

18-9831 **ORIGINAL**
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
APR 03 2019
OFFICE OF THE CLERK

Jacqueline Melcher — PETITIONER
(Your Name)

vs.

John W. Richardson — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jacqueline Melcher
(Your Name)

PO Box 222798
(Address)

CARMEL, California 93922
(City, State, Zip Code)

831-264-3121
(Phone Number)

QUESTION(S) PRESENTED

Can a trustee retroactively void previous Bankruptcy court orders, valid when made, when my case was solvent and block my right to defend myself after the trustee depleted my estate turning a solvent estate into an insolvent estate thereby ~~canceling~~^{canceling} previous orders the years before when my case was solvent.

INTRODUCTORY STATEMENT

The Issue on appeal to the United States Supreme Court is the issue of Prudential Standing, whether or not a trustee in a Bankruptcy Court can retroactively void previous Bankruptcy Court Orders, valid when made, allowing me, Jacqueline Melcher, the right to object to fees and expenses and wrongdoing of the trustee and his attorney.

STATEMENT OF THE CASE

An unknown attorney on the internet stated this case was a case of First Impressions. I did not understand. I was given the following information and Case law from the Internet attorney in response to the Trustee's false litigious accusations against me in my appeal of the BAP order.

Internet Attorney's Statement:

"Debtor's response to the Trustee's "emergency request" demanding the Court to deny the Debtor her constitutional rights are contrary to law."

"The Bankruptcy appellate Panel did not address the "Standing" issue on appeal but "brought into" the Trustee's slanderous litigious misrepresentations to the Court which deflected the attention away from the issue on appeal, the prudential standing issue."

"The Debtor, without an attorney, addressed her rights to object to the Trustee's fees in her brief to the Bankruptcy Appellate Panel. The Debtor cited some of the Bankruptcy Court's orders allowing the Debtor the right to object to the Trustee and his attorneys administrative fees which have been preserved until the end of the Bankruptcy Case by this Court. Previously the Debtor was able to obtain the case law for the "standing" argument listed below and filed it with the Bankruptcy Court. The Court denied the Trustee's motion to declare the Debtor without standing and the Trustee appealed the Court's order to the Bankruptcy Appellate Panel. The Appellate Panel responded with a harsh decision based on the Trustee's slanderous unsupported statement under the title of a Federal Trustee which seems to have un-limited power to change the facts of this case."

CASE LAW attached under: Constitutional and Statutory Provisions involved.

There were several Bankruptcy Court Orders issued by Judge Arthur Weissbrodt in the San Jose, California Bankruptcy Court over the years, (beginning in September 2009), allowing me the right to object and defend my-self against the Trustee and his attorney, Charles Maher. The orders were never appealed by the Trustee and

the time had run on appeal of all the Court's orders preserving my right to object and defend the taking of my Solvent Estate.

The Bankruptcy Judge postponed two of the scheduled hearings on my objections to the Trustee's fees and wrongdoing in hopes of a successful mediation with Judge Goldberg in Los Angeles, but the Trustee had no interest in settlement. I still had a multi-million-dollar estate, which the Trustee and his attorney billed their fees against.

The postponements of these scheduled hearings on fees and wrongdoing dragged on and on while the Trustee continued to squander my estate billing his fees against my real properties that he sold off one by one prior to obtaining and accounting from the Melcher Probate Estate to prove there was no need to sell any of my real properties. The community property consisted of 50% of the entertainment interests created during the Melcher marriage which would have been used to offset the need to sell any of my properties.

The Melcher Probate Estate refused to turn over court ordered tax returns. San Jose, California Bankruptcy Court Judge Weissbrodt stated: "The "Off Sets" were very important in his decision. A full accounting was never produced by the Melcher Probate Estate in violation of the Court's April 13, 2007 Court Order.

Subsequently the Trustee managed to convince the bankruptcy Judge to postpone my right to object to the wrongdoing of the Trustee at the end of the Bankruptcy Case. The end did not come until the Trustee enriched himself after depleting all my assets and receiving a percentage. I was left with nothing. I went from a \$20,000,000 plus million-dollar Estate to homeless.

Meanwhile, the Trustee and his attorney were allowed partial payment of portions of their legal fees by the Court. Attorney Maher for the Trustee assured the Bankruptcy Court Judge his Law firm would disgorge the fees paid to the Trustee and his attorneys if the fees subsequently would not be allowed. I now had to wait to the end of the Bankruptcy case to object to the Trustee depleting my estate and actively hiding my community property assets awarded to me in the divorce.

Oliver Wendel Holmes stated: "Justice delayed is Justice denied".

**EXHIBIT: Bankruptcy Court Transcript Case No. 01-53251-ASW, March 1. 2011,
page 32, lines 15 to 25.**

“In any event, all fees allowed are solely on an interim basis and are subject to disgorgement should those fees be subsequently allowed on a final basis. Moreover, all of Debtor’s objections are expressly preserved for consideration in relation to a final award of fees to the applicant. Debtor asserts that as a single pro per woman, Debtor cannot handle waiting until the final fee request for Debtor’s objections to be addressed on the merits. However, Debtor sets forth no basis for this Court to reconsider the order approving the payment of administrative fees on an interim basis.”

The Trustee falsely stated I no longer had standing since my bankruptcy case was now insolvent therefore, he could now retroactively void all previous Bankruptcy Court orders which had allowed me the right to defend myself and object to the wrongdoing of the Trustee and his attorney.

The Trustee filed a motion in the Bankruptcy Court to declare me without standing to silence me from reporting the Trustee’s wrongdoing. I did not have an attorney. The Judge denied the Trustee motion and advised him at the court hearing to find case law to support his motion.

The Trustee did not find any case law to support his motion to declare me without standing and filed an appeal of the Bankruptcy Court’s order with the Bankruptcy Appellate Panel.

Instead of addressing the issue on appeal, the Prudential standing issue, the Trustee littered his brief with false slanderous unsupported allegations against me, maligning and destroying my reputation while diverting the Court’s attention away from the issue on appeal, the Prudential standing issue. I was labeled litigious by the Bankruptcy Appellate Panel who mandated the Bankruptcy Court to issue an order based on the BAP findings of me being litigious.

The issue of prudential standing was never addressed by the Trustee or the Bankruptcy Appellate Panel. All this litigation by the Trustee was billed to my estate to silence me and to get around my right to have a voice to object to the squandering of my solvent estate.

The BAP’s harsh ruling against me as being litigious has been filed in other courts of law from California to Massachusetts and used as a weapon against me and my efforts to find Justice.

WHEN THE LIES BECOME THE TRUTH

The Trustee and his attorney, knowing they could not win legally, resorted to attacking me, their opponent, trying to obscure the facts by slandering me. If you say the lie often enough, it becomes the truth. The lies spread and the Trustee and his attorney helped spread the lies using the BAP's litigious ruling.

Attorney Maher tried to have me declared litigious in the Bankruptcy court for speaking up defending myself against his false accusations soon after he was appointed to represent the Trustee in Chapter 7 in the fall of 2008. Both the Trustee and his attorney are Chapter 7 trustee and Chapter 7 attorney who deal with non-asset cases. My case was a solvent case with an approximate Eighteen million (\$18,000,000) in assets not including the 5% of the entertainment interests created during the Melcher marriage due to me from the Monterey Superior California Court.

I was a wife and mother and homemaker who participated in helping at my son's school, going to little league, boy scouts and church every Sunday. My reputation has been destroyed; my life's work has been stolen and my son's legacy, my Stonewall Beach ocean front property, that I bought with the help of my parents in 1979, five years before I married Terrence Melcher, has been given away to the billionaire Soros family undervalue by the Trustee. The 1989 Trust Agreement signed by Jacqueline and Terrence and witnessed by attorney Peter Nicholson preserved the property for Ryan Melcher.

MOTIVE, OPPORTUNITY AND MEANS

The Trustee and his attorney had the **motive** and the Power to take over my solvent estate's assets and create debt then get a percentage of what they paid to a creditor. I was current on my monthly mortgage payments, so they cut off my exiting rental contract for over \$200,000 thousand dollars loss to create debt. The rentals supported the monthly mortgage payments after my then husband left the family and his debts with me.

The Trustee had the **Opportunity** under the title and power of a US Federal Trustee to control my estate.

The Trustee had the **Means** since he was in control of the funds to litigate indefinitely for years. Just sell another house and have the case to pay themselves.

The minute the Trustee and his attorney entered this case in September 2008, the threats, attacks and false accusations against me and my son began for no reason. Karen Muir, US Trustee in the accounting department at the Bankruptcy Court complex in San Jose, California helped with my monthly operating reports reporting my monthly income and expenses from my lucrative rentals on the Island of Martha's Vineyard, Massachusetts.

The Trustee and his attorney created disputes, debt and doubt, threatening me and my son against anyone who would help us protect what we owned. The Trustee filed a document threatening to surcharge my Homestead Exemption soon after his appointment. I assume it was to threaten me or silence me. I never heard of a Homestead Exemption. The Homestead was taken by the Trustee apparently because I filed objections against their devaluing my real properties. Trading and assigning my assets to the Melcher Probate Estate without an independent evaluation, selling property of my estate under value, refusing to allow me to buy out the Trustee's net interest in our Carmel home as allowed by law, refusing to consider declarations and evaluations on the value of my estates instead of just turning them over to the Melcher Probate Estate in trade for something else. There was no transparency.

The Melcher Probate estate attorneys were not paid their legal fees by their client, Terrence Melcher so they looked to me for payment of their fees thus the on-going litigation to sell the Stonewall property. Terrence Melcher entered into a fee agreement with his many attorneys. They would be paid when they sold the ocean front Stonewall beach property. We did not realize this for some years which explains on going litigation.

The Trustee abused his fiduciary duty by using this tactic and by engineering the stealing of my estate throughout this purposely protracted Bankruptcy until they could take it all and enrich themselves.

BIEF HISTORY – HOW IT HAPPENED.

I was married to Terrence Melcher in 1983 and had one son, Ryan. I owned three real properties prior to my marriage to Mr. Melcher; one property in Los Angeles and two ocean front properties on the Island of Martha's Vineyard, Massachusetts that I bought with the help of my parents in 1979, five years before I married Mr. Melcher.

In 1989 Mr. Melcher said he had applied for a loan to build the main house on my ocean front land that had a small cottage. Unbeknownst to me, Mr. Melcher added his name to my OCEAN FRONT Stonewall property deed telling me he had to put his name on my deed because it was a requirement of the Bank. He presented the "New" deed to my property at the closing of his bank loan.

Shocked and embarrassed, I wrote the **1989 Trust agreement** by hand making sure the Stonewall property was preserved for our son Ryan Melcher. Some years later, there were offers to purchase the Stonewall property. One offer from the billionaire Soros family for \$12,000,000. I did not want to sell. Mr. Melcher left the family and Soros created the \$8,000,000 million-dollar indemnity Agreement – taking 8 million out of the Soros 12,000,000 offer to purchase leaving a deficit of \$1.4 million dollars. I was advised to file Chapter 11 to avoid the deficit. I was not allowed out of bankruptcy until my case was completely depleted b the Trustee last year.

I do not have the funds to make 10 copies of all my exhibits and serve the Trustee. I receive my social security check the second Wednesday of the Month.

However, I am sending these documents via UPS overnight service.

Respectfully submitted:

Jacqueline Melcher

Jacqueline Melcher

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:

RELATED CASES

JURISDICTION

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

The date on which the United States Court of Appeals decided my case was January 3, 2019

[] 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: January 3, 2019, 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).

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

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

[] A timely petition for rehearing was thereafter denied 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. § 1257(a).

REASONS FOR GRANTING THE PETITION

To prove no one is above the law including a United States Federal Trustee and his attorney.

To allow me, Jacqueline Melcher, without an attorney, to exercise my rights (under previous Bankruptcy Court orders allowing me to defend myself and object to the Trustee and his attorney's wrongdoing, their fees and expenses and for the taking of my multi-million-dollar Estate.

To hold the Trustee responsible to abide by the rule of law and the constitution of the United States and not allow a US Federal Trustee to unilaterally change previous Bankruptcy Court Orders long after they were issued to avoid being held accountable for his wrongdoing.

To hold people with money and power accountable, including a billionaire family who coveted my Ocean front property; who offered Twelve Million dollars (\$12,000,000) for the property. I turned the offer down because the property was bought by me with the help of my parents in 1979 and it was to remain in the family for my son Ryan Melcher. (see 1989 Trust Agreement). I tried and my son tried to protect my son's rights to the property for years but there were no longer any funds left to defend his rights since the Trustee held control of my Estate funds. The Trustee used my funds, from my life's work, to litigate against my own son for three years to remove him as the future owner of the Ocean Front Property and pave the way for the billionaire family to purchase the property under value. The Trustee won by default when we could no longer pay for legal help.

To repair the damage done to my reputation from the false slanderous miss-information filed in the public courts by the trustee and his attorney resulting in the destruction of my reputation.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

see attached.

I apologize for the marked up copy of case law.

I was unable to print out and download off the court's web site.

3 pages including this page are attached.

I was unable to remove the markings on the two pages of case law.