



Arek R. Fressadi

VIA UNITED STATES POSTAL SERVICE

April 22, 2019

The Honorable Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, NE
Washington, D.C. 20543

RE: No. 18-8351, *Fressadi v. Arizona Municipal Risk Retention Pool (AMRRP), et al.*

Dear Mr. Harris:

As an “intervening matter not available at the time of the party’s last filing” per Rule 15.8, I inform the Court of a correction to the Petition for a Writ of Certiorari in No. 18-8351. Petition page 14 states that the Arizona Court of Appeals declined to stay the 4th appeal¹ of CV2006-014822 before receiving a copy of my Petition. However, on April 2, 2019, a stay was granted (enclosed) after reviewing my filed Petition. The merit of the Petition affects my state court appeal, other state and lower federal courts, and the authority of this court.² The implications affect the cornerstone of our political system. As it stands now, any state or political subdivision can violate U.S. Supreme Court rulings to defeat the Supremacy Clause.

As such, waivers by the State of Arizona and the Town of Cave Creek/AMRRP lack candor to be admissions of wrongdoing. On August 29, 2016, the Town of Cave Creek provided evidence that it stopped providing *Mullane* notice to continuously violate U.S. Supreme Court rulings³ as its official policy since 2001 to affect over 300

¹ I discovered the Town of Cave Creek failed to follow federal, state, and municipal law in the process of writing three winning appeals. In 2014, I moved to amend CV2006-014822 to add claims that Defendants Town of Cave Creek, Maricopa County, and State of Arizona were continuously violating U.S. Supreme Court rulings regarding subject properties. When my motion to amend was denied, I filed a new state court complaint that ultimately became this case by Defendant BMO Harris Bank removing it to District Court.

² In *Martin v. Hunter's Lessee*, 14 U.S. 304 (1816), and *Cohens v. Virginia*, 19 U.S. 264 (1821), the Supreme Court held that the Supremacy Clause and the judicial power granted in Article III give the Supreme Court the ultimate power to review state court decisions involving issues arising under the Constitution and laws of the United States. Therefore, the Supreme Court has the final say in matters involving federal law, including constitutional interpretation, and can overrule decisions by state courts. In *Ableman v. Booth*, 62 U.S. 506 (1859), the Supreme Court held that state courts cannot issue rulings that contradict the decisions of federal courts citing the Supremacy Clause.

³ *Mullane v. Central Hanover Trust Co.*, 339 U.S. 306 (1950); *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); *Dolan v. City of Tigard*, 512 U.S. 373 (1994); *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992); *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304 (1987).

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SUPREME COURT, U.S.



Cave Creek property owners (Pet. App. 55-57). AMRRP insures and advises 76 municipality members on land use, and shares counsel with Cave Creek, to affect 84% Arizonan property owners such that the ongoing constitutional violations by Respondents can be duplicated by any government entity nationwide.

The Petition raises split circuit decisions regarding the requirement of *Mullane* notice to establish the nexus of proportionality for exactions or payment of just compensation. The Petition also argues that statutes of limitations cannot apply to continuing violations of U.S. Supreme Court rulings. Per the Fifth Amendment, the correct application of *Stop the Beach*⁴ requires government to pay just compensation for judicial takings.

Per Rule 10, the national implications of my Petition are significant to be certworthy.

Sincerely,

A handwritten signature in black ink that reads "Arek R. Fressadi".

Arek R. Fressadi, Petitioner *Pro Se*

Enclosure

cc: Attorneys for Respondents Kristin M. Mackin, Ann T. Uglietta, Bruce M. Preston,
Daniel P. Schaack, Michael G. Gaughan, Mark Brnovich

⁴ *Stop the Beach Ren. v. Fla. Dept. of Env. Prot.*, 560 U.S. 702 (2010).

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE

FILED: 4/2/19
AMY M. WOOD,
CLERK
BY: RB

AREK FRESSADI,) Court of Appeals,
) Division One
 Plaintiff/Appellant,) No. 1 CA-CV 18-0429
)
 v.) Maricopa County
) Superior Court
 GV GROUP LLC, et al.,) No. CV2006-014822
)
 Defendants/Appellees.)
)

ORDER STAYING APPEAL

The court has considered appellant's motion to stay the appeal. No response has been filed.

IT IS ORDERED granting the motion and staying this appeal pending resolution of United States Supreme Court Case No. 18-8351, *Fressadi v. Arizona Municipal Risk Retention Pool, et al.*.

IT IS FURTHER ORDERED vacating the April 22, 2019 due date for the opening brief.

IT IS FURTHER ORDERED that within ten (10) days after the U.S. Supreme Court issues a decision in case no. 18-8351, appellant shall file notice in this court of the decision.

IT IS FURTHER ORDERED directing appellant to file a status report on or before October 1, 2019, indicating the status of the U.S. Supreme Court Proceedings.

/s/
Barbara Vidal Vaught, Judge Pro Tempore

A copy of the foregoing
was sent to:

Arek Fressadi
Kyle A Israel
Elizabeth Savoini Fitch
Michael P Grubbs
Sean K McElenney
Jacob A Maskovich