

20-936

20-

ORIGINAL

Supreme Court of the United States

Judith Knight and  
Phoenix Central, Inc,  
Petitioners

v.

Ward & Glass  
Stanley Ward, and  
John or Jane Does1-10  
Individuals or Corps  
Respondents

FILED

JUN 15 2020

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

On Petition for Rehearing

to the Court of Civil Appeals of State Oklahoma

**PETITION FOR WRIT OF CERTIORARI**

Judy Knight  
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Appearing Pro Se

RECEIVED

DEC - 8 2020

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## QUESTIONS PRESENTED FOR REVIEW

### Introduction:

On 5/23/2019 Petitioner filed a Motion for Enlargement of Time To File A Petition For Rehearing thought to be due on Saturday 6/1, (i.e. Monday 6/3) with attached Affidavit and an Application to Exceed the Page Limit.

Having known that more than 100 such extension requests had been allowed to attorneys in the underlying cases and none denied she had no expectations the requests would not be approved.

When no answer was received by the 30<sup>th</sup>, Petitioner spent the weekend deleting text to fit into the statutory page limit and filed the Petition on Monday, June 3<sup>rd</sup>.

These Motions were denied by the Court but not until July 11, 2019.

On July 30<sup>th</sup> Petitioner mailed a document erroneously entitled "Petition for Rehearing" that presented the following questions to be answered which are now copied here. See Appendix for the complete arguments.

## QUESTIONS TO BE ANSWERED

- 1) Whether the failure of this Court to timely respond to the Motions impeded Appellant's ability to present their case thereby denying Appellants constitutional right to access to the Courts and of due process
- 2) Whether the trial court properly considered all conditions presented that prompted the Motions in seemingly determining there was not sufficient cause to establish entitlement to approval of either or both of the Motions
- 3) Whether denial of either Motion was improper because Oklahoma law is clear that Appellant was entitled to make those Motions and did so,-- based on information and belief and expectations derived from prior observation of actions taken in the previous and underlying actions and experience --- within adequate time for this Court to respond.
- 4) Whether the resultant injury i.e denial of Petition for Rehearing, caused by this lack of action was a denial of Appellants constitutional right to access to the Courts and of due process
- 5) Whether COCA's dismissal and striking of attempt to bring attention to the error on August 2, 2019 (although mistitled) is further proof of failure to review documents submitted.

### **LIST OF PARTIES**

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

#### **Related cases-**

**Knight, et al v Ward, et al Court of Civil Appeals of Oklahoma**

**Judgment No 11831 entered 2/26/18**

**Knight, et al v Ward, et al Court of Civil Appeals of Oklahoma No.**

**114172 Judgment entered 8/5/15**

**Knight, et al v Ward, et al District Court of Cleveland County**

**Judgment entered, CG-2012-1540**

#### **CORPORATE DISCLOSURE**

**Rule 29.6 It is believed that there is no parent or publicly held company owning 10% or more of any corporation's stock.**

**Contents**

<b>OPINIONS BELOW.....</b>	<b>1</b>
<b>BACKGROUND .....</b>	<b>1</b>
<b>JURISDICTION.....</b>	<b>8</b>
<b>STATUTORY PROVISIONS INVOLVED.....</b>	<b>10</b>
<b>CONSTITUTIONAL PROVISIONS.....</b>	<b>11</b>
<b>STATEMENT OF THE CASE.....</b>	<b>13</b>
<b>REASONS FOR GRANTING THE WRIT .....</b>	<b>19</b>
<b>CONCLUSION .....</b>	<b>22</b>
<b>TABLE OF APPENDICES.....</b>	<b>1a</b>

## TABLE OF AUTHORITIES

## Cases

<i>Bose Corp. v. Consumers Union of United States, Inc.</i> , 466 U.S. 485, at 501, 104 S.Ct. 1949, at 1959, 80 L.Ed.2d 502 (1984) .....	19
<i>Jackson v. Okla. Mem'l Hosp.</i> , 1995 OK 112 ¶5, 909 P.2d 765 .....	10
<i>Johnson v. Robison</i> , 415 U.S. 361, 364 n. 4, 94 S.Ct. 1160, 39 L.Ed.2d 389 (1974) .....	11
<i>Kotteakos v. United States</i> , 328 U.S. 750, (1946).....	11
<i>Minter</i> , 2001 OK 69 at n. 66, 37 P.3d 763.....	12
<i>Oklahoma Ass'n for Equitable Taxation v. City of Oklahoma City</i> , 1995 OK 62, 901 P.2d 800, n. 29, 805, <i>cert. denied</i> , 516 U.S. 1029, 116 S.Ct. 674, 133 L.Ed.2d 523 (1995) .....	11
<i>United States v. Johnson</i> , 594 F.2d 1253 (9th Cir.1979) <i>cert. denied</i> , 444 U.S. 964, 100 S.Ct. 451, 62 L.Ed.2d 376 (1979) .....	11
<i>United States v. Rivera</i> , 900 F.2d 1462 (10 <sup>th</sup> Cir.1990) .....	11
<i>Washington v. Texas</i> , 388 U.S. 14, 19, 87 S.Ct. 1920, 18 L.Ed.2d 1019 (1967) .....	11

## Statutes

12 O.S. § 651.....	6
12 O.S. § 1.177(B) .....	8
12 O.S. § 655.....	6

<b>12 O.S. §1031.....</b>	<b>6</b>
<b>12 O.S. §2006.....</b>	<b>6</b>
<b>28 U. S. C. § 1257(a).....</b>	<b>9</b>
<b>28 U.S.C. § 1254(1).....</b>	<b>8</b>
<b>28 U.S.C. § 1447(d).....</b>	<b>8</b>
 Other Authorities	
 <b>Developments in the Law — The Interpretation of State</b>	
<b>Constitutional Rights, 95 Harv. L. Rev. 1324, 1473 (1982).....</b>	<b>12</b>
 Rules	
<b>Fed. Rule App. Proc. 26(b) .....</b>	<b>10</b>
<b>Fed.R.Evid. 103(a).....</b>	<b>11</b>
 <b>McSPADDEN v. MAHONEY 1964 OK 260 402 P.2d 656 see dissent</b>	

**OPINIONS BELOW**

**All the orders are unreported.**

**The opinions of the Court of Appeals and Supreme Court of the State of Oklahoma that gives rise to this Petition are unreported as Judy Knight, et al, Appellants, v. Stan Ward and Ward and Glass, LLC, et al, Appellees, Nos. 117492**

**That Case is an appeal of the results of the below (in chronological order):**

**BACKGROUND**

**After having plodded through years of litigation and multiple trips to Appeals and back again on matters that clearly should not been needed, it is disheartening to face litigation over a request for an extension of time, a procedure which is not unfamiliar to either attorneys or courts**

**At the heart of which is a ruling in favor of respondent in spite of the basis for his argument was based on a statute that had been determined to be unconstitutional and underinclusive.**

**Activity in related cases (those underlying this case):**

**Respondents arguments and claims have heretofore been based on procedural activities, rather than face the real issue of evidence.**

**Due to the circumstances of the proceedings up to the point of the Appeal here, Petitioner first provides the activity to cast a light on the tactics of Respondents.**

## **Original COURT PROCEEDINGS**

**This case has been ongoing for many years due primarily to Ward's failures to comply with statutory regulations and unfounded and unreasonable arguments requiring the guidance of the Supreme Court of Oklahoma before the case could go forward.**

**Ward's arguments throughout have had little or no reliance on statutes or the law but rather concentrated on misrepresentations of Knight's statements and general and repetitive ad hominem remarks. Arguments in the District Court required consecutive Appellant reviews ultimately resulting in rulings in favor of appellant allowing the case to get back to the issues.**

**Knight initially made two arguments in the District Court of Cleveland in opposition to Ward's disputes.**

**The first defense presented by Ward was that a hand written minute order by the District Court judge was sufficient despite Knight's detailed presentation of applicable and indisputable statutes.**

**Next Ward continued with the argument that had won a dismissal at the beginning of this action - that being the case could not go forward due to a lack of an affidavit from an expert attached to the complaint.**

**That defense ignored Knight's claim of unconstitutionality and ambiguity of statutes.**

Rather than attempt to verify her complaint he answered:

“she seeks to avoid the obvious with claims that are (a) legally unsupportable and (b) bordering on frivolous.

At the outset one must question how anyone could say, sans tongue-in-cheek that this not a professional negligence case within the meaning of sec 19. Such a contention defies the English language. Indeed, Defendants are incredulous that such a frivolous contention could be made by anyone, lawyer or layperson, given the factual allegations in the case.”

Knight's appeal included in great detail the statutory regulations governing the procedures to memorialize orders.

In the first appeal:

In spite of Plaintiff's detailed analysis of the statutes showing the court's minute order was not in compliance with statutes Defendants refused to admit non-compliance.

2/3/2017 df-114172 The Supreme Court agreed with Knight that the order, was not in accordance with statutes and was not sufficient as a final order. That Court remanded the case, but did not rule on the argument that the order was also unconstitutional

In the second appeal Case 115831:

The next appeal was required to show that the order was predicated on an argument that had previously been declared unconstitutional by the Supreme Court.

Appellee again refused to accept the obvious and continued making inappropriate arguments.

Although now agreeing Sec 19 had been declared unconstitutional Ward wrongfully argued such ruling was only prospective. It was not months later before Ward conceded "inprovidently granted" (terminology typically related to courts' review) rather than admit his improper arguments.

Ward's answers and objections were pled in the same manner and style as shown above

Ward's continued, after remand, to make false and misleading claims, remarks in the same vein as shown above,

Ward lately exclaimed that this case has been ongoing for years and it is time to end it, implying that Knight has caused the delay in the progress of the case rather than his false allegations and the courts acceptance of them.

The following details the Courts where proceedings were held along with relevant information including identifying the Judge(s),

**ORDERS FILED IN DISTRICT COURT CLEVELAND COUNTY**

**CG-2012-1540**

**(Heard in District Court of Murray County)**

**Order Affirming Defendants request for summary judgment on basis no expert had been hired and available to then testify and that res ipsa loquitor could not be urged.** Filed 10/01/2018 Aaron Duck-Associate Judge

**Order Denying Motion to Reconsider Filed 1/22/2019 Aaron Duck-Associate Judge**

Order 6/30/15 (filed 7/15) denying 5/18/2015 reconsideration 6/23/2018

**IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA**  
Opinions in favor of Knight were:

**Appeal 8/5/15 Case 114172**

2/3/17 As Plaintiff argued, the Summary Order did not comply with the statutes. We cannot treat the 2013 :"Summary Order" as a final order in compliance with §§ 696.2 and 696.3 APPEAL DISMISSED AND CASE

**REMANDED**

Opinion Jane P. WISEMAN, Judge . CONCUR: THORNBRUGH, and BARNES, PJ

**Appeal 3/02/17 Case DF-115831**

**1/22/18 REVERSED AND REMANDED**

Court accedes to Appellees concession that the trial court's February 7, 2017 order of dismissal based as it was on the operation of the constitutionally invalid provision of 12 O.S. 2020 19 "was improvidently issued and therefore "this matter should be returned to the trial court for further proceedings"

**JERRY GOODMAN, Judge CONCUR: BARNES, PJ., RAPP, J.--SUMMARY-C/ATTYS  
DC JUDGE**

**October 31, 2017 Noted Prejudice**

**2/26/18 Order reversed and remanded**

**IN the DISTRICT COURT OF CLEVELAND COUNTY**

**4/5/18 Reassigned to District Court of Murray**

**Motion to reconsider denying Motion to Review/Reconsider/Vacate under Sec 655- 1031 et al was “determined” at a District Court hearing set for Jan 22, 2019 no show defendant. On 3<sup>rd</sup> request Judge allowed Knight into the court room –initially stated he ruled in December which was before response and reply even filed. Thereafter filed Order on 1/22/2019.**

**IN THE SUPREME COURT OF THE STATE OF OKLAHOMA Case 117492  
Petition in error filed 10/29/2018 – § 1.36 Accelerated Appeal- (No Brief permitted)**

**In re: Appeal of Cleveland County District Court-Heard by Sulphur County  
Assigned to Oklahoma Court of Civil Appeals**

**117492-1/16/1**

**IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA  
5/09/2019 Thursday (was mailed to Knight) Opinion on Appeal confirming  
District Court Order by Jerry Goodman Affirmed Fischer, P. J. and  
Thornburgh, J concur. Apx E**

**Claim was denied on “failure to satisfy § 651” despite Knight’s statement of filing under § 655.-inter alia §1031 and unconstitutional argument.**

**Opinion issued 5/9/19 Thursday. Postmark on  
5/23/19 Timely Request for Enlargement of Time beyond the due date of  
June 1<sup>st</sup> (Saturday) and Application to Exceed Page Limit to file a Petition  
for Rehearing of COCA opinion mailed on 5/9/2019 20 days §2006 & 990) 3  
days mail) Apx L and M with Affidavit attached**

**Amazingly those were NOT ruled on until 7/11/19 over 5 weeks later!**

**Constitutes error on court/clerks part. See Apx B**

**In the intervening period the following activity had occurred in an effort to overcome the error of the lack of any response to the 5/23 extension request until far after expiration of time to file.**

**When Knight had not received word about the approval by Friday the May 31<sup>st</sup> she started editing the oversized Petition to comply with page limit and to be able to file on Monday the 3<sup>rd</sup> (the first day the Court was open after the due date)**

**On Monday 06/03/19 COCA filed an order soliciting a response from Appellee in protest of 5/23 request for extension allowing 15 days to do so. (purportedly Signed by Judge John Fischer Presiding Judge Div II on May 30<sup>th</sup>) Apx D**

**Unaware of the above order, on 06/03/2019 Knight filed the downsized version of the Petition for Rehearing Apx J- Note: No order has ever been filed definitively denying this Petition.**

**6/3/19 In addition Petitioner also filed a Motion to Immediately File Petition Out of Time in the event it might be questioned as to it's timeliness. Apx K**

**On 6/5/19 Ward filed a protest to Petitioner's 5/23 filings Apx H**

**On 6/5/19 Ward filed a Motion to Strike Petition for Rehearing. Apx I**

**6/17/19 Appellant filed a reply to Appellees Objection for Extension and Pages. Apx G**

**6/21/19 Appellant filed an Objection to Appellees Motion to Strike Apx F**

**6/24/19 Never the less Petitioner's Motion to Immediately file Petition for Rehearing Out of Time was denied. signed on June 20th John Fischer Presiding Judge Div II Apx C**

**7/11/19 Order denying 5/23/19 Request for Enlargement of Time to file a Petition for Rehearing beyond the due date of June 1<sup>st</sup> and Application to Exceed Page Limit - John Fischer Presiding Judge Div II Apx B**

**8/2/19 Appellants Applied for Enlargement of time to file a Petition for Rehearing and a document erroneously entitled Petition for Rehearing in an attempt to correct prior Petition for Rehearing (mailed on 31<sup>st</sup> (20<sup>th</sup> Day) Clerk filed 8/2 Friday)**

**1/15/2020 Mailed by clerk stating the 6/24/19 denial of the request to file out of time "implicitly denied the Petition for Rehearing" and denying and striking 8/2 filings. Signed without date by Noma Gurich Chief Justice.**

**12 O.S. § 1.177(B) Apx A pg 2a**

#### **JURISDICTION**

**Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). and is unaffected by 28 U.S.C. § 1447(d) because petitioners seek review not of a remand order by a district court but of the judgment of the court of**

appeals, see, e.g., *Aetna Cas. & Sur. Co. v. 2020.Flowers*, 330 U.S. 464, 466-467 (1947) (citing *Gay v. Ruff*, 292

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

An extension of time to file the petition filed on 5/23 but was not replied to until beyond the original date due or the date including the mailbox rule on June 3<sup>rd</sup>, 2019

A timely petition for rehearing was thereafter denied and a copy of the order denying rehearing appears at Appendix B

## STATUTORY PROVISIONS INVOLVED

An abuse of discretion occurs "when the decision is based on an erroneous interpretation of the law, on factual findings that are unsupported by proof, or represents an unreasonable judgment in weighing relevant factors." *Oklahoma City Zoological Tr. v. State ex rel. Pub. Emps. Relations Bd.*, 2007 OK 21, ¶ 5, 158 P.3d 461, 464.

The appellant's brief-in-chief will be deemed to amend the petition in error to include any additional issues on appeal, so long as the issues were considered and resolved by the trial court.<sup>32</sup> Rule 1.26(b) (citing *Jackson v. Okla. Mem'l Hosp.*, 1995 OK 112 ¶5, 909 P.2d 765

Rule 1.177

Rule 1.13

Rule 6

Section 2006

Section 990(c)

## CONSTITUTIONAL PROVISIONS

**Exclusion of evidence denied Petitioner's right to be heard and affected her "substantial rights" within the meaning of Fed.R.Evid. 103(a).**

*See United States v. Johnson*, 594 F.2d 1253 (9th Cir.1979)), cert. denied, 444 U.S. 964, 100 S.Ct. 451, 62 L.Ed.2d 376 (1979).

Due process requires notice and opportunity to be heard. The cornerstone of due process of law is fundamental fairness, which includes amongst other things, both "notice" and "a meaningful opportunity to be heard"

Knight has claimed a violation of her constitutional rights and denial of access to the courts in various documents filed in every court.

Indeed, the "right to present a defense is a fundamental element of due process of law." *Washington v. Texas*, 388 U.S. 14, 19, 87 S.Ct. 1920, 18 L.Ed.2d 1019 (1967). Even if the exclusion does not rise to the level of a constitutional violation, the burden is on the government to prove that the error did not have "a 'substantial influence' on the outcome." *United States v. Rivera*, 900 F.2d 1462, 1469 (10<sup>th</sup> Cir.1990) (en banc) (quoting *Kotteakos ( v. United States*, 328 U.S. 750, 765, 66 S.Ct. 1239, 90 L.Ed. 1557 (1946)).

**57. The Due Process Section of the Oklahoma Constitution also has an equal protection component. *Oklahoma Ass'n for Equitable Taxation v. City of Oklahoma City*, 1995 OK 62, 901 P.2d 800, n. 29, 805, cert. denied, 516 U.S. 1029, 116 S.Ct. 674, 133 L.Ed.2d 523 (1995) ("The same equal protection component found in the fourteenth amendment of the United States Constitution is present in the due process clause of art. 2, § 7.").**

The Due Process Clause of the Fifth Amendment to the U.S. Constitution also includes an equal protection element. *See, e.g., Johnson v. Robison*, 415 U.S. 361, 364 n. 4, 94 S.Ct. 1160, 39 L.Ed.2d 389 (1974) ("Although the Fifth Amendment contains no equal protection clause, it does forbid discrimination that is 'so unjustifiable as to be violative of due process.' ... Thus, if a classification would be invalid under the Equal Protection Clause of the Fourteenth

Amendment, it is also inconsistent with the due process requirement of the Fifth Amendment.") (citations omitted).  
58. 2003 OK 30, ¶ 12, 66 P.3d 442.

59. See, e.g., *Developments in the Law — The Interpretation of State Constitutional Rights*, 95 Harv. L. Rev. 1324, 1473 (1982) ("Almost any substantive due process claim may be translated into an equal protection claim merely by pointing to some other group not subject to the challenged regulation. If a regulation does not serve a legitimate purpose — and so violates substantive due process — applying it to one group and not to another violates the equal protection requirement that a legitimate state purpose support a given classification.") (citations omitted).

¶ 29 Even though Rule 37(D) gives the trial court authority to strike a brief just as Supreme Court Rule 1.2 gives appellate courts the same authority, Rule 37 does not prohibit the trial court from affording a party the opportunity to file a subsequent brief<sup>7</sup> that does comply with Rule 37, particularly if refusing such a request deprives the party of any opportunity to have his action considered and decided on its merits. The Supreme Court has generally provided the party an opportunity to file a subsequent brief that complies with the Rules before resorting to striking the brief. As provided in *Minter*, the Supreme Court refused to strike the brief "sua sponte because to do so would deprive respondent of an opportunity to be heard on the merits of this proceeding." *Minter*, 2001 OK 69 at n. 66, 37 P.3d 763. Furthermore, the Supreme Court in *Minter* only struck a reply brief after it reviewed the "brief to determine whether striking it would violate respondent's right to due process by taking from the court's purview an argument which might alter the outcome of [the] proceeding." *Id.* at n. 67, 37 P.3d 763.

¶ 30 Addressing the facts and circumstances in this case, we conclude the trial court abused its discretion in failing to grant Admire's request to amend and refile his motion to vacate to comply with Local Rule 37 as set forth in his motion to reconsider.<sup>8</sup>  
[283 P.3d 343]

**The decision was clearly erroneous due to the obvious failure to consider Petitioner's evidence and instead rely on Respondents contentions,-e.g. the allegation they had no documents. In fact, Respondents objections were disingenuous since they had themselves procured evidence**

#### **STATEMENT OF THE CASE**

**This case is about the denial of a timely request for an extension of time to file a Petition for Rehearing by Knight, the lack of a ruling on it until 48 days later, and failure to the court to neither recognize its error nor Knight's attempts to compensate for such error, and the devastating consequences that will follow if not overturned.**

**Truly a case of the time-tested proverb "For want of a nail, the ...kingdom was lost," illustrating how one seemingly simple event can lead to catastrophic consequences:**

**Petitioner seeks a writ of certiorari so that the Court can determine the proper application of the standards of review, and resolve the conflict of this decision with its own and other United States courts regarding the application of statutes and law.**

**Petitioner implores this Court to not simply reject this Petition because the nature of the "roadblock" presented is one that lower court's are expected to judiciously and fairly handle.**

The issue for review is not one unfamiliar to every court in this great land or to any officer of the courts.

#### **INADEQUATE REVIEW BY COCA**

In particular this Petition raises a question as why the Appellate review failed to discover lower court decisions that were arbitrary, clearly erroneous, devoid of logic and reasoning, and/or not in accordance with law which resulted in unjustifiable injurious conclusions that defeat the goals of justice.

The relevant portions of applicable statutes in this matter are:

Commonly referred to as the Mailbox rule

Section 2006 - Time

**D. ADDITIONAL TIME AFTER SERVICE BY MAIL, THIRD-PARTY COMMERCIAL CARRIER OR ELECTRONIC MEANS.** Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party and the notice or paper is served upon the party by mail, third-party commercial carrier or electronic means, three (3) days shall be added to the prescribed period;

#### **SECTION 990A - APPEAL TO SUPREME COURT**

Section 990.2 - Post-Trial Motions -

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**C. If the appellant did not prepare the judgment, decree, or final order, and Section 696.2 of this title required a copy of the judgment, decree, or final order to be mailed to the appellant, and the court records do not reflect the mailing of a copy of the judgment, decree, or final order to the appellant within three (3) days, exclusive of weekends and holidays, after the filing of the judgment, decree, or final order, all times referred to in this section shall run from the earliest date on which the court records show that a file-stamped copy of the judgment, decree, or final order was mailed to the appealing party, rather than from the date of filing.**

**12 O.S. § 651**

**12 O.S. § 655**

**12 O.S. § 1.177**

**12 O.S. § 1031**

**12 O.S. §2006**

**Appellant believes the failure of the Court/Clerk to respond until 6 weeks past the requested date is at the least extraordinary if not negligent.**

**In addition, Ward has impermissibly argued the merits within protests regarding the extension requests**

**SUMMARY OF APPELLATE COURT ARGUMENTS HERE & RULINGS**

Although Appellees filed a Motion to Strike the Petition for Rehearing Appellees did not file a protest of the Motion to Immediately File a Petition Out of Time filed on the same day.

Instead he stated;

*“Despite the fact that Appellant sought an extension of time and despite the fact that this Court directed Appellee to respond, Appellant chose to ignore the rules and to await the ruling of this Court on her request for extension of time, she chose to ignore this requirement. Such wholesale disobedience of the Rules should not be permitted and the Petition for Rehearing should be stricken.”*

That statement was unfounded. Knight at the time of filing the Petition on June 3rd had no knowledge that a COCA order allowing, but not ordering, a dispute had been filed.

That response did not therein dispute the appropriateness of the May 23<sup>rd</sup> extension request, does not provide any rule or statute or precedent that states a litigant cannot timely file the document that is the subject of the extension request merely because the request was made. In other words, the filing of the Petition for Rehearing on June 3<sup>rd</sup> extinguished the need for an extension.

Even more so because the Court, in untypical fashion had failed to timely respond.

Ward's charge that Sec 1. 13(a) ruled ignores  
“if the due date falls on a non-business day as here (on Saturday) the next business day constitutes timely filing.”

In addition, 1.13(h) does allow an extension request to be filed.

Ward further stated:

*"In any event, and should this Court choose to deal with the Petition, the same should be denied because it states no legal basis to either rehear this appeal or to reverse the trial court"*

Ward cites no rule that requires such statement, nor is Petitioner aware of any requirement such statement is necessary at the time of requesting additional time.

That argument has no place in a dispute regarding the approval of an extension request. Even if true Ward's conclusory statement includes no reasoning, statute or law in support of the statement. i.e is impermissible.

Ward, in dispute to the May 23<sup>rd</sup> extension requests, cited 113(h) and argues that Knight did not make any showing of *extraordinary cause* while not challenging any reasons provided in Knight's request or attached affidavit.

And finally, in typical fashion, Ward made a totally wild and unfounded accusation stating:

*"Moreover, when considered in light of the concurrent application to exceed page limit that Appellant intends to inject factual and/or evidentiary material into this appeal that is not part of the record" Apx*

*"The conclusory statement that this Court somehow misunderstood the issues in this appeal is not just insufficient to show extraordinary cause, it is erroneous" Apx*

Any statement explaining the need for additional pages is relevant since that is the basis on which the court will rule on the request.

It was inappropriate to attempt to argue his case within an application for additional time and pages.

Ward did not dispute that the extension would prejudice the case nor that the Requests filed on May 23<sup>rd</sup> had not then been responded to.

#### **INADEQUATE REVIEW BY COCA**

In particular this Petition raises a question as why the Appellate review failed to discover lower court decisions that were arbitrary, clearly erroneous, devoid of logic and reasoning, and/or not in accordance with law which resulted in unjustifiable injurious conclusions that defeat the goals of justice.

The Appeals Court ("COCA"), without reservation, affirmed in all respects the rulings of the district court. Although Petitioner's Appeal attempted to present certain issues under the clear error doctrine and de novo standard, the Appeals Court affirmed those findings under the deferential abuse of discretion very narrowly applied. In addition the Appeals court ignored several issues, either intentionally or unintentionally. In so doing, COCA also ignored rules of the civil court,

contravened and departed from decisions of possibly every court in this great land.

*Bose Corp. v. Consumers Union of United States, Inc.*, 466 U.S. 485, at 501, 104 S.Ct. 1949, at 1959, 80 L.Ed.2d 502 (1984). When *de novo* review is compelled, no form of appellate deference is acceptable.

The legal maneuvering of the respondents and wholesale adoption by the lower courts of their conclusory statements, while expedient to clear the docket, has obscured the facts of the case requiring detailed reiteration to disclose the errors in rulings.

#### REASONS FOR GRANTING THE WRIT

This Court needs to resolve confusion over the standards of review, their effectiveness, the applicability and adherence to them by the courts. The question is whether the deference embodied in those standards has permitted, or even encouraged, lower court lack of diligence in the interest of judicial time-saving, both in the appellate courts and below. What appeal is there if the appealing court defers to the lower court?

1. Without acceptance of Knight's Petition for Rehearing as timely filed and/or that good cause existed the errors of the Appeals Court in its ruling on that Petition can never be reviewed and corrected. - This then has also blocked a review under Certiorari
2. Rule 2006 Extensions

Appellant Knight is directed to show cause, not later than August 6, 2019, why this certiorari proceeding should not be dismissed as untimely because it appears to have been commenced more than 20 days after the filing of the Court of Civil Appeals' opinion, order, or denial of rehearing. 12 O.S. Supp.2017, § 990A.

It is common for the reviewing court to make its own determination and count of the days between date of judgment and the contested document to determine timeliness and if needed, a determination of good cause.

However, there is no indication that such scrutiny was even considered let alone undertaken here.

Knight has been unable to anywhere find a case where, as here, a court failed to respond to an extension request until after the original due date (without consideration for the mailbox rule) had already passed.

In addition, the Order filed on June 3<sup>rd</sup> would not, and did not, have reached her until far too late since it was not mailed until June 3<sup>rd</sup> at the earliest.

Appellant believes the failure of the Court/Clerk to respond until July 11<sup>th</sup> - 48 days past the request date is at the least extraordinary if not negligent.

It is notable that Wards request for extension on 8-1 was allowed on 8/2.

¶4 Legal questions involving the district court's statutory interpretation of law are also subject to *de novo* review.

*Fulsom v. Fulsom*, 2003 OK 96, ¶ 2, 81 P.3d 652. The primary goal of statutory construction is to ascertain and to apply the intent of the Legislature that enacted the statute.

*Samman v. Multiple Injury Trust Fund*, 2001 OK 71, ¶ 13, 33 P.3d 302.

In ascertaining legislative intent, the language of an entire act should be construed with a reasonable and sensible construction. *Udall v. Udall*, 1980 OK 99, ¶ 11, 613 P.2d 742. Statutory construction that would lead to an absurdity must be avoided and a rational construction should be given to a statute if the language fairly permits. *Ledbetter v. Oklahoma Alcoholic Beverage Laws Enforcement Comm'n.*, 1988 OK 117, ¶ 7, 764 P.2d 172. The legislative intent will be ascertained from the whole act in light of its general purpose and objective considering relevant provisions together to give full force and effect to each. *Keating v. Edmondson*, 2001 OK 110, ¶ 8, 37 P.3d 882.

On Motion to Correct; filed 2/25/2020

Prior to deadline and Knight was unsure whether the Petition was out of time but now is sure the Petition filed Monday 6/3 was timely even absent the denied extension. (Appellee 8/12 filing pg 2 stated due date was June 1.)

It is unjust for a litigant to suffer for lack of diligence by the court in following procedures.

1. Although the matter here is one that should not have reached this Court, it is one that nonetheless has deprived the Petitioner of any possibility of review of important matters that are of significant

importance to this Court and of great significance to multitudes of litigants that have not heretofore been resolved by this Court.

CONCLUSION

The petition for a writ of certiorari should be granted for each or all of the reasons stated above to send a message and clarify other matters. Or in the alternative the case should be reversed and remanded.

Respectfully Submitted

s/Judy Knight      Dated June 13<sup>th</sup>, 2020  
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