

No. 20-1318

SUPREME COURT OF THE UNITED STATES

Vincent W. Shack,

Petitioner,

vs.

**NBC UNIVERSAL MEDIA, LLC et al,
IMG WORLDWIDE, INC,
LADIES PROFESSIONAL GOLF ASSOCIATION,
SAMSUNG ELECTRONICS AMERICA INC., AND DOES 1 TO 10**

Respondent.

**On Petition for a Writ of Certiorari to
the United States Court of Appeals for the Ninth Circuit**

**REPLY TO RESPONDENTS' OBJECTION TO PETITIONER'S
WRIT OF CERTIORI**

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WRIT OF CERTIORI**

Pursuant to Rule 15.6 of the Rules of the Supreme Court of the United States, Petitioner Vincent Shack hereby replies to the Respondents' Objections to Petitioner's Writ for Certiorari, filed April 21, 2021 ("Objection"). As discussed below, Respondents fails to substantiate their claims that the Petitioner's Writ for Certiorari is either procedurally improper or that the Court lacks jurisdiction to hear this case. To the contrary, Petitioner appropriately appealed the decision of the United States District Court for the Central District of California to the United States Court of Appeals for the Ninth Circuit prior to filing an appeal to this Court. Accordingly, Respondents' objections to Petitioner's Writ for Certiorari should be dismissed.

RULE 29.6 CORPORATE DISCLOSURE STATEMENT

Vincent W. Shack has no parent corporation and no publicly held company owns 10% or more of its stock.

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**THE FEDERAL RULES OF CIVIL PROCEDURE PROVIDE FOR RELIEF
FROM A FINAL JUDGEMENT IN CERTAIN CASES**

Petitioner believes the Ninth Circuit erroneously dismissed his appeal due to an untimely filing. However, even if the Court determines that Petitioner's appeal is not based on a prior ruling from either the California State Supreme Court or the Ninth Circuit Court of Appeals, it may still consider the Petition on its merits pursuant to the Federal Rules of Civil Procedures. In particular, Rule 60(b), which addresses relief from a final judgment or order, clearly states that "the court may relieve a party or its legal representatives from a final judgment, order or proceeding" for a number of reasons, including "mistake, inadvertence, surprise, or excusable neglect." Federal Rules of Civil Procedure, Rule 60(b)(1) (*Pioneer Investment Services*

Co. v. Brunswick Associates, Ltd. Partnership, 507 U.S. 380, 395 (1992). In this instance, Petitioner believes it would be appropriate for the court to grant certain allowances on the basis of inadvertence and excusable neglect. As the Court is aware, Petitioner is a *pro se* litigant and has been fighting to have his day in court for nearly 12 years. While most people would just walk away, especially in the face of big corporations such as NBC and Samsung, there are those of us who believe that justice should be afforded to every American, even those without deep pockets. This is what Petitioner has been fighting for all along – the right to have his case heard, on the merits, by a court of competent jurisdiction. And although there may have been inadvertent missteps along the way, as one would expect from someone who is not an attorney especially facing all the challenges we have endured in this global COVID pandemic, Petitioner has dutifully sought to meet every rule of procedure to the best of his ability. In filing an appeal from the Ninth Circuit, Petitioner relied on advice provided by Supreme Court personnel who noted that a petition could be filed once a final decision was rendered by the U.S. Court of Appeals. Upon receiving that final determination from the Ninth Circuit of Appeal, Petitioner timely filed an appeal with the Supreme Court in the hopes that at last the injustice that took place nearly 12 years ago would finally be corrected.

The Court may also provide relief from judgment for “any reason that justifies relief.” Federal Rules of Civil Procedure, Rule 60(b)(6). In their Objections, Respondents would like the Court to believe this case is about the *Bivens* holding. That is not quite the total basis for this appeal. This case is really about the First

Amendment and whether this most sacred right can be used to permit unprovoked violence against an innocent American citizen. The First Amendment of the United States Constitution was developed by the founding fathers to ensure freedom of speech to American citizens in most reasonable situations. This constitutional right applies to various forms of expressions, both oral and written, but was never intended to be used to justify the physical assault of an American citizen. Notwithstanding, the lower courts in the preceding cases have permitted this travesty. Petitioner submits that the improper application of the First Amendment permitted by the lower courts threatens to extend application of this amendment beyond any limits contemplated by the framers, while undermining the Petitioner's right to due process under the law. This Court has the jurisdiction to correct this unjust application of the law and is urged to do so under the authority granted by Rule 60(b).

In addition, as this Court has found in the past, an untimely filing is not an automatic bar to having the subsequent appeal heard. In such cases, the Court may also consider whether equitable considerations require it to treat the filing as it were timely. The Court may also relieve Petitioner from an untimely filing by invoking the "unique circumstances" or "lulling doctrine." Petitioner respectfully requests that the Court accept this filing as timely and decide on the merits or remand back to the Ninth Circuit for further consideration.

PETITIONER'S CASE IS NOT FRIVOLOUS

In their Objections, Respondent assert that Petitioner's second filing of its Petition is frivolous. Nothing could be further from the truth. As noted above, Mr.

Shack has worked diligently over the last 12 years to have his claims recognized by a court of competent jurisdiction. The idea that a person can be assaulted without repercussions for the perpetrators is inconceivable in a country where the rule of law is one of the most important principles. To allow large corporations to avert their responsibility by manipulating the California anti-SLAPP law to permit violence against an innocent spectator undermines the law's intent to protect free speech is a real travesty. Respondents are well aware that Petitioners' original complaint focused on violence committed against him at a professional golf tournament. There was never an act that threatened the free speech of the Respondents.

Further, as noted above, Petitioner sought to follow the Courts rule of procedure. When Petitioner filed his original Petition for Writ with the Court, he was informed that he would first need to obtain a final determination from a court of appeals. Following those direction, Petitioner went back and sought an appeal from the Ninth Circuit, which was ultimately dismissed due to untimely filing. Petitioner was then informed that, upon receipt of a final determination from the Court of Appeals, it would be appropriate to re-file his Petition for Writ of Certiorari with this Court, which he ultimately did on March 08, 2021. Thus, Petitioner continued to operate in good faith and follow the requirements as explained to him to the best of his ability. For these reasons, Petitioner's quest to seek justice from this Court is far from frivolous and Respondent's suggestion that damages are warranted should be dismissed.

RESPECTFULLY SUBMITTED this 13th day of May, 2021.

Dated: 5/13/2021
Sign: Vincent W. Shack
Vincent W. Shack
Plaintiff, pro se

Please see attached

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

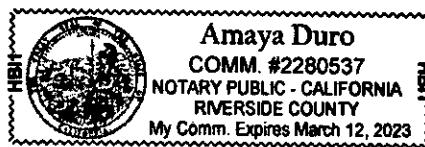
County of Riverside

Subscribed and sworn to (or affirmed) before me on this 13 day of May,

2021 by Vincent Wayne Shack,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Amaya Duro
Signature



(Seal)

OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Certificate of Service
(Title or description of attached document)

Jurat
(Title or description of attached document continued)

Number of Pages _____ Document Date _____

Additional information

INSTRUCTIONS

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one with does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
 - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document with a staple.

