

ORIGINAL

20-6758

No.

FILED

DEC 14 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Patrick Koroma

— PETITIONER

(Your Name)

vs.

Katti Lanham, et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Georgia Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Patrick Koroma, GDC#1001443675

(Your Name)

13262 Highway 24 East, P.O. Box 206

(Address)

Davisboro. GA. 31018

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Whether an order denying a motion to strike pursuant to OCGA § 9-11-11.1 (c) is directly appealable, and whether the Georgia Court of Appeals had jurisdiction to review petitioner's case.
2. Whether the trial court's order denying the petitioner's judgment by default motion is effectively unreviewable on appeal from a final judgment, and whether the collateral attack issue the legal and practical value of which would be destroyed if not vindicated before trial.
3. Whether Petitioner was denied equal protection of the law pursuant to United States Constitution, Amendment XIV.

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:

Katti Lanham
Rebecca Keaton
Cobb County Commission

RELATED CASES

- A1630470. Patrick Koroma v. The State. Court of Appeals of the State of Georgia; Judgment Entered August 09, 2016.
- A17A1767. Patrick Koroma v. The State. Court of Appeals of the State of Georgia; Judgment Entered August 10, 2017.
- Patrick Koroma v. State of Georgia;
Case number 13-9-4928,
Cobb County Superior Court
Judgment Entered September 10, 2018.
- A20A1397. Patrick Koroma v. Katti Lanham, et al.,
Court of Appeals of the State of Georgia;
Judgment Entered March 31, 2020.

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- APPENDIX C : Superior Court of Cobb County, State of Georgia . Order denying Default Judgment and motion to strike Entered January 02, 2020 . Civil Action no. 19-1-4134 .
- APPENDIX D : Court of Appeals of the State of Georgia . Judgment Entered granted discretionary application from trial court's order denying motion to modify sentence Entered August 09, 2016 . Case no. A16D0470 . Patrick Koroma v. The State .
- APPENDIX E : Court of Appeals of the State of Georgia . Judgment Entered dismissing Koroma's application for discretionary appeal for an alleged untimely notice of appeal . A17A1767 . Patrick Koroma v. The State . Entered August 10, 2017 .
- APPENDIX F : Superior Court of Cobb County, State of Georgia . Judgment entered September 10, 2018 , granting motion to establish filing date . Clerk was directed to retransmit the appeal with Koroma's earlier filed notice of appeal . Case no. 13-9-4928 . Patrick Koroma v. The State .

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APPENDIX I: In the Superior Court of Cobb County. Petitioner's "A Judgment by Default" motion. Case no. 19-1-4134.

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APPENDIX K: In the Superior Court of Cobb County. Special Appearance Answer to Amended Complaint. Case no. 19-1-4134.

APPENDIX L: Petitioner's Request for Admissions to Cobb County Commission, pursuant to OCGA 9-11-36. Case no. 19-1-4134.

APPENDIX M: Petitioner's Request for Production of Documents and Things to Cobb County Commission pursuant to OCGA § 9-11-34. Case no. 19-1-4134.

APPENDIX N: Petitioner's Request for Interrogatories to Cobb County Commission pursuant to OCGA § 9-11-33. Case no. 19-1-4134.

APPENDIX O: In the Superior Court of Cobb County. Inmate form for Civil Action, plus Supplement Complaint (original complaint) filed June 6, 2019. Case number 19-1-4134.

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APPENDIX Q: Defendant's Response to Plaintiff's Request for Admissions. Case no. 19-1-4134.

APPENDIX R: Defendant's Response to Plaintiff's Request for Production of Documents. Case no. 19-1-4134.

APPENDIX S: Defendant's Response to Plaintiff's First Interrogatories. Case no. 19-1-4134.

APPENDIX T: Notice of Claims against the Clerks of Superior Court of Cobb County, Ms. Rebecca Keaton, Clerk. Ms Katti Lanham, deputy clerk, and, Cobb County, a state government municipality corporation entity of the State of Georgia, et al., to the Department of Administrative Services, Risk Management Division, and Served by Certified return receipt all parties to the complaint. December 07, 2018.

APPENDIX U: Order List: 589 U.S.; The deadline to file any petition for a writ of certiorari, due on or after the date of this order is extended to 150 days from the date of the lower court judgment...order Entered Thursday, March 19, 2020.

APPENDIX V: Clerk and Court Administrator correspondence to Petitioner dated August 18, 2017, explaining in part "On September 13, 2016, this court (Georgia Court of Appeals) then received an appeal record from the trial court in which the Appellant filed a Notice of Appeal."

APPENDIX W: In the Cobb County Superior Court; Sheriff's Entry of Service to Katti Lanham, Rebecca Keaton for Service of the Amended complaint. Case no. 19-1-4134.

APPENDIX X: In the Cobb County Superior Court. Long after Petitioner has filed his motion to strike defendants Katti Lanham and Rebecca Keaton provided Verifications to Interrogatories directed at Cobb County Commission. Case no. 19-1-4134.

APPENDIX Y : In the Superior Court of Cobb County, Koroma's "Notice of Appeal," filed January 21, 2020; case no. 19-1-4154.

APPENDIX Z : In the Georgia Court of Appeals, Koroma's "petition for Appeal." Case no. A20A1397; Patrick Koroma v. Katti Lanham, et.al.

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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 2020 Ga. LEXIS 799; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Cobb County Superior court appears at Appendix E 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 Oct. 19, 2020.
A copy of that decision appears at Appendix B.

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

☒ An extension of time to file the petition for a writ of certiorari was granted to and including March 19, 2021 (date) on March 19, 2020 (date) in Application No. ____ A _____. (Order list: 589 U.S.)

See : Thursday, March 19, 2020 order - APPENDIX U .

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution Amendment XIV, Section 1:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. 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.

O.C.G.A. 9-11-11.1(e):

An order granting or denying a motion to dismiss or a motion to strike shall be subject to direct appeal in accordance with Subsection (a) of Code Section 5-6-34.

O.C.G.A. § 9-11-11.1 :

Certification that claim arising from act in furtherance of right of free speech or to petition government for redress of grievances is well grounded in fact and warranted by laws.

(a) The General Assembly of Georgia finds and declares that it is in the public interest to encourage participation by the citizens of Georgia in the matters of public significance through the exercise of their Constitutional rights of freedom of speech and the right to petition government for redress of grievances. The General Assembly of Georgia further finds and declares that the valid exercise of the Constitutional rights of freedom of speech and the right to petition government for a redress of grievances should not be chilled through abuse of the judicial process.

O.C.G.A. § 5-6-34: Appeals from lower courts; finality of judgments.

(a) Appeals may be taken to the Supreme Court and the Court of Appeals

O.C.G.A. § 5-6-34 (cont.):

from the following judgments and rulings of the Superior Courts, the Constitutional City Courts, and such other courts or tribunals from which appeals are authorized by the Constitution and laws of this State --- (13) Appeals may be taken to The Supreme Court and the Court of Appeals from all judgments or orders entered pursuant to Code Section 9-11-11.1.

O.C.G.A. § 9-11-11.1 (b):

For any claim asserted against a person or entity arising from an act by that person or entity which could reasonably be construed as an act in furtherance of the right of free speech or the right to petition government for redress of grievances under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern, both the party asserting the claim and the party's attorney of record, if any, shall be required to file, contemporaneously with the pleading containing the claim, a written verification under oath as set forth in Code Section 9-10-113. Such written verification shall certify that the party and his or her attorney of record, if any, have read the claim; that to the best of their knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; that the act of forming the basis for the claim is not a privileged communication under paragraph (4) of Code Section 51-5-7; and that the claim is not interposed for any improper purpose such as to suppress a person's or entity's right of free speech or right to petition government, or to harass, or to cause unnecessary delay or needless increase in the cost of litigation. If the claim is not verified as required by this subsection, it shall be stricken unless it is verified within ten days after the omission is called to the attention of the party asserting the claim. If a claim is verified in violation of this code section, the Court, upon motion or upon its own initiative, shall impose upon the person who signed the verification, a

OCGA. § 9-11-11.1 (b) (cont.):

represented party, or both an appropriate sanction which may include dismissal of the claim and an order to pay to the other party or parties the amount of the reasonable expenses incurred of the filing of the pleading including a reasonable attorneys fee.

OCGA. § 9-11-11.1 (c) :

As used in this Code Section, "act in furtherance of the right of free speech or the right to petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Georgia in connection with an issue of public interest or concern" includes any written or oral statement, writing, or petition made before or to a legislative, executive, or judicial proceeding, or any other official proceeding authorized by law, or any written or oral statement, writing, or petition made in connection with an issue under consideration or review by a legislative, executive, or judicial body, or any other official proceeding authorized by law.

OCGA § 9-11-11.1 (d) :

All discovery and any pending hearings or motions in the action shall be stayed upon the filing of a motion to dismiss or motion to strike made pursuant to Subsection (b) of this Code Section. The motion shall be heard not more than 30 days after service unless the emergency matters before the Court require a later hearing. The Court, on noticed motion and for good cause shown, may order that specified discovery or other hearings or motions be conducted notwithstanding this subsection.

OCGA. § 9-11-15 (a) :

(a) Amendments. A party may amend his pleadings as a matter of course and without leave of court at any time before the entry of pretrial order. Thereafter the party may amend his pleading only by leave of the court or by written consent of the adverse party. Leave

OCCA § 9-11-15(a) (continued):

shall be freely given when justice so requires. A party may plead or move in response to an amended pleading; and, when required by an order of the court, shall plead within 15 days after service of the amended pleading, unless the court otherwise orders.

OCCA § 9-11-15(c) :

Relation back of Amendments. Whenever the claim or defense asserted in the amended pleading arises out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back to the date of the original pleadings if the foregoing provisions are satisfied, and if within the period provided by law for commencing the action against him the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him.

OCCA § 9-11-55. Default. :

(a) When case in default; opening as matter of right; judgment. If in any case an answer has not been filed within the time required by this Chapter, the case shall automatically become in default unless the time for filing the answer has been extended as provided by law. The default may be opened as a matter of right by the filing of such defense within 15 days of the day of default, upon the payment of costs. If the case is still in default after the expiration of the period of 15 days, the plaintiff at any time thereafter shall be entitled to verdict and judgment by default, in open court or in chambers, as if every item and paragraph of the complaint or other original pleading were supported by proper evidence, without the intervention of a jury, unless the action is one of ex delicto or involves unliquidated damages, in which event the plaintiff shall be required to introduce evidence and establish the amount of damages before

OCCA § 9-11-55. Default (cont.):

the court without a jury, with the right of the defendant to introduce evidence as to damages and the right of either to move for a new trial in respect of such damages; provided, however, in the event a defendant, though in default, has placed damages in issue by filing a pleading raising such issue, either party shall be entitled, upon demand, to a jury trial of the issue as to damages. An action based upon open account shall not be considered one for unliquidated damages within the meaning of this Code Section.

OCCA § 5-6-35 (g) :

Within ten days after an order is issued granting the appeal, the applicant, to secure a review of the issues, shall file a notice of appeal as provided by law. The procedure thereafter shall be the same as in other appeals.

OCCA § 5-6-35 (j) :

When an appeal in a case enumerated in Subsection (a) of Code Section 5-6-34, but not in Subsection (a) of this Code Section, is initiated by filing an otherwise timely application for permission to appeal pursuant to Subsection (b) of this Code Section without also filing a timely notice of appeal, the appellate court shall have jurisdiction to decide the case and shall grant the application. Thereafter the appeal shall proceed as provided in Subsection (g) of this Code Section.

28 U.S.C § 1291 : A decision that is final does not necessarily mean the last order possibly to be made in a case. Instead, a decision by a court may be within that small class which finally determine claims of rights separable from, and collateral to, rights asserted in the action, too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated.

OCGA. § 9-11-12: Defenses and Objections - When and How Presented.

(2) When answer presented. A defendant shall serve his answer within 30 days after the service of the summons and complaint upon him, unless otherwise provided by statute. A cross-claim or counter-claim shall not require an answer, unless one is required by order of the court, and shall automatically stand denied.

STATEMENT OF THE CASE

Georgia Court of Appeals and the Supreme Court of Georgia has decided an important federal question in a way that conflicts with the decision of another State Court of last resort or of a United States Court of Appeals.

This case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in the Court. See 28 USC § 2101(e).

In the underlying civil action giving rise to this petition, the Superior Court of Cobb County, Georgia, denied Koroma's "judgment by default" motion and "Motion to Strike" defendant's special appearance answer and responses to Appellant's discovery requests. Please see APPENDIX C.

On August 9, 2016, Georgia Court of Appeals granted Petitioner's application for discretionary review under OCGA § 5-6-35(j). Please see APPENDIX D. The order directed Koroma to file a Notice of Appeal within ten days with the trial court if he has not already done so. OCGA § 5-6-35(g) imposes a mandatory obligation on an appellant to file a Notice of Appeal within 10 days of the granting of a discretionary appeal. The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon the appeals court and the burden is upon the appellant to file a timely Notice of Appeal. See Moncrief v. Tara Apts, Ltd., 162 Ga. App. 695, (293 S.E. 2d 352 (1982)).

On July 27, 2016, Koroma filed a notice of appeal after filing of the application for discretionary appeal, but before the application was granted. Thus, the Notice of Appeal, though premature, was timely. See Wannamaker v. Carr, 257 Ga. 634 (1) (362 S.E. 2d 53) (1987); Randall v. Randall, 274 Ga. 107 (1) (549 S.E. 2d 384) (2001).

STATEMENT OF THE CASE

On August 16, 2016, Koroma filed a second notice of appeal after the grant of the application, but was not docketed until September 13, 2016, when the Court of Appeals received an appeal record from Cobb Superior Court. Please see APPENDIX V. As a result of the actions and omissions of defendants, Koroma's appeal was dismissed by the Court of Appeals. Please see APPENDIX E.

Koroma filed a motion to establish filing date with the trial court. On September 10, 2018, honorable Judge A. Gregory Poole ordered the clerk of Cobb Superior Court to retransmit the record and transcript to the Court of Appeals because the July 27, 2016 Notice of Appeal was timely upon the grant of discretionary appeal. Please see APPENDIX E.

On December 7-13, 2018, Koroma delivered by Certified Mail Return Receipt to the Department of Administrative Services - Risk Management Division and the defendants herein named in this complaint, notice of claims as to the negligent and deliberate indifference conduct exhibited by the defendants. No response was generated. Please see APPENDIX T.

On June 6, 2019, Petitioner filed the above-styled complaint against defendants Katti Lanham, Rebecca Keaton, and Tim Lee, Cobb County Commission, Chairman.

On June 11, 2019, and June 12, 2019 defendant Katti Lanham and Rebecca Keaton were served the original complaint by the Cobb County Sheriff's deputy, respectively. Proof of Service was filed with the Cobb County Superior Court within 5 business days. Defendants Katti Lanham and Rebecca Keaton failed to present timely answers after the service of summons and complaint upon them. See APPENDIX J.

Cobb County Sheriff deputy attempted service to Mr. Tim Lee (former Cobb County Commission Chairman), who was originally named as

STATEMENT OF THE CASE

defendant in the original complaint. Mr. Tim Lee was no longer employed with the Cobb County Commission when service was attempted by the deputy.

Petitioner amended his complaint and named Cobb County Commission as defendant in the case on July 9, 2019. The amended complaint relates back to the original date of the complaint because the amended complaint arises out of the same conduct, transaction, or occurrence giving rise to the original complaint. In the amended complaint, petitioner recast his pleadings and incorporates by reference his prior disclosure statements, summons, and Sheriff's Entry of Service for defendant Katti Lanham and defendant Rebecca Keaton. Please see APPENDIX P. See also OCGA. § 9-11-55(2); § 9-11-15(c).

On August 8, 2019, defendant Cobb County Commission was served both the original complaint and the amended complaint by Cobb County Sheriff deputy. Proof of Service was filed in the trial court within 5 business days. On August 8, 2019, defendants Katti Lanham and Rebecca Keaton were served the amended complaint by Cobb County Sheriff deputy as well. Proof of Service was filed with the trial court within 5 business days. See APPENDIX W.

On August 8, 2019, fifty-seven (57) days after been served the original complaint, defendant Rebecca Keaton presents answers to the complaint. See APPENDIX K.

On August 8, 2019, fifty-eight (58) days after been served the original complaint, defendant Katti Lanham presents answers to the complaint. Please see APPENDIX K; Id.

On August 9, 2019, Petitioner filed a Judgment by Default motion against Katti Lanham and Rebecca Keaton for failure to present a timely answer to the original complaint after the Service of Summons and complaint upon them. See APPENDIX I.

STATEMENT OF THE CASE

On August 8, 2019, defendant Cobb County Commission filed timely responses, however, the answers were never verified under oath by the Cobb County Commission even though they stated, "Plaintiff has acted in bad faith in bringing this action, is being stubbornly litigious, and causing defendants unnecessary trouble and expenses, thereby entitling defendants to recover reasonable attorney's fees and expenses of litigation." See APPENDIX K. Id fifteenth defense.

On August 28, 2019, Petitioner served defendant Cobb County Commission, Request for Admissions; Request for Production of Documents and Things; and, Interrogatories. The responses and objections provided by The Cobb County Commission had no verification statement and were never submitted under oath. Please see APPENDIX Q, R, S.

On October 3, 2019, Petitioner in good faith effort contacted Cobb County Commission through Counsel pursuant to Uniform Superior Court Rule, Rule 6.4, to provide answers with verification under oath. Cobb County Commission failed to provide verification. See APPENDIX H.

On October 22, 2019, Petitioner filed a motion to strike all the defendant's answers and responses because defendants Katti Lanham and Rebecca Keaton are in default and must not be allowed to defend against the complaint further as they have failed to make any showing of opening the default pursuant to OCCA. § 9-11-12(a). § 9-11-55. As to defendant Cobb County Commission, they have failed to provide verification to their answers and responses to interrogatories. Please see APPENDIX G.

On November 21, 2019, long after Petitioner has filed his motion to strike, defendants Katti Lanham and Rebecca Keaton provided verification to interrogatories directed at the Cobb County Commission. Petitioner has filed a judgment by default motion against Katti Lanham and Rebecca Keaton. (Defendants Katti Lanham and Rebecca Keaton should not be permitted to

STATEMENT OF THE CASE

defend against the complaint further or file any verifications on interrogatories not directed to them because they are in default and have not made any showing of opening the default). See APPENDIX X.

On January 02, 2020, Cobb County Superior Court denied Petitioner's "Motion for A Judgment by Default" and "Motion to Strike" without holding any hearing. Please see APPENDIX C.

Petitioner sought appeal on these grounds:

1. The rejection of the argument that Katti Lanham and Rebecca Keaton are in default.
2. The rejection of the argument that defendants Katti Lanham, Rebecca Keaton, and Cobb County Commission answers to the complaint and responses to discovery be struck.
3. The rejection of the contention that Petitioner's Complaint is verified.

Petitioner's appeal was dismissed by the Georgia Court of Appeals for want of jurisdiction on March 31, 2020. Please see APPENDIX A.

Petitioner filed a petition for a writ of certiorari in the Supreme Court of Georgia. The petition was denied on October 19, 2020. Please see APPENDIX B.

Petitioner has filed a "Notice of Intention to Petition for a writ of certiorari" in the Georgia Court of Appeals and outlined the issues to be presented in this Court. This petition ensues.

REASONS FOR GRANTING THE PETITION

Georgia Court of Appeals has entered a decision in conflict with OCGA § 9-11-11.1(e) when the Court states in part, "Patrick Koroma, the plaintiff in the underlying action, filed both an application for discretionary appeal and a direct appeal from the trial court's order denying his motion for default judgment and motion to strike the defendant's special appearance answers and responses to Koroma's discovery requests. However, the order that Koroma seeks to appeal is non-final, which leaves the case pending before the trial court. See *Ware v. Handy Storage*, 222 Ga. App. 339, 339 (474 S.E.2d 240) (1996) (The denial of a motion for default judgment is an interlocutory ruling which is not directly appealable). This Court, therefore, dismissed Koroma's application for discretionary appeal, noting that Koroma was required to use the interlocutory appeal procedures - including obtaining a Certificate of Immediate Review from the trial court - to obtain appellate review. See *Koroma v. Lanham*, Application No. A20D0287 (Dismissed February 14, 2020). See also, OCGA § 5-6-34(b). For the same reason, we lack jurisdiction over this direct appeal, which is hereby DISMISSED..." See APPENDIX A.

Koroma appealed an order which denied both his Motion to Strike and Judgment by default motion. An order granting or denying a motion to dismiss or a motion to strike shall be subject to direct appeal in accordance with Subsection (a) of Code Section 5-6-34. Please see OCGA § 9-11-11.1(e).

The Georgia Court of Appeals decision is also in conflict with OCGA § 5-6-34 (a)(13) which states, "Appeals may be taken to the Supreme Court and the Court of Appeals from the following judgments and rulings of the Superior Courts, the Georgia state-wide Business court, the Constitutional City Courts, and such other courts or tribunals from which appeals are authorized by the Constitution and laws of this State ... (13) All judgments or orders entered pursuant to Code Section

9-11-11.1."

The Court of Appeals of Georgia entered a decision in conflict with decisions in *Rigdon v. State Bd. of Regents*, 594 F. Supp. 2d 1312 (2008); *State v. Cash*, 298 Ga. 90 (2015); *Cohen v. Beneficial Indus. Corp.*, 337 U.S. 541, 69 S.Ct. 1221, 93 L.Ed. 1528 (1949); *Kaufman v. Checkers Drive-In Restaurants, Inc.*, 122 F.3d 872, 894 (11th Cir. 1997) in which these decisions established that, a decision that is final within the meaning of 28 USC § 1291 does not necessarily mean the last order possibly to be made in a case. Instead, a decision by a court may be within that small class which finally determine claims of rights separable from, and collateral to, rights asserted in the action, too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated.

The decision of Cobb Superior Court entered January 02, 2020, is in conflict with O.C.G.A. § 9-11-55 (a); § 9-11-12 (a); § 9-11-11.1 (b); § 9-11-11.1 (c); § 9-11-15 (c); *Times-Journal, Inc v. Jouquil Broadcasting Co.*, 226 Ga. 673, 177 S.E. 2d 64 (1970); *Chapman v. Commercial Bank*, 208 Ga. 593, 68 S.E. 2d 603 (1952).

Cobb Superior Court ruled in part, "The Court finds that the Special Appearance Answer was timely filed in response to the Service of plaintiff's amended complaint. As to the discovery requests, the Court finds first, that O.C.G.A. § 9-11-11.1 is inapplicable. Second, defendant's filed a Rule 5.2 Certificate signed by Counsel, at the time of service of the responses. Defendants subsequently filed a Second Rule 5.2 Certificate certifying service of verifications of defendants Keaton and Lanham's Interrogatories. Plaintiff argues that as the initial responses were not verified, they should be struck. The Court finds that the sanction of striking the responses would be too drastic under the circumstances, as the Court can see no harm as a result of failing to include the verifications in the initial response" Please see APPENDIX C.

The defendant brought by amendment has received notice of the institution of the action. Please see APPENDIX T. Cobb County Commission knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against it.

Petitioner's amended complaint relates back to the date of the original complaint. Defendant's Katti Lanham and Rebecca Keaton were served the original complaint and summons as evidenced by the Sheriff's Entry of Service. See APPENDIX J.

Cobb County Commission was served both the original complaint and amended complaint as well. See APPENDIX J.

Petitioner's complaint is an act in furtherance of the right to petition government for a redress of grievances in connection with an issue of public interest or concern and was under consideration by Cobb County Superior Court.

Defendants have accused Petitioner by claiming that Plaintiff has acted in bad faith in bringing this action, is being stubbornly litigious, and causing defendants unnecessary trouble and expenses, thereby entitling defendants to recover reasonable attorney's fees and expenses of litigation. Please see APPENDIX K, fifteenth defense. See also, *Hagemann v. City of Marietta*, 287 Ga.App. 1, 650 S.E.2d 363 (2007).

Fifty-eight (58) days after been served the original complaint defendant Katti Lanham served answers to the complaint. Fifty-seven (57) days after been served the original complaint defendant Rebecca Keaton served answers to the complaint.

Defendant's Katti Lanham and Rebecca Keaton are in default and they have not made any showing of opening the default. They must not be permitted to further defend the complaint.

Cobb County Commission never provided verification to their answer and responses to discovery requests.

The Fourteenth Amendment forbids a state to "deny any person within its jurisdiction the Equal Protection of the laws." U.S. Const. Amendment XIV.

Equal Protection forbids inequality that lacks justification. The denial of Koroma's motion to strike and judgment by default motions bears no "rational relationship" to a legitimate government purpose. The dismissal of Petitioner's complaint discriminated him and denied him equal protection of the law. The defendants' failure to provide him timely answer and to verify answer and discovery requests does not show a compelling state interest in a case involving "fundamental and statutory rights" to petitioner. Their failure does not show a "substantially related" basis to the achievement of "important governmental objectives," a standard referred to as "intermediate," or "heightened" scrutiny.

The denial to review petitioner's case is a denial of Equal Protection of the laws to petitioner. Compare *Sturm v. Clark*, 833 F.2d 1009, 1016, -17 (3d Cir. 1987); *Doe v. Sparks*, 733 F. Supp. 227, 233-34 (W.D. Pa., 1990); *Flowers v. Fauver*, 683 F.Supp. 981, 985 (D.N.J. 1988).

The January 02, 2020 order has conclusively determine the disputed questions of verification of pleadings and default. resolve an important issue completely separate from the merits of the action; and effectively unreviewable, on appeal from a final judgment. The collateral at issue involved asserted rights the legal and practical value of which would be destroyed if not vindicated before trial. Please see *United States v. Atkinson*, 2001 U.S.Distr., LEXIS 20556 (2001).

This case is of great public concern, gravity, and importance as to call for an exercise of this Court's Supervisory Power.

County attorney's and lower courts, knowing there is no negative consequences, regularly violates inmates or indigent pro se litigants' rights with frivolous tactics designed only to delay and disrupt. A practice contrary to the basic tenets of American Law.¹

This case is important not only to petitioner but to others similarly situated where notices of appeals are not docketed timely by the clerks; where appeals are dismissed as a result of this conduct; notices of claims are ignored; complaints not timely answered or not answered at all; letters in good faith disregarded; motions filed in State Courts not heard, but summarily denied or dismissed.

It would be nearly impossible to count the number of cases (tens of thousands of cases) submitted by inmates and/or indigent pro se litigants been dismissed through no fault of their own. When an inmate submits a filing in the prison mail system, he or she has no control what happens next. Prison personnel, post office clerks, and court clerks pretty much determine whether a filing is timely or not, by holding inmate filings. Delaying to docket timely received filings. A conduct that has resulted to many inmates having to spend the rest of their lives in prison. Many cases that warranted reversals due to actual innocence and manifest injustice are never reviewed or heard.

Petitioner's lower court's decision are not only erroneous, but the national importance of having the Supreme Court decide the questions presented would expand court access to a large class of pro se and/or indigent inmates filers and would minimize delays in docketing; minimize denials and dismissals. These would be impossible to overcome without this court's intervention.

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1. As an example of "frivolous tactics designed only to delay and disrupt" appears in APPENDICES Y and Z. APPENDIX Y, Koroma's single "Notice of Appeal," filed January 21, 2020; APPENDIX Z, Koroma's single "Petition for Appeal" to Ga. Court of Appeals (COA). The COA's order of March 31, 2020, wherein it explicitly states Koroma filed both a discretionary appeal and

1. (continued):

a direct appeal is unfounded and presents misleading information, causing delay and disruption in the administration of justice, especially for pro se and/or indigent litigants. Koroma never filed two appeals as alleged. See "OCGA. § 5-6-34(a)," referenced in the jurisdictional statement in Koroma's appeal to COA.

Another example is found in APPENDIX C, wherein the order denying Default Judgment and Motion to Strike explicitly states petitioner "Neither complaints were verified" when petitioner verified both his original and amended complaints. Please see APPENDICES, O and P.

Denials, dismissals, or convictions obtained through outrageous government misconduct that "shocks the conscience" offends the Due Process clause of the Constitution.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Patrick Koroma

Patrick Koroma, pro se
GDC# 100 144 3675

Date: December 11, 2020

Kimberly R. Samp

