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No. 21-1096

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In The  
**Supreme Court of the United States**

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ALICE GUAN (YUE GUAN),

*Petitioner,*

v.

ELLINGSWORTH RESIDENTIAL  
COMMUNITY ASSOCIATION, INC.,

*Respondent.*

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

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**PETITION FOR WRIT OF CERTIORARI**

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**ORIGINAL**

**QUESTION PRESENTED FOR REVIEW**

1. Whether the Courts Erred by Misstating Alice Failed to Properly Amend Her Notice of Appeal when Alice Guan Did Correctly File 3 Notices of Appeals.
2. Whether the Courts Erred by Not Recognizing Rules 8002(a)(2), 8009, 8018 Thus Deemed Alice Guan Did Not Appeal the 2 Written Orders Dated July 10 and August 4, 2020.
3. Whether the Courts Have Misstated Bankruptcy Courts' Oral Order Made on June 17, 2020 and Incorrectly Disjoined the It From the June 23, 2020 Order Thus Erred to Recognize Alice Guan CorrectlyAppealed the Tandem Order.
4. Whether Courts Erred by Deeming the Tandem Order and the July 10 and August 4, 2020 Order As Not Final Orders.
5. Whether Courts Erred by Depriving Alice Guan's Appeal Rights and Her Rights for Due Process

## **RELATED CASES**

United States Court of Appeals for the Eleventh Circuit, Docket #: 21-12970, Alice Guan v. Ellingsworth Residential Community Association

U.S. District Court Middle District of Florida (Orlando), Case #: 6:20-cv-01243-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.

United States Court of Appeals for the Eleventh Circuit, Docket #: 20-13381, Alice Guan v. Ellingsworth Residential Community Association

SCOTUS Case #: 21-1049

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**PETITION<sup>1</sup> 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.

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**OPINIONS BELOW AND  
THE APPEAL OF SUCH**

11th Circuit's order dismissing the case for lack of jurisdiction (App. 1-3) is unreported. It was issued 1 day after Alice has already timely filed her Initial Brief on November 3 2021 (part of this initial brief is attached herein in App. 34-62).

Petitioner on November 25, 2021 timely filed her motion for reconsideration (11th Circuit incorrectly stated on the docket that it was filed on Nov. 26, 2021). 11th Circuit's order denying motion for reconsideration (App. 33) is unreported.

District court's order by Judge Wendy Berger in DCDoc 87 (App. 4-12) affirming 1 of the total 4 bankruptcy court's appealed Final orders is reported in 2021 WL 3908525.

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<sup>1</sup> Petitioner is "Alice". BKDoc # is the document number in the bankruptcy docket, DCDoc # is the document number in the District Court docket, DC Date # is the date number located on the upper right corner of the document in the District Court, App. # or A# is the page number of the attached Appendix.

Judge Karen Jennemann in bankruptcy court's 4 Final orders which were the subject orders in Alice's 3 Notices of Appeals are:

**Judge Karen Jennemann in bankruptcy court's Order #1:** Oral order (App. 27-32) stating “*... if the debtor is permitted to remain as Sub V debtor, then we'll issue the order setting the confirmation hearing*”. Emphasis added. The oral order was stated at the hearing that commenced at 3:50PM in the afternoon on June 17, 2020, thus the oral order is contained in the hearing transcript. This Oral order was appealed on July 6 2020 after this Oral Order was actuated by a written order BKDoc 79 on June 23 2020. This Oral Order was referred to as the Stealth Order.

**Judge Karen Jennemann in bankruptcy court's Order #2:** Written order BKDoc 79 (App. 23-26) that was issued for the purpose of setting the confirmation hearing, it stated (see App. 23): “**ORDERED:** 1. *Confirmation Hearing. A hearing by video will be held on August 19, 2020 at 1:00 p.m.* Courtroom A, sixth floor. . . . , to conduct a confirmation hearing (“**the Confirmation Hearing**”) including to hear objections to the confirmation, . . . . The Court, by separate order, has established procedures for the video hearing (Doc. No. 72)”, order dated June 23 2020, not reported. Emphasis added. This order was appealed on July 6 2020 and was referred to as the written order that activated the Stealth Order. BKDoc 79 and the Stealth Oral Order are referred to as the Tandem Order, the tandem order fulfilled the Oral Order's specification by the issuance of an order (BKDoc 79) setting the confirmation hearing after the bankruptcy court has determined the Respondent debtor **had been** permitted to remain as Sub V debtor. The appeal of these 2 above orders: the

Oral Order that was actuated by BKDoc 79, resulted in appeal case 6:20-cv-1243 which is the root case for this Petition in this court, SCOTUS.

**Judge Karen Jennemann in bankruptcy court's Order #3:** Written order BKDoc 142 (App. 15-22) overruling Petitioner's earlier Motion (filed by Alice's then counsel Brad Saxton) objecting to Subchapter V election (overruling BKDoc 51), order dated July 10, 2020, reported as July 10, 2020 619 B.R. 519 2020 WL 5743082. Notice of Appeal of this order was filed with the bankruptcy court on July 15, 2020. Judge Karen Jennemann did not transmit this notice of appeal to the district court as a separate appeal, no new appeal case number was assigned to correspond to this particular notice of appeal. The same notice of appeal was provided to Judge Wendy Berger on August 3, 2020, see DCDoc 11-21, DC Bates 501-505.

**Judge Karen Jennemann in bankruptcy court's Order #4:** Written order BKDoc 210 (App. 13-14) denying all of Petitioner's Motions BKDoc 64 and BKDoc 85, order dated August 4, 2020, unreported. This order was appealed on August 10, 2020 in the bankruptcy court – this was the 3rd Notice of Appeal. Judge Karen Jennemann in the Bankruptcy court did not transmit this notice of appeal to the district court at all, no new appeal case number was assigned to correspond to this particular notice of appeal. Alice provided the very same notice of appeal to the district court on August 10, 2020 (see DCDoc 18-1, 18-2, 18-3, 18-4, see DC Bates 889-917) *to keep Judge Wendy Berger informed.*

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## **BASIS FOR JURISDICTION IN THIS COURT**

11th Circuit's order dismissing the case for lack of jurisdiction (App. 1-3) was entered on November 4, 2021. Petitioner timely filed motion for reconsideration. 11th Circuit's order denying motion for reconsideration (App. 33) was entered on December 7, 2021. This Court's jurisdiction rests on 28 U.S.C. § 1254(1) and 28 U.S.C. § 1651(a).

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## **CONSTITUTIONAL AND STATUTORY PROVISIONS AT ISSUE**

Right to appeal final order is litigant's right that is protected by the constitution and the laws of the United States and the ruling of this court, SCOTUS.

Rights to due process is protected by the 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."

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**STATEMENT THAT BELIES THE FACTS AND  
ACTS CIRCUMVENTING WELL-ESTABLISHED  
RULES That Have Deprived Alice's  
Right to Appeal Final Orders and  
Deprived Alice's Rights to Due Process**

**Topic 1 – Judge Wendy Berger Stated Guan “... failed to properly amend her notice of appeal to include the written order that actually denied her objections” that Belies the Facts – 11th Circuit’s Judge Wilson and Judge Rosenbaum and Judge Luck Quoted (App. 2) Such Language from Judge Wendy Berger’s Order and They Ruled Based on This Statement that Belies the Fact and They Refused to Review Records That Were Made Available to Them and the Records They Have Access To**

After Judge Karen Jennemann made a stealth Oral Order on June 17, 2020 stating (App. 2, also see 2nd paragraph on App. 32) “... *if* the debtor is permitted to remain as Sub V debtor, *then* we’ll issue the order *setting the confirmation hearing*”, and **after she did issue a written order on June 23, 2020 specifically and firmly setting the confirmation hearing on August 19, 2020** stating (App. 23 through 1st 2 lines on page App. 24) “**ORDERED: 1. Confirmation Hearing. A hearing by video will be held on August 19, 2020 at 1:00 p.m. Courtroom A, sixth floor. . . . , to conduct a confirmation hearing (“the Confirmation Hearing”)**” (which hearing procedure was also established by BKDoc 72), Alice appealed those 2 orders (the oral order dated June 17 2020 and the June 23 2020 written

order that actuated the Oral Order – the 2 orders formed a tandem order) on July 6, 2020.

Then, Alice filed in the bankruptcy court 2 more Notices of Appeals, each after Judge Karen Jennemann issued her written orders BKDoc 142 (App. 15-22) and BKDoc 210 (App. 13-14). Judge Wendy Berger cannot deny that she knew Alice had already timely and correctly filed these 2 more Notices of Appeals in the bankruptcy court because Alice respectfully informed Judge Wendy Berger in DCDoc 18-1 through 18-4 and Judge was also informed by other documents such as DCDoc 11-21, specifically:

**Judge Karen Jennemann's BKDoc 142 (App. 15-22)** overruling BKDoc 51 was appealed on July 15, 2020 in the bankruptcy court. The same notice of appeal was provided to Judge Wendy Berger on August 3, 2020, see DCDoc 11-21, DC Bates 501-505. In the notice of appeal, Alice stated that:

a). the appeal fee of \$298 for this notice of appeal has already been paid separately because she has provided the bankruptcy court 2 separate cashier's checks each was for \$298 and 1 personal check in the amount of \$298 (see DC Bate 503);

b). Alice specifically stated she is appealing the order docketed on July 13, 2020 (which is the July 10 Order) and she stated the title of the order she appealed (see DC Bate 503, as well as in the footnote on DC Bate 501); Judge Karen Jennemann's order BKDoc 142 has been made available to Judge Wendy Berger in document DCDoc 11 and in DCDoc 18-1 through 18-4.

c). Alice stated that her motion BKDoc 51 had already been superseded by her other Motions contained in BKDoc 64 and then in BKDoc 85 [see DC Bate 501-503, those motions were filed with the bankruptcy court prior to the June 17, 2020 hearing, specifically BKDoc 85 was filed with the bankruptcy court at about 8AM on June 17, 2020 and it had been the subject of discussion during the June 17 2020 hearing (see DC Bate 502)], and BKDoc 64 is titled as "Combined Amended Motion (to amend BKDoc 51) and Motion for Summary Judgment and Response to Debtor's Doc 61", and BKDoc 85 is titled as "2nd Amended Motion (to amend BKDoc 51 and BKDoc 64) and Amended Response (to amend BKDoc 64) to Debtor's Doc 61". Also see the 2nd paragraph of App. 29 when Judge Karen Jennemann acknowledged BKDoc 64; see last 3 paragraphs on App. 29 and whole page App. 30 when Alice described BKDoc 64 and BKDoc 85 (BKDoc 85 being having: the line items designated by Alice referencing the 341 creditor meeting transcript); see the 1st paragraph on App. 31 where Judge Jennemann acknowledged she will also review BKDoc 85 by stating "...read all of the pleadings and the transcript and the line items designated by Ms. Guan as well as the motions and. . ." – note: only BKDoc 85 contain the so-called: "the transcript and the line items designated by Ms. Guan".

**Judge Karen Jennemann's BKDoc 210 (App. 13-14) denying Petitioner's Motions BKDoc 64 and BKDoc 85 was appealed on August 10, 2020 in the bankruptcy court – this was the 3rd Notice of Appeal.**

The very same 3rd notice of appeal was provided by Alice to the district court on August 10, 2020 (see

DCDoc 18-1, 18-2, 18-3, 18-4, see DC Bates 885-917) ***to keep Judge Wendy Berger informed.***

In this 3rd Notice of Appeal Specifically:

- A. DC Bate 889 specifically stated that the orders being appealed are 4 final orders (the aforementioned 4 orders) and the orders include BKDoc 120 and BKDoc 142.
- B. DC Bate 892 in DCDoc 18-3 stated: the appealed order is BKDoc 142 and Alice provided the title of the appealed order, and Alice stated the appealed order was attached to the Notice of Appeal in Exhibit CC.
- C. DC Bate 892 in DCDoc 18-3 stated: the appealed order is BKDoc 210 and Alice provided the title of the appealed order, and Alice stated the appealed order was attached to the Notice of Appeal in Exhibit DD.

- D DC Bate 889-896 in DCDoc18-3, Alice stated these are final orders per 28 U.S.C. § 158(a)(1) and she stated she has the appealable rights and she stated those orders on a final basis have determined debtor is permitted to be Subchapter V which deprived Alice's rights that otherwise would be provided to her in a traditional chapter 11 case, Alice stated additional basis to support those orders are final orders. Alice further stated that If district court insists on the appeal is interlocutory in whole or in part, she sought leave to appeal right there by providing 8 basis and stated she can amend her motion for leave to appeal.
- E. DC Bate 896 in DCDoc18-3, Alice stated she attached the appeal cover sheet and she paid the appeal fee of \$298 already (she paid 2 cashier's checks and 1 personal check each in the amount of \$298).
- F. DC Bate 898 in DCDoc18-3 through DC Bate 917 in DCDoc 18-4 are the Exhibits AA, BB, CC, and DD which are the aforementioned 4 orders that were attached to the Notice of Appeal.

First of all, Judge Wendy Berger plainly misstated in Her Order Stating after Judge Karen Jenne-mann issued her 2 written orders BKDoc 142 and BKDoc 210, Guan " . . . failed to properly amend her notice of appeal to include the written order that actually denied her objections". See App. 2. Judge Wendy

Berger's very own docketed documents speaks the contrary of her such statement because records show that Alice has included the written orders that denied her objections.

Judge Wendy Berger incorrectly attacked Alice's 2nd and 3rd Notice of Appeals by making incorrect statement in the face of clear facts and clear procedural history because she does not want Alice to move forward in the appeal because she knows Debtor indeed is not qualified to be under Subchapter V.

Alice has stated the above record clearly in her filings, Judge Wilson and Judge Rosenbaum and Judge Luck did not consider Alice's documents at all. They took Judge Wendy Berger such statement that belie the facts as truth and cited such statement in their ruling (App. 2). There has been no due process provided in the 11th Circuit court of appeal.

**Topic 2 – Judge Wendy Berger Sets Requirement that Guan has to (cited by App. 2) “amend her notice of appeal to include the written order that actually denied her objections” When Judge Attempted to Circumvent Rules 8002(a)(2), 8009, 8018 and Surprisingly Judge Wilson and Judge Rosenbaum and Judge Luck Also Refused to Recognize the Existence of Rules 8002(a)(2), 8009, 8018**

Judge Wendy Berger, as recited by Judge Wilson and Judge Rosenbaum and Judge Luck (App. 2), required Guan to “amend her notice of appeal” and because she mis-stated about Guan “failed to properly

amend her notice of appeal to include the written order that actually denied her objection" thus Judge Wilson and Judge Rosenbaum and Judge Luck ruled Alice did not appeal any final orders issued by the bankruptcy court.

Per Rule 8002(a)(2), 8009, 8018, Because Alice timely and correctly appealed the tandem orders, one order of the tandem order is an Oral order, even if Alice did not file any additional notice of appeal [such as the 2nd Notice of Appeal (see DCDoc 11-21) and the 3rd Notice of Appeal (see DCDoc 18-1 through 18-4) that Alice filed timely and correctly in the bankruptcy court], Alice's July 6 2020 notice of appeal of the tandem order will and shall automatically be an effective appeal of the 2 later written orders BKDoc 142 and BKDoc 210 without Alice having to do a thing, and the newly effective appeal date shall be moved to August 4, 2020, and there shall be a new deadline for the designation of record and statement of issues. Alice has explained Rule 8002(a)(2), 8009, 8018 and how it is applied to her appeal in these following documents:

1. In her the 2nd Notice of Appeal (see DCDoc 11-21).
2. In her 3rd Notice of Appeal (see DCDoc 18-1 through 18-2).
3. In her briefs filed in the district court.
4. Very importantly, in her briefs filed in 20-13381

5. Crucially in her Initial Brief filed in case in the 11th Circuit (which is in App. 34-62 for this petition) and in her Motion for reconsideration.

Judge Wilson and Judge Rosenbaum and Judge Luck have in their very possession of the documents cited in above items 4 and 5, they also have access or have in their possession of the documents in the above items 1, 2, and 3. But they took Judge Wendy Berger's statement that belie the facts as truth and took Judge Wendy Berger's demand circumventing Rule 8002(a)(2), 8009, 8018 as a rightful demand, they cited such statement that belie the fact and the demand circumventing Rule 8002(a)(2), 8009, 8018 in their ruling (App. 2). There has been no due process provided in the 11th Circuit court of appeal. The 4 judges have eliminated Rule 8002(a)(2), 8009, 8018 totally from the Federal Rules of Bankruptcy Procedure, Part III. The 4 judges violated those rules.

**Judge Wilson and Judge Rosenbaum and Judge Luck and Judge Wendy Berger Have Completely Modified the NATURE OF THE 1ST NOTICE OF APPEAL AND THE APPEAL PROCEEDING Then THEY PROCEEDED TO DISMISS THE APPEAL FOR LACK OF JURISDICTION Thus Their Ruling Belie the Facts and Were Done Without Any Due Process and Deprived Alice's Right to Appeal Final Orders & Other Rights Stated Below**

**Topic 3 – Judge Wendy Berger Completely Modified the Nature of the Appeal by Completely Modifying in App. 2 Lines 14-17 What BKDoc 79 Was About and What Judge Karen Jennemann's Oral Order Was and that Was then Followed by Complete Modification of Appeal Nature Done By Judge Wilson and Judge Rosenbaum and Judge Luck All Contrary to the Records**

App. 2 Lines 14-17 show how Judge Wendy Berger modified what BKDoc 79 was: "it is clear that the Bankruptcy Court was intending to set the hearing as a placeholder pending the resolution of the objection, prompting the issuance of the Hearing Order". Judge Wendy Berger's statement belies the record:

App. 31 shows Judge Karen Jennemann was actually using the hearing discussion on **June 17 2020** to make a placeholder, when she stated: "Let's go ahead and proceed with a **scheduling order today** to keep a **placeholder for a confirmation if it does go forward as a Chapter – as a Sub V plan.**" "That sounds good to me, and it will be – it will be August the 19th, . . . " so, that "placeholder" of August 19th at 1:00p.m. was set at the hearing when Judge Karen Jennemann stated in the first paragraph on App. 32

that: "but for right now we'll just set a pretrial conference for August the 19th at 1:00 p.m."

So, Judge Karen Jennemann did Not use BKDoc 79 (App. 23-26, dated June 23, 2020) "to set the hearing as a placeholder pending the resolution of the objection" as incorrectly stated by Judge Wendy Berger.

"Set the hearing as a placeholder pending the resolution of the objection" was done on June 17, 2020 at the hearing. That date and time of August 19, 2020 1:00 p.m. was a placeholder kept by the court and the court informed all parties at the June 17 2020 hearing that: there will be a hearing for pretrial on August 19, 2020 1:00 p.m. and that is a placeholder to potentially hold confirmation hearing AND:

"If the Debtor is permitted to remain as a Sub V debtor, then we'll issue the order setting the confirmation hearing" – stated by Judge Karen Jennemann in the 2nd paragraph of App. 32 – Judge Karen Jennemann clearly Orally stated when she issues an order setting the confirmation hearing then she by that time would have already decided Debtor is permitted to remain as a Sub V debtor.

Judge Karen Jennemann did issue such an order setting confirmation hearing in BKDoc 79 (App. 23-26) 6 days later on June 23, 2020. At the time of June 23 2020's Order BKDoc 79, Judge Karen Jennemann has already decided Debtor remains as Subchapter V.

App. 2 Lines 14-17 of Judge Wendy Berger's modification of what BKDoc 79 was is completely false, because what "prompting the issuance of the Hearing Order" is the final determination by Judge Karen Jennemann that Debtor can remain as Subchapter V

debtor, and because “intending to set the hearing as a placeholder pending the resolution of the objection” was not done by BKDoc 79, it was done at the June 17 2020 hearing.

Judge Wendy Berger intentionally modified what BKDoc 79 was for the purpose of preventing the appeal noticed by Alice on July 6 2020 from moving forward because likely she knows Alice’s appeal has merit and Debtor is not qualified as a Subchapter V debtor, so she modified the nature of the appeal entirely.

Alice has explained and stated the above in her filed documents. But Judge Wilson and Judge Rosenbaum and Judge Luck totally ignored all of that and they did not discuss any content related to those explanations and statement Alice made, and did not discuss the records and facts that are available to them. They just simply quoted Judge Wendy Berger in App. 2 and dismissed the appeal by further modifying the nature of the appeal in page App. 2 lines 1-7: they falsely stated, skillfully, BKDoc79 “established a plan for ruling,” but they did NOT state the primary purpose of what Judge Karen Jennemann stated in that BKDoc 79 Order: “**ORDERED: 1. Confirmation Hearing.** A *hearing by video will be held on August 19, 2020 at 1:00 p.m.* Courtroom A, sixth floor. . . . , to *conduct a confirmation hearing (“the Confirmation Hearing”) – see App. 23.* BKDoc 79 was “setting the Confirmation Hearing” as it plainly and clearly stated.

They do not want the appeal to move forward and they incorrectly and repeatedly stated the appealed orders are not final orders after they intentionally falsely

interpreted BKDoc 79 and Judge Karen Jennemann's statements printed in clear letters on App. 27-32.

**Topic 4 – After Judge Wendy Berger Denied AliceAppealed a Final Order She Proceeded to Rule on the Merit of the Appeal by First Completely Modifying the Nature of the Merit of the Appeal (from App. 8's 2nd paragraph through App. 11) Then Proceeded to Defeat Her Own Version of the Nature of the Appeal While Judge Wilson and Judge Rosenbaum and Judge Luck Knew (They Had District Court's Records Including Petitioner's Initial Brief and the Reply Brief, They Also Have Alice's Initial Brief that Was In Front of Them in the 11th Circuit Case which They Are Supposed to Adjudicate, and They Also Have Alice's Briefs Filed in the Year 2020 Case 20-13381 in the 11th Circuit) Judge Wendy Berger Has Completely Modified the Nature of the Appeal Yet They Not Only All Turned a Blind Eye on Judge Wendy Berger's Conduct But Also They Chose to Relinquish Their Appellate Review Duties and Functions and They Refused to Deal with the Merit of the Appeal Altogether (App. 3 at the end of the 1st paragraph)**

See App. 34-62 for the true merit and true nature of the appeal.

**Topic 5 - A Valid Appeal Was Shut Down by Court-Self-Created Nature of the Appeal and Court-Self-Created Facts and Procedural Histories and By Statement Told by the Courts that Believe the Facts and Appeal Became Complicated by How Bankruptcy Court Made Rulings So the Question Is How Many Valid Appeals Have Been Shut Down By Judge Wilson and Judge Rosenbaum and Judge Luck and Judge Wendy Berger During Their Long Careers at the Bench and Whether This Kind of Acts 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 - Is This a Systemic Behavior that Occurs in All Federal and In All State Courts**

Several appeals have stemmed from the same Judge Karen Jennemann adjudicated bankruptcy case where Respondent is the debtor in case 6:20-bk-01346, the case and the appeals contained peculiar statements and rulings and strange docket entries.

In addition to what has been stated above, Judge Karen Jennemann using a stealth order and orders violating Rules and Laws and Judge Wendy Berger and 11th Circuit's rulings based on statements that belie the records to deny creditor's clear rights did not just happen singularly as stated above, it also happened involving claim objection that has recently Petitioned to SCOTUS in SCOTUS case 21-1049.

These peculiar events and conduct happen too often surrounding and stemming from just 1 bankruptcy case above. It is troubling to see how consistent and how deep and how widespread it has been while observing those groups of events involving various appeals. It is devastating to foretell if all these events or just some of them actually occur in other cases and to other creditors or appellants. If these events happen even at a 5% of what has been observed so far, should this prestigious legal profession and legal system that is only about 100 years old that managed to elevate itself above most of the other professions, deserve any respect?

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### **STATEMENT OF THE CASE**

(For Fact and Procedural history and Argument and Laws, see App. 34-62, also see Motion for Reconsideration, documents filed by Alice in case 20-13381 in 11th Circuit, see Petitioner's Initial Briefs and Reply Brief and Designation of Issues Filed in the District Court as well as District Court records and bankruptcy Court Records)

### **Topic 6 – Debtor and Debtor's Bad Faith Conducts**

Debtor Respondent ("Debtor") is a homeowner's association, it has no facility, and it does not engage in any activity to generate profit. It is consisting of 80

homeowners. All decisions are made by the 80 homeowners. For example, they vote to elect or to remove non-paid homeowner "Volunteers" who make sure maintenance chores are done. Those Volunteers report to the homeowners on a regular basis. Volunteer Mike Panko, who, under oath, testified on behalf of the 80 homeowners (who are the "Debtors") and stated:

1. Debtor is a non-profit, and it has no employees.
2. Debtor consists of 80 homeowners who own 80 houses that each valued between about \$500,000 to \$1,000,000.
3. each house pays a base assessment of \$425 quarterly so that total \$136,000 is gathered each year to pay for expenses of what Mike Panko defined as "life support" types of services: repair the 3 gates, the fountains, the water retention ponds and the private roads, cut grass in the common areas, pay a company doing our taxes and announcing meetings and taking meeting notes;
4. 80 homeowners have the authority to vote to pass a special assessment if additional fund is needed; any homeowner who does not make timely payment will have his or her house liened for foreclosure;
5. 80 homeowners have the authority to vote to start or stop lawsuit or claims.

6. HOA filed a lawsuit against Alice in the state court in February 2016 demanding Alice return her landscape into its original condition;
7. 79 homeowners voted in February 2019 to gather \$100K special assessment (each house paid \$178/month over 7 months) to pay HOA attorney Carlos Arias and they authorized Carlos Arias to continue sue Alice even though they knew Carlos Arias committed legal malpractice when Alice was sued;
8. in the summer of 2019 state appellant court 5th DCA ruled HOA violated HOA's governing document by suing and continuing suing Alice and ruled HOA lost the case and ruled Alice is entitled to have her attorney's fees paid;
9. 79 homeowners have the ability to pay Alice's fees but they were not willing to pay, so in February 2020, 79 homeowners voted to bankrupt themselves and they voted to pass \$25K special assessment to pay Justin Luna's<sup>2</sup> firm to proceed with bankruptcy (case 6:20-bk-01346);
10. after Alice was sued by the HOA, Alice filed counterclaim which has been defended by Matt Bernstein and Tim Kazee

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<sup>2</sup> Justin Luna met with 80 homeowners in Dec. 2019 and stated that he can take \$25K as fees to quickly bankrupt the homeowners so they do not have to pay Alice a dime of any debt. Alice as one of the homeowners attended that meeting.

whose fees were paid by Liberty Mutual which was debtor's insurance company;

11. 79 homeowners did not vote to seek their insurance company Traveler to pay part or all of Alice's fees and they did not vote to seek Liberty Mutual Pay Alice's Counterclaims.
12. 79 homeowner's financial capability to pay debts was not assessed even though they live in high-end houses and drive various models of cars.
13. Mike Panko signed statement under penalty of perjury that debtor only gathered \$4 for 2018 and \$418 for 2019, instead of the true \$136K for 2018 and the \$236K for 2019, \$4 and \$418 false revenue was not corrected for more than 5 months from March through August 2020.

79 homeowners filed a motion in the state court seeking to bifurcate the trials and stated that whoever wins the complaint case will "determinatively" win each count of the counterclaim. After 5th DCA ruled Alice won the Complain case, 80 homeowners agreed in the state court that Alice Guan is entitled to her fees, state court issued an Agreed Order for fee entitlement and set a 4-hour final trial to take place in April 2020 to determine the amount of fees. 79 homeowners voted to collect \$25K to pay Justin Luna to bankrupt themselves but told the state court they did not have the money to hire expert to attend the final 4-hour trials and instead of continue to agree Alice is entitled to

her fees they filed objection to Alice's original claims 4 and 5 to attempt to erase all of Alice's claims in their entirety.

Debtor's bank account balance showed it had enough money to pay all other creditors (except Alice) prior to its filing of bankruptcy but it retained those debts so it can have more than 1 creditor in order to qualify to file bankruptcy; it did not close all of the pre-bankruptcy bank account as required by Federal law but obtained permission from the court to keep up to \$250,000 in a pre-bankruptcy account so US Trustee Office cannot monitor, an account in a bank that is not approved by the US Trustee; it elected to proceed its Chapter 11 bankruptcy under Subchapter V so Appellant's rights that would have been provided under a traditional Chapter 11 case are lost; it filed a Subchapter V reorganization plan which is not able to contribute any fund into paying any debt as stated by the US Trustee in her opposition to the plan.

#### **Topic 7 – Debtor's Election of Subchapter V Resulted in the Deprivation of Many Alice's Rights**

Under a traditional Chapter 11 bankruptcy case, Alice as the major creditor has many rights, such as the rights under the Absolute Priority Rule and her rights to also propose bankruptcy organization Plan for debtor to efficiently reorganize to maximize its ability to pay debt, including special assessment at least equivalent to \$100K for every 7 months, claims to be obtained from liberty Mutual and Travelers. But

Debtor elected Subchapter V when case 6:20-bk-01346 was filed. This election automatically removed Alice's such rights and other rights, and it only permit Debtor file reorganization plan.

**Topic 8 – The New Subchapter V Law Permits Creditor File Objection to Debtor's Subchapter V election Which Alice Filed Objections and Amended Her Objections and Judge Karen JENNEMANN Took All of Alice's Objections Under Advisement at the June 17 2020 Hearing Then Made a Placeholder at the June 17 2020 Hearing for August 19 1:00 p.m. Then She Stated A Verbal Order Then on June 23 She Issued an Order Setting Confirmation Hearing that Actuated the Verbal (Oral) Order to Form a Tandem Order to Permit Debtor Remain as Subchapter V Debtor Which Officially Deprived Alice's Rights Stated in Topic 7 Above and Which Is A Final Tandem Order That Denied Alice's Objections to Debtor's Subchapter V election**

New Subchapter V law requires any such Objection MUST be filed within 30 days after the conclusion of the 341 meeting so that such objections can be adjudicated promptly before the bankruptcy court can take any actions on the debtor's Subchapter V reorganization plan. Alice's then counsel Brad Saxton timely filed an objection to debtor's Subchapter V election. Alice amended the objection with the last amendment provided to the court via FAX at 8:09AM on June 17, 2020 and she clearly fully adopted and fully incorporated the content of the fax into the 3:50PM June 17 hearing

(App. 29-31) (see Page 11 of BKDoc 127 showing fax of 42 pages for 3 documents was sent at 8:09AM and court received it, also see page 4 of BKDoc162-1 the designations for the appeal). See BKDoc 51, 61, 64, 85. At the June 17, 2020 hearing, Appellant presented all of her Objection and Motions BKDoc 85 and BKDoc64. Petitioner stated that the document she filed with the court in the morning of June 17th included particularly "***the direct references, page numbers and the line numbers to the transcript***". Petitioner adopted and fully incorporated all of those documents into the hearing record. Court accepted all of the documents including particularly the ones faxed to the court at about 8:09AM that morning<sup>3</sup> by saying: "***I will read all of the pleadings and the transcripts and the line items designated by Ms. Guan***" (see App. 29-31, BKDoc 85) and then court took the matter under advisement.

Then the court during the hearing proceeded with scheduling to tentatively reserve August 19th 1PM as a place holder as a potential date to hold Subchapter V Reorganization plan confirmation hearing but at the time of the hearing on June 17th Judge has not decided on if Debtor can proceed as a Subchapter V debtor, the place holder of August 19th was announced at the June

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<sup>3</sup> District court order purportedly state those documents were filed on June 22, which is incorrect. If the court docketed those documents on June 22, that is irrelevant to the fact those documents were received by the court via fax and by the parties prior to 9AM on June 17, 2020 and those documents were referenced multiple times at the June 17, 2020 hearing and the court took them under advisement.

17th hearing in a way to inform Alice, Justin Luna, and trustees to keep that date and time open and wait for Judge's written order to set plan confirmation hearing on that date and time once (and if) the judge determined the debtor can proceed under Subchapter V. See App. 29-31.

District court's order provided a selected segment of the hearing transcript and incorrectly insisting on BKDoc 79 to set confirmation hearing was only to reserve August 19 date pending a written order denying Petitioner's objection to Subchapter V election – that is not true. Bankruptcy court clearly first reserved the August 19th date at the hearing, and clearly stated: "**If** the Debtor is permitted to remain as a Sub V debtor, then **we'll issue** the order setting the confirmation hearing" and did not say: when I issue the order setting the confirmation hearing I would still be unsure if debtor can remain as Sub V. Judge Karen Jennemann did not use BKDoc 79 to keep August 19 as a placeholder because she already kept the August 19 as a placeholder during the June 17 hearing. BKDoc 79 is setting the confirmation hearing to activated the Oral Order and the tandem order deprived Alice's substantive rights described in Topic 7 above. The tandem order is a final order, Alice appealed it.

**Topic 9 – 11th Order and District court Order  
Erred by not deem the June 17 Oral Order tandem with the June 23 written order as orders  
denying Alice Guan’s objection to Debtor’s Subchapter V election**

11th circuit has long recognized the legal effect of oral order made at hearing and continue to recognize so through current time. See Matthews v. State Farm Fire & Cas. Co., 817 F. App’x 731, 732-33 (11th Cir. 2020), cert. denied sub nom. Matthews v. Becker, 141 S.Ct. 1449, 209 L.Ed.2d 171 (2021). In re Managed Care, 756 F.3d 1222, 1234 (11th Cir. 2014).

Given the timings and sequences of the above true events that occurred in the courts, June 17, 2020 Hearing’s Oral Order Is a Dormant Stealth Conditioned Oral Order (in Overruling and Denying Objections to Subchapter V Election) that Took Legal Effect at the Time When BKDoc79 Was Issued. Thus, the June 23 2020 order tandem with the June 17 oral order is an Order Conclusively Denying Alice Guan’s Objections to Debtor’s Subchapter V election, and as is shown above and below, it is a final order and It Violated Alice Guan’s creditor’s Rights that is otherwise provided and protected under a traditional Chapter 11 bankruptcy if Appellee is deemed not eligible under Subchapter V.

**Topic 10. Alice Timely and Adequately and Correctly Appeal Judge Karen Jennemann's July 10 and August 4 2020 Finals Orders BKDoc 142 and BKDoc 210 - Thus, Even If There Was No Oral Order or Tandem Order (which is not the situation), Alice ALSO effectively Appealed Both of the July 10 and August 4 2020 Written Orders Denying Her Objections to Debtor's Subchapter V election and All Records Required for These Appeals Have Been in Front of District Court and 11th Circuit, District Court's Order Ruled on the Merit of the Appeal of Those Two Written Orders and Affirmed, 11th Circuit Has Jurisdiction to Review the Appeal, 11th Order Erred by Avoiding to Rule on Merit and Erred in Dismissing the Case**

As stated above, Alice appealed the July 10 and August 4, 2020 written orders on July 15 and on August 10, 2020 respectively (those are final orders). However, District Court's Order did not mention anything at all about Alice also filed notices of appeal of bankruptcy court's July 10 and August 4 written orders, did not mention additional designations of records were provided to Judge Wendy Berger, even though documents on Judge Wendy Berger's docket shows that: July 10 and August 4 2020 bankruptcy court's written orders also have been explicitly appealed, all records have been properly designated<sup>4</sup>,

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<sup>4</sup> Alice did file motions in the bankruptcy court requesting bankruptcy court to transmit all notice of appeals and all designated records to the district appeal court and to correct errors in docket entries. Alice also requested District Court requests those

bankruptcy court docket has missing filed documents, all required records for appeal of all oral and written orders have been in front of Judge Wendy Berger. See BKDoc 51, 64, 85, 79, 126, 127, 142, 145, 154, 156, 162, 164, 165, 166, 176, 177, 186, 189, 191, 203, 210, 213, 214, 242, 244, 341 meeting transcript. See DCDoc15-17, 18, 19, 20, 22, 23, 26, 42, 16 (on BKDoc 127, 145, 164, 165, 166, 177, 186, 189, 191, 194, 203).

As shown in the above regarding the appeal of the July 10 and August 4 orders, Judge Wendy Berger knew who the Petitioner is and who the appellee is and she has all of the record that is required to review the appeal in merit: including but not limited to all of Judge Karen Jennemann's orders, transmitted and filed records in her appellate court, Alice's briefs, etc. This permitted Judge Wendy Berger to rule on the merit of the appeal of July 10 and August 4 Orders which she did, did incorrectly by affirm. 11th Circuit relinquished its responsibilities to rule on merit, let go of the chance to perform its duty.

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Notice of Appeals and those designated record independently or urge bankruptcy court send those records. As shown in bankruptcy court docket, the court mixed up transcript pages from 2 different hearings, post-dated document by 5 days, pre-dated documents by 2 months or more, docketed documents without all of the filed pages (missing pages), etc.

**Topic 11 – Even if Alice Did Not File Notice of Appeals of Order BKDoc 142 and Notice of Appeal of Order BKDoc 210 By the Operation of Rule and Law Because Alice Appealed an Earlier Oral Order Alice Still Appealed Those 2 Later Written Orders Automatically and District Court’s Order Ruled on the Merit of the Appeal and Incorrectly Affirmed, 11th Circuit Has Jurisdiction to Review the Appeal, 11th Order Erred by Avoiding to Rule on Merit and Erred in Dismissing the Case**

As stated above, Alice filed notices of appeal of the 2 later written orders dated July 10 and August 4, 2020. But even if she did not do so, by the operation of Rule 8002(a)(2), 8009, 8018 (see Alice’s filed documents in appeal case 20-13381 and in district court and in App. 44-48 particularly App. 47), those two written orders dated July 10 and August 4, 2020 are automatically appealed because Alice has appealed the earlier June 17, 2020 oral order (tandem with BKDoc 79) and the date of the notice of appeal, the date when designation of record is due, and the due date for the initial brief will all get extended based on the last written order which is August 4, 2020 order. (App. 44-48).

**Topic 12 – All of Judge Karen Jennemann’s Orders Which Are the Aforementioned Tandem Order and July 10 and August 4, 2020 Orders Are 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. § 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. §§ 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. § 158(a), 1291. *Ritzen Grp., Inc. v. Jackson Masonry, LLC*, 140 S.Ct. 582, 205 L.Ed.2d 419 (2020).

For example, the “appropriate “proceeding” 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) because its adjudication of motion for relief from stay is a discrete issue and decision on it affect substantive rights.

Similarly, motions objecting debtor's Subchapter V election is also a discrete proceeding involving discrete issue. When Judge Karen Jennemann determines Debtor is permitted to remain as a Subchapter V debtor, that decision terminates the issue the proceeding was to address and the decision seriously affects Alice's substantive rights. The tandem order and the two later written orders done by Judge Karen Jennemann 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.

To further clarify this, the aforementioned orders legally, literally, factually, effectively, affirmatively, assertively, unconditionally, and unreservedly ended any possibility for Alice Guan to receive her creditor's rights that were lost due to Debtor is permitted to remain as Subchapter V, 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 all of the above-mentioned court orders done by Judge Karen Jennemann and Judge Wendy Berger 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. § 1291.

Ritzen Grp., Inc. v. Jackson Masonry, LLC, 140 S.Ct. 582, 205 L.Ed.2d 419 (2020)].

Because Judge Karen Jennemann's 4 orders are all final orders and Judge Wendy Berger's order is a final order thus 11th circuit has jurisdiction to review the merit of the case because Section 1291 gives it the appeals jurisdiction over appeals from "all final decisions of the district courts of the United States." A "final decision" is one "by which a district court disassociates itself from a case." *Swint v. Chambers County Comm'n*, 514 U.S. 35, 42, 115 S.Ct. 1203, 131 L.Ed.2d 60 (1995). While decisions of this Court have accorded § 1291 a "practical rather than a technical construction," *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 106, 130 S.Ct. 599, 175 L.Ed.2d 458 (2009) (quoting *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541, 546, 69 S.Ct. 1221, 93 L.Ed. 1528 (1949)), the statute's core application is to rulings that terminate an action, see *Catlin v. United States*, 324 U.S. 229, 233, 65 S.Ct. 631, 89 L.Ed. 911 (1945) (final decision is "one which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment"). As shown above, Judge Karen Jennemann's and Judge Wendy Berger's orders have determined debtor continue can proceed under Subchapter V and Alice has forever lost her creditor's rights otherwise provided to her in a traditional chapter 11 case, thus they in their court and their court has disassociated themselves with from the case which is defined as the proceedings herein. Thus, 11th Order dated

11/04/2021 erred by refusing to review the merit of the appeal and by dismissing the appeal in error.

**Topic 13 – Aforementioned Order Are Final Orders and 11th Circuit Order and Judge Wendy Berger’s Order Deprived Alice’s Rights to Appeal and Alice’s Right to Due Process and Denied Alice Guan’s Federally and Constitutionally Protected Rights and Her Creditor’s Rights Otherwise Provided under a Traditional Chapter 11 Case**

To further clarify, aforementioned lower court orders all legally, literally, factually, effectively affirmatively, assertively, unconditionally, and unreservedly ended any possibility for Alice Guan to gain her creditor’s rights that is provided by traditional Chapter 11 bankruptcy case and prevented her to receive her relief sought in her objection to Debtor’s Subchapter V election, and the DC order also deprived Alice’s right to appeal and the associated federally protected right and rights under the constitutions, and those lower courts’ orders left nothing more for the bankruptcy court or DC to do in those proceedings, and “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. § 1291. *Ritzen Grp., Inc. v. Jackson Masonry, LLC*, 140 S.Ct. 582, 592, 205 L.Ed.2d 419 (2020). Therefore, 4 bankruptcy court’s order and district court’s orders are all final orders, 11th Circuit Has Jurisdiction over District Court’s order, in addition to the bankruptcy court’s order, to review the whole appeal

case, in merit. Also, an unsuccessful litigant in a federal district court may take an appeal, as a matter of right, from a “final decisio[n] of the district cour[t].” 28 U.S.C. § 1291 – Gelboim v. Bank of Am. Corp., 574 U.S. 405, 407, 135 S.Ct. 897, 901, 190 L.Ed.2d 789 (2015). Here 11th circuit deprived Alice of all those rights, chose not to review the merit of the appeal, stopped the appeal from proceeding, also infringed Alice’s right of due process that is provided by federal laws and constitutions.

The Fifth Amendment to the United States Constitution provides, in relevant part, “No person shall . . . be deprived of life, liberty, or property, without due process of law. 11th Circuit has in its possession all of the record but it did not exercise independent discretion, did not even mention any of the content or counter any of the content in the record. 11th Order is the results of an unfair process and it is a result of lack of due process.

11th Circuit’s Order dismissed the appeal case and permitted Debtor to continue remain as a Subchapter V, 11th Order has infringed Alice’s right to appeal, her rights that is provided 28 U.S.C. § 158(a)(1), by Fed. R. Bankr. P. 8003, and 8019, and Rule 8002(a)(2), 8009, 8018, and it has created contrary and inconsistency with the laws that either long established in several legal areas, as well as the precedent and laws that are established under Subchapter V.

**Topic 14 – District Court Abused Its Discretion  
After It Modified Petitioner’s Content of the  
Appeal**

See Above. Petitioner’s Notice of Appeal 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 and Alice provided several basis to move the court for leave to appeal which is clearly stated in her Notice of Appeal. A review of the docket easily reveals that District court has been fully informed of the controlling question of law presented by the BANKRUPTCY 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 in addition to the several basis and reasons Alice has stated in her Notice of Appeal, Alice also stated the following basis and arguments and law in the next

section that warranted the appeal to take place, 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’s such orders 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.

#### **Debtor Is Not Eligible to Be a Subchapter V Debtor**

See Topic 3-10 listed on App. 34-62 that Debtor is not eligible as a Subchapter V debtor.

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#### **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 appellant is prohibited from moving forward with appeals of final order.

First of all, 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 Bankruptcy 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)), and they have acted in ways that are completely contrary to law, instead of upholding the appeal right to resolve the controversies, they destroy the appeal right to erase any controversies by their actions that are not supported by law or by cannon or by ethics or by any records.