No. 21-1049

In The

Supreme Court of the United States

ALICE GUAN (YUE GUAN),

Petitioner,

v.

ELLINGSWORTH RESIDENTIAL COMMUNITY ASSOCIATION, INC.,

Respondent.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Whether bankruptcy court violated Petitioner's rights protected by the Constitution and the laws of the United States and by other laws and rules by issuing an order creating a legal case against Petitioner and setting firm trial date and firm date for the end of discovery when there was no controversy and no dispute and no complaint in existence and whether such bankruptcy court order is a final order warranting Petitioner's right to appeal to the district court.

2. Whether bankruptcy court violated Petitioner's rights protected by the Constitution and the laws of the United States and by other laws and rules by issuing an order to direct Respondent file an objection to Petitioner's Amended Claims 4-3 and 5-2 after Rule 3007 has already barred such objection be filed, and whether such bankruptcy court order is a final order warranting Petitioner's right to appeal to the district court.

3. Whether bankruptcy court's order to create a legal case and to set firm trial date and firm date for the end of discovery (to adjudicate Claims 4-3 and 5-2 which are the claims from the state case Complaint and Counterclaim) is a final order warranting Petitioner's right to appeal to the district court when bankruptcy court's such order was issued 21 days after Petitioner's motions for relief from automatic stay have been fully briefed to the bankruptcy court and bankruptcy court has already taken the matter under advisement, i.e., whether bankruptcy court's such order was an order denying Petitioner's motions for relief from automatic stay.

RELATED CASES

United States Court of Appeals for the Eleventh Circuit, Docket #: 21-12965, *Alice Guan v. Ellingsworth Residential Community Association.*

U.S. District Court Middle District of Florida (Orlando), CASE #: 6:20-cv-01734-WWB, *Guan v. Ellingsworth Residential Community Association, Inc.*

U.S. Bankruptcy Court Middle District of Florida (Orlando), Bankruptcy Petition #: 6:20-bk-01346-LVV Debtor Ellingsworth Residential Community Association, Inc.

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PETITION FOR WRIT OF CERTIORARI

Alice Guan, the Petitioner, respectfully petitions for a writ of certiorari to review the final orders of the Court of Appeals of the 11th Circuit which dismissed a case citing lack of jurisdiction and which denied Petitioner's motion for reconsideration of its order dismissing the case for lack of jurisdiction.

OPINIONS BELOW

11th Circuit's order dismissing the case for lack of jurisdiction (A1-3) is unreported. Petitioner timely filed motion for reconsideration (A13-39) per A3's last paragraph. 11th Circuit's order denying motion for reconsideration (A12) is unreported. District court's order dismissing the appeal case for lack of jurisdiction (A4-9) is unreported. Bankruptcy court's order (A10-11 dated September 11, 2021) which sets discovery deadline as January 29, 2021, and a trial date of February 25, 2021, in absence of any controversy or dispute or complaint or cause and which encourages Respondent file objections to Petitioner's Claims after such objection has been barred by Rule 3007 and such objection can never be filed after August 10, 2021 is unreported.

BASIS FOR JURISDICTION IN THIS COURT

11th Circuit's order dismissing the case for lack of jurisdiction (A1-3) was entered on October 26, 2021. Petitioner timely filed motion for reconsideration

(A13-39) per A3's last paragraph. 11th Circuit's order denying motion for reconsideration (A12) was entered on December 8, 2021. This Court's jurisdiction rests on 28 U.S.C. § 1254(1) and 28 U.S.C. § 1651(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS AT ISSUE

Right not to be sued or not be brought into a legal case without complaint without controversy without dispute.

Right not to be sued or not be brought into a legal case when law has already barred any complaint any controversy any dispute from being raised or filed.

Right to appeal order that is final.

Due process laws under the Fifth and Fourteenth Amendments.

U.S. Const. amend. XIV provides in relevant part, "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."

U.S. Const. art. III provides in relevant part, "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall

be made, under their Authority; – to all Cases affecting Ambassadors, other public Ministers and Consuls; – to all Cases of admiralty and maritime Jurisdiction; – to Controversies to which the United States shall be a Party; – to Controversies between two or more States; – between a State and Citizens of another State; – between Citizens of different States, – between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects."

Civil liberties as established by the Constitution (the Bill of Rights) on "free speech, privacy, right to remain silent, right to be free from unreasonable searches, right to a fair trial, right to marry, right to vote."

The right to a jury trial as governed by the Seventh Amendment of the United States Constitution.

NATURE OF THE APPEAL WAS *COMPLETELY* MODIFIED

Topic 1 – Judge Wendy Berger A9 Completely Modified the Nature of the Appeal by Intentionally and Completely Omitting There Was No Dispute No Controversy No Complaint in Existence on September 11, 2020 When Judge Karen Jennemann A10 Created A Legal Case and Set a Final Trial Date For That Legal Case to Prosecute Petitioner's June 26, 2020 Uncontested Amended Claims 4-3 and 5-2 Without Any Cause

Topic 2 – Judge Wendy Berger A9 Completely Modified the Nature of the Appeal by Intentionally and Completely Omitting Rule 3007 Set a Claim Objection Bar Date of August 10, 2020 Which Prevented Objection to the June 26, 2020 Claims 4-3 and 5-2 Filed Past That Bar Date Which Has Resulted in Judge Karen Jennemann's September 11, 2020 Order A10-11 Directing Respondent File Claims Objection by September 18, 2020 An Order Circumventing Rule 3007 and Which Has Resulted in the September 18, 2020 Claim Objection Not a Valid Objection

Topic 3 – Judge Wendy Berger A9 Completely Modified the Nature of the Appeal by Intentionally and Completely Omitting THAT 20 Days Prior to Judge Karen Jennemann A10 Created a Legal Case on September 11, 2020 without Cause and Set a Final Trial Date for That Case to Prosecute the June 26, 2020 Uncontested Claims 4-3 and 5-2 the Very Same Judge Karen Jennemann on August 21, 2020 Has Already Been Fully Briefed of Motions for Relief from the Automatic Stay to Request Judge Karen Jennemann Not Adjudicate Claims 4-3 and 5-2 but Return Them to the State Court to Comply with the Constitution and the Laws of the United States and On August 21, 2020 Judge Karen Jennemann Took the Matter of the Motions under Advisement

Topic 4 – Judge Wendy Berger's Order A4-9 First Completely Modified the Nature of the Appeal By Creating Her Own Version of the Nature of the Appeal BY Stating on A7 Line 15 the Appeal Was to Appeal an Order that "*Merely* Set a Briefing Schedule and a hearing date for the parties to litigate the merits of their positions, including whether the bankruptcy court has jurisdiction to consider the

merit or if Appellee's objections were timely" Then Judge Wendy Berger Proceeded to Defeat Her Own Version of the Nature of the Appeal to Rule Her Own Version of the Nature of the Appeal Must Be Dismissed for Lack of Jurisdiction (A4-9)

Topic 5 – Judge Wilson and Judge Branch and Judge Luck Knew (They Had District Court's Records Including Petitioner's Initial Brief and the Reply Brief) Judge Wendy Berger Has Completely Modified the Nature of the Appeal by Intentionally and Completely Omitting the Very Essence and the Very Core of Petitioner's Appeal by Creating Her Own Version of the Appeal Yet They Not Only All Turned a Blind Eye on the Petitioner's Briefs and the Designation of Issues Filed in Judge Wendy Berger's Court But Also They Dismissed the Appeal for Lack of Jurisdiction on October 26, 2020 to Prevent Petitioner's Ability to State the True Nature of the Appeal in the Brief that Was to Be Due to the 11th Circuit on November 3, 2020

Topic 6 – A Valid Appeal Was Shut Down by Court-Shelf-Created Nature of the Appeal So the Question Is How Many Valid Appeals Have Been Shut Down By Judge Wilson and Judge Branch and Judge Luck and Judge Wendy Berger During Their Long Careers at the Bench and Whether This Kind of Act Is Prevalent in Many Judgeships Throughout the Complete Court Systems in the United State – The Persons Who Were Entrusted with Jobs to Provide Justice Have Acted in Ways to Intentionally and to Proactively Take Away the Justice

STATEMENT OF THE CASE

(Fact and Procedural history and Argument and Laws, see App. 4-5, App.10, App.13-38, Petitioner's Initial Brief and Reply Brief and Designation of Issues Filed in the District Court as well as District Court records and bankruptcy Court Records)

Topic 1 – General Statement of the Case

Topic 1-1 – Respondent Knowingly Wrongfully Sued One of Its 80 Equity Holders, the Petitioner, in Florida Seminole County State Court and the 80 Equity Holders in 2019 Voted to Collect $100,000 Special Assessment to Continue Prosecuting the Petitioner

Respondent is a homeowner's association (A5) that is comprised of 80 equity holders who are the 80 homeowners of 80 newly constructed homes in Oviedo (Seminole County), Florida, its function is to collect base assessment (about $135K per year from all 80 equity holders) to spend on maintaining the common land (such as mowing grass) and the common equipment (such as repairing the 3 community gates and water fountains).

Petitioner bought one of those newly constructed homes and her property sustained flooding and water drainage issues which she mitigated such issues and protected the foundation of her house by installing 2 outdoor underground sump pumps and solid pipes in her yard, underground French drains throughout her property, new soils replacing the construction debris

and new plants replacing the dead grass and dead plants. Respondent sued Petitioner in 2016 in Florida state court for landscaping changes (A5) and demanded landscape returned back into its moldy and flooding original condition filled with dead plants and dead grass.

According to Respondent's representative's statements made under oath: 80 equity holders in 2017 knew the law firm they hired has committed legal malpractice when that law firm prosecuted Petitioner with the Complaint, but the 80 equity holders decided to continue prosecuting Petitioner anyhow by continuing using the same law firm. Respondent's representative stated under oath that 80 equity holders live in their respective $500,000.00 – $1,000,000.00 homes and own certain brand of cars and they control the special assessment that is used to pay none-routine expenses such as legal fees or debt, for example in 2019 they voted to pass $100,000.00 special assessment to pay debt owed to their lawyers so the lawyers can continue work for them to continue prosecuting Petitioner in the Complaint case.

Topic 1-2 – Petitioner Filed a Counterclaim Against Respondent and 80 Equity Holders Held a Legal Position that the Party Who Wins the Complaint Case Shall Automatically Win the Counterclaims Case Then State Court of Appeal 5th DCA Ruled Petitioner Won the Complaint Case

Petitioner filed a Counterclaim (A5) against the Respondent and timely demanded Jury trial.

According to Respondent's representative stated under oath, the Counterclaim was defended by Respondent's insurance company Liberty Mutual which would also pay for damages under the Counterclaim if Petitioner won her Counterclaim case.

Attorneys hired by Liberty Mutual represented the 80 equity holders in the Counterclaim and filed a Motion to Bifurcate the trials and sought the court to hold the trial of the Complaint case first before the trial on the Counterclaim case and the motion stated that whoever wins the complaint case shall "determinatively" win each count of the Counterclaim case, state court Judge Debra Nelson granted such motion.

Upon State court Judge Debra Nelson's issuing a series of orders, Petitioner appealed to the 5th DCA court of appeal. 5th DCA ruled Respondent violated its own Declaration when it sued Petitioner and dismissed the Complaint (A5) with prejudice in favor of Petitioner and granted Petitioner's motion for fees and cost.

Topic 1-3 – 80 Equity Holders First Agreed to Pay Petitioner Her Fees Incurred Defending the Complaint then Changed Their Minds to Vote to Bankrupt Themselves to Avoid Petitioners' Fees Becoming a Judgment in the State Court and to Get Rid of the Counterclaim

80 equity holders then agreed to Petitioner's entitlement of her fees and cost that was incurred in the state court defending the Complaint, which was

invoiced in the amount more than $500K and Petitioner paid in the range of about $400K defending the Complaint to defend her home and her property. State court entered the Agreed Order of fee entitlement and set a 4-hour final trial for the Complaint case to take place in April 2020 to determine the exact amount of fees and cost. Of all depositions (about 8) for the Counterclaim case, all had been taken except for the last one deposition, so the end of discovery was approaching, and the final jury trial was to be set to take place in 2020 for the Counterclaim.

Respondent's representative stated under oath that: by early 2020, 80 equity holders decided not to attend the final 4 hour trial of the Complaint case and did not want a final judgment be made in that case and not only they did not want to pay Petitioner any of her fees and cost in the Complaint case, they also wanted to get rid of the Counterclaim case, so they voted to bankrupt themselves and they voted a $25,000.00 special assessment to pay fees to Justin Luna law firm to initiate a bankruptcy proceeding.

Topic 1-4 – 80 Equity Holders as the Debtor Carried Out Bad Faith Conducts Prior to and During their Bankruptcy Proceedings

Respondent filed a Subchapter V (Respondent elected to proceed its Chapter 11 bankruptcy under a special Subchapter V so Petitioner's rights that would have been provided under a traditional Chapter 11 case are lost) Chapter 11 bankruptcy case on March 3,

2020, declared that all of the common lands (including but not limited to grassy land, several ponds and water Fountains) it owned and all of the roads it owned have $0.0 value, declared that it only had $4.00 revenue in year 2018 instead of the about $135K revenue from base assessment from the 80 equity holders, declared that it only had $418.00 revenue in year 2019 instead of the about $235K revenue from both the base assessment and the special assessment from the 80 equity holders, declared that it is not a single creditor debtor by declaring it has 4 other creditors even though it had ample cash to pay all amounts it owed to those 4 other creditors prior to bankruptcy filing but it retained those debts intentionally so that it has more than 1 creditor to meet the bankruptcy filing requirements, it moved the bankruptcy court and obtained court's permission to continue maintaining a pre-bankruptcy bank account that the US Trustee demanded it close and obtained court's permission to store up to $250,000.00 in that bank account in a bank that is not monitored by the US Trustee, eventually it filed a Subchapter V reorganization plan (which did not disclose any of the special assessment history or any special assessment capability to pay debts) that according to the objections filed by the US trustee: that plan will generate $0.0 or negative dollars to pay any debt.

Topic 1-5 – Respondent Never Objected to Petitioner's Amended Claims 4-3 and 5-2

Bankruptcy law requires that once a debtor files bankruptcy, debtor must list the debts it owes, and creditors who desires to recover debts from the debtor must file their claims in the bankruptcy court or they will lose their rights to recover any debts owed to them. *Ritzen Grp., Inc. v. Jackson Masonry, LLC*, 140 S.Ct. 582, 205 L.Ed.2d 419 (2020). Bankruptcy court will hold claim objection hearing and all objection to claims must be filed 30 days prior to the very first hearing on claim objection, per Rule 3007.

After Respondent filed bankruptcy in one of the busiest bankruptcy courts in the US: the Florida Middle District Bankruptcy Court, an automatic stay was put on the state court so that nothing in the state court (the Complaint case and the Counterclaim case) can move forward, Debtor listed on its debt sheet of $500K owed to Petitioner and the pending Counterclaim, Petitioner was forced to file her claims in the bankruptcy court in order to preserve her state court fees claim and her Counterclaim.

Even tough 80 equity holders had previously agreed to Petitioner's entitlement to her fees in the state court and the state court already issued an Agreed order on fee entitlement, and even though counsels representing 80 equity holders defending the Counterclaim moved the state court to bifurcate the trials and stated whichever wins the Complaint case shall win the Counterclaim case, Respondent was

daring enough and filed objection to Petitioners' claims to attempt to erase all of Petitioner's claims of $500K plus the Counterclaim in their entirety into $0.00.

On June 26, 2020, Petitioner promptly amended both of her claims to be Claim 4-3 and Claim 5-2, which effectively mooted Respondent's earlier objection to claims and mooted all of respondent's earlier discovery request.

Respondent did not file any objections to Claims 4-3 or 5-2 by the time the Bankruptcy court proceeded with its first hearing on September 10, 2020 on objection to claims.

Topic 1-6 – Bankruptcy Court Order App. 10-11 SHOW Judge Karen Jennemann Has Already Given Herself the Jurisdiction to Adjudicate Amended Claims 4-3 and 5-2 When There Was No Objections to those Amended Claims and That Order Decided the Final Trial Date and End Date for Discovery for a Legal Case that Was Rested without Any Legal Foundation

Even though bankruptcy court has no basis or reason or jurisdiction on adjudicating a different claim amount for Claims 4-3 and 5-2, the very claims that were not objected to by anyone prior to the September 10, 2020 first hearing on claim objections, bankruptcy court Judge Karen Jennemann during that hearing stated that she is setting a discovery deadline date of January 29, 2021 (A11, items 4) and a trial date of February 25, 2021 (A10, items 6) so she can hold a final

trial on Petitioner's claims 4-3 and 5-2 to determine the amount of debts owed to Petitioner for those 2 Claims 4-3 and 5-2. Basically, Judge Karen Jennemann wanted to prosecute Petitioner's Amended Claims when there was no complaint filed, when there was no controversy in existence, when there was no dispute whatsoever regarding those 2 Amended Claims.

Thus, unlike what Judge Wendy Berger's self-created nature of the appeal which claimed A10-11 was merely to set a stage so Judge Karen Jennemann can consider if she has the jurisdiction to adjudicate amended Claims 4-3 and 5-2, A10-11 in fact shows Judge Karen Jennemann has already exercised her power of the judge with such jurisdiction to set final trial date.

Topic 1-7 – Bankruptcy Court Order A11 Item 2 Directed Respondent File Objection to the Amended Claims 4-3 and 5-2 When the Objection Has Been Barred by the below Cited Rule 3007 and Laws

Pursuant to Federal Rule of Bankruptcy Procedure 3007(a)(1) ("Rules" or "Rule"), the Debtors were required *to file and serve the notice* of their objections at least thirty days before *any scheduled hearing* on the objections. Fed. R. Bankr. P. 3007(a). *Epicenter Partners, LLC v. Sonoran Desert Land Invs., LLC*, No. 2:16-BK-05493-MCW, 2018 WL 2239561, at *7 (D. Ariz. May 16, 2018).

Federal Rule of Bankruptcy Procedure 3007 governs objections to claims, which simply *must "be filed and served at least 30 days before any scheduled hearing on the objection. . . . "* Fed. R. Bankr. P. 3007(a)(1) (2017). *In re Allied Consol. Indus., Inc.*, 581 B.R. 265, 276 (Bankr. N.D. Ohio 2017).

The essential purpose of the 30 days is to give notice which is a due process requirements by the Federal Law and the Constitution (such as Due process laws under the Fifth and Fourteenth Amendments) in the same way as in that "an objection to claim can be made in an adversary proceeding. Fed. R. Bankr. P. 3007(b)." *In re Allied Consol. Indus., Inc.*, 581 B.R. 265, 276 (Bankr. N.D. Ohio 2017) where a Complaint must be filed a certain number of days before the court hold *any* hearings on the Complaint.

According to the Rule 3007, objection to Petitioner's Amended Claims 4-3 and 5-2 need to be filed on or before August 10, 2020, which is 30 days prior to the claim objection hearing that took place on September 10, 2020. August 10, 2020 was the bar date to file claim objections.

Respondent did not file any objections to Amended Claims 4-3 or 5-2 (those amended claims were filed with the court on June 26, 2020) by August 10, 2020. Judge Karen Jennemann on September 11, 2020 nevertheless circumvented Rule 3007 (the Rule 3007 does not permit court or judge modify the timing specified in the Rule 3007) by directing Respondent file objections to Claims 4-3 and 5-2 by September 18, 2020.

As Petitioner stated in her opposition to the objection and in her appeal briefs, Respondent's September 18, 2020 claim objection was barred by Rule 3007, and in addition, that claim objection did not meet specific requirement of Rule 3007 because Debtor's claim objection did not reference which line items or which pages or which documents that it objects to, thus it did not meet the requirement of Rule 3007, thus the claim objection should be stricken and should be overruled.

Unlike what Judge Wendy Berger's self-created nature of the appeal which claimed A10-11 was merely to set a stage so Judge Karen Jennemann can consider if respondent's objection is timely, fact shows at the time of the order A10-11 there was no objection to claims 4-3 and 5-2 in existence thus there is no timely or untimely matter to be considered by Judge Karen Jennemann to even begin with, in fact that order A10-11 clearly determined Respondent's to-be filed objection by September 18, 2020 (A11) will be timely (regardless what Rule 3007 says).

Topic 1-8 – Bankruptcy Court ("BK Court") Order A10-11 Was Issued 21 Days After BK Court Took Petitioner's Motions for Relief from Automatic Stay under Advisement Thus A10-11 Is An Order Denying Such Motions Thus It Is a Final Order

It is extremely important to note that: On 7/14 and 7/15/2020, Petitioner filed in the BK court the Motions for Relief from the Automatic Stay as to the

Complaints and Counterclaim (which are the Amended Claims 4-3 and 5-2), in which, Petitioner requested the bankruptcy court not hear and not adjudicate the complaint and the counterclaim but return them back to the state court where they were originated and litigated for about 4 years. The Motions for Relief from Stay matter was fully briefed to the BK court by 08/14/2020 and the matter was heard by the BK court on 08/21/2020 and during that hearing, bankruptcy court took the matter under advisement.

Thus, about 21 days prior to the BK court order A10-11, Judge Karen Jennemann already knew the matter before her was to lift the automatic stay so that state court can finish the final 4 hour of the final trial for the Complaint case to determine the exact amount of fees and cost Respondent owes Petitioner, and so that state court can proceed to hold Jury trial on the Counterclaim that Liberty Mutual will defend and pay for damages, and the judgment against the Respondent (such as the fee and cost amount) will not be collected outside the bankruptcy court but the amount will be forwarded to the bankruptcy court to be paid through a confirmed plan.

A10-11 shows there is no uncertainty that BK court will not lift the automatic stay.

District court argued that (A4-9) BK court's such order to set trial date and to set end date for discovery is not a decision to deny Petitioner's motions for relief from automatic stay and it does not show BK court has decided it has the jurisdiction on the matter. District

court's order (A4-7) erred because when a court issue an order to set a firm final trial date and a firm date for the end of discovery, that court has already decided it has the jurisdiction over the matter, and that court has already decided not sending the matter back to the state court (i.e., has decided to deny motions for relief from automatic stay).

As this court has recently ruled (see below for the case laws): order denying motions for relief of automatic stay is a final order. This BK court's order (A10-11), considering the BK court has already been fully briefed of Petitioner's motions for relief of automatic stay and has already taken the matter under advisement prior to the date of the A10-11 BK court order, is a final order because it has denied Petitioner's motions for relief from automatic stay. Even though BK court order A10-11 does not openly state it is an order denying motions for relief of automatic stay, the order itself, considering the above events that have already taken place, has the exact same legal effect as an order that explicitly stating denying of motions for relief of automatic stay. To say in another word: BK court order A10-11 is a stealth order or a covert order to deny motions for relief from automatic stay. It is a final order. Thus, District Court is obligated to review the appeal for its merit, thus 11th Circuit has responsibility to review district court's ruling based on merit. Thus 11th Circuit and District Court's orders A1-9 and A12 erred because they deemed BK Court Order as non-final order.

Topic 2 – Bankruptcy Court's Order and District Court's Orders and 11th Circuit's Order Are All Final Orders

In civil litigation generally, a court's decision ordinarily becomes "final," for purposes of appeal, only upon completion of the entire case, that is, when the decision terminates the action or ends the litigation on the merits and leaves nothing for the court to do but execute the judgment. 28 U.S.C.A. § 1291. *Ritzen Grp., Inc. v. Jackson Masonry, LLC*, 140 S.Ct. 582, 205 L.Ed.2d 419 (2020).

For purposes of determining "finality" in the context of appeals, the regime in bankruptcy is different than in civil litigation generally, as a bankruptcy case embraces an aggregation of individual controversies. 28 U.S.C.A. §§ 158(a), 1291. *Ritzen Grp., Inc. v. Jackson Masonry, LLC*, 140 S.Ct. 582, 205 L.Ed.2d 419 (2020). *McDow v. Dudley*, 662 F.3d 284 (4th Cir. 2011).

Concept of what is "final" order for purposes of appeal is applied more flexibly in bankruptcy cases; standard is more liberal, and approach is more pragmatic. *In re Gen. Carriers Corp.*, 258 B.R. 181 (B.A.P. 9th Cir. 2001). Bankruptcy court's order is "final" and appealable where it 1) resolves and seriously affects substantive rights; and 2) finally determines discrete issue to which it is addressed. *In re Gen. Carriers Corp.*, 258 B.R. 181 (B.A.P. 9th Cir. 2001). The usual judicial unit for analyzing "finality" in ordinary civil litigation is the case, but in bankruptcy, it is often the proceeding. 28 U.S.C.A. §§ 158(a), 1291. *Ritzen Grp., Inc. v.*

Jackson Masonry, LLC, 140 S.Ct. 582, 205 L.Ed.2d 419 (2020). The "appropriate "proceeding" in this case is the adjudication of the motion for relief from the automatic stay. *Ritzen Grp., Inc. v. Jackson Masonry, LLC*, 140 S.Ct. 582, 592, 205 L.Ed.2d 419 (2020). Order A10-11 (legally denying motions for relief of automatic stay, creating a legal case against Petitioner without any dispute or controversy or complaint, directing Respondent file claim objection past the bar date set by the Rule), order A4-9 and order A1-3 dismissing the appeal for lack of jurisdiction, and order A12 all seriously affect Alice Guan's substantive rights as outlined above and below and all these orders finally determined the discrete issue to which it is addressed thus they are all final orders (see RBG on *Ritzen Grp., Inc. v. Jackson Masonry, LLC*, 140 S.Ct. 582, 592, 205 L.Ed.2d 419 (2020).

To further clarify this, the aforementioned orders legally, literally, factually, effectively, affirmatively, assertively, unconditionally, and unreservingly ended any possibility for Alice Guan to receive her relief sought in the motions for relief from the automatic stay, and they permanently created a legal case against Petitioner without any cause, and they permanently caused objections to Petitioner's claims 4-3 and 5-2 be filed after such claim objections have been barred by the Rule 3007, such orders left nothing more for the courts to do in that proceedings, in the same way "The court's order" that "ended the stay-relief adjudication and left nothing more for the .. court to do in that proceeding" *Ritzen Grp., Inc. v. Jackson Masonry, LLC*, 140

S.Ct. 582, 592, 205 L.Ed.2d 419 (2020) thus those court orders are all final orders [note: "In civil litigation generally, a party may appeal to a Court of Appeals as of right from final decisions of the district courts." 28 U.S.C.A. § 1291. *Ritzen Grp., Inc. v. Jackson Masonry, LLC*, 140 S.Ct. 582, 205 L.Ed.2d 419 (2020)].

As stated above and below: judicial unit for analyzing "finality" in bankruptcy is the proceeding, AND Judge Karen Jennemann had 3 distinct proceedings: 1). to decide if she can circumvent Rule 3007 to direct Respondent file claim objection past the bar date, 2). to decide if she can form or create a legal case prosecuting Petitioner's Claims absent of any controversy or dispute or complaint about those claims, and 3). If she can give herself the jurisdiction over matters to adjudicate state litigation matters (which in her court those claims are not even contested, thus she cannot litigate those uncontested claims just as she could not and did not litigate the other creditor's claims that were not objected) and if it can set firm final trial date and discovery deadline thus not returning those cases back to the state court – AND all of these 3 proceedings each resolved and seriously affected substantive rights of Petitioner and they each finally determined the discrete issue to which it is addressed, thus Bankruptcy court's order is "final" and appealable.

Topic 3 – 11th Circuit Court of Appeal and District Court Both Erred Because BK Order Is a Final Order Because: that BK order dated September 11, 2020 Created a Legal Case and It set out a firm trial date of February 25, 2021 and a firm discovery deadline of January 29, 2021 when there was no Complaint filed and when there was no controversy in front of the bankruptcy court and when there was no dispute raised whatsoever regarding Petitioner's Claims 4-3 and 5-2, and that order has left the BK court nothing else to do to resolve its own issue of creating a legal case and of setting trial date and discovery deadline when there was no complaint, no dispute, no controversies – An order that violated Constitution and the Laws of the United States

Here in the instant case, BK court did not leave the issue "of 'if it has jurisdiction to try Claims 4-3 or 5-2'" to be resolved later, BK court order clearly and specifically determined it has the jurisdiction to try Claims 4-3 and 5-2 and it affirmatively ordered final trial date to be February 25, 2021 and ordered the end date for discovery to be January 29, 2021 – there was nothing ambiguous about all these specific rulings. As far as BK court's Judge Karen Jennemann taking on the jurisdiction to try Claims 4-3 and 5-2 as a distinct proceeding, that proceeding was completed by the BK court order because there was nothing left for the BK court to do in that proceeding. Thus, that BK court order is a final order.

U.S. Const. art. III provides in relevant part, "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, . . . – to **Controversies** between . . . Citizens of different States, – between Citizens of the same State . . . , and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects." (Emphasis added).

Here, in the instant case, BK order exercised a judicial power to create a legal case and to set firm trial date and to set firm discovery deadline in total absence of any controversies, thus it violated U.S. Const. art. III.

Civil liberties as established by the Constitution (the Bill of Rights) states a person has the right on "free speech, privacy, right to remain silent, right to be free from unreasonable searches, **right to a fair trial**, right to marry, right to vote." (Emphasis added).

Here in the instant case, BK order created a legal case and set a firm trial date of February 25, 2021 (when there were no controversies and when there can be no controversies because Rule 3007 has already barred any objection to Claims 4-3 and 5-2 be raised) to hold a trial that is completely unfair to the Petitioner. Thus, the September 11, 2020 BK order has violated Civil liberties as established by the Constitution (the Bill of Rights).

That final order of BK court has also violated U.S. Const. amend. XIV, has infringed Petitioner's privileges and immunities and rights of not to be sued and

not to be prosecuted without cause, has deprived Petitioner's life, liberty, or property, without due process of law, has denied Petitioner within its jurisdiction the equal protection of the laws.

Therefore, all aforementioned orders should be reversed, and this court should rule that BK court order is not only a final order, but also a not valid order, and rule any actions BK court took and any orders BK court made following that September 11, 2020 BK court order be not valid actions and not valid orders and those orders must be vacated.

Topic 4 – 11th Circuit Court of Appeal and District Court Both Erred Because BK Order Is a Final Order Because: that BK order circumvented Rule 3007 (the Rule 3007 stated any claim objection has to be filed 30 days prior to the first hearing on claim objections) to direct Respondent file objection to Petitioner's Claims 4-3 and 5-2 exactly 38 days after the bar dated specified by Rule 3007 and that BK court order has left the BK court nothing else to do to resolve its own action to circumvent Rule 3007 – An order that violated Constitution and the Laws of the United States

Here in the instant case, BK court did not leave the issue "of circumventing Rule 3007" open for it to resolve later, BK court order clearly and specifically determined the final resolution to circumvent Rule 3007 and provided a firm due date for Respondent file Objections to Claims 4-3 and 5-2 to be "by September 18,

2020". Thus, BK court order left nothing else for the BK court to do regarding circumventing Rule 3007 or when the court-created-claim-objection-due-date is. Thus, for this distinct proceeding, the BK court has made the final ruling and there is nothing left for the BK court to do.

Here, in the instant case, BK order exercised a judicial power not only in total absence of any controversies, but it encourages controversies to be raised when that type of controversies was already barred to be raised by the Rule, thus it violated U.S. Const. art. III.

Rule 3007 provided rights and privileges and immunity and protections and a way of due process to Petitioner, but that BK order violated U.S. Const. amend. XIV and infringed on the rights, privileges, immunities of Petitioner, and has deprived due process that was provided to Petitioner, and has deprived Petitioner's life, liberty, or property, without due process of law, has denied Petitioner within its jurisdiction the equal protection of the laws.

Therefore, all aforementioned orders should be reversed, and this court should rule BK court order is not only a final order, but also is a not valid order because such claim objection cannot be filed and if filed cannot be deemed valid past the bar date specified by Rule 3007, and rule that any actions BK court took and any orders BK court made following that September 11, 2020 BK order as not valid actions and not valid orders and those orders must be vacated.

Topic 5 – 11th Circuit Court of Appeal and District Court Both Erred Because BK Order Is a Final Order Because: Petitioner has already filed motions for relief from automatic stay so that her Claims 4-3 and 5-2 can be adjudicated by the state court where those cases have been actively litigated for more than 4 years in the state court, and because BK has already been fully briefed and heard Petitioner's such motions and already has taken such matter under advisement 21 days prior to the BK court order, then BK issuing a written order to set firm trial date of February 25, 2021 and to set firm discovery deadline of January 29, 2021 is a decision of the BK that Judge Karen Jennemann wants to determine the amounts of debts owed from Claims 4-3 and 5-2, which is a decision not let state court adjudicate those claims, which is a decision to deny motions for relief from automatic stay, and because SCOTUS already deemed order denying motion for relief from automatic stay is a final order, BK order is a final order because it is an order denying Petitioner's motions for relief from automatic stay – the orders violated Constitutions and the laws of the United States and created contrary to this Court's (SCOTUS) Ruling and contradicted with many precedents set by other courts

District court's order and 11th Circuit's order to deem BK court order as a nonfinal order and to deem it is not an order denying motions for relief of

automatic stay is to deprive Petitioner's right to appeal, which created contrary to the Federal Appellant Procedure that is protected by the Federal laws and the Constitution. Thus 11th Circuit's orders and district court's order should be reversed, the case should be remanded so district court can adjudicate the appeal case to rule on the merit of BK court should have granted Petitioner's motion for relief from automatic stay (so that the state court Complaint case can proceed to finish the Final 4 hour trial to determine the amount Respondent owes Petitioner as her fees and cost defending the very Complaint the Respondent wrongfully filed against Petitioner in the state court in 2016, so that the state court can proceed with the Counterclaim case against Respondent which Respondent's insurance company Liberty Mutual is responsible to pay for defense and to pay for damages, so that the judgment amount against Respondent can be forwarded to the BK court to be paid through a confirmed plan over a period of time (such as over 5 years to allow the 80 equity holders the opportunity to pay overtime vs. how 80 equity holders forced Petitioner to pay more than $400K fees over 4 years all on her own), OR: this Court (SCOTUS) rule on the merit of the appeal (see below arguments) to lift the automatic stay or direct BK court to use the amounts stated in Claims 4-3 and 5-2 as the Debts Respondent owes Petitioner.

Topic 5-1 – Petitioner's Right to a Jury Trial Governed by the Seventh Amendment of the United States Constitution Was Deprived

The right to a jury trial is governed by the Seventh Amendment of the United States Constitution. The United States Supreme Court has long recognized that, as a general rule, monetary relief is legal in nature, and that claims for such relief give rise to a right to trial by jury. See *Feltner v. Columbia Pictures Television, Inc.*, 523 U.S. 340, 352, 118 S.Ct. 1279, 140 L.Ed.2d 438 (1998). Here, Alice Guan has a Seventh Amendment right to trial by jury on the Counterclaim (Claim 5-2). Even if both parties agree to bankruptcy court hear the Counterclaim which Ms. Guan persistently did not agree, little useful purpose would be served if the Federal lower courts were to make findings of fact and conclusions of law concurrently with a jury trial. *In re Shafer & Miller Indus., Inc.*, 66 B.R. 578, 581–82 (S.D. Fla. 1986).

Topic 5-2 – Bankruptcy Judge Adjudicating Private Right Matters Is Contrary to the Constitution

State case Complaint and Counterclaim arose under state common law and was between two private parties, also, they did not flow from federal bankruptcy statutory scheme. Bankruptcy court cannot retain state case Complaint and Counterclaim because it does not have the authority from the congress to do so, even if it feels it is more efficient to do so than the State Court (which is also not the situation) or the

proceeding may have some bearing on a bankruptcy case. Even if fact shows a given law or procedure is efficient, convenient, and useful in facilitating functions of government (which is not the situation in this case), standing alone, will not save it if it is contrary to the Constitution (U.S.C.A. Const. Art. 3, § 1 et seq. *Stern v. Marshall*, 564 U.S. 462, 131 S.Ct. 2594, 180 L.Ed.2d 475 (2011)). Aforementioned court orders are against the inseparable element of the constitutional system of checks and balances (*Northern Pipeline*, 458 U.S., at 58, 102 S.Ct. 2858).

In bankruptcy court, judges adjudicate issues related to public right, it is the issues between the Debtor and the United States. Private rights relate to between debtor and creditor. Private rights cases are noncore proceedings to bankruptcy court. *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858, 73 L.Ed.2d 598 (1982). Furthermore, the fact that Ms. Guan filed proof of claims in the bankruptcy proceedings did not give the bankruptcy court any authority to adjudicate her private right claims. Ms. Guan was forced to file her proof of claims, a state-created right for her to recover damages from the state case Complaint and Counterclaim did not transform what is essentially a private right into a public right. The clear mandate of *Marathon* is that private rights cannot be adjudicated by Article I judges. *In re Shafer & Miller Indus., Inc.*, 66 B.R. 578, 580 (S.D. Fla. 1986). *Stern v. Marshall*, Supreme Court of the United States June 23, 2011, 564 U.S. 462, 131 S.Ct. 2594, 2595, 2596, 180

L.Ed.2d 475 (2011), GOVERNMENT – Separation of Powers.

Topic 5-3 – Aforementioned Orders Denied Adequate Protection

Pursuant to § 362(d), "on request of a party," the bankruptcy court may grant relief from the automatic stay even thus to abstain from adjudicating the claims " . . . for cause, including the lack of adequate protection . . . " 11 U.S.C. § 362(d)(1). *See also Disciplinary Board of the Supreme Court of Pa. v. Allen L. Feingold (In re Feingold)*, 730 F.3d 1268, 1276 (11th Cir. 2013). "The whole purpose in providing adequate protection for a creditor is to insure that the creditor receives the value for which the creditor bargained prebankruptcy." *In re TeVoortwis Dairy, LLC*, 605 B.R. 833, 839 (Bankr. E.D. Mich. 2019) (quoting *Mbank Dallas, N.A. v. O'Connor (In re O'Connor)*, 808 F.2d 1393, 1396 (10th Cir. 1987)). Adequate protection may take the form of cash payments . . . 11 U.S.C. § 361. *In re Moore*, No. 20-40309-EJC, 2020 WL 5633081, at *6 (Bankr. S.D. Ga. Aug. 27, 2020). Debt owed to Petitioner by the Respondent are to be paid by special assessment (in cash) imposed on all equity holders.

Just solely by Respondent's objection to the entirety of Petitioner's claim, it makes the single cause to forbid BK court order because here, Respondent not only introduced no evidence on the issue of adequate protection, but it also actually actively pursued to destroy any and all protection of Petitioner's interest.

Aforementioned court orders erred because Petitioner's claim are sufficiently plausible to allow its prosecution in state court and her interests is not adequately protected by the Respondent. Petitioner has rights to her interest to entitle her fees and cost and damages, aforementioned court orders not only remove any protection of Petitioner's interest but also has impermissibly alter those right of Petitioner. *See also In re Evans*, 786 F.Supp.2d 347, 355 (D.D.C.2011). *In re Richards*, No. 09-69716-WLH, 2012 WL 2357672, at *2 (Bankr. N.D. Ga. June 8, 2012). *In re Moore*, No. 20-40309-EJC, 2020 WL 5633081, at *6 (Bankr. S.D. Ga. Aug. 27, 2020).

Topic 5-4 – Bankruptcy Judge Adjudicating Complaint and Counterclaim Which are Non-Core Matters/Proceedings Are Contrary to Laws

State case Complaint and Counterclaim are "non-core" proceedings which are synonymous with those "otherwise related" to the bankruptcy estate; they do *not invoke a substantial right created by the federal bankruptcy law and is one that could exist outside of bankruptcy; they may be related to the bankruptcy because of its potential effect, but under 157(c)(1) it is "otherwise related" or a non-core proceeding.* (quoting *Wood v. Wood (In re Wood)*, 825 F.2d 90, 97 (5th Cir. 1987). *Cont'l Nat'l Bank v. Sanchez (In re Toledo)*, 170 F.3d 1340, 1349 (11th Cir. 1999) (interpreting subsection (b)(1) and (c)(1) of 28 U.S.C. § 157). Aforementioned court orders are contrary to laws because mandatory abstention required for non-core state law

claims related to a bankruptcy case if an action is commenced, and can be timely adjudicated, in a state forum applied to removed proceedings. 28 U.S.C.A. §§ 1334(c)(2), 1452(b). *Mt. McKinley Ins. Co. v. Corning Inc.*, 399 F.3d 436 (2d Cir. 2005). RICO, Abuse of Process, Breach of Contract, Negligence, Intentional Infliction of Emotional Distress in the Counterclaim are indeed independent of bankruptcy code or any other federal law, those proceedings are not ones which could arise only in the context of a bankruptcy proceeding, if 80 equity holders did not choose to bankrupt, the state case Complaint and Counterclaim actions would have proceeded in state court with the Complaint to be completed in a 4-hour final trial and Counterclaim in a soon to be conducted Jury Trial, therefore Complaint and Counterclaim are noncore matters that bankruptcy court shall not hear them or enter judgment, those are matters shall be returned to state court where their litigation record has been longstanding. See *Key Bank, U.S.A. v. First Union Nat'l Bank*, 234 B.R. 827, 832 (M.D. Fla. 1999) (recognizing that suits based on Fla. Stat. ch. 673 and 674 are state created rights, and therefore, not core proceedings); Aforementioned court orders setting matters for final trial to take place on February 25, 2021 has erred. *Marill Alarm Systems, Inc., v. Equity Funding Corporation (In re Marill Alarm Systems, Inc.)*, 81 B.R. 119, 122–123 (S.D. Fla. 1987), *aff'd without op.*, 861 F.2d 725 (11th Cir. 1988); *First Florida Building Corp. v. Employers Ins. of Wausau (In re Shafer & Miller Indus., Inc.)*, 66 B.R. 578, 580 (S.D. Fla. 1986); *Naturally Beautiful Nails, Inc. v. Wal–Mart Stores, Inc. (In re Naturally*

Beautiful Nails, Inc.), 252 B.R. 574 (Bankr. M.D. Fla. 2000); *Wood v. Wood (In re Wood)*, 825 F.2d 90, 97 (5th Cir. 1987); *Control Ctr., L.L.C. v. Lauer*, 288 B.R. 269, 275–77 (M.D. Fla. 2002).

Topic 5-5 – Aforementioned Court Orders Creating a Legal Case and Set the Case for Final Trial While Petitioner Did Not Consent to the Bankruptcy Court's Resolution of the State Case Complaint and Counterclaim

State case Complaint and Counterclaim are clearly none core proceedings, in which there is no use for the bankruptcy court to hear the cases because it may not enter final judgments without the consent of the parties. *In re Shafer & Miller Indus., Inc.*, 66 B.R. 578, 579 (S.D. Fla. 1986). Petitioner never give consent.

BK COURT ORDER also Erred Because Bankruptcy Court Does Not Have the Authority and Jurisdiction to Adjudicate the State Case Complaint and Counterclaim Thus the Bankruptcy Court Is Not Authorized to Issue Such BK COURT ORDER.

Topic 5-6 – Aforementioned Court Orders Rewarded Respondent's Bad Faith Conduct to Benefit from the Automatic Stay

Petition filed in bad faith justifies relief from stay and warrant court abstain. Bankr.Code, 11 U.S.C.A. § 362(d)(1). *In re Dixie Broad., Inc.*, 871 F.2d 1023 (11th Cir. 1989) – as shown above, Respondent acted in "bad faith" prefiling and in filing and during the Chapter 11

Subchapter V petition. Fed.Rules Evid.Rule 201, 28 U.S.C.A. *In re Steeley*, 243 B.R. 421 (Bankr. N.D. Ala. 1999). Bad faith on the 80 equity holders Respondent justify lifting automatic stay and justify court abstain to clear way for continuation of state court litigation. Bankr.Code, 11 U.S.C.A. § 362(d)(1). *In re Dixie Broad., Inc.*, 871 F.2d 1023 (11th Cir. 1989). Bankr.Code, 11 U.S.C.A. § 362(d)(1). *In re Steeley*, 243 B.R. 421 (Bankr. N.D. Ala. 1999). *Natural Land*, 825 F.2d at 298. *In re Waldron*, 785 F.2d 936, 939 (11th Cir.), *cert. dismissed sub nom. Waldron v. Shell Oil Co.*, 478 U.S. 1028, 106 S.Ct. 3343, 92 L.Ed.2d 763 (1986); *Holtkamp*, 669 F.2d at 508; *Waldron*, 785 F.2d at 939–41. *See also Furness v. Lilienfield*, 35 B.R. 1006 (D. Md. 1983), *In re Wally Findlay Galleries (New York), Inc.*, 36 B.R. 849 (Bankr. S.D.N.Y. 1984); *In re Smith*, 58 B.R. 448 (Bankr. W.D. Ky. 1986). *In re Dixie Broad., Inc.*, 871 F.2d 1023, 1026–27 (11th Cir. 1989). *In re Fielder*, 799 F.2d 656 (11th Cir. 1986).

Furthermore, any objection of Petitioner's claim is moot because: 1). Respondent did not file a timely objection to Petitioner's amended claims, 2). Respondent itself agreed in the state court to Petitioner's entitlement of fees and cost and it also listed approximately the same amount as well as the same two litigation cases on its Respondent bankruptcy debt schedule; 3) Respondent also conceded and promoted the position that whoever wins the complaint also wins the counterclaim. *See also In re Kirkland*, 379 B.R. 341, 59 Collier Bankr. Cas. 2d (MB) 1991 (B.A.P. 10th Cir. 2007),

judgment rev'd, 2009 WL 2021158 (10th Cir. 2009). Thus BK COURT ORDER erred.

Topic 5-7 – Aforementioned Court Orders Are Against § 1334(c)(2) and Other Laws

Federal court *shall abstain* from hearing such proceeding if an action is commenced, and can be timely adjudicated, in a State forum of appropriate jurisdiction. 28 U.S.C. § 1334(c)(2) (West Supp.1996) – Accordingly, under this statute, courts must abstain from hearing a state law claim if: (1) The claim has no independent basis for federal jurisdiction, other than § 1334(b); (2) the claim is a non-core proceeding, i.e., it is related to a case under title 11 but does not arise under or in a case under title 11; (3) an action has been commenced in state court; and (4) the action could be adjudicated timely in state court. *See Gober v. Terra + Corp. (In re Gober)*, 100 F.3d 1195, 1206 (5th Cir. 1996); 28 U.S.C. §§ 1334(c)(2), 157(b)(1). *Matter of Rupp & Bowman Co.*, 109 F.3d 237, 239 (5th Cir. 1997). State case Complaint and Counterclaim meet all these 4 criteria – Also, under the "first-filed rule," when parties have instituted competing or parallel litigation in separate courts, the court initially seized of the controversy should hear the case in the absence of compelling circumstances. *Sini v. Citibank, N.A.*, 990 F.Supp.2d 1370 (S.D. Fla. 2014).

Topic 5-8 – District Court Abused Its Discretion After It Modified Petitioner's Content of the Appeal

See Above.

In addition, Petitioner's Notice of Appeal which is the first document in district court's record stated clearly that the order on appeal is a final order that is appealable as a matter of right, and in the event if district court insists that it is not a final order in whole or in part (which insistence would be in error to begin with), then appeal should still be heard and reviewed. A review of the docket easily reveals that District court has been fully informed of the controlling question of law presented by the BK COURT ORDER, the substantial difference of opinion on the issue and the reasons that immediate resolution of such issue is necessary. Record on appeal in the district court have met the requirements outlined in Federal Rule of Bankruptcy Procedure 8004 such that the district court has been well informed of the order on appeal, the questions, the facts necessary to understand the question presented, the relief sought, and the importance why district court should review the appeal and vacate the order below, if district court insists on the order on appeal to the district court is not a final order. Even if order on appeal to the district court is an interlocutory order (which is not the situation), Petitioner has demonstrated to the district court that there has never been a valid objection to her amended claims thus there was no basis for the bankruptcy court to set for trial on non-existing controversies, and even if

there was a controversy (which there was none) bankruptcy court setting a trial to resolve the controversy is contrary to federal laws and constitutional laws as well as the laws established in the state and federal circuits, thus the review of the appeal is a review of "exceptional circumstances" that " justify a departure from the basic policy of postponing appellate review until after the entry of a final judgment." *Flying Cow Ranch HC, LLC v. McCarthy*, No. 19-cv-80230, 2019 WL 1258780, at *3 (S.D. Fla. Mar. 19, 2019) (quotation omitted). *Celotex Corp. v. AIU Ins. Co. (In re Celotex Corp.)*, 187 B.R. 746, 749 (M.D. Fla. 1995).

District court thus has abused its discretion by denying leave to appeal bankruptcy court such order that district court itself deemed as interlocutory. *Stumpf v. McGee (In re O'Connor)*, 258 F.3d 392, 399–400 (5th Cir. 2001), and by dismissing the case for lack of jurisdiction.

REASONS FOR GRANTING THE PETITION

This petition constitutes a present and immediate injury by lower court's orders creating contradictions with the aforementioned Constitution and federal laws and are contrary to the other laws cited above and those orders have violated Petitioners' aforementioned Privileges, immunities, rights, and deprived Petitioner's life, liberty, or property without due process, and they denied Petitioner equal protection of the laws.

The constitutional issues and federal issues raised by this Petition reaches far beyond petitioner herself and affect *any* party in any cases, either in Federal court or in state court, where the party's same rights will be deprived, where the court creates more businesses for the Judges themselves by creating cases that are totally void of controversies and totally void of dispute and totally void of complaint, where the court creates more business for the Judges themselves by encouraging objections or complaint filed when such objections or complaint have been cleared barred by the explicit Rules or laws, where lower court proceed forward with these illegally formed cases and illegally formed objections or complaints consuming more of our tax dollars and more of innocent party's resources by prohibiting proper appeals to take place by calling the "final orders" non-final. The results are appearing very busy court and judge, enriched financial pocket for the lawyers to litigate cases that are not legitimate, and the harmed parties whose rights are deeply deprived.

The decisions of the lower courts are inconsistent with this Court's precedents and are contradicting the holdings of other state and circuit courts. The lower courts' rulings will negatively affect individuals in the United States who face the hardships in trying to maintain their federal rights and their rights that are provided and protected by the Constitution.

This petition should be granted also because 11th Circuit, District Court, and BK Court have decided an

important question of federal law that has not been, but should be, settled by this Court (Sup. Ct. R. 10(c)) and have decided important federal questions in a way that conflicts with relevant decisions of this Court (Sup. Ct. R. 10(c)), and have decided important federal questions in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals (Sup. Ct. R. 10(b)).

Orders from 11th Circuit, District Court, and BK Court will have far reaching negative impact. It gives courts the power to deprive private citizen's aforementioned rights and privileges and protection. This Court should review, and set aside, those order which will provide critical guidance to all lower courts, both state and federal, regarding the scope of standing regarding the prior listed and aforementioned constitutional and statutory provisions at issue.

CONCLUSION

The petition for a writ of certiorari should be granted so this Court (SCOTUS) can review the merit of the issues raised by the Petitioner and rule for the benefit of enforcing the Constitution and the laws of the United States and of upholding the rights for this Petitioner and for all parties that will come along who would otherwise face the same results as what this