No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ELENA STURDZA
Petitioner

Vs.

THE GOVERNMENT OF THE UNITED ARAB EMIRATES,
Respondent

VASILIOS DEMETRIOU,
Personal Representative of the Estate of
ANGELOS DEMETRIOU & ASSOCIATES,
ANGELOS DEMETRIOU,
Respondent

NATHAN LEWIN, et al,
Respondent

On Petition for a Writ of Certiorari to

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

District Court No. **98-cv-02051** (HHK)
Court of Appeals No. **00-7279, 06-7069, 10-7054, 14-7038, 17-7036**
Supreme Court No. **02-5218, 10M63, 11-5304, 11-5307, 11-5645**

PETITION FOR WRIT OF CERTIORARI

ELENA STURDZA
ELENA STURDZA ARCHITECT
6705 Tomlinson Terrace
Cabin John, MD 20818-1307
Tel: 301 320 4345

October 30, 2018 *PRO SE*
THE SUBJECT OF THIS CASE:

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

ELENA F. STURDZA — PETITIONER
(Your Name)

vs.

UNITED ARAB EMIRATES et all — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS DISTRICT OF COLUMBIA CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ELENA F. STURDZA
(Your Name)

6705 TOMLINSON TERRACE
(Address)

CABIN JOHN, MD. 20818-1307
(City, State, Zip Code)

301 320 4345
(Phone Number)

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

ELENA F. STURDZA — PETITIONER
(Your Name)

vs.

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ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS DISTRICT OF COLUMBIA CIRCUIT
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PETITION FOR WRIT OF CERTIORARI

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(City, State, Zip Code)

301 320 4345
(Phone Number)

Is a work of extreme national importance. The subject of the infringement is of an extraordinary national importance since it constitutes an innovative work of scientific useful arts arising from within the Islamic culture in ways that has never been risen before.

Poses several questions of exceptional importance. It is a criminal infringement of an extraordinary copyrighted work by a foreign state. Fired lawyer illegally rehires himself with the aid of illegally appointed Guardian.

Has no precedent in the U.S. There is no other criminal infringement by a foreign state of such a complex work combining so many trades.

Its ruling would create a precedent of national and global importance. This case law will affect the whole architectural establishment in the U.S. and its role in the whole world.

Is a world-class copyrighted work that must be fully protected as mandated by the Constitution. Article I of the Constitution delegates the Congress to encourage the progress of the science and useful arts. For the first time in history an architectural design incorporates the latest discoveries in science, medicine, technology, engineering and useful arts in a modern Islamic architectural design.

QUESTIONS PRESENTED

The affirmative answer to the following questions constitutes the proof that both US Courts have drastically departed from the accepted and usual course of judicial proceedings in a case that is of national and global importance.

THE "INSTANT CASE" ON REMAND TO THE DISTRICT COURT TO RULE ON THE *MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM.* 2002 – 2011

1. Whether the court erred when it adjudged that "The district court's May 27, 2009, and July 23, 2009, orders are not properly before the court, because the notice of appeal is untimely as to them."

2. Whether the court erred when it adjudged that "The district court did not abuse its discretion in denying appellant's motions for reconsideration under Fed. R. Civ. P. 60(b).", and:

"Appellant's motions for reconsideration raised no new arguments concerning the appointment, and the district court could not have granted a Rule 60(b) motion on grounds that this court had already rejected. Moreover, appellant's allegations do not satisfy any of the specific criteria for relief in Rule 60(b)(1)-(5), or present "extraordinary circumstances" that would entitle her to relief under Rule 60(b)(6).

3. Whether the court erred when it adjudged that "Appellant has shown no error in the district court's denial of her motion for leave to file a response to the question whether a guardian ad lithem should be appointed, as she received an opportunity to speak at a hearing on the issue, and the proffered response appears to have consisted of material that was either irrelevant to the issue at hand or legally unsound."

4. Whether the court erred when it adjudged that "the district court did not abuse its discretion in denying appellant's motion for leave to file a supplemental complaint, or her motion for reconsideration of the district court's denial of leave to file a supplemental complaint as of right.", and "Because the guardian has been given the authority to "assist [appellant]'s counsel with prosecuting this case in Ms. Sturdza's best interests," appellant cannot unilaterally decide to file a supplemental complaint."

5. Whether a party has the right to fire his or her Lawyer, enter Pro-se representation, file in Court important meritorious information, and correct the Court Record, his or her Lawyer refused to do.

6. Whether the Courts can declare a party **"incompetent person"**, and a **"client with diminished capacity"** only because the party wants to correct the Court Record.

7. Whether the courts drastically departed from their normal procedure when the US District Court, violating all the Laws governing the Appointment of a Guardian ad Litem, **appointed the Guardian** to a person who is not an infant, an incompetent, or a disabled, and does not fit any description of actions taken for which a Guardian should be appointed under law, and the US

Court of Appeals, violating the same laws, **Summarily Affirmed** the District Court's decision.

8. Whether the courts drastically departed from their normal procedure when the US courts accepted that a lawyer, currently defendant, fired and sued for good cause by a party, be rehired by the Guardian to represent that party, against her will, to whom the layer caused great harm.

9. Whether the Courts acted under the rule of a lawyer instead of the rule of law when they helped Lewin not only to amend the DC Rule of Professional Conduct 1.14 but to create a precedent to be later used as a case law to validate the Rule by allowing fired attorneys to declare their clients incompetents for the lawyer's financial interest.

10. Whether this case ruling would create precedents of national and global importance because:

A. Its ruling will create a case law that will help appoint a Guardian to any person without any reason, and will affect anyone in U.S. and even in the world;

B. Its ruling will create a second case law that will affect any person in U.S. who wants to control his/her lawsuit;

C. Its ruling will create a third case law that will affect any person in U.S. who wants to fire his/her lawyer for good cause.

11. Whether the US Court of Appeals for the District of Colombia violated the FRAP Rules when it denied the FRAP given right to file a *Petition for Rehearing and Rehearing en Banc* to a party who was not served with the final order, nor notified in any other way, and not being permitted at the time to file electronically did not receive an electronic notice.

12. Whether the District Court has helped the irreparable harm caused to Appellant Sturdza by the Defendants to grow enormously when it stalled the entire case for eight years, preventing her to obtain Discovery and giving a green light to the Defendants to keep on infringing her copyright.

13. Whether the US Court of Appeals and the US District Court for the DC violated Articles I and III of the Constitution and the US laws when they helped the plaintiff's counsels to prevent the completion of an important innovative masterpiece in the domain of scientific useful art by denying her a fair trial.

14. Whether the US Court of Appeals and the US District Court for the District of Colombia violated Articles I and III of the Constitution when they helped the plaintiff's counsels, not only to engage in a willful process of severe intimidation and severe intentional infliction of emotional distress, but, by preventing the creation of other innovative scientific useful art, to diminish the progress of science and arts in the US and in the entire world.

15. Whether the US Courts can approve such Settlement through which the defendants steal millions from plaintiff.

16. Whether the US Court of Appeals intentionally ruled considering Lewin's lies as truth and refused to consider the proof that she was licensed before, during and after her Competition submission.

17. Whether the US Court of Appeals can deny Sturdza's Petition for Rehearing en Banc when she filed the proof that she was licensed and she was right.

18. Whether both US Courts can force Sturdza to spend all her time during the 20 years of trial to work as a lawyer instead of working as an architect creating high quality buildings for people to live a healthier, better life in them.

19. Whether both US Courts can prevent Sturdza to work on her inventions, which can improve the lives of people and even save their life when mother - nature strikes down.

20. Whether both US Courts do not care about thousands of lives being lost, they only care that Plaintiff Appellant not to be paid for her Competition Winning Design UAE used to build two Embassies and Morrison one Embassy. Demetriou, Morrison and an architect in Germany were paid, not her. Sturdza worked on her Competition Winning Design for five full years.

two Embassies and Morrison one Embassy. Demetriou, Morrison and an architect in Germany were paid, not her. Sturdza worked on her Competition Winning Design for five full years.

LIST OF PARTIES

All parties in the *"Instant Case"* appear in the caption of the case on the cover page.

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1. BRIEF FOR THE PLAINTIFF-APPELLANT ELENA STURDZA
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3. APPENDIX B: Photos of her design and of the infringing designs.

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PETITION FOR A WRIT OF CERTIORARI filed in the US SUPREME COURT on August 31, 2015.

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THE "INSTANT CASE"

APPENDIX A: US Court of Appeals for the District of Columbia ORDERS .....

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THE ORIGINAL CASE

See **APPENDIX** filed in Case No. **02-5218**

APPENDIX A: US Court of Appeals for the District of Columbia OPINIONS

APPENDIX B: US District Court for the District of Colombia OPINIONS

APPENDIX C: DOCUMENTS and PLEADINGS filed in the US Court of Appeals.

APPENDIX D: COMPLAINT and PLEADINGS filed in the US District Court in a RELATED CASE against Defendants Szymkowicz and Mattar, Defendant UAE's Counsel and Contract Negotiator, and their former in house Legal Advisor.

TABLE OF AUTHORITY
FEDERAL STATUTES

17 U.S.C. sec. 501, 502, 503, 504, 505, 506 18 U.S.C. sec. 2319

28 U.S.C. sec. 1251, 1602, 1603, 1605, 1606 42 U.S.C. sec. 1983, 1985, 1986

Pub. L. No. 90 – 553, Stat. 958, **The International Center Act** as amended by Pub. L. No. 97 – 186, Stat. L. 101

FEDERAL REGULATIONS

THE DEVELOPMENT CONTROLS for the CHANCERY SECTION of the INTERNATIONAL CENTER in the DISTRICT OF COLUMBIA adopted by the National Capital Park ant Planning Commission in 1971 and amended in 1976-1984

THE DEPARTMENT OF STATE APPROVAL PROCESS FOR CHANCERY CONSTRUCTION AT THE INTERNATIONAL CENTER...appendix C, SC 02-5218

FAR Title 48 chapter 1 part 36.209

STATE STATUTES

D.C. Code sec. 2 – 262 (1993)

D.C. Code sec. 2 – 263 (1993)

D.C. Code sec. 36 – 401, 402, 403, 405, 407 (1989)

D.C. Code sec. 2 – 2501, 2511 (1981)

DC ST § 47-2853.04, DC ST § 47-2853.05, (2001).....20

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

The Petition demonstrates that: The subject of this case is of national and global importance, Exceptional circumstances warrant the exercise of the Court's discretionary powers, and Adequate relief cannot be obtained in any other form or from any other court because both courts rule considering appelees' lies as truths and appelant's truths as lies.

OPINIONS BELOW

THE "INSTANT CASE" APPOINTMENT OF GUARDIAN AD LITEM
2002 – 2011

1. The orders of the US Court of Appeals for the DC appear at Appendix A
2. The opinion of the US Court of Appeals for the DC of 03.08.02, published in the Federal Reporter, 281 F.3d 1287, appears at Appendix A to the petition filed on September 16, 2010. See *Petition for a Writ of Certiorari* dated **September 15, 2010** retained by the US Supreme Court with the denied *Motion* **10M63**.
3. The opinion and orders of the US District Court for the DC appear at Appendix B

The District Court's 06.27.09 *Order Granting the Motion for Appointment of Guardian Ad Litem*

The District Court's 07.23.09 *Order Appointing a Guardian Ad Litem* and *Memorandum Opinion.*

4. The *Motion for Reconsideration of December 17, 2009 Order Granting Summary Affirmance* appears at Appendix C of the **July 11, 2011** *Petition for a Writ of Certiorari*, and at Appendix C of the **September 15, 2010** *Petition for a Writ of Certiorari,* **10M63**.

JURISDICTION

THE "INSTANT CASE"

[x] For cases from **federal courts**:
The date on which the United States Court of Appeals decided my case was **January 18, 2011.**
[ ] No petition for rehearing was timely filed in my case.
[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: **April 11, 2011**, and a copy of the order denying rehearing appears at Appendix A of the previous petition for a writ of certiorari filed on July 11, 2011.
[ ] An extension of time to file the petition for a writ of certiorari was granted to and including (date) on (date) in Application No. A . The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

THE ORIGINAL CASE

[x] For cases from **federal courts**:
The date on which the United States Court of Appeals decided my case was **January 18, 2015.**
[ ] No petition for rehearing was timely filed in my case.
[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: **August 15, 2018**, and a copy of the order denying rehearing appears at Appendix A.
[ ] An extension of time to file the petition for a writ of certiorari was granted to and including (date) on (date) in Application No. A . The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

Supreme Court Rule 10 (a).
Considerations Governing Review on Certiorari.

I have further made my case that both federal courts, **the US District Court and the US Court of Appeals have "so far departed from the accepted and usual course of judicial proceedings, ... as to call for an exercise of this Court's supervisory power;".**

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. THE CONSTITUTION OF THE UNITED STATES:

Article I - Section 8:

> "The Congress shall have power.....
> **To promote the progress of science and useful arts**, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.
> .....
> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States or in any department or officer thereof."

Article III - Section 2:

> "**The judicial power shall** extend to all cases, in law and equity, arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their authority; - **to all cases affecting** ambassadors, other public ministers and consuls;... - to controversies between a state, or the citizens thereof, and **foreign states**, citizens or subjects.
> In all cases being affecting ambassadors, other public ministers and consuls, and those in which a state shall be the party, **the Supreme Court shall have original jurisdiction ".**

2. TITLE 28 > PART IV > CHAPTER 81 > Sec. 1251.

Sec. 1251. - Original jurisdiction

> (b) **The Supreme Court shall have original but not exclusive jurisdiction of:**
> (1) All actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of **foreign states** are parties;

In this Case **a foreign state is a Party**, therefore under the Article III - Section 2 of the US

Constitution **the Supreme Court shall have original jurisdiction "**

STATEMENT OF THE CASE

Plaintiff Appellant Sturdza
Is the Winner of The Design Competition for the New
United Arab Emirates Chancery Complex in Washington, Dc.
A Masterpiece Created in One Year.

In early 1994 Plaintiff Appellant Sturdza won first place in a design competition for the new United Arab Emirates Chancery Complex in Washington, DC over 15 competitors. Among them were world famous giants like *SOM New York*, *Leo Daly* and *RTKL* (ranking in the top 30 in the world), world famous like the former *The Architects Collaborative of Boston* (the firm of Walter Gropius, founder of the Bauhaus), and other established local firms, including the firm of the Dean of the University of Maryland.

His Excellency Ambassador Mohammad Al-Shaali and other jury members congratulated Elena Sturdza for having the best design, the only one respectful to their architectural heritage, and the only one with a very large and impressive gathering space for their receptions.

Contract Negotiations and Architectural Services
Performed Over a Period of 4 Years for Free.

At their request, Elena Sturdza, sole proprietor of Elena Sturdza Architect, submitted the AIA, B 141 Agreement between Owner and Architect. Elena Sturdza negotiated the contract and provided architectural and engineering services for the project until 1997. The leading publication on new construction projects, the ***Dodge Report,*** based on information given by U.A.E., listed Elena Sturdza Architect as the Architect for the U.A.E. Embassy project **from May '94 until May '97.**

At the End of December 1997 Sturdza Discovered that
Demetriou Stole Her Design.

Mr. Hamdan testified that he has no doubt that somebody gave Sturdza's competition drawings to Respondent Demetriou, telling him that her design was considered the best.

Demetriou's competition submission is a derivative of the

Appellant's wining design.

Demetriou prepared a derivative of Sturdza's design very similar to hers, but in order to give it a different look and claim it as a design of his own, he stripped off the exterior lattice wall, and some elements, Sturdza's modern innovative designs inspired from the Islamic Architecture. Demetriou's design acquired through plagiarism placed third in the competition.

In August 1998 Filed a Lawsuit in the U.S. District Court for DC.

UAE And Demetriou Shared Full Discovery
The Court Denied Discovery To Sturdza
Zero Discovery In Four Years

At the July '99 Hearing, knowing that Sturdza's lead Counsel, Mark Lane, was ill for some time, the judge opened discovery for Demetriou only (see transcript of status hearing on file). The Court forced Sturdza to produce detailed answers and all the documents. The respondents shared it. Sturdza's remaining counsels refused to serve discovery requests, although they promised to the court that they would, they then declared themselves incompetent and withdrew. See transcripts of December '99 and February '00 Status Hearings on file. Sturdza's new Counsels Anthony Herman and Ron Dove of Covington and Burling did not serve discovery requests although the discovery period was still open. When, at the June 26 '00 status hearing Mr. Dove asked for the court's permission to serve discovery requests, the Court refused. See transcript of Status Hearing of June 2000 on file.

Expert Witness Report Removed From Court File,
Two Others Not Considered

The petitioner's first expert, Kenneth Britz, examined the drawings on July 15 '98 prior to the filing of the complaint on August 26 '98. The petitioner's first *Expert Witness Report* of October 8 '98 was removed from the District Court file, (see transcript of December '99 Status Hearing on file when the Court said the report was not on file). The petitioner and a witness saw the report on file prior to the December '99 hearing. The second, more detailed report of Kenneth Britz and the report of Renata Holod, professor at the University of Pennsylvania and member

of the jury for the *Aga Khan Award* for Islamic Architecture, were not considered. The US Court of Appeals, in the March 8 2002 Opinion questions the necessity of expert witnesses. The petitioner's Design is a brake-through in today's concepts of architectural design, which can never be understood if not explained by an expert. Ordinary people in the US are not knowledgeable enough of traditional and modern Islamic architecture to be able to decide what is original in Petitioner Sturdza's design.

Transcript Under Seal Altered

Petitioner's allegations were removed from the transcript of the Ex Parte Hearing of February 16, 2000. Also statements of her counsels were altered. On appeal, counsel Lewin refused to mention it in the brief. The Court of Appeals refused to permit petitioner to correct the brief. See attached orders of Aug. 29, and Oct. 5, 2001.

Case Dismissed

On October 30, 2000, the District Court dismissed the case on Summary Judgement. Sturdza files Notice of Appeal and hires Mr. Lewin on contingency.

Counsel Files Misleading Brief, The Court Ignores the Mischief

Sturdza has filed pro se several motions and affidavits asking permission to correct the brief after her counsel failed to do so. The court denied all motions stating that she could not file pro se as long as she was represented by a lawyer, and completely disregarded her complaints about the misleading conduct of her counsel. See pro se pleadings by Petitioner Sturdza on file and the August 29, and October 5, 2001 orders. The brief must be rewritten because it conveys a totally false view of the case.

Fourteen years ago Plaintiff-Appellant Sturdza has requested her counsel to **discuss** and **correct the Brief** he was just about to file on her behalf.

For **one year** she continuously requested a dialog with him and, due to the total lack of response from her counsel, after that year, she asked this court for permission to correct the

record by herself. When the court responded that a party represented by counsel speaks through counsel to the Court, Plaintiff Sturdza **decided to dismiss Mr. Lewin if he did not respond** to her requests for **correction of the brief by a deadline**. Instead of correcting the record, or explain his reasons, Mr. Lewin reacted by filing a *Motion for Appointment of Guardian Ad Litem.* Plaintiff-Appellant Sturdza was left with no choice but enter in all courts Mr. Lewin's dismissal and enter pro se representation in order to correct the record herself, but, immediately after that she learned that instead of giving her the permission to correct the record in her rightful pro se capacity, the court has remanded the "instant case" concerning the guardian to the District Court. Her two motions of reconsideration of that June 6, 2002 Order were denied.

As a result of the refusal to correct the record, one Discrimination Count was abandoned by Mr. Lewin, a second Discrimination Count was affirmed, all other counts were reversed but, Sturdza warned, when a Question on DC Architect License misstating the facts about Sturdza's status proposed by Mr. Lewin and certified to the DC Court of Appeals will be ruled upon, the Contract Count and five other counts he said all depend on it, will be dismissed despite the fact that Sturdza did meet all the Federal and DC licensing requirements. In the end, the only reversed count will be the Copyright Infringement.

LATEST FACTS

1. Plaintiff Sturdza dismisses her lawyers.

On May 23, 2002 Sturdza fired Lewin, on June 11 2002, she has filed the dismissal of her lawyers Nathan Lewin, Alyza Lewin, of Lewin & Lewin and David Shapiro of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC, and has entered Pro Se representation in all Courts.

2. Lewin Refuses to Be Fired and Requests Guardian

On May 28, 2002 Mr. Lewin filed a *Motion for Appointment of Guardian Ad Litem* containing only false allegations.

1. Pro se Plaintiff Sturdza requests again a New Trial.

Within ten days from dismissal of her counsels rather than from the date of the court order or opinion as required by F.R.C.P. 59 (a) (b) (e), Plaintiff Sturdza is requesting again a new trial. Newly discovered evidence contributed to the decision to act.

2. The previous Motion for New Trial awaited long for the Court's decision

Sturdza asked her former lawyers to file for the reconsideration of the October 30, 2000 Opinion but they refused to do it. She filed within one year of the opinion, on October 30 2001, a Motion for relief from Judgment and for a New Trial, but the court did not issue a decision for more than seven month.

3. *Petition for a Writ of Certiorari* Filed: US Supreme Court No. 02-5218

Because her *Petition for Reconsideration of the June 6, 2002 Order and for Rehearing En Banc* was **denied,** in 2002 Sturdza filed a *Petition for a Writ of Certiorari*, but her *Application to Proceed in Forma Pauperis* and her *Motion for Reconsideration* were denied.

4. District Court held Status Hearing

At the July 10, 2002 Hearing the discussion was about how to proceed with Lewin's *Motion for Appointment of Guardian Ad Litem.*

5. Magistrate Judge Facciola Recommends No Guardian.

On August 6 the District Court **referred Lewin's *Motion* to** Magistrate Judge Facciola, who, after the October 9, 2002 hearing, in his *Report and Recommendations* concluded that **Plaintiff Sturdza is capable of representing herself and a guardian should not be appointed.**

6. The Court declined to adopt Magistrate Judge Facciola's *Report*

On April 24, 2003, the District Court ordered a Show Cause Hearing and declined to adopt Magistrate Judge Facciola's *Report and Recommendations.*

7. Psychiatric Evaluation for No Good Reason, Not Ordered, Not Performed

On August 26, 2003 the District Court intended to order, without any good reason, a Psychiatric evaluation, and ordered Lewin and Sturdza to submit two names of licensed Psychiatrists and on September 11, 2003 Lewin submitted two names. Sturdza was not notified of the June 4 and 23 Hearings. On September 12, 2003, she filed a statement about that fact. The Psychiatric Evaluation was not ordered and not performed

8. No Activity for two Years

9. Lewin's *Motion* Granted

On September 28, 2005 the District Court entered an Order granting Lewin's *Motion for Appointment of Guardian Ad Litem* almost literally repeating Lewin's false allegations. Sturdza's and Demetriou's Motions for Reconsiderations were denied.

10. Guardian Illegally Appointed

On March 26, 2006, the District Court appointed Martin Baach as Guardian ad Litem.

11. Notices of Appeal Filed, Appeals Consolidated

Timely Notices of Appeal were filed by Sturdza and by Demetriou.

Case No: **06 - 7061** is consolidated with Case No: **06 - 7069** and Case No: **00 - 7279**, the Appeal from the original District Court Case No: 98-cv-02051 (HHK).

12. Lewin Amends Rule of Professional Conduct

In his May 25, 2009 letter to the Legal Times, Mr. Lewin wrote:

> Letters to the editor, May 25, 2009
> LAWYER-CLIENT DISPUTE
> ...The current version of District of Columbia Rule of Professional Conduct 1.14 — which took effect on Feb. 1, 2007, and appears to have been **drafted as a result of the unprecedented situation presented by my dilemma in Sturdza** — precisely covers the Sturdza case and authorizes a lawyer to seek "the appointment of a surrogate decision-maker" in order "to protect the client's interests."...
> Nathan Lewin, Washington

Mr. Lewin succeeded in creating a Rule and in using it to bypass a Law under which a Guardian can be appointed.

13. Rule Not Retroactive, Orders Appointing Guardian Vacated

The September 28, 2005 *Order* granting Lewin's *Motion for Appointment of Guardian Ad Litem* and the March 26, 2006 *Order* appointing a Guardian were vacated, Case remanded for Evidentiary Hearing.

14. Evidentiary Hearing

On May 13, 2009 an Evidentiary Hearing was held in the District Court. Sturdza demonstrated that the appointment of a guardian in her case would be illegal by providing proofs that her corrections of her Court Record are meritorious and all of Lewin's allegations are false and are lacking any proof. Lewin could not describe any specific acts or words by Sturdza that could be considered as proofs of incompetence.

15. Guardian Illegally Reappointed

On May 27, 2009 the District Court entered a new *Order* granting Lewin's *Motion for Appointment of Guardian ad Litem* and on July 23, 2009, a new *Order* appointing a Guardian. The District Judge reentered the two Orders previously vacated **without any new proof.** In his *Memorandum* the Judge repeats again, almost word by word Lewin's false allegations, again with no proof. Just like Mr. Lewin, the Judge could not name any specific thing committed by Sturdza that would show incompetency.

The reappointment of the Guardian is as **Illegal** as the first appointment was.

16. Notices of Appeal filed

Timely Notices of Appeal were filed by Sturdza and by Demetriou. On August 17, 2009 Sturdza filed the *Notice of Appeal* from the Orders appointing a Guardian.
Case returned in the Court of Appeals in Case No: **06 – 7061** consolidated with Case No: **06 – 7069** and Case No: **00 – 7279.**

17. Request to File Reply Brief Denied, No Hearing, Summary Affirmance.

Sturdza filed Motions for permission to file Appellant's Reply Brief several years ago, and filed again after the Judgment was entered, but all her motions were denied. Without Appellant's Reply Brief and without a Hearing, on **December 17, 2009** this Court entered an *Order* Summarily Affirming the District Court's *Orders* appointing a Guardian but **failed to mail it** to Sturdza.

18. Leave to file Petition for Rehearing, Timely Request for Rehearing Denied.

Sturdza learned about the Summary Affirmance *Order* more than one month later, several days after the time to file Petition has passed. All her motions for Leave to file Petition were denied. The last ***Order* denying timely request for Rehearing** was entered on **June 17, 2010.**

19. *Petition for a Writ of Certiorari* Filed: 10M63

On **September 16, 2010**, in the morning, only a few hours late, Sturdza filed the *Petition*. The Clerk returned the *Petition*, but Sturdza refilled it with a *Motion for leave to file Petition Out of Time* explaining that due to a technical problem, the printer rejected the last new ink cartridge while all stores were closed, and no one was available to help over night. Motion was denied. See *Petition for a Writ of Certiorari* dated **September 15, 2010** retained by the Supreme Court with the denied *Motion* **10M63**.

20. District Court Denies Outstanding Pleadings

On **March 29, 2010** the District Court entered an *Order* **Denying** five pleadings filed by Sturdza prior to the filing of the *Notice of Appeal*:

21. New Notice of Appeal Filed, New Case No: 10-7054

On **April 20, 2010** Sturdza filed the *Notice of Appeal* from the Orders reappointing the Guardian and the March 29, 2010 *Order* **Denying** five pleadings including the motions for reconsideration of the Orders reappointing the Guardian. Under FRAP Rule 4, the *Notice of*

Appeal filed creating Case No: **06 – 7069 did become effective** on March 29, 2010 when the last outstanding motion filed in the District Court was disposed of.

22. Motion for Reconsideration where long standing in Case No: **06 – 7069**

Because under FRAP Rule 4, the *Notice of Appeal* did become effective on March 29, 2010 when the last outstanding motion filed in the District Court was disposed of, on **May 17, 2010** Sturdza decided to file the *Motion For Reconsideration of 12.17.09 Order.* The Court did not rule on it for a long time.

***Brief* Filed**

On **September 23, 2010** Sturdza filed a new *Brief* and *Appendix* citing the Laws under which the appointment of the Guardian is illegal, and the five pleadings were denied in error on March 29, 2010.

***Judgment* Entered**

On **January 18, 2011** the Court of Appeals **affirmed** the District Court's decision to illegally appoint a Guardian ad Litem.

***Petition* Filed**

On **February 17, 2011** Sturdza filed the *Petition for Rehearing En Banc.*

***Petition* Denied**

On **April 11, 2011** seven of the nine judges **denied** the *Petition* without a vote.

***Petition for Certiorari* Filed**

***Petition for Certiorari* Due on July 11, 2011,**

***Petition for Certiorari* Filed on July 11, 2011**

RELATED CASES

CASE NO: 02-mc-0435 (RJL)
LAWYERS' MISCONDUCT, SABOTAGE

Around **September 2001** Plaintiff Sturdza realized that Mr. Lewin was working against her interests. On **May 23, 2002** Plaintiff Sturdza has dismissed her Counsel of

Record and on **June 11, 2002** has entered the dismissal and Pro Se representation in all Courts handling her original case. On **August 20, 2002** Plaintiff Sturdza filed Pro Se the *Complaint* with the *Application to Proceed in Forma Pauperis.* The Court promptly **denied** her *Application.* On **May 20, 2003** Sturdza filed an *Addendum to Complaint.*

***Motions for Reconsideration* Denied, Case Dismissed**

All three *Motions for Reconsideration of the Application to Proceed in Forma Pauperis* were **denied** and on **December18, 2006** the Case was **dismissed.**

Notice of Appeal filed: Case No: 07-7034

The *Order of December.18, 2006* **dismissing the case** was vacated and the case was remanded to reconsider *Application to Proceed in Forma Pauperis.*

***Application* Granted, Case Dismissed, Defendants Not Served**

On **January 11, 2010**, eight years after filing the complaint and the *Application,* her third *Motion for Reconsideration of the Application to Proceed in Forma Pauperis* was **granted,** but the *Complaint* was **dismissed** under ***res judicata*** before serving the *Complaint* to the Defendants.

Notice of Appeal filed: New Case No: 10-7053

On **February 2, 2010** Sturdza filed a timely *Notice of Appeal.*

***Brief* Filed**

On **June 28, 2010** she filed a *Brief* and an *Appendix.*

***Judgment* Entered**

On **January 4, 2011 Judgment** entered **affirming** District Court's **January 12, 2010** and **April 14, 2010** *Orders* **dismissing** the case.

Petition Filed

On **February 17, 2011** Sturdza filed the *Petition for Rehearing En Banc.*

Petition Denied

On **April 12, 2011** seven of the nine judges **denied** the *Petition* without a vote.

***Petition for Certiorari* Due on July 11, 2011**

***Petition for Certiorari* Filed on July 11, 2011**

CASE NO: 08-cv-01642 (HHK)
THIRD COPYRIGHT INFRINGEMENT

In 2008 Sturdza discovered that her stolen copyrighted design was used to build the new **Chancery of Morocco** in Washington DC and filed a *Complaint.* It is the **third copyright infringement.** The main defendants are UAE, Erik MORRISON, a former employee of Demetriou, and his firm, MORRISON ARCHITECTS.

Leave to file the *Complaint* was **denied** and Sturdza's *Motion for Reconsideration* was awaiting ruling for a long time.

CASE NO: 09-cv-0699 (UNA)
SECOND COPYRIGHT INFRINGEMENT

Sturdza's copyrighted design was used to build the new **UAE Embassy in Berlin,** Germany. It is the **second copyright infringement.** The main defendants are UAE and an unknown architect. Leave to file the Complaint in a new Case was **denied** and advised to file it as an Amendment to the Complaint in the first Copyright Infringement Case, 98-2051.

Sturdza filed it as an *Addendum to Complaint,* but the leave to file it was **denied** on **March 29, 2010.**

Sturdza filed *Notice of Appeal* from that *Order.* The Court of Appeals **affirmed** that decision and **denied** *Petition for Rehearing En Banc.*

Sturdza filed a *Petition for a Writ of Certiorari,* see Question 1, Response I.

REASONS FOR GRANTING THE PETITION

I

THE COURT ERRED WHEN IT ADJUDGED THAT "THE DISTRICT COURT'S MAY 27, 2009, AND JULY 23, 2009, ORDERS ARE NOT PROPERLY BEFORE THE COURT, BECAUSE THE NOTICE OF APPEAL IS UNTIMELY AS TO THEM."

The district court's May 27, 2009, and July 23, 2009, orders **are** properly before the court, because under:

> FRAP **Rule 4** (a)
> (4) **Effect of a Motion on a Notice of Appeal.**
> (A) "...**the time to file an appeal runs** for all parties **from the entry of the order disposing of the last such remaining motion:**
> (iv) to alter or amend the judgment under Rule 59;
> (v) for a new trial under Rule 59; or
> (vi) **for relief under Rule 60**,,,",

And,

> (B) (i) If a party files a notice of appeal after the court announces or enters a judgment—but before it disposes of any motion listed in Rule 4(a) (4) (A)—**the notice becomes effective to appeal a judgment or order**, in whole or in part, **when the order disposing of the last such remaining motion is entered.**

1. The notice of Appeal in case **06-7069** challenging those orders **became effective** on **March 29, 2010**, when the motions for reconsideration of those orders were denied, therefore the time to file *Petition for Rehearing or Rehearing en Banc* has not expired.

And,

> (ii) A party intending to challenge an order disposing of any motion listed in Rule 4(a) (4) (A), or a judgment's alteration or amendment upon such a motion, must file a notice of appeal, or an amended notice of appeal—in compliance with Rule 3(c)—within **the time** prescribed by this Rule **measured from the entry of the order disposing of the last such remaining motion.**

2. The *Appeal* **No. 10-7054**, is from the *Order* of **March 29, 2010**, denying the motions for reconsideration of the district court's May 27, 2009, and July 23, 2009, orders, therefore those orders **are** before the court and **were at the time** the court issued the *Order* of January 18, 2011.

II

THE COURT ERRED WHEN IT ADJUDGED THAT "THE DISTRICT COURT DID NOT ABUSE ITS DISCRETION IN DENYING APPELLANT'S MOTIONS FOR RECONSIDERATION UNDER FED. R. CIV. P. 60(B).", AND: "APPELLANT'S MOTIONS

FOR RECONSIDERATION RAISED NO NEW ARGUMENTS CONCERNING THE APPOINTMENT, AND THE DISTRICT COURT COULD NOT HAVE GRANTED A RULE 60(B) MOTION ON GROUNDS THAT THIS COURT HAD ALREADY REJECTED. MOREOVER, APPELLANT'S ALLEGATIONS DO NOT SATISFY ANY OF THE SPECIFIC CRITERIA FOR RELIEF IN RULE 60(B) (1)-(5), OR PRESENT "EXTRAORDINARY CIRCUMSTANCES" THAT WOULD ENTITLE HER TO RELIEF UNDER RULE 60(B) (6).

1. In her *Motion For Reconsideration Of 05.27.09 Order Granting Motion For Appointment Of A Guardian Ad Litem*, Sturdza has proved that Lewin's allegations are false and the appointment of a guardian would be illegal, that Lewin was fired at the time he filed the motion therefore had no standing to file it, therefore the district court should reconsider its order and deny the *Motion For Appointment Of A Guardian Ad Litem*. See Appendix to Brief at pg.171. In her *Motion For Reconsideration Of The 07.23.09 Order Appointing A Guardian Ad Litem,* respectfully requests that the Court reconsiders and vacates its *July 23, 2009 Order Appointing A Guardian Ad Litem.* She proved in her previous motion that Lewin's allegations are false and the appointment of a guardian would be illegal. Because the 44page *Memorandum* accompanying the *Order* came late, after It took the clerks **twelve days to mail it,** Sturdza said will file a Memorandum later, but there was no reason to file it since the *44page Memorandum* did not state anything new. See Appendix to Brief pg. 232.

2. It is not true that "the district court could not have granted a rule 60(b) motion on grounds that this court had already rejected." The district court should have granted the motion and **should have vacated its illegal orders.**

3. It is not true that "Appellant's allegations do not satisfy any of the specific criteria for relief in Rule 60(b) (1)-(5), or present "extraordinary circumstances" that would entitle her to relief under Rule 60(b) (6)." Sturdza's allegations are **statements of facts** that present "extraordinary circumstances", **they prove that the appointment of a guardian is illegal in this case.**

III

THE COURT ERRED WHEN IT ADJUDGED THAT "APPELLANT HAS SHOWN NO ERROR IN THE DISTRICT COURT'S DENIAL OF HER MOTION FOR LEAVE TO FILE A RESPONSE

TO THE QUESTION WHETHER A GUARDIAN AD LITEM SHOULD BE APPOINTED, AS SHE RECEIVED AN OPPORTUNITY TO SPEAK AT A HEARING ON THE ISSUE, AND THE PROFFERED RESPONSE APPEARS TO HAVE CONSISTED OF MATERIAL THAT WAS EITHER IRRELEVANT TO THE ISSUE AT HAND OR LEGALLY UNSOUND."

The *Motion For Leave To File Response To The Question Weather This Court Should Appoint A Guardian Ad Litem* Should Not Have Been Denied Because:

A. The *Response* shows corrections to the *Transcript* of the *05.13.09 Hearing,* adds important information missing from the *Transcript* due to the time constrains at the *Hearing,* and its enclosures are proofs that a DC License was not required for the design of the UAE Chancery.

B. The response did not consist "of material that was either irrelevant to the issue at hand or legally unsound". The response did show the illegality of the appointment of a Guardian ad litem to a party who is not incompetent and not in need of a guardian under the applicable laws.

IV

THE COURT ERRED WHEN IT ADJUDGED THAT "THE DISTRICT COURT DID NOT ABUSE ITS DISCRETION IN DENYING APPELLANT'S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL COMPLAINT, OR HER MOTION FOR RECONSIDERATION OF THE DISTRICT COURT'S DENIAL OF LEAVE TO FILE A SUPPLEMENTAL COMPLAINT AS OF RIGHT.", AND "BECAUSE THE GUARDIAN AD LITEM HAS BEEN GIVEN THE AUTHORITY TO "ASSIST [APPELLANT]'S COUNSEL WITH PROSECUTING THIS CASE IN MS. STURDZA'S BEST INTERESTS," APPELLANT CANNOT UNILATERALLY DECIDE TO FILE A SUPPLEMENTAL COMPLAINT."

The District Court should not have **Denied** Sturdza's *Motion For Leave To File Addendum To First Amended Complaint,* nor her *Motion for Reconsideration of Order Denying the Leave to File* Because:

A. The *Addendum To First Amended Complaint* (#201) is a ***Complaint*** for the **second copyright infringement** of Sturdza's copyrighted design, the **UAE Embassy in Berlin,** Germany. It included copies of the infringing designs. Sturdza has statutory rights to file such a Complaint, and,

B. The *Motion for Reconsideration of Order Denying the Leave To File* (#202), proves that the Court was wrong when it denied the leave to file the *Addendum.*

V

A PARTY HAS THE STATUTORY RIGHT TO FIRE HER LAWYER FOR MISCONDUCT, SABOTAGE, DENIGRATION OF CHARACTER OR ANY OTHER GOOD CAUSE, AND, IN ORDER TO CORRECT HER COURT RECORD ENTER PRO SE REPRESENTATION

U.S. Code
TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE
TITLE 28 > PART V > CHAPTER 111 > § 1654

§ 1654. Appearance personally or by counsel

Release date: 2005-09-29
In all courts of the United States the **parties may plead** and conduct **their own cases personally** or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

The Courts have taken away Sturdza's **right given by the US Code to plead** and **conduct her own case personally.** She has fighted for eight years to take that right back to be able to correct the Court Record.

All the corrections Sturdza asked in 2001 Mr. Lewin to make are valid and must be made in order to have a complete record based on facts and to have **all counts Reversed.**

They are **meritorious corrections** that former counsel Lewin **refused** to make:

CORRECTIONS ARE MERITORIOUS:
THE ORIGINAL CASE
1998 – 2002
A
RESPONDENTS SHARED FULL DISCOVERY. THE COURT DENIED DISCOVERY TO THE PETITIONER
ZERO DISCOVERY IN FOUR YEARS

At the July '99 Hearing, while the petitioner's lead Counsel, Mark Lane, was ill, the judge opened discovery for Respondent Demetriou only (see transcript of oral hearing on file). The respondents shared the detailed discovery that the petitioner was forced by the court to produce. The court was aware of the fact that the lead counsel was ill and still forced her to produce detailed answers and all the documents.

The petitioner's remaining counsels refused to serve discovery requests, although they promised to the court that they would, and then, declared themselves incompetent and withdrew. See transcripts of December '99 and February '00 status hearings on file.

The petitioner's new Counsels Anthony Herman and Ron Dove of Covington and Burling did not serve discovery requests although the discovery period was still open for a short period of time. When, at the June 26 '00 status hearing Mr. Dove asked for the court's permission to serve discovery requests, the court refused. See transcript of status hearing of June '00 on file.

B

EXPERT WITNESS REPORT REMOVED FROM COURT FILE. THE OTHER TWO NOT CONSIDERED

The petitioner's first expert, Kenneth Britz, examined the drawings on July 15 '98 prior to the filing of the complaint on August 26 '98. The petitioner's first *Expert Witness Report* of October 8 '98 was removed from the court file, (see transcript of December '99 status hearing on file). The petitioner and a witness saw the report on file prior to the December '99 hearing. The second, more detailed report of Kenneth Britz and the report of Renata Holod, professor at the University of Pennsylvania and member of the jury for the *Aga Khan Award* for Islamic architecture, were not considered. All are in Appendix C, SC Case 02-5218.

The US Court of Appeals questions the necessity of expert witnesses.

The petitioner's Design is a breakthrough in today's concepts of architectural design, which can never be understood if not explained by an expert. Ordinary people in the US are not knowledgeable enough of traditional and modern Islamic architecture to be able to decide what is original in Petitioner Surdza's design.

C

TRANSCRIPT UNDER SEAL ALTERED

Several allegations made by Petitioner Sturdza were removed from the transcript under seal of February '00. Also statements of her counsels were altered.

D

CRIMINAL COPYRIGHT INFRINGEMENT NOT CLAIMED

The petitioner's first *Expert Witness Report* of October 8 '98 was probably removed from court file because it clearly explained that Demetriou's first design was a derivative of

Petitioner Sturdza's winning design. That proves the willful act of copyright infringement. While the competition was under way, they stole her design and used it to produce a winning design to take her first place but they could not, they had third place.

17 USC section 506. Criminal offenses

(a) **Criminal Infringement.** – Any person who infringes the copyright **willfully** and for purposes of **commercial advantage or private financial gain shall** be punished as provided in section 2319 of title 18.

E

STURDZA MET ALL THE LICENSING REQUIREMENTS
NO CERTIFIED QUESTION NEEDED
CONTRACT COUNT SHOULD BE REVERSED

See in Response XV of the September 15, 2010 *Petition for a Writ of Certiorari,* SC 10-M63 all the laws Mr. Lewin should have included in the Brief instead of proposing a Question to be certified to the DC Court of Appeals, Question that does not apply to the licensing requirements for the Chancery project which is built on federal land where a DC license is not required. On federal property an architect must have a license from any of the states. Sturdza had and has a Maryland and a Texas license.

Sturdza even met the DC Licensing requirements because, as accepted by the DC Code, she worked on the Chancery project under the supervision of her Project Manager who was licensed in DC. See below *Response* to the January 20, 2011 *Order to Show Cause.*

F

UAE AND DEMETRIOU DISCRIMINATED AGAINST STURDZA
BOTH ARE LIABLE UNDER US AND DC CODE
COUNTS 8 AND 9 SHOULD BE REVERSED

See below, and in the Responses XVI and XVII of the September 15, 2010 *Petition for a Writ of Certiorari, SC 10M63,* the citations of the laws Mr. Lewin should have included in the Brief. If her original Case Nr. 00-7279 *Brief* and *Appendix* are supplemented and corrected, the entire District Court Order, with all its counts, should be **Reversed.**

Sturdza fired Mr. Lewin for always **refusing** to talk to her and to correct and supplement the *Brief* and *Appendix.*

G

COUNTS 8 AND 9

SHOULD NOT HAVE BEEN DISMISSED BECAUSE UAE IS SUBJECT TO SECTION 1985

DISCRIMINATION – CIVIL RIGHTS – 42 US Code sec. 1985 should not be dismissed.

A foreign government is not immune when engaged in a commercial activity.

TITLE 28 > PART IV > CHAPTER 97 > Sec. 1605. Prev | Next
Sec. 1605. - General exceptions to the jurisdictional immunity of a foreign state
(a) **A foreign state shall not be immune** from the jurisdiction of courts of the United States or of the States **in any case**
(2) **in which the action is based upon a commercial activity** carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere;

A foreign government is a "person" when engaged in a commercial activity.

Sec. 1603. – Definitions. - For purposes of this chapter -
(a) **A "foreign state"**, ...**includes** a political subdivision ...or
(b) **An "agency** or instrumentality of a foreign state" means any entity
(1) **which is a separate legal person,**

Sec. 1606. - Extent of liability
As to any claim for relief with respect to which a foreign state is not entitled to immunity under section 1605 or 1607 of this chapter, **the foreign state shall be liable** in the same manner and to the same extent **as a private individual** under like circumstances

TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1983. Prev | Next
Sec. 1983. - Civil action for **deprivation of rights**
Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, **subjects**, or causes to be subjected, **any citizen** of the United States or other person within the jurisdiction thereof **to the deprivation of any rights, privileges, or immunities** secured by the Constitution and laws, **shall be liable to the party injured** in an action at law, suit in equity, or other proper proceeding for redress,...

TITLE 42 > CHAPTER 21 > SUBCHAPTER I > Sec. 1985. Prev | Next
Sec. 1985. - **Conspiracy to interfere with civil rights**
(2) Obstructing justice; intimidating party, witness, or juror
...or **if two or more persons conspire** for the **purpose of impeding, hindering, obstructing, or defeating,** in any manner, **the due course of justice** in any State or Territory, **with intent to deny to any citizen the equal protection of the laws,...**
(3) Depriving persons of rights or privileges
If two or more persons in any State or Territory **conspire** or go in disguise on the highway or on the premises of another, **for the purpose of depriving, either directly or indirectly, any person** or class of

persons **of the equal protection of the laws, or of equal privileges** and immunities **under the laws**; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws;

Sec. 1986. - Action for **neglect to prevent**
Every person who, having **knowledge that any of the wrongs conspired to be done**, and mentioned in section 1985 of this title, **are about to be committed,** and **having power to prevent** or **aid in preventing** the commission of the same**, neglects** or **refuses so to do, if such wrongful act be committed, shall be liable to the party injured,** or his legal representatives, **for all damages caused by such wrongful act**, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and **any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action**;

42 USC sections 1983 and 1986 were not included in the Complaint. The petitioner's counsel Covington and Burling promised to amend the Complaint but never did.

H
SZYMKOWICZ ADMITS HE DISCRIMINATED THE COURTS IGNORE THE DOCUMENT

In the ***Declaration of Adham Hamdan*** executed on October 27 1998, included in Appendix C, Respondent UAE's Representative in Contract Negotiations and outside legal counsel, John Szymkowicz of Szymkowicz and Associates, has admitted that he discriminated against Petitioner Sturdza. Both Courts ignored the document. The petitioner's counsels promised to amend the complaint to name John Szymkowicz, Szymkowicz and Assoc. and Mohammed Mattar, UAE's in house legal advisor, defendants, but never did. The petitioner filed pro se a complaint against them. They are trying to escape by obstructing the justice. See the refusal of service of Summons in Appendix D, Case 02 - 5218.

I
COUNT FOUR SHOULD HAVE BEEN APPEALED

In his *Response,* Mr. Lewin recognized he failed to appeal Count Four: "With respect to Count Four, it was "remanded" to the Superior Court of the District of Columbia by the District Court because it is a conversion claim based on the taking of

the Appellant's design binders. That "remand" was not explicitly appealed to this Court."

Lewin's failure to appeal Count Four caused to Sturdza a loss greater than $ 100,000.

J
BRIEF FOR THE PLAITIFF-APPELLANT
IS MISLEADING THE COURT
THE COURT IGNORES THE MISCHIEF

Petitioner Sturdza has filed pro se several motions and affidavits asking permission to correct the brief after her counsel failed to do so. The court denied those motions stating that she could not file pro se as long as she was represented by a lawyer, and completely disregarded her complaints about the misleading conduct of her counsel. See pro se pleadings by Petitioner Sturdza in Appendix C, Case 02 - 5218. and the Court of Appeals order.

VI
THE COURTS HAVE NO RIGHT TO DECLARE A PARTY
AN **"INCOMPETENT PERSON"**, AND
A **"CLIENT WITH DIMINISHED CAPACITY"**,
ONLY BECAUSE SHE WANTS TO CORRECT THE COURT RECORD.

Parties have statutory rights to control their cases and are free to file anything they wish.

Sturdza wants to file documents containing proofs that a DC License was and is not required in the International Center, where the UAE Chancery is built, and proofs that both discrimination Counts should be reversed.

The desire to exercise her right to proceed pro se does not render her an **"incompetent person"**, and a **"client with diminished capacity"**.

VII
THE COURTS DRASTICALLY DEPARTED FROM THEIR NORMAL PROCEDURE WHEN THE US DISTRICT COURT, VIOLATING ALL THE LAWS GOVERNING THE APPOINTMENT OF A GUARDIAN AD LITEM, **APPOINTED THE GUARDIAN** TO A PERSON WHO **IS NOT** AN INFANT, AN INCOMPETENT, OR A DISABLED, AND DOES NOT FIT ANY DESCRIPTION OF ACTIONS TAKEN FOR WHICH A GUARDIAN SHOULD BE APPOINTED UNDER LAW, AND THE US COURT OF APPEALS, VIOLATING THE SAME LAWS, **SUMMARILY AFFIRMED** THE DISTRICT COURT'S DECISION.

Sturdza has proved that the appointment of a Guardian ad Litem in this case is totally illegal in her *Motion for Reconsideration of December 17 '09 Order Granting Summary Affirmance.* See excerpt from motion below, in Appellant's Brief, pg. 30, and see motion in *Appendix C.*

I

THE *MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM* SHOULD HAVE BEEN DENIED

Since Mr. Lewin, a fired lawyer, and a defendant in another case, has no standing in this Case, all his allegations are irrelevant and since he does not even pretend that Sturdza is incompetent, his *Motion for Appointment of Guardian Ad Litem* should have been denied. See below.

1. LEWIN HAS NO STANDING

1.1. Mr. Lewin was **fired** at the time he filed the *Motion for Appointment of Guardian Ad Litem,* see Sturdza's *Response* enclosed.
1.2. Mr. Lewin is a **Defendant** in a related case, and until that Case is decided he has no standing to request a Guardian.
1.3. As a fired attorney and defendant, Mr. Lewin **cannot be** accepted as **Amicus of the Court.**

2. LEWIN'S ALLEGATIONS ARE FALSE

Absolutely all of Lewin's allegations are false and unsupported by proof. See Sturdza's *Response* enclosed. As an example, when Sturdza said that her company was licensed to practice architecture in DC, under the DC Rules, Mr. Lewin responded that the Rule was repealed in 1998. Even if that was true, the Rule was active at the time Sturdza's company provided architectural Services to the UAE.

3. LEWIN DOES NOT EVEN PRETEND THAT STURDZA IS INCOMPETENT

Mr. Lewin is not claiming that Sturdza is incompetent, he is saying that she does not understand the proceedings related to this case, another false allegation. Under the present laws, a Guardian can be appointed only to persons that are found incompetent by two licensed professionals or to children, therefore his *Motion for Appointment of Guardian Ad Litem* is frivolous and malicious and should have been **Denied** many years ago.

4. RULE 1.14 IS NOT RETROACTIVE *MOTION* CANNOT BE GRANTED

The *Motion for Appointment of Guardian Ad Litem* was filed prior to the passing of the amendment to the Rule 1.14(1) of the DC Rules of Professional Conduct. The Rule 1.14 cannot be applied retroactively, therefore the motion cannot be granted under this rule.

5. *MOTION* CANNOT BE GRANTED UNDER FRAP RULE 17

The FRAP Rule 17 states: "**The capacity of an individual... to sue** or **be sued shall be determined by the law of the individual's domicile.**" The individual's domicile is Maryland.

The *Maryland Code Annotated* states: "Upon petition, and after any notice or hearing prescribed by law or the Maryland Rules, the court may appoint a **guardian** of the property of a **minor** or a **disabled person**", and "...**a petition**

for guardianship of a disabled person shall include signed and verified **certificates of competency** from... **Two licensed physicians** who have examined the disabled person;"

Sturdza cannot be considered a disabled person and be required to undergo a psychiatric evaluation **because she wants to correct her case record.**

II

THE COURT COULD NOT APPOINT A GUARDIAN ON ITS OWN MOTION

The Court lacked any reason for the appointment of a Guardian. See the enclosed *Motion for Leave to File Response* and *Response to the Question Weather This Court Should Appoint a Guardian Ad Litem.* See also the *Transcript* of May 13, 2010 *Hearing* where the District Judge could not find anything that could justify the appointment of a Guardian.

The District Judge tried to make the case that because Sturdza's English is her second language she uses inappropriate words and her accent makes her difficult to be understood, and he spent a long, valuable time around the pronunciation of the word "Ultimatum". It seems he could not recognize a Latin word it if not pronounced with an English accent.

The District Judge's main complaint about Sturdza's performance at the May 13, 2010 *Hearing* is that she does not use an English accent when quoting Latin words.

MR. LEWIN'S CASE IS BASED ON DISCRIMINATION

Sturdza speaks English well enough to design high-rise towers in Houston in the eighties, to present and win a competition for the design of an embassy in the nineties, but not well enough to be understood by US Judges. The question is: does Mr. Lewin discriminate against "second rate" US citizens that are using English as a second language, or against the intellect of US Judges? Is "lying" an obscene word, to be replaced by a "polite" one in order to be understood by "ivory tower judges" to be taken into consideration?

When he realized he could not appoint a Guardian on the Court's own motion, the District Judge **Granted** the previously **Vacated** *Motion for Appointment of Guardian Ad Litem.* It was the coronation of eight years long effort against an "incompetent", and as demonstrated above, his decision was **Wrong.**

III

THE ORDER APPOINTING A GUARDIAN SHOULD NOT HAVE BEEN ISSUED

1. APPOINTING A GUARDIAN IN THIS CASE IS ILLEGAL

At the May 13, 2010 *Hearing* in the District Court, in the enclosed pleadings and in *Appellant's Brief,* Sturdza has demonstrated that there is no law under which a Guardian can be appointed. Eight years earlier Magistrate Judge Facciola has also demonstrated that there is no law under which a Guardian can be appointed, but the District Judge disregarded that finding. See below pg. 8-12, Sturdza's *Brief* pg. 3-6.

1.1. Movant Lewin's case does not fall into any category of the laws regulating the appointment of a Guardian Ad Litem.

1.2. "The moving party" lacks **"clear and convincing evidence"** as required by the *Maryland Code Annotated.*

1.3. Movant Lewin failed to show that Plaintiff is an **"incapacitated individual"** as required by the *Uniform Guardianship and Protective Proceedings Act.* See DC Code Ann. 21-201-2011 (2001).

1.4. Movant Lewin and the Court failed to show that Plaintiff is **"incompetent"**, therefore failed to show a need for **examination by a licensed physician and by a licensed psychologist** as required by the *Maryland Code Annotated.*

1.5. An **exam** was not performed **"within 21 days before filing a petition for guardianship of a disabled person".**

1.6. Under the *US Code* **Plaintiff has the right to represent herself** as she wishes since June 11, 2002 when **she dismissed all her lawyers** and **entered pro se representation.**

APPLICABLE LAWS

U.S. Code
TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE
TITLE 28 > PART V > CHAPTER 111 > § 1654
§ 1654. Appearance personally or by counsel

Release date: 2005-09-29
In all courts of the United States the **parties may plead** and conduct **their own cases personally** or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

Federal Rules Of Civil Procedure

Rule 17. Parties Plaintiff and Defendant; Capacity

*(b) **Capacity to Sue** or be Sued.*
The capacity of an individual, other than one acting in a representative capacity, **to sue** or **be sued shall be determined by the law of the individual's domicile.** The capacity of a corporation to sue or be sued shall be determined by the law under which it was organized.
*(c) Infants or **Incompetent Persons.***
Whenever an infant or incompetent person has a representative, such as a general guardian, committee, conservator, or other like fiduciary, the representative may sue or defend on behalf of the infant or incompetent person. An infant or incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. **The court shall appoint a guardian ad litem for an** infant or **incompetent person not** otherwise **represented** in an action **or** shall make such **other order** as it deems proper **for the protection of the** infant or **incompetent person.**

Maryland Code Annotated
§ 13-201. Appointment of guardian.
(a) *Petition and notice.*- Upon petition, and after any notice or hearing prescribed by law or the Maryland Rules, the court may

appoint a **guardian** of the property of a **minor** or a **disabled person.**

(b) *Disabled persons.*- A guardian shall be appointed if the court determines that:

(1) **The person** is **unable to manage his property** and **affairs** effectively because of **physical** or **mental disability**, disease, habitual drunkenness, addiction to drugs, imprisonment, compulsory hospitalization, confinement, detention by a foreign power, or disappearance; and

(2) The person has or may be entitled to property or benefits which require proper management.

§ 13-705. Appointment of guardian of disabled person.

(a) *Petition and notice.*- On petition and after any notice or hearing prescribed by law or the Maryland Rules, **a court may appoint a guardian** of the person of a **disabled person.**

(b) *Grounds.*- A **guardian** of the person shall be **appointed if the court determines** from **clear and convincing evidence** that **a person lacks sufficient understanding or capacity to make or communicate responsible decisions** concerning his person, including provisions for **health care, food, clothing,** or **shelter,** because of any **mental disability, disease,** habitual drunkenness, or addiction to drugs, and that no less restrictive form of intervention is available which is consistent with the person's welfare and safety.

(c) *Procedures and venue; certificates of competency.*-

(1) Procedures and venue in these cases shall be as described by Title 10, Chapters 100 and 200 of the Maryland Rules.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, **a petition for guardianship of a disabled person** shall include signed and verified **certificates of competency** from the following health care professionals:

(3) (i) **Two licensed physicians** who have examined the disabled person; **or**

(4) (ii) 1. **One licensed physician** who has examined the disabled person; and

(5) 2. A. **One licensed psychologist** who has evaluated the disabled person; or

(6) B. One licensed certified social worker-clinical who has evaluated the disabled person.

(7) (3) **An examination or evaluation** by at least **one** of the health care professionals under paragraph (2) of this subsection shall occur **within 21 days before filing a petition for guardianship** of a disabled person.

(8) (d) *Counsel.*-

(9) (1) Subject to paragraph (2) of this subsection, **unless the alleged disabled person has counsel of his own choice,** the court shall appoint an attorney to represent him in the proceeding.

(10) (e) *Presence at hearing; presentation of evidence; closed hearing; sealing.*- **The person alleged to be disabled is entitled to be**

present at the hearing unless he has knowingly and voluntarily waived the right to be present or cannot be present because of physical or mental incapacity. Waiver or incapacity may not be presumed from nonappearance but shall be determined on the basis of factual information supplied to the court by counsel or a representative appointed by the court. **The person alleged to be disabled is also entitled to present evidence and to cross-examine witnesses.** The issue may be determined at a closed hearing without a jury if the person alleged to be disabled or his counsel so requests and all hearings herein shall be confidential and sealed unless otherwise ordered by a court of competent jurisdiction for good cause shown.

DISTRICT OF COLUMBIA OFFICIAL CODE 2001 EDITION
DIVISION III. DECEDENTS' ESTATES AND FIDUCIARY RELATIONS.
TITLE 21. FIDUCIARY RELATIONS AND THE MENTALLY ILL.
CHAPTER 20. GUARDIANSHIP, PROTECTIVE PROCEEDINGS, AND DURABLE POWER OF ATTORNEY.
SUBCHAPTER I. GENERAL PROVISIONS.

§ 21-2003. Standard of proof.

In proceedings under this chapter for the appointment of a guardian or conservator, either general or limited, or subsequent proceedings in which the powers of a guardian or conservator are sought to be enlarged, **the petitioner or moving party s hall present clear and convincing evidence that the appointment** or enlargement of powers **is warranted.**

SUBCHAPTER II. DEFINITIONS.

§ 21-2011. Definitions.

(7) "**Examiner**" means **an individual qualified by training or experience in the diagnosis**, care, or treatment **of the causes and conditions giving rise to the alleged incapacity**, such as a gerontologist, psychiatrist, or qualified mental retardation professional.

(8) "**Guardian**" means a person who **has qualified as a guardian of an incapacitated individual** pursuant to court appointment and includes a limited guardian as described in section 21-2044(c), but excludes one who is merely a guardian ad litem.

(9) "**Guardian ad litem**" means an individual appointed by the court to assist the subject of an intervention proceeding to determine his or her interests in regard to the guardianship or protective proceeding or to make that determination if **the subject** of the intervention proceeding **is unconscious** or otherwise **wholly incapable of determining his or her interest in the proceeding even with assistance.**

(10) "Habilitation" means the process by which an individual is assisted to acquire and maintain those life skills that enable him or her to cope more effectively with the demands of his or her

own person and of his or her own environment and to raise the level of his or her physical, intellectual, social, emotional, and economic efficiency.

(11) "**Incapacitated individual**" means an adult whose ability to receive and evaluate information effectively or to communicate decisions is **impaired to such an extent** that he or **she lacks the capacity to manage all or some of his or her financial resources** or to meet all or some essential requirements for his or her **physical health, safety, habilitation, or therapeutic needs** without court-ordered assistance or the appointment of a guardian or conservator.

5.2.3. The District Judge Disregarded Magistrate's Conclusion

The District Judge declined to adopt the Magistrate Judge's *Report and Recommendation,* therefore disregarded his conclusion that **Sturdza is competent to proceed Pro Se.**

Thus the District Judge **chose to reject** the Magistrate Judge's *Report and Recommendation,* **an in depth analysis of the applicable laws**, and **wrongly granted** Movant's *Motion for Appointment of Guardian Ad Litem*, a motion based on **false allegations,** and **unsupported by any law.**

5.2.4. The Analysis Is an Attempt to Diminish Lewin's Wrongdoing.

The District Judge tried to make a case that Sturdza whose English is her second language uses harsh, impolite words against Lewin because she does not now how strong they are and that she does not mean to use such words. The opposite is true. Her native language helps her understand the full meaning of words like "fabrication" and indeed, Mr. Lewin did fabricate all his unproven allegations, and a lie is a lie in every language.

5.2.5. Nothing in the Record Supports District Judge' s Wrong Findings

The District Judge declares Sturdza "incompetent" without stating any facts. He keeps saying " upon consideration of the record", but fails to name any specific reason, any fact. There are none.

5.2.6. The District Judge Wrongly Considers Sturdza's Refusal of Psychiatric Exam

In his Analysis, the District Judge wrote that he is taking into consideration that Sturdza said she would refuse to undergo a psychiatric evaluation if she would be ordered to, but no such order has been issued due to a lack of reasons for any such order. A refusal of nothing is nothing, not a refusal.

In her *Response to the Question Weather This Court Should Appoint a Guardian Ad Litem,* Sturdza has demonstrated with citations that the Court lacks the reason to order a psychiatric evaluation. See below excerpt from the enclosed *Response.*

1.4. Any Order for Psychiatric Evaluation would violate Rule 35.

Rule 35. Physical and Mental Examinations

(a) ORDER FOR AN EXAMINATION.

(1) In General. **The court** where the action is pending **may order a party** whose **mental** or physical **condition** — including blood group — **is in controversy** to submit to a physical or **mental examination** by a suitably licensed or certified examiner. The court has the same authority to order a party to produce for examination a person who is in its custody or under its legal control.

(2) **Motion** and Notice; Contents of the Order. The **order**:
(A) **may be made only on motion for good cause** and on notice to all parties and the person to be examined; and
(B) must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.

As stated above, there is nothing anywhere to support the idea that plaintiff's "mental condition is in controversy", and that the Court may order a Psychiatric Evaluation "for good cause". There is no controversy and no good cause.

5.2.7. The Court Invited Sturdza to Act Against Her Interest

At the 05.13.09 *Hearing* The District Judge invited Sturdza to dismiss her own case if she wanted to avoid undergoing a psychiatric evaluation, but, in the Analysis, he recognized that it would have been against her interest since, any litigation initiated afterwards would be precluded by the statute of limitation. It was a trap set in order to demonstrate that Sturdza is "incompetent" if she herself chooses to dismiss the case.

5.3. Correcting the Court Record Is a Duty, a Right, Not an "Incompetency"

Sturdza wants to correct the record in her original case with accurate, important information. Mr. Lewin opposes the correction therefore he is not working in Sturdza's and the truth's best interest. The District Judge uses Lewin's exact words and expressions to describe Sturdza as being "irrational", therefore an "incompetent person", and a "client with diminished capacity" because she wants to exercise her undisputable right to correct the Court record. Correcting the Court record is a duty and a right, not an indication of "incompetency".

5.4. The Applicable Guardian Law Does Not Permit Judges to Make a Finding of Incompetency

The District Judge made a finding of incompetency stating that: "she is **irrational** regarding **this case**. *Id.* at 4. Such irrationality renders her an "**incompetent person**" as that phrase is used in **Rule 17(c)** of the Federal Rules of Civil Procedure", but Rule 17 states that a Guardian shall be appointed under the rule of domicile, which in this case is Maryland.

Maryland Code Annotated requires that the finding of incompetency be done through an **examination by a licensed physician and by a licensed psychologist**, not by a judge. See rules above on pg. 8-12.

The decision to appoint a Guardian is **Wrong**. The Order appointing a Guardian should be **Reversed**.

IV

THE DISTRICT JUDGE ERRED GRANTING THE MOTION AND APPOINTING A GUARDIAN

As stated above and proved in the enclosed pleadings, the entire Lewin's *Motion* is a false allegation, the District Judge could not find anything, there is no law to support the appointment of a Guardian without reason.

It is so evident that the District Judge **Erred** when Granted the *Motion* for *Appointment...* and appointed the Guardian that both Orders should be **Summarily Reversed.**

V

PANEL ERRED AFFIRMING THE DISTRICT COURT'S DECISION

As stated above, the District Judge **Erred** when Granted the *Motion* for *Appointment...* and appointed the Guardian, therefore this Panel **Erred** when **Summarily Affirmed** the lower Court's **Erroneous** Orders.

It is so evident that this Panel **Erred** when **Affirmed** the lower Court's **Erroneous** Orders that both Orders should be **Summarily Reversed.**

The *12.17.09 Order* uses a case law where the lower Court's decision was **Summarily Affirmed,** see below:

"The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam)."

In this Case the opposite is true and the lower Court's decision should have been **Summarily Reversed.** All the evidence presented by Sturdza in her *Brief* and *Appendix* and the enclosed *Response to the Question Weather This Court Should Appoint a Guardian Ad Litem,* and motions for reconsideration, supports a **Summary Reversal.**

CONCLUSION

1. The *Motion for Appointment of Guardian Ad Litem* should have been denied because:

1.1 Mr. Lewin had no standing to file the *Motion*;
1.2 Mr. Lewin's allegations are false;
1.3 Mr. Lewin does not pretend Sturdza is incompetent.
1.4 Rule 1.14(1) of Professional Conduct is not retroactive.
1.5 As a fired attorney, Mr. Lewin cannot file a new *Motion.*
1.6 Rule 1.14(1) does not overrule the Guardian law.
1.7 Under the MD Code **"... a petition for guardianship of a disabled person** shall include signed and verified **certificates of competency** from ... **Two licensed physicians"**, not from a lawyer or a judge.

2. The District Court could not appoint a guardian on its own *Motion* Because:
   2.1. It lacks the evidence to support it.
   2.2. The hearings did not provide anything to support it.
3. A Guardian should not have been appointed because:

3.1. The lack of evidence to support it makes it illegal.
3.2. The intention to correct the record does not renders that person

"irrational" or "incompetent" or "client with diminished capacity".
3.3. Sturdza has the statutory right to correct her original case record and Mr. Lewin has no right to stop her.
3.4. **The Court** validated the firing of Mr. Lewin but **rehired him through the Illegal Gardian for Sturdza against her will.**

VIII

THE COURTS DRASTICALLY DEPARTED FROM THEIR NORMAL PROCEDURE WHEN THE US COURTS ACCEPTED THAT A LAWYER, CURRENTLY DEFENDANT, FIRED AND SUED FOR GOOD CAUSE BY A PARTY, BE REHIRED BY THE GUARDIAN TO REPRESENT THAT PARTY, AGAINST HER WILL, PARTY TO WHOM THE LAYER CAUSED GREAT HARM, AN EIGHT-YEARS EFFORT.

Mr. Lewin filed a Misleading Brief, an incomplete Appendix and presented a misleading Oral Argument. Sturdza asked him to correct the record and, after 10 months of requests with no response she sent him an ultimatum. When he failed to respond, Sturdza dismissed him and entered Pro Se representation. Mr. Lewin filed a *Motion for Appointment of Guardian Ad Litem.* She filed proofs of Lewin's sabotage of her case, but the courts disregarded all her filings. The District Judge granted the motion and appointed a Guardian. When Sturdza demonstrated that the appointment is illegal, the Courts refrained from any activity for over two years. After the Lewin's request, an amendment to the Rule of Professional Conduct has passed. When it become effective, the Court of Appeals vacated both Orders and sent the case back to the District Court. The District Court reappointed the Guardian under the new Rule of Professional Conduct and under the Rule 17, even if neither of them support the appointment of a Guardian ad Litem in this Case. See next answer below. After appointment, the Guardian has hired Mr. Lewin as Counsel of Record for Sturdza against her will and without any notice to her. It took eight years and a huge increase in Sturdza's financial burden caused by the defendants.

Sturdza exercised her statutory right to fire her Lawyer who mislead the Courts, the Courts illegally rehired him in an eight year long effort to prevent her from correcting her Court Record.

On February 4, 2011, Mr. Lewin filed in the original Case No. 00-7279 the proof of his

sabotage: his *Response* to a Court order to Show Cause. In his *Response,* Mr. Lewin is arguing for the dismissal of five counts from Sturdza's *First Amended Complaint*: Counts One, Two, Four, Eight and Nine. He refused to file Sturdza's proposed *Response,* which she filed on her own on February 4, 2011. See below Sturdza's response followed by Lewin's.

RESPONSE TO ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT AFFIRM THE DISTRICT COURT'S GRANT OF SUMMARY JUDGMENT FOR THE UAE ON APPELLANT'S BREACH OF CONTRACT AND QUANTUM MERUIT CLAIMS AND REMAND COUNTS THREE, FIVE, SIX AND SEVEN

In response to the January 20, 2011 Order, Plaintiff Appellant Sturdza respectfully brings into court's attention the fact that because the Question misstates the facts on which the response depends, the DC Court of Appeals' response is wrong and should be ignored or discarded. That court does not even have jurisdiction because the subject of the case is located on federal land, not in DC.

1. The UAE Chancery is not built in the District of Columbia as the question assumes, it is built in the International Center, a 47-acre tract of **federal land** with **its own Rules and Regulations**, home of 19 embassies.
2. For designing buildings on federal land in general and on federal land with its own Rules and Regulations **no DC license is required**, therefore the question should not have been asked.
3. The architect designed the building **under the supervision of a DC licensed architect**, thus meeting the requirements of DC Licensing at that time although not required, fact missing from the question.

The Question corrected with words in bold type replacing the deleted ones:

> Under District of Columbia law, is an architect barred from recovering on a contract to perform architectural services in the ~~District~~ **International Center** or in quantum meruit for architectural services rendered **under the supervision of a DC licensed architect** in the ~~District~~ **International Center** because the architect began negotiating for the contract, entered into the contract, and/or performed such services, **all under the supervision or a DC licensed architect,** while licensed to practice architecture in another jurisdiction, but not in the District?

The response is NO, the architect is not barred from recovering on a contract because:

I

THE UAE CHANCERY IS BUILT ON FEDERAL LAND
WITH ITS OWN REGULATIONS
THE ARCHITECT MUST BE LICENSED IN A STATE

Congress passed a law for the development of the land at the International Center where the UAE Chancery is built and asked the National Capital Planning Commission to create zoning regulations for the development at the International Center in lieu of the DC zoning regulations.

Public Law 90 – 553, *The International Center Act* as amended by **Public Law 97 – 186.**
Sec.3. "The act of June 20 1938 (DC Code 5-418 to 5-428, **the DC zoning regulations)** **shall not apply** to buildings constructed on **property transferred or conveyed pursuant to this Act**... Plans showing the location, height, bulk, number of stories, and size of, and the provisions for open space and off street parking, in and around, such buildings shall be approved by the National Capital Planning Commission, and plans showing the height and appearance, color and texture of the materials of exterior construction of such buildings shall be approved by the Commission of Fine Arts prior to the construction thereof."

The NCPC created ***The Development Controls*** in lieu of the *DC zoning regulations.*
The Department of State Approval Process for Chancery Construction at the International Center.

- "**The Development Controls** established by the State Department **replace the Districts Board of Zoning Regulations".**
- "**As federal property under the jurisdiction of the Department of State,** all matters involving The International Center are reviewed by the Department".

Neither the Department of State nor the UAE did request a DC license.
The Development Controls – were in the Competition Package, the plaintiff's design did conform to it. Sturdza was licensed in two states.

II
CHANCERY IS BUILT ON FEDERAL LAND
THE ARCHITECT MUST BE LICENSED IN A STATE, ANY STATE

The Federal Acquisitions Regulations govern the federal properties:

Federal Property – FAR Title 48 chapter 1 part 36.209 – license from any state.
Subpart 36.6- Architect-Engineer Services, 36.601-4 Implementation. (new)
(b) "Contracting officers may award contracts for architect-engineer services to **any firm permitted by law to practice the professions of architecture** or engineering."

A "firm permitted by law to practice the professions of architecture..." must have at least **one architect licensed in any of the states.** Plaintiff Sturdza was licensed in Texas and Maryland and her Supervisor/Project Manager was licensed in DC.

36.609-4 Requirements for registration of designers.
The contracting officer shall insert the clause at 52.236-25
52.236-25 Requirements for Registration of Designers.
As prescribed in 36.609-4, insert the following clause in fixed-price architect-engineer contracts,

REQUIREMENTS FOR REGISTRATION OF DESIGNERS (APR 1984)
The **design of architectural**, structural, mechanical, electrical, civil, or other engineering features of the work **shall**

be accomplished or reviewed and approved by **architects** or engineers **registered to practice** in the particular professional field involved **in a State** or possession of the United States, in Puerto Rico, **or in the District of Columbia.** (End of clause)

The DC Code does not regulate federal properties:

DC ST § 47-2853.04 Formerly cited as DC ST 1981 § 47-2853.4 District of Columbia Official Code 2001 Edition Currentness

§ 47-2853.04. Regulated non-health related occupations and professions.
(a) The following non-health related occupations and professions have been determined to require regulation in order to protect public health, safety or welfare, or to assure the public that persons engaged in such occupations or professions have the specialized skills or training required to perform the services offered: (1) Architect; ...16) Interior Designer;...

§ 47-2853.05. Exemptions; federal services.
Any person who is providing occupational or **professional services for the federal government at a federal government facility in the District shall not be regulated under this subchapter.**

The **DC Code** states clearly that: "Any person who is providing... professional services for the federal government at a federal government facility in the District shall **not** be regulated under this subchapter", therefore a DC license is not required.

Examples: **Affidavit of Elena Sturdza** – Slovakian Embassy, enclosed.
Article from Architecture – Italian Embassy.

III

STURDZA MET THE DC LICENSING REQUIREMENTS ALTHOUGH NOT REQUIRED ON FEDERAL LAND OR IN INTERNATIONAL CENTER

ELENA STURDZA ARCHITECT as a company, (not a person), **had a DC Licensed Supervisor** as required by the DC Code when designing a building on a DC property. Elena Sturdza did comply with DC Licensing Regulations although was **not required on federal property** and **not required in International Center.** Sturdza prepared her design submission under the supervision of Costache Zlotescu, an architect licensed in DC.

DC Code § 2-262 (1993)
Nothing in this act shall be construed to prohibit:
(3) The preparation of technical submissions or the administration of construction contracts **under the direct supervision of an architect licensed in the District** by employees of a person lawfully engaged in the practice of architecture.

Proof: **The Design Team** – submitted with the brochures to the UAE.
Affidavit of Elena Sturdza – counsel refused to include it in Appendix, enclosed.
DC License Verification for Costache Zlotescu, enclosed.

CONCLUSION

Because, as demonstrated above, Sturdza met all the licensing requirements, and, as demonstrated in her *Petition for Rehearing en Banc* on file since 2002, the defendants are liable for Discrimination, this court should reverse the District Court's decision on all nine counts, including Counts Eight and Nine.

Respectfully submitted, February 4, 2011
/s/ Elena Sturdza

IX
THE COURTS ACTED UNDER THE INFLUENCE OF A LAWYER WHEN THEY HELPED LEWIN TO AMEND A RULE AND THUS CREATING A PRECEDENT TO BE LATER USED AS CASE LAW ALLOWING FIRED ATTORNEYS TO DECLARE THEIR CLIENTS INCOMPETENTS FOR THEIR OWN FINANCIAL INTEREST

The Courts' erroneous rulings helped Lewin pass an amendment to the DC Rule of Professional Conduct 1.14 to declare their clients incompetents to fire them. The excerpt from Mr. Lewin's letter to the Legal Times, printed below, explains it all.

> Letters to the editor, May 25, 2009
> LAWYER-CLIENT DISPUTE
>
> ...The current version of District of Columbia Rule of Professional Conduct 1.14 — which took effect on Feb. 1, 2007, and appears to have been **drafted as a result of the unprecedented situation presented by my dilemma in Sturdza** — precisely covers the Sturdza case and authorizes a lawyer to seek "the appointment of a surrogate decision-maker" in order "to protect the client's interests."...
>
> Nathan Lewin, Washington

In a motion Sturdza pointed out to the Court of Appeals that the District Court's Orders seem to have helped Lewin to create a case law that validates the newly amended Rule of Professional Conduct.

> Almost **six years** have passed since Plaintiff entered pro se representation, but this Court **denied her this basic right.**
> During these four years Mr. Lewin filed **ridiculous** and **untrue statements,** and the District Court repeated them almost word-by-word in its Orders and Memorandum Opinions. To put it in US Supreme Court Chief Justice John Roberts' words, the Court acted **"under the rule of lawyers",** not **"under the rule of law".**
> By issuing the *March 27, 2006,* the *November 8, 2005,* the *September 28, 2005,* the *August 26, 2003,* and the *April 24, 2003* **totally erroneous orders,** the District Court has **deprived** Plaintiff **of her statutory and constitutional**

rights without due process, has **disregarded all laws** that regulate the appointment of a guardian ad litem, and has **validated** Movant Lewin's **act of libeling her**, causing **irreparable harm** to Plaintiff, her business and her family.

X

THIS CASE RULING WOULD CREATE PRECEDENTS OF NATIONAL AND GLOBAL IMPORTANCE BECAUSE:

A

ITS RULING WILL CREATE A CASE LAW THAT WILL HELP APPOINT A GUARDIAN TO ANY PERSON WITHOUT ANY REASON, AND WILL AFFECT ANYONE IN U.S. AND EVEN IN THE WORLD;

The District Court reappointed the Guardian under the new Rule of Professional Conduct and under the Rule 17, but neither of them support the appointment of a Guardian ad Litem in this Case.

B

ITS RULING WILL CREATE A SECOND CASE LAW THAT WILL AFFECT ANY PERSON IN U.S. WHO WANTS TO CONTROL HIS/HER LAWSUIT;

After the appointment of the Guardian, the courts denied the leave to file to Sturdza.

C

ITS RULING WILL CREATE A THIRD CASE LAW THAT WILL AFFECT ANY PERSON IN U.S. WHO WANTS TO FIRE HIS/HER LAWYER FOR GOOD CAUSE.

After his appointment, the Guardian has hired Mr. Lewin as Counsel of Record for Sturdza against her will and without any notice to her.

XI

THE US COURT OF APPEALS FOR THE DISTRICT OF COLOMBIA VIOLATED THE FRAP RULES WHEN IT DENIED THE FRAP GIVEN RIGHT TO FILE A *PETITION FOR REHEARING AND REHEARING EN BANC* TO A PARTY WHO WAS NOT SERVED WITH THE FINAL ORDER, NOR NOTIFIED IN ANY OTHER WAY, AND WAS NOT PERMITTED AT THE TIME TO FILE ELECTRONICALLY.

Petitioner Sturdza respectfully requested an extension of time to file a *Petition for Rehearing or Rehearing En Bank* because she had no knowledge of the final order, she was not served with a copy of the *Order* of December 17, 2009 granting the *Motion for Summary Affirmance,* nor had she received any notice about such filing.

Plaintiff Appellant Sturdza, Pro Se filer with In Forma Pauperis status was filing and was

being served by mail because the Court did not grant her the permission to file electronically despite the fact that Sturdza made such request in a motion filed on October 13, 2009.

Sturdza had no knowledge of the Court's filing on December 17, 2009 of the *Order* granting the *Motion for Summary Affirmance* until 33 days later, on January 19 at night, when she accessed the Docket through Pacer on the Court's website. It was three days after the time to file has passed.

The Court denied Sturdza's **FRAP given right** to file the *Petition* **because of the Court's own failure to serve** Sturdza with the final *Order.*

XII
THE DISTRICT COURT HAS HELPED THE IRREPARABLE HARM CAUSED TO APPELLANT STURDZA BY THE DEFENDANTS TO GROW ENORMOUSLY WHEN IT STALLED THE ENTIRE CASE FOR **EIGHT YEARS** PREVENTING HER FROM OBTAINING DISCOVERY AND GIVING TO THE DEFENDANTS A GREEN LIGHT TO KEEP ON INFRINGING HER COPYRIGHT.

While Lewin has delayed by eight years the return of the original Case to the District Court for Discovery and prosecution, causing Appellant Sturdza irreparable harm, Defendant-Appellee Demetriou found another way to further infringe the copyright. He adapted Sturdza's design to a new site and a smaller building for the **Embassy of Morocco** and, hoping that no one will notice if his name was not on it, submitted it through Morrison Architects. Eric Morrison was a senior architect working for Demetriou's firm during the Design Competition and construction of the UAE Chancery.

XIII
A MASTERPIECE NEVER COMPLETED, A DOWNGRADED COPY STANDS IN ITS PLACE

The UAE mislead the petitioner into believing that she would be the architect for the Chancery building and that her winning design will be built. The petitioner wanted to create an architectural masterpiece, a building that offers the most perfect conditions to its occupants considering their culture and the site conditions and be an artistic expression of

their culture. In order to achieve this goal she dedicated all her time during the design and negotiations to research in science, technology, and history of Islamic art and architecture, even visited the Islamic monuments overseas. All these efforts lead to nothing, as her project was never completed. Demetriou stripped the petitioner's design of all its innovative features and made his copy of her work into an ordinary office building.

XIV

MANY MASTERPIECES NEVER DESIGNED, FOUR YEARS OF WAISTED DESIGN
TWENTY-TWO MORE WAISTED YEARS DUE TO A FAILED JUSTICE SYSTEM

The petitioner spent four years in designing and researching for the Chancery building and missed many opportunities to work on other projects. The petitioner spent twenty-two more years claiming her rights protected by the Constitution and the laws of the United States, but a failed justice system did not protect her rights. Instead, it prevented her from producing more masterpieces of scientific useful art, and from contributing to the progress of science and arts in the US and around the world.

XV

THE CONFIDENTIAL SETTLEMENT AGREEMENT, TERMS AND RELEASE, WITH ITS CONDITIONS AND AMOUNT, IS AN ACT OF STEALING STURDZA'S DESIGN FOR FREE AND USING IT TO BUILD THREE EMBASSIES

In 2008 Sturdza discovered that the design of the Embassy of Morocco is similar to her design for the UAE Chancery in Washington, DC.

In 2009 Sturdza discovered that the design of the Embassy of UAE in Berlin, Germany, built many years ago is identical to the UAE Chancery in Washington, DC.

Both Embassies are therefore copies of Sturdza's design for the Chancery of UAE in Washington, DC.

Sturdza filed in the District Court complaints for each of the two copyright infringements.

The lawyer of her illegal guardian did not say a word about her newly discovered copyright infringements, which is yet another proof that Mr. Lewin is working for the defendants and against Sturdza's interests.

District Court Judge Kennedy told Sturdza to file the Embassy of UAE in Berlin as an Addendum to Complaint in the existing case. Immediately after she filed the copyright infringement as an Addendum to Complaint Judge Kennedy denied the leave to file and denied all her Motions for Reconsideration of the Leave to File. See attached Order, Doc. 221 of 03/29/10.

Final proof that Mr. Lewin is working for the Defendants is the Settlement Agreement and Release, and the Settlement Conditions, which covered the UAE Chancery in Washington, DC and the Embassy of Morocco.

The UAE Embassy in Berlin was not and still **is not in court** because Judge Kennedy denied the leave to file the Addendum to Complaint.

The Settlement Amount received by Mr. Lewin and the Guardian is equivalent to **a few cents instead of multi million dollars for each of the three Embassies plus prejudgment interest plus punitive damages.**

The construction cost for each of the Embassies was way over ($ 50,000.000) fifty million dollars and the architect's fee UAE agreed upon was 11.5% of the construction cost. The architect's fee includes the engineers' fee: structural, mechanical, electrical, plumbing, environmental and security engineers.

For such buildings, the architect's and engineers' fee is over 12.5%.

The structural engineer sent a bill to Sturdza but she asked him to wait until she is paid. He is waiting for 24 years by now.

In 2001, UAE decided to start the construction of their Chancery and asked Sturdza's environmental engineers to take test borings to find out what the

composition and the strength of the earth is for the structural engineers to design what the depth an the shape of the foundation should be.

They were asking Surdza's engineers to do the job because they were building Sturdza's design and her engineers had already her plans for the Chancery with the location of the foundations.

UAE started the construction of their Chancery using Sturdza's and her engineers' design.

The moment UAE started the construction using Sturdza and her engineers' design UAE validated the contract with Sturdza.

UAE paid Sturdza's environmental engineers but did not pay Sturdza and her structural engineers.

Sturdza declared in front of the Judge that she does not accept and will never accept such a Settlement.

See Sturdza's accurate calculations of her fee in the attached Brief, the Applicable laws in Appendix A, and photos of her design and the infringing designs in appendix B filed in the Court of Appeals, all in Appendix D of this petition.

Sturdza filed her Response one day before her Response to UAE and Guardian's Motion to Dismiss was due. The Court of Appeals panel ruled two days before the day her Response was due, therefore they denied her right to file the Response. Immediately, Sturdza filed a motion asking the En Banc Panel to review her Response and enter a new Order after considering her Response.

The Court of Appeals En Banc Panel dismissed the case and ordered the Clerk not to accept any paper from Sturdza. Chief Judge Garland and Judge Henderson did not participate.

The District Court denied to Sturdza the right to file the Complaint for Copyright Infringement for the UAE Embassy in Berlin and denied the right to file documents that prove she is right to refuse the Settlement.

The Court of Appeals En Banc Panel, on 08/15/2018, **Denied Sturdza's Brief** probably because she attached to it the proof that she was licensed on federal land where the UAE Chancery is built from before she submitted her design to the Competition continuously until August, 2018. She also attached to it the proof that her Project Manager, Costache Zlotescu, who reviewed and approved the drawings prior to submitting them to the Competition was licensed in DC continuously from before she submitted her design to the Competition until April, 2018. But, a DC license is not required in International Chancery Center because the Chancery is built on Federal Land. Chief Judge Garland and Judge Kavanaugh did not participate.

It seems that the Court of Appeals En Banc Panel sides with UAE and disregards the proof of the truth.

Also, in the case Sturdza filed against Lewin and the guardian, Case 16 – cv - 02174, Judge Amit P. Mehta denied the leave to file when Sturdza attached the proof that she was licensed on federal land continuously from before submitting her design to the Competition until August 2018 and her Project Manager who reviewed and approved the drawings as required by the DC rules at that time was also licensed in DC continuously from before submitting her design to the Competition until April 2018.

So, **Judge Amit P. Mehta** also **sides with UAE and disregards the proof of the truth.**

Both Federal Courts disregard their rules and refuse to file the truth.

CONCLUSION

UAE uses Sturdza's design to build two Embassies and gives her design through Demetriou to Morrison to build the third. Three Embassies are using Sturdza's design and she and her Engineers do not get paid at all.

Now, they are saying they are paying but the payment is a few cents for three buildings instead of multi million dollars for each building plus prejudgment interest plus punitive damages. There are now 24 years since UAE declared Sturdza's design the winner of the International Design Competition for the design of the UAE Chancery in Washington DC. Illegally appointed Guardian and his Lawyer lie in court, Sturdza tells the truth and files all applicable laws. The Courts rule considering Lewin's lies, not Sturdza's proofs and the applicable laws they know well.

Two federal courts help two lawyers steal multi million dollars from a woman.

IN SHORT:

Sturdza wins the International Design Competition to design the UAE Chancery in Washington DC, UAE refuses to work with a woman and gives her design to Demetriou and pays him only for drawing a few more details and for construction supervision. UAE builds Sturdza's design in Washington, DC, in Berlin and UAE helps Morrison to use her design to build the Embassy of Morocco. Demetriou's name is inscribed on the wall of the UAE Chancery as the Architect of record, that is why Morocco asked his firm, now Morrison's after Demetriou's passing to design their Embassy.If Sturdza's name would have been inscribed, they would have come to her.

Sturdza is not paid for any of the three Embassies. Sturdza cannot take credit for her design of the UAE Chancery in Washington, DC, nor for the UAE Embassy in Berlin, nor for the Embassy of Morocco.

Lewin, the illegal Guardian and Judges from two Federal Courts approve the Settlement after Sturdza stated in front of the judge that she will never accept it.

District Court Judge Kennedy, in his last Memorandum, just before retiring said that "the facts of this "unusual and complicated case" have been set forth in several memoranda. The description, "unusual and complicated", is an understatement. Indeed, this case has reached *Bleak House* proportions. *Bleak House,* the ninth novel of Charles Dickens, considered by many to be one of his finest, was based on a long-running litigation in England's Court of Chancery that had far-reaching consequences for all involved in the tale. Dickens's trenchant characterization of the slow, arcane, Chancery law process provides a memorable expression of the injustices of the nineteenth century English legal system. Ironically, Dickens's penetrating comment on the flaws of that system was based, in part, on his experiences as a law clerk, and, in part, on his experiences as a Chancery litigant seeking to enforce his copyright in his earlier books." The United States of America legal system has turned back two centuries and acts like the nineteenth century English legal system. Again:

Two federal courts help two lawyers steal multi million dollars from a woman. It took 21 years to get paid 21 cents instead of more than 21 millions for each of the three Embassies, all built after Sturdza's design.

Judge Kennedy recognized that he was forced to rule against the law and the laws did not count in this case. Two federal courts rule against the law. It is sad, but is true, they did.

A Federal Court:

1. Denies the leave to file a complaint for copyright infringement,
2. Denies the right to fire her lawyer for lying in court,

3. Illegally appoints a Guardian ad Litem.

The illegal Guardian and his lawyer:

1. Accept the Settlement, therefore are nothing but thieves.
2. They stole millions UAE should have paid for her design UAE used to build two Embassies.
3. They stole millions Morrison should have paid for her design he used to build the Embassy of Morocco.
4. That Federal Court approves the Settlement, that instrument of stealing millions.

REASONS OF PUBLIC IMPORTANCE FOR GRANTING THE PETITION

1. TO PROTECT THE CONSTITUTION OF THE UNITED STATES:

Article I - Section 8:

> "The Congress shall have power.....
> **To promote the progress of science and useful arts**, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

2. TO HELP SPEED UP THE COMPLETION OF AN UNFINISHED WORK OF SCIENTIFIC USEFUL ART OF INTERNATIONAL IMPORTANCE.

The concept design stolen by respondents is of **national and international importance**. A masterpiece of scientific useful art was left unfinished. Many innovative concepts not shown on the drawings at the time of theft remained undisclosed and architects throughout the whole world where deprived of an important source of inspiration.

3. TO HELP FACILITATE THE CREATION OF OTHER WORKS OF SCIENTIFIC USEFUL ART OF INTERNATIONAL IMPORTANCE.

During a long period of 20 years two federal courts denied petitioner a fair trial. They forced her to spend all her **time** investigating the actions of the courts and those of her own attorneys instead of dedicating all her time to research and design in order to become a world pioneer in the progress of scientific useful arts.

4. TO CREATE A CASE LAW TO HELP PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ART, NOT ONE THAT STOPS PROGRESS.
5. TO CREATE A CASE LAW THAT PROTECTS THE CONSTITUTIONAL RIGHTS TO RETAIN CONTROL OVER YOUR CASE

CONCLUSION

The Petition demonstrates that:

1. **The subject of this case is of national and global importance,**
2. **Exceptional circumstances warrant the exercise of the Court's discretionary powers,** and, because
3. **Both Federal Courts have drastically departed from the accepted and usual course of judicial proceedings,**
4. **Adequate relief cannot be obtained in any other form or from any other court,**

And now,

1. **Only the Supreme Court of the United States can interpret and protect the intent of the Constitution and the laws of the United States.**
2. **This case is of national and international importance for the public's well being.**
3. **This case is of national and international importance with regard to the role of American architects in the nation and their role in the world.**

For all the important reasons stated above,

The petition for a writ of certiorari should be granted.

This petition is from the US Court of Appeals Order of 08/15/2018.

Attached:

Sturdza's Architectural License

Zlotescu's Architectural License

APPENDIX A: US Court of Appeals for the District of Columbia OPINIONS

And US District Court for the District of Colombia OPINIONS

APPENDIX B: DOCUMENTS and PLEADINGS filed in the US Court of Appeals:

1. BRIEF FOR THE PLAINTIFF-APPELLANT ELENA STURDZA

1. APPENDIX A: Applicable laws and Appendix A to Brief.

3. APPENDIX B: Photos of her design and of the infringing designs and how much Sturdza should have been paid for her design used to build three Embassies.

See also on file DOCUMENTS and PLEADINGS filed in the US Supreme Court:

1. *Petition for a Writ of Certiorari* filed on August 15, 2015 with its Appendices and

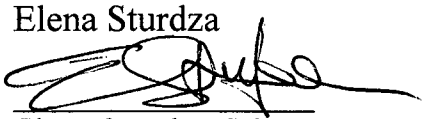
2. *Petition for a Writ of Certiorari* filed on July 11, 2011 with its Appendices and

3. *Petition for a Writ of Certiorari* filed on September 15, 2010 with its Appendices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2018.
Respectfully submitted, October 30, 2018

/s/Elena Sturdza elena.sturdza@verizon.net
Elena Sturdza



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