

APP NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

NATALIE ANDERSON,

Petitioner,

v.

ADAM ROBITAILLE,

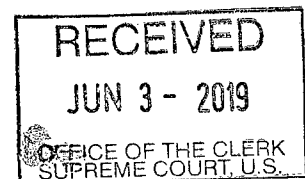
Respondent.

On Application for an Extension of Time to File Petition for Writ of Certiorari
to the New Hampshire Supreme Court

**PETITIONERS' APPLICATION TO EXTEND TIME TO FILE PETITION FOR WRIT
OF CERTIORARI**

Submitted by the petitioner, pro se
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May 27, 2019



Corporate Disclosure Statement

Petitioner Natalie Anderson is an individual and is not a corporation and has no parent company.

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To the Honorable Stephen Breyer, as Circuit Justice for the United States Court of Appeals for the First Circuit:

Pursuant to Supreme Court Rules 13.5, 22, 30.2, and 30.3, the petitioner requests that the time to file a petition for writ of certiorari in this case (“petition”) be extended for 60 days to and including Monday, August 5, 2019. The New Hampshire Supreme Court (“NH Supreme Court”) issued its opinion on March 8, 2019. See **Appendix A**¹. The petition will challenge this decision of the NH Supreme Court. Absent an extension of time, the petition for writ of certiorari would be due on June 6, 2019². Petitioner is filing this application within 10 days before that date. See Supreme Court Rule 13.5. Because this appeal is from a state supreme court and implicates petitioner’s rights under the U.S. Constitution, this Court would have jurisdiction over the judgment. The jurisdiction of this Court is thus invoked under 28 U. S. C. § 1257(a). Also, pursuant to Rule 29(4)(c), petitioner states that 28 U. S. C. § 2403(b) may apply to this appeal because the constitutionality of a state statute is being drawn into question, and thus a copy of this filing will be served on the Attorney General of New Hampshire.

¹ The date on which the highest state court decided petitioner’s case was March 8, 2019. The NH supreme court deadline for filing a motion for reconsideration was March 25, 2019. A motion for reconsideration was mailed on March 23, 2019 but arrived at the clerk’s office after March 25, 2019 and so the mandate was immediately issued one day later on March 27, 2019, prior to the motion for reconsideration arriving at the court in the mail, and without allotting adequate time to await mail to arrive at the court pursuant to its own rules. As a result, the motion for reconsideration was treated as untimely and was not acted upon because it was treated as untimely, even though it was actually filed in a timely manner (i.e. the NH supreme court rules indicate that a motion mailed 2 days prior to a deadline is considered timely). A single justice decision was issued on April 4, 2019 treating the motion for reconsideration as untimely. The petitioner has since challenged the untimely treatment and is pursuing a path to address/resolve this matter with the NH supreme court, in accordance with a letter from the NH supreme court clerk. See **Appendix B**. NB: The abrogation of its own rules resulting in failure to consider the timely motion for reconsideration also implicates due process issues in the NH supreme court, which is being preserved for a later time, pending final outcome of the matter.

² It should be noted that because petitioner filed a motion for reconsideration on March 23, 2019 and decision pertaining to that motion for reconsideration was issued on April 4, 2019, there is a question of when the clock starts to count in this matter as it pertains to the deadline to file an appeal in the US supreme court. The petitioner is not certain whether the date for the motion for reconsideration applies or not, and so in the abundance of caution, the petitioner is citing the date for the original decision on March 8, 2019 as controlling for purposes of establishing the deadline for petition of certiorari. Presumably, should the issue of the untimely filing of the motion for reconsideration in the NH supreme court be resolved in petitioner’s favor and a ruling on the motion for reconsideration is issued, then a new deadline for filing a US supreme court petition for writ of certiorari will be created.

REASONS FOR GRANTING EXTENSION OF TIME

The petitioner intends to file a petition for writ of certiorari and now apply for an extension of time to do so. An extension to file the writ of certiorari in this case is needed to permit petitioner to file a petition that fully and adequately addresses important issues. The issues to be presented are somewhat intricate and nuanced, and so more time is needed to present the best advocacy to this Court. Additional time is necessary to narrow the presentation of the issues for this Court's consideration and adequately prepare a petition.

The petitioner is in the process of securing legal counsel and has not yet obtained counsel to file a petition for certiorari. Legal counsel is needed to assist the petitioner with fully assessing the legal issues in the case with a view to preparing and filing a petition for certiorari. Because petitioner is currently acting pro se, she may not be able to present these issues and arguments in as legally skilled manner as a trained lawyer could, especially as it pertains to the requirements for US supreme court jurisprudence. The requested extension is warranted to permit petitioner, an African-American female with limited resources, to obtain counsel to represent her in the US Supreme Court, and to permit such counsel to familiarize themselves with the history of this litigation and the legal issues to be presented, and also to allow counsel an opportunity to narrow the questions presented for this Court's consideration. Conversely, should the petitioner ultimately be unable to secure legal representation, the petitioner would require additional time to become more acquainted with this Honorable Court's Rules, and to prepare a petition towards this Court's just, accurate and fair adjudication, given that the petitioner has not previously appeared before this Honorable Court. Furthermore, more time is needed to allow potential amici to be filed in this case.

The time to file a petition for certiorari should also be extended for the following reasons:

1. As noted above, there is a pending motion for reconsideration to be heard in the NH state supreme court. In order to minimize the burden on this Court, petitioner has sought

reconsideration in the New Hampshire Supreme Court. If this matter is resolved in petitioner's favor, then this petition for writ of certiorari will no longer be necessary. Time is needed to allow the NH supreme court to resolve the reconsideration issue, prior to the petitioner fully proceeding with an appeal in this court.

2. The petitioner and respondent have been engaging in settlement negotiations, but the petitioner needs to act to protect her interest in moving forward with this appeal in case the settlement process completely fails. The additional time may allow a settlement agreement to be finalized.
3. An extension of time is also warranted as the petitioner has experienced a death in the family and has had to prepare for arrangements and services related thereto.

BACKGROUND

The petition that petitioner plans to file with this court relates to a decision rendered by the NH Supreme Court, which is the highest court or the court of last resort for the state of New Hampshire. The NH Supreme Court decision was based on a ruling by the 9th Circuit-District Division Nashua Court ("Nashua district court"). On or about 1-9-17, the petitioner filed a temporary restraining order with the Nashua district court alleging that she was being forced to vacate her residence by the defendants without proper observation of and adherence to lawful procedures under NH law (i.e. RSA 540A) and that defendants were retaliating against her because she had raised concerns about race discrimination. The Petition named Adam Robitaille and Homewood Suites of Nashua as Defendants. The petitioner initially filed the action pro se, but subsequently the New Hampshire Legal Assistance took the case in order to help vindicate the rights of the petitioner, as representative of the rights of many New Hampshire ("NH") citizens.

On or about 2-21-17, Judge Paul S. Moore ("Judge Moore") issued a ruling, where he found in favor of the defendants and against the petitioner. The clerk's entry on the Nashua district court docket for this decision took place on 2-23-17. In or around April 2017, an appeal to the NH

Supreme Court followed. Based on what transpired in the Nashua district court, the petitioner presented the following key issues to the NH supreme court in her appeal:

- Whether the state law pertaining to this case was unconstitutional because it resulted in disparate impact race discrimination.
- Whether Judge Moore erred in denying two motions for recusal of the judge based on evidence of bias and certain misconduct of the Nashua district court judge (who was later disbarred).
- Whether the petitioner is a tenant or a hotel guest and thus whether certain due process protections afforded to tenants were applicable.
- Whether Judge Moore erred in not treating petitioner's pro se pleadings with a liberal construction as instructed by the US supreme court in *Haines v. Kerner*, 404 U.S. 519 (1972).
- Whether Judge Moore erred in not acting upon a **motion for void judgment based on defective affidavit** filed by the petitioner in or around March 2017, and thus whether the Nashua district court erred in considering facts presented by the defendants without support by a valid affidavit as required by statute; and whether there the judgment is void and a new trial should result because the affidavit is defective (and thus null and void of effect) since it lacks reference to a sworn oath under the pains and penalties of perjury.
- Whether Judge Moore erred in failing to allow a hearing to consider evidence that defendant attorneys should be disqualified because of a conflict that resulted from his co-counsel's conflict (a conflict that resulted in co-counsel's disqualification).
- Whether Judge Moore erred by not allowing a hearing to determine if false evidence was submitted by defendants.

NB: Several of the above issues implicate the due process clause and/or the equal protection clause under the 14th amendment or otherwise create a federal question. These issues were thus preserved for appeal at the lower court level.

On 3-8-19, the NH supreme court affirmed Judge Moore's decision(s). Cases with facts substantially identical to the petitioner's case have reached numerous state courts. The NH state supreme court's decision is in conflict with the precedents of various other state supreme courts³. Because the decision of the NH supreme court differs from the decisions of the highest courts in various other states, thus revealing a split among the states, this provides reasonable grounds for a petition for writ of certiorari. However, in only a few states have courts reached the same conclusion as New Hampshire, making it a minority view. Similarly, because the NH state supreme court's decision appears to be in conflict with decisions (s) of the United States Supreme Court⁴, this further provides reasonable grounds for a petition for writ of certiorari.

WHY THIS CASE IS A SERIOUS CANDIDATE FOR REVIEW

This case is a serious candidate for this Court's review. The petitioner will present to this Court certain constitutional issues⁵ involving due process, equal protection, and federal questions.

i. Right to An Impartial Judge: The petitioner has raised the issue that the constitutional principle of the right to an impartial judge and a fair trial was violated in this case. Article 35 of the NH Constitution's Bill of Rights declares: "*that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.*" This principle is also codified within the Due Process clause of the 14th amendment.

³ In California, New York, Connecticut, New Jersey, North Carolina, Ohio, Florida, Utah, Iowa among others, the courts have made decisions that conflict with the decision of the NH supreme court. E.g. see *Baker v. Rushing*, 409 S.E. 2d 108 (N.C. 1991) ("*whether the petitioners here were residential tenants must be determined by all of the circumstances and the fact that a building is identified as a hotel, and those who reside in it is "guests" is not determinative*"). See also *McNeil v. Estate of Lachman*, 285 N.J. Super. 212 (App. Div. 1995); *Williams v. Alexander Hamilton Hotel*, 592 A2d 644, (N.J. Super. 1996); *Williams v. Alexander Hamilton Hotel*, 249 N.J. Super. 481 (App. Div. 1991); *Chawla v. Horch*, 70 Misc. 2d 290, 292, 333 N.Y.S. 2d 531, 533-34 (1972); *Lambert v. Sine*, 256 P2d 241 (Utah 1953).

⁴ See US Supreme Court cases: *Linset v. Normet*, 405 U.S. 56 (1972); *Pennell v. City of San Jose*, 485 U.S. 1 (1988) and *City of Los Angeles v. Patel* 135 S. Ct. 2443 (2015). See also *United States Trust Co. of New York v. New Jersey*, 431 U.S. 1 (1977).

⁵ Although the petitioner cited federal/constitutional issues in her briefs to New Hampshire Supreme Court, the New Hampshire Supreme Court did not explicitly cite the federal constitution in its opinion.

Judge Moore was first suspended from the bench upon an investigation of bias, corruption and falsification of documents. Charges were brought by the state's Judicial Conduct Committee. He subsequently resigned from the bench. He was later prosecuted by the attorney general and found guilty of felonies. Ultimately, he was disbarred. On 3-12-18, the NH Attorney General's Office opened a criminal investigation into the conduct of Judge Moore, and he was suspended as a result of falsifying evaluations and impersonating others in filling out positive evaluations of himself. After the judicial conduct committee (JCC) filed formal charges against Judge Moore, he responded by admitting to the allegations. He then resigned. Judge Moore subsequently admitted that he sought to involve landlords and their attorneys in his evaluation process because of his belief that they would give him favorable or positive evaluations. Judge Moore later made false statements to investigators when he cited PTSD and a mental breakdown as the reason for his misconduct. He then claimed disability benefits for his mental breakdown. This was then discovered to be false when investigators determined (and he then admitted) that his real motivation for the misconduct was related to protecting his bid to gain a seat on the NH supreme court. He was then prosecuted for felony fraud and was allowed to plead out to a suspended jail sentence and agreed to not challenge disciplinary proceedings resulting in his disbarment. The above egregious misconduct either pertained to the petitioner's case or took place while the petitioner's case was before Judge Moore.

The above serves as extra-judicial evidence of Judge Moore's bias in favor of landlords, which is the exact concern petitioner raised in her two motions for recusal of Judge Moore. Judge Moore's pre-disposition towards landlords suggests that he had routinely given (or had made up his mind to routinely give) favorable rulings to landlords. Moreover, Judge Moore actually went as far as to solicit help from landlords and their attorneys, including the defendants, to assist him in obtaining positive judicial evaluations. [NB: In or around this same timeframe, the petitioner filed a negative evaluation of Judge Moore, unbeknownst to her that Judge Moore was soliciting help from

Landlords]. Judge Moore also made statements indicating his bias against the petitioner and demonstrating that he already prejudged the case from the beginning without hearing any arguments. After petitioner filed her appeal citing certain irregularities with Judge Moore, Judge Moore secretly altered (without notifying the clerk or the parties) the Nashua district court records that were to be transferred to the NH supreme court upon appeal. Hence, it can be inferred that the same breakdown in ethics that caused Judge Moore to falsify his evaluations, also resulted in him altering petitioner's district court record surreptitiously. This is relevant to petitioner's motion to recuse Judge Moore because of judicial bias and other questionable conduct. The above cast serious doubt upon the impartiality of Judge Moore (or the appearance thereof), as it relates to petitioner's case. The petitioner's case was tainted by Judge Moore's conduct. The petitioner cannot obtain a fair and impartial trial without a fair and impartial judge to make the proper fact determinations⁶, among other things. Proof of the above will be provided in the petition.

Surprisingly (and without explanation), the NH supreme court has failed to address these recusal issues, even though Judge Moore has been disbarred, removed from the bench, found guilty of felonies and corruption, and was shown to favor landlords and to harbor bias against the petitioner. The refusal to address such important issues far departs from the accepted and usual course of judicial proceedings, or otherwise constitutes a sanctioning of such a departure by a lower court. It is logically impossible for anyone to conclude that the petitioner had or could have had a fair trial with Judge Moore. The NH supreme court should have granted recusal and remanded the case for a new trial with a new judge. Judicial recusal is a crucial mechanism for safeguarding both the reality and perception of judicial integrity. The above clearly implicates the due process clause of

⁶ The NH supreme court has based its decision on fact determinations by Judge Moore, who has been proven to be biased and not impartial.

the Constitution and contradicts precedents set by this court⁷. This will be elaborated on in the petition.

ii. Right to A Fair Process/Trial: The petitioner also argued that due process was violated when she was not allowed to put on evidence that the defendants submitted false evidence and when Judge Moore refused to hold an evidentiary hearing on the matter when petitioner requested it. With no explanation, Judge Moore flatly denied petitioner's motion without allowing evidence to be presented, without allowing a hearing, and without timely objection from the defendants, indicating that he simply declined to address the issues. Judge Moore should have allowed such a hearing to determine if false evidence was submitted by the defendants. This is another example of how Judge Moore's bias affected petitioner's due process rights.

iii. Arbitrary & Capricious Application of the Rules/Law: The petitioner also argued that due process was violated when Judge Moore did not follow the lower court's own rules that required that affidavits be properly sworn under oath in order to be valid and accepted by the court. Petitioner's *motion for void judgment based on defective affidavit* should have been granted by Judge Moore because the defendants' pleadings were fatally defective because the affidavit that accompanied them failed to follow the statutes, in that it was not sworn according to the rules (i.e. the required reference to an oath under pains and penalties of perjury was omitted), thus making it null and void. Consequently, Judge Moore had no properly sworn facts that he could rely on from the defendants'

⁷ NB: In *Rippo v. Baker*, 137 S. Ct. 905 (2017), the US Supreme Court reversed a case due to the lower courts' analysis that focused on the presence of actual bias as opposed to an objective probability of actual bias. Rippo sought to disqualify the judge based on the Due Process Clause of the Fourteenth Amendment, but the judge declined to recuse himself. A later judge denied a motion for a new trial, and the Nevada Supreme Court affirmed. But the US Supreme Court reversed, stating that precedent dictates recusal at times where actual bias is absent, stating: "*Recusal is required when, objectively speaking, 'the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.'*" The previous judgment was therefore vacated and Rippo's case was remanded for further proceedings. Similarly, under other US supreme court precedents, this court has also made clear that the Due Process Clause may sometimes demand recusal even when a judge "*has no actual bias*" and that recusal is required when, objectively speaking, "*the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.*" See *Aetna Life Ins. Co. v. Lavoie*, 475 U. S. 813, 825 (1986); See *Withrow v. Larkin*, 421 U. S. 35, 47 (1975) ; see also *Williams v. Pennsylvania*, 579 U. S. (2016) ("*The Court asks not whether a judge harbors an actual, subjective bias, but instead whether, as an objective matter, the average judge in his position is likely to be neutral, or whether there is an unconstitutional potential for bias*").

pleadings. Thus, Judge Moore erred in considering facts presented by the defendants, not supported by a valid affidavit as required by statute⁸. This far departs from the accepted and usual course of judicial proceedings, or otherwise constitutes a sanctioning of such a departure by a lower court. This is another example of how Judge Moore's bias affected petitioner's due process rights.

iv. Disparate Impact Race Discrimination and an Unconstitutional State Law or Unconstitutional Interpretation of State Law: The petition will present the question of whether NH law pertaining to tenants who live in hotels (or, otherwise, in hybrid apartment/hotel properties) violates either the Equal Protection Clause and/or the Due Process Clause of the Fourteenth Amendment. According to the NH supreme court's decision, NH law apparently provides no available procedures to protect tenants who happen to live in a hotel or hybrid property and thus are denied due process of law. The petitioner's equal protection claim with respect to these provisions pertains to whether the State may validly single out possessory disputes between hotel landlords and hotel tenants for especially prompt eviction action without any due process of law (simply because a property labels itself a hotel), while tenants of other similar properties or facilities are afforded such due process of law, even though both sets of tenants have contracts for rental housing. This is an arbitrary and capricious application of due process resulting in disparate impact discrimination for black tenants.

NB: The property at issue is a hybrid property, where it is both an apartment and a hotel (depending on whether residents have entered into long term contract/leases for rental housing). It should be noted that the Defendant property, Homewood Suites of Nashua, is located on the border of New Hampshire and Massachusetts. Many of its customers include long-term residential tenants who work and travel across states on a daily or frequent basis. This case thus invokes the

⁸ Notably, the petitioner provided sworn statements under oath for her affidavits and she was the only one to comply with the rules and statute pertaining to sworn affidavits. Consequently, only petitioner's statements should have been considered by Judge Moore.

commerce clause of the US constitution as it relates to US congressional intent to ban racial discrimination in public accommodations and in rental housing⁹.

In her appeal to NH supreme court, the petitioner raised the issue of disparate impact race discrimination resulting from an unconstitutional state law that allows hotel landlords to discriminate against black long-term tenants, which implicates interstate commerce and creates a federal question. Such a law, which may seem race-neutral, is in fact a law that has "an unjustified discriminatory effect." See *E.E.O.C. v. Steamship Clerks Union, local 1066*, 48 F.3d 594, 601 (1st Cir. 1995) ("*Discrimination may also result from otherwise neutral policies and practices that, when actuated in real-life settings, operate to the distinct disadvantage of certain classes of individuals.*"). The petitioner argues that the state of New Hampshire has an unconstitutional law which violates the equal protection of the 14th amendment. Housing has always had a disproportionate impact on black families in America. It is no different in New Hampshire. The case raises the question of a loophole in the law that allows hotel landlords to freely discriminate against their black long-term residential tenants, which violates the Equal Protection Clause, as it allows arbitrary discrimination against black tenants of hotels/hybrid properties. A hotel operator is literally free to discriminate or retaliate against such black tenants who have no protection because state law unconstitutionally deprives such tenants of the due process of law afforded to tenants of similar properties. Hotel operators who also operate as landlords are thus able to circumvent discrimination laws and can visit havoc, misery and dire consequences upon black residents. This loophole in the law creates arbitrary, capricious, discriminatory and thus unconstitutional effects. The above raises an important question of federal

⁹ See *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964), which was a landmark United States Supreme Court case holding that the Commerce Clause gave the U.S. Congress power to force private businesses to abide by Title II of the Civil Rights Act of 1964, which prohibits discrimination in public accommodations.

constitutional law that should be settled by this court as it implicates federal concerns pertaining to eradication or prevention of race discrimination in housing and/or public accommodations¹⁰.

Interestingly, the petitioner provided evidence from the state legislature archives that the NH supreme court misinterpreted the legislative intent¹¹ with respect to these issues and that the NH legislature intended to provide protection to tenants who live in hotels, or in similar exempt properties, for more than one month. The NH supreme court has either ignored or not considered such proof. As noted above, the NH supreme court's interpretation is thus arbitrary, capricious, violates legislative intent, and results in state sanction of race discrimination effects, thus violating the equal protection clause. To the extent that the NH supreme court's interpretation of the relevant statute(s)¹² is allowed to stand, then relevant state statutes must be construed as unconstitutional.

Based on the above, the petitioner believes this case implicates the equal protection provisions of both the Fourteenth Amendment to the U.S. Constitution and Part I, Articles 1 and 2 of the New Hampshire Constitution¹³.

v. Contract Rights Supersedes Statutory Exemption: Similarly, a key issue presented by the petitioner to the NH supreme court in this case is whether a tenancy contract existed and whether such a contract conferred certain rights and protections of property to the petitioner.

¹⁰ NB: This is similar to the issue of disparate impact related to landlords denying tenant applications because of a criminal record. The US supreme court has ruled that, though appearing facially neutral, this policy has a disproportionate effect on the black population. See *Texas Dept. of Housing & Community Affairs v. Inclusive Communities Project, Inc.*, 135 S.Ct. 2507 (2015) where U.S. Supreme Court held that housing discrimination could be shown not only in cases where the landlord clearly intended to treat one group unjustly or prejudicially, but also by showing that the landlord's policy (although neutral on its face) had the effect of harming people in a protected class.

¹¹ This evidence from NH house and senate proceedings proves that the NH supreme court's interpretation that the reference in the statute to the term 'one month or less' could mean 'one month or more' is not only plainly erroneous but is also absurd.

¹² The relevant statutes include RSA 540, RSA 540A and RSA 353.

¹³ The New Hampshire Supreme Court has held that, Part I, Articles 1 and 2 of the New Hampshire Constitution embody equal protection principles that are at least coextensive with the Fourteenth Amendment's Equal Protection Clause. See *In re Sandra John Gibeant*, July 2012, at 52. H., 150 N.H. 634, 637 (2004) ("We have held, in accordance with the United States Supreme Court, that the equal protection guarantee" in the State Constitution "is 'essentially a direction that all persons similarly situated should be treated alike.'" (quoting *Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 439 (1985)).

However, the NH supreme court appears to have ignored the contract issue in favor of a rigid and untenable construction of a state statute that seems to exempt certain tenants (who live in hotels or hybrid apartment/hotel properties) from tenant protection. In other words, the NH supreme court decision seems to suggest that a tenant possessing a tenancy contract to rent housing for 1, 2 or more years¹⁴ from a property owner (who operates his property as both an apartment for long-term tenancy and as a hotel for short-term transients) must be treated only as a transient with no tenant protections even though there exists a contract that states otherwise. This is clearly and plainly erroneous¹⁵. Furthermore, the petitioner has argued that contract rights supersede statutes and that it is unconstitutional to destroy contract rights. In *United States Trust Co. of New York v. New Jersey*, 431 U.S. 1 (1977), the US Supreme Court stated that contracts are a form of property and recognized that it is unconstitutional when legislation results in a “total destruction” of the value of a contract. This means that a court should not subordinate the right of parties to enter into their own lawful contracts due to the dictates of a categorical exemption created by statute.

Moreover, NH has adopted the modern, contractual view of leasehold analysis and as such, the requirements of due process are inherent to the disposition of this case. NH law holds that a lease is a contract and thus all claims and arguments relevant to the legality of a contract and its actual operation fall within the ambit of the required opportunity to be heard, as a concept of due process. As a matter of constitutional law, the court cannot destroy contract rights agreed to by private parties. The Constitution expressly protects against destruction of private contracts including those relating to real property. Any NH statute that allows repudiation or destruction of a private

¹⁴ Presumably, a tenant could live in a hotel for 20 years and possess a rental housing contract for a 20-year lease and still not be treated as a tenant under NH law according to the NH supreme court decision. This is plainly erroneous, arbitrary and deprives such tenants of their property rights pursuant to their lease. It also means that hybrid hotel landlord can freely and immediately eject long-term black tenants without any tenant rights, the moment they dare to raise concerns about discriminatory mistreatment or the moment they attempt to enforce their lease.

¹⁵ NH supreme court has made a number of critical plain errors, implicating constitutional or federal questions, that the petitioner also intends to show forth in her petition.

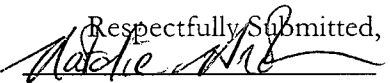
party contract for rental housing, especially ones that result in disparate impact race discrimination, is thus not constitutionally permissible and is repugnant to the Equal Protection Clause of the Fourteenth Amendment. When due process is afforded by state statute, it cannot be granted to some and capriciously or arbitrarily denied to others without violating the Equal Protection Clause.¹⁶ By refusing to resolve the contract issue and/or seeking to destroy the contract between two private parties or by ignoring the existence of a tenancy contract, the NH supreme court has not provided a meaningful opportunity to be heard on the contract analysis issue in this case (i.e. whether there was a rental contract entered into by the parties that created tenancy rights in this case). Since contracts are a form of property, the NH supreme court decision has resulted and will result in the unjust deprivation of property without due process of law. This will be elaborated upon in the petition.

vi. Federal Regulations Supersede State Definition: The petitioner has also argued that the Code of Federal Regulations (CFR) supported petitioner's position in this case, which clearly provides the proper operative definitions. According to the CFR, the defendant property does not meet the definition of a hotel. This also raises a federal question regarding whether federal definitions supersede those of the state, especially where the state definitions are many, varied and self-contradictory and thus arbitrary. This will be elaborated upon in the petition.

CONCLUSION

For the foregoing reasons, Petitioner respectfully request that the time to file a petition for writ of certiorari in this case be extended for 60 days from June 6, 2019 to August 5, 2019.

Dated: May 21, 2019

Respectfully Submitted,

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¹⁶ See *Smith v. Bennett*, 365 U. S. 708 (1961); *Lane v. Brown*, 372 U. S. 477 (1963); *Long v. District Court of Iowa*, 385 U. S. 192 (1966); *Gardner v. California*, 393 U. S. 367 (1969); *Coppedge v. United States*, 369 U. S. 438 (1962); *Ellis v. United States*, 356 U. S. 674 (1958).