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IN THE SUPREME COURT OF THE UNITED STATES

CASE NUMBER 18-5943

On Writ of Certiorari to the Supreme Court of Oregon

LINH THI MINH TRAN, Petitioner,

v.

KATHY HUNG PHAM, et al., Respondents.

**BRIEF OF RESPONDENT MINH DUY TRAN IN OPPOSITION TO
PETITION FOR CERTIORARI**

Frederic Cann, OSB 781604
CANN LAWYERS, A PROFESSIONAL CORPORATION
620 SW Main Street, Suite 205
Portland, Oregon 97205
Telephone: 503-226-6529
fcann@fcann.com

Attorney and Counsel of Record for Respondent Minh Duy Tran
Member of the Bar of the United States Supreme Court

Other parties:

Ken Baker, OSB 771062
10365 SE Sunnyside Road, Suite 240
Clackamas, Oregon 97015
Telephone: 503-698-4000
Facsimile: 503-698-5758
Kenbaker42@hotmail.com

Attorney for Respondent Kathy Hung Pham

Linh Thi Minh Tran
12542 SE Capella Court
Portland, Oregon 97086
Telephone: 503-558-0886
linhminhtran@gmail.com

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Petitioner below / Petitioner in this court

This Brief is filed on behalf of respondent Minh Duy Tran.

Response to petition to proceed *in forma pauperis*: No objection.

Response to petition for writ of certiorari: The undersigned has been appointed by the Circuit Court of the State of Oregon for Multnomah County to appear for respondent below / respondent here Minh Duy Tran. Minh Duy Tran is a 74 year old Vietnamese American United States citizen in a persistent vegetative state due to brain injuries caused by a stroke. Respondent Kathy Hung Pham is the mother of petitioner Linh Tran and the husband of respondent Minh Duy Tran.

Rule 10 of this Court states the reasons this Court considers in granting a writ of certiorari. Having those reasons in mind:

a) Rule 10(a) does not apply because this case arises from a decision of the Multnomah County Circuit Court of the State of Oregon (the trial court) after a plenary trial. The trial court judgment was affirmed without opinion by the Oregon Court of Appeals. The Supreme Court of the State of Oregon rejected discretionary review of the decision of the Oregon Court of Appeals.

b) As to Rule 10(b), the State court of last resort – the Oregon Supreme Court – has not decided an important federal question. The

Oregon Supreme Court simply denied a discretionary petition for review of the Oregon Court of Appeals' denial of Linh Tran's appeal from a judgment of the trial court denying Linh Tran's petition to be appointed guardian of the person of her father Minh Duy Tran.

c) As to Rule 10(c), no court involved here decided any federal question – much less an important one. This case involved an attempt by Linh Tran (petitioner below, petitioner here) to be named guardian of the person of her father Minh Tran under state law. As a question of fact, the trial court decided that father Minh Tran did not need a guardian and even if he did, daughter Linh Tran was not a proper person. A copy of the transcript of the trial court's ruling is attached as Appendix A. Virtually no questions of law were considered; and no question of federal statutory or constitutional law has ever been addressed in this case by a judge.

Petitioner Linh Tran does give reasons to grant the petition for certiorari at page 38 of her Petition. She fails to address any of the criteria set forth in Rule 10.

With whatever respect was or is due to Linh Tran diminishing as this case progresses to higher and higher courts, Linh Tran is a serial litigant in the

Oregon trial and appellate courts; as well as the United States District Court for the State of Oregon, who cannot take ‘no’ for an answer, and absorbs an astonishingly large amount of the resources of the courts.

This Court will also say ‘no’, because there is not one good reason for this Court to grant the petition for certiorari.

DATED this 25th day of September 2018.

CANN LAWYERS, a professional corporation

/s/ Frederic Cann
FREDERIC CANN, Oregon State Bar No. 781604
Member of the Bar of the Untied States Supreme Court
Attorney for Respondent Minh Duy Tran