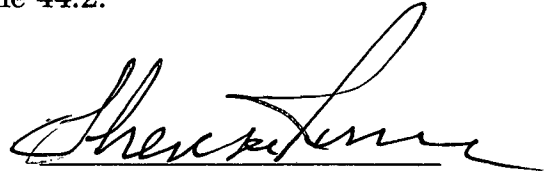


CERTIFICATION:

I hereby certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court rule 44.2.

A handwritten signature in black ink, appearing to read 'Theresa Romain', is written over a horizontal line.

Theresa Romain (Petitioner)

Date: March 22th 2021

NAME OF COUNSEL

Patrick Arthur Wood (Solicitor General)
NYS State Capitol Building
Albany NY. 12224

Hon. Thomas Breslin(Admin)
2500 Pond view Suite 210
Castleton on Hudson NY 12033

Jeffrey W. Lang (Solicitor General)
Robert Abrams Building For Law and Justice
State Street Albany NY. 12223

Hon. Karen Peters (Commissioner)
2500 Pond View Suite 210
Castleton on Hudson NY 12033

Cook, Netter, Cloonan, Kurtz and Murphy P.C.
85 Main Street
C/O P. O. BOX 3939
Kingston NY 12402
Attn: Kurtz

Hon. Michael V. Coccoma
Supreme Court Judge
Ostego County Office Bld
197 Main Street
Cooperstown NY 13326

Catherine Charuk Esq.
P. O. Box 4011
Kingston NY 12402

Justice Randall T. Eng
990 Stewart Ave
Garden City NY 11530

Joshua Koplovitz Esq
P. O. Box 3268
Kingston NY 12402

Jill Owens Esq. Goldberg Segalla LLP
11 Martine ave Suit 750
White Plains NY 10606

Clinton G. Johnson Esq.
(Ulster County Attorney)
P. O. Box 1800
Kingston NY 12402

John Rusk Esq.
255 Fair Street
Kingston NY 12401

Travis Davis RN (pro Se)
121 Stein Road
Pine Bush NY 12566

SUPREME COURT OF THE UNITED STATES
WASHINGTON DC 20543

To: The Clerk of the Court

From: Theresa Romain (Petitioner)

Re: **WAIVER**

Date: December 18, 2020

Dear Sir,,

Please be advised that today I have received waiver form with envelope dated 12/14/20
For the following defendants by their attorney Eric M. Kurtz Esq.

- Michael Iapoce Esq
- Patricia Jelacic Esq
- Suzanne Bottigliero
- Melinda Robinson
- Robyn Randzin
- Winnie Mc Nelis
- Patricia Sangi

The Supreme Court is an expert on statute a copy may have been sent directly to the
Supreme Court by defendants attorney. I am not preview to that information.
The statute should not "provide a safe haven for frivolous or meritless lawsuits"

Thank You:

SUPREME COURT OF THE UNITED STATES
WASHINGTON DC

To: The Clerk of The Court

From: Theresa Romain (Petitioner)

Re: **APPEARANCES VIA WAIVER**

Date: December 8, 2020

Dear Sir,

Please be advised that the Petitioner has received **three waivers** indicating the appearance of several defendants. They are as follows:

(a) **Attorney Patrick Arthur Woods** appearing for the following

- Gov. Andrew Cuomo et al
- Letitia James (Attorney General)
- Hon. Maria G. Rosa
- Hon. Randall T. Eng

(b) **Attorney Jeffrey W. Lang** for

- Hon. Christopher E. Cahill

(c) **Attorney Jeffrey W. Lang** for

- Hon. Kimberly O` O'Connor
- Carol Pressman Esq.

It will be with great honor I present the cases to you accordingly with documentation.

Thank You:

EXHIBITS FOR REHEARING CERTIORARI

COVER PAGE

State of New York Court of Appeals

Exhibit A

State of New York

Court of Appeals

*Decided and Entered on the
sixteenth day of November, 2017*

Present, Hon. Janet DiFiore, *Chief Judge, presiding.*

Mo. No. 2017-870

Theresa S. Romain,
Appellant,

v.


Kimberly O'Connor, et al.,
Respondents.

Appellant having appealed and moved for leave to appeal to
the Court of Appeals in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, on the Court's own motion, that the appeal
is dismissed, without costs, upon the ground that the orders
appealed from do not finally determine the action within the
meaning of the Constitution; and it is further

ORDERED, that the motion for leave to appeal is dismissed
upon the ground that the orders sought to be appealed from do not
finally determine the action within the meaning of the
Constitution.


Heather Davis



*State of New York
Court of Appeals*

*John P. Aiello
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

Decided November 16, 2017

File No. 2017-870

Theresa S. Romain,
Appellant,

v.

Kimberly O'Connor, et al.,
Respondents.

On the Court's own motion, appeal dismissed, without costs,
upon the ground that the orders appealed from do not finally
determine the action within the meaning of the Constitution.
Motion for leave to appeal dismissed upon the ground that the
orders sought to be appealed from do not finally determine the
action within the meaning of the Constitution.

State of New York Appellate Division 3rd Department

Exhibit B

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: June 15, 2017

522145
523363
523010
523159
523270
523364

THERESA S. ROMAIN,
Appellant,

v

KIMBERLY O'CONNOR et al.,
Respondents.

DECISION AND ORDER
ON MOTION

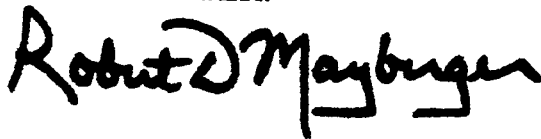
Motion for reconsideration and for further relief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, is it

ORDERED the motion is denied, without costs.

McCarthy, J. P., Lynch, Clark and Mulvey, JJ., concur.

ENTER:



Robert D. Mayberger
Clerk of the Court

Order denying Rehearing

Exhibit C



*State of New York
Court of Appeals*

*John P. Asiello
Chief Clerk and
Legal Counsel to the Court*

December 19, 2017

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

Ms. Theresa S. Romain
P. O. Box 415
Milton, NY 12547

Re: Romain v O'Connor
Mo. No. 2017-870

Dear Ms. Romain:

I acknowledge receipt of your papers dated December 13, 2017 and addressed to and captioned at the Appellate Division, Third Department, which are returned to you enclosed. It appears that your papers were misfiled. The address for the Appellate Division, Third Department, is PO Box 7288 Capitol Station, Albany NY 12224-0288. It is not necessary or appropriate to send to this Court copies of documents filed at other courts.

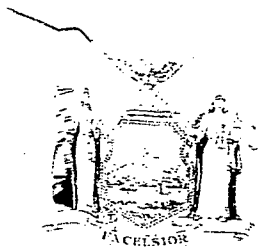
Moreover, if you intended to file your papers at the Court of Appeals to seek a stay, please be advised that your appeal and motion for leave to appeal were dismissed by the Court on November 16, 2017. Because no appeal or motion for leave to appeal is pending before this Court under your name, no procedure exists to permit the Court to entertain an application for a stay (see CPLR 5519).

Very truly yours.

Heather Davis
Deputy Clerk

RMM:mg

cc: Travis Davis
Zainab A. Chaudhry, Esq.
Robert D. Cook, Esq.
Joshua N. Koplovitz, Esq.
Catherine Charuk, Esq.



State of New York
Supreme Court, Appellate Division
Third Judicial Department
Motion Department
P.O. Box 7288, Capitol Station
Albany, NY 12224-0288

Robert D. Mayberger
Clerk of the Court

(518) 471-4779
fax (518) 471-4747
<http://www.nycourts.gov> ad3

Edward J. Carey
Chief Motion Attorney

August 3, 2017

Theresa Romain
28 Woodcrest Lane - PO Box 415
Milton, NY 12547

Re: ##522145/523363/523010/523270/523159/523364 - Romain v O'Connor et al.

Dear Madam:

This will acknowledge receipt of a document dated July 24, 2017 in the above-referenced matter.

In the document you state that you are awaiting your "previous relief" that you had requested and which this Court denied by order dated June 15, 2017. You also state that the Court's order was "inconsistent with laws." Please be advised that, unless you make a formal motion on notice to your adversaries, seeking whatever relief you appear to be requesting by way of your document dated July 24, 2017, no further action will be taken by the Court in regard to its June 15, 2017 order. Enclosed herewith is a motion form that you may use for whatever relief you are looking for.

In light of the above set forth, please be advised that no further action will be taken in regard to your document dated July 24, 2017 unless you advise to the contrary.

Very truly yours,

Linda Gallo
Principal Attorney

/jlc

enclosure

cc: Attorney General Eric T. Schneiderman
Robert D. Cook, Esq.
Travis Davis
Joshua M. ...

Extension of time to file Writ of Certiorari

Exhibit D

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

July 31, 2018

Theresa Romain
c/o P.O. Box 415
Milton, LA 12547

RE: Romain v. O'Connor, et al.
No. 2017-870

Dear Ms. Romain:

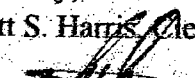
The above-entitled petition for a writ of certiorari was originally postmarked February 6, 2018 and received again on July 20, 2018. The papers are returned for the following reason(s):

It is returned for the reason(s) stated in the letter of June 20, 2018 from this office.

If petitioner wishes, she may resubmit her petition(s) with a motion directing the Clerk of this Court to file it/them out-of-time, or else with proof or affidavit of timely mailing from the letter of March 29, 2018 from this office.

Even though the Rules of this Court require all non-incarcerated IEP petitioners to file an original and 10 copies of their petition, this submission is so confusing, that petitioner is requested to resubmit a single copy of each petition she is attempting to file at this Court.

In a single, brief cover letter, please specify if you are attempting to file more than one petition, or if your submission is intended to be a single petition with multiple respondents. If it is a single case, please give its title as succinctly and accurately as possible. If this is a single case, the title should not vary among cover sheets.

Sincerely,
Scott S. Harris, Clerk
By: 

Michael Duggan
(202) 479-3025

Enclosures

COVID -19 Pandemic

Exhibit E

**SUPREME COURT OF THE UNITED STATES OFFICE OF THE CLERK
WASHINGTON, D. C. 20543-0001**

April 17, 2020

SCOTT S. HARRIS
CLERK OF THE COURT

AREA CODE 202
479-3011

GUIDANCE CONCERNING CLERK'S OFFICE OPERATIONS

In light of the ongoing COVID-19 pandemic, the Clerk's Office is providing guidance on potential impacts of the virus on operations. This guidance will be updated as new information becomes available.

Modification to Paper Filing Requirements

On April 15, 2020, the Court ordered that for any document filed in a case prior to a ruling on a petition for a writ of certiorari or for an extraordinary writ, or prior to a decision to set a direct appeal for argument, a single paper copy of the document may be submitted on 8½ x 11 inch paper. The filer may choose to format the document under the standards set forth in Rule 33.2 (in which case the page limits of Rule 33.2 apply), or under the standards set forth in Rule 33.1 but printed on 8½ x 11 inch paper (in which case the word limits of Rule 33.1 apply). A single copy of petitions for rehearing may also be filed on 8½ x 11 inch paper as outlined above.

The Court's order of April 15, 2020, also identifies certain categories of documents that, if filed through the Court's electronic filing system, need not be submitted in paper form at all. Those categories are: (1) motions for an extension of time under Rule 30.4; (2) waivers of the right to respond to a petition under Rule 15.5; (3) blanket consents to the filing of amicus briefs under Rules 37.2(a) and 37.3(a); and (4) motions to delay distribution of a cert petition under the Court's Order of March 19, 2020. These types of filings should be filed electronically in cases governed by Rule 34.6, although other types of documents in those cases should still be filed in paper form only. Filers not authorized to file documents through the Court's electronic filing system should continue to send a single copy of such

documents to the Clerk's Office.

The Court's order of April 15, 2020, also encourages parties to reach agreement among each other to serve filings through electronic means only, eliminating the need for paper service.

Filing Deadlines

On March 19, 2020, the Court extended the deadline to file petitions for writs of certiorari in all cases due on or after the date of that order to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. This is the maximum extension allowed by statute and rule, so the Court will not docket extension requests with respect to cert petitions covered by this order.

The Court's order of March 19, 2020, also addresses other types of extension requests in existing cert-stage cases, noting that they will ordinarily be granted by the Clerk's Office where the request is reasonable and based upon difficulties relating to COVID-19. The order also authorizes the filing of motions to delay distribution of a cert petition to allow the petitioner time to file a reply brief; such motions are not contemplated by the Court's Rules because Rules 15.5 and 15.6 provide that distribution and consideration of the petition will not be deferred pending receipt of a reply. Motions to defer distribution of a cert petition in these circumstances may be presented in the form of a letter to the Clerk under Rule 30.4. At this time, the Clerk's Office will not send letters to the parties reflecting the result of such Rule 30.4 extension requests, but the results will be reflected on the public docket for the case in question.

While the Court building is closed to the public in light of COVID-19, this closure does not itself affect filing deadlines under Rule 30.1.

Case Distribution and Conference Schedules

The Court is continuing to consider cert petitions and other documents at its regularly scheduled conferences, and order lists addressing the results of those conferences are also being issued. The schedule for the distribution of petitions for

conference consideration is also unaffected.

Delivery of Documents to the Clerk's Office

Filings to be hand-delivered to the Supreme Court Building may be directed to the North Drive on Second Street. Until further notice, all such filings are being directed first offsite for screening before being delivered to the Clerk's Office. In light of health concerns relating to COVID-19, the Court is temporarily suspending its practice of allowing filings delivered to the North Drive in an open container before 2:00 p.m. to be sent to the Clerk's Office on the same day as delivery. It may take up to two days for documents arriving at the North Drive to be physically delivered to the Clerk's Office. Parties are strongly encouraged to send filings by mail or commercial carrier rather than by hand-delivery. In unusual circumstances where especially fast docketing of a particular document is needed, contact the Clerk's Office.

Oral Argument

The Court has announced that oral arguments that had been scheduled for the March and April 2020 argument sessions have been postponed. Some of the cases that had been scheduled for March and April have been rescheduled for telephonic argument in May. The remainder of the cases that had been scheduled for March and April will be scheduled for argument during the October 2020 Term.

Clerk's Office Staffing

While the Clerk's Office remains in operation, staffing in the building is substantially reduced in order to protect the health and safety of employees. If you need to speak to someone in the Clerk's Office, please leave a detailed voicemail; every effort will be made to return calls and emails promptly.

COVID-19 and The Speedy Trial Act

WHAT TO FIGHT FOR AND WHEN TO FIGHT FOR IT

COVID-19 and the Speedy Trial Act

- ▶ Where we are? Court Orders
- ▶ Preliminary Hearings
- ▶ Trials
- ▶ The Basic Law – 18 U.S.C. 3161 and arguments for and against adjournments
- ▶ Rule of Professional Conduct 1.2
- ▶ Remedies for Speedy Trial Issues
- ▶ Remote Proceeding Considerations

Where are we now? EDNY

- ▶ Administrative Order 2020-15
- ▶ These same concerns, as well as the unavailability of a grand jury sitting in this District arising from the inability to muster a quorum prior to May 15, 2020, and the suspension of the selection of new grand jurors, make it "unreasonable to expect return and filing of [an] indictment within the period specified in section 3161 (b)." 18 U.S.C. § 3161 (h)(7)(B)(iii). As such, the 30-day time period for filing an indictment under 18 U.S.C. § 3161(b), which previously had been tolled through April 27, 2020 by Administrative Order 2020-06, is further tolled until May 15, 2020. See also 18 U.S.C. § 3161(h)(7)(A).

Where are we now? EDNY

- ▶ Administrative Order 2020-15
- ▶ Due to the ongoing exigent circumstances created by the COVID-19 pandemic as outlined herein, in all criminal matters in which a magistrate judge must conduct a preliminary hearing pursuant to Federal Rule of Criminal Procedure 5.1 on or between April 27, 2020 and June 15, 2020, the time for such hearing set forth in Rule 5.1(c) is further extended to no later than 60 days after the initial appearance of the defendant.

Where are we now? SDNY

- ▶ Order 20 MC 197
- ▶ All persons working in the jury unit have been ordered to remain home until governor lifts travel ban and workplace can be made safe
- ▶ It requires a minimum of four weeks to call together a venire panel
- ▶ It's prudent to assume it will require more time because there will be a higher than normal demand for jurors
- ▶ It's possible that the calling of a new Grand Jury will have to take precedence over any call for petit jurors
- ▶ Due to constant changes, judges and parties are having trouble scheduling jury trials, both civil and criminal

Preliminary Hearing Dates

- ▶ Can the preliminary hearing date be waived/adjourned without your client's consent?
- ▶ Let's start with the law
- ▶ 18 U.S.C. 3161(b):
 - ▶ Time period for preliminary hearing shall be extended for 30 days if a grand jury was not in session in the district during the original 30-day period.
- ▶ 18 U.S.C. 3161(h)(7)(A)
 - ▶ Time period can be extended if the court makes a finding that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. But there has to be a finding.
 - ▶ Why is your case different?
 - ▶ *United States v. Elms*, 20-mj-0036 (CLB) (D. Nev.)

Preliminary Hearing Dates

- ▶ *US v. Ebanks*, 20-mj-204 (RML) (EDNY) – tenacious lawyering by Mildred Whalen
- ▶ Fed.R.Crim.P. 48(b)(1) permits dismissal of a complaint by the Court if unnecessary delay occurs in presenting a charge to the grand jury. This provision not only allows the Court to dismiss on constitutional grounds, but also permits the Court to dismiss where the delay is not of a constitutional magnitude. This rule operates independently of the Speedy Trial Act and is broader in compass. *United States v. Goodson*, 204 F.3d 508, 513 (4th Cir. 2000); *United States v. Balochi*, 527 F.2d 562, 563-64 (4th Cir. 1976) (per curiam).

Speedy Trial: Remedies?

► Release!

- A detention facility therefore violates the Sixth Amendment when it "unreasonabl[y] interfere[s] with the accused person's ability to consult counsel." *Benjamin v. Fraser*, 264 F.3d 175, 185 (2d Cir. 2001).
- Can't just wait and make up the time later. (The Court is also unconvinced by the Government's argument that, because Chandler's trial is likely to be further delayed due to COVID-19, time preparing for his defense can simply be made up later.) *US v. Chandler*, 19 Cr. 867 (PAC) (SDNY)
- Gov't's first wave of arguments was that release is not appropriate where there's not a firm trial date. As time passes, this argument is flipped on its head: the combination of the Speedy Trial Act and the Sixth Amendment require release.

Speedy Trial: Remedies?

- ▶ Bench Trial (even over government objection)
 - ▶ As the Second Circuit has read *Singer*, “[o]rdinarily, insisting that a defendant undergo a jury trial against his will does not run afoul of a defendant's right to due process and a fair trial. Certainly, we recognize, though, that there might be cases where the circumstances are so compelling that for the court to countenance the government's insistence on a jury trial over the defendant's request to be tried by a judge alone would deny the defendant a fair trial.” *United States v. Moon*, 718 F.2d at 1218 (citing *Singer*, 380 U.S. at 37).

Remote Proceedings

- ▶ *United States v. Harry*, No. 19-CR-535, 2020 WL 1528000, at *2 (E.D.N.Y. Mar. 31, 2020) (Irizarry, J.)
- ▶ [c]riminal punishment impacts the most fundamental of human rights, liberty, and there are many important policy reasons why the physical presence of the defendant at sentencing is critically important: to insure the defendant has the opportunity to (1) challenge the accuracy of the information upon which the court is relying; (2) present any mitigating evidence he may have; and (3) make a personal statement. Of equal importance, defendant is entitled to the effective assistance of counsel under the Sixth Amendment to the Constitution, a right that is difficult to give any meaningful adherence to if defendant and defense counsel are not together in the same place at the same time.

Filing Under Precedence

Exhibit F



July 27, 2020

Honorable Scott S. Harris, Clerk of the Court
Supreme Court of the United States
One First Street, NE
Washington, DC 20543-0001

Re: No. 19-968, *Uzuegbunam v. Preczewski*

Dear Mr. Harris:

Pursuant to Supreme Court Rule 30.4, Petitioners and Respondents jointly request that the time in which to file their respective briefs on the merits in the above-referenced case be extended for 14 days. The Court granted the petition for writ of certiorari on July 9, 2020. Absent an extension of time, Petitioners' brief on the merits would be due on August 24, 2020 and Respondents' brief on the merits would be due on September 23, 2020. *See* S. Ct. R. 25.1-2.

Counsel for Petitioners and Respondents seek an extension of time in which to file their briefs on the merits due to numerous factors, including the weighty constitutional matters at issue, the press of other litigation deadlines, and the restrictions currently being experienced due to COVID-19.

Granting Petitioners' and Respondents' joint request for an extension will not prejudice the Court's ability to schedule oral argument in this case. If the Court grants a 14-day extension, Petitioners' brief on the merits would be due on September 7, 2020, Respondents' brief on the merits would be due on October 21, 2020, and Petitioners' reply would be due on November 20, 2020. Ample time would still exist for the Court to schedule oral argument in the above-referenced case during the December 2020 argument session.

For these reasons, Petitioners and Respondents jointly request that the time in which to file their briefs on the merits in this matter be extended for 14 days.

Respectfully Submitted,

John J. Bursch

John J. Bursch

Counsel for Petitioners



GEORGIA DEPARTMENT OF LAW

40 Capitol Square SW
Atlanta, Georgia 30334-1300

CHRISTOPHER M. CARR
ATTORNEY GENERAL

www.law.ga.gov
(404) 656-3300

February 19, 2020

Honorable Scott S. Harris, Clerk of the Court
Supreme Court of the United States
One First Street NE
Washington, DC 20543-001

RE: ***Chike Uzuegbunam, et al. v. Stanley C. Preczewski, et al.***
Case No. 19-968

Dear Mr. Harris:

Respondents Stanley C. Preczewski, et al., respectfully request an extension of time to respond to the petition for a writ of certiorari filed on January 31, 2020. The response to the petition for a writ of certiorari is currently due on March 4, 2020. Respondents request a 35-day extension to and including April 8, 2020. The extension is requested due to the press of other matters, including pre-existing personal and professional commitments.

Sincerely,

/s/Andrew A. Pinson
Andrew A. Pinson
Solicitor General, State of Georgia

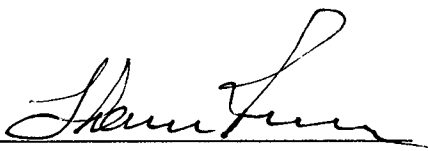
cc: John J. Bursch
Counsel for Petitioners

IN ADDITION:

RE: Romain v. United States of America (No. 2017-870)

(4)

- In Citizens United v. Fed. Election Comm'n, 558 U.S. 310, 378 (2010)
(Roberts, J., concurring) ("[Stare decisis] greatest purpose is to serve a
constitutional ideal—the rule of law.



Theresa Romain(Petitioner)

Date: March 22, 2021

(B)

WINSTON
& STRAWN
LLP

North America Europe Asia

1700 K Street, NW
Washington, DC 20006
T +1 202 282 5000
F +1 202 282 5100

STEFFEN N. JOHNSON
202-282-5879
sjohnson@winston.com

March 12, 2018

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Re: *Helsinn Healthcare S.A. v. Teva Pharm. USA, Inc., et al.*,
No. 17-1229

Dear Mr. Harris:

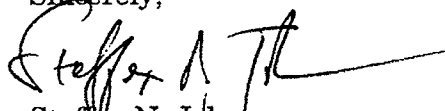
I am counsel for respondents in the above-captioned case, in which the petition for certiorari was docketed on March 2, 2018, and a response to the petition is currently due on April 2, 2018.

Pursuant to Supreme Court Rule 30.4, respondents respectfully request a 45-day extension of time, to and including May 17, 2018, within which to file a response to the petition. The additional time is warranted due to significant professional obligations in pending matters, including preparation of a reply brief in *Pon v. United States*, No. 97-11455 (11th Cir.), a complex Medicare fraud case, and the briefing of various motions in *Radtke v. United States Customs & Border Protection*, No. 1-17-cv-02412 (D.D.C.), a complex APA dispute under the Jones Act.

The requested extension will allow for the certiorari-stage briefing to be completed and the case conferenced before the Court's summer recess. Counsel of record for petitioner has indicated that petitioner would not object to a 30-day extension.

Thank you for your attention to this matter.

Sincerely,



Steffen N. Johnson

cc: Counsel of Record

Theresa Romain
P. O. Box 392
Marlboro NY 12542

To: Honorable Scott S. Harris (Clerk of the Court)
Supreme Court of the United States
One First Street NE
Washington, DC 20543-0001

RE: Theresa Romain v. United States of America et al (No. 2017-870)

Dear Sir,

Enclosed is the petition with supporting documents for rehearing for consideration
for Writ of Certiorari.

The petition is presented in good faith and not for delay, it is restricted to the grounds
specified in the question presented and rule 44.2.

Thanks for your undivided attention into this matter.

Sincerely,



Theresa Romain(Petitioner)

Date: March 23, 2021

