

Supreme Court, U.S.

FILED

JAN 28 2021

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No. 20-6510

IN THE
SUPREME COURT OF THE UNITED STATES

LAWRENCE W. FORD, PETITIONER

V.

ANITA L. BUDDE, RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF
NEVADA

PETITION FOR REHEARING ON WRIT OF CERTIORARI

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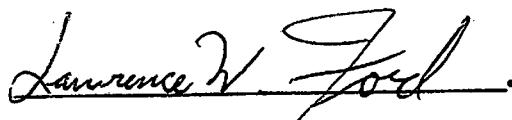
ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF
NEVADA

RULE 44 CERTIFICATE

As required by Supreme Court Rule 44.2, I certify that the Petition for Rehearing is limited to "intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented," and that the Petition is presented in good faith and not for delay.

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

Executed on January 28, 2021.



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1

ARGUMENT FOR REHEARING

2

3

1) Intervening circumstances of a substantial or controlling effect!

4

a) Facts Limited to Question one:

5 On September 14, 2018, Respondent, filed the Report of Administration; et
6 al. ("Report")

7 Based solely upon Counsel Reed's (Reed) filing of the Report, Plaintiff Ford
8 (Ford), on September 25, 2018, filed his Objections to the Report, Ford also filed
9 his motion to relieve and sanction Reed on September 26, 2018. Then, based
10 solely upon Reed's statements within and in support of the Report, as well as
11 Counsel Clark's affidavit and attachments, Ford filed his motion for a new trial on
12 September 28, 2018. All three of the above-mentioned motions were filed timely
13 and with the Notice of Entry of order being issued December 20, 2018.

14

b) Direct Intervening cause

15

16 The Nevada Appellate Court, on April 27, 2020, created the following
17 intervening circumstance of not only a substantial effect, but a controlling effect as
18 well, by stating in its main conclusion:

19 "Ford also asserts that the district court abused its discretion in denying his
20 motion for a new trial and for relief from judgment related to the March 16,
21 2018, order entered following the evidentiary hearing. But that motion was
22 not timely filed and thus, it was properly denied."

23

24

25 In the matter of McDaniels v. Kirkland, 813 F.3d 781 (2015), ... quoting
26 Pinholster, 131 S.Ct. at 1398. The Supreme Court thus held that "the record under
27 review is limited to the record in existence at that same time."

28

1 It is well known that appellate courts are confined to the record compiled
2 below and have no part in a record's composition.

3
4 The March 16, 2018 date was mistakenly inserted and then relied upon by
5 the appellate court for the first time in its Order of Affirmance. This date was
6 never mentioned in either the Report, in any of Ford's three motion caused by the
7 Report, nor was it mentioned in the opening appellate brief.

8
9 The intervention by the appellate court created circumstances of such a
10 substantial and/or controlling effect, that it became a "but for" situation, in which
11 the intervention of the incorrect date by the appellate court becomes the reason
12 continuing harm resulted. There is absolutely no way Ford could have anticipated
13 that the court would pick, insert, and then utilize a totally incorrect date, and as
14 such it becomes an unforeseeable intervening cause.

15
16 Petitioner's motion for a new trial was based upon what was learned in the
17 September 14, 2018 Report that was filed by Reed and petitioner so advised the
18 appellate court that his motion was "NOT" related to a March 16, 2018 order,
19 that the date of March 16, 2018, was in fact never discussed in his moving
20 papers, reply papers of the motion, nor the appellant's opening brief. In fact,
21 Petitioner's appellant's opening brief at the very beginning of the statement of fact,
22 made it very clear that the dates began with the filing of the Report of
23 Administration on September 14, 2018. This independent intervening cause
24 comes as no fault of Ford and broke the "causal connection" between what was
25 being appealed on and the damages by the aforementioned intervening cause.
26
27
28

1 Plaintiff is a retired, disable military veteran who served his country
2 faithfully, and having served his country to preserve the American way, is now
3 utilizing his right to demand justice. To go to the Courts and rely upon them for not
4 only justice on the merits and to have the courts view the exact and correct merits,
5 but to do so no matter how small his case might be or how small the number of
6 people it might affect. Though this court looks to resolve cases that effect the mass,
7 justice is equally important to one man as it is to many.
8
9

10 **CONCLUSION**

11 The Court should grant the petition for rehearing on the writ of certiorari and
12 grant the Writ of Certiorari.
13

14 Respectfully submitted,

15 
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