19-964

In The
Supreme Court of the United States

◊

PETRICE RICKS, CHASLIE LAWRENCE LEWIS CHRISTOPHER LAWRENCE, FREDRICK LAWRENCE, GREGORY LAWRENCE, CHARLIE LAWRENCE JR., REGINALD LAWRENCE, SAMUEL LAWRENCE, CHARLETTE LAWRENCE JONES, CYNTHIA LAWRENCE TOLBERT, GWENDOLYN LAWRENCE HARRISON, CHERYL LAWRENCE HUGHES, CAROLYN LAWRENCE, JANIE LAWRENCE, AND CHARLIE LAWRENCE
Petitioners,

v.

UNIVERSITY HOSPITAL, et al.,
Respondents,

◊

On Petition for Writ of Certiorari To The United States Court of Appeals For The Eleventh Circuit

◊

Writ of Certiorari

◊

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COMPELLING QUESTIONS PRESENTED

1. Whether the decision of the 11th Circuit violates Petitioners Chaslie Lawrence and Petrice Ricks rights as beneficiaries to allow and select enjoining siblings as claimant's and part of real parties' litigants in a negligence civil action under the interpleader statute; and if so, and because no medical malpractice and wrongful death claims was named, Did the Lower Court usage of Georgia State law was in error abridging Petitioners' right to full access and jurisdiction of the Court?

2. The Supreme Court is asked to review minimal diversity of having at least one party to the suit citizenship and domicile different from one party to the citizenry and domicile under the new standards of constitutionality as oppose to the statutory determinants; if so, can enjoined parties to a federal lawsuit have the same entitlements of recognition as a party to the suit? If both conditions are relevant and the parties never apply a state law or tort claim, are the enjoined parties considered real persons having an interest in the lawsuit and claims?

3. Did the 11th Circuit err when they excluded the domicile and citizenry of diverse litigants Gwen Lawrence, Gregory Lawrence, Charlie Lawrence Jr. and Petrice Ricks as enjoined litigants under the Interpleader statute permissibility pursuant to Judicial Code § 41 (26)(a)(i)(a), Article III, § 2. U.S.A Constitution.

4. Petitioners request for review is taken with understanding the High Could elect to not review and that such review would have to be for compelling reasons. Petitioners know other reasons that could move the Court to consider a case when life and death are involved under which institutions that are professionally trained supposed to exercise proper care for citizenry

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. University Hospital Respondents not listed and included under et. al, are listed in the case caption at **Appx F** to include staff, Nurses, Physical Assistants, PA, and Doctors. There also may apply questions involving the constitutionality under which 28 U.S.C. § 2403(a) applies to protections under the Fourth and Fourteenth Amendments. Whereby a class of litigant, Pro se almost never is accorded due process and equity of the Court once the litigants has been identified as proceeding as Pro se; (**Appx B, Pg. 2**) and (**Appx D, Pg. 6**)

List of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

A:

1: United States Court of Appeals for the 11th Circuit where Circuit Judges TJOFLAT, MARCUS and ROSENBAUM affirmed the District Court order upholding Respondents' dispositive motion that the Court lacked subject matter jurisdiction (**Appx B)**

2: United States District Court for the Southern Division of Georgia where Division Article III District Judge Randal Hall ignored new law for jurisdiction and allowed a non jurisdictional Court of Article I Court, Judge Epps to interfere with Petitioners' right to discovery by ordering a Stay of discovery for Respondents in short-circuiting the case. Thereafter, Judge Hall issued an order granting Respondents' dispositive motion of dis-

missal from the Court lacked subject matter jurisdiction. **(Appx D) 6**

3. United States District Court for the Southern Division of Georgia where Division Article I Court Judge Brian Epps wrote two orders impacting the case. The main essential order was allowing the Respondents Motion for Extension of Time to Conduct Rule 26(f) and to stay discovery which is listed at (Appx E). The other order that was not included but was written directed Petitioners enjoined to all sign the Complaint. The involvement of Judge Epps in this federal case of dispositive claims were none consensual by all parties therefore his involvement was unconstitutional

PETITIONERS' CORPORATE DISCLOSURE

Petitioners as family members to include daughters Chaslie Lawrence Lewis, Petrice Ricks, siblings as Christopher Lawrence, Fredrick Lawrence, Gregory Lawrence, Charlie Lawrence Jr., Reginald Lawrence, Samuel Lawrence, Charlette Lawrence Jones, Cynthia Lawrence Tolbert, Dr. Gwendolyn Lawrence Harrison, Cheryl Lawrence Hughes, Carolyn Lawrence, and Parents of Decedent; Charlie Lawrence Sr. and Janie Ruth Lawrence aren't affiliated with any held corporation.

All Petitioners listed herein above are not affiliated with any publicly held entity.
All Petitioners listed herein above do not have any parent corporations of affiliation

All Petitioners listed herein above do not own 10% or more of stock of a party owned by a publicly entity listed or traded on any final market

Persons that have an interest:

District Judges: Federal Courts acting contrary to Federal Magistrate Act that assigned federal cases to Article I courts judges without authorization creating intermediate Courts in violation of U.S. Constitution such judge as Randal Hall assigning the case Brian K. Epps to establish a Magistrate Court Order in a Federal Court of Article III Jurisdiction

Magistrates Judges jurisdiction in federal cases relevant to Rule 12(b)(6) dispositive affirmatives such as Brain K. Epps, Justin Anand, Russell Vineyard, John Larkins III, Janet King, Linda

Walker, Alan J. Baverman, J. Clay Fuller, Walter E. Johnson,_Catherine M. Salinas, Article I Court standing jurisdiction in federal Article III court cases without consent, evidentiary hearings, affirmative defenses filed, not recognized under Article III Constitution. Article I Courts as federal courts pursuant to 28 U.S.C.1331, 28 U.S.C. § 636(c), 28 U.S.C. § 636 § (b)(1)(A), have limited jurisdiction conditioned upon the Exception of dispositive motions.

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11th Circuit Court of Appeals has an interest by their opinion.

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[X] For cases from federal courts:

The Judgment of the United States Court of Appeals
11th Circuit at **Appendix A** to the petition and Decided on August 8, 2019

The opinion of the United States Court of Appeals appears at Appendix **B** to the petition and [X] has been designated [X] Unpublished and decided on July 10, 2019

The United States District Court Judgment of the case on June 4, 2018 at **Appendix C** and may not be reported for publication.

The United States District Court decided order of the case on June 4, 2018 at **Appendix D** and may be reported for publication

The United States Magistrate's Report, decided order of the case on February 14, 2017 at **Appendix E** and may not been reported for publication

JURISDITION

Supreme Court has jurisdiction pursuant to Article III, § 2 of the Constitution and 28 U.S.C. § 1254(1). District Court of Georgia had jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1332 and Eleventh Circuit Court of Appeals has jurisdiction pursuant to 28 U.S.C. § 1331(a)(1), 28 U.S.C. § 1331(a)(2), (*id* at ¶ 5 above) 28 U.S.C. § 1291, 28 U.S.C. §§ 1335, 1397, 2361 with emphasis toward minimal diversity and Federal Interpleader Act.

The Eleventh Circuit jurisdictions were consistent with Civil Procedure and FRAP Rules in determining whether jurisdiction existed for Magistrate Brian K. Epps but disperse when Petitioners sought review from the same trial Court. Magistrate Brian K. Epps authority is called into question surpassing the Constitution delegating authority of an Article III Court exclusive right to federal cases as Petitioners'.

Jurisdiction in this case is central where Judge Epps didn't write an **R&R** but affected jurisdiction by impeding Petitioners' rights to discovery causing the district court to not decide from critical material facts. see *Aguon-Schulte v. Guam Election Comm'n*, 469 F.3d 1236, 1239 (9th Cir. 2006). See also *Allen v. Meyer Reynaga*, 971 F.2d at 417 (holding that "absent consent of all parties, magistrate judge's stay order was "beyond his jurisdiction and was, in essence, a legal nullity").

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 636(b)(1)(A):
This case presents Constitutional issues whereby an Article I Court's limited jurisdiction impeded discovery absent of consent and authority when dispositive motions are filed as an affirmative defense. United States Constitution does not recognize an Article I court in an Article III jurisdiction under 12(b) action without parties consent.

Act 28 U.S.C. § 133
This case presents a statutory issue that old versus new precedent relevant to minimal diversity and domicile are at issue relating to enjoined parties. That is; whether or not there exist such a position of real parties to a case in an interpleader claim where beneficiaries have the right to allow enjoined litigants fully recognition as real aggrieved parties entitled to an apportionment of relief absent of an objections initially presented by Respondents

STATEMENT OF ISSUES

1. Whether Rule 19(1)(B) establishes situational equity for Chasile, Petrice, and enjoined family members parents and siblings?

2. Supreme Court is asked to review the lower Courts allowance of jurisdiction to Judge Epps' involvement and determine why Epps didn't write an R&R? Did he know his involvement created a violation 28 U.S.C. § 636(b)(1)(A) due to Respondents

dispositive motion was filed impacting Article I jurisdiction in federal courts?

3. Children of decedent, Chaslie L. and Petrice R. included decedent's parents and siblings as joined kin is an interested party weren't objected to by Respondents. Claiming that the enjoined parties aren't real parties in interest does not support Rule 19 or the Equity Rule 37 or Georgia's equity laws or interpleader statutes. .

4. The Supreme Court is asked to look into absent of joining Gwen. Lawrence, Greg. Lawrence, Charlie Lawrence Jr. adversely affects the Decedent's beneficiary's ability to recover in the federal court.

5. Petitioners ask the Court to apply the new minimal diversity having only one party required to be citizen of a different state than Georgia and with a domicile of a different.

6. The Supreme Court is asked to resolve blood relatives interest relations where siblings and parent are connected and used most often in all arenas as the next of kin creates an apportionment of interest, if so, joined blood relatives of a family by parents of the same are entitled interested party that never loses kin ties.

7. Petitioners ask the Supreme Court to review did the Trial Court (**Appx D; Pg. 6**) general analysis of kin failed to mention real brothers and sisters from the same parents creating an everlasting interest as next of kin is a continuum of joint severability

STATEMENT OF CASE

Petitioners argue hereinafter referred to as CL; designated FAMILY MEMBER for the Decedent's Estate and on behalf of decedent beneficiaries Petitioners that are all enjoined parties hereby ask the Supreme Court review. Because the case involves the death of CL's sister, the first death of a family member of six (6) boys and six (6) girls were an extreme position to bear of going one day of speaking to a love one and four days thereafter notified that decedent had die. Petitioners' family union was broken and wants those liable for negligence conduct accountable.

Petitioners filed their action of negligence contrary to the Respondent and district Court attempting to reclassify the claims as "medical malpractice and wrongful death claim. See first the 11th Circuit reclassification at (**Appx B Pg.3 ¶1)**, citing "The complaint alleged state law claims of medical negligence, gross negligence, and wrongful death of Daphne Lawrence Ricks."). District Court erred version at (**Appx D, Pgs. 6**,) "wrongful death, and **Appx D, Pg. 10, foot note 2**, are all obfuscation to Petitioner claims at Appx F, Pg. 22, ¶15 Medical professional negligence, **Appx F, Pg. 45 ¶81** "Gross Negligence" **Appx F, Pg. 48 ¶89** "Gross Negligence" yet the Courts used its positions to change Petitioners' claims so that they could apply a Georgia law creating a condition of real party in interest.

Petitioners objected to the Article I Court interference with the case progression in violation of Fed. R. Civ. P. 28 U.S.C. § 636(b)(1)(A), beyond the exception as stated in the procedure under which Judge Epps wrote an order impeding Petitioners' rights for

discovery beyond only having an Article III Court jurisdiction, (**Appx E, Pgs. 13 and 14**).

Petitioners ask for review on grounds the Circuit and Article III courts wrote past the Interpleader Act in allowing Respondents an out of not answering on the merits of the case disregarding negligence to provide proper care to decedent. Petitioners advance further their request on grounds the 11th Circuit's Opinion and Trial Court's order appear to conflict previous Courts' recognition of enjoined Petitioners. The Circuit and District Courts rulings' in of its own sought to ignore Petrice Ricks' domicile in North Carolina and citizenship status, Dr. Gwen Lawrence Harrison, Charlie Jr. Lawrence, and Gregory Lawrence as litigants to the suit for diversity purposes; and the Courts completely failed to follow the statutory interpleader act but rather selectively applied the interpleader Rule beyond 28 U.S.C. § 1335.

The District Court allowed an Article I Court full range of authority in Article III jurisdiction to write orders reserved for a proper Court under III jurisdiction. The affects thereof did trample over Federal Magistrate Act restrictions in dispositive cases as the current. Article I Court involvement did create a dilemma in of its own judicial confusion where the Trial Court Judge ignored Article I Court's limited jurisdiction in dispositive cases and took up jurisdiction; but on the hand ignored the laws to abate jurisdiction when it didn't work to preside over the current case that Respondent raised attempting to escape by raising jurisdictional issues.

Respondents' motion to Stay granted by an inferior Article I Court did usurp or surrogate jurisdiction of an Article III Court that now refused jurisdiction out of conveniences as a process tool contrary to allowing jurisdiction of an Article I Court involvement; but uses this same jurisdictional tool incorrectly to now claim the Court lacks subject matter jurisdiction is dubious extension of Civil Procedure; the Bible for Judiciary where the forgoing is framed in double standards against the objectivity of the Court and against Petitioners. The Court shouldn't in fairness be allowed to have it both ways in ignoring what the Court claims in (**Appx D, Pg. 8, ¶2**) versus the holding regarding *McCormick v. Aderholt*, 293 F.3d 1254, 1257-58 (11th Cir. 2002) that ("Citizenship is equivalent to 'domicile' for the purpose s of diversity jurisdiction.") But turning to menial assertions that Petitioners failed, or statement of only wording to claims that "Even if Petrice Ricks is a North Carolina citizen, however Petitioners do not contest that Petitioners Chaslie Lawrence Lewis is a Georgia citizen is exactly minimal diversity under the new Constitutionality of minimal diversity. How- ever, rather the Circuit has an option to follow an old statute looking directional to old laws of complete diversity versus the new laws supporting having one adverse claimant of diverse citizenship from another state meeting the minimal standard

SUMMARY OF ARGUMENT

The 11th Circuit and District Court both err in constitutionality of applying interpleader statute relevant to enjoined litigants regardless of kin or not caries the same values of foreign state, natural

citizens having different domicile than Defendants as litigant Gwen, Gregory, and Charlie Lawrence showing at least three additional parties and Decedent's daughter Petrice Ricks totaling 4 diverse individuals

Both Courts failed to recognize the new constitutionnality of well-settled modern application of having a minimal of at least one litigant plus enjoined litigants that are citizens and domiciles different from Respondents in Georgia.

The Trial Court and Respondents in error only recognized Lewis and Ricks as real parties are completely frost when central facts are Respondents made no objections to Ricks and Lewis joining other direct siblings and parents family members as next of kin that met the thresholds requirements of having at least one or more party having different domiciles, citizenship, property and residence outside of the State of Georgia. It was Ricks and Lewis right as beneficiary of decedent to allow kin by sibling and parents to be included a as parties to the case instead of 15 individuals lodging separate lawsuits.

Petitioners are all inclusive parties enjoined under Rule 19 is key as next of kin having a unique position of severability as sibling from same parents. The other critical central point is that Respondents never moved to object enjoining members. (1) Question does not filing an objection to enjoined parties creates real parties to the case. The Respondents only approached the case from technical necessities that only the real party in interest is

Petrice and Chaslie. The Supreme Court Clerks and justices have before them the trial appeals and Respondents failing to raise one objection to the content and merit of Petitioners' claims under which should be taken into consideration to balance justice and merit of over the Court pounding a double standard of process jurisdiction

In making this determination to follow the evidence presented together with Petitioners' material facts that have gone undisputed by Respondents, the 11th Circuit; followed by the District misstating the case to include Petitioner filed claims of medical malpractice and CAFA claims which is simply not the case, the Supreme Court could establish clear instruction in applying constitutionality balancing process over merit standards.

The Circuit Court failed to review Petitioner proper claims of negligence that went undisputed relevant to enjoining other litigants under which makes each party named domicile and citizenry outside the state of Georgia significant to establish minimal diverse jurisdiction reasonable inferences in favor of the party opposing the dispositive affirmative defense. See: *Chapman v. AI Transport*, 229 F.3d 1012, 1023 (11th Cir.2000) (*en banc*) (quoting *Haves v. City of Miami*, 52 F.3d 918, 921 (11th Cir.1995)).

"[A]n inference is not reasonable if it is only a guess or a possibility, for such an inference is not based on the evidence but is pure conjecture and speculation." *Daniels v. Twin Oaks Nursing Home*, 692 F.2d 1321, 1324 (11th Cir.1983).

Here in the forgoing case the 11th Circuit didn't even recognized Gwen Lawrence, Gregory Lawrence and Charlie Lawrence as litigants by the beneficiaries of Decedent, Daphne Lawrence, enjoining their names as party to the negligence claims. This was omitted to cause Petitioners to not meet the threshold of minimal diversity and to use an antiquated position of claiming complete diversity is required.

ARGUMENT

A. UNREPRESENTED HAVE NO CHANCE

Petitioners argues whether or not they can rely on the same "Judicial Bible," Civil Procedure doctrine relevant to minimal diversity being one party adverse concept toward meeting the diversity standard unto the new Constitutionality of the Rule. Petitioner affirms they met the standards in both way of having 4 parties diverse as pointed out herein above or having one party minimally diverse.

In fact, Petitioners argue this element is essential for justice that Respondents seek to escape by University Hospital presenting no evidence that their `professionals did or did not cause Decedents' demise; but that this cause is local and therefore not federal jurisdiction is incorrectly premised. United States Supreme Court held in *Chapman*, 229 F.3d at 1023 (quoting *Haves*, 52 F.3d at 921);see also *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 251–52, 106 S.Ct. 2505 ,91 L.Ed.2d 202 (1986) (stating that the determinative question is "whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that

one party must prevail as a matter of law"). The straight forward conclusion is why didn't the Respondents file any defenses to Petitioners' material evidence I Appx F, but rather used an out of `date statute that once required "complete diversity?" Why the Courts refused to accept no objections were lodge by Respondents relevant to enjoined litigants?

Petitioners' advances further the lower courts presenting Petitioners' claims were disingenuous moderately stating that "Petitioners only allege in their amended complaint the residence of a handful of the Petitioners' and their address was to misapply enjoined litigants that were citizens of a different state and minimizing Petrice Ricks, Gwen Lawrence Harrison, Greg. Lawrence and Charlie Jr. Lawrence do in fact meet the standards of diversity by their representing two or more citizenry and domiciles are in different states other than Georgia. Instead of construing all reasonable inferences towards the non-movant when there arises a question of fact supported by Petitioners' evidence that at least one party is does not have the same citizenship as Respondents, Judge Randal Hall defaced Petitioners on Pg. 4 compromising FRCP under Rule 19 by incorrectly allowing judicial difference.

Respondents and Court conflated a recalcitrant conclusion that Petitioners attested Chaslie and Petrice domiciles were in Augusta is contrary to undisputed evidence otherwise showing Petrice permanent residency and citizenship is in North verbatim Carolina and was at the time of filing despite visiting both Atlanta and Augusta Georgia during the time of her mother's death. The Court

and Respondents alleged because the initial complaint document at **Appx F. Pg. 17** "(*id.* ¶ 2) that it established both Petrice and Chaslie's citizenship and domiciles. The Court ignored Appx F. Pg. 18 ¶5 ("Subject matter jurisdiction to the federal court is impacted by Petitioners ' domiciles while Chaslie and Petrice are primary in Augusta Georgia and Decedent's siblings are located in other states" was conflated and mislead to not documenting Petitioners' claims. Once more, the Court conflated wording resident from the record and knew the Circuit would call it as the District wrote in shielding that permanent domicile for Petrice and Chaslie was not declared just because they "visit or is in Atlanta or Augusta, Georgia

B. PETITIONERS' COLLECTIVELY HAS STANDING UNDER FDCP RULE 19

Petitioners argues under FRCP 19 certain elements properly allows a fair Court to consider equity of joining parties in the absence of a person as in this case; Decedent Daphne Lawrence. Despite the Court's rulings, Petitioners love one was death was the results of negligence. Georgia federal Courts of equity and reasonableness failed to consider all interested parties claiming interest in the outcome joined under the Rule 19 would be proper without any objections made and the beneficiary enjoined such parties.

Rule 19 premises a linear function in not aborting the case when joinder is necessary when Petitioners' as Chaslie Lawrence applied a lawful application severability of recovery and liability that affected the entire Lawrence's family. However, if the Courts use

terms as "only stated", (**Appx D, Pg. 9**) phraseology misrepresentations that speculates only a few litigants were named and that both Chaslie Lewis and her sister Petrice are locals which is a complete misrepresentation toward not computing with the objectivity of fairness of the judiciary. For this reasons among others review is required.

Plain language of the current standards relevant to diversity of citizenship moves the determination of diversity of citizenship towards constitutional grants under which Judge Hall failed to even discuss or approach. The same is applicable to the joined parties rights included under Rule 19 that Counsel for the Respondents failed to lodge any objections. Even further to consider, the case met the minimal diversity standards ***but for not*** Judge Hall and Epps appearing to use a "narrow-minded" conscience of accepting Respondents claims that only purports to the statutory alkalinity of the minimal diversity and not the Constitutional base. It appears further that Hall's misconception of the new constitutionality for minimal diversity is stuck in statutory rudiments.

Both Courts misfired relevant to the Constitutional application of minimal diversity under Hall's and Circuit Judges persuasion. Both the Courts and Respondents excluded current Constitution rights and only looked directional toward the governance of statutory citations from *Strawbridge v. Curtiss* case, (citation omitted emphasis toward an old outlived statute of requiring complete diversity) However, *State Farm Fire & Cas. Co. v. Tashire*, 86 U.S. 523, 530-531 (1967) *Tashire* case which is later than

Strawbridge turned the page to freshness of minimal diversity for current application. The new grants of subject matter jurisdiction are purely based upon "minimal diversity." That is, of course; the newness of the minimal diversity concludes on Article III court's posing no impedance as a proper district court.

Petitioners argue Civil Procedure is the doctrine that Federal Courts are supposed to follow in governing law objectively. However, it appears in this case, the very procedure is not followed to open outside of procedure, stare desisis, and conditions precedent to break enjoined litigants domiciled and citizenry to produce a version of the Courts' jurisprudence. In *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938) Civil Procedure documents that diversity of jurisdiction as less the issue rather than addressing substantive law and as in this case the merit of negligence.

Petitioners did initiate their cause of action for negligence **only and not as misstated by the trial Court intentionally on Appx-D, Pg. 1, alleging that medical malpractice**" was indeed a complete pretext in the record at also **(Appx-B-Pg. 2, ¶1)** No claims were identified as liabilities under **medical malpractice**

Petitioners argues the same Court forwarded a notice requiring all parties listed to the suit as undisputed enjoined members to sign the complaint in order to be a part of the lawsuit. The fact that the Court recognized the enjoined kin at the beginning of

the complaint is within the context and meaning of FRCP Rule 19(a). This issue is undisputed.

When the Court noted that all parties must signed the initial complaint, the Court surrendered any further claims against diversity jurisdiction because it had before it Petitioners' (**para 2, Appx F**), that subject matter jurisdiction to the federal court is impacted by Dr. Gwendolyn Lawrence Harrison currently domicile in California, Gregory Lawrence in Arizona, Charlie Junior Lawrence in North Carolina creating a jurisdictional diversity at minimal standing, **Appx F**. Since the central issue is couched in Jurisdiction, the Supreme Court must determine at any time in the course of the case jurisdiction was implied or accepted by the orders written.

Petitioners' amended complaint is premised on minimal diversity by Petitioners domiciles having Petrice Ricks establishing the first prong requirement. Judge Hall failed with the Circuit refusing to consider Petrice establishes one party difference of domicile and citizenry is in North Carolina at the initial filing. A common interest is established in decedent, Daphne Lawrence death was proximate the victim of gross negligence of treatment allowing decedent to go days without notice of an acute Urinary tract infection; **Appx F**. The results of a diabetic decedent having an infection untreated compromised decedent's Kidneys casing the medications finally given four days thereafter to concentrate and her system becoming sepsis shock. Facts to record in **Appx F** that have not been disputed are that during Decedent's second

visit to Respondent's hospital, her blood pressure was low which should have been alarming to an untreated diabetic with an acute UTI. Still Decedent was release and documentation indicated that the Nurse indicated on Daphne' release form **NORMAL; See Appx F, Pg. 49, ¶93.** Thus far Respondents has not disputed this material of fact on merits.

The trial Court attempted to extend past the fundamental meaning of the enjoined parties by claiming that Petitioners are citizens of the State of Georgia and have no complete diversity is not forth-right.

Because the case was unlawfully impeded by an Article I Judge, Petitioners were not given due process of Rule 26, and any subsequent rules of due process for discovery. The Magistrate Judge that isn't recognized both Constitutionally but given limited solitude under a Federal Magistrate Act, or by FRCP to become involved in dispositive cases did violate the rule exception and wrote an illegal order, granting Respondents' Motion to stay abridged Petitioners' rights of fairness and to obtained further central data relevant to Respondents' policies practices procedures The involvement of the Article I Court in an Article III jurisdiction wars against Petitioners rights, U.S. Constitution, Jurisdiction constraints and is clear abuse of the office of the judiciary allowed by lower Courts.

C. THE COURT'S USAGE OF *SUA SPONTE* IS FLAWED

When a setting Judge obfuscate the governing standard formed under Civil Procedure, relevant to minimal diversity, his authority is compromised. The Article III judge's Oath against objectivity of the Court is doing justice. Not only does the Court order undermines fairness, but it aligns totally with the Respondents' position under which failed to object to Chaslie and Petrice beneficiary entitlements of joining other Petitioners directly related to their mother, parents and siblings.

The Court used a non-procedural inference to claim a "real party in interest defense to ignore that minimal diversity exists from parties listed in the suit. Had Respondents raised the argument that they object to enjoining of other Petitioners, (Amended Complaint, Pg. 1, ("Petitioners' Chaslie Lewis and Petrice Ricks enjoined the above listed parties of interest in this cause of action who were adversely affected by the untimely and unnecessary loss of their family members; By way of the signed foregoing complaint, above Petitioners and enjoined family"). Claiming that Petitioners other than Chaslie and Petrice are the only real parties is not a recognized objection in a negligence claim and gross negligence claim that Respondents failed to dispute. Claiming real parties anomalies are done to break subject matter jurisdiction beyond Civil Procedure and minimal diversity of Petrice Ricks, Gwen, Greg, Charlie Lawrence standing as citizens and domicile of a different state.

D. TRIAL COURT ALLOWED DOUBLE STANDARDS

Petitioners objected to the trial Court order (Appx D) attempting to apply a standard on Pg. 2 relating to why the Court is lacking jurisdiction. Petitioners in fact by enjoining Dr. Gwen Lawrence Harrison, Greg Lawrence, Charlie Lawrence, and Petrice Ricks domicile and citizenship of North Carolina are all grounds meeting and exceeding the minimal standards. Petitioners and the Court recognized the claims of diversity Jurisdiction pursuant to 28 U.S.C. § 1332, complete diversity is in question. Now, to manipulate an outcome, the District Court (Appx D) on Pg., 2 ignored the minimal standard requiring only two parties to be citizens and domicile different from Respondents and in a different state diverse from Respondents. When the Court had above the two parties and that Petrice income taxes, or documents showed her domicile was in North Carolina, the Court thereafter claimed although these facts were present and central, still claimed that no complete diversity was present is a complete untruth as supported by the enjoined parties with Petrice domicile of North Carolina.

The Respondents and Courts expressed "even if Ms. Ricks were a citizen of North Carolina, Petitioners have not disputed that Ms. Lewis is a Georgia resident. The same analogy was adopted by the District Judge by claiming in the order (Appx D) at note 1"Petitioners haven't alleged the Class Action Fairness Act" is simply imprudent. Nothing is mentioned from the standard of enjoining Petitioners of diversity domiciles as applicable to at least two

parties being diverse to construe the minimal diversity standards. Accordingly, only one adverse party is required under the new standard of minimal diversity. Petitioners cannot find no procedure or codified law that disassociate or re-classify enjoined parties to a suit as non-relevant and non -real party in interest once Rule 19 been applied and no objections were made. Moreover, Petitioners cannot find no laws that disassociate Petitioners from being real if the Petitioners of real status make by enjoining other parties to a cause of action as beneficiaries. Besides this Court directed Petitioners to have all parties sign the lawsuit in order to become parties to the suit in a Pleading.

The Petitioners objected to the trial and Appeals Courts stressing Petitioners, although is diverse; are not complete diverse, *Id.* at Pgs. 2 and 3. Petitioners are not playing trickery and using word phraseology. Petitioners alleged diversity and domicile by state of residency creates the citizenship status of that state. The Court in total conflict confirmed Petitioners' statement. The District Court on (Appx D, Pg.8, ¶2) validated further Petitioners' claims of diversity by documenting "("Citizenship is equivalent to domicile for the purposes of diversity jurisdiction")"

The Court went further to state "A person's domicile is the place of his true, fixed, and permanent home and principal establishment, and to which he has the intention of returning whenever he is absent therefrom." Why isn't this statement relevant to Petrice Ricks as Petitioners that announced "Subject matter Jurisdiction to the federal court is impacted by Petitioners' domiciles while Chaslie's and Petrice

are primarily in Augusta Georgia" is in no way claiming her domicile and citizenship is in Augusta? However to produce the outcome desired the same Court Judge, manipulated the statement to claim on Pg. 3 that "Petitioners failed to plead (1) Petitioners citizenship. In fact, as noted above, claiming domicile are diverse is the equivalent to claiming citizenship, (*Id* at Court Order App C, Pg. 3) See Petitioners' Amended Complaint at Pg. 3, para 2. See also Amended Cpl., Pg.4, para 5 the Court conveniently omits that "Petitioners' Chaslie Lewis and Petrice Ricks currently and temporally reside at 2740 Highpoint Road, Snellville, Georgia, 30078 and reserved the right to modify their residences at time of changes" is in no way of surrendering Petrice's domicile is North Carolina because she did return to North Carolina after spending time in both Augusta and Snellville. The fact that this points further aligns itself to Petitioners ' position as noted for a person domicile of fixed and permanent home, the Court again failed to address and opted out of introducing Pg. 4, ¶5 essential fact.

Petitioners objected to the Trial Court's remedy towards Respondents' claims that cites "Diversity jurisdiction is measured at time the action is filed," *PTA-FLA, Inc. v. ZTE USA, Inc.*, 844 F.3d 1299 (11th Cir. 2016) The case is misplaced and don't apply here because Petrice Ricks domicile of North Carolina was never relinquished. The Court in error construed Petrice temporary visit to Augusta and Snellville, Georgia contemporaneously as her domicile which was and still totally false. To measure Petrice's domicile as permanently fixed citizen of the State of Georgia is ignoring Petitioners's Petrice

reserving the right to modified and declare her domicile as a North Carolina citizen." And her returning to her residence once her mother's affairs and estate was dissolved. CL, a sibling to decedent stating Petrice and Chaslie are primary in Augusta, Georgia cannot be speculated that their domiciles and citizenships are in Georgia. Yes, they were primary in Augusta but no, Petrice lived with her father in North Carolina, worked and paid taxes in the same state and still to this date works and is a citizen of North Carolina for the purposes of minimal diversity. Moreover, the same is true with joined sibling Gwen, Greg, and Charlie Lawrence Jr.

The Article III Court was supposed to rule on jurisdiction based upon Petitioners' allegations and not the merits. In other words, this Court went outside of procedure to rule on the merit of Respondents' three corner motion instead of four corners affirmative defense, and failed miserably to check Respondents meritiness motion against Petitioners' allegations, *Zacharia v. Harbor Island Spa Inc.*, 684 F2d 199 (2d Cir. 1982) reversed a District Court ruling as a similar fact pattern.

The 2d Cir. held:

"**The jurisdiction determination is to be made on the basis of the Petitioners' allegations, not on a decision on the merits * * * We have allowed, however, resort to material developed in discovery to be used to amplify the meaning of the complaint's allegations * * * We have not however, held that defenses asserted on the merits may be considered and adjudicated on jurisdictional motions.**"

The same case Circuit Court went on to cite that:

"**Even if the Court interpretation of Florida law were correct, dismissal contravenes the rule that the existence of a valid defense does not deprive a federal court of jurisdiction.**"

Petitioners argue the Court allowed an Article I Court to illegally become involved at the pleading stage and write an order staying discovery establishes jurisdiction else the Court was in violation of procedure when the Article I Court usurped jurisdiction to give an order impeding discovery. The damage of such disenfranchised Petitioners from verifying if Respondents were in fact Citizens of Georgia or whether or not they only worked in Georgia but retained domiciles outside the State.

Petitioners object to Court order **Appx D Pg. 4** moving the Civil Procedure past the enjoined parties' domiciles that created litigant's minimal diversity. The Court on Pg. 4 cites Petitioners claims of establishing jurisdictional diversity toward minimal diversity but yet without following more than two of the parties had different citizenships. Petitioners show Gwen, Greg. Charlie and Petrice citizenships shows the Court's erred

Petitioners object to the Judge's order that confuses the affirmative alleged. Respondents and Court misapplied Petitioners claim and used the standard for Georgia's **wrongful death** claims for power and authority as it is relegated to the beneficiaries. Petitioners does not dispute both Chaslie and Petrice

authority but advances they both vested their authority to Christopher Lawrence by enjoining Chris L to be the designated person on the behalf of the beneficiaries. As such, Petitioners Chaslie and Petrice also divested their control as being the primary beneficiaries. Nothing in Georgia's statutes restricts or precludes divesting real party interest when multiple Plaintiffs are enjoined in a lawsuit. Georgia law versus Fed. R. of Civ, P. does not restrict enjoined members to a cause of action authority by designation of such power once they have executed a lawsuit for negligence and have been identified as such as enjoined.

Instead of addressing whether Petitioners at the inception of a complaint stage could enjoin others and had the rights to enjoin beneficial Petitioners creating a real interest, the Courts and Respondents only look to Georgia law for wrongful death and malpractice requisites that do not apply here in the Federal jurisdiction of this case under negligence claims and damages

Did the Court attempt to dislodge the enjoined parties by making them as reference not real parties in interest? *ASSN v. Lee,* 446 U.S. 458, 461 (1980), the interplay was not disputed against enjoined parties. The Supreme Court was not asked to rule from the Real Parties in interest or enjoining parties via parents and siblings. In *Navarro Savings Assn v. Lee,* the High Court was asked to determine whether the trustees of a business trust may invoke the diversity jurisdiction of the federal courts on the basis of their own citizenship, rather than that of the trust's beneficial shareholders. [446 U.S. 458, 459]

Herein this case, the beneficiaries as being daughters of decedent exercised their rights to include the decedent's brothers, sisters, and Parents due to considering family severability is never lost when siblings are born from same parents as a family unit

Under Note 2, Pg. 5 is also intentionally misstated by the Judge to claim Petitioners patently made a false claim that equates Petitioners' case to the merits of Negligence and damages. The Circuit should note that Petitioners case is not based on a Wrongful death claim nor is it based on medical malpractice as the judge and Respondents outright told untruths. Petitioners framed their case under NEGLIGENCE AND DAMAGES, Pg 1,COUNT - I, MEDICAL PROFESSIONAL NEGLIGENCE Pg. 8, The Court attempts to write its own version of Petitioners ' claims is to produce the output dissociating the undisputed enjoined parties to the suit

Regarding Appx D, Note 1, Pg 5 relevant to the District Court must disregard nominal or formal parties is not the classification of the parties to the forgoing claims. The question that must be establish is whether the Supreme Court statement in "State *Farm Fire & Cas. Co. v. Tashire,* 386 U.S. 523, 530 - 531 (1967) included all parties named in the case that signed onto the complaint or as claimed by the court in moving the dial to state real party in interest in a federal case. In *State Farm Fire & Cas. Co. v. Tashire,* 386 U.S. 523, 530 -531 (1967) the Supreme Court held:

"That the diversity of citizenship statute required complete diversity; where co-

citizens appeared on both sides of a dispute, jurisdiction was lost. But Chief Justice Marshall there purported to construe only the words of the act of Congress, not the Constitution itself. And in a variety of contexts this Court and the lower courts have concluded that Article III poses no obstacle to the legislative extension of federal jurisdiction, founded on diversity, so long as any two adverse parties are not co-citizens. Accordingly, we conclude that the present case is properly in the federal courts."

Does the phraseology in "**so long as any two adverse parties are not co-citizens**" defines a specific party; and if so, can the Court exclude a party from being a citizen of another state if its uses real party in interest language not ever mentioned in the Supreme Court findings in *State Farm Fire & Cas. Co. v. Tashire,* 386 U.S. 523, 530 -531 (1967). The other issue of contention is the does the "**so long as any two adverse parties are not co-citizen**" excludes enjoined parties as allowed and unabated as inn this case where the beneficiaries did include.

Moreover, jurisdiction is met when Respondents have not disputed Petitioners enjoining Parties that have citizenship outside the State of Georgia? Moreover subject matter jurisdiction is met when one party domicile and citizen is of another state as such with Petrice, Gwen, Greg, and Charlie. Because the Court wanted to leverage its decision by not recognizing Decedent's kin ENJOINED outside the state of Georgia and those bearing domicile and

citizenship from California, Phoenix, North Carolina would in fact meet the threshold requirements under Interpleader Act, the 11th Circuit cited on (**Appx B, Pg. 3**). The Lower courts excluded and made them appear in the record as not real party in interest to a misaligned claim of wrongful death and malpractice pretext charge.

Time after time Georgia Courts' have held where the language of a statute is plain or law, the Courts need not add their interpretation to draw a conclusion. Here in the forgoing case the Court took the position that primary in Augusta represent of Petrice and Chaslie residence in Augusta is not support be fact. In fact, this case shows at the onset, the same Court put on hold the case due to sending Petitioners instructions that all parties to the suit must therefore signed the lawsuit. In other words, even before the Respondents attempted to displace Petitioners other than Petrice and Chaslic, this Court recognized all parties that signed the complaint were parties to the lawsuit and complaint at law. No request was made for an indefinite statement. Now, suddenly the District and Appeals Courts went in reverse requiring both *sua sponte* and *de novo* implications to review as an erred of the Courts.

E. DISPOSITIVE MOTIONS RESPONSIVE ARGUMENTS FROM NONMOVANT SUPPOSED TO BE ACCEPT AS TRUE

Petitioners filed a reply to Respondents' untimely response in violations of Fed, R. Civ. P. 6(6)(d) by

failing to timely serve Petitioners with a copy of an answer within 3 days of their erroneous filing with the Clerk of Court allegedly on December 4, 2017.

Specifically, Gwen Lawrence Harrison, Gregory Lawrence, Charlie Lawrence Jr. and Petrice Ricks all domiciles are in different states as Petitioners facts show as enjoined. See *State Farm Fire & Cas. Co. v. Tashire,* 386 U.S. 523, 530 -531 (1967) where the High Court articulated essentials precedent that should be followed consistently that the Constitutional grants of diversity of citizenship instead of the statutory limits or language. In State *Farm Fire & Cas. Co. v. Tashire,* 386 U.S. 523, 530 - 531 (1967)

The Court's order seeks to ignore 4 separate parties that have different domiciles. So, when the Court claims on (**Appx D, Pg. 11, ¶2**).that Petition- ers failed their burden, Judge Hall erred in his decision to look only from complete diversity has been rendered antiquated against the Interpleader Act 28 U.S.C. § 133

The Court need not continue in ignorance of claiming because some Petitioners are Georgia citizens as with the Respondents, is still misplaced because two or more of the Petitioners have different domicile which would meet the standard requirements surpassing the old dysfunctional law that abridged litigants rights and access to the court on a process technicality such as *Strawbridge v. Curtiss,* 7 U.S.267, 2 L. Ed. 435 (1806) antiquated position against the two claimant/ Petitioners rule for minimal diversity. Moreover, two and more adverse

parties exist in the complaint and amended complaint and by having domiciles in different states as California, Arizona, and North Carolina do meet minimal standing. The Court relying of the notion that citizenship must be alleged is rubbish and nonsensical when the judge previously cited that domicile is the equivalent to citizenship, (Appx D 8, ¶2).

Respondents' and Courts are attempting to isolates Petitioners by incorrectly referencing "real parties in interest" is misplaced. There is no doubt the as listed parties enjoined all signed on the lawsuit have interest as a family of direct relation through the same mother, father, and sibling connection whereby the Decedent does not lose her connection for the purposes of comparative association. CL's sister death fully comports to Georgia law for modified comparative negligence laws instead of Respondents attempt to switch Petitioners' claims to "Georgia's wrongful death statute and the Appeals Court using malpractice. Petitioners also asserted claims under "Medical Professional Negligence, Gross Negligence and causation of injuries transferred to direct elements of injuries causing Decedent's death; Appx F para 15, para 71, para 81, and para 89.

REASON FOR GRANTING THE PETITION

11th Circuit usage of *Barbour v. Haley*, 471 F. 3d 1222, 1225 (11th Cir. 2006) and reviewed for clear error a District Court's factual findings concerning jurisdiction, *Bryant v. Rich*, 530 F. 3d 1368, 1377 (11th Cir. 2008) are misplaced due to the 11th Circuit opined that Bryant "did not allege, in any of

his pleadings, the citizenship of the law firm or its members." Here in Petitioners claims, they pointed out that minimal diversity existed via Petrice Ricks and other enjoined plaintiffs as siblings' domiciles were in other states different from Respondent's.

Because the Circuit Court appears to place all Pro se complaints in judicial stereotype of lacking subject-matter jurisdiction, the opinions deny equal access to the court and allow for the subject matter erred claims almost never goes unchallenged. This appears to be the effective tool of impeding pro se cases, while many cases would have been decided for pro ses on the merits of their claims and material facts of support. See Charlette Jones vs. Sterling Jewelers, Reeves Reeves vs. Gwinnett County Board of Education, Lawrence vs. Bank of America, and the list goes on.

Supreme Court jurisdiction is evoked on the basis that the Circuit Court Order (**App B, Pg., 2**) self-implodes by claims that "District Courts have subject matter jurisdiction over civil actions between citizens of different states or between citizens of a state of a state and of a foreign country, where the mount in controversy exceeds $75,000, 28 U.S.C. §1332(a)" is indeed hypocrisy when facts to the record clearly show Petrice Ricks is a citizen of a foreign state of North Carolina, her domicile and citizenship state, the claims presented exceed the threshold requirement as listed herein and standards set forth that the Court's Opinion on (**Appx B, Pg. 2, ¶**)

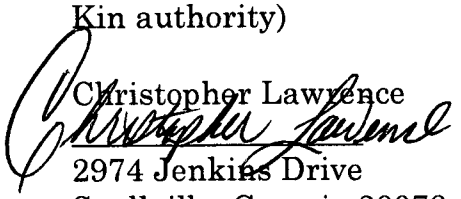
CONCLUSION

WHEREFORE Petitioners concludes the case should be remanded to District Court. Petitioners' also have no problems in the Supreme Court allowing Respondents to answer why they failed to provide reasonable care to Decedent on two separate visits to University Hospital that went unanswered.

Decedent's entire family has the right to know why Respondents failed to treat properly their sibling, a daughter, mother, and sister, when all evidence shows delta changes and blood pressures being both high and low at different presented a comprised system under distress and yet, University told this family that the Decedent was normal on Friday, September 26, 2015 with a BP 91/64 mmHg is an lethargic status for a diabetic. See **Appx F Pg. 49, ¶93** of Petitioners Exhibit **11**, and allowed Decedent to go home under those abnormal conditions. Petitioners want to know and have no problems in this Supreme at least allowing the Respondents to answer each separate claim in **Appx F** instead of telling this grieving family unit that this Court cannot decide or hear the issues that cause Decedent's death. When life is taken justifiably or not, an unjust reason from the responsible parties is at the question of accounting why. In this case, Respondents don't want to account or answer for this death. **Petitioners** to this cause of action ask the Court and Clerks to consider f it was your family member and to vacate the order for allowing an Article I Court jurisdiction in an Article III Court affecting Article III Court. Clarify and identify the **"so long as any two adverse parties are not co-citizens" condition that would exact enjoined**

Petitioners to a lawsuit by meaning and language if the so as long remained in a federal jurisdiction similar to the dissimilarities as process of service within the federal courts versus state.

Christopher Lawrence, (Enjoined Party to suit, and as designated on the behalf of Petitioners by next of Kin authority)



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December 6, 2019