10/05/21
MD

ORIGINAL

No. 21-524

In The

Supreme Court of the United States

SHLOMIT RUTTKAMP,

Petitioner,

vs.

THE BANK OF NEW YORK MELLON, ET AL.,

Respondents.

On Petition for A Writ of Certiorari
From The Supreme Court of Connecticut

PETITION FOR A WRIT OF CERTIORARI

Petitioner

Pro se: SHLOMIT RUTTKAMP
P.O. Box 611
Westbrook, CT 06498
Phone: (860) 853-8859
Email: rshlomit@yahoo.com

Executed on October 5, 2021

QUESTION(S) PRESENTED

Questions presented as follows:

I. **Granting sanctions without the court's adequate notice of its intention to impose sanctions and the opportunity to be heard on the record and discovery of evidence is a violation of the due process clause of the 14th Amendment to the United States Constitution.**

II. **A judicial officer cannot constitutionally take a real property of a homeowner based upon foreclosure mortgage to which the homeowner was not an obligor/mortgagor, and the note ruled unenforceable as a matter of law, without a violation of the due process clause of the 14th Amendment, the statute of state and federal constitutional right to due process of law.**

QUESTION(S) PRESENTED - Continued

III. **A judicial officer cannot constitutionally participate in "[a] scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises...".**

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows.

1. The Petitioner, Pro Se Shlomit Ruttkamp, is a divorced woman who is the sole owner of the foreclosure property located at 510 McVeagh Road, Westbrook, CT 06498 in the custody of the court which she was awarded by the court as per the divorce decree agreement transferred from the first Defendant, William J. Ruttkamp, who was the sole borrower of the mortgage on the subject property. A quitclaim deed was filed in the Westbrook Town Hall in Book Volume 302, pages 875-877 on June 16, 2010, which was the last transaction filed prior to the first Defendant, William J. Ruttkamp's bankruptcy procedures

LIST OF PARTIES – Continued

and the dismissal of February 27, 2012, for lack of subject matter jurisdiction.

2. The Respondent is The Bank of New York Mellon Corporation, d/b/a The Bank of New York Mellon ("BNY Mellon"), a multitrillion dollar company, a public stockholder corporation doing business under the trade name The Bank of New York Mellon, a Delaware Corporation, with its principal place of business located in the city of New York with the address of 240 Greenwich Street, New York, NY 10286. Therefore, The Bank of New York Mellon is a citizen of Delaware with its headquarters in New York City. BNY Mellon is an investment company. They provide investment management, investment services and wealth management that help institutions and individuals succeed in markets all over the world. BNY Mellon was formed in July 2007 through the merger of The Bank of New York Company, Inc. and Mellon Financial Corporation and became The Bank of New York Mellon Corporation.

3. The Respondent, The Bank of New York, does not exist as of July 2007 as it was dissolved in the merger with The Mellon Financial Corporation and became The Bank of New York Mellon Corporation.

LIST OF PARTIES – Continued

4. The Respondent, CIT Mortgage Loan Trust 2007-1 is not a bank. It is a fraudulent entity created by the Plaintiff's attorneys. Neither the DFS nor the Secretary of the State of Connecticut has such an entity with that name.

5. The Respondent, attorney for the Plaintiff, The Bank of New York Mellon, Attorney Geraldine Ann Cheverko (Juris No. 418503), 10 Bank Street, Suite 700, White Plains, NY 10606.

6. The Respondent, William J. Ruttkamp, P.O. Box 343 Westbrook, CT 06498, the sole borrower of the mortgage loan, had his bankruptcy attorney file an appearance on the foreclosure case but did not file a notice of bankruptcy or any information regarding the bankruptcy procedure.

7. The Respondent, attorney for the first Defendant, William J. Ruttkamp, Timothy Lodge (Juris No. 416965), P.O. Box 1204, Glastonbury, CT 06033. He is the bankruptcy attorney for the first Defendant, William J. Ruttkamp. Bankruptcy Case # 11-31649 He never disclosed the bankruptcy procedures in the foreclosure case yet put an appearance as the Defendant's attorney.

LIST OF PARTIES – Continued

8. **The Respondent**, HOP Energy LLC, d/b/a Valley Oil, attorney Reveley William G. & Associates LLC (Juris No. 423840), P.O. Box 657, Vernon, CT 06066, claims an interest in the property by virtue of Judgment Lien in the original principal amount of $1,663.29, dated July 7, 2009 and recorded on July 23, 2009 in Volume 297 at Page 327 of the Westbrook Land Records which was defaulted and also discarded in the bankruptcy procedures of the first Defendant, William J. Ruttkamp in 2011, and in 2015 in the bankruptcy of the Petitioner, Shlomit Ruttkamp.

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. **The Respondent**, Mortgage Electronic Registration, Inc. as Nominee for Accredited Home Lenders, Inc., was mentioned only one time in the complaint filed February 19, 2010 and was not in the caption of the case on the cover page and was never mentioned as a party.

LIST OF PARTIES - Continued

2. **The Respondent**, Vericrest Financial, Inc., successor to The CIT Group/Consumer Finance, Inc., whose address is 715 S. Metropolitan Ave., Oklahoma City, OK 73108-2090 acting herein by and through a duly authorized officer, the owner and holder of one certain Promissory Note executed by William J. Ruttkamp ("Borrower"). The true transfer and assigner to The Bank of New York Mellon which was never mentioned in the first complaint filed February 19, 2010 and was also not mentioned in the first amendment complaint that was filed on September 26, 2012 (docket # 137.00 and #138.00), two years after the filing of the first complaint (statute of limitations of amendment complaint is only one year), nor in the caption of the case, nor anywhere else. Vericrest Financial, Inc., successor to The CIT Group/Consumer Finance, Inc., was added in the second amendment complaint filed on August 22, 2014 (docket # 146.00) without permission or request to add a plaintiff or substitute party as the book of law requires. They did it in a fraudulent act.

LIST OF PARTIES - Continued

3. **The Respondent,** Select Portfolio Servicing, Inc. ("SPS"), a mortgage servicer that was never mentioned in any of the documents prior to the granting of the extension of time upon which the Petitioner will file the petition for writ of certiorari. In fact, the law group McCalla Raymer Leibert Pierce LLC, and attorney Benjamin T. Staskiewicz (Juris No. 417736), 50 Weston Street, Hartford, CT 06120 is claiming to represent SPS, but was never mentioned before in any of the documents.

RELATED CASES

CASE NAMES AND DOCKET NUMBERS OF ALL PENDING APPEALS WHICH ARISE FROM SUBSTANTIALLY THE SAME CONTROVERSY AS THIS OR INVOLVE CLOSELY RELATED ISSUES

A. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. 200322 filed on May 13, 2021, denied on June 1, 2021

B. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. 200215 filed on January 25, 2021, granted on May 11, 2021

RELATED CASES - Continued

C. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. 200204 filed on January 14, 2021, denied on May 11, 2021

D. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. 200194 filed on December 30, 2020, dismissed on May 11, 2021

E. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. AC 43974 filed on February 27, 2020, after the vesting of the title order on February 11, 2020

F. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. MMX-CV10-6001915-S filed on March 9, 2010, set the new law date on November 25, 2019, to January 6, 2020, after the Defendant-Appellant received the extension of time upon which she will file petition for writ of certiorari to and including March 20, 2020. Additional order to vest the property on February 11, 2020, once again violating the Defendant-Appellant's Fourteenth Amendment to due process of law.

RELATED CASES - Continued

G. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. 200179 filed on December 4, 2020, dismissed on December 22, 2020

H. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. 200128 filed on October 26, 2020, denied on November 10, 2020, notice sent November 13, 2020

I. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. 200110 filed on October 6, 2020, denied on November 10, 2020, notice sent November 13, 2020

J. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. 190205 filed on January 16, 2020, denied on February 5, 2020

K. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. SC 190196 filed on September 9, 2019, denied on October 10, 2019

L. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. AC 42865 filed on April 29, 2019, dismissed on July 17, 2019, and again July 18, 2019

RELATED CASES - Continued

M. Shlomit Ruttkamp vs. Bank of New York Mellon, United States Supreme Court, Application No. 19A566 filed on November 12, 2019; received extension of time upon which to file a writ of certiorari up to and including March 20, 2020

N. The Bank of New York Mellon vs. William Ruttkamp, et al. Case No. AC 39264 filed on May 31, 2016, dismissed July 13, 2016, as it was filed prematurely

O. The Bank of New York Mellon vs. William Ruttkamp, et al. Case No. AC 40039 filed on January 23, 2017, published *Bank of New York Mellon v. Ruttkamp*, 188 Conn. App. 365 (2019)

P. The Bank of New York Mellon vs. William Ruttkamp, et al. Case No. SC 190141 filed on July 26, 2019, returned July 26, 2019, for compliance of the rules of the Supreme Court

RELATED CASES - Continued

Q. The Bank of New York Mellon vs. William Ruttkamp, et al. Case No. SC 190174 filed on August 19, 2019, returned on August 20, 2019, for compliance of the rules of the Supreme Court

R. The Bank of New York Mellon vs. William Ruttkamp, et al. Case No. SC 190175 filed on August 19, 2019, returned on August 20, 2019, for compliance of the rules of the Supreme Court

S. The Bank of New York Mellon vs. William Ruttkamp, et al. Case No. SC 190179 filed on August 20, 2019, returned on August 21, 2019, for compliance of the rules of the Supreme Court

T. The Bank of New York Mellon vs. William Ruttkamp, et al. Case No. SC 190193 filed on September 5, 2019, returned on September 5, 2019, for compliance of the rules of the Supreme Court

U. The Bank of New York Mellon vs. William Ruttkamp, et al. Case No. SC 190319 filed on December 27, 2019, dismissed on January 8, 2020

RELATED CASES - Continued

V. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. SC 190451 filed on April 30, 2020, returned on May 1, 2020, for compliance of the rules of the Supreme Court

W. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. SC 190454 filed on May 4, 2020, denied on May 12, 2020

X. *The Bank of New York Mellon vs. William Ruttkamp, et al.* Case No. SC 200133 filed on July 24, 2020

TABLE OF CONTENTS

PAGE

TABLE OF CONTENTS—Continued

TABLE OF CONTENTS - Continued

TABLE OF CONTENTS—Continued

INDEX TO APPENDICES

TABLE OF CONTENTS—Continued

PAGE

TABLE OF CONTENTS—Continued

PAGE

TABLE OF AUTHORITIES CITED

CASES **PAGE**

TABLE OF AUTHORITIES – Continued

CASES **PAGE**

TABLE OF AUTHORITIES – Continued

CASES **PAGE**

TABLE OF AUTHORITIES – Continued

CASES **PAGE**

TABLE OF AUTHORITIES – Continued

CASES **PAGE**

STATUTES AND RULES

TABLE OF AUTHORITIES – Continued

TABLE OF AUTHORITIES – Continued

CASES **PAGE**

OTHER

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner, Pro Se Shlomit Ruttkamp, respectfully prays that a writ of certiorari issue to review the judgment below be granted.

On February 27, 2012, the Connecticut Superior Court dismissed the foreclosure action filed by the Plaintiff-Respondent, The Bank of New York Mellon, with a three-page memorandum of decision that concluded that because the Plaintiff-Respondent filed the complaint under the trade name **The Bank of New York Mellon**, and not the corporation's legal entity with legal capacity to sue, **The Bank of New York Mellon Corporation,** it lacks standards and therefore the Superior Court lacks subject matter jurisdiction. The Plaintiff-Respondent, The Bank of New York Mellon, did not appeal the judgment of dismissal within the 20 days permitted by law, even though the law contains no four-month grace period on a Dismiss case that lacks subject matter jurisdiction. See **Levinson v. Lawrence, 162 Conn. App. 548, 565-66, 133 A.3d 468 (2016)**. The Plaintiff-Respondent, The Bank of New York Mellon, managed to file a motion to open judgment of

dismissal in a court that lacks subject matter jurisdiction when a motion to open judgment is not appropriate for a dismiss case that lacks subject matter jurisdiction. According to the Connecticut Appellate Court, it has held that the mislabeling or misnaming of a defendant is a circumstantial error that is curable under **Conn. Gen. Stat. § 52-123** when it does not result in prejudice to either party. The Connecticut Appellate Court has declined, however, to extend the use of **Conn. Gen. Stat. § 52-123** in this manner to a Plaintiff that has used a fictitious name for itself when commencing an action. (See **America's Wholesale Lender v. Pagano, 87 Conn. App. 474, 477-78, 866 A.2d 698 (2005),** ***America's Wholesale Lender v. Silberstein,*** **87 Conn.App. 485, 866 A.2d 695 (2005)).**

Documents were not filed properly in this foreclosure action under their correct party or the holder of the mortgage. The courts of Connecticut turned a blind eye to misleading statements in the motion to open judgment by the Plaintiff-Respondent, The Bank of New York Mellon, and indulging circumstantial facts and fraudulent activity in the court systems for the sake of liability of mortgage which is both a violation of the rules of court and ethically indefensible, and a violation of a homeowner's right to due process of law and equal protection of the law as the Petitioner is the sole owner of the property in the custody of the court. The conduct...displays a serious and alarming lack of respect of the

nation's judiciaries, which calls upon the United States Supreme Court for review. (See **Jacobson v. Comm'r, 915 F.2d 832, 837 (2d Cir.1990); Newman v. Comm'r, 902 F.2d 159, 162 (2d Cir.1990)).** The courts of Connecticut granting the Plaintiff-Respondent, The Bank of New York Mellon's, motion for sanctions without adequate notice of its intention to impose sanctions and the opportunity to be heard on the record, and for discovery of evidence; it is a violation of the due process clause of the 14th Amendment, due process clauses of both the federal [citation], and state [citation] Constitutions. [Citation.]" (***Lesser* v. *Huntington Harbor Corp.* (1985) 173 Cal.App.3d 922, 930 [219 Cal.Rptr. 562]**.) United States Constitution. Pro Se Petitioner Shlomit Ruttkamp respectfully prays that a writ of certiorari issue to review the judgment below be granted as to both motion for sanctions and the opportunity to be heard on the record and for discovery of evidence, and subject matter jurisdiction whether on the face of the record, the court is without jurisdiction." **(Internal quotation marks omitted.)** ***Caruso v. Bridgeport*, 285 Conn. 618, 627, 941 A.2d 266 (2008)** as the book of law states that subject matter jurisdiction should not be waived and can be raised at any stage of the proceedings, including in appeal ***Peters v. Dept. of Social Services*, 273 Conn. 434, 441, 870 A.2d 448 (2005).**

---------- ♦ ----------

OPINIONS BELOW

For cases from **state courts**:

The opinion of the highest state court of Connecticut Supreme Court to review the merits appears at **Appendix A (docket no. PSC 200322)**, opinion from reconsideration filed May 13, 2021, was denied on June 1, 2021; from case **(docket no. PSC 200215) Appendix B** granting motion for sanctions filed on January 25, 2021, and granted on May 11, 2021, and it is unpublished.

The opinion of the highest court of Connecticut Supreme Court to review the merits appears at **Appendix C,** a motion to dismiss filed January 14, 2021 **(case docket no. PSC 200204)** was denied May 11, 2021.

The opinion of the highest court of Connecticut Supreme Court to review the merits appears at **Appendix D**, motion for reconsideration en banc filed on December 30, 2020 **(case docket no. PSC 200194)** was dismissed May 11, 2021.

The opinion of the Connecticut Appellate Court **(docket no. AC 43974)** to appeal a decision of a trial court appears at **Appendix E**, dismissed September 23, 2020.

The opinion of a Connecticut trial court **(docket no. MMXCV-10-6001915-S)** appears at **Appendix F**. Order entry no. 244.10 granted February 11, 2020, and order entry no. 247.10 denied February 11, 2020, appears at **Appendix G.**

JURISDICTION

For cases from **federal courts**:

An extension of time to file a petition for writ of certiorari was granted, in light of the ongoing public health concerns relating to **COVID-19**, on March 19, 2020 (**order list: 589 U.S.**). Deadline to file any petition for a writ of certiorari due on or after the date of this order is extended to 150 days from the date of the lower court judgment (denial order date June 1, 2021, **(docket no. PSC 200322),** followed by granting of sanctions, **(docket no. PSC 200215),** denied motion to dismiss **(docket no. PSC 200204),** and dismissed reconsideration en banc, **(docket no. PSC 200194),** all on May 11, 2021 pursuant to rules **13.1** and **13.3.** The petition for writ of certiorari is due up to and including October 5, 2021.

The jurisdiction of this Court is invoked under **28 U.S.C. § 1254(1).** The jurisdiction of this

Court is also invoked under diversity jurisdiction pursuant to **28 U.S.C. § 1332** because this action is between citizens of different states and the amount in controversy exceeds the sum or value of $75,000.00, exclusive of interest, costs and attorney fees, and the Plaintiff-Respondent, The Bank of New York Mellon, is not registered with the Secretary of State of Connecticut to conduct business or to sue and be sued by law and this foreclosure action is four and a half years past the Connecticut civil statute of limitations which is six and a half years for a foreclosure action.

The jurisdiction of this Court is invoked under **28 U.S.C. §§ 1331, 1343** and invoked under racketeering activities pursuant to **18 U.S.C. §1961, et seq. 18 U.S.C. § 1341** (Mail Fraud Affecting a Financial Institution) and **18 U.S.C. § 1343** (Wire Fraud Affecting a Financial Institution).

For cases from **state courts**:

The opinion of the highest state court of Connecticut Supreme Court to review the merits appears at **Appendix A (docket no. PSC 200322),** opinion from reconsideration filed May 13, 2021, was denied on June 1, 2021; from case **(docket no. PSC 200215) Appendix B** granting motion for sanctions filed on January 25, 2021,

and granted on May 11, 2021, and it is unpublished.

The opinion of the highest court of Connecticut Supreme Court to review the merits appears at **Appendix C,** a motion to dismiss filed January 14, 2021 **(case docket no. PSC 200204)** was denied May 11, 2021.

The opinion of the highest court of Connecticut Supreme Court to review the merits appears at **Appendix D**, motion for reconsideration en banc filed on December 30, 2020 **(case docket no. PSC 200194)** was dismissed May 11, 2021.

The opinion of the Connecticut Appellate Court **(docket no. AC 43974)** to appeal from a decision of a trial court appears at **Appendix E**, dismissed September 23, 2020.

The opinion of a Connecticut trial court **(docket no. MMXCV-10-6001915-S)** appears at **Appendix F**. Order entry no. 244.10 granted February 11, 2020, and order entry no. 247.10 denied February 11, 2020, appears at **Appendix G**.

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

---------- ♦ ----------

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. This appeal will challenge the constitutionality of the statute of state and federal constitution right to due process of law the **14th Amendment's** ratification. The **14th Amendment** to the United States Constitution provides in relevant part: "No state shall... deprive any person of... property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. **18 U.S.C. 1961, et seq.** (the "RICO Statute").

3. **18 U.S.C. § 1341** (Mail Fraud Affecting a Financial Institution).

4. **18 U.S.C. § 1343** (Wire Fraud Affecting a Financial Institution).

STATEMENT OF THE CASE

This foreclosure procedure commenced on February 19, 2010, when the Plaintiff-Respondent, The Bank of New York Mellon, filed

its first complaint under the trade name, **The Bank of New York Mellon**, and not under the corporation's registered name, **The Bank of New York Mellon Corporation**. The foreclosure was dismissed for lack of subject matter jurisdiction on February 27, 2012, with a three-page memorandum of decision (see **docket entry no. 119.10 Appendix H Judge Morgan's order**). The Plaintiff-Respondent, The Bank of New York Mellon, did not appeal Judge Morgan's decision within the 20 days of court ruling of dismissing the underlying suit although the law contains no four-month grace period for a dismissed case that lacks subject matter jurisdiction (see **Levinson v. Lawrence, 162 Conn. App. 548, 565-66, 133 A.3d 468 (2016)**). The Plaintiff-Respondent, The Bank of New York Mellon, filed motion to open judgment claiming they have made a mistake in the motion for summary judgment, and in fact The Bank of New York Mellon is not a Delaware corporation. **The Bank of New York Mellon is a corporation duly authorized and validly existing under the laws of the State of Delaware** (See **Appendix I,** State of Delaware, Department of State, Division of Corporation Certification). Throughout ten years of litigation, the Plaintiff-Respondent, The Bank of New York Mellon, is committing fraud, providing misleading information to the court, and violating the rules of law and the books of law and the oath upon which they swore to uphold and the trial court abuses its discretion for a favor of the Plaintiff-Respondent,

The Bank of New York Mellon, and chooses to turn a blind eye to overwhelming evidence provided to the court by the Petitioner, Shlomit Ruttkamp. The Petitioner filed numerous appeals and numerous certifications for review to the Connecticut Supreme Court which unjustly, without regard to the evidence and exhibits and the opportunity to be heard on the record and for discovery of evidence, was denied and dismissed. On the hearings of February 3, 2020, the Petitioner filed a motion to dismiss and provided an exhibit that was provided to her by an anonymous member of the law group, McCalla Raymer Leibert Pierce, LLC to prove that this litigation was commenced by the Plaintiff from the beginning based upon a lie and fraudulent litigation (see docket entry nos. **247.00** and **248.00**). The vesting of the title of the property was unjustly granted to the Plaintiff-Respondent as they are not the rightful owners of such a title. And the motion to dismiss should never have been denied considering the evidence provided to support the Plaintiff-Respondent's lack of standards and the court's lack of subject matter jurisdiction. And the Appellate Court should not have deprived the Petitioner of her Due Process Clause of the **14th Amendment** to United States Constitution, to aggrieve the judge's rulings and to have the record straight that the law date has passed on January 8, 2020 when the Appellate Court dismissed petition for certification for

review to the Connecticut Supreme Court filed by the Petitioner on December 27, 2019 and was dismissed only on January 8, 2020, two days after the January 6, 2020 law date (see **Order Case No. SC 190319 Appendix J**); therefore, the law date was invalid, and the appeal filed on February 27, 2020 should not have been dismissed. And the Petitioner's motion notice to appeal and motion to stay pending decision by the United States Supreme Court **(P.B. 71-7),** filed May 18, 2020, should not have been denied two months after filing the motion when the Plaintiff-Respondent never responded nor filed any objection to Petitioner's motion. Under due process of law, the Petitioner, Shlomit Ruttkamp, should have the constitutional right to petition the Government for a redress of grievances.

REASONS FOR GRANTING THE PETITION

This case involved a constitutional and statutory provisions of state and federal constitutions' right to due process of law of the 14th Amendment's ratification of the United States Constitution A fair trial in a tribunal is a basic requirement of due process. **Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 129 S. Ct, 2252, 2259, 173 L. Ed. 2d 1208 (2009)**. Because fraud

and misleading information on the courts pollutes the process the Petitioner, Shlomit Ruttkamp and society rely on for dispute-resolution. The Courts' reason that a decision produced by fraud or misleading information on the court with the knowledge of the court is an **18 U.S.C. 1961, et seq**. (the "RICO Statute") and is not in essence a decision at all, and never becomes a final judgment. A judgment obtained by fraud, misleading information or collusion is void and confer no vested title or final judgment. (See **League v. De Young, 52 U.S. 185, 203, 13 L. Ed, 657 (1850)**). In this case the evidence proving beyond a shadow of a doubt that a judgment obtained by fraud, misleading information or collusion among all Respondents involved including the courts of Connecticut committed violation of **18 U.S.C. § 1341** (Mail Fraud Affecting a Financial Institution) and **18 U.S.C. § 1343** (Wire Fraud Affecting a Financial Institution). This case presents a nationally important question on which courts are indecisive and were divided in their decision when it comes to subject matter jurisdiction. (**See America's Wholesale Lender v. Pagano, 87 Conn. App. 474, 866 A.2d 698 (2005), America's Wholesale Lender v. Silberstein, 87 Conn. App. 485, 866 A.2d 695 (2005), and Isaac v. Mount Sinai Hospital, 3 Conn. App. 598, 490 A.2d 1024, cert. denied, 196 Conn. 807, 494 A.2d 904 (1985)**), The United States Supreme Court shall have original jurisdiction of all civil actions

arising under the Constitution, laws, or treaties of the United States. The United States Supreme Court have the subject matter jurisdiction to review the petition for writ of certiorari.

I. **granting sanctions without the court adequate notice of its intention to impose sanctions and the opportunity to be heard on the record and discovery of evidence. Is a violation of the due process clause of the 14th Amendment to the United States Constitution.**

The Petitioner, Pro Se Shlomit Ruttkamp, requested an oral argument and discovery of evidence as required by **Fattibene v. Kealey, 18 Conn. App. 344, 558 A.2d 677 (1989)** and **Roadway Express, Inc. v. Piper, 447 U.S. 752, 767, 100 S.Ct. 2455, 65 L.Ed.2d 488 (1980),** and was denied oral argument and the right to due process of law and equal protection of the law. The Connecticut court has the history of denying the right of pro se litigant to aggrieve an order upon which the Superior Court violated the equal protection of the law and turned a blind eye to overwhelming evidence of the Respondent's **The Bank of New York Mellon** filing an illegal foreclosure with fraudulent entities, illegal existence, entities that has used a fictitious name

for itself when commencing an action, and fraudulent litigation and misrepresentation of facts. See in full details the motion Objection to Plaintiff-Appellee's Motion for Sanctions and Motion to Hold Attorney Geraldine Cheverko in Contempt of Court (see in case docket no. **SC 200215**), motion filed on January 29, 2021, the order rendered by Connecticut Supreme Court on May 11, 2021. Pursuant to practice book **§ 10-31** and Conn. Gen. Stat. **§ 52-123** in this foreclosure matter The Bank of New York Mellon F/K/A The Bank of New York as Trustee on Behalf of CIT Mortgage Loan Trust 2007-1 commenced this action under its trade name and not the incorporated registered name. It is undisputed that, "[a]dequate notice is mandated not only by statute, but also by the due process clauses of both the federal [citation], and state [citation] Constitutions. [Citation.]" (See **Lesser v. Huntington Harbor Corp. (1985) 173 Cal.App.3d 922, 930 [219 Cal.Rptr. 562]**.) to satisfy basic due process requirements. Notice on the court's own motion at midday, with a hearing ordered at 9 a.m. the next day is inadequate. However, notice given concurrently with the "hearing" is adequate where the parties so stipulate. (***Caldwell* v. *Samuels Jewelers*** (1990) 222 Cal.App.3d 970, 974-975 [272 Cal.Rptr. 126].)

Lesser concerned sanctions imposed pursuant to Code of Civil Procedure section 128.5 The

language of Code of Civil Procedure sections 128.5 and 177.5, concerning notice and opportunity to be heard, are identical in **City of Long Beach v. Bozek (1982)** 31 Cal. 3d 527, **530 [183 Cal. Rptr. 86, 645 P.2d 137], [certiorari granted, vacated and remanded 459 U.S. 1095 [74 L. Ed. 2d 943, 103 S. Ct. 712], reaffirmed and reissued (1983)**33 Cal. 3d 727 **(190 Cal. Rptr. 918, 661 P.2d 1072)]** and requested an oral argument and discovery of evidence.

Fourteenth Amendment-Legal Standard

Due Process Clause

Section 1 of the Fourteenth Amendment to the United States Constitution provides: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. In the past thirty-five years, the case law reads and is authority that: In stating a claim of a violation of procedural due process or equal protection of the laws, the Petitioner, Pro Se Shlomit Ruttkamp alleges that:

(1) she had a valid property or liberty interest that was deprived of (the ownership of 510 McVeagh Road in Westbrook, CT 06498 (see **Appendix K,** Quitclaim Deed), and (2) that interest was deprived of without due process or equal protection of the laws, as fictitious companies, fraudulent documents, and the dismissal of the foreclosure action bearing Docket No. MMX-CV-10-6001915-S for lack of subject matter jurisdiction were final judgment an order of dismissal by Judge Morgan (hereto attached see Docket entry no. 119.10 **Appendix H**). In stating a claim of a violation of substantive due process or equal protection of the laws, the Petitioner, Pro Se Shlomit Ruttkamp, alleges that: (1) she had a valid property or liberty interest (the ownership of 510 McVeagh Road in Westbrook, CT 06498), and (2) that interest was infringed upon in an arbitrary or irrational manner of that interest without due process or equal protection of the laws, (see **Long Island Pub. Serv. Employees v. Town Bd. of Town of Huntington, 31 F3d 1191, 1194 (2d Cir. 1994)** (internal quotation marks omitted) as fictitious foreclosure complaints fraudulent documents were used in filing foreclosure procedures under the trade fictitious name, ("the arbitrary allegation of fictitious filing foreclosure complaints under the trade fictitious name **The Bank of New York Mellon** and a fraudulent fictitious company **CIT Mortgage Loan Trust 2007-1**") the court of the

State of Connecticut has deprived the Petitioner, Pro Se Shlomit Ruttkamp, of her right to the ownership of 510 McVeagh Road in Westbrook, CT 06498 and that deprivation was affected without equal protection of the laws. The title transfer "so shocking, arbitrary, and egregious that the Due Process Clause would not countenance it even where it accompanied by full procedural protection." (a) So shocking in that Federal Appellate Court of Connecticut denied the due process of law and equal protection of the law as the Petitioner, Pro Se Shlomit Ruttkamp, is the sole owner of the property in the custody of the court. (b) So arbitrary in that the fictitious company, **The Bank of New York Mellon** was named so similar to the ownership company, **The Bank of New York Mellon Corporation** that would remit much like they have all along. (c) So egregious in the glaring, flagrant actions of Federal Appellate Court of Connecticut, that the Petitioner, Pro Se Shlomit Ruttkamp, alleges that Federal Court of Connecticut conducted a property swindling racket in the State of Connecticut by Federal Plaintiff-Respondent's **The Bank of New York Mellon** who originally targeted the Petitioner, Pro Se Shlomit Ruttkamp, as the enterprise's "pigeon" as defined by par...the Federal Plaintiff-Respondent's **The Bank of New York Mellon**, acting individually and as part of the enterprise, have devised a scheme to defraud and to obtain money or property by means of false

and fraudulent pretenses and representations. The scheme includes but is not limited to, fraudulently creating a debt when in fact no debt exists (bankruptcy case # 11-31649 motion for relief from stay filed by attorney for the plaintiff see **Appendix** L filed July 12th, 2011, order granting relief from stay, **Appendix M**) fraudulently creating of an additional **The Bank of New York Mellon,** when in fact only one **The Bank of New York Mellon Corporation** exists (See **Appendix N,** Certification from the New York State, Department of State, Division of Corporation) fraudulently creating of Jurisdiction, when new evidence provided to the court on February 3, 2020, hearings (See a document filed by the law group McCalla Raymer Leibert Pierce LLC Notice of removal filed on April 19, 2018, **Appendix O**) proves that all judgment was based upon a lie and misleading information to the court. And in fact, **The Bank of New York Mellon is a corporation duly authorized and validly existing under the laws of the State of Delaware** Appendix O clearly shows on page two, paragraph eight that "The Bank of New York Mellon Corporation ("BNYMC"): BNYMC is a Delaware corporation with its principal place of business located in the State of New York. Therefore, BNYMC is a citizen of Delaware and New York within the meaning of 28 U.S.C. § 1332(c). There was no mistake in the litigation culminating in the court's February 27, 2012,

judgment of dismissal. As a result, by a. to c. above, Petitioner, Pro Se Shlomit Ruttkamp, has suffered the shock of her conscience that persists to this day, and the United States Supreme Court has jurisdiction to grant Petition for a Writ of Certiorari.

II. A judicial officer cannot constitutionally take a real property of a homeowner based upon foreclosure mortgage to which the homeowner was not an obligor/mortgagor, and the note ruled unenforceable as a matter of law, without a violation of the due process clause of the 14th Amendment the statute of state and federal constitution right to due process of law.

The relief sought by Petitioner is a statutory right provided by **Gen. Stat. § 52-325a(c)** and **§ 52-325b(a)** born out of the Supreme Court decision of **Kukankis vs. Griffith, 180 Conn. 501 (1980),** pursuant to the Due Process Clause of the **14th Amendment** to United States Constitution. The jurisdictional basis of this appeal is pursuant to **§ 52-325c(a).** The standard of review is plenary. The Appellate Court is depriving the Pro Se Petitioner of her right to due

process of law the **14th Amendment** to the United States Constitution, to aggrieve as she is the sole owner of the property in the custody of the court (see **Appendix K**), a quitclaim-deed transfer and signed by the sole borrower of the mortgage, the first Defendant, William J. Ruttkamp, prior to his bankruptcy procedures and the dismissal of February 27, 2012. The property owner has a right to defend any such statutorily and constitutionally required presentation if the owner proves ownership of the note and mortgage, and that all the obligations established by the note and mortgage have been satisfied in a bankruptcy procedure by the first Defendant, William J. Ruttkamp, the sole borrower of the mortgage. Petitioner Shlomit Ruttkamp does not have any obligation of any kind to the Plaintiff-Respondent, The Bank of New York Mellon, or any other individual. The home rightfully belongs to the Petitioner, Shlomit Ruttkamp, and is fully owned by her. The Plaintiffs-Appellee filed the complaint under the trade name; it lacks standards and therefore the Superior Court lacks subject matter jurisdiction. (See **America's Wholesale Lender v. Pagano, 87 Conn. App. 474, 477-78, 866 A.2d 698 (2005)**). This is a fact-pleaded case that was dismissed for lack of subject matter jurisdiction on February 27, 2012, with a three-page memorandum of decision by Judge Morgan. (Hereto attached see **Appendix H**). The Connecticut Supreme Court upheld when a

question of jurisdiction is brought to the court's attention, that issue must be resolved before the court can move on to the other matters. **Baldwin Piano & Organ Co. v. Blake, 186 Conn. 295, 297-98, 441 A.2d 183 (1982)** and the Plaintiff in this foreclosure action brought his suit under a trade name and not the corporation's registered name regardless to the state of jurisdiction the Plaintiff did not include the corporation's name in the caption of the complaint. The Bank of New York Mellon alone is merely a name to describe the name of the corporation doing business as The Bank of New York Mellon Corporation to confer jurisdiction on the court the plaintiff must have an actual legal existence, that is he or it must be a person in law or a legal entity with legal capacity to sue and to provide the court with jurisdiction to hear the cause of action. (See **Karp v. Urban Redevelopment Commission, 162 Conn. 525, 529, 294 A.2d 633 (1972)." Wilburn v. Mount Sinai Medical Center, 3 Conn. App. 284, 288, 487 A.2d 568 (1985); see Bridgeport Bowl-O-Rama, Inc. v. Zoning Board of Appeals, 195 Conn. 276, 283, 487 A.2d 559 (1985)).** This is a fact-pleaded case that was dismissed for lack of subject matter jurisdiction on February 27, 2012, with a three-page memorandum of decision by Judge Morgan. (See **America's Wholesale Lender v. Pagano, 87 Conn. App. 474, 866 A.2d 698 (2005), America's Wholesale Lender v. Silberstein, 87 Conn. App. 485, 866 A.2d 695 (2005), and Isaac v. Mount Sinai**

Hospital, 3 Conn. App. 598, 490 A.2d 1024, cert. denied, 196 Conn. 807, 494 A.2d 904 (1985)).

III. A judicial officer cannot constitutionally participate in "[a] scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises...".

The Petitioner, Pro Se Shlomit Ruttkamp, alleges that, according to **18 U.S.C. 1961, et seq.** (the "RICO Statute"), the **18 U.S.C. § 1341** (Mail Fraud Affecting a Financial Institution), and **18 U.S.C. § 1343** (Wire Fraud Affecting a Financial Institution) there existed a racketeering enterprise among all parties Respondent, and shows by a preponderance of the evidence that there exists a racketeering enterprise in the courts of the State of Connecticut and all attorneys that consist of: The Bank of New York Mellon v. William J. Ruttkamp et al. All parties Respondent conspired and collaborated to concoct a dishonest scheme out of the Petitioner, Pro Se Shlomit Ruttkamp, ownership of 510 McVeagh Road in Westbrook, CT 06498 ("the property"). The Petitioner, Pro Se Shlomit Ruttkamp, alleges and shows with a clear and convincing evidence

that all Respondents violated the Civil RICO Laws and various state laws by falsely claiming that The Bank of New York Mellon F/K/A the Bank of New York as Trustee on behalf of CIT Mortgage Loan Trust 2007-1 was a New York State Corporation, and not a Delaware Corporation as it listed as Plaintiff in the original Complaint dated February 19, 2010, and in the Motion for Summary Judgment and is not/nor was ever associated with The Bank of New York Mellon Corporation duly authorized and validly existing under the laws of the State of Delaware. The court, Judge Morgan, and the attorneys opened the dismissal on the basis of a place of jurisdiction when the case was dismissed for lack of subject matter jurisdiction an order of dismissal by Judge Morgan (hereto attached see Docket entry no. 119.10 **Appendix H)**. based on the fact that The Bank of New York Mellon F/K/A the Bank of New York as Trustee on Behalf of CIT Mortgage Loan Trust 2007-1 filed foreclosure procedures under the trade and fictitious name of the entity filing suit. See **America's Wholesale Lender v. Pagano, 87 Conn. App. 474, 477-78, 866 A.2d 698 (2005), *America's Wholesale Lender v. Silberstein*, 87 Conn.App. 485, 866 A.2d 695 (2005)).** The dismissal had no bearing on the place of the jurisdiction of the business. This case should never have been opened once the case was dismissed for a lack of subject matter jurisdiction ***Isaac v. Mount Sinai Hospital*, 3 Conn.App. 598, 490 A.2d 1024, cert. denied,**

196 Conn. 807, 494, A.2d 904 (1985). The trial court had no jurisdiction to take further action in the case, including considering the Plaintiff's attorneys Motion to Open Judgment (docket entry no. 128.00); **Lusas v. St. Patrick's Roman Catholic Church Corp., 123 Conn. 166, 193 A. 204 (1937)**, the court, Judge Morgan, had no jurisdiction over the parties to act further in the case once the court dismissed the foreclosure for lack of subject matter jurisdiction on February 27, 2012 (See order docket entry no. 119.10). The Plaintiff's attorneys should not collaterally attack in second proceeding in the same case, interest portion of judgment from which no timely appeal had been taken in the first instance of the dismissal of February 27, 2012; **Morganti, Inc. v. Boehringer Ingelheim Pharmaceuticals, Inc., 20 Conn. App. 67, 71-73, 563 A.2d 1055 (1989).** The Petitioner, Pro Se Shlomit Ruttkamp, claims that the Respondents' individual and collective actions sought to deprive the Petitioner of her equitable interest in her real property and at the same time capture and redirect the Petitioner's equity towards themselves in furtherance of their scheme of conspiracy, extortion, and fraud. The Petitioner, Shlomit Ruttkamp claims, while seemingly lawful, this practice in fact deprived her of due process and equal protection of the laws, and she was prevented the opportunity for discovery of evidence in the court of law. Furthermore, the Connecticut courts of appeal refused time and time again to allow discovery of

evidence or oral argument. They denied and dismissed every attempt by the pro se effort to a fair procedure.

1. Traditional RICO Statute predicate acts are contained herein and include: (i) mail fraud (ii) wire fraud (iii) financial institution fraud (iv) witness tampering; (v) obstruction of justice; (vi) extortion; (vii) retaliating against a witness, victim, and (viii) a civil conspiracy to cover up mail fraud, wire fraud, financial institution fraud, witness tampering, obstruction of justice, and retaliating against a witness, victim. These predicate acts are pled with specificity in the instant action.

2. The RICO Statute contains a provision that allows for the commencement of a civil action by a private party to recover damages sustained because of the commission of a RICO predicate offense(s). The RICO Statute also permits a private individual "damaged in his or her business or property" by a "racketeer" to file a civil suit. The Petitioner proves with a preponderance of the evidence of the existence of such an enterprise as pled elsewhere in the instant action; the connection among these parties proves the existence of an "enterprise". There are Civil RICO claims against all Respondents in this foreclosure action.

3. The Petitioner shows with specificity at least two of four specified relationships between the Respondent'(s) and the enterprise: the Respondent(s) invested the proceeds of the pattern of racketeering activity into the enterprise (**18 U.S.C. § 1962(a)**), or the Respondent(s) acquired or maintained an interest in, or control of, the enterprise through the pattern of racketeering activity (subsection (b)); or the Respondent(s) conducted or participated in the affairs of the enterprise "through" the pattern of racketeering activity (subsection (c)); or the Respondent(s) conspired to do one of the above (subsection (d)). The enterprise is either the 'prize,' 'instrument, 'victim,' or 'perpetrator' of the racketeers. A Civil RICO action can be filed in Federal Court. And all the violations of section 1962 caused injury to the business or property of the Petitioner Shlomit Ruttkamp (see **Cruz v. FXDirect Dealer, LLC, 720 F.3d 115, 120 (2d Cir. 2013)** (internal quotation marks omitted).

4. The civil component allows the recovery of treble damages (damages in triple the number of actual/compensatory damages) and by Count Two and Judgment Requested, the Petitioner demands treble damages in the amount of One Million Dollars ($1,000,000).

5. As relevant to this action, FIRREA authorizes the United States to recover civil

penalties for violations of bank fraud, false statements, mail fraud, and wire fraud or conspiracies to violate two provisions of Title 18 of the United States Code:

First provision of Title 18 of the United States Code is:

18 U.S.C. § 1341(Mail Fraud Affecting a Financial Institution) which proscribes the use of "the Postal Service, or . . . private or commercial interstate carrier" for the purpose of executing, or attempting to execute, "[a] scheme or artifice to defraud, or for obtaining Judgment money or property by means of false or fraudulent pretenses, representations, or promises...". When the Federal Respondent(s), The Bank of New York Mellon F/K/A the Bank of New York as Trustee on behalf of CIT Mortgage Loan Trust 2007-1, executed in the fictitious company fraudulent documents for the collective benefit of the fictitious company and Federal Respondent(s), The Bank of New York Mellon F/K/A the Bank of New York as Trustee on behalf of CIT Mortgage Loan Trust 2007-1, devised or intended to devise a scheme to defraud or to perform specified fraudulent acts to obtain Judgment money or property by means of false or fraudulent pretenses, representations, or promises...".and did so by use of the U.S. mail (see **Schmuck v. United States, 489 U.S. 705, 721 n. (1989)**; see

also **Pereira v. United States, 347 U.S. 1, 8 (1954)**, federal Respondent(s) violates the statute.

"Use of the Mail"

Under 18 U.S.C. section 1341, use of the mail has been defined as any of the following:

A. Placing materials in a post office, mailbox, or other receptacle with intent that the materials are delivered by either the U.S. Postal Service or a private interstate mail carrier to someone else.

B. Receiving anything that has been delivered to you by the U.S. Postal Service or a private mail carrier; or

C. Causing something to be delivered by mail, such as asking someone else to put the materials into a mailbox on your or their behalf.

The Federal Respondent(s), The Bank of New York Mellon F/K/A the Bank of New York as Trustee on behalf of CIT Mortgage Loan Trust 2007-1, in these foreclosure procedures violated the statute **18 U.S.C. § 1341** when they filed fraudulent documents with fictitious company (The Bank of New York Mellon) and fraudulent entity (CIT Mortgage Loan Trust 2007-1) and

mailed it with the use of U.S. Post Office knowing that the information and the documents filed and mailed to each of the parties in the foreclosure action were based upon lies, misleading information and fraudulent entities.

Second provision of Title 18 of the United States Code is:

18 U.S.C. § 1343 (Wire Fraud Affecting a Financial Institution) which proscribes the use of "wire . . . in interstate or foreign commerce" for the purpose of executing, or attempting to execute, "[a] scheme or artifice to defraud, or for obtaining Judgment money or property by means of false or fraudulent pretenses, representations, or promises..." When Federal Respondent(s), The Bank of New York Mellon F/K/A the Bank of New York as Trustee on behalf of CIT Mortgage Loan Trust 2007-1, executed in the fictitious company fraudulent documents for the collective benefit of the fictitious company and Federal Respondent(s), The Bank of New York Mellon F/K/A the Bank of New York as Trustee on behalf of CIT Mortgage Loan Trust 2007-1, devised or intended to devise a scheme to defraud or to perform specified fraudulent acts and did so by use of the facsimile machine and telephone in the fraudulent acts for the benefit of the fictitious company and the Federal Respondent(s), The Bank of New York Mellon F/K/A the Bank of New York as Trustee on

behalf of CIT Mortgage Loan Trust 2007-1, in defrauding the Federal Superior Court of Connecticut at 1 Court Street, Middletown, CT 06457, and the Federal Appellate & Supreme Courts of Connecticut, 231 Capitol Avenue, Drawer Z. Station A, Hartford, CT 06106, and the Petitioner, Shlomit Ruttkamp, for the benefit of the enterprise recovery of negligent in filing foreclosure procedures, they defrauded a financial institution at all times relevant hereto, all Respondent(s) created false documents fabricated existing documents, and made false statement while the swindle unfolded and began the conspiratorial act of obstructing of justice and the Respondent(s) are liable for the misconduct alleged. (See **Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009).**

"Use of Wire Communication"

Under this statute, "wire communication" means transmitting, receiving, or causing something to be transmitted or received through radio signal, television signal, an interstate telephone or electronic communication in furtherance of the scheme. This can include e-mails, text or instant messaging, cellular calls, or Internet-based communications of any kind. The Respondent(s) in these foreclosure procedures violated the statute **18 U.S.C. § 1343** when they e-filed each of the documents in the courts of Connecticut knowing that the statement in the

documents were based upon lies, misleading information and fraudulent entities to post the unlawful debt on the internet website portal of the participating entities, and to post fraudulent foreclosure actions and other related documents on the state courts electronic e-file system. Each time the courts of Connecticut accepted such documents, it represented the communication between the parties. Any phone conversation, any e-mail, faxed transaction, text messaging among the defendants and others constituted an enterprise that used the mails and wires to make false representations to obtain money or property by filing fraudulent documents fraudulent entity (**CIT Mortgage Loan Trust 2007-1**) and fictitious entity (**The Bank of New York Mellon**) in state court concerning the foreclosure of Petitioner Shlomit Ruttkamp's property.

"Intent to Defraud"

A mail or wire fraud conviction means that when the Respondent(s) committed the fraud and scheme, they had the specific goal of committing fraud when they placed the materials in the mail or transmitted them through electronic e-file system communications.

First, when the law firm attorneys filed the motion to open judgment with the knowledge that the statement was based upon fraudulent

statement and misleading information to the court, they knew exactly the correct reason upon which the case was dismissed, and they manipulated the lack of knowledge of the Petitioner Shlomit Ruttkamp by opening the case upon a place of jurisdiction of an entity that filed a suit under a fictitious trade name of a company. See **America's Wholesale Lender v. Pagano, 87 Conn. App. 474, 477-78, 866 A.2d 698 (2005), *America's Wholesale Lender v. Silberstein*, 87 Conn.App. 485, 866 A.2d 695 (2005)).**

Second, when they denied that The Bank of New York Mellon is not the entity referred to in the first complaint filed on February 19, 2010, and on the motion for summary judgment and that it is a different entity bank that is not associated with The Bank of New York Mellon Corporation. They knew that statement is a false statement, and yet they made it with the knowledge that The Bank of New York Mellon Corporation is the same one that is incorporated in Delaware and in New York State, and that there is only one Bank of New York Mellon Corporation (see **Appendix N).**

Third, when Petitioner Shlomit Ruttkamp pointed out that CIT Mortgage Loan Trust 2007-1 is a fraudulent entity, that it is not a bank, and that it does not exist anywhere in the United States of America, and Federal courts of Connecticut and all Respondent(s) and their

attorneys refused to litigate the issue at hand, they participated in racketeering activity and violated a civil RICO claim of **18 U.S.C. § 1961, et seq** and caused injury to the Petitioner Shlomit Ruttkamp and her property. (See **Cruz v. FXDirect Dealer, LLC, 720 F.3d 115, 120 (2d Cir. 2013)** (internal quotation marks omitted).

18 U.S.C. 1961(1) provides that the mail and wire fraud statutes proscribe using the mails or a wire communication to execute any scheme or artifice to defraud, or for obtaining Judgment money or property by means of bank fraud, false statements, mail fraud, and wire fraud and fraudulent pretenses, representations, or promises. **United States v. Greenberg, 835 F.3d 295, 305 (2d Cir. 2016)** (quoting **18 U.S.C. §§ 1341, 1343**). The Federal Respondents, The Bank of New York Mellon F/K/A The Bank of New York as Trustee on behalf of CIT Mortgage Loan Trust 2007-1, plan to deprive the Petitioner Shlomit Ruttkamp of the property by trick, deceit, chicane, and overreaching. (See **United States v. Autuori, 212 F.3d 105, 115 (2d Cir 2000)** (internal quotation marks omitted). The purpose of the enterprise is to secure foreclosure judgments on the Petitioner, Shlomit Ruttkamp's, property through fraudulent means and to use those judgments to extract money from the owner of that property with intent to defraud, knowledge

of the falsity, and the reckless disregard for the truth (See **Cohen v. S.A.C. Trading Corp., 711 F.3d 353, 359 (2d Cir. 2013**) (internal quotation marks omitted, alteration in original), thereby depriving the owner of her equity assets. The Superior Court of Connecticut lack of subject matter jurisdiction see February 27, 2012, **Appendix H,** three-page memorandum of decision by Judge Morgan speaks for itself. The Federal Respondent(s), The Bank of New York Mellon F/K/A the Bank of New York as Trustee on behalf of CIT Mortgage Loan Trust 2007-1, in this foreclosure action brought this suit under a trade name and not the corporation's registered name regardless to the state of jurisdiction the Respondent(s), did not include the corporation's name in the caption of the complaint and therefore **The Bank of New York Mellon,** lacks standards and the Superior Court lacks subject matter jurisdiction.

---------- ♦ ----------

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted.

Pro se: Shlomit Ruttkamp
P.O. Box 611
Westbrook, CT 06498
Phone: 860-853-8859
Email: rshlomit@yahoo.com

October 5, 2021