

In The
Supreme Court of the United States

TODD PHILLIPPI,

Petitioner,

v.

HUMBLE DESIGN, L.L.C.
AND WARREN DAVID HUMBLE,

Respondents.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit

SUPPLEMENTAL BRIEF OF PETITIONER

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This Supplemental Brief is submitted pursuant to Supreme Court Rule 15.8.

The related and underlying matter of Automation Support, Inc. D.B.A. Technical Support v Humble Design, LLC. And David Warren Humble, Northern District of Texas, Dallas Division, Cause No.: 3: 14-CV-4455-BK is on appeal in the Fifth Circuit Court of Appeals, CASE NO. 20-10386.

The pending Appeal is with regard to the same issues submitted in the Petition for Certioari:

1.) Whether the District Court and Fifth Circuit Court of Appeals have created an exception to 28 USC 636 (c) by holding that a FRCP 60(b) “Legal Representative” is bound by the consent of the dismissed parties after a FRCP 41(a)(1)(A)(ii) agreed dismissal

2.) Whether the District Court and Fifth Circuit Court of Appeals have created an exception to Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Human Res., 532 U.S. 598, 601, 121 S.Ct. 1835, 149 L.Ed.2d 855 (2001) by holding that when a FRCP 41(a)(1)(A)(ii) is “With Prejudice” it confers “Prevailing Party” status despite there being no “Judicial imprimatur”.

3.) Whether the Fifth Circuit Court of Appeals is in conflict with all other Federal Court of Appeals (including its own precedent) regarding the loss of jurisdiction of the District Court immediately upon the filing of a FRCP41(a)(1)(A)(ii) dismissal without a Court Order

It is submitted that the Supreme Court of the United States should consider referring this matter back to the Fifth Circuit Court of Appeals, CASE NO. 20-10386, for consideration of the above questions presented and the exceptions created by the Fifth Circuit Court of Appeals to Supreme Court precedent.

Respectfully submitted,

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