

No. _____

18-9284

IN THE
SUPREME COURT OF THE UNITED STATES

Angela Rogers

PETITIONER

vs.

Compass Airlines, Inc./ Chubb Group of

Insurance Cos. — RESPONDENT(S) ON

PETITION FOR A WRIT OF CERTIORARI TO

FILED

MAR 11 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Minnesota Supreme Court

PETITION FOR WRIT OF CERTIORARI

Angela Rogers

(Your Name)

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(Address)

Memphis, TN. 38128

(City, State, Zip Code)

901.864.6068 and 901.372.0050

(Phone Number)

QUESTION(S) PRESENTED

Whether the internal operations of the State Supreme Court of Minnesota violate the Privileges and Immunities clause of the 14th Amendment when the Court dismisses a claim for lack of timely filing; notwithstanding evidence of the timely delivery of the motion to appeal and subsequent untimely filing by the Office of the Clerk.

Whether the internal operations of the State Supreme Court of Minnesota violate the Due Process clause of the 14th Amendment when it dismisses a claim for lack of timely filing; notwithstanding the timely delivery of the motion via certified mail by the United States Postal Service and the subsequent untimely filing by the Office of the Clerk.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Respondents —— Compass Airlines, Inc. and
Chubb Group of Ins. Cos./Gallagher Bassett Services, Inc.

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TABLE OF AUTHORITIES CITED

CASES NUMBER	PAGE
Corfield v. Coryell 6 Fed. Cas. 546, no. 3,230 C.C.E.D.Pa. 1823	

STATUTES AND RULES

Minn. Stat. §176.421

Minn. R. 1415.0700, subp. 4(A)(2017)

Minn. R. 9800.0100, subp. 6(2017)

OTHER

On the MN Judicial Branch's website, the Supreme Court statement of purpose clearly states that their purpose is to provide justice in support of the constitutional rights of the citizens of MN.

** "The Minnesota Supreme Court is, in effect, the final arbitrator of the constitutional rights of the people of the state of Minnesota. "

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.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix to the petition and is

reported at ; or, has been designated for publication but is not yet reported; or, is unpublished.

The opinion of the United States district court appears at Appendix to the petition and is

reported at ; or, has been designated for publication but is not yet reported; or, is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at ; or, has been designated for publication but is not yet reported; or, is unpublished.

The opinion of the WCCA court appears at Appendix B to the petition and is

reported at ; or, has been designated for publication but is not yet reported; or, is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was ____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix ____.

[] 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).

[x] For cases from **state courts**:

The date on which the highest state court decided my case was 12/10/18. A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied _____, and a copy of the order denying rehearing Appendix _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution Amendment XIV, Sec. 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.

STATEMENT OF THE CASE

This case arises out of the workers' compensation claim of Angela Rogers, hereinafter Petitioner. The case was heard, over the course of two days, July 21, 2017 and October 18, 2017(via phone), by Compensation Judge Sandra Grove, at the Office of Administrative Hearings (hereinafter OAH). Compensation Judge Grove issued her Findings and Order on November 16, 2017. Petitioner subsequently sought to appeal Judge Grove's Findings and Order, and requested that the Workers' Compensation Court of Appeals (hereinafter WCCA) allow an extension to file her appeal, as she searched for legal representation. The WCCA granted that request and, per an Order dated December 13, 2017, allowing the petitioner an additional 30 days, to January 15, 2018 (a federal holiday), to file her appeal. Petitioner, having submitted her file for counselor's review, sought counsel. On January 10, 2018 counsel declined to represent her. From January 11-13th 2018, severe inclement weather in the petitioner's region of residence, halted mail services. On Sunday, January 14th, the petition for appeal was notarized and mailed on January 16th by certified mail with the United States Postal Service via certified mail. The petition was received and verified by signature on January 19, 2018 at 730am. The OAH issued an Acknowledgement of Appeal dated January 23, 2018, noting that the Petitioner's appeal was filed on January 22, 2018. The WCCA issued an Order dated January 24, 2018, dismissing Petitioner's appeal based on failure to timely file the Notice of Appeal. Petitioner appealed to the Minnesota State Supreme Court seeking reinstatement of her appeal to the WCCA. The sole issue for consideration by the Minnesota Supreme Court was whether the WCCA appropriately dismissed Petitioner's case on the basis of the untimely filing of her Notice of Appeal.

The State Supreme Court confirmed the dismal by the WCCA relying on Minn. Stat. §176.421, which requires filings "filed" under the statute to be "received" by the court of appeals on or before the filing deadline, Minn. R. 1415.0700, subp. 4(A)(2017) defining

“received” as when documents are delivered to the relevant office no later than 4:30pm on a state business day, and Minn. R. 9800.0100, subp. 6(2017) defining “filed” as the receipt and stamping of a document by the court. The Court failed to timely file Petitioner’s appeal notwithstanding the timely delivery appeal was delivered and signed for, to the appropriate mailing address at 7:30am on the day of the filling deadline.

Petitioner now seeks a writ of certiorari from the Court on the two important questions presented in this case.

REASONS FOR GRANTING THE PETITION

THE COURT SHOULD GRANT THE WRIT OF CERTIORARI TO DECIDE WHETHER A STATE COURT'S FAILURE TO FILE COURT DOCUMENTS ON THE DAY THE DOCUMENTS ARE RECEIVED VIA MAIL BY AN OUT-OF-STATE LITIGANT IS A VIOLATION OF THE 14TH AMENDMENT WHICH LIMITS THE AUTHORITY OF THE STATES TO MAKE OR ENFORCE LAWS WHICH ABRIDGE THE PRIVILEGES AND IMMUNITIES OF CITIZENS OF THE UNITED STATES.

One of the fundamental rights of every United States Citizen is the right to institute and maintain actions in the courts of the States, a privilege and immunity to be enjoyed by each citizen in all other states as established in *Corfield v. Coryell*. In the case at bar, the Minnesota Court of Appeals denied a petition for appeal citing the Petitioner's failure to timely file but the court failed to acknowledge its role in the lack of timeliness. According to Minn. R. 9800.0100, subp. 6(2017) a document is filed when it is stamp filed and received by the court. Documents are statutorily considered received by the court upon delivery to the appropriate office by 4:30pm of a court business day as outlined in Minn. R. 1415.0700, subp. 4(A)(2017). In the present case the Petitioner ensured delivery of the appeal petition at 7:31am by certified mail on January 19, 2018. The Office of the Clerk for the Supreme Court of Minnesota is either unable or willing to stamp file court documents it receives by mail on the same day. As a result, for civil matters the statute makes allowances for service delivered by mail; however, the court does not apply such allowances for administrative procedures, as evidenced in the court's dismal for lack of timely filing. This practice disproportionately harms all litigants who must submit filings by mail and particularly those litigants who are not residents of the State. Unless the Office of the Clerk stamp files documents it receives via mail on a court business day (on the same day the documents are delivered) or somehow accounts for the time it takes for court filings to be delivered by mail, in-state litigants are afforded more time to deliver and file court documents than out-of-state litigants, a clear violation of the Privileges and Immunities clause of the 14th Amendment. In effect, the State provides the full statutory period to timely file documents while effectively limiting that statutory period for out-of-state litigants, particularly out-of-state

litigants not represented by counsel. Similarly situated in-state litigants not represented by counsel can personally deliver documents to the clerk by 4:30pm on a court business day and still have those documents filed with the court while out-of-state pro se litigants obviously do not. In the interest of justice, the writ of certiorari should be granted and the decision of the State Supreme Court overturned.

THE COURT SHOULD GRANT THE WRIT OF CERTORARI TO DECIDE WHETHER A STATE COURT CLERK'S OFFICE MUST OBTAIN AND MAINTAIN FILING PROCEDURES THAT PROVIDE EQUAL ACCESS TO DUE PROCESS FOR OUT-OF-STATE LITIGANTS.

The actions or lack of timely action by the administrative court clerk as outlined above, has deeper implications both for the Petitioner and other litigants appearing for Minnesota courts. The Court should grant Certiorari because the State court's inability to stamp file documents delivered by in a timely manner creates an obvious barrier to a Petitioner's right to have access to Due Process. Government officials of the several States are required to follow fair procedures before depriving a person of life, liberty, or property. By not accounting for the time it takes to mail court filings, and by not filing mailed documents either on the day the documents are delivered or accounting for the date the documents were postmarked, the State Supreme Court of Minnesota is not following a fair procedure to administer justice; and as a result, the Petitioner has been deprived of the property rights associated with her legal claim. Even the U.S. Supreme Court accounts for filings that are mailed and must be filed the Court. Rule 29.2 of the Rules of the Supreme Court of the United States explains, "Filing in the Supreme Court means the actual receipt of documents by the Clerk; or their deposit in the United States mail, with first-class postage prepaid, on or before the final date allowed for filing; or their delivery to a third-party commercial carrier on or before the final date allowed for filing, for delivery to the Clerk within three (3) calendar days." Why should the Supreme Court of Minnesota not be held to the standard?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Angela Rogers

Date: March 11, 2019