

**No. 19-8037**

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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**SHLOMIT RUTTKAMP**  
**Petitioner,**

**VS.**

**THE BANK OF NEW YORK MELLON, ET AL.**  
**Respondent(s),**

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**ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES SUPREME COURT OF APPEALS FOR THE  
SECOND CIRCUIT**

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**PETITION FOR REHEARING**

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**PETITIONER**

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Executed on July 8, 2020

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**SHLOMIT RUTTKAMP,  
Petitioner**

**VS.**

**THE BANK OF NEW YORK MELLON, ET AL.  
Respondents**

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**I. PETITION FOR REHEARING**

Pursuant to Supreme Court Rule 44, Petitioner Shlomit Ruttkamp respectfully petitions this Court to reconsider its June 22, 2020 decision denying petitioner Petition for a Writ of Certiorari. This petition is filed within the 25 days of the denial.

**II. GROUNDS FOR REHEARING**

Petitioner seeks rehearing based on new reasons supported under two amendments of U.S. Constitution that were not invoked in the Petition for Writ of Certiorari. The presented reasons reinforce the review under the U.S. Supreme Court Rule 10(a) and (b) that:

“only for compelling reasons...[a] and [b] petition for a writ of certiorari will be granted...[(A) when] a United States court of appeals...has so far departed from the accepted and usual course of judicial proceedings, or [(B)] sanctioned such a departure by a lower court [that] call for an exercise of this Court’s supervisory power.”

Based on lower court finding on February 27, 2012, the foreclosure action was dismissed for lack of subject matter jurisdiction, the Plaintiff did not appeal the judgment within the 20 days grace period upon which a party should appeal a judgment. Regardless to the lower court’s finding, the Plaintiff filed a motion to open judgment to open a case that the Superior Court had no jurisdiction or authority to open, and the law contained no four-month grace period for a dismissed case that lacked subject matter jurisdiction; See: Levinson v. Lawrence, 162 Conn. App. 548, 565-66, 133 A.3d 468 (2016) and the pro se Defendant has a motion with intention to appeal the judge’s decision filed on August 2, 2012 pending final judgment after the case will be disposed of (**Motion #132.00 See Exhibit 3 in the motion for extension of time filed by the Petitioner**). The motion for extension of time filed on November 12, 2019 was granted by the Honorable Justice Ruth Bader Ginsburg based upon the details given by the Petitioner’s Application for Extension of Time. Due to the lack of knowledge of the Petitioner, she failed to mention two facts in the Petition for Writ of Certiorari that are extremely important and crucial to this appeal: a) whether the Petitioner has the right under the First, Fifth and Fourteenth Amendments to due process of law to appeal a motion that is pending final judgment (motion with intent to appeal #132.00) and no objection was filed by the Plaintiff, and whether a trial court has the right to open a case when it lacks subject matter jurisdiction over the case. And that fact was established on

February 27, 2012 with a three-page memorandum of decision. **(See Exhibit 4, order #119.20 in the motion for extension of time)** b) this case presents a nationally important question on which courts are indecisive and were divided in their decision when they ruled on July 17, 2019 to July 18, 2019 **(See Exhibit 2 of A, B, C, D, E and F in the motion for extension of time)**. The Appellate Court's ruling is in conflict with other rulings on this date.

The Honorable Justice Ruth Bader Ginsburg granted an extension of time on November 20, 2019 based upon those two questions which either one were really clearly presented in the Petition for Writ of Certiorari; therefore, Petitioner requests a reconsideration of rehearing based upon those two questions.

### III. BACKGROUND

On November 12, 2019, Petitioner Shlomit Ruttkamp filed Application for an Extension of time to file Petition for Writ of Certiorari directed to the Honorable Ruth Bader Ginsburg, Associate Justice of the United States Supreme Court and Circuit Justice for the Second Circuit, pursuant to 28 U.S.C. § 2101(c) and Rule 13.5,22, and Rule 30.1,2,3 and 4 of the Rules of this Court. Petitioner respectfully requested an extension of time to file Petition for Writ of Certiorari up to and including Friday, March 20, 2020 following the denial of the Supreme Court of Connecticut judgment entered on October 22, 2019 Case No. SC 190196.

The Statute that the Jurisdiction of this Court is invoked under is 28 U.S.C. § 1257(a).

In Application (19A566) the Honorable Ruth Bader Ginsburg, Associate Justice granted the extension of time to file Petition



for Writ of Certiorari up to and including March 20, 2020 on November 20, 2019.

The Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

The Petitioner file Petition for Writ of Certiorari on March 16, 2020. On May 18, 2020, the Supreme Court of the United States and Circuit Justice for the Second Circuit distributed for Conference on May 15, 2020. An order was issued that the motion of Petitioner for leave to proceed in forma pauperis is denied. Petitioner is allowed until June 8, 2020 within which to pay the docketing fee required by Rule 38(a). Petitioner complied with the order of May 18, 2020. And the court distributed for conference on June 18, 2020 an order denying the Petition for Writ of Certiorari June 22, 2020 was entered upon which petitioner filed the petition for rehearing pursuant to Supreme Court Rule 44, within the 25 days of the denial.

## ARGUMENT

- I. **Based on corrected Connecticut Appellate Court findings and rulings in this case is the Connecticut Appellate Court was indecisive and divided in their decision when they ruled on July 17<sup>th</sup> 2019 to July 18<sup>th</sup> 2019. The Appellate Court's ruling is in conflict with other rulings on those dates.**

The Petitioner requests a reconsideration of rehearing based upon those two questions. (a) this case presents a nationally important question on which courts are indecisive and were divided in their decision when they ruled on July 17<sup>th</sup> 2019 to July 18<sup>th</sup> 2019 (See Exhibit 2 of A, B, C, D, E and F). The

Appellate Court's ruling is in conflict with other rulings on those dates and the Appellate Court refused to recognize special defense which alleged wrongful conduct as the Plaintiff engaged in deceptive and unfair practices of foreclosure procedures by the lender which is not responsible to the mortgage lien or note, and that this foreclosure was dismissed on February 27, 2012 for lack of subject matter jurisdiction, pursuant to Practice book § 10-31 and Conn. Gen. Stat. §52-123 in this foreclosure matter as the Plaintiff commenced this action under its trade name and not the incorporated registered name (See America's Wholesale Lender v. Pagano, 87 Conn. App. 474, 477-78, 866 A.2d 698 (2005). The Plaintiff opened the case that the Superior Court had no jurisdiction or authority to open and the law contains no four-month grace period for a Dismiss case that lacked Subject matter jurisdiction; See: Levinson v. Lawrence, 162 Conn. App. 548, 565-66, 133 A.3d 468 (2016) and the pro se Defendant has a motion with intention to appeal the judge's decision filed on August 2, 2012 (**Motion #132.00 See Exhibit 3**) (Superior Court docket #MMX-CV-10-6001915-S) and violated the Defendant's First, Fifth and Fourteenth Amendments of the United States Constitution: "The Due Process Clause of the Fourteenth Amendment provides that no State "shall ... deprive any person of life, liberty, or property, without due process of law...". (b) The Defendant has a claim of fraud and racketeering activity act pursuant to Practice book Section §53-396 as the Plaintiff committed fraud and misrepresentations of facts as they opened the foreclosure dismissal of February 27, 2012 based upon a lie with intention to cause the Defendant harm as they alleged wrongful conduct on which a foreclosure procedure and a filing of a complaint and an unenforceable written contract was filed with neglect and reckless misrepresentation of facts as the same elements upon which the parties act. Judge Lisa Kelly Morgan dismissed this action

for lack of subject matter jurisdiction on February 27, 2012 ((See Exhibit 4) order no. 119.20 and judgment of dismissal was rendered on the same date (docket # 127.00) Superior Court docket #MMX-CV-10-6001915-S).

The determination of whether subject matter jurisdiction raises a question of law accordingly, the standard of review is plenary. JPMorgan Chase Bank Nat. Ass'n v. Simoulidis, 161 Conn. App. 133, 142, 126 A.3<sup>rd</sup> 1098 (2015). "A party must have standing to assert a claim in order for the court to have subject matter jurisdiction over the claim (citation omitted.). Webster Bank v. Zak, 259 Conn. 766, 774, 792 A.2d 66 (2002). The question of subject matter jurisdiction can be raised by any of the parties, or by the court sua sponte, at any time. *Id.*

"[W]henever it is found after suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the judicial authority shall dismiss the action." When it is known genuine issues of matter of facts on any action, the state alleges that any property of the defendant is subject to forfeiture under the chapter fraud on the court and racketeering. Activity Act Section § 53-396. The Plaintiff sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability to impartially adjudicate a matter by improperly influencing the theory of facts or unfairly hampering the presentation of the opposing party's claim or defense as the Plaintiff's attorneys claimed that The Bank of New York Mellon in the first complaint filed by the Plaintiff's attorney on March 9, 2010 is not the same Bank of New York Mellon that the Plaintiff's attorneys referred to in their motion to open judgment; in fact, it is a different Bank of New York Mellon Corporation that is incorporated in the State of New York. The State of New York has no record of an entity registered in the name of The Bank of New York Mellon. The State of New York has only one record of an entity registered in the name of The Bank of New

York Mellon Corporation incorporated in Delaware with the headquarters of New York City. The truth in this foreclosure action is that the Plaintiff's original attorneys were correct when they represented to the court that "The Bank of New York Mellon" is a mere corporate brand name; and the court was correct in its original ruling of dismissal of February 27, 2012. The law contains no four-month grace period for a Dismiss case that lacked subject matter jurisdiction. See: Levinson v. Lawrence, 162 Conn. App. 548, 565-66, 133 A.3d 468 (2016), and the pro se Defendant has a motion with intention to appeal the judge's decision filed on August 2, 2012 (**Motion #132.00**) (Superior Court docket #MMX-CV-10-6001915-S) pending final judgment. There are genuine issues of matter of facts and the Court was unjust in not granting the Defendant the petition for certification for review from the decision of the Appellate Court dismissing her appeal as the appeal is frivolous.

**II. Does Petitioner Shlomit Ruttkamp have the right under the First, Fifth and Fourteenth Amendments to due process of law or the right to petition the Government for a redress of grievances in the interest of justice.**

A party has the right under the First, Fifth and Fourteenth Amendments to due process of law to challenge an order by which the Defendant is aggrieved, and the court has the obligation to provide fair and honest procedures that will comply with the book of law and the rules of law when [there] is an actual controversy between or among the parties to the dispute.

The Plaintiff moved to open a judgment of dismissal that was rendered on February 27<sup>th</sup> 2012, for lack of subject matter jurisdiction, when a timely appeal had not been filed by the

Plaintiff within the 20 days of the ruling of dismissing the underlying suit, and whether motion to open judgment is appropriate for a dismiss case that lacks subject matter jurisdiction. See America's Wholesale Lender v. Pagano, 87 Conn. App. 474, 477-78, 866 A.2d 698 (2005). The law contains no four-month grace period for a Dismiss case that lacked subject matter jurisdiction; See: Levinson v. Lawrence, 162 Conn. App. 548, 565-66, 133 A.3d 468 (2016).

Subject matter jurisdiction is the power of the court to hear and determine cases of the general class to which the proceedings in question belong. (Internal quotation marks omitted.) Esposito v. Specyalski, 268 Conn. 336, 348, 844 A. 2d 211 (2004). Subject matter jurisdiction involves the authority of a court to adjudicate the type of controversy presented by the action before it.

Standing "is the legal right to set judicial machinery in motion. One cannot rightfully invoke the jurisdiction of the court unless he [or she] has, in an individual or action, or a legal or equitable right, title or interest in the subject matter of the controversy." Electrical Contractors, Inc. v. Dept. of Education, 303 Conn. 402, 411, 35 A.3d 188 (2012). The Petitioner, Shlomit Ruttkamp, has a motion with intent to appeal the order granted to the Plaintiff by Judge Lisa Kelly Morgan as the Petitioner filed a motion with intention to appeal the judge's decision filed on August 2, 2012 (**Motion #132.00 See Exhibit 3**) (Superior Court docket #MMX-CV-10-6001915-S) pending final judgment when all the case is disposed of.

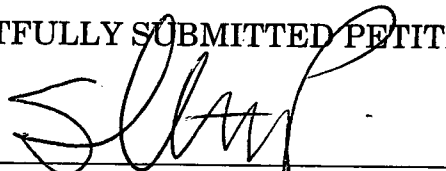
This case is not about a liability issue any longer; it is about the legal standards, the rules of law, and the book of law. It is about individual rights, and about the violation of the Petitioner's liberty and property interests, and the Plaintiff has no right of any justifiable relief of any kind. (Citations

omitted; internal quotation marks omitted.) *Cadle Co. v. D'Addario*, 111 Conn.App. 80, 82 (2008) *Statewide Grievance Committee v. Burton*, 282 Conn. 1. 7, 917 A.2d 1 (2007); *Weiner v. Clinton*, 100 Conn.App. 753, 757, 942 A.2d 469 (2007). The Connecticut Supreme Court explained its fundamental logic as follows: "Because courts are established to resolve actual controversies, before a claimed controversy is entitled to a resolution on the merits it must be justiciable...[u]nder the law of this state. The Plaintiff opened the case that the Connecticut Superior Court had no jurisdiction to open as they dismissed the case on February 27, 2012 for lack of subject matter jurisdiction, and the Petitioner, Shlomit Ruttkamp, should have the right under the First, Fifth and Fourteenth Amendments to due process of law to appeal and to challenge the order of Judge Morgan to open a judgment that she dismissed for lack of subject matter jurisdiction.

### CONCLUSION

For the foregoing reasons, Petitioner Shlomit Ruttkamp respectfully requests that this Court to grant the Petition for Rehearing, and grant certiorari in this case to determine the constitutional right to petition the Government for a redress of grievances.

RESPECTFULLY SUBMITTED PETITIONER



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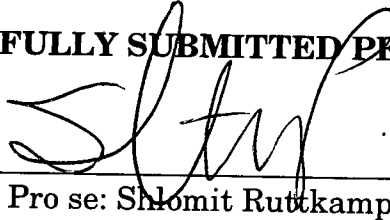
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**CERTIFICATE OF PETITIONER  
SELF-REPRESENTED**

I hereby certify that this petition for rehearing is restricted to the grounds specified in Supreme Court Rule 44. 2, is presented in good faith, in the interest of justice and not for delay.

Executed on this 8<sup>th</sup> day of July 2020.

**RESPECTFULLY SUBMITTED PETITIONER**



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