20-6236

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Fuad Ndibalema — PETITIONER
(Your Name)

vs.

Mark A. Levine — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

State of Vermont Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Fuad Ndibalema
(Your Name)

PO Box 1029
(Address)

Barre, VT 05641
(City, State, Zip Code)

802-233-7783
(Phone Number)

QUESTIONS PRESENTED

1) Whether the Existence of another Adequate Remedy does preclude a Judgment for Declaratory Relief given the Facts and Law on the Record, whether the Vermont's court of last resort has decided on important question of Law that has not been, but should be, settled by the US Supreme Court?

2) Do Commissioner-created rasping, non-statutory restricted conditions inflicted upon Petitioner's business constitute a deprivation of property without due process of Law under the Fourteenth Amendment?

3) Does weekly Petitioner's business data reporting as part of conditions requirement to Commissioner for the purpose of obtaining information constitute a search under the Fourth Amendment?

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Fuad Ndibalema (*Petitioner*)
2. SNFFRESHSTART, LLC, d/b/a SamosaMan Natural Food (*Petitioner*)

3. Mark A. Levine (*Respondent*)

RELATED CASES AND OPINIONS BELOW

- *SNFFRESHSTART, LLC & Fuad Ndibalema, v. Mark A. Levine,* No. 2020-162, Vermont Supreme Court, Decision denying Review entered June 15, 2020 and appears at (APP—B) and Order Denying Reconsideration of the same was entered on July 17, 2020 (APP—A).

- *SNFFRESHSTART, LLC, d/b/a SamosaMan Natural Food & Fuad Ndibalema, v. Mark A. Levine,* No. 2020-107, Vermont Supreme Court, Order entered on April 7, 2020 dismissing Intermediate Direct Appeal appears at (APP—F) and Order Denying Reconsideration of the same was entered May 01, 2020 appears at (APP—E)

- *Fuad Ndibalema & SNFFRESHSTART, LLC, d/b/a SamosaMan Natural Food, v. Mark A. Levine,* No. 130-3-19 Wncv, Vermont Trial Court, Washington Co. Civil Division. Opinion and Order entered January 31, 2020 (APP—C) and Order Denying Reconsideration of the same was entered on February 24, 2020 (APP—D).

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JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). The date on which the Vermont Supreme Court decided my case was June 15, 2020. A copy of that decision appears at (APP—B). A timely petition for reconsideration was thereafter denied on July 17, 2020 and a copy of the Order denying reconsideration appears at (APP—A).

OPINIONS BELOW

This case began in Vermont Washington County, Civil Division of Superior court where the trial court ruled on Respondent's 12(b)(6) Motion to Dismiss Petitioner's Amended Motion for Declaratory Judgment (APP—K), in spite of the fact the Petitioner's Motion to Strike Respondent's 12(b)(6) Motion to Dismiss (APP—M) was not ruled upon and in spite of the fact the Petitioner's Motion to enter Final Default Judgment (APP—L) has not been entered, then wrote the "Statement of Facts and Conclusions of Law," with no reference to the purported record, Petitioner contends that trial-court Opinion and Order (APP—C) is void as matter of law on its face.

At the appellate court level, the opinion for which review is sought is cited as *SNFFRESHSTART, LLC & Fuad* ***Ndibalema,*** *v. Mark A.* ***Levine,*** No. 2020-162, Vermont Supreme Court, Decision denying Review entered June 15, 2020 and appears at (APP—B) and Order Denying Reconsideration of the same was entered on July 17, 2020 (APP—A).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

A. U.S. Constitution Amendment XIV states in part:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

B. U.S. Constitution Amendment IV states:

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

C. 42 U.S.C. § 1981 (a) states:

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts,... and to the full and equal benefit of all laws and proceedings for the security of person and property.

D. 42 U.S.C. § 1983 states:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof, to the deprivation of any rights, privileges, or immunities secured by the Constitution and Laws, shall be liable to the party injured in action at law, suit in equity, or other proper proceeding for redress.

E. 28 U.S.C. § 1257(a) states:

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or commission held or authority exercised under, the United States.

F. 28 U.S.C. § 2101(c) states:

> Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree. A justice of the Supreme Court, for good cause shown, may extend the time for applying for a writ of certiorari for a period not exceeding sixty days.

G. 28 U.S.C. § 2201(a) states in part:

> In a case of actual controversy within its jurisdiction, . . . any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

Relevant State Provisions

H. Vermont Constitution

1) Chapter 1, Article VI states that:

> That all power being originally inherent in and co[n]sequently delivered from the people, therefore, all officers of government, whether legislative or executive, are their trust[e]es and servants; and at all time, in a legal way, accountable to them".

2) **Chapter 1, Article XI** states that:

That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure; and therefore warrants, without Oath or Affirmation first made, affording sufficient foundation for them, and whereby by any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

I. Vermont Statutes

1) **1 V.S.A. §311: (**Declaration of Public Policy**)**

(a) In enacting this Subchapter, the Legislature finds and declares that public commissions, boards, and councils and other public agencies in this State exist to aid in the conduct of the people's business and are accountable to them pursuant to **Chapter 1, Article VI** of the Vermont Constitution.

(b) This subchapter may be known and cited as the Vermont Open Meeting Law.

2) **1 V.S.A. §314: (**Penalty and Enforcement**)**

(b)(1) Prior to instituting an action under subsection (c) of this section, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter shall provide the public body **written notice**[1] that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs under subsection (d) of this section if it cures in fact a violation of this subchapter in accordance with the requirements of this subsection.

[1] See App.C1(Petitioner's Written Notice of Claims)

(b)(3) Failure of a public body to respond to a written notice of alleged violation within **10 calendar days**[2] shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.

(c) Following an acknowledgment or denial of a violation and, if applicable, following expiration of the 14-calendar-day cure period for public bodies acknowledging a violation, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter may bring an action in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate Injunctive Relief or for a Declaratory Judgment[3].—An action may be brought under this section no later than one year after the meeting at which the alleged violation occurred or to which the alleged violation relates.—Except as to cases the court considers of greater importance, proceedings before the Civil Division of Superior Court, as authorized by this section and appeals therefrom, take precedence on the Docket over all cases and SHALL be assigned for hearing and trial or for argument at the earliest practicable date and expedited[4] in every way.

3) **12 V.S.A. § § 4711-4725: (Declaratory judgments Act)**[5]

§ 4711. Declaratory judgment; scope

Superior Courts within their jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. An action or proceeding shall not be open to objection on the grounds that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect. Such declarations shall have the force and effect of a final judgment or decree.

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[2] See App.C1[Written Notice of Claims §XI (Affidavit of Notice of Claims For Good Cause)]

[3] Petitioner brought this Action under 1 V.S.A. §314 requesting Injunctive Relief through Declaratory Judgment.

[4] Petitioner's lower courts pleadings clearly identified in the caption of all filings as an "EXPEDITED ACTION."

[5] See Full Text of Chapter in APPENDIX—T (Relevant State Provisions)

STATEMENT OF THE CASE

The Due Process Clause of the United States Constitution entitles a person to an impartial and disinterested tribunal in civil cases. This neutrality requirement in adjudicative proceedings safeguards two central concerns. First, it prevents an unjustified or mistaken deprivation of property. Second, it promotes participation and dialogue by litigants in the decision making process.

Nature of the Case

This is a small case as cases go, but it raises a significant principle: Judges, including Supreme Court's Justices, are required to follow the law.

In this case, the trial-court decided a case on a point not raised by the parties, and without notice to the parties that it might do so.

All issues raised, were instructed to recall the statutory requirement verbatim which became "law" within the perimeters of this case. See (APP—R).

We bring to this Court's attention, Respondent's acquiescence to Written Notice of alleged violation (APP—S) lightened the Legislature intent and theory of structure on which the conduct of *"public body"* was predicated in this particular matter, guiding the Trial-Court with specific process analysis to each and every averment whether or not the alleged violation has been cured and or adopting specific measures that actually prevent

future violations on the matter at issue. *Read* 1 V.S.A. §314(d). Respondent Public Body's failure to respond to Written Notice of alleged violation has knowingly and intentionally violated Petitioner's basic general rights, facing a realistic danger of sustaining a direct injury as a result of implementation, operation, or enforcement of unlawful Acceptance Conditions (APP—S) p.8-9. Thereby, Petitioner prayed for the return of all properties and the making of the complainant whole by reversing the acts, and or actions of the Respondent related to this matter and for a **Declaratory Judgment with an injunction relief** against the opposing party from acting outside the scope of the agreement. *See* (APP—H) p.10, (APP—K) p.5, (APP—R) p.8 (Prayer for Relief); The Trial-Court failed and abdicated its duty to uphold the Vermont Constitution by refusing to entertain Petitioner's Declaratory Relief as matter of law; 1 V.S.A. §314.

A. The Trial Court Proceedings and Preserved Issues for Review

The trial-court misapplied the law of the case. The statutory language involved is unique, to that the relevant inquiry is the intent of the legislature in drafting the statute, and its language and subject matter indicate that **Respondent** is ought to aid "**people's business**" and at all time, in a legal way, **accountable to them** (APP—R) Pet. ¶6, 1 V.S.A. §311, §314 and also 12 V.S.A. § 4711: Declaratory judgment, which in part states that "An action or proceeding *shall not be open to objection* on the grounds that a declaratory judgment or decree is prayed for". The Trial-

Court (APP—C) denied all pending live motions including Petitioner's (APP—M) Motion to Strike Respondent's 12(b)(6) motion, Final Default Judgment (APP—L) and Declaratory Judgment (APP—K) as moot despite the Opposing party has waived all rights, defenses, and or objections and yet despite knowledge of these waivers is attempting to circumvent the process and commit a fraud upon the court. *See* (APP—N) (APP—O) (APP—P) (APP—Q) (Waiver and the Sherriff Dept's Return of Service on Vermont Attorney General); (APP—C) suggesting filing a second Amended Complaint which was nothing more than a charade effects. It rendered all pending live motions denied as moot, then wrote the "Statement of Facts and Conclusions of Law," with no reference to the purported record, and the judge rubber-stamped Respondent claims, and the court denied itself jurisdiction by not strictly adhering to the statute, thereby implicating conspiracy.

We approach this Court highlighting the fact that, Laws are designed to protect the weak, not the strong in spite of all the above, the trial-court failed to Uphold Petitioner's constitutional rights, the Equal Protection Act. (–It is the duty of Court of Equity to consider and weigh the relative injury sought to be cured as compared with the hardship of injunctive relief). The *erroneous application of law was preserved.*

B. The Appellate Court Proceedings and Preserved Issues for Review

Petitioner then moved the Vermont Supreme Court which at first attempt refused to review the case as was misconstrued not for a Direct Appeal as filed through the means of Direct Appeal process [6] ,but for Interlocutory Appeal (APP—F). Despite all facts and the controlling law of the case are settled and that the trial-court refused to upholding Petitioner's claimed Constitutional Rights and violating Petitioner's "Due Process" rights, by denying Respondent's 12(b)(6) motion outright, and all remaining motions denied as moot, there were nothing left accordingly to Vermont Rule of Appellate Procedure, VRAP 4. By denying twice Petitioner's timely filed rehearing of its erroneous and misapplication of law, Vermont Supreme Court intentionally and deliberately violated its own rules and its own established cases law just so to penalize Petitioner for that choice on the mere technicality that an appeal was and still is available from the judgment order. Undue harsh effects, inasmuch as its intent suppressed Petitioner's right of having his day in court on the merits. Rules are rules, and as pro se litigant, I am invoking my rights to prevent hardship or injustice and thus shall be liberally construed and applied. *Greenmoss Builders, Inc. v. Dun Bradstreet, Inc.*, 149 Vt. 365, 368, 543 A.2d 1320, 1322 (1988). Petitioner has met his burden and established that the trial-court abused its discretion. All Petitioner is stressing is his pro se status and emphasizes the duty of the

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[6] VRAP 4(b)(5)

court to treat pro se litigants fairly as other Justices did in *Vahlteich v. Knott*, 139 Vt. 588, 590, 433 A.2d 287, 288 (1981); *State Highway Board v. Sharrow*, 125 Vt. 163, 164, 212 A.2d 72, 73 (1965). Instead of using its discretionary powers in order to prevent a miscarriage of justice, the judicial officers need to encourage pro se litigant who working hard to meet his burden, and not turning the blind eye, as is in this case for review by misconstruing both[7] the Intermediate Direct Appeal (No.2020-107) and the "invited error" Interlocutory Appeal (No.2020-162). *See* (APP—G) (the 6/10/2020 Trial-Court Transmittal of Appeal to Vt. Supreme Court, a full case Management.) Courts don't construe a notice of appeal to restrain themselves of jurisdictional review for only dismiss it. It is Petitioner's contention that this case presents an "*unconscionable advantage*" taken of a pro se litigant. The **erroneous application of law was preserved** (APP—H) p.7 ¶¶ 16-17 for this Court's review for lower court violated Petitioner's Civil Rights, the Equal Protection of the laws secured by the **U.S. Constitution Amendment XIV**

C.*"Invited Error"*

1. In its Opinion (APP—C), the trial-court was clearly apprised of important and relevant facts which could have defeated the motion for Declaratory Judgment though there is no such authority, it just relied on the doctrine of judicial self-restraint derives from Article III of the United States Constitution, which states that federal courts have jurisdiction *only* over

[7] Although there are two appeals assigned with different number (by the same parties), there is but one case throughout from the Trial-Court to here. See (APP—G)

actual cases or controversies. U.S. Const. art. III, §2, cl.1; *Parker v. Town of Milton*, 169 Vt. 74, 76-77, 726 A.2d 477, 480 (1998). Vermont has adopted the case–or—controversy requirement. ***Id.*** at 77, 726 A.2d at 480. The case-or-controversy of Article III incorporates the doctrines of standing, *mootness*, ripeness, and political question, all of which help define and limit the role of the courts to ensure proper balance among the three branches of government. *Hinesburg Sand & Gravel Co. v. State*, 166 Vt. 337, 340, 693 A.2d 1045, 1047 (1997). In *Hanesburg Sand*, the Vermont Supreme Court noted that "[o]ne of the 'passive virtues' of the standing doctrine [and case-or-controversy requirement] is to promote judicial restraint by limiting the occasions for judicial intervention into political process." ***Id.*** at 340-41, 693 A.2d at 1047-48 (*citing A. Bickel, The Least Dangerous Branch* 111-98 (2d ed. Yale Univ. Press 1986) (1962)). Thus, for a court to maintain its proper role among the three branches of government, it must exercise judicial restraint by not asserting jurisdiction over claims that are moot or not yet ripe, or that pose a political question. See ***id.*** Supra noted additionally, "If a plaintiff does not have standing, a court must exercise judicial restraint and dismiss the complaint for lack of subject-matter jurisdiction". See ***id.*** at 341, 693 A.2d at 1048. "Prudential judicial restraint in and of itself, however, <u>does not excuse the court from its duty to uphold the Constitution</u>".

2. Under Vermont Rule of Appellate Procedure 4, the court has incorporated the Pioneer factors to define "excusable neglect" for purposes of

extending the appeal period. *In re Town of Killington*, 2003 VT 87A, ¶16, 176 Vt. 60, 838 A.2d 98. Even if the Vermont Supreme Court correctly interpreted its Rule 5(b)(APP—B), Petitioner's rehearing motion (APP—H) to which no opposition response were filed, placed the court on notice that he is bringing his appeal as of right taken which involved the filing of motion for relief under Rule 59 (APP—J) and(APP—I) p.2 fn.2 which shall be treated as *Judgment*. When a party alleges grounds for relief from judgment under Rule 4, the rule requires *only* that the motion be filed "within a reasonable time" but "not more than one year after the judgment, order, or proceeding was entered or taken". Also, *Bingham v. Tenney*, 154 Vt. 96, 573 A.2d 1185 (The decision on a motion for relief from judgment is committed to the sound discretion of the trial-court and will stand on review unless the record clearly and affirmatively indicates that such discretion was withheld or otherwise abused.)

3. Vermont, with exception gives a litigant an appeal of right to its Supreme Court from a decision of its courts that "directly involves a substantial question arising under the Constitution of the United States or of this State." See pertinent provisions here:

- V.R.A.P. 4. Appeal as of Right—When Taken—

Rule 4(b) Tolling: If a party timely files in the superior court any of the motions referenced below, the full time for appeal begins to run for all parties from the entry of an order disposing of the last remaining motion:

4(b)(5) : *grating* or *denying* a V.R.C.P. 59 motion to alter or amend the Judgment[8]

[8] Read VRAP 3(a) also See (APP—J)

- V.R.A.P. 3. Appeal as of Right—How Taken—Rule 3(a):

--A judgment that is reviewable as of right in the Supreme Court may only be reviewed by appeal in accordance with these rules. An appeal from a judgment preserves for review any claim of error in the record, including any claim of error in any of the orders specified in Rule 4(b). An appeal designated as taken *from an order* specified in Rule 4(b) *will be treated* as an appeal from the "*Judgment*"

4. When confronted with the situation arising from "*invited error*" above, this Court shall consider its ruling in *Matthews v. Huwe*, 269 U.S. 262, 265 (1925). In *Matthews*, Chief Justice Taft, an Ohioan writing for the Court, explained the appropriateness of the appeal from the Ohio Supreme Court:

"It is one of those not infrequent cases in which decision of the merits of the case also determines jurisdiction. The petition was dismissed, not because the court was really without jurisdiction, for it could have taken it, but because the question was regarded as frivolous, which is a different thing from finding that the petition was not in character one which the Court could consider." 269 U.S., at 265.

This reasoning is applicable to the present case: there is no question that the Vermont Supreme Court had jurisdiction to hear *Ndibalema*'s appeal, but it determines not to do so in light of its conclusion "(APP—E) that Appellants' motion (APP—I) for its dismissal of the (Direct) Appeal is denied. Accordingly, his other motions are denied as moot." We bring this up for this Court having jurisdictional question resolved so that practitioners may be certain of their ground. In the absence of the positive assurance to the contrary from the Vermont Supreme Court, this Court may consider that court's dismissal of *Ndibalema's* appeal to be a decision on the

merits. Cf. *Michigan v. Long,* 463 U.S. 1032, 1037-1044 (1983). With no such contrary assurance in the present record, this Court shall proceed with the review under 1257.

D. ***"Declaratory Judgment"***

5. On the merits, the crucial issue is whether Petitioner properly challenged on federal constitutional grounds the validity of the Acceptance conditions imposed (APP—S) upon him to operate his business without the commissioner's interference, and whether the Vermont Statute Section 314 of General Rights, is the Legislature's remedy for the constitutional defects that Petitioner Mr. Ndibalema alleges in their Written Notice of Claims (APP—S). Whether or not the Legislature has structured "*Public Commissions, Boards, and Councils and other public agencies in this State exist to aid in the conduct of the people's business and are accountable to them*" is constitutional issue properly before the Trial-Court, theretofore before this Court for review.

6. Under 28 U.S.C. 1257, appellate jurisdiction lies in this Court to review a "final" judgment rendered by the highest court of a State in which a decision could be had...(2)...where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity."

7. Moreover, Mr. Ndibalema constitutional claims that "Acceptance Conditions"(APP—S) p.8-9 violate his Civil Rights is similarly deserving of this Court's attention, because it is the province of the Court to decide whether Vermont's laws comply with the State Constitution. –As the lower court held: "The doctrine of judicial restraint does not allow the court to relinquish its duty to interpret the Constitution when judicial intervention may potentially block legislative action". Therefore, the Trial Court shall have issued the **declaratory relief requested**. 12 V.S.A. §4711. (APP—K). The Trial Court ignored warnings of a "disturbing surge" of obstructing the administration of justice from the outset, turning to Discriminatory punchline; see (APP—S) *Petition* ¶¶ 10-19

8. We conclude based upon review of the entire record (APP—G) that the trial court abused its discretion when, given these circumstances, it denied Petitioner's Rule 57 Declaratory Judgment (APP—K) among other motions were pending over a course of 12 months being in the limbo. *See* (APP—J). The **erroneous application of law was preserved.**

9. The Vermont Supreme Court as state court of last resort, dismissed the Appeal due to circumstances of its own *"invited error"* explained above in which a decision could be had and whereby is drawn in question the validity of Acceptance Conditions"(APP—S) on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity."

The questions presented to this Court are restated in order to apply the relevant law stated throughout the body of Writ of Certiorari:

1) Whether the Existence of another Adequate Remedy does preclude a Judgment for Declaratory Relief given the Facts and Law on the Record, whether the Vermont's court of last resort has decided on important question of Law that has not been, but should be, settled by the US Supreme Court?

2) Do Commissioner-created rasping, non-statutory restricted conditions inflicted upon Petitioner's business constitute a deprivation of property without due process of Law under the Fourteenth Amendment?

3) Does weekly Petitioner's business data reporting as part of conditions requirement to Commissioner for the purpose of obtaining information constitute a search under the Fourth Amendment?

REASONS FOR GRANTING THE WRIT

As stated throughout the Statement of this case for Writ of Certiorari;

Petitioner had a right to a speedy jury trial, *Pernell v. Southhall Realty*, 416 U.S. 363 (1974), "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must be notified. It is equally fundamental that the right to notice and an opportunity to be heard must be granted at a meaningful time and in a meaningful manner"

1. Whether the Vermont Supreme Court, as a court of last resort, has decided on important question of Law that has not been, but should be, settled by the US Supreme Court? And these are Petitioner's main reasons.

2. Whether or not the Vermont Supreme Court has decided an important question in a way that conflicts with relevant decisions of the other States appellate courts.

3. Review Of This Case Is Also Warranted Because The Opinion Of The Vermont Supreme Court Is Not Neutral And Is One Of National Importance Because It Expands Interpretation Of The Establishment Clause.

4. Review Of The Decision by The Vermont Supreme Court Is Also Warranted To Avoid A Need For Unnecessary And Costly Litigation. First, this decision may be a springboard for piecemeal litigation in the other Federal and State Courts throughout the Country. Second, the decision by the majority panel may result in civil actions for damages or other relief against litigants throughout the Nation. Third, the most effective way to prevent this unnecessary and expensive litigation would be for this Court to either summarily reverse the decision by the Vermont Supreme Court in this case or to grant review because of potential impact on the nation by this decision.

5. A need for a uniform of last resort throughout the United States is fundamental in establishing and preserving a sense of national unity and identity for justice.

CONCLUSION

The petition for Writ of Certiorari should be granted.

Respectfully submitted,

Fuad Ndibalema

Date: 10/14/2020