLAND INSURANCE ADMINISTRATION,

Respondent

**EMERGENCY MOTION TO DEFER CONSIDERATION OF PETITION FOR A WRIT
OF CERTIORARI**

Petitioner respectfully moves this Honorable Court to defer consideration of her petition for a Writ of Certiorari pursuant to Rule 21 of the Rules of the United States Supreme Court. Emergency review of Petitioner's request is necessary because the Petition is currently scheduled for consideration at this Court's conference on Friday, November 30, 2018.

Petitioner prays this Court will defer consideration of the Petition pending issuance of this Court's opinion in *Gamble v. US*, a case which also asks this Court to overrule the dual sovereignty exception to double jeopardy. It is appropriate to defer ruling on the present Petition for a Writ of Certiorari until this Court has issued its opinion in *Gamble v. US*. See *Murray v. City of New York*, 308 U.S. 528, 310 U.S. 610, 311 U.S. 720 (1940) (granting motions to defer consideration of petition for certiorari) and *Keney v. New York*, 388 U.S. 440 (1967) (summarily reversing lower court's decision after holding a petition for certiorari pending the outcome of a similar case before this Court).



Deferred consideration is also desired because the bankruptcy questions are currently being litigated in related matters in the United States District Court for the Eastern District of Virginia (Alexandria division) and the 4th Circuit Court of Appeals. Petitioner is concerned that if this Court considers the Petition now and denies certiorari she will be prejudiced and may suffer irreparable harm since the judgment of the Maryland Court of Appeals will stand and this may foreclose the opportunity to perfect her appeals in the related pending matters. It is proper to let the related matters in the Federal Courts play out. This may obviate the need for this Court to consider the Petition and grant a writ.

Respondent has argued that dismissal of Petitioner's bankruptcy on July 10, 2018 mooted her related Motion to Enforce the Automatic Stay in the matter of *Elizabeth Haring Coomes v. Maryland Insurance Administration*. The bankruptcy Court held the bankruptcy dismissal may have mooted the matter. Petitioner argued that the dismissal of the bankruptcy did not moot the matter. Petitioner moved the bankruptcy Court to vacate the Order of dismissal, give her proper notice, and a new hearing. Petitioner was deprived of prior notice of the reasons which formed the basis for the bankruptcy dismissal. Petitioner noted an appeal to the United States District Court. On November 23, 2018, Petitioner noted an appeal to the 4th Circuit Court of Appeals.

The bankruptcy Court denied Petitioner's Motion to Enforce the Automatic Stay in the matter of *Elizabeth Haring Coomes v. Maryland Insurance Administration* (In re *Elizabeth H. Coomes*, Case No. 17-13497-BFK, Docket #80, 150, 151). Petitioner moved the bankruptcy Court to reconsider. Petitioner objected to the bankruptcy Court's Order since withdrawal of the Order of reference was mandatory pursuant to 28 U.S.C. § 157(d). On November 1, 2018, Petitioner noted an appeal to the United States District Court. If withdrawal of the Order of reference was mandatory pursuant to 28 U.S.C. § 157(d) and the bankruptcy Court's Order is

vacated, Petitioner will have a unique opportunity to try the contested matter before a jury in the United States District Court and collaterally attack the underlying judgment against her. Petitioner has raised additional questions worthy of review in the related matter, including whether *Chevron* deference is constitutional.

This Court has granted motions to defer consideration of Petitions for certiorari on the same grounds and similar grounds as those herein. If granted, Petitioner will promptly notify the Court upon the 4th Circuit's decision and the United States District Court decision in the related matters.

Respondent has not consented to defer consideration of the Petition. Respondent expressly waived their right to file a brief in opposition and in doing so may have waived their right to object to Petitioner's request to defer consideration of her Petition. In any event, since Respondent has prevailed in the lower courts, Respondent will not be prejudiced if this Court defers review of the Petition in this matter. Deferring review of the Petition will serve the interests of Petitioner, judicial economy, and the interests of justice.

RESPECTFULLY SUBMITTED,



ELIZABETH HARING COOMES
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Petitioner

November 27, 2018