

Case No. 20-1023

THE SUPREME COURT
OF THE UNITED
STATES

Jean Coulter, Petitioner

v.

Tony Bagnato, et. al., Respondents

On Petition for Certiorari
to the Supreme Court of Pennsylvania

Petition for Reconsideration
of Denial of Writ of Certiorari

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Reconsideration of the denial of Coulter's petition for Certiorari is required as Pennsylvania's Rule of Civil Procedure Pa. R.C.P. Rule 233.1 Unconstitutionally restricts the ability of Pro Se Plaintiffs to recover for damages. This Rule by Pennsylvania's highest court, ostensibly was implemented to assure that because Pro Se Litigants are not concerned about any possible "professional repercussions", Pro Se Litigants will be more likely to violate the restrictions of either *res judicata* or *collateral estoppel*. **However, the courts in all of the other states (and the District of Columbia) recognize, there is no need for this unconstitutional restriction on the Due Process Rights of Pro Se Plaintiffs** (especially as both *res judicata* and *collateral estoppel* are always applicable to Pro Se Litigants as well).

Case Law from Pennsylvania proves that the Unconstitutional restrictions of Rule 233.1 adversely affect cases filed by all "classes" of individuals seeking recovery for injuries resulting from all forms of wrongdoing by all categories of defendants. (pages 15-23)

Argument for Reconsideration

Coulter's timely **"Motion for Stay of Proceedings in This Court ..."** was never filed, as this court's Clerk erroneously determined that Coulter had failed to comply with requirements that Coulter first seek to have the state's highest court **Order This Honorable Court to stay proceedings in the Instant Matter in this court.** Coulter requested that This Court delay consideration of this matter until the Pennsylvania Supreme Court could rule on the identical argument (which Coulter argued in a

matter currently before the state's highest court). Specifically, Coulter's Motion for Stay explains that :

1.) **Pennsylvania, alone**, among all of the states, has implemented a method (a Rule of Court) which is **exclusively intended to more readily dismiss cases** which are filed by Pro Se Litigants, as stated in the decision for **GUARRASI v.**

Gambardella, Pa: Commonwealth Court 2014 "... **the requirements of Rule 233.1 are not as stringent as the traditional collateral estoppel requirements.** *Gray v. Buonopane*, 53 A.3d 829, 836 (Pa. Super. 2012), appeal denied, 64 A.3d 632 (Pa. 2013)..." **(emphasis added)**

2.) While the state's highest court has previously denied review of ... the "Unconstitutional properties of the state's Rule of Civil Procedure, Rule 233.1" Coulter had not previously argued the Rule's violation of the Rule Making Authority of the state's highest court". Therefore, Coulter suggested that the state's highest court should be permitted to complete consideration of this specific argument in order to conserve this court's valuable resources. **(emphasis added)** (pages 13-15)

Clearly the State Courts Needs to be Supervised.

Pennsylvania has a well-documented history of Judicial abuses beyond the unconstitutional restrictions which are potentially placed on all Pro Se Plaintiffs. These abuses include notorious scandals :

a. Corruption in the state's highest court
"Porn Gate" ended the careers of two (2) of the seven (7) Justices of Pennsylvania's Supreme Court. The scandal began when state Justices and members of the Attorney General's Office emailed, often about matters completely unrelated to their employment -

and frequently those emails were pornographic or otherwise evidenced deeply held derogatory opinions of various groups.

During roughly that same time period, another of the Justices was arrested for using her office staff to run her political campaign. While that (female) Jurist was sentenced to House Arrest (and required to write a personal apology to every other jurist in the state (on the back of a photograph of the Justice in handcuffs)) – the Jurist's sister (a state legislator) received a sentence to 2 ½ years in the state's correctional institution – for the identical crime!

b. "Judicial" scandals extend beyond the state's highest court.

i. In Luzerne County the "Kids for Cash" scandal proved that personal gain was a frighteningly common reason for decisions by the State Courts. In that scandal, more than 2500 "kids" were wrongly imprisoned in two private correctional facilities, which paid "kick-backs" to the sentencing judge, for each day that each child was incarcerated!

ii. And then there is the situation which resulted in an entire Philadelphia Court Division being (eventually) eliminated by the state legislature after essentially every judge was found to be so corrupt that the entire division had to be scrapped and jurisdiction for traffic offenses transferred to the Philadelphia Municipal Court. This comes from a decision by the Pennsylvania Courts :

Philadelphia Municipal Court Traffic Division

Compliance Program

May 2015

... For decades the former Traffic Court was plagued with recurring scandals that undermined public confidence in the court. In

2011, following a raid by the Federal Bureau of Investigation, the Pennsylvania Supreme Court took the unprecedented step of appointing a commissioned Court of Common Pleas judge as Administrative Judge of the Traffic Court with the mission of reforming the Traffic Court permanently and restoring public confidence in the adjudication of traffic citations in Philadelphia. Major reforms implemented since 2011 include:

... As a result of these and other reforms, and the recent federal prosecutions of former Traffic Court judges and staff, there is, at present, a high level of confidence that the Traffic Division is operating with integrity and professionalism. However, **history has shown that past efforts to reform the Traffic Court attenuated over time, and corruption – fueled by the insatiable desire of many Philadelphians to fix traffic tickets – always returned. ...** (emphasis added)

It must be noted both that (a.) even the state courts have acknowledged that there is significant history of corruption in the state courts and that (b.) the official judicial response by the Pennsylvania Courts (in May 2015) **occurred years after the New York Times reported that federal prosecutors were pressing charges against the nine Traffic Court Judges :**

“... unveiled fraud charges against nine”
current and former “Philadelphia Traffic Court judges accused of dismissing or reducing traffic citations for political, business and social associates in return for favors ...”

(of “car repairs and shipments of seafood”)

**Existing Disciplinary Procedures in
Pennsylvania and Elsewhere - Assure That Only
the Most Extreme Judicial Abuse Will Ever Be
Addressed.**

In Pennsylvania, it is generally acknowledged that the scandals are the result of the atmosphere of acceptance of the **corruption in all of the state's courts, which continues despite the publicity** which resulted from those earlier scandals. In fact, **The Legal Intelligencer** published an article entitled **"Why Do Pennsylvania's Courts Suffer From Chronic Scandal?"** which explains that the problems continue for a number of reasons, including the fact that the **"judicial disciplinary system that remains ineffective despite reform efforts"** :

" ... Court leaders often claim that these examples of corruption and misconduct are isolated incidents carried out by a few bad apples. But *legal and political experts argue a number of overarching factors contribute to Pennsylvania's judicial woes*, from the election of judges to political cronyism, *allowed to fester by a judicial disciplinary system that remains ineffective despite reform efforts. ...*" (*emphasis added*) (page 45)

Coulter has repeatedly attempted to have issues confronted by the state's Judicial Conduct Board. However, Coulter has learned that the composition of the **Board consistently assures that no jurist will be "disciplined" – unless the misconduct is sworn to by members of the legal profession** (a rare situation indeed)! Pennsylvania's Judicial Conduct Board has twelve (12) members – six (6) appointed by the state's highest court and six (6) by

the state's governor. Any decision to discipline any judge, requires that a majority (7 or more) of the members vote. Further, each set of appointments must include three (3) members of the legal profession (judges or lawyers) and three (3) who are neither judges nor lawyers. So, theoretically, there *might* be an equal number of "civilians" as there are lawyers/judges – and therefore, realistically, *essentially there can never can there be any "convictions"* as to convince a judge or lawyer to "convict" a judge of wrong-doing is nearly impossible! However, the Board's composition is typically even further skewed by the fact that essentially always, at least one of the "civilians" on the Board, is a member of Law Enforcement.

Indeed, the overt corruption is so wide-spread that, as described in the texts of Coulter's recent "Confidential Requests for Investigation" (pages 53-56), every single jurist in state's lower appellate court chose to either personally violate Federal Criminal Statutes (including Color of Law Violation of Rights) or chose to conceal that crime by a fellow jurist thus violating the Federal Felony Color of Law Conspiracy Against Rights (18 U.S.C. Sections 242 and 241). This occurred when Coulter was required (by an anonymous Order, which was docketed after the Panel had relinquished jurisdiction back to the trial court), to post a bond, and request permission to file an appeal – despite Coulter's absolute "Right of Appeal" under Pennsylvania's Constitution, Article V, The Judiciary § 9. Right of appeal : "There shall be a right of appeal in all cases..." In 2020, a Motions Panel (in the Superior Court) denied Coulter permission to file appeal – and that decision was later affirmed by the En Banc decision. Clearly the jurists who "denied"

Coulter's Right of Appeal were violating Coulter's Right to Due Process and their decision was issued under the "Color of Law" – so their actions constitute the violation of both state and federal laws.

In order to address the crimes by all of those jurists, Coulter filed complaints with the state's Judicial Disciplinary Board, and, not surprisingly, the state's disciplinary board functioned as it was "designed" to do – refusing to discipline any of the judges – despite the fact that in doing so, at least six (6) members of the Board also became criminal co-conspirators as those six (6) judges/lawyers are also required, by their code of conduct (and therefore by the law) to report the crimes they learned of through the consideration of Coulter's Complaint for Investigation which they had just voted on.

The intentionally "ineffective" design of the state's "judicial disciplinary system" is far from exclusive to Pennsylvania. (pages 23-44)
Indeed, as the New Hampshire Judicial Conduct Committee explains, the membership of the Board is frequently and even blatantly biased in favor of "acceptance" of wrongdoing by jurists - as the Board Members are specifically selected for their expected bias in favor of the State's Judiciary
(From : <https://www.courts.state.nh.us/committees/judconductcomm/overview.htm>) :

"In [ONLY] seven states a majority of the members are neither judges nor lawyers. New Hampshire is one such state where six of the eleven committee members are lay persons."

And New Hampshire's site explains that making it theoretically possible for judicial conduct to be actually addressed is all that the Boards typically permit. Indeed, New Hampshire (and other states)

typically assure that the majority of the members will vote to disregard the “improprieties” (regardless of how serious they are), simply because the Members are carefully chosen to assure their depth of bias. Indeed, in New Hampshire, two of the potentially unbiased Members are appointed by either the state’s highest court or by the New Hampshire Bar Association :

“- One public member and one alternate public member who is not a judge, attorney, clerk of court, or elected or appointed public official, is appointed by the president of the New Hampshire Bar Association.

- One public member and one alternate public member who is not a judge, attorney, clerk of court, or elected or appointed public official, is appointed by the Supreme Court. ...” (emphasis added)

So, the theoretically unbiased members of the committee must still be *expected* to be biased, as that is why they were chosen by the judges (and lawyers) to serve on the committee.

This Court Must Protect ALL Pro Se Litigants as Pa.R.C.P. Rule 233.1 is Used in Nearly 100 Cases on Google Scholar Alone

Although Coulter alone is requesting Certiorari in this court, a search on Google Scholar has uncovered appeals of decisions related to **Rule 233.1** dismissals, in both the state’s appellate courts (as well as in three (3) cases in the U.S. District Courts. (pages 23 – 43) These however are only the tip of the iceberg, as Coulter is personally aware of at least three (3) more which she uncovered in a brief searching of “233.1” on Google. These pro se cases have been filed

by numerous individuals (of varied backgrounds) – and they involve a wide range of issues. And, what is even more disturbing is that, despite the fact that Rule 233.1 only permits imposition of 233.1 by the Trial Court, and only following a request to do so by Defendants, one at least two separate occasions¹ jurists from the Superior Court have overstepped their authority and sua sponte imposed the restrictions of Rule 233.1 – completely lacking the authority to do so. **This Honorable Court must act to defend the rights of pro se litigants to seek recovery in a highly biased state court system.**

The cases discovered in the search of “233.1” show that numerous Plaintiff’s have been “caught” by this Unconstitutional Rule and the Claims in those cases are equally varied, but can be grouped into these areas :

Claims against banks/mortgage lenders

Gray v. Buonopane, Gray v. PennyMac Corp., Abdullah v. Davids, Gray v. Yavil, Straker v. Wells Fargo Bank, Bucano v. Law Offices of Gregory Javardian, Kawah v. PHH Mortgage Corporation, Taggart v. Mortgage Electronic Registration Systems, Inc., The Bank of New York Mellon v. Mazza, Gray v. Bridgeford, Pennymac Corp. v. Garrett¹

1 Both **Pennymac Corp. v. Garrett, Pa: Superior Court 2019** (“Additionally, we bar appellant from continuing to raise either the same or related claims without leave of court”) and **Lichtman v. Moss, Pa: Superior Court 2019** (“Additionally, we bar appellant from continuing to raise either the same or related claims without leave of court. Pa.R.Civ.P. 233.1(c).”) highlight how the State Courts unconstitutionally and even (**continued**)

Claims against members of the Justice System
(including Law Enforcement)

Gray v. Buonopane, Bolick v. Com., Gray
v. Yavil, Vasquez v. City of Reading,
Conaway v. Fayette County District
Attorney, Guarrasi v. Hanover Insurance
Company, Brock v. AXA Equitable Life
Insurance Company, George v. Meltzer,
Kerns v. Tharp, Gochin v. Feldman,
Guarrasi v. Gambardellam Dixon v.
Valsamidis, Citizens Bank v. Guerra,
McArdle v. Hufnagel, Barren v.
Pennsylvania State Police, Boatn v.
Miller, Bolick v. Sacavage

Claims involving discrimination (race,
disability, etc)

Abdullah v. Davids, Lichtman v. Walton,
LeBoon v. McLivain

illegally, abuse their authority to pummel any pro se litigant who displeases them for any reason. Indeed, the Rule of Court permits only the Trial Court to restrict access to the courts – and even then, the Trial Court may only do so, if and only if, the defendant(s) have requested this action.

In Schneller v. Prothonotary of Montgomery County the Trial Court ordered that the Prothonotary may not accept any more filings by Plaintiff, including Notice of Appeal – clearly beyond the scope of the (equally clearly) unconstitutional Rule.

It is believed that such blatant abuses by the state courts would never occur if those jurists believed that in any meaningful manner they would be brought to task for their decisions which far exceed the authority which they actually possess due to their official position as a judge in the state courts.

Claims against Government entities

Vasquez v. City of Reading, Lerner v.
Philadelphia Tax Review Board,
Wholaver v. Commonwealth, Cicchiello v.
Service Employee International Union
Healthcare Pennsylvania, Borough of
East McKeesport v. Grove, Crock v.
Carnegie Library of Pittsburgh,
Duquesne City v. Comensky, Cicchiello v.
SEIU 1199P Union Service, Lee v.
Petiolichio, Schneller v. Prothonotary of
Montgomery County

Other (malpractice, consumer, insurance,
landlord/Tenant, etc.)

McNeill v. TEL-LINK, Kerns v. JLR.
Benckini v. Lichtenwalner, Mickman v.
Mickman, Brock v. AXA Equitable Life
Insurance Company, Dutton v. Hospital
of University of Pennsylvania, Subacute
v. Schneller, Moyer v. PPL Electric
Utilities Corporation, LeBoon v.
McLivain, Dutton v. McCrea, Feingold v.
GPX FT Apartment Properties, Schneller
v. Halfpenny Management Co., N'Jai v.
University of Pittsburgh Medical Center,
Crock v. Craig, Ackerman v. Mercy
Behavioral Health, Fonner v. Travelers
Home & Marine Insurance Company

Conclusion

Despite the fact that this matter only directly
concerns the corruption and blatant violation of
Coulter's Constitutional Rights, **it should be seen as
a "Call to Action" for This Honorable Court.** We

have all seen the way that certain members of Law Enforcement have gone far beyond the limits of their authority – acting as judge, jury and (and even occasionally, as) executioner on the streets of our cities. The actions by the state's judiciary on the other hand remains frequently unseen as the courtrooms typically forbid the use of cameras or other recording equipment. But proportionally, the abuses by those members of the Justice System are no less frequent – and no less destructive!

Coulter's Right of Appeal has been violated by the state courts and thus, Coulter has no choice but to appeal to This Honorable Court to defend Coulter's Rights. But This Court needs to act, now, to make it understood that This Honorable Court will defend the Rights of every person in the country who might get into a dispute about damages caused by their neighbor's trees, or defective work by a contractor, or even medical errors!

While This Honorable Court is clearly not directly personally responsible for any of the wrongdoings involved in the Instant Matter , or has any direct responsibility for the imposition of Rule 233.1 by the state's highest court – **all of these disgraces are occurring on your watch – and only This Honorable Court can take the steps necessary to assure that the next generation is not subjected to the results of the extreme corruption which is occurring in courts all over this country!**

Coulter respectfully requests that This Honorable Court reconsider and grant Certiorari, so that the Pennsylvania Courts will begin to respect the limitations of their authority as well as the purpose and strength of our Constitutions (both state and federal)

**Additional material
from this filing is
available in the
Clerk's Office.**