

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Christine Sawicky - PETITIONER

vs.

AMC NETWORKS INC., et al. - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
  
UNITED STATES COURT OF APPEALS FOR THE 9<sup>TH</sup> CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. How can a plaintiff win a copyright lawsuit when circuit splits exist throughout the 13 appellate courts? Additionally, how can a circuit split exist within the 9<sup>th</sup> circuit court of appeals?
2. What constitutional safeguards exist to secure a pro se litigant's 14<sup>th</sup> amendment due process rights?
3. Does a pro se plaintiff/petitioner enjoy the same constitutional safeguards as those retained by represented parties?

## 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:

Does 1-10

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1. Bridgeport Music, Inc. v. UMG Recordings, Inc. United States Court of Appeals, Sixth Circuit. November 4, 2009 585 F.3d 267 2009  
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2. Johnson v. Knoller United States District Court, C.D. California.  
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3. Haines v. Kerner, 1971 U.S. LEXIS 2809, 401 U.S. 954, 91 S. Ct. 981,  
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4. Silas v. Home Box Office, Inc. United States District Court C.D.  
California August 17<sup>th</sup>, 2016 201 F. Supp. 3d 1158 101 Fed R. Evid.  
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### STATUTES AND RULES

1. Substantial Similarity - Substantial Similarity, in US Copyright law,  
is the standard used to determine whether a defendant has infringed  
the reproduction right of a copyright. The standard arises out of the  
recognition that the exclusive right to make copies of a work would be  
meaningless if copyright infringement were limited to making only  
exact and complete reproductions of a work. **pages 10, 11, and 13**

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2. Fragmented Literal Similarity Rule – exists where the defendant copies a portion of the plaintiff's work exactly or nearly exactly, without appropriating the work's overall essence or structure **page 11**
3. Inverse Ratio Rule· under this rule the court requires a lower standard of proof of substantial similarity on a copyright infringement claim when a high degree of access is shown. **Pages 12 and 15**
4. Supreme Court Rule 10 (a)· Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power **page 10**

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### OTHER

1. Average Lay Observer test- The appropriate test for determining whether substantial similarity between copyrighted work and alleged copy is present is whether an average lay observer would recognize alleged copy as having been appropriated from copyrighted work.  
**pages 12 and 13**
2. Intrinsic test- a subjective test that focuses on “whether the ordinary, reasonable audience would recognize the defendant’s work as ‘dramatization’ or ‘picturization’ of the plaintiff’s work. (focusing on the total concept and feel of the two works) **page 13**
3. Extrinsic test- is an objective test based on specific expressive elements: the test focuses on “articulable similarities between the plot, themes, dialogue, mood, setting, pace, characters, and sequence of events” in two works **page 13**



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**

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

The opinion of the United States court of appeals 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 United States district court appears at Appendix **B and C** to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

**[ N/A ]** For cases from **state courts**:

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

☐ reported at       N/A      ; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the       N/A       court appears at Appendix   N/A   to the petition and is

☐ reported at       N/A      ; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

## JURISDICTION

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

The date on which the United States Court of Appeals decided my case was February 19<sup>th</sup>, 2019 (submitted) and February 21<sup>st</sup>, 2019 (entered on docket and filed).

☐ No petition for rehearing was timely filed in my case.

**[X]** A timely petition for rehearing was denied by the United States Court of Appeals on the following date: May 23<sup>rd</sup>, 2019, and a copy of the order denying rehearing appears at Appendix **D**.

☐ 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).

**[N/A ]** For cases from **state courts**:

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

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_N/A\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_N/A\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_N/A\_\_(date) on \_\_N/A\_\_(date) in Application No. \_\_\_\_A\_\_\_\_N/A.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS

### INVOLVED

#### 1. United States Constitution - 14<sup>th</sup> Amendment

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.

(appears in the petition on pages 10, 13, 14,15, 16, and 18 )

## STATEMENT OF THE CASE

### District Court

On January 5<sup>th</sup>, 2018 Petitioner filed a copyright complaint in the Central District of California against AMC Networks, Inc. Plaintiff also filed a request to proceed in forma pauperis on that day. On January 25<sup>th</sup>, 2018 Plaintiff filed a Supplemental Statement to the District Courts to proceed in forma pauperis (see Appendix G.) On January 30<sup>th</sup>, 2018 Plaintiff was denied the ability to proceed in forma pauperis (see Appendix F.) On February 2<sup>nd</sup>, 2018 Plaintiff paid the required filing fee of \$400.00 that she borrowed from a friend. On February 27<sup>th</sup>, 2018 Petitioner filed an amended complaint. An early meeting of the parties was held on April 12<sup>th</sup>, 2018 at 1:30 PM at the offices of Veatch Carlson, LLP where initial disclosures were exchanged. On April 17<sup>th</sup> Judge Manuel Real granted Craig Mende, Sean Harb, and Barbara Solomon to appear Pro Hac Vice. On April 17<sup>th</sup>, 2018 AMC's attorneys sent a deficiency letter to Plaintiff accusing her of not being specific enough regarding her initial disclosures. On April 20<sup>th</sup>, 2018 Plaintiff hand delivered Mr. Lussier (one of their Los Angeles attorneys) supplemental disclosures and a staples box containing hundreds of documents/exhibits with a chronological timeline so he could easily follow along. On April 23<sup>rd</sup> Plaintiff emailed AMC's attorneys in regard to misstating material facts for the 26f report (ex: writing down the wrong creator in order to diminish liability from Plaintiff) Plaintiff continued to voice her concerns about

misstatement of material facts to AMC's attorneys on April 24<sup>th</sup>, 2018. On April 25<sup>th</sup>, 2018 Plaintiff filed a 26f extension request with the district court which included the emails of AMC's attorneys misstating material facts. On April 26<sup>th</sup>, 2018 plaintiff met with Mr. Lussier at his law firm to jointly file the 26f because the district court had not responded to her extension request. On April 27<sup>th</sup>, 2018 Judge Manuel Real denied Plaintiff's 26f extension request after the due date and after it had been filed. Plaintiff had also left a message with Manuel Real's clerk the day before the 26f deadline checking on the status of her request for an extension. Plaintiff did not receive a returned call. On May 1<sup>st</sup>, 2018 AMC's attorneys filed a motion for Judgment on the Pleadings and a Motion for an Order for Stay of Discovery. On May 1<sup>st</sup>, 2018 AMC's attorneys also filed a Notice of Lodging for Exhibit E. Exhibit E was a cd that had Season 1 of Growing Up Hip Hop on it. On May 11<sup>th</sup>, 2018 Plaintiff filed all the appropriate documents to oppose AMC's request for Stay of Discovery, their request for Judgment on the Pleadings, an appendix with approximately 90 exhibits, and a flash drive (Exhibit L11) containing the original trailers for Growing Up Hip Hop where the infringement took place that AMC did not file. On May 11<sup>th</sup>, 2018 the Plaintiff drew the court's attention to her amended complaint which addressed the many inconsistencies on the part of AMC's attorneys in their efforts to misstate material facts. On May 14<sup>th</sup> Plaintiff sent a request for Production because AMC had hundreds of documents/exhibits provided by the Plaintiff; yet AMC

had delivered approximately 5 supporting exhibits (mostly exhibits given to them by Plaintiff.) On May 21<sup>st</sup> more documents with misstatement of material facts were submitted by AMC's attorneys. On May 29<sup>th</sup>, 2018 Plaintiff filed a Leave to file a Sur-Reply in another attempt to point out AMC's attorneys misstatement of material facts. On May 31<sup>st</sup>, 2018 Judge Manuael Real vacated the hearing date of June 4<sup>th</sup>, 2018 and AMC's motions were taken UNDER SUBMISSION. On June 8<sup>th</sup>, 2018 Judge Manuael Real granted AMC's motion to Stay or suspend discovery pending the ruling on the motion for Judgment on the Pleadings (see Appendix C.) Additionally, he denied Plaintiff's request for Leave to file a Sur-Reply even after identifying misstatements of material facts. On July 11<sup>th</sup>, 2018 Judge Manuael Real granted AMC's Motion for Judgment on the Pleadings (see Appendix B) without taking into consideration any of the consistent misstatement of material facts, misrepresentation of case law, nor the exhibits submitted to the Courts.

#### Ninth Circuit Court of Appeals

On August 2<sup>nd</sup>, 2018 Plaintiff filed a timely appeal to the Ninth Circuit Court of Appeals. The due date for the Opening Brief for Appellant was October 1<sup>st</sup>, 2018. On September 20<sup>th</sup>, 2018, well before her due date, Plaintiff served her Opening Brief on all parties and it was filed on the docket in the Appellate Court on September 24<sup>th</sup>, 2018. On October 29<sup>th</sup>, 2018 AMC had all 5 of their attorneys again file to defend AMC Networks against one

pro se. On October 31<sup>st</sup>, 2018 AMC's attorneys submitted their Answering Brief and filed a motion to transmit their one physical exhibit with season one of Growing Up Hip Hop to the Appellate Court. On October 31<sup>st</sup>, 2018 a Motion for Judicial Notice was filed by AMC. This motion represents another instance of misstatement of material facts accusing Plaintiff of never giving the copyright documents to them nor filing it in the district court. This exhibit was given to AMC's attorneys in the supplemental disclosures box approximately 7 months prior and it was also filed as the first exhibit by Plaintiff in the district court (exhibit A, page 20-21 description: Document filed to the copyright office for Sons of the Legends, in the Appendix In Support of Christine Sawicky's Opposition To The Motion for Judgment on the Pleadings). This was one of the most important documents for this case. On November 2<sup>nd</sup>, 2018 Plaintiff was clearly overwhelmed by additional misstatement of material facts by AMC's attorneys to the courts so she filed a streamlined request to extend time to file her Answering Brief. That request was granted by the Appeals Court on November 5<sup>th</sup>, 2018. On November 6<sup>th</sup>, 2018 a letter was sent to Plaintiff by the Pasadena Ninth Circuit Court of Appeals Branch stating Plaintiff did not follow the rule 25-2 referencing communications to the court for Plaintiff's streamline request. Plaintiff spoke with Bradley on November 9<sup>th</sup>, 2018 at the San Francisco Ninth Circuit Court of Appeals Clerks office and he confirmed that he had no idea who sent that letter nor why it was sent because it wasn't on the docket and Plaintiff

did indeed follow all of the rules. Plaintiff then stopped at the Pasadena Branch for the Ninth Circuit in person on November 9<sup>th</sup>, 2018 and spoke with Blanca. Blanca confirmed that she had no idea why it was sent and apparently the man who sent it out was “out for the day.” On November 14<sup>th</sup>, 2018 AMC’s motions to transmit a physical exhibit was granted and AMC’s request for judicial notice was

“referred to the panel that will consider the merits of this appeal.”

On November 29<sup>th</sup>, 2018 Plaintiff wrote a letter of correspondence with the courts pertaining to AMC’s document that they submitted for judicial notice pointing out that what they wrote and the document they filed was misstatement of material facts. That letter was filed on the docket on December 6<sup>th</sup>, 2018. On December 6<sup>th</sup>, 2018 AMC’s attorneys filed a response to Plaintiff’s letter of correspondence from appellant pertaining to AMC’s request for Judicial Notice. Once again AMC’s attorneys blamed Plaintiff for their misstatement of material facts. On December 2<sup>nd</sup>, 2018 Plaintiff filed a motion to take judicial notice of a letter backing up Plaintiff’s character after being lied about over and over again by AMC’s attorneys. She also filed a motion to transmit a physical exhibit L11 showing the original trailers for Growing Up Hip Hop that AMC’s attorneys didn’t submit nor did the judge consider in the district court. On December 12<sup>th</sup>, 2018 Plaintiff served her reply prior to the deadline. On January 9<sup>th</sup>, 2018 the appeals court filed the Plaintiff’s physical exhibit L11 but never requested additional copies like



they did for AMC's physical exhibits. On February 21<sup>st</sup>, 2018 all pending motions and requests were denied by the appeals panel. All of those pending motions and requests were plaintiffs. They also affirmed the district court's decision and entered judgment (see Appendix A.) On February 26<sup>th</sup>, 2018 Plaintiff filed for a petition for a panel rehearing and a petition for a hearing en banc which reiterated bias and that Judge Manuel Real was not applying case law in uniformity throughout cases he has decided on. On February 28<sup>th</sup>, 2019 the appeals court only filed on the docket the petition for a panel rehearing and not the petition for an en banc hearing even though they signed that they received both. Plaintiff was concerned because this was not an isolated incident so she called the courts and they claimed they didn't received the petition for the en banc hearing even though they signed for it. Plaintiff overnighted another copy to make sure it arrived before the deadline even though it wasn't her fault. On February 21<sup>st</sup>, 2019 Plaintiff's petition for a panel rehearing en banc was filed on the docket. Almost 3 months later on May 23<sup>rd</sup>, 2019 the Plaintiff was denied a panel rehearing/en banc hearing (see Appendix D.)

## REASONS FOR GRANTING THE PETITION

A district court's obligations-or lack thereof- to provide a non-bias judgment for pro se litigants regarding copyright infringement cases/findings of substantial similarity while applying the federal law with uniformity is an important federal condition that needs to be addressed.

“Substantial Similarity, in US Copyright law, is the standard used to determine whether a defendant has infringed the reproduction right of a copyright. The standard arises out of the recognition that the exclusive right to make copies of a work would be meaningless if copyright infringement were limited to making only exact and complete reproductions of a work.”

The Court should grant certiorari under Supreme Court Rule 10 (a) and resolve the current circuit split. Also, the Court should grant certiorari to address the bias against a pro se litigant when they are being denied due process and their 14<sup>th</sup> amendment constitutional rights.

“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.”

I. The Court should address the District Courts current judicial split when determining substantial similarity for copyright cases.

A. The Circuit Courts are Split, Creating Two Opposing Rules Governing District Courts' thereby providing great

inconsistency/contradiction when deciding upon substantial similarity.

In *Bridgeport Music, Inc. v. UMG Recordings, Inc.* the Sixth Circuit used the “fragmented literal similarity” standard to rule in favor of the plaintiff finding substantial similarity. Bridgeport claimed UMG had copied specific elements and that those elements were copied literally. Fragmented literal similarity exists when the copying is obvious but only a small portion of the original work is used in the new work. For example, the standard infringement suit might involve the paraphrasing of Shakespeare’s *Hamlet*, while the analogous fragmented literal similarity case would involve the copying of only the “to be or not to be” soliloquy. The analysis hones in on a comparison of the fragment to the whole original work, while the question in the standard case asks more generally whether the two works are substantially similar. In Petitioner’s case for the Ninth Circuit she argued that her case was similarly situated because *Growing Up Hip Hop*’s original trailers and promos were copied literally from Petitioner’s copyrighted work. In the Ninth Circuit and District Court they saw the body of work as a whole, eliminating the original trailers/promos, which is in direct contradiction to *Bridgeport Music, Inc. v. UMG Recordings, Inc.* The Sixth Circuit concluded that there was substantial similarity, given evidence that the copied elements had such great qualitative importance. Also, the Sixth Circuit said that to establish that it had been copied, a plaintiff must either introduce

direct evidence of the defendant's copying or prove it indirectly by showing that the defendant had access to the plaintiff's work, this giving rise to an inference of copying. In Petitioner's case, the district court found

“The Court does not reach the question of access because, even assuming AMC had access to Sotl., the two works are not substantially similar as a matter of law.”(see Appendix B)

In Petitioner's case the district court Judge Manuel Real failed to recognize the legal concept of access in keeping with established case law. The judge also failed to apply the inverse ratio rule despite the plaintiff having demonstrated a reasonable and substantial amount of direct access. This decision is a direct contradiction to the Sixth Circuit. Also, the Second Circuit recognizes substantial similarity when an “ordinary observer”, unless he set out to detect the disparities, would be disposed to overlook them, and regard their aesthetic appeal as the same. Some courts test whether an “average lay observer” would recognize the alleged copying as taken from the copyrighted work. The Second Circuit employs the less demanding “average lay observer” test. When comparing pictorial works, courts may guide the “average lay observer” test with a “total concept and feel” test. Petitioner was only made aware that her copyrighted works were infringed upon by an average person just watching the promos and original trailers of GUHH. That average person notified Petitioner at her place of employment that her work had been copied exactly and infringed upon. The District Court and Defendant was made aware of this witness and chose to disregard that

information also. Substantial Similarity has been called the “classic jury question” in the Second Circuit. Legal expertise cannot help a judge determine what an audience member will think is substantial. On the other hand, the forces of modern jurisprudence push toward legal standards that can be decided by judges on summary judgment. On motions for summary judgment, courts often substitute their own judgment for that of the lay listener. While the average judge and average listener might have a lot in common, the question of substantial similarity is a factual matter for a jury to decide. While allowing judges to exercise their personal judgment minimizes the expense of litigation, it seems to run against the basic policy of the rule, which sees the average listener as the arbiter of similarity. If Petitioner was given equal protection under the law; she had multiple witnesses that notified her that her work was stolen and would have easily fulfilled the “average lay observer” test and the intrinsic test. Also, if the courts would have properly reviewed the original trailers and promos appended by Plaintiff in the district court the extrinsic test would have been fulfilled also. Judge Manuel Real wrote that

“Moreover, GUHH is not objectively hopeful or positive, instead focusing on the romantic and personal drama of the cast.” (see Appendix ~~B~~)

That statement alone is in direct contradiction to the original trailers/promos for GUHH that Plaintiff appended in the district court. The Circuit split surrounding copyright infringement and substantial similarity does not allow

a plaintiff their constitutional right for due process and equal protection of the law when bringing forth lawsuits to the courts against the studios and the major television networks.

B. The Ninth Circuit Court is split within itself utilizing the same judge, Judge Manuel Real, Creating Two Opposing Rules of governing District Courts' determining factors when deciding upon Substantial Similarity.

In Johnson v. Knoller (see Appendix E) the hip hop community and production companies were handed a favorable ruling by Judge Manuel Real. Two different manipulated applications of the federal law were applied to rule in favor of Judge Manuel's desired outcome for this case and for Petitioner's case (see Appendix B) which was also against the hip hop community and production companies. In Johnson v. Knoller, in 2017 for the television show Power the judge applied the federal law explaining that

"the Plaintiffs in this case could not prove access by "bare possibility" therefore there was no substantial similarity." (see Appendix E)

This statement by Judge Manuel Real is in direct contradiction to Petitioner's order about substantial similarity.

"The Court does not reach the question of access because, even assuming AMC had access to Sotl., the two works are not substantially similar as a matter of law." (see Appendix B)

The judge explained the components of access in his order for Johnson v. Knoller (see Appendix E), all of which petitioner met and argued successfully

in her case with an enormous amount of exhibits. Petitioner successfully applied the law with the inverse ratio rule and proved access multiple times with signed non-disclosure agreements, email chains, etc. In Petitioner's case she also proved copying with an enormous amount of exhibits that Judge Manuael Real did not even view while AMC's attorneys presented half laws to the courts about exhibits. The interpretation of the actual law by the district court and its questionable application displays abuse of its discretion and denies petitioner her 14<sup>th</sup> amendment constitutional rights of equal protection under the law. The law must be applied in the same manner for all cases in order to create uniformity of the law in the United States. The law cannot be partially applied in order to justify a questionable decision made by a judge. There appears to already be a predetermined outcome with manipulation of the laws to rule in one's choice of favor. This is abuse of judicial discretion. The Ninth Circuit Court of Appeals failed to address the lower courts judicial indiscretion.

II. Pro se litigants should be protected by the 14<sup>th</sup> amendment and their constitutional right of due process and equal protection of the laws cannot be disregarded.

The Court in keeping with Haines v. Kerner, has recognized a pro se litigant's 14<sup>th</sup> amendment due process. Petitioner's filings to both the district and appellate courts were timely. The Supreme Court's examination of the lower court dockets will confirm zero deficiencies. In contradiction to Haines

v. Kerner, defendant's attorneys and Judge Manuel Real consistently held plaintiff to an unreasonable standard with respect to presentation of exhibits and material facts. This condition is further aggravated by defendant's attorneys consistently misrepresenting material facts and misapplying case law. The Ninth Circuit Court of Appeals declination regarding an application for an en banc hearing and a petition for a panel rehearing leaves the aforementioned deficiency unremedied. The 2019 Supreme Court has the opportunity to expand upon the case law established through its prior ruling of the 1971 case Haines v. Kerner.

III. Pro se plaintiffs/petitioners are not given the same constitutional safeguards as those retained by represented parties.

Petitioner's case raises fundamental issues concerning whether pro se litigants have meaningful access to federal court. Serious due process concerns arise when the courts grant summary judgment based on a consistent misstatement of material facts presented by the defendants to the courts. As displayed in Haines v. Kerner most Pro Se litigants are not taken seriously. Petitioner has successfully brought forth a legitimate lawsuit with hundreds of exhibits and legal arguments. AMC's attorneys and the district judge submitted legal arguments and granted orders not adhering to case law. Defendant's consistently advanced misstatements of material facts to the judge while lacking supportive exhibits. AMC's attorneys attempted to prejudice the courts against a pro se litigant by consistently misstating



material facts. This creates a monopoly by the entertainment industry to continuously steal intellectual property from artists. This problem will only get worse as the cost of counsel continues to rise forcing even more ordinary citizens to seek legal protections without the aid of counsel. It is common knowledge in entertainment and amongst entertainment attorneys that they see the theft of intellectual property “happen all the time.” A review of case law demonstrates a pattern of corruption and theft of intellectual property. In the field of entertainment this condition is rampant. The fraudulent process goes as such: creator pitches project to studios/networks, creator gets declined by network/studio, network/studios change the work enough based on the current laws of substantial similarity and gain a favorable ruling in court. (See *Silas v. Home Box Office, Inc.*) Petitioner seeks judicial review in an effort to address this industry wide pattern of abuse. In Petitioner’s case despite consistently addressing defendant’s misstatement of material facts, the court was unmoved. Currently, Pro Se litigants are not given the same constitutional safeguards as those retained by represented parties. Petitioner’s case is merit based. It is precedent setting. If this case is left unremedied the current condition of industry wide abuse and monopoly for intellectual property in entertainment will persist.

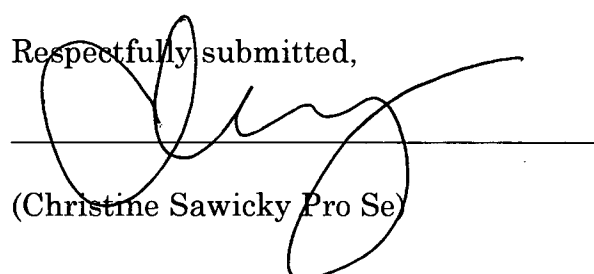
The Questions Presented are recurring and are of national importance  
to law abiding citizens in the United States of America

Even with the existence of circuit splits in deciding substantial similarity this is extremely import to resolve for future cases. If not addressed, it will constitute an unchecked and unprecedented abuse of constitutional authority. Artists will have absolutely no way to fight back legally against racketeering and corruption by the entertainment industry and the federal/appeals courts in California while being stripped of their 14<sup>th</sup> amendment constitutional right for due process. A judicial system that is supposed to protect law abiding citizens is being weaponized by those monopolizing an entire industry currently. Petitioner was raised as an American citizen that was taught to abide by the laws. Those not abiding by the laws and using abuse of their power and discretion should not be tolerated by the Supreme Court. For the sake of artists everywhere in California, which holds the majority of entertainment cases, this is a catastrophic decision and reason for granting cert. I still hold belief that the Supreme Court will do what is right and just. I, as a pro se, refuse to turn a blind eye to the theft of intellectual property which is common practice in the entertainment industry that many attorneys and studio/network employees say they see "happen all the time." This needs to stop right now and be addressed because it is a national crisis.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



(Christine Sawicky Pro Se)

Date: July 15<sup>th</sup>, 2019