

No: 20-955

IN THE

SUPREME COURT OF THE UNITED STATES

DELVA NEWHOUSE,
as Administratrix of the Estate of,
WILLIAM PERRY NEWHOUSE III,

PETITIONER,

-VS-

ETHICON INC, et al,

RESPONDENT,

PETITIONER'S PRO SE
PETITION FOR REHEARING

NOW COMES, DELVA NEWHOUSE, Petitioner presently filing in Pro Se in her eccentricity as a Whistleblower and State Licensed Medical Expert in the Medical Field, Who hereby moves all the Honorable United States Supreme Court Justices, pursuant to United States Supreme Court Rule 44 et seq, by timely filing Petitioner's Pro Se Petition For Rehearing within 25-Days of the ad hoc Order dated **MARCH 22,2021**, denying the overlooked meritorious Certiorari, based upon any/all of the following:

(1) On the Certiorari bar to be considered for Rehearing is based upon the fact. This Petitioner claims that any/all of the claims/grounds setforth in this Petition For Rehearing are limited too: (A) intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented to the U.S Supreme Court to secure or maintain uniformity of prior U.S. Supreme Court decisions; (B) The

proceeding involves Federal Questions of Law of exceptional public importance; (C) The Lower Federal Court Judges/Panel decisions conflicts with numerous clearly established decisions of the United States Supreme Court and/or prior decision by other U.S. Circuit Court of Appeals; (D) and that consideration by the Full Court is therefore necessary to secure and maintain uniformity of the Court's prior decisions that have addressed the same Federal Questions of Law clearly established under law of the case doctrine by this Honorable U.S. Supreme Court; (E) and reversal when Fraud Upon the Court has been knowingly committed intentionally and in bad faith by Corporate Attorneys currently litigating pending Nationwide Polypropylene Hernia Mesh Lawsuits(ie, adulterated medical devise), in order, to obtain wrongful judgment entries for unlawful Corporate Financial Gain, instead of banning/recalling any/all adulterated medical devises(ie, Hernia Mesh manufactured/distributed with Polypropylene). See McCARTHY V ARNDSTEIN, 266 U.S. 34; 45 Sct 16; 69 LEd 158(1924); JONES V OPELIKA, 316 U.S. 584; 62 Sct 1231; 86 LEd2d 1691(1942); PFISTER V NORTHERN ILL. FINANCE CORP., 317 U.S. 144; 63 Sct 133; 87 Led 146(1942); MURDOCK V PENNSYLVANIA, 319 U.S. 105; 63 Sct 870; 87 LEd 1292(1943); RICE V SIOUX CITY MEMORIAL PARK CEMETARY INC., 349 U.S. 70; 75 Sct 614; 99 LEd2d 897(1955); REID V COVERT, 354 U.S. 1; 77 Sct 1222; 1 LEd2d 1148(1957); LADNER V U.S., 358 U.S. 169; 79 Sct 209; 3 LEd2d 199(1958); KOLOD V U.S., 390 U.S. 136; 88 Sct 752; 19 LEd2d 962(1968); and HIBBS V WINN, 542 U.S. 88; 124 Sct 2276; 159 LEd2d 172(2004).

(2) This Petitioner claims to all the Honorable United States Supreme Court Justices that she has literally presented overwhelming proof to both the U.S. District Court and to the U.S. Fourth Circuit Court of Appeals(that never addressed the issue

with the Respondent Ethicon very own U.S. Patents and FDA Premarket 501(K) Applications for their dangerous Adulterated Hernia/Suture Products that is made from their non-dissolving POLYPROPYLENE(ie, Common Plastic) and that the Respondents Ethicon simply coated with dissolving resins. That the human body eventually rejects, causes severe infections, and adheres to internal organ resulting in excruciating death. That Fraud Upon the Court has been systematically knowingly and intentionally committed in bad faith by the Respondents Ethicon and Johnson & Johnson Corporate Attorneys on the case at bar to obtain a unlawful/wrongful judgment entry for dismissal for financial gain; and on ALL pending Federal Class Action Hernia Mesh Lawsuits currently pending Nationwide by knowingly falsely asserting in all the Respondent Ethicon Corporate Attorney Litigation that all their Hernia Mesh and Suture Products are safe, and that they are not made from POLYPROPYLENE(ie, Common Plastic) that was never intended to be implanted in the human body, and is literally reflected on all of the Respondents Ethicon(and Johnson & Johnson) FDA Premarket 501(K) Applications to produce, sell and distribute Respondents Ethicon Polypropylene Hernia Mesh and Suture Products. **(See DC ECF #136). See Petitioner's Appendix L**

(3) Further, That this Petitioner was/is the Original Party to this Complaint For Civil Action as well as Administrator, Executor, and Sole Beneficiary with no creditors on the Estate of Petitioner William Perry Newhouse III. That concurs with the Respondents Ethicon and Johnson & Johnson Corporate Attorneys that Petitioner, and this Petitioner's Son died on **NOVEMBER 16,2018 at 5:45 PM** from Respondents ETHICON well-known defective, deadly, and dangerous Polypropylene hernia mesh and sutures products, and the Petitioner(s) Expert Witnesses would have testify under oath to the

Medical Records Records that the Respondents ETHICON Corporate Attorneys already obtained from said Medical Doctors/Hospitals, and were already served copies of in. (See DC ECF #2, #17, and #136).

(4) Further, These Petitioners timely filed numerous pleadings/objections that the Respondents ETHICON Corporate Attorneys was intentionally wasting precious judicial resources by seeking delays, excuses for over three years, and circled like vultures for the remaining time in the Original Petitioner's life until he died by ETHICON Corporate Attorneys filing the same inapplicable redundant defenses(ie, failure to state a claim, ect) over and over again. When ALL of the Respondents ETHICON Corporate Attorneys knew fully well that ETHICON negligently continued to manufacture defective, and unreasonably dangerous Polypropylene(ie, COMMON PLASTIC) hernia surgical mesh; and that Respondents ETHICON and their Corporate Attorneys did not provide doctors, surgeons, patients with reasonably sufficient technical information about the risks of its product which caused Petitioner's injury, and the unambiguous literal fact. That all of the Respondents ETHICON Polypropylene(ie, COMMON PLASTIC) non-disolving surgical hernia mesh and sutures products(ie, whether its cut in the shape of a square, circle, triangle, packaged/repackaged, vaginal mesh, and they name/ rename it whatever they want on advise of the Respondents ETHICON Corporate Attorneys to unlawfully financially profit by charging/defending) is still Polypropylene; and that Polypropylene(ie, COMMON PLASTIC) was never intended to be implanted into the human body. See Sanchez v. Boston Scientific Corp., 38 F. Supp. 3d 727 - Dist. Court, SD West Virginia 2014; Hendricks v. Boston Scientific Corp., 51 F. Supp. 3d 638 - Dist. Court, SD West Virginia 2014.

(5) In MILLIKEN V MEYER, 311 U.S. 457, 61 Sct 339, 85 LEd2d 278(1940), The U.S. Supreme Court clearly established that, "A void judgment which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by Fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly served before the court". See DAVIDSON CHEVROLET INC. V CITY AND COUNTY OF DENVER, 330 P.2d 1116(1958); STEINFELD V HODDICK 513 U.S. 809(1994).

(6) The U.S. Supreme Court in TYLER V MAGWIRE, 84 U.S. 253 (1872), has long clearly established and held, that: "Repeated decisions of this court have established the rule that a final judgment or decree of this court is conclusive upon the parties, and that it cannot be reexamined at a subsequent term, except in cases of fraud, as there is no act of Congress which confers any such authority." Because, No fraud is more odious than an attempt to subvert the administration of justice. The court is unanimous in condemning the transaction disclosed by this record. Our problem is how best the wrong should be righted and the wrongdoers pursued".

(7) In Hazel-Atlas Glass Co. v Hartford-Empire Co., 322 U.S. 238 (1944), The U.S. Supreme Court on deciding a case of Fraud upon the Court committed by attorneys held, that: "From the beginning, there has existed along side the term rule a rule of equity to the effect that, under certain circumstances, one of which is after-discovered fraud, relief will be granted against judgments regardless of the term of their entry" See Marine Insurance Company of Alexandria v. Hodgson, 11 U.S. 332 (1813); Marshall v. Holmes, 141 U.S. 589 (1891).

(10) The Respondent(s) ETHICON Johnson & Johnson has never been ordered by any Federal Court or advised by their Corporate Attorneys to cease, desist, or be criminally prosecuted for knowingly manufacturing POLYPROPYLENE(IE, Common Plastic) hernia and vaginal mesh, and suture products that DOES NOT dissolve, and was never intend to be implanted in the human body for financial gain, pursuant to 21 U.S.C. 351(f)(1)(B), in violation of the Federal Food, Drug, and Commerce Act(FDCA), 21 U.S.C. 331(a) and 333(a)(2) for their criminal wrongdoing for continuing to knowingly make, sell, and peddle the defective and unreasonably dangerous polypropylene mesh and suture products as other Corporations/CEOS have been criminally charged as Corporations/CEOS for their criminal wrongdoing and/or defective products in the clearly established cases entitled United States v. Curtiss-Wright Export Corp., 299 US 304(1936); United States v. Dotterweich, 320 US 277(1943); Pennekamp v. Florida, 328 US 331(1946); Dennis v. United States, 341 US 494(1951); United States v. A & P Trucking Co., 358 US 121(1958); United States v. National Dairy Products Corp., 372 US 29 (1963); United States v. General Motors Corp., 384 U.S. 127 (1966); United States v. International Minerals & Chemical Corp., 402 US 558(1971); United States v. Park, 421 US 658(1975); Upjohn Co. v. United States, 449 US 383(1981); United States v. Halper, 490 US 435(1989). Also see US v. Automated Medical Laboratories, Inc., 770 F. 2d 399(4th Circuit 1985); United States v. General Motors Corp., Case 1:15-cv-073429(S.D. N.Y.); U.S. v. Tanaka et al., Court Docket No.: 16-cr-20810-GCS-EAS (E.D. Michigan).

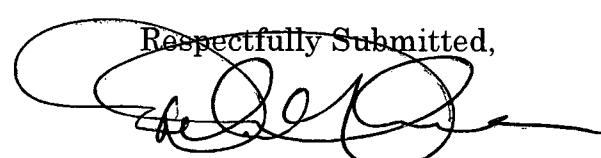
(11) In conclusion, This Petitioner claims that the herein pro se pleadings cannot be held same standards as those drafted by attorney as held/ruled by the United States Supreme Court in ERICKSON V PARDUS, 551 US 89, 94(2007); and accept must accept Pro Se Litigants allegations as true, unless they are clearly irrational or wholly incredible. DENTON V HERNANDEZ, 504 U.S. 25, 33 (1992) unless it appears 'beyond doubt that the pro se litigant can prove no set of facts in support of his/her claim(s) which would entitle him/her to relief.' CONLEY V GIBSON, 355 U. S. 41, 355 U. S. 45-46 (1957). Further, This Pro Se Plaintiff believes that this Honorable Court has a responsibility, and legal duty to protect any and all of the accused constitutional and statutory rights. See UNITED STATES V LEE, 106 US 196, 220(1882).

SUMMARY AND RELIEF

WHEREFORE, This Petitioner demands that the Honorable United States Supreme Court Justices honors this Petitioner's Petition For Rehearing(eg, Fraud Upon the Court, and Adulterated Medical Devise). By issuing an Order GRANTING this Petitioner's Pro Se Petition For Rehearing(for Fraud and Adulterated Medical Devise). Because the proceeding involves Federal Questions of Law of Significant, Exceptional and Great Public Importance due to Hundreds of Hernia Mesh Lawsuits currently pending Nationwide; That prior U.S. Appellate Courts Judge/Panel decisions conflicts with any/all clearly established decisions of the United States Supreme Court and/or consideration by the Full Court is therefore necessary to secure and maintain uniformity of numerous clearly established decisions by the United States Supreme Court that have addressed the same Federal Questions of Law regarding wrongful Judgment obtained by Fraud Upon the Court, and Federal Laws that was neither honored/enforced by either the U.S. District Court nor the U.S. Fourth Court of Appeals, as all circumstances should dictate and Justice would so demand.

Date: 5-1-21

XC: Respondents Attorneys
File


Respectfully Submitted,

PETITIONER IN PRO SE
DELVA NEWHOUSE
865 CARBIDE RD
GLEN, WEST VIRGINIA 25088
(304) 388-5045

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-VS-

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RESPONDENT,

**CERTIFICATE THAT REHEARING RELIEF LIMITED
SUBSTANTIAL CIRCUMSTANCES FOR CONTROLLING EFFECT**

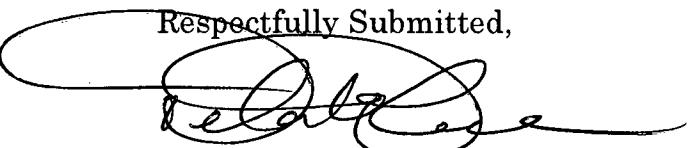
As required by Supreme Court Rule 33.1(h) and Rule 44 et seq, I hereby certify that this Petitioner claims that any/all of the claims/grounds setforth in this Petition For Rehearing are limited too: (A) intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented to the U.S Supreme Court to secure or maintain uniformity of prior U.S. Supreme Court decisions; (B) The proceeding involves Federal Questions of Law of exceptional public importance; (C) The Lower Federal Court Judges/Panel decisions conflicts with numerous clearly established decisions of the United States Supreme Court and/or prior decision by other U.S. Circuit Court of Appeals; (D) and that consideration by the Full Court is therefore necessary to secure and maintain uniformity of the Court's prior decisions that have addressed the same Federal Questions of Law clearly established under law of the case doctrine by this

Honorable U.S. Supreme Court; (E) and reversal when Fraud Upon the Court has been knowingly committed intentionally and in bad faith by Corporate Attorneys currently litigating pending Nationwide Polypropylene Hernia Mesh Lawsuits(ie, adulterated medical devise), in order, to obtain wrongful judgment entries for unlawful Corporate Financial Gain, instead of banning/recalling any/all adulterated medical devises(ie, Hernia Mesh manufactured/distributed with Polypropylene).

I/Petitioner declare under penalty of perjury that the foregoing Petitioner's Certificate For Rehearing Relief Substantial Circumstances For Controlling Effect is true and correct. See 28 USC 1746 et seq.

Date: 5-1-21

Respectfully Submitted,



PETITIONER IN PRO PER
DELVA NEWHOUSE
865 CARBIDE RD
GLEN, WEST VIRGINIA 25088
(304) 388-5045

CC: Respondent
File

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/

CERTIFICATE OF COMPLIANCE

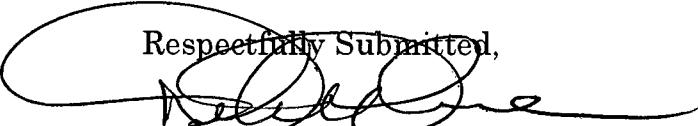
As required by Supreme Court Rule 33.1(h), I certify that the Petitioner's Pro Se Motion For Rehearing is in compliance with 3,000 word limitation pursuant to U.S. Supreme Court Rule 44 et seq.

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

Date: 5-1-21

CC: Respondent
File

Respectfully Submitted,


PETITIONER IN PRO PER
DELVA NEWHOUSE
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