

No. 20 - 1361

In the Supreme Court of the United States

Regina Berglass Heisler, individually and as the executrix
of the Succession of Frederick P. Heisler

Petitioner,

v.

Girod LoanCo, LLC

Respondent.

**Rule 15.8 Supplement to Petition for Certiorari
Based on City of Chicago v. Fulton, Decided January 14, 2021**

Petitioner's Supplemental Brief to Petition for Writ of Certiorari

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*Admitted to the United States Supreme Court
Bar on September 6, 1974*

ADDITIONAL QUESTIONS PRESENTED BY *CHICAGO V. FULTON*

Initially, this Petition focused on the failure by the Louisiana Supreme Court to enforce Caperton v. Massey, 556 U.S. 868 (2009), Henson v. Santander, 582 U.S. ____ (2017) and In re Murchison, 349 U.S. 133 (1955). To protect against \$15,000,000 in seizures by Girod LoanCo (“Girod”), Petitioner filed bankruptcy at Eastern District of Louisiana Docket 20-15509. On January 14, 2021, this Court decided City of Chicago v. Fulton, 592 U.S. ___, 2021. Concurring, Justice SOTOMAYOR noted that a creditor with pre-petition possession of a moveable could hold the collateral without violating the automatic stay, but the following questions applicable here were left undecided:

1. Where a creditor commences seizures of real estate and \$2.1 million *in custodia legis* pre-petition, but has not obtained possession, does §362(a) stay post-petition *acts* to enforce any lien against property of the estate and any *act* to collect a claim against [a] debtor that arose prior to bankruptcy proceedings?
2. Can the trustee seek an expedited §542(a) turnover to enforce claims subject to adversary proceedings not commenced — much less resolved — diminishing or extinguishing the “...maximizing value...” which §542(a) affords for all parties, an issue left unanswered in Chicago v. Fulton?

ADDITIONAL JURISDICTIONAL INVOCATION

The recent convergence of Chicago v. Fulton and rulings by the Bankruptcy Court for

the Eastern District of Louisiana at Docket 20-11509 enhance jurisdiction pursuant to 28 U.S.C. § 1651(a), authorizing this Court to issue “... all writs necessary or appropriate in aid of [its] jurisdiction and agreeable to the usages and principles of law....”

Now before the Court is a Petition to enforce the following precedents and laws:

- ❑ Caperton v. A.T. Massey Coal, 556 U.S. 868 (2009). It is undisputed that Judge Scott U. Schlegel, who accepted \$47,500.00 in contributions to his campaign for Louisiana Supreme Court Justice from the Kean Miller Firm and its clients at the same time he ruled exclusively against Petitioner and “chilled” Petitioner’s counsel by threatening criminal contempt if counsel did not ask “...permission to file pleadings...” in advance;
- ❑ Henson v. Santander Consumer USA, 582 U.S. __ (2017). It is undisputed that Girod was not exempt from Louisiana’s Door-Closing Statute as a “...debt collector for another...” because it OWNED the toxic notes sold by the FDIC as liquidator of First NBC Bank, a failed financial institution;
- ❑ City of Chicago v. Fulton, 592 U.S. ____, (2021). It is undisputed that Girod commenced foreclosure proceedings against Petitioner before she sought protection pursuant to 28 U.S.C. § 362(a) but [Girod] does not yet possess any of the property foreclosed-upon;
- ❑ On January 6, 2021, before Chicago v. Fulton was decided, the bankruptcy court lifted the stay and the Trustee is now seeking § 542(a) turnovers on contested matters, an issue raised by Justice SOTOMAYOR never addressed by this Court.
- ❑ The amount in controversy exceeds \$15 million which Petitioner will lose to a “...vulture fund...” ABA FORMAL OPINION 491 warned lawyers not to represent, Appendix K.

ARGUMENT AND REQUEST FOR EXPEDITED CONSIDERATION OR GVR

Because Girod has tied-up all assets and \$2.1 million in cash, Petitioner was forced to file *pro se*. Girod's claim will wipe out all of the assets of the estate. Notwithstanding that Girod's claim was challenged timely, the bankruptcy court lifted the stay without a hearing and the trustee is moving apace pursuant to § 542. The office building where Creditor-Klein has practiced law for 40 years will be auctioned and all lawyers will be evicted. As Justice SOTOMAYOR opined:

“The trouble with §542(a), however, is that turnover proceedings can be quite slow. The Federal Rules of Bankruptcy Procedure treat most ‘proceeding[s] to recover . . . property’ as ‘adversary proceedings.’ Rule 7001(1). Such actions are, in simplified terms, ‘essentially full civil lawsuits carried out under the umbrella of [a] bankruptcy case.’ *Bullard v. Blue Hills Bank*, 575 U. S. 496, 505 (2015).”

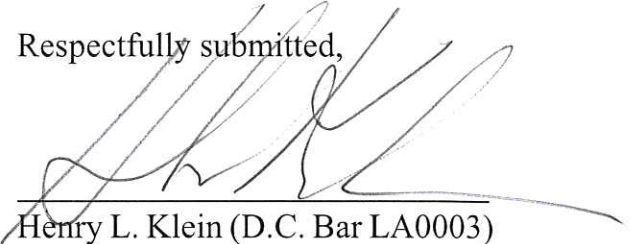
Inexplicably, the bankruptcy court has not commenced the adversary process or given Petitioner a hearing to present evidence. Petitioner's *pro se* supplications to the court have provided no succor to the widow-Heisler.

CONCLUSION

Respectfully, this case should be considered GVR. The violations of this Court's lawful mandates at *Caperton v. Massey*, *Henson v. Santander*, *Pepper v. Litton* and now

Chicago v. Fulton have been egregiously ignored. The case presents compelling issues as to vulture funding, ABA FORMAL OPINION 491, bankruptcy fraud, state door-closing statutes and the ruthless bilking of a victim of one of the greatest bank failures in history.

Respectfully submitted,



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April 12, 2021

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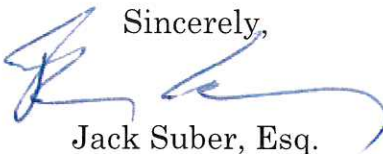
**RE: REGINA B. HEISLER, INDIVIDUALLY AND AS THE EXECUTRIX OF THE
SUCCESSION OF FREDERICK P. HEISLER V. GIROD LOANCo, LLC**

Dear Sir or Madam:

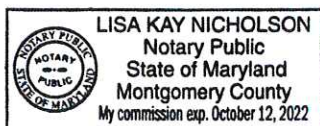
As required by Supreme Court Rule 33.1(h), I certify that the Supplemental Brief to Petition for a Writ of Certiorari referenced above contains **742** words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Sincerely,



Jack Suber, Esq.
Principal



Sworn and subscribed before me this 12th day of April 2021.



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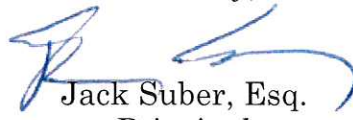
I hereby certify that at the request of counsel for the Petitioner, on April 12, 2021, I caused service to be made pursuant to Rule 29 and the Temporary Order of April 15, 2020, on the following counsel for the Respondent:

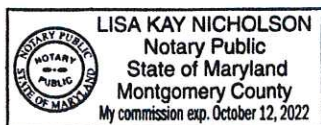
RESPONDENT:

J. Eric Lockridge
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This service was effected by depositing one copy of a Supplemental Brief to Petition for a Writ of Certiorari in an official "first class mail" receptacle of the United States Post Office as well as by transmitting digital copies via electronic mail.

Sincerely,


Jack Suber, Esq.
Principal



Sworn and subscribed before me this 12th day of April 2021.

