

20-6295

No. 081031

IN THE

Supreme Court of the United States

ORIGINAL

Donna Raijely

*Petitioner(s)*

v.

Thomas Whelan

*Respondent(s)*

FILED

AUG 28 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

On Petition For Writ Of Certiorari

To The (court whose judgment you seek to review)

Supreme Court of New Jersey  
M-1035 September Term 2018

No. 081031 Filed Jun 3-2019

PETITION FOR WRIT OF CERTIORARI

9/28/2020

MY NAME Donna Raijely  
*Counsel of Record*

MY FIRM prose

MY STREET ADDRESS PO Box 133

CITY, STATE, ZIP CODE Millville N.J. 08332

MY TELEPHONE NUMBER 856-459-5770

RECEIVED

NOV 12 2020

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

No. 081031

IN THE  
SUPREME COURT OF THE UNITED STATES

Donna Raively — PETITIONER  
(Your Name)

vs.

Thomas A. Whelihan — — — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of New Jersey May 28th 2019  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

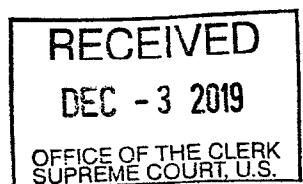
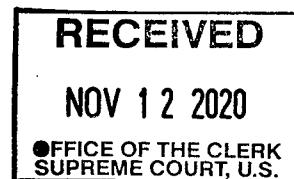
PETITION FOR WRIT OF CERTIORARI

Donna Raively  
(Your Name)

P.O. Box 133  
(Address)

Millville, N.J. 08332  
(City, State, Zip Code)

(856)459-5770  
(Phone Number)



### **QUESTION(S) PRESENTED**

- 1. Whether an attorney is held to a certain standard of fiduciary duty in lower courts; his knowledge of the law far exceeds that of the average person. They are entrusted with personal information of their client and should be trustworthy. When an attorney takes advantage of his fiduciary duty and not only violates his clients contract but also his trust, who will stop him if the court system fails to do so?**
- 2. Whether or not an attorney is working on a different case for his client is it in his clients best interest to have a custody case with a mentally challenged adult heard with an estate case?**
- 3. Was it inadequate discovery or procrastination that caused an attorney to not reveal crucial case information? How many hours were billed to the client seeking money from an I.R.A. that they were not beneficiary of?**

## LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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:

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Donna Ravelry

Date: 11-22-19

## **TABLE OF CONTENTS**

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## **INDEX TO APPENDICES**

**APPENDIX A** New Jersey State Supreme Court denial

**APPENDIX B** Superior Court of New Jersey Appelate Division

**APPENDIX C** Superior Court of New Jersey Civil Cumberland

**APPENDIX D** Disciplinary Review Board of Supreme Court of New Jersey

**APPENDIX E** Arbitration Determination

**APPENDIX F**

## TABLE OF AUTHORITIES CITED

### CASES

	PAGE NUMBER
Coyle V Englander	super 212
Donovan V Bach Stadt	91 N.J. 434
525 Main Street Corp V Eagle Roofing Co	34 N.J. 251

### STATUTES AND RULES

- 41 U.S. S6503 Breach or Violation of contract terms
- 29 U.S. S1109 Liability for breach of fiduciary duty

### OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_A\_\_\_\_\_.  
\_\_\_\_\_

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was May 28, 2019.  
A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_A\_\_\_\_\_.  
\_\_\_\_\_

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

41 U.S. Code § 6503

Breach or violation of required contract terms.

29 U.S. Code § 1109

Liability for breach of fiduciary duty.

Donna Raively  
PO Box 133  
Millville NJ. 08332  
856-459-5770

RE: Raively v. Whelihan  
NO: 081031

Supreme Court Of The United States  
Office Of The Clerk  
Washington, DC 20543-0001

State The Case For Reason For The Petition For  
Writ Certiorari Involves Significant Issues  
Constitutional And Law Codes  
On May 28th,2019 Denying My Petition  
HONORABLE STUART RABNER

Justice

A Judgment order at Superior Court Of N.J. Cumberland County Docket NO: DC-1353-17 in favor of Mr. Whelihan Esquire on June 27,2017, for amount of \$13,952.52 that has been paid to Mr. Whelihan, on matters of my father's estate in November of 2014, along with a matter of guardianship of my sister to be taken care of in the future, guardianship was not part of the estate, and not left in my father's will to be heard.

I then Appealed the case with the Disciplinary Review Board.  
Who has all copies of information that they review, to make their decision on my Appeal  
July,13,2017, with Appendix and Brief, for the Supreme Court Of The United States to review.

A conflict of the law and my constitutional rights were violated by the law, the fact that Mr.Whelihan breached his contract by not sending me a monthly statement on the estate matter stated on his contract agreement, on 12/1/14 with no contract agreement on my sister's guardianship matter.

I also signed the contract agreement that states if this matter goes to court, it would have to go through the Disciplinary Review Board, he's a Lawyer, I'm not, he knows it would be hard to fight with the board to make a decision there was NJ law code that is in the Lawyers favor.  
Mr. Whelihan takes advantage of the law in his favor.

Mr. Whelihan promised me that he was going to bill my other sister, for all service on my behalf, since my sister took over 150,000,00 from 2011 through 2014, how I know, I went to the bank after my father diseased, to get a copy of the IRA account, at that time I was giving my sister's checking account by mistake, I wanted Mr. Whelihan to show case with the courts, the money she took for her personal uses, Mr. Whelihan went against my wishes.

My sister was the executor of the estate will, and the owner of my father's IRA beneficiary and the owner of the estate house.

Mr. Whelihan duties to me were unethical for two different matters heard at the same time, using the two cases against each other.

Because both matters were put together I lost full custody of my sister who is mentally handicap, my mother put this guardianship matter in place in 2004 before she died in 2011, this was her last wish for her two other daughters to have guardianship together. There is a strong feeling I carry with me every day, that I let Mr. Whelihan failed my mother, and the only thing I could do was except to take the house, and give full guardianship to my other sister, and I'am still fighting over this at Cumberland Courts, on the yearly report my sisters has to report to the courts, she is know taken advantage of my incompetent sisters funds.

This was argued by the panel of the Disciplinary Review Board Of Supreme Court Of New Jersey, the case was dismissed on June 16,2017 Docket No:IIIB-2016-0005F.

I thenAppealed the case with the lower Appellate Court.

A conflict of the law at the lower Appellate Division Court, on May 28,2019 was denied and filed.

Please review and overturn Honorable Stuart Rabner denying my petition, and a second petition to reconsider to stay, lower Appellate Division Court,

On May 28,2019 the denial was filed with M-1035 September Term 2018 081031, without a written decision from Honorable Stuart Rabner..

A conflict of Appellate Division Decision on the judicial opinion, statements made by the courts on the facts disputes the law, the decision abandoned its law rule under ethical rule, breach of contract terms, liability for breach of fiduciary duty, Mr. Whelihan did not meet the standards expected, I was not treated with the level of expertise and competence that was expected when he was hired, Mr. Whelihan failed to adequately represent me.

I did ask for itemize billing at time, so I would know where I stand or keep fighting the case, he would state to me don't worry, you can pay me when the house gets sold, Mr. Whelihan failed to research appropriately by not finding out sooner that the estate money on the IRA didn't belong to me ever, the time spent on chasing my father's IRA money, and going back and forth in court was excelling.

Requesting the Supreme Court Of The United States to grant rule of professional conduct code.

Mr Whelihan was given time to cross-appeal with notified certified mail, the 14 day rule to respond, he should not be given another chance, to dismiss the case in my favor.

I lost my full guardianship of my sister by Mr. Whelihan, butting the two cases together for a less favorable result, my rights were taken away, and my obligations are restricted, at the Cumberland Courts.

Immediately grant a judgement for Mr. Whelihan to pay back \$13,952.5 plus punitive damages, I'm entitled to seek damages, with a time frame to pay me back.

See CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED 41 U.S. Code S 6503 AND 29 U.S. CODE S 1109, CASES: COYLE v ENGLANDER PG SUPER 212, DONOVAN v BACH STADT 91 N.J.434, 525 MAIN STREET CORP v EAGLE ROOFING CO 34 N.J.251, SEE COPY ON PETITION FOR WRIT OF CERTIORARI 11/22/19.

Donna Raively  
PO Box 133  
Millville NJ. 08332  
856-459-5770

Date: 11/3/2020

RE: Raively v. Whelihan  
NO: 081031

Supreme Court Of The United States  
Office Of The Clerk  
Washington, DC 20543-0001

Reason To Grant For The Petition For  
Writ Certiorari Involves Significant Issues  
Disputing Findings and Facts Judge Rabner  
Disputing Disciplinary Review Board

Justice,

I requested to put in a grievance on the decision by Disciplinary Review Board on 5/16/17, (see copy inclosed) reason I don't believe that the Attorney General investigated the committee's behavior on 3/16/17, one of the ladies excused herself right in the middle of review that day because she had a doctor's apportionment, there was no man in the interview, that Mrs. Davis states in a letter to me, I despite Bert Afonse, his comments, the meeting was very disrespectful towards us, problem, I didn't have a lawyer with me, there was rash anger during this case.

I'm requesting that the board committee be dismissed. With the Supreme Court Of The United States only to make their own decision on this case, I will request that the Supreme Court get all other copies to do with this case, but not their determination.

Requesting myself and husband William Raively as a witness to be at the hearing during the review matters, Supreme Court.

Guardianship was not part of the will estate, infact due to my sister being incompetent my sister was left out of the will, and there was no agreement contract of any charge amount by Mr.Whelihan on this court hearing matter, through Cumberland County Courts Surrogate's Office. (see estate will and attorney contract heard at the review board). Intent to harm estate case rule 1:14 of ethics.

The guardianship and my father's estate, my sister's guardianship was already put in place in 2004,(see order cumberland county) this should not have been heard, Mr Whelihan should of

stopped this immediately, at that point there was intent for harm done on the other case (estate) and for any other reason this had to be heard, then this matter should've been heard separately.

A conflict of the law and my constitutional rights were violated by the law, the fact that Mr.Whelihan breached his contract by not sending me a monthly statement on the estate matter stated on his contract agreement, (see copies of billing statements through the review board)

Mr. Whelihan took advantage of the law in his favor, I had to sign his contract stating, if this matter has to be dispute, then I would have to go through the Disciplinary Review Board Of New Jersey, if I understood this at the time, I would have questioned that I would be able to have took this matter through Burlington Supreme Court Of New Jersey, on breach of contract.(he took advance of me not knowing the law, I'm not a lawyer)

Mr. Whelihan promised me and had me believe that he was going to bill my other sister, for all service on my behalf.

Mr. Whelihan went against my wishes, and continued to fight the estate case at Cumberland Courts, knowing my sister was the executor of the will and I was not entitled to anything, Mr. Whelihan did not even fight for the estate to pay the utilitys/taxes/funeral services remadeing etc/ in the end I had to pay for all this, which put a hardship on my finances.

Mr. Whelihan duties to me were unethial for two different matters heard at the same time, using the two cases against each other.

Because both matters were put together I lost full custody of my sister.

On May 28,2019 the denial was filed with M-1035 September Term 2018 081031, without a written decision from Honorable Stuart Rabner, it's my right to know how this case was deturmed.

A conflict of Appellate Division Decision on the judicial opinion, statements made by the courts on the facts disputes the law, the decision abandoned its law rule under ethical rule, breach of contract terms, liability for breach of fiduciary duty, Mr. Whelihan did not meet the standards expected, I was not treated with the level of expertise and competence that was expected when he was hired.

Mr. Whelihan failed to adequately represent me, I did fire him toward the end of the estate hearings, and guardianship case, I seek another Attorney to review what I could do to stop Mr.Whelihan behavior toward me.(copies were addressed through the board).

I wanted Mr.Whelihan to address something, like the guardianship not heard, I want my sister's personal bank statements, showing taking money out of the IRA for her personal matters, addressing to the courts, my sister paying for my Attorney fees through my father's estate, the will heard right from the beginning of trial, through the court system and he would not.

Mr Whelihan was given time to cross-appeal with notified certified mail, the 14 day rule to respond, he should not be given another chance, or court order for his responds, I'm requesting to dismiss the case in my favor.

I lost my full guardianship of my sister by Mr. Whelihan, butting the two cases together for a less favorable result, my rights were taken away, and my obligations are restricted, at the Cumberland Courts now adorning any appeals at this time.

Requesting the Supreme Court Of The United States to grant rule of professional contact code, communication RPC 1.4 rule.

Immediately grant a judgement without another hearing based on the facts, for Mr. Whelihan to pay back \$13,952.5 plus punitive damages, I'm entitled to seek damages, with a time frame date ordering him to pay back.

Enclosed is a copy of the Judgement check to Mr. Whelihan on June 19,2018.

See CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED 41 U.S. Code S 6503 AND 29 U.S. CODE S 1109, CASES: COYLE v ENGLANDER PG SUPER 212, DONOVAN v BACH STADT 91 N.J.434, 525 MAIN STREET CORP v EAGLE ROOFING CO 34 N.J.251, SEE COPY ON PETITION FOR WRIT OF CERTIORARI 11/22/19.

Cc: Mr.Whelihan

AMENDMENT TO A PETITION FOR WRIT OF CERTIORARI 2019

pg 2

I'm filing an Amendment to show cause to win this case, and be granted all monies due back to me.

1- see copies by Mattew Conicella Supreme Court Of New Jersey Appellate Division case number A-004887-16, should of been granted on my behalf because Mr. Whelihan failed to submit copies of my petition for certification in compliance with the rule:2:12-7 and r: 2:12-4 together with a response brief within a time of benign service has been heard and in fact, he violated the rule 2:12-8.

2- see copies April 17, 2018 contract agreement December 1 2014, Mr Whelihan has failed to submit monthly billing to me it states this in his contract agreement (liability of breach of fiduciary).

3- During the case being heard in Cumberland Courts, Mr. Whelihan had violated my rights, by putting my father's probate case together along with my sister's case of guardianship, the probate had nothing to do with each other case, were Mr. Whelihan, plee Bargen, both cases against each other, and I lost full guardianship to my sister, which my mother put into place before her death in 2011, her last wishes for her daughters to be safe.

4- I told Mr. Whelihan that the Judge on the probate matter in Cumberland County was a conflict Judge, in or-around 2004, I put a complaint on the Judge after my son case with an incompetent hearing, and I wanted the case moved out of Cumberland, he never put a request in with the courts.

5- Mr. Whelihan left a burden on my family, he took the Judgment that I owed him money and filed for the sheriff department to sell my house and belongings, I had to get a loan, I had at the time, three grandchildren and still do liveing with us by court order.

It should be the duty of the Judge at the Supreme Court Of The United States in Wahington DC, to abide by his duty to enforce this provision on the rule of professional conduct, by the code of judicial conduct and the provision rule 1:15 and R 1:17 (civil rights violation) and breach of contract, and to wave all Mr. Whelihan rights to file any objections.

If I need any other forms to fill out please send to the above address.

Thank You,

  
Donna Raively

Received  
Sep 2-2020

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Donna Ravelry  
Date: 9/28/2020