

No. 19-5206

In the
Supreme Court of the United States

CHRISTINE SAWICKY,

Petitioner,

v.

AMC NETWORKS INC., ET AL.,

Respondents.

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

PETITION FOR REHEARING

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PETITION FOR REHEARING

Petitioner's Petition for Rehearing of an Order Denying a Petition for a Writ of Certiorari is being submitted in accordance with Supreme Court Rules (Rule 44–Rehearing). Petitioner acknowledges the grounds are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. With that, Petitioner implores the Supreme Court for a 'narrow' review of SC Rule 44 as it pertains to Petitioner's Pro Se status given the following substantial and constitutional questions:

1. Petition for Writ of Certiorari was filed on July 15, 2019, and denied on November 12, 2019. With that, would the Supreme Court reasonably and logically expect that an action involving the sweeping issue of copyright infringement, that "... intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented ..." would have manifested in any of the 13 appellate courts in the miniscule time frame of approximately 117 days?
2. How can a plaintiff prevail in a copyright action when circuit court splits exist throughout the 13 appellate courts? More pointedly, how can an 'Intra-Circuit Split' exist within the 9th Circuit Court of Appeals? Petitioner displayed in her original petition that Manuel Real and the 9th circuit court of appeals lacked uniformity of the laws.

3. In these proceedings, does the Petitioner, as Pro Se, enjoy the same constitutional safeguards as those retained by represented parties? A review of the Supreme Court docket confirms that virtually no paid civil petitions for certiorari filed pro se are granted plenary review, which raises the question of equal protection.

Petitioner is requesting for a petition rehearing in keeping with *Justitia Omnibus* (Justice for All), as inscribed on the Supreme Court building entrance as 'Equal Justice For All'. In keeping with Supreme Court Rule 10a, Petitioner is seeking Judicial Review to remedy two rulings of District Court Judge Manuel Lawrence Real (1/27/24–7/26/19) and the Ninth Circuit Court of Appeals as their administration of justice have "... 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 the Court's supervisory power." Such judicial miscues have denied the Petitioner Due Process. Both the District Court and Ninth Circuit Court of Appeals' unwillingness to examine a demonstrable pattern of abuse amongst AMC Networks, their legal representatives, and prominent Hip Hop artists, rises to the level of promulgating an industry wide pattern of abuse. This is the antithesis of those sentiments expressed by Justice Neil Gorsuch in his book, *A Republic, If You Can Keep It*.

Rule 1: Don't make it up. Follow the law.

Rule 2: When everybody else around you is yelling at you, asking you to make it up and condemning you for not making it up, refer to Rule 1.

Petitioner is confident that an examination of the Exhibits, as well as relevant case law, will demonstrate that AMC Networks Inc., et al., have engaged in a demonstrable pattern of abuse and misconduct.



REASONS FOR GRANTING THE PETITION

I. THE CALIFORNIA COURTS EXERCISED A DISCERNABLE BIAS AGAINST A PRO SE LITIGANT

The California courts do not lack the knowledge nor the proceedings when deciding upon copyright infringement cases. *See Unicolors, Inc. v Urban Outfitters*, 853 F.3d 980, 992 (9th Cir. 2017). In *Unicolors, Inc. v. Urban Outfitters* the Ninth Circuit Court of Appeals concluded that:

“a district court may grant summary judgment for plaintiffs on the issue of copying when the works are so overwhelmingly similar that the possibility of independent creation is precluded.”

Petitioner appended exhibits in the District Court and the Ninth Circuit Court of Appeals displaying that *Sons of the Legends* and *Growing Up Hip Hop* were so overwhelmingly similar that the possibility of independent creation is precluded. Those exhibits were not taken into consideration. In *Unicolors, Inc. v. Urban Outfitters*, the Ninth Circuit Court of Appeals ruling was consistent with the legal standards established through the Substantial Similarity Rule, the Fragmented Literal Similarity Rule, and the Average Lay Observer Test. However, the California

Courts were inconsistent in their review of the Petitioner's claim. Both the District Court and 9th Circuit Court of Appeals maintained a demonstrably anti Pro Se posture as AMC's counsel sought to exercise an unfair advantage borne of their knowledge of the Petitioner's financial integrity and distinct disadvantage as an unrepresented party. It was during this period that the Constitutional question of diminished Due Process as it pertains to unrepresented parties arose. This condition also gave rise to the question of whether or not the Petitioner might have prevailed as an unrepresented party with appropriate review of Exhibits, consistent with *Haines v. Kerner et al.*, 404 US 519 (1972).

II. IT APPEARS THE JUDICIAL SYSTEM MAY BE ALTERING THE PROCESS AND PROTECTING THEIR OWN WHICH IS CONCERNING TO ALL AMERICANS IN REFERENCE TO COPYRIGHT

Petitioner is aware that the greater the leader's power, wealth, authority, and influence, the more likely the leader could succumb to ethical lapses and moral failings. The risk increases if the organization has a culture that lacks managerial transparency and accountability, has insufficient checks and balances on executive power, and discourages criticism from subordinates or members. When a leader with a poorly developed ethical and moral sense ends up leading an organization with a culture that discourages ethical self-examination, a slow but perfect storm starts to form that demands compromise from all levels of leadership and eventually leads to catastrophic consequences. Character flaws and unethical actions of top leaders gradually become qualities and failures become successes. Failure to

admit mistakes, acknowledge personal fault, apologize for missteps, listen to criticism, and take corrective action are portrayed as evidence of the leader's strength and determination. Evil is good and good is evil. United States citizens that show courage, ethics, and integrity and fearlessly speak out are called troublemakers and boat-rockers. For refusing to compromise their principles and challenging their superiors they are portrayed as insubordinate and dangerous. Those that maintain their silence, support the status quo, and show unquestioning loyalty and obedience to the leader's power structure are continually praised and shown as model citizens. Seeing these flaws in leaders, whether they are company executives, religious figures, politicians, judges, and others can be very disturbing for someone like the petitioner who presumes that the least minimal standards of ethical decision making are in force. This is especially true in organizations for which ethical and moral decisions are central to their mission such as religious bodies, health care institutions, the judicial system, or almost any organization that has influence over people's lives. Petitioner has been persecuted by these abusive leaders for daring to speak the truth and standing for ethics which has led to a sense of alienation, estrangement, and abandonment that seldom lifts until the corruption taking place is revealed for all to see. It appears that the Judicial system is choosing to turn a blind eye to the Hollywood's monopoly and judicial corruption which is in direct opposition of Supreme Court rule 10a. *Clayton Prince Tanksley v. Lee Daniels, et al.*, 902 F.3d 165 (2018), was docketed in the Supreme Court on November 29th, 2018. This case was a copyright case against the franchise show "Empire." In this case Clayton's attorney was told in the

lower courts that video evidence couldn't be considered at the hearing for the motion to dismiss but that same video was used as evidence against the plaintiff when the opinion was written by the judge. Fox waived their right to respond to Clayton's petition. The Supreme Court did not order Fox's attorneys to even respond before the petition was distributed for conference. On February 19th, 2019 that petition was denied. A rehearing petition was then denied on April 15th, 2019. A little less than 8 months later Petitioner was placed on the Supreme Court docket for her case against another powerful entity AMC Networks and franchise show *Growing Up Hip Hop*. In Petitioner's case AMC Networks waived their right to respond also. Petitioner was also distributed for conference with no requirement of AMC Network's counsel to respond to obvious corruption in the lower courts. Petitioner made the Supreme Court aware by multiple letters of correspondence stating mail tampering, the District court directing AMC's attorneys to pick up their exhibit otherwise it would be considered abandoned and destroyed, and the ninth Circuit Court of Appeals judge Paul Watford harassing Petitioner's employer, threatening to sue them, and trying to get a cash payout above and beyond his rental being waived. Petitioner was denied the ability to proceed forma pauperis and ordered to refile her petition in compliance with Rule 33.1 and to pay the docketing fee. Petitioner complied and sent out a formal petition on October 15th, 2019. On November 12th, 2019 Petitioner's petition was denied. With the absence of a checks and balances system in the lower courts artists are stripped of the 14th Amendment due process rights.

III. THE ENTERTAINMENT INDUSTRY IS BEING ENABLED BY THE JUDICIAL SYSTEM TO ENGAGE IN WILLFUL INFRINGEMENT

The current copyright laws in the United States are insulating some of the worst copyright infringers from any type of liability. Why would any major company follow the laws if they are not being held accountable by our judicial system? Willful infringement is displayed in Petitioner's case, *Clayton Prince Tanksley v. Lee Daniels et al.*, *Larry S. Johnson et al. v. David Knoller et al.*, and *Silas v. Home Box Office Inc.*, 713 F. App'x 626 (9th Cir. 2018). Petitioner believes the only way to address this ongoing issue is by self-representation. The entertainment industry is a very tight knit group that places cover for each other during times of accountability. Those that speak up are blacklisted and cast out so changes cannot be made. Unfortunately, Pro Se litigants do not receive equal protection under the laws and are almost never granted certiorari in the Supreme Court. This in effect allows for racketeering and a criminal enterprise to persist. It appears that lawlessness is an overwhelming fact of American life, though little attention is paid to this many-an-unsplendored phenomenon. How many times have we been told that our country is under the rule of law and that nobody is above it? Yet the country's legal life is defined instead by major zones of lawlessness created, in one aspect, by noncompliance and lack of enforcement and, in another, by raw power, which can be political, economic, or armed. These multiplying zones have pushed the rule of law into little more than a torrent of dysfunctional myths. To see through a myth as pervasive as our rule of law requires a journey through these zones of lawlessness. Petitioner has taken this

journey. It has provoked constructive outrage that can come from an informed sense of injustice. Petitioner's case puts this on full display. Pro Se litigants are denied the same constitutional safeguards as those retained by represented parties and equal protection under the law appears to be a myth.



CONCLUSION

For the foregoing reasons, the petition for rehearing should be granted.

Respectfully submitted,

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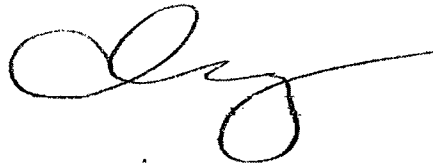
DECEMBER 4, 2019

RULE 44 CERTIFICATE

I, Christine Sawicky, petitioner pro se, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. This petition for rehearing is presented in good faith and not for delay.

2. The grounds of this petition are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.



Signature

Executed On Nov 29th, 2019

Notary Public

