

No. 19-582

**In the
SUPREME COURT OF THE UNITED STATES**

Sara Ann Edmondson,
Petitioner,

vs.

Lilliston Ford Inc; JANE AND JOHN DOES 1- 10, individually and as owners,
officers, directors, founders, managers, agents, servants, employees,
representatives and/or independent contractors of LILLISTON FORD, INC.; XYZ
CORPORATIONS 1- 10,
Respondents.

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

PETITION FOR REHEARING

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This Petition for Rehearing is being submitted pursuant to Supreme Court Rule 44 under the substantive issue: Federal Arbitration Law, 9 USC § 2. It is well established that “the substantive law the Act created [is] applicable in state and federal court.” *Southland Corp v. Keating*, 465 U.S. 12 (1984) “It is this Court’s responsibility to say what a statute means, and once the Court has spoken, it is the duty of other courts to respect that understanding of the governing rule of law”. *Rivers v. Roadway Express, Inc.*, 511 U.S. 298, 312 (1994). In the event that duty is derelicted, it is the supervisory authority of this Court to assert the supreme law of the land.

REASONS FOR GRANTING THE PETITION

I. This Court should summarily reverse the lower decision for failing to follow Supreme Court decisions and precedents interpreting the FAA: Nitro-Lift Technologies, L.L.C. v. Howard

Given the “obvious” nature of the errors below, the Court might wish to consider summary reversal. This Court has taken that step several times in recent years to set aside

manifest failures by lower courts to adhere to this Court's arbitration rulings. See *Nitro-Lift Techs.*, 568 U.S. at 20 (lower court "disregard[ed] this Court's precedents on the FAA"); *Marmet*, 565 U.S. at 531 (lower court erred "by misreading and disregarding the precedents of this Court interpreting the FAA"). And this Court has overturned other flawed arbitration rulings after plenary review. See *Kindred Nursing Ctrs.*, 137 S. Ct. at 1427-28 (a court may invalidate an arbitration agreement based on generally applicable contract defenses like fraud).

In *Nitro-Lift Technologies, L.L.C. v. Howard*, the Supreme Court explained, the Oklahoma Supreme Court "acknowledged" the relevant U.S. Supreme Court cases holding that the FAA requires attacks on provisions other than the arbitration clause itself to be submitted to arbitration, "but chose to discount these controlling decisions." In the decision below, the lower courts acknowledged a contract validity challenge based on Respondent's judicial admission of misrepresentations in the arbitration clause itself; however, the Courts chose to ignore

the precedents and directives of this Court in reference to a validity challenge as well as in a judicial admission. There are a relatively large number of summary reversals in arbitration cases from this Court that engage in fact-specific error correction.

Summary reversal is a decision to enforce the law. This Court ordinarily reserves summary reversal for situations in which a lower court has clearly failed to abide by the Court's precedents. There is a "palpable evasion" of this Court's precedents as well as of the intent of the US Congress in 9 USC § 2.

II. This Court should summarily reverse for "Error Correction"

In a rare example of "error correction", this Court reversed summary judgment in Tolan v. Cotton because two lower courts "neglected to adhere to the fundamental principle" when considering such a motion. In the decision below, while the court of original jurisdiction acknowledged the motion for summary judgment, it intentionally failed the most

fundamental principle: to issue an executed order on summary judgment. The approach taken by the trial court below is especially troublesome and questionable. This clearly represents a unique, rare example requiring “error correction”.

III. Alternatively, this Court could issue a GVR order in light of its forthcoming decision in GE Energy Power Conversion France SAS v. Outokumpu Stainless USA.

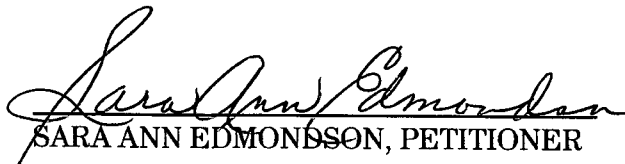
This Court stands poised to render a decision in the above-described case. It is anticipated that the forthcoming decision will include legal principles, doctrines and discussions that bolster the legal argument explained earlier about domestic law issues surrounding the FAA and Federal statutes. Hence, I request that, after issuing its decision in GE Energy, the Court issue an order granting certiorari review, vacating the lower court’s decision below, and remanding with instructions that direct the entry of “appropriate judgment” under *Buckeye* at 445.

28 USC 2106 authorizes the Supreme Court to "remand [a] cause and ... require such further proceedings to be had as may be just under the circumstances", *Lawrence v. Chater*, 516 U.S. 163 (1996).

CONCLUSION

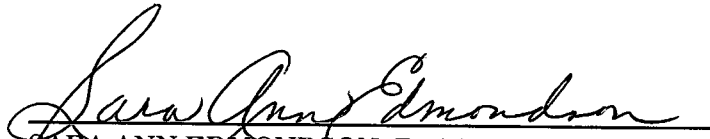
"It is this Court's responsibility to say what a statute means, and once the Court has spoken, it is the duty of other courts to respect that understanding of the governing rule of law." *Rivers v. Roadway Express, Inc.*, 511 U.S. 298, 312 (1994). The intentionality with which the lower courts' contravene the duty to that rule of law in order to support this Court's public policy favoring arbitration is alarming and calls for the supervisory authority of this Court under Rule 10(a). The authority to summarily reverse a decision or to remand a cause and direct the entry of an "appropriate judgment" is vested by 28 U.S.C. § 2106. In a matter of this magnitude, this Court's history and record dictate summary reversal.

Respectfully submitted,


SARA ANN EDMONDSON, PETITIONER

CERTIFICATE OF COUNSEL

This petition is restricted to the grounds specified in paragraph 1 of Supreme Court Rule 44. Further, this petition is presented in good faith and not for delay.


SARA ANN EDMONDSON, Petitioner