

No. 19-7270 DEPARTMENT OF JUSTICE
FEB 12 1989
COURT CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

CHARLOTTE OLIPHANT-JOHNS — PETITIONER
(Your Name)

vs.
Good DEAL REMODELING:
NICOLAI GHERASIM, Bogdan LEUCA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPERIOR COURT OF PENNSYLVANIA - EASTERN DIVISION
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CHARLOTTE OLIPHANT-JOHNS
(Your Name)

7459 North. 20th STREET
(Address)

Philadelphia, PENNSYLVANIA 19138
(City, State, Zip Code)

(215) 927-2152
(Phone Number)

MUNICIPAL Court

QUESTION(S) PRESENTED

1. WHAT LAWS OF CIVIL COURT JURISDICTION WERE APPLIED IN THIS MUNICIPAL COURT; TO ARRIVE AT THE JUDGEMENT I RECEIVED?
2. WHY WERE THE DEFENDANTS BARELY QUESTIONED CONCERNING MY COMPLAINT?
3. WHY DID THE DEFENDANT NOT HAVE TO ANSWER MY COMPLAINT?
4. WHY IS THE JUDGEMENT, "JUDGEMENT FOR THE DEFENDANTS" WHEN I HAVE THE PREPONDERANCE OF EVIDENCE WHICH SUPPORTED MY CLAIMS?
5. WHY DID THE MUNICIPAL COURT PURPOSELY GIVE THE DEFENDANTS THE UPPER HAND IN AWARDING, IN REVERSE; THEREBY NEGATING MY CLAIM'S IMPORTANCE? NOW I AM AUTOMATICALLY THROWN INTO A NEGATIVE POSITION ON THE CHESS BOARD SO TO SPEAK, SURROUNDING MY CLAIM; IN WHICH NOW I WEAR, AND CARRY THE BAGGAGE ASSOCIATED WITH IT.
6. IN LIGHT OF THE FACT, I NEVER ORDERED A SPLIT LEVEL KITCHEN; WHY HASN'T THIS FUNDAMENTAL QUESTIONING EVER BEEN RAISED BY THE COURT; WHO SPENT MOST OF THE TIME BADGERING ME IN QUESTIONS IN DEFENSE FOR THE DEFENDANTS?

QUESTION(S) PRESENTED

COURT OF COMMON PLEAS
HEARING "ON THE MATTER"

1. WHY IS THE PHILA. PROMULGATED LOCAL RULE 1001 - "STRIKING AN APPEAL" ALLOWED TO BE USED SO LIBRALLY; SURROUNDING ANY CIRCUMSTANCES, OF FAILURE TO SERVICE A COMPLAINT WHEN LEGALLY STRIKING AN APPEAL?
2. WHY WAS MY APPEAL STRICKEN WITH NO NOTICE OF INTENT OR ACTION.
3. IF RULE 1001(a)(1) STATES WITHIN IT'S CONTEXT THAT RULE 1001 WOULD BE APPLICABLE IF THE ACTION BEING APPEALED INITIALLY COMMENCED IN THE COURT OF COMMON PLEAS; WHY WOULD MY LIMITED REPRESENTATION PRO-BONO ATTORNEY KEEP QUESTIONING IT TO A POINT WHERE HIS FRUSTRATION ABOUT IT WOULD CAUSE HIM NOT TO WANT TO HANDLE MY CASE ANYMORE?

QUESTION(S) PRESENTED

SUPERIOR COURT

1. HOW HAD MY INITIALLY SUBMITTED COMPLAINT RECORDED IN THE MUNICIPAL COURT'S E-FILE SYSTEM GET REVERSED IN ERROR BY THE SUPERIOR COURT? AN INTERPRETATION DIFFERENT THAN THE ACCOUNT IN THE RECORDS? THE BREACH OF CONTRACT PHYSICAL EVIDENCE STILL EXIST; AS THE STATE MY KITCHEN WAS LEFT IN WHEN THE CONTRACTOR'S WALKED OFF THE JOB.
2. WHY HAS THE SUPERIOR COURT'S STATEMENTS OF THE RECORD'S HISTORY BEEN MANIPULATED TO STATE OTHER THAN THE SEQUENTIAL ORDER OF THE OCCURENCES? I HAD NOT APPEALED FROM THE COURT OF COMMON PLEAS BECAUSE I NEVER GOT THERE. MY APPEAL FROM MUNICIPAL WAS STRICKENED THRU PRAECIPE.
3. WHY WAS I RESTRAINED IN HAVING TO INSIST SO MUCH TO HAVE THE MUNICIPAL COURT JUDGEMENT APPEALED, BUT INCOURAGED MORE SO TOWARDS THE COMMON PLEAS COURT HEARING ON THE MATTER OPINION?
4. CAN AN OPINION JUDGEMENT BE APPEALED?

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:

RELATED CASES

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

(UTPCPL) 73 PS 201-1

73 PS 201-1

UNFAIR TRADE PRACTICES
CONSUMER PROTECTION LAW

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(HICPA) 73 PS 517.1

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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

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

The opinion of the United States court of appeals appears at Appendix _____ 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 _____ to the petition and is

- [] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

The opinion of the highest state court to review the merits 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 Philadelphia Common Pleas court appears at Appendix B to the petition and is

- [] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] 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).

[] For cases from state courts:

The date on which the highest state court decided my case was Feb 1, 2019. A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PHILADELPHIA COUNTY COURT OF COMMON PLEAS

TRIAL DIVISION - LOCAL RULES (CIVIL)

Rule 51 CITATION CATEGORIZATION AND EFFECT OF PHILA. CIVIL RULES.

(C) CONSTRUCTION AND EFFECT.

ALL PHILADELPHIA CIVIL RULES
SHALL BE CONSTRUED LIBERALLY
TO INSURE THAT NO ONE IS
DENIED JUSTICE. WHEN EVER
POSSIBLE SUCH RULES SHALL BE
CONSTRUED AS CONSISTANT
WITH STATEWIDE PROCEDURAL
RULES AND WITH EACH OTHER.

WHERE CONFLICT ARISE THE
ORDER OF PRIORITY SHALL BE:

- (1) THE PENNA. RULES OF CIVIL PROCEDURE
- (2) LOCAL RULES OF COURT
- (3) GENERAL COURT REGULATIONS
- (4) ADMINISTRATIVE REGULATIONS
- (5) BULLETINS

RULE 201 STIPULATIONS

(A) (5) WAIVER OF REQUIREMENT OF A LOCAL RULE.

STATEMENT OF THE CASE

I CHARLOTTE OLIPHANT-JOHNS, OWNER OF
PROPERTY AT 7459 N. 20th STREET
Philadelphia, Pennsylvania 19138

ON July 5, 2016, I APPLIED TO THE
Philadelphia Municipal Court
CIVIL DIVISION - SMALL CLAIM UNIT

I INITIATED A BREACH OF CONTRACT
CLAIM AGAINST THE OWNER'S OR
COMPANY Good DEAL REMODELING LLC;
WHOM I HAD HIRED TO RENOVATE
MY KITCHEN

I PAID TO SUE FOR \$12,000.00 MAX.
AMOUNT ALLOWED, SO TO INSURE
MY CLAIM WHEN IF NEGOTIATING
ANY COMPENSATION UNDER CIVIL
LAW THIS COULD BE CONSIDERED.

OF TRIAL DATE July 20, 2016
I ATTENDED PRO SE THE DEFENDANT'S
APPEARED WITH THEIR ATTORNEY.

AFTER THE TRIAL HAD ENDED
IN A JUDGEMENT "JUDGEMENT FOR
THE DEFENDANT"

I APPEALED. FIND IN THE HISTORY,
MY APPEAL IS STRICKEN.

STATEMENT OF THE CASE

SUITE HISTORY AND PROCEDURAL CASE...BACKGROUND

THE OWNER'S OF GOOD DEAL REMODELING, LLC NICOLAI GHERASIM AND BOGDAN LEUCA WERE PAID SEPT. 2014 A SUM OF \$5,200.00 OF A \$7,000.00 CONTRACT, DURING WHICH THEY dishonestLY OMITTED THE FUNDAMENTALS OF THE CONTRACT. THE CEILING, THE SOFFIT AND THE FLOOR IN A WAY WHICH CAUSED THE PROCEEDING INSTALLATIONS OF THE CONTRACTED ITEMS OF INSTALLATION TO BECOME UNSUCCESSFUL, OTHERS POORLY HAPHAZARDLY INSTALLED, WITH SOME DAMAGES ALONG THE WAY.

THEY PROCASTINATED IN PERFORMING THE WORK UP INTO THE NEXT YEAR, DISAPPEARED FOR A SHORT TIME; AND UPON MY INITIATION IN FINDING THEM - AS THEY HAD BEEN PAID THE BULK OF THE MONEY THE PREVIOUS YEAR, UPON THEIR RETURN THEY RENEGED ON THE REPAIRS AND INSTEAD OPTED TO THROW THINGS TOGETHER AT THE LAST MINUTE FORCING ME TO ACCEPT IT.

STATEMENT OF THE CASE

THEY WALKED OFF THE Job ABANDONING IT - LEAVING ME KITCHENLESS.

DURING THE MUNICIPAL COURT HEARING IN WHICH I HAD PRESENTED TO THE COURT FIRST FILING, ALL THE EVIDENCE EXCEPT PICTURES THAT THEY COULD NOT ACCEPT TO BE SCANNED - I PRESENTED THEM THERE.

I DID NOT WIN MY CASE EVEN THOUGH I HAD PRESENTED THE PREPONDERANCE OF EVIDENCE; AS THE DEFENDANTS DID NOT OFFER ANY. THEY ATTEMPTED TO PERJURE INSTEAD. THEY WON IN A DECISION OF "JUDGEMENT FOR THE DEFENDANT"

I PAID FOR AND FILED A NOTICE TO APPEAL SEPTEMBER 16, 2016, BUT WAS STRICKEN BY THE DEFENDANT NICOLAI GHERASIM VIA HIS COUNSEL ON OCTOBER 27, 2016 WITHOUT NOTICE, SURROUNDING A CASE MANAGEMENT ORDER'S STIPULATION CONCERNING THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COUNTY TRIAL DIVISION LOCAL RULES (UPDATED 1-22-2018) RULE 1001(d) WHICH ALLOWED THE PRAECLPTE TO STRIKE MY APPEAL IF SERVICE WAS NOT MADE.

STATEMENT OF THE CASE

I had SERVED THE CASE MANAGEMENT ORDER AND THE NOTICE OF APPEAL, VIA THE SHERIFF's OFFICE but somehow forgot THAT THE REFORMATTED COMPLAINT VERSION WAS NOT included.

A HEARING ON THE MATTER, TO WHICH I BELIEVED WAS THE OPPORTUNITY TO PRESENT my REFORMATTED COMPLAINT WAS HANDLED THROUGH my LIMITED REPRESENTATION PRO BONO COUNSEL/ATTORNEY. (OBTAINED THRU THE SENIOR LAW CTR.)

AFTER THE HEARING, AN ORDER WAS ISSUED THAT DENIED my APPEAL REINSTATEMENT FOR "LACK OF GOOD CAUSE".

I APPEALED TO THE SUPERIOR COURT OF PENNSYLVANIA - EASTERN DIVISION, ON NOVEMBER 22, 2016. MY BRIEF WAS SUBMITTED ALONG WITH ALL ORIGINAL OF DOCUMENTS OF EVIDENCE FOR REVIEW WITHOUT ORAL ARGUMENT. MY BRIEF WAS DEEMED IMPROPER AND INADEQUATE. THE APPEAL TO REINSTATE MY APPEAL IS DENIED.

REASONS FOR GRANTING THE PETITION

PLEASE GRANT ME CERTIORARI SO THAT I MAY SEEK JUSTICE IN MY BREACH OF CONTRACT PURSUIT. MY CONTRACTOR'S TOLD UNTRUTHS TO THE TRIAL COURT AND THEIR ATTORNEY. THE MUNICIPAL TRIAL COURT BEING SO FRUSTRATED ABUSED HER DISCRETION AND TOOK HER FRUSTRATION OUT ON ME.

PLEASE READ MY CASE IN ITS ENTIRETY TO HELP OTHER SENIOR VICTIMS LIKE MY SELF; ALSO EXAMINE EVEN IF YOU DO NOT ACCEPT MY APPLICATION.

I AM STILL IN PURSUIT OF RESTORING MY PROPERTY AS I AM STILL IN NEED OF IT HAVING A KITCHEN. EVERY SINCE CONTRACTOR'S STRUCK MY APPEAL I HAVE BEEN GOING DOWN HILL. A CERTIORARI REVIEW WOULD BRING THE CASE BACK IN VIEW. THIS COURT IS MY LAST HOPE AND ALSO THESE MEN CONTRACTOR'S NEED RESPONSIBILITY AND CORRECTION WHEN PERPETRATING LIES.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charlotte Elephant Johns

Date: 12/16/2019 monday