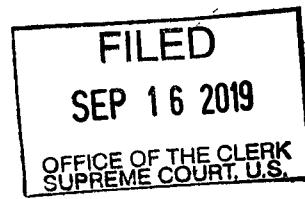


No. 19A325



In The  
Supreme Court of the United States

JENN-CHING LUO,  
*Petitioner,*

v.

LOWE'S HOME CENTERS, LLC  
JAMES R. WALTERS  
CHRIS S. ERNEST  
*Respondents.*

On Petition for Writ of Certiorari  
to the Superior Court of Pennsylvania

APPLICATION FOR EXTENSION OF TIME TO  
FILE A PETITION FOR WRIT OF CERTIORARI

Jenn-Ching Luo, Pro se  
PO Box 261  
Birchrunville, PA 19421  
(516)3430088  
E-mail: jennchingluo@gmail.com

APPLICATION FOR EXTENSION OF TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI  
TO THE SUPERIOR COURT OF PENNSYLVANIA

To the Honorable Justice Samuel A. Alito, Jr., as Associate Justice  
for the United States Court of Appeals for the Third Circuit:

Pursuant to Rules 13.5 and 30.2 of this Court, Petitioner Jenn-Ching Luo, respectfully requests that the time to file a petition for a writ of certiorari in this matter be extended for 40 days to and including December 2, 2019.

The Superior Court of Pennsylvania (“the Superior Court”) issued its decision on November 2, 2018 (see App. 1a-7a) and denied the Petitioner's petition for panel rehearing or rehearing en banc on December 28, 2018, (see App. 8a). The Supreme Court of Pennsylvania denied Petitioner's petition for allowance of appeal on June 18, 2019 (see App. 9a). The Supreme Court of Pennsylvania denied Petitioner's petition for a reconsideration on July 25, 2019 (see App. 10a)

This application is timely because it has been filed at least ten days before current October 23, 2019 due date. (S. Ct R. 30.2) This Court would have jurisdiction over the judgment under 28 U.S.C. §1257(a).

## BACKGROUND AND PROCEDURAL HISTORY

1. This case was arisen from Lowe's and its contractors damaged Petitioner's properties when performing a contract for home improvement. Petitioner asserted three claims in the complaint, a claim under Pennsylvania state Unfair Trade Practices and Consumer Protection Law ("UTPCPL"), and two negligence claims against three defendants, Lowe's, Ernest, and Walters. However, Petitioner's right to due process was totally deprived in the entire proceeding, and was never fairly treated. Petitioner appealed the trial court judgment to the Superior Court.

### Appeal to the Superior court of Pennsylvania

2. The notice of appeal includes a review of 7 orders of the trial court. Due to page limit, Petitioner abandoned an order on appeal. The body of appellant brief has 87 pages.

3. The appeal presents the following five points to be argued.

POINT 1. The January 11, 2016 injunction order barred Walters from filing a motion to compel Luo to arbitration. Walters' participation and contribution to the arbitration invalidated the award. The trial court judgment that confirmed the award was mooted.

Further, the injunction order also barred Walters from filing a petition to open default judgment. The default judgment against Walters should not be opened.

**POINT 2.** The trial court erred in granting Walters' petition to open default judgment.

- (A) the first element "promptly filed a petition to open"
- (B) the second element "provided a reasonable excuse or explanation for failing to file a responsive pleading"
- (C) the third element "pleaded a meritorious defense to the allegations contained in the complaint"

**POINT 3.** The delayed arbitration failed to meet constitutional requirement, inoperative, and should be banned. There was no other forum available to decide the claims.

Default judgment against Lowe's and Ernest is the only available remedy.

**POINT 4.** Luo was not entitled to be compelled to arbitration. The arbitration deprived Luo of the right to jury trial, equal protection, and due process. The arbitration award should be vacated.

- (A) Defendants moved the trial court to dismiss the complaint and violated the arbitration clause
- (B) Ernest abandoned arbitration clause under the civil rules
- (C) The trial court made the arbitration clause unenforceable
- (D) Defendants' applications to compel arbitration were not in conformity with the laws, and the trial court has no authority to grant the applications
- (E) The trial court orders that compelled Luo to arbitration were defective and invalid

**POINT 5.** The Trial court erred in denying Luo's petition to vacate

the arbitration award.

- (A) The arbitrator acted in bad faith and corrupted, not impartial
- (B) The arbitrator ignored the law
- (C) The arbitrator did not read the second amended complaint to find causes of action, but arbitrarily decided the arbitration
- (D) To favor the three defense attorneys, the arbitrator did not proceed the hearing according to the agreement but changed the hearing place to a location that was convenient for the three defense attorneys
- (E) The arbitration award contravened public policy and must be vacated

4. After defendants each filed an Appellee Brief and Petitioner filed a Reply Brief, the Superior court refused to review this appeal, and dismissed this appeal by determining Petitioner's brief is defective, failing to conform to three rule requirements.

5. However, what the Superior Court found is not a defect in rule requirements, but is a disagreement about the pleading. What the Superior court found are as follows:

- (1) Appellant's brief presented five points to be argued, and the Superior court disagreed the number of argument points;
- (2) There were two inapplicable conditional rules. The Superior court found and disagreed that appellant's argument did not

conform to the two inapplicable conditional rules;

(3) The Superior court found "*appellant's brief contains numerous reference to case law*"<sup>1</sup>, but disagreed 4 out of 53 citations of legal authority.

6. The Superior Court's decision should knock rational legal professionals' conscience off. No one mental health legal professional could believe an appeal could be dismissed because judge disagrees the number of argument points, or because appellant does not comply with inapplicable rules, or because judge disagrees some of legal authorities.

7. The Superior court's decision, which shocks the conscience, has raised a question of due process of laws whether an appeal could be dismissed because (1) judge disagrees the number of argument points, or (2) appellant did not comply with two inapplicable conditional rules, or (3) judge disagrees 4 out of 53 citations of legal authority.

8. Further, the Superior court's decision differs from other appellate courts in the United states and also differs from the other intermediate appellate court of Pennsylvania (e.g., Pennsylvania Commonwealth Court).

---

<sup>1</sup> More specifically, appellant argument presented 53 citations of relevant authority in five points.

9. When an appeal is made as a right, appellate court must listen unless no brief is filed.

10. In other appellate courts, an appeal is not dismissed when appellant's brief is defective, and appellant is given an opportunity to cure the defects. Then, if appellant fails to cure his brief, an appeal is dismissed because appellate court has no brief to review. The dismissal is because of no brief for a review, not because the brief is defective. That is a practice, consistent to right to appeal.

11. However, the Superior Court did not give Petitioner an opportunity to cure his brief, but immediately dismissed the appeal by determining the brief was defective. The Superior court's decision differs from other appellate courts and also invades right to appeal.

12. The appeal to the Superior Court presents numerous issues, which have not been reviewed on the merit. Especially, defendants have filed their Appellee's Brief to contest appellant's argument on the merit. The Superior Court has the briefs to review this appeal on the merit. It appears a review of this appeal on the merit is a better decision.

13. Petitioner has decided to file a petition for writ of certiorari with

this Court. The petition for writ of certiorari will ask this Court to resolve appellate courts' different decision to defective brief, and also asks this Court whether it is a violation of the right to due process of law when an appeal is dismissed because judge disagrees number of argument points or because appellant does not comply with inapplicable rules or because judge disagrees some of legal authorities which were cited in appellant's brief.

## REASON FOR EXTENSION

14. Petitioner has a disabled child, with special needs. The child had no school from July 18, 2019 to September 3, 2019, and had no support in the summer. Petitioner needed to arrange the child's daily activity and daily living, and had no time to prepare a petition for writ of certiorari before September 3, 2019. Without an extension of time, it is not possible for Petitioner to complete a petition for write of certiorari before the current due date, October 23, 2019.

15. Accordingly, Petitioner respectfully requests that an order be entered extending the time to file a petition for writ of certiorari for 40 days, up to and including December 2, 2019.

Respectfully submitted,



---

Jenn-Ching Luo  
Pro Se  
PO Box 261  
Birchrunville, PA 19421  
516-343-0088  
JENNCHINGLUO@GMAIL.COM

# APPENDIX