

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Lynn Smith
PETITIONER

v.

Manasquan Savings Bank, et al
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE NEW JERSEY SUPREME COURT

PETITION FOR A WRIT OF CERTIORARI

To the Chief Justices of the Supreme Court of the United States and Circuit
Justice for the Third Circuit:

Petitioner hereby moves per se for a writ of certiorari to review appeal of F-
40519-09 that ended with a June 15, 2018 Final Judgment and Order of the New Jersey
Supreme Court. A motion for leave to proceed in forma pauperis accompanies this
petition.





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QUESTIONS PRESENTED

Codes of Judicial Conduct and related sources of authority provide standards of behavior for judges and others within the New Jersey state court family. A revised Code of Judicial Conduct was adopted effective September 1, 2016 and was included in the Rules Governing the Courts of the State of New Jersey as an appendix to the Part 1 Rules by an order dated August 2, 2016 signed by Chief Justice Rabner. The questions presented relate to violations of this code by persons of the New Jersey Court system named below who in their administration of F-40519-09 violated Canons 1, 2, & 3 of the New Jersey Codes of Conduct. In their knowingly and willfully violating state and federal rules, procedures and laws.

The primary circumstance of the underlying case is the persistence of violations of the above Code of Judicial Conduct and state and federal law by Michelle M. Smith, Esquire, the Clerk of the Court of the New Jersey Superior Court, Kathryn Shabel, Esquire, the Assistant Chief of the Office of Foreclosure in New Jersey, Kathleen J. Wardlow, Esquire, the Civil Division Manager of the Monmouth County Vicinage of the New Jersey Judiciary, Gurpreet M. Singh, the Trial Court Administrator of the Monmouth County Vicinage of the New Jersey Judiciary, Judge Patricia Del Bueno Cleary the presiding judge handling F-40519-09 in the Monmouth County Chancery Court, Joseph Orlando, Esquire, the Clerk of the New Jersey Superior Court Appellate Division, Judge Carmen Messano, the Presiding Judge for Administration of the New Jersey Superior Court Appellate Division, the Mark Neary, Esquire, Clerk of the Court of the New Jersey Supreme Court. an Judge Jaynee LaVecchia, Associate Justice of the New Jersey Supreme Court, and Stuart A. Rabner, the Chief Justice of the New Jersey Supreme Court and the former Attorney General of the State of New Jersey.

The questions presented herein correspond to case events from the return of two \$50.00 checks in October 2016 (Appendix A) by the Superior Court Clerk's Office in recognition that we had a fee waiver - to the December 21, 2018 Order for Entry of Final Judgment that was rendered despite the Superior Court not docketing or the Chancery Court judge not having reviewed Opposition Briefs (Appendix B) through to the June 10, 2018 order denying my Reconsideration Motion which appealed the dismissal of my Petition for Certification to the New Jersey Supreme Court - despite the fact that the motion contained a picture of a certified bank check issued on the same day as the motion that would have been tendered had the motion been granted (Appendix C).

The Early Superior Court Filing Fee Incidents

Question 1 & 2:

Whether it was error or misconduct when the Superior Court Clerk Office/Foreclosure Unit refused to docket (Appendix D) several of the Defendant's Opposition Briefs to a Plaintiff Motion for Entry of Final Judgment in November and December 2016 for failure to pay a \$50 filing fee:

After two such \$50.00 checks were returned by the Superior Court Clerk's Office in October 2016?

When no such fee is required in the State of New Jersey?

The Chancery Court's Failure to Review and Consider Defendant Pleadings

Question 3:

Whether it was error or misconduct when the Chancery Court judge knowing that the Superior Court Clerk's Office/Foreclosure Unit failed to docket several Opposition Briefs (Appendix E) granted the Plaintiff's Motion for Entry of Final Judgment on December 21, 2016 after admitting on the record just prior to the ruling that she knew that not all the Defendant's pleadings were docketed, reviewed and considered?

Question #4:

Whether it was error or misconduct when the New Jersey Superior Court Foreclosure Unit returned a complaint letter dated December 24th (Appendix F) for not having a \$50 filing fee objecting to the December 21st ruling that failed to review and consider Opposition Briefs not docketed by the Superior Court Clerk's Office/Foreclosure Unit?

The Superior Court's Circumvention of Citizen Due Process Protections

Question #5:

Whether it was error or misconduct when the New Jersey Superior Court Foreclosure Unit refused to docket the Defendant's timely filed Motion for Reconsideration (Appendix G) of the Order Granting Entry of Final Judgment:

- knowing that the defendant had a fee waiver, and
- after having read the December 24th complaint letter which objected to:
 - 1) their unlawful imposition of \$50 fees on Opposition Briefs, and
 - 2) the Chancery Court judge ruling on the Plaintiff's motion without reviewing and considering the undocketed Opposition Brief?

Question #6, 7 & 8:

Whether it was error or misconduct when the New Jersey Superior Court Foreclosure Unit, knowing that the Defendant had filed a Reconsideration Motion, rushed the Order for Entry of Final Judgment to the Mercer County Chancery Court for Final Judgment on January 4, 2017 (Exhibit H):

- Negating the Constitution's express intent of Reconsideration Motions in Foreclosure situations: not to seize a citizen's property without due process?
- Negating the Constitution's express intent of permitting a citizen to file an Interlocutory Appeal to the state appellate division prior to or during a Reconsideration Motion?

- Negating the Constitution's express intent of permitting a citizen to file for U.S. Bankruptcy Court protection prior to or during a Reconsideration Motion?

The Later Filing Fee Incidents

The Question #9:

Whether it was error or misconduct when the New Jersey Superior Court Clerk returned four consecutive defense complaint letters:

- December 24, 2016; (Appendix B)
- January 10, 2017; (Appendix I)
- January 21, 2017; (Appendix J) and
- January 23, 2017 (Appendix K)

that addressed the numerous irregularities in the administration of the case – because each did not come with \$50.00 filing fees?

Refusal to Vacate the Final Judgment and Order Rendered in Error

Question #10, 11, 12, 13 & 14

Whether it was error or misconduct when Kathleen J. Wardlow, Esquire, the Civil Division Manager of the Monmouth County Vicinage and not Michelle M. Smith, Clerk of the New Jersey Superior Court responded to the defendant's four complaint letters (Appendix L) addressed to Clerk Michelle M. Smith?

Whether it was error or misconduct when Kathleen J. Wardlow, Esquire, the Civil Division Manager admitted on February 22, 2017 that an error had been made by Michelle M. Smith, Clerk of the New Jersey Superior Court and Kathryn Shabel, Esquire, the Assistant Chief of the Office of Foreclosure in first obtaining the January 4, 2017 Final Judgment before processing the Reconsideration Motion (Appendix L) – when this is a letter that should have come from either Clerk Smith or Assistant Chief Shabel?

Whether it was error or misconduct when, after the Superior Court admitted the January 4, 2017 Final Judgment and Order were rendered in error, the Clerk of the New Jersey Superior Court and the Assistant Chief of the Foreclosure Unit did not immediately vacate the Final Judgment and permit the defendant the normal constitutional protection:

- To prosecute the Reconsideration Motion free of the burden of the Final Judgment and Order having already issued – particularly, since the Plaintiff referred to the January 4, 2017 Final Judgment and Order in their opposition to the reconsideration motion and the Chancery Judge likewise did in her ruling to deny the Reconsideration Motion?
- To file an Interlocutory motion to the state Appellate Court?
- To file for U.S. Bankruptcy Court protection?

before, during or after the Reconsideration Motion is filed, but before a final ruling on the motion?

Two Irregularities When the Matter Hits the New Jersey Appellate Court

Question #15 & 16

Whether it was an error or misconduct for Judge Messano, Presiding Judge for Administration of the New Jersey Appellate Division:

- to rule that we were not entitled to a fee waiver in our appeal to the Appellate Division (Appendix M) even though every state and federal court has granted fee waivers since 2010 and he himself had granted fee waivers several times over the preceding several years?

Whether it was error or misconduct for Judge Messano to:

- return a duly filed pleading seeking a reconsideration of his ruling denying a fee waiver on one day (Appendix N), and have the Clerk of the Court Orlando dismiss our appeal the next day (Appendix O) for not having filed the pleading they received, opened and returned the day before?

More Irregularities in the New Jersey Supreme Court

Questions: 17, 18, 19, & 20

Whether it was error or misconduct for Judge Jaynee LaVecchia, Associate Justice of the New Jersey Supreme Court, who was asked through a duly-filed motion to recuse herself in this matter for a conflict of interest dating back to her 2013 questionable handling of a related case, to ignore the motion and continue to handle the case?

Whether it was an error or misconduct for Judge Jaynee LaVecchia to rule that we were not entitled to a fee waiver in our Petition for Certification (Appendix P) even though every state and federal court has granted fee waivers since 2010?

Whether it was an error or misconduct for Judge Jaynee LaVecchia to dismiss our petition for not paying a fee and then, after we demonstrated our willingness to pay the unfair fee via a \$250 Chase Bank Draft purchased on the day the Reconsideration Motion was filed, a picture of which was shown in an exhibit in the motion (Appendix B), - to turn around and deny the motion and thus terminate our Petition for Certification?

Summary Question

Canon 3b(5) of the Code of Judicial Conduct states:

A judge should take appropriate action upon learning of reliable evidence indicating the likelihood that a judge's conduct contravened this Code or a lawyer violated applicable rules of professional conduct.

The New Jersey Code of Judicial Conduct and the Model Code of Judicial Conduct of the American Bar Association have similar guidelines and advice for state judges and the entire state court family. Considering the above, a final question is asked.

Question #21

Whether the alleged serial errors or misconduct presented in this Writ of Certiorari is a denial of the civil and due process rights of the petitioning pro se litigants who have sought to pay Manasquan Bank in full since 2010 (Appendix Q) and are herein only seeking the modest summary relief of finally being permitted to pay the bank or have the matter remanded to a venue in the next county – in light of the fact that every court official, clerk and judge, in:

- Chancery Court
- Monmouth Vicinage
- New Jersey Foreclosure Unit
- New Jersey Superior Court, Trenton
- New Jersey Appellate Court
- New Jersey Supreme Court

ignored or refused to report or otherwise take appropriate action upon learning of reliable evidence indicating the likelihood that a judge's conduct contravened this Code, or a lawyer violated applicable rules of professional conduct?¹

¹ Lest the impression that we feel all persons in the judiciary are bad, our 12-year struggle against regulatory and judicial error and/or misconduct is evidence that we respect the process. In addition, a call by Brian Smith to a minor clerk working for Superior Court Clerk Michelle M. Smith, to check to see if the December 24th complaint letter was received, elicited a confirmation of its receipt, an admission that we had a fee waiver, and an admission that the Superior Court/Foreclosure Unit erred in attempting to charge \$50.00 filing fees. However, in retrospect, we appreciate something since now that we did not fully understand at the time – the person's honest and heartfelt entreaty in this witnessed and memorialized conversation – that we should "act fast". Before we could inquire the precise meaning, the person indicated he/she had to go and hung up. It never occurred to either of us that what probably motivated the person's staying on the phone for 30-plus-minutes on the last business day of the year was that Superior Court Clerk Michelle M. Smith was going to subvert the process of constitutional protection of civil, due process and property rights and send back the complaint letter and our Reconsideration Motion for failure to file \$50.00 filing fees. Although our family has been brutally abused and been victims of institutionally sanctioned legal rape over the ensuing years, that conversation was evidence, a promise of sorts, that justice may yet prevail in this matter.

ii.

PARTIES TO THE PROCEEDING

The parties in this proceeding are Lynn Smith, Petitioner and Manasquan Savings Bank, Respondent.

iii.

OPINIONS BELOW

There were no opinions in this matter.

Even though every other state and federal court has granted indigency status, the NJ Supreme Court refused. The reason is that it is now an established fact that AG Stuart Rabner dishonored his Code of Conduct in 2007 in C-316-06 by concealing exculpatory evidence and refusing to withdraw that case. The evidence he ignored or failed to act upon was a Complaint to the Comptroller of the Currency that clearly proved he filed the case by error, incompetence and a failure to do due diligence or it was a result of corruption via influence peddling activity with Greenberg Traurig. Chief Justice Rabner dishonored his Code of Conduct in 2012-2013 and 2017-2018. Each time he was asked to honor his office. Appendix Q and S contain the relevant order and reconsideration motion rejecting the Petition which detailed the fraud and criminality by the clerks of Superior Court – Foreclosure Unit in handing the bank its January 4, 2017 judgment. *There is no opinion – just an abuse of power by a Chief Justice who chose to protect Governor Corzine’s promise of his current job, over protecting 201 families who had \$5 billion in assets stolen by the clients of Greenberg Traurig who he filed on behalf of.*

JURISDICTION

Judge Jaynee LaVecchia rendered her decision on June 8, 2018. This Court has jurisdiction under 28 U.S. Code § 1257(a)

iv.

CONSTITUTIONAL PROVISIONS

AMENDMENT IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. The Supreme Court centered its judgment on May 8, 2013 with an amendment dated May 30, 2013. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257.

AMENDMENT V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT XIV.

SECTION. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

v.

PETITION FOR A WRIT OF CERTIORARI

Petitioner Lynn Smith and Brian Smith ("Smith"), on behalf of themselves (and acting for 200 persons or families who are parties in interest) respectfully petitions for a writ of certiorari to review the judgment of the New Jersey State Supreme Court considering the events outlined in the Questions Presented from approximately October 1, 2016 through June 2018 (Appendix R).

This case offers this Court an opportunity to provide relief to this petitioner who will turn around and provide the same to the 200 or more innocent persons and families. That is my primary interest.

Some would advise that Writs of Certiorari should be written in a manner to entice the Court and its members with significant constitutional questions and that failure to do so will result in rejection. This refined knowledge and language will not be forthcoming in this writ. However, in its place is the prima facie evidence of error and/or misconduct which demonstrates whole abandonment of the concept of constitutional protection – particularly egregious and shameful since the petitioner is pro se and has been systematically denied the opportunity to be represented by honest and competent counsel since October 4, 2010.

The Respondent in this matter, New Jersey regulators, and New Jersey state and federal judges have made sure that I could not use assets free and clear of encumbrance to retain an attorney in this and interrelated legal proceedings that began in 2006, even when I had finance companies provide guaranteed offers.²

² In fact, while in Monmouth County Chancery Court litigating C-316-06, the judge was provided evidence that the Attorney General's Office threatened the wife of a man paying our legal bills with incarceration and indictment on money-laundering charges if he continued to pay our legal bills. The man was forced to take his wife to Africa for at least a month, as she feared his and her incarceration by those who are charged with the protection of innocent people. If this court grants the requested relief, I have a guaranteed non-debt offer of \$670,000 that can be used immediately to pay the bank in full as well as all undisputed creditors.

As a pro se petitioner for the last 9-years, I can state that the errors and/or misconduct that occurred from October 2016 through June 2018 are as bad as one can encounter in the United States system of justice. This petition presents in varying degrees of emphasis serial errors and misconduct of state officials (as well as federal officials operating in this state), as well as other violations of rules, regulations and law and practice that are long-standing protections promised by the U.S. Constitution and the U.S. Supreme Court through its historical decisions when reviewing matters of this type, including:

- a. abuse of discretion;
- b. conflict of interest;
- c. error;
- d. incapacity;
- e. violations of state and federal law;
- f. ethics violations;
- g. violations of oath of public office;
- h. violations of civil rights;
- i. violations of due process rights,
- j. violations of property rights, and
- k. conspiracy.

From the Monmouth County New Jersey Chancery Court to the New Jersey Foreclosure Unit to the New Jersey Superior Court in Trenton to the New Jersey Appellate Division to the New Jersey Supreme Court, clerks, judges and officers of the court ignored their Code of Conduct, as well as state and federal rules, procedures and laws.

I am merely seeking what Judge Cavanagh should have ordered in 2010 and Judge Cleary should have ordered since 2011 and 2016, which is either an order permitting me to pay my first and second mortgages to Manasquan Bank in full or an order remanding the matter to Ocean County Chancery Court for a jury trial.

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INTRODUCTION AND HISTORY

Over the last 9-years, the respondent, state regulators, state clerks and judges and federal judges operating with the state of New Jersey have either defrauded or aided and abetted in the defraudment of the petitioners with respect to the ownership of her home currently worth approximately \$1.95 million. This injury was made worse when the respondent and the New Jersey Supreme Court ignored our notice that a significant amount of cash and assets worth more than \$5 billion can be partially or fully recovered for the benefit of the petitioner and the 200 families who are persons in interest. In committing the alleged acts several named officials directly committed various violations of state and federal law while other officials were parties to these acts in varying degrees. This petition seeks to correct a manifest injustice to the petitioner in foreclosure action F-40519-09.

Respondent Manasquan Bank was the lender for the 1st and 2nd mortgages, the subject of the lawsuit F-40519-09. The bank has damaged the petitioners with respect to the ownership of her home currently worth approximately \$1.95 million and their significant 50% interest in cash and assets worth more than \$5 billion. The bank has perpetrated this by refusing several guaranteed offers to fully pay-off the 1st and 2nd mortgages since 2010. As late as June 2018 the petitioners offered full payment to the bank within 60-days, but the bank refused. The petitioners allege the bank knowingly violated civil and criminal statutes prior to and after the Financial Crisis of 2007-2008 and have filed a \$250 million complaint against the bank for business interference since late January 2009. The petitioners could have paid the bank \$165,000 in 2010 and \$304,000 in 2016. At present, the figure is \$340,000. We are asking this court to order the bank to accept that figure. Even though they do not deserve it, we will pay that amount because we will also receive \$100,000 in funds to retain an attorney to proceed with the \$250 million complaint against the bank and a \$5 billion suit against the State of New Jersey. Notwithstanding, this petition is not about these inequities.

James S. Vaccaro is the CEO and President of Respondent Manasquan Bank and its holding companies. Mr. Vaccaro has been asked repeatedly by the petitioners since he assumed his position at the bank to investigate a variety of state and federal law violations within the bank prior to and after the World Financial Crisis of 2007-2008, including failures to make full disclosure of adverse material facts to state and federal regulators and other persons and legal entities requiring such information. He has refused to fully investigate and report on these allegations since 2013.

Michelle M. Smith, Esq. is the Clerk of the Court of the New Jersey Superior Court. Ms. Smith purposely, maliciously, and intentionally engaged in several acts that violated and obstructed petitioner's civil, due process and property rights in F-40519-09, including not docketing duly filed pleadings and concealing a reconsideration motion to unlawfully and dishonorably handing the bank its January 4, 2017 Final Judgment and Order.

Kathryn Shabel, Esq. is the Assistant Chief of the Office of Foreclosure in New Jersey. When informed of the misconduct of Michelle M. Smith, Esq., Ms. Shabel did nothing to address the problem or respond to the serious allegations against Ms. Smith and the Foreclosure Unit which she was directly responsible for and, thereby, also violated and obstructed petitioner's civil, due process and property rights in F-40519-09.

Kathleen J. Wardlow, Esq., is the Civil Division Manager of the Monmouth County Vicinage of the New Jersey Judiciary. Ms. Wardlow actively covered up the misconduct of Michelle M. Smith, Kathryn Shabel and the Foreclosure Unit. In addition, she directly violated and obstructed petitioner's civil, due process and property rights in F-40519-09.

Gurpreet M. Singh, Esq. is the Trial Court Administrator of the Monmouth County Vicinage of the New Jersey Judiciary. He is responsible for Ms.

Wardlow's actions. He approved Ms. Wardlow's plan to coverup and act as a shield to protect Michelle M. Smith and, thereby, violated and obstructed the petitioner's civil, due process and property rights in F-40519-09.

Judge Patricia Del Bueno Cleary is the presiding judge in F-410519-09 in the Monmouth County Chancery Court. Her misconduct in this matter goes back to 2011. However, for the purposes of this petition, Judge Cleary granted the bank's motion for an order for final judgment without having in her possession or having reviewed considered several Opposition Briefs duly filed by the defendants, a violation of state and federal rules and procedures. Related instances of misconduct were:

Judge Carmen Messano is the Presiding Judge for Administration of the New Jersey Superior Court Appellate Division. Judge Messano participated in the conspiracy by the Foreclosure Unit, the Superior Court Clerk and the Monmouth County Vicinage to deny petitioner's civil, due process and property rights several times, featuring the deceptive and unethical order in September 2017 ending my appeal, i.e. receiving, opening and returning a pleading one day and claiming they never received it and terminating our appeal the next day.

Joseph Orlando, Esq. is the Clerk of the Court of the New Jersey Superior Court Appellate Division. Mr. Orlando participated in the conspiracy by the Foreclosure Unit, the Superior Court Clerk and the Monmouth County Vicinage to deny petitioner's civil, due process and property rights several times, featuring the deceptive and unethical order in September 2017 ending my appeal, i.e. receiving, opening and returning a pleading one day and claiming they never received it and terminating our appeal the next day.

Chief Justice Stuart Rabner is the Chief Justice of the New Jersey Supreme Court and the former Attorney General of the State of New Jersey.

In 2006-2007, Attorney General Rabner violated his Code of Conduct, as well as state and federal law, by covering up evidence that should have led to the dismissal of the October 10, 2006 (C-316-06) filed against the Plaintiffs. After filing the complaint, on several occasions between November 2006 and the end of June 2007 he and other officials in his office received exculpatory evidence and chose to ignore it. AG Rabner dishonored his regulatory oath of office and Code of Conduct rather than risk harming his political career by admitting that C-316-06 should never have been filed and withdrawing the complaint. In the end, he was more concerned about not losing the position of Chief Justice that was promised to him by Governor Corzine, then the 201 families who were victims of criminals that he aided and abetted. His refusal to report and act on the exculpatory evidence had all the earmarks of his having participated in an influence peddling relationship with their large, influential, politically-powerful North Jersey law firm that lied to him prior to the filing of the complaint.

In 2012-2013 he reviewed even more evidence when Brian Smith was forced to appeal without an attorney. He took advantage of the pro se appeal and after 10-months, he finally recused himself and let Justice LaVecchia rotely deny the appeal without an opinion. In so doing, he dishonored his judicial oath of office and Code of Conduct.

In 2017, after Justice Messano rejected our appeal under a fraudulent pretext in September 1017, we filed a Petition for Certification to the New Jersey Supreme Court on September 29, 2017. We sought an order vacating the dishonorable and procedurally tainted Final Judgment in F-40519-09. In our filings to the court, we specifically addressed the pleadings to Justice Faustino J. Fernandez-Vina, Justice Lee A. Solomon and Justice Walter F. Timpone and asked them not to permit either the Chief Justice or Justice La Vecchia to rule on the matter and provided them with even more evidence against Attorney General Rabner, the State of New Jersey and the criminals they aided and abetted the theft of \$5+ billion in cash and

assets from 201 families. Despite this urgent plea for an unbiased handling of what was a clearly reversible Final Judgment in F-40519-09, Chief Justice Rabner ignored the request for his and Justice La Vecchia's recusal and let her handle the case. Even though state and federal courts have granted us indigent status on at least a dozen occasions over the last nine years, Justice La Vecchia refused indigent status and fee waiver. She then denied our motion and recently ended our petition for not pay filing fees, all under suspicious circumstances. We placed Justices Fernandez-Vina, Solomon and Timpone on notice that:

- 1) ignoring the clear procedural and ethical violations of Michelle M. Smith, Kathryn Shabel, Esq., Kathleen J. Wardlow, Esq., Gurpreet M. Singh, Esq., and others responsible for the Final Judgment in F-40519-09, and
- 2) permitting Justice La Vecchia to handle the case and protect the Chief Justice, (who does not want us to refinance our home and obtain funds to investigate his misconduct as an Attorney General and the Chief Justice),

only shows that the New Jersey Court System cannot self-police, cannot protect Pro se litigants in the most obvious cases, such as this, from the serial denial of their civil, due process and property rights.

This petition is in part an attempt to address that problem which infects the system of justice in the State of New Jersey.

So, the Superior Court, then the Appellate Court and, finally, the Supreme Court all violated time-honored procedures to hand our home to the bank.

When you finish reviewing this petition, it will be apparent that Manasquan Bank has avoided being paid.

Why did the bank refuse Lynn Smith's mortgage payments on her home in February 2009?

Why did they refuse full-pay offers from 2010 onwards?

A jury trial was needed to fairly resolve this matter.

Jurors would have seen that Lynn Smith paid over \$30,000 on her mortgage over the prior 12-months prior to the bank's refusal to accept payments and ask the obvious question:

Why did Manasquan Bank stop processing Lynn Smith's mortgage payments a week before the trial in C-316-06 started?

The bank has:

- filed Summary Judgment after Summary Judgment for nine-years;
- rejected full-pay agreements for nine-years;
- relied on two biased Chancery Court judges who refused to recuse themselves and/or change venue in nine-years.

Judge Jaynee LaVecchia is an Associate Justice of the New Jersey Supreme Court. Justice La Vecchia violated her oath of office in 2013 when she chose to protect Chief Justice Rabner from possible removal from office by ignoring the equity, civil, due process and property rights of 201 families Mr. Rabner victimized as Attorney General and as Chief Justice. She was asked to recuse herself from ruling on our Petition for Certification. Instead of removing the glaring appearance of impropriety, she chose to handle the matter and ended the appeal on a series of false pretexts as we expected her to. We gave the court the option of remanding our appeal back to the Appellate Division, with an order that Justice Messano recuse himself. So seemingly desperate to deny us a judicial review of the misconduct in the rendering of the Final Judgment in F-40519-09, she simply ended the appeal – even though the Reconsideration Motion had a \$250 Chase Bank check dated on the same day as the filing ready to be overnighted upon her granting the motion.

Mark Neary, Esq. is the Clerk of the Court of the New Jersey Supreme Court. It was his responsibility to make sure that Justice La Vecchia recused herself or undertake to provide us with some form of explanation why she and not one or all the other three judges ruled on our petition. He did neither of the above and provided no explanation why Judge La Vecchia was handling the matter despite our request that she recuse herself.

In closing this section, these incidents ending in the dismissal of our Petition for Certification were the culmination of a series of irregularities that started in January 2009:

- F-40519-09 is a unique case. Lynn Smith's guaranteed, direct payments to the bank, were rejected one week prior to the trial in C-316-06 despite having paid the bank more than \$30,000 over the preceding 12-months.
- When we were granted a remand motion by the Appellate Division in 2010 to refinance our home to have funds for an attorney to appeal C-316-06, the motion was sent back to the trial judge despite our protests. Rather than ordering the refinancing for legal funds, including paying the bank with 90-days, as we requested, the judge prevented us from doing so. He ignored recusal motions. He ignored change of venue motions.

Hopefully, this section serves to provide the backstory to the evidence in the Appendices. Reviewed in concert, the backstory and the evidence leave little or no room to suggest any other disposition of this matter other than that the petitioners should be granted the requested relief.

REASONS FOR GRANTING THE PETITION

This petition should be granted for the following good reasons.

No judge or member of the New Jersey judicial is exempt from the Codes of Conduct and related sources of authority that provide standards of behavior in the interconnected federal or state court family

The Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364 ("Act"), and Rules for Judicial-Conduct and Judicial-Disability Proceedings, 248 F.R.D. 674 (2008) ("Rules") have governed the issues of whether a federal judge has committed misconduct or become disabled during the period that the underlying events in this matter have taken place over the last 12-years.

As mentioned previously, the officials named in this petition violated Canons 1, 2, & 3 of the state Codes of Conduct in the course of knowingly and willfully violating state and federal rules, procedures and laws.

The Constitution exists for the protection of all persons, rich, or poor, as well as for the other diversities that constitute this land of promise and responsibility.

We are not here to condemn or otherwise punish state officials. No more victims. We want to conclude a process corrupted by the failure to conduct a proper due diligence on the false allegations of criminals who seized the \$5 billion in assets and enriched themselves at the expense of 201 innocent families up to a reported \$617 million over the last 12-years. If this court grants relief, the bank will be paid moneys they do not deserve, but we will have a at least \$100,000 to retain attorneys to recover the cash and assets and proceed against the criminals who have extended the statute of limitations in this matter by their greed.

We will not burden this Court with the details or merits of the case to compel relief. We hope that the information in the prior sections and the corresponding record of evidence is sufficient for this court to grant summary relief.

In closing this section

In its favor, the petitioners do not burden this Court with factual or material reasons why relief should be granted. Instead, this petition relied entirely on the argument that time-honored rules, regulations, procedures, practices and laws established by 200 years of legislation and the wisdom of the Supreme Court of the United States has been ignored and dishonored by the judges and others within the New Jersey state court family.

We have always had the ability to pay Manasquan Bank. The latest offer that could have resulted in full payment just two months ago or in the next several months is attached as Appendix ####. It is unfair that we could not have paid in 2010, 2011, or in the 7-years after that, but we are not arguing the compelling facts of the case in this petition. We are bringing to this Court's attention:

- 1) A state of legal madness; and
- 2) A corrupt state unable to properly administrate the separate interests and functioning of its regulatory arm from its judicial arm.

The current Chief Justice of the Supreme Court was the Attorney General in 2006 who ignored exculpatory evidence that should have led him to withdraw the C-316-06 complaint that he filed less than 2-weeks into office and heralded with a self-serving press release. AG Rabner feared the truth would expose him as naïve or corrupt, thus lowering the trajectory of his career which included Governor Corzine's promise of the position of Chief Justice.

This petition enables the Supreme Court of the United States to send a message to the most corrupt regulatory-judicial nexus in the nation that the Constitution and its rich, time-honed and time-honored body of civil, due process and property right protections cannot be circumvented for private, official or political interests. This petition, which reveals a significantly broad set of official "errors" and misconduct is the perfect place to start this cleansing process.

RELIEF REQUESTED

The following relief is requested:

An order vacating the January 4, 2017 Final Order and Judgment in F-40519 and either of the following two dispositions:

The venue of F-40519 be changed to Ocean County Chancery Court; and

1. All state and federal orders and judgments related to the disposition of Lynn Smith's residence at 409 St. Clair Avenue subsequent to January 4, 2017 be vacated or at least stayed for a period of 90-days from the date of the order to permit Lynn Smith to pay Manasquan Bank \$340,000 via one of the several offers to finance without incurring debt via a Reverse Mortgage (Appendix R) or by the payment of cash or other means acceptable to this Court. At the completion of the financing, Lynn Smith will also be permitted to pay from the proceeds of her financing all undisputed creditors. Once the bank and undisputed creditors are paid, Lynn Smith may voluntarily exit Bankruptcy Court with all disputed creditors free to file an involuntary petition against her or she may remain in Bankruptcy Court under her choice of either Chapter 11 or Chapter 13 bankruptcy with the bankruptcy proceedings stayed pending the \$5 billion complaint against the State of New Jersey filed in U.S. District Court. If the State of New Jersey can prove its claim is not fraudulent in District Court, Lynn Smith will

satisfy the State of New Jersey by a 5-year plan in Chapter 13 or by either a refinance or an orderly sale of all of part of her residence at 409 St. Clair Avenue and payment to the state based on the amount of its claim deemed not to be fraudulent by the District Court.

or

2. The same as above except that all state and federal orders and judgments related to the disposition of Lynn Smith's residence at 409 St. Clair Avenue subsequent to January 4, 2017 be stayed pending a jury trial to dispose of the claims of Manasquan Bank and the counterclaims of Lynn and Brian Smith in the Ocean County Chancery Court.

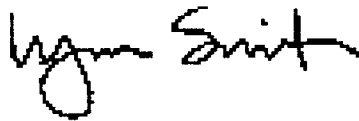
CONCLUSION

This petition should be granted for all the above reason and attached evidence.

Respectfully submitted.

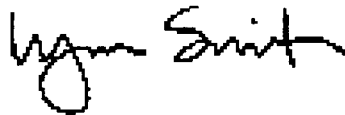


Lynn and Brian Smith



Amended as per November 27, 2018 letter





Dated: Wednesday, January 23, 2019