

19-7425
No.

Supreme Court, U.S.
FILED

NOV 25 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Wylmina Hettinga – Petitioner

vs.

Arcadia Management Services Co. – Respondent

On petition for a Writ of Certiorari to the
Sixth District Appellate Court of California

PETITION FOR WRIT OF CERTIORARI

Wylmina Hettinga
1587 17th Street
Los Osos, CA 93402
805-235-1699

ORIGINAL

QUESTION PRESENTED

Is the imposition of insurmountable security on a California Vexatious Litigant a violation of the Equal Protection or Due Process rights?

Is the imposition of an insurmountable security closely tailored to advance California's interests in ensuring the orderly resolutions of disputes?

Is the imposition of an insurmountable security vague and a violation of the Equal Protection or Due Process rights?

Is the imposition of an insurmountable security a "unique kind of deprivation" violating the Equal Protection or Due Process rights?

LIST OF PARTIES

All parties 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:

Wylmina Hettinga

Arcadia Management Services Co.

Attorney General for the State of California

RELATED CASE

Wylmina Hettinga vs. Tani G. Cantil-Sakauye, et. al. No. 16-8869, U.S. Supreme Court. Petition for Writ of Certiorari denied June 26, 2017

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioners respectfully prays that a writ of certiorari issue to review the California state superior court orders below.

OPINIONS BELOW

The denial of review of the Supreme Court of California on 08/28/2019 appears at Appendix C and is unpublished. The denial of review by the State of California Appellate Court, for the Sixth District appears at Appendix A and is unpublished. The judgment of the Superior Court of California, County of Santa Clara appears at Appendix B and is unpublished. Orders of the Superior Court of California, County of Santa Clara appear at Appendix E, F and G.

JURISDICTION

The last date on which the highest state court decided this case was filed on August 28, 2019. A copy of that decision appears at Appendix C. The jurisdiction of this Court is invoked under 18 U.S.C. §1257(a) and 28 U.S.C. §2403(b) as the statute allowing for insurmountable security to resolve disputes is unconstitutional.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Morgan v. United States (1938) 304 U.S.1. 18. Held: The right to a “full hearing” embraces not only the right to present evidence, but also a reasonable opportunity to know the claims of the opposing party and to meet them. The right to submit argument implies that opportunity; otherwise, the right may be but a barren one. Those who are brought into contest with the Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the Government proposes and to be heard upon its proposals before it issues its final command.

STATEMENT OF THE CASE

Petitioner is a vexatious litigant with a \$100,000 security requirement and approval from the presiding judge before filing any litigation in any California state court including small claims court (Case 16-8869, Appendix "App" C) pursuant to California Code of Civil Procedures §391, or the ("VLS").

Judge Sandra DeLateur originally ordered a \$5,655 judgment in Petitioner's favor (App B), after hearing both Petitioner's and Respondent's argument and reviewing the evidence. Respondent, Arcadia Management Services Co. appealed the judgment, which was set before Judge Theodore Zayner (App D), who declined the matter and thus it was sent to Judge Thang Barrett the same day. However, Judge Patricia Lucas, who was not the presiding judge, stopped an unrelated jury trial and called both parties into her courtroom.

Petitioner immediately requested Judge Lucas's removal under CCP 170.6, a peremptory challenge, having never seen this judge before in her lifetime. Judge Lucas claimed that the VLS statute superseded CCP 170.6 and then negated Petitioner's small claims judgment of \$5,655 stating that she was acting as presiding judge for those few minutes. Judge Lucas then stated that Petitioner had not obtained her approval or posted the required security in the amount of \$100,000. The actual presiding judge, Judge Deborah Ryan then denied all attempts to secure the \$5,655 judgment (App E and F) and to be heard on the merits of the case after having obtained the judgement. The appeal was also denied (App A) in violation of Petitioner's Due Process Rights and Equal Protection Act.

REASONS FOR GRANTING THE PETITION

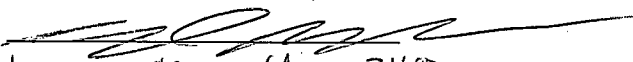
In *Morgan v. United States* (1938) this court made it clear that Petitioner had a right to confront the governmental agencies misusing their authority under the VLS by denying Petitioner any ability to appeal or refile the \$5,655 judgment obviously shown to have merit. This Court has already stated that California has “sufficiently important” interests, *Zablocki v. Redhail*, 434 U.S. 374, 388 (1978), in ensuring that orderly resolutions of disputes and protecting parents and courts from vexatious litigants, see *Cox v. Louisiana*, 379 U.S. 559, 562 (1965) and that the VLS is “closely tailored,” to advance these interests, *Zablocki*, 434 U.S. at 388. However, the imposition of a bond is vague. It fails to meet one of the most important Due Process Rights and Equal Protection requirements in the Constitution. Under heightened scrutiny, imposition of an insurmountable \$100,000 bond, requires California judges to assess the merits of future litigation, such as Petitioner’s small claims action that was limited to a \$10,000 judgment, that had not yet been filed or even proposed. Therefore, it is simply not possible that a judge requiring the \$100,000 or any amount of security could determine Petitioner’s likelihood in prevailing and securing a \$5,655 judgment, thus vague.


CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted on November 25, 2019.

Wylmina Hettinga:


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 12/15/19