ORIGINAL

No. 21-524

IN THE
SUPREME COURT OF THE UNITED STATES

SHLOMIT RUTTKAMP
Petitioner,

VS.

THE BANK OF NEW YORK MELLON, ET AL.
Respondent(s),

ON PETITION FOR A WRIT OF CERTIORARI
FROM THE SUPREME COURT OF CONNECTICUT

PETITION FOR REHEARING

PETITIONER
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Executed on December 27, 2021

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SHLOMIT RUTTKAMP,
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VS.

THE BANK OF NEW YORK MELLON, ET AL.,
Respondents

I. PETITION FOR REHEARING

Pursuant to the United States Supreme Court **Rule 44**, the Petitioner Shlomit Ruttkamp

respectfully petitions this Court for petition for rehearing of denying the Petitioner her Petition for a Writ of Certiorari.

The attached petition for rehearing is restricted to the grounds specified in **Rule 44**. It is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

Petitioner further certifies that the attached petition is presented in good faith and not for delay.

This petition is filed within the 25 days of the denial.

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II. GROUNDS FOR REHEARING

Petitioner seeks rehearing based on new reasons supported by three amendments of the United States Constitution that presented reasons that reinforce the review under the United States Supreme Court. **18 U.S.C. § 1341** (Mail Fraud Affecting a Financial Institution), **18 U.S.C. § 1343** (Wire Fraud Affecting a Financial Institution) and invoked under racketeering activities pursuant to **18 U.S.C. §1961, et seq.**

And racial diversity is a compelling interest that can justify the use of race in selecting cases filed by pro se litigant and is unconstitutional under the Equal Protection Clause of the 14th Amendment to be intentionally treated differently from other similar situations and that there is no rational basis for that difference. **Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000) (per curiam)** The racial discrimination is based on the fact that the individual is a pro se litigant than an attorney at law.

The jurisdiction of this court is invoked under diversity jurisdiction pursuant to **28 U.S.C. § 1332** and also under race-based classifications which are subject to the strict scrutiny standard of judicial review under the Equal Protection Clause of the 14th Amendment. (Id. at pp. 487-488.).

This case brings vital issues of Constitutional law yet again to this court for another chance to rectify numerous manifest injustices inflicted unto Petitioner Shlomit Ruttkamp, including multiple void judgments. The Bank of New York Mellon's unlawful acts and harassment have increased noticeably since the petitions were filed in court, and 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 page App 47 to App 52**) 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.**

There was no mistake in the litigation culminating in the court's February 27, 2012, judgment of dismissal. "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid." See **Old Wayne Mut L. Assoc, v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)** (emphasis added).

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III. BACKGROUND

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 page **App 15** to page **App 18**). 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 New York.** (See **Appendix I,** State of Delaware, Department of State, Division of Corporation Certification in page **App19** to **App 28**). **The Bank of New York Mellon is a corporation duly authorized and validly existing under the laws of the State of Delaware.** Throughout ten years of litigation, the Plaintiff-Respondent, The Bank of New York Mellon, has committed 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 courts of Connecticut abused their discretion in favor of the Plaintiff-Respondent, The Bank of New York Mellon, and discriminate against a pro se litigant and chose to turn a blind eye to overwhelming evidence provided to the court by the Petitioner, Shlomit Ruttkamp. The Plaintiff-Respondent's lack of standards and the court's lack of subject matter jurisdiction has not been properly addressed in the Appellate Court and the pro se Shlomit Ruttkamp has been intentionally treated differently from other similar situations, and there is no rational basis for that difference. See **Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000)** (per curiam) As a result, the Appellate Court deprived the Petitioner of her Due Process Clause of the **14th Amendment** to the 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 in page App 29 to page App 30**); therefore, the law date was invalid.

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.

An attorney that is not related to the litigation of The Bank of New York Mellon vs. William Ruttkamp, et al. appeared in the case, and filed a motion for sanctions. The Petitioner, Shlomit Ruttkamp, filed an objection to the motion for sanctions and motion to put the attorney in contempt of court and requested hearing and discovery of evidence which the Supreme Court denied her the opportunity to a hearing and discovery of evidence, and grant the motion for sanctions without addressing the contempt of court against the attorney-respondent of The Bank of New York Mellon. On October 5, 2021, the Petitioner Shlomit Ruttkamp filed petition for writ of certiorari based on new reasons supported by three amendments of the United States Constitution that presented reasons that reinforce the review under the United States Supreme Court. **18 U.S.C. § 1341** (Mail Fraud Affecting a Financial Institution), **18 U.S.C. § 1343** (Wire Fraud Affecting a Financial

Institution) and invoked under racketeering activities pursuant to **18 U.S.C. §1961, et seq.** The petition for writ of certiorari was denied on December 3, 2021. This Petition for rehearing follows.

IV. ARGUMENT

I. Is racial diversity a compelling interest that can justify the use of race in selecting cases filed by pro se litigant unconstitutional under the Equal Protection Clause of the 14th Amendment.

Race-based classifications are subject to the strict scrutiny standard of judicial review under the equal protection clause of the 14th Amendment, (*Id.* At pp. 487-488.) **Kentucky v. Whorton, 441 U.S. 786 (1979). Moody v. Daggett, 429 U.S. 78 (1976)).** A fair trial in a tribunal is a basic requirement of due process, (See **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 society

relies 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 confers no final judgment. (See **League v. De Young, 52 U.S. 185, 203, 13 L. Ed, 657 (1850)**).

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's laws. The United States Supreme Court has the subject matter jurisdiction to grant Petitioner's request for rehearing to review the petition for writ of certiorari for another chance to rectify numerous manifest injustices inflicted unto

Petitioner Shlomit Ruttkamp, including multiple void judgments. The court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. (See **Old Wayne Mut L. Assoc, v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)** (emphasis added))

In an order dated February 27, 2012, the Court, Judge Morgan dismissed the foreclosure case brought by the 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 and assigned Docket No. MMX-CV-10-6001915 on the basis that the 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 admitted that its true registered name was "The Bank of New York Mellon Corporation" rather than "The Bank of New York Mellon" and plainly acknowledged that the name "The Bank of New York Mellon" was the corporate brand of "The Bank of New York Mellon Corporation" and could be used as a generic term to reference the corporation as a whole or its various subsidiaries. As such, the Court, Judge Morgan, held that "[s]ubject matter jurisdiction cannot be conferred when an action is instituted under a corporate brand name because a brand name is not a

legal entity with capacity to sue. The Plaintiff brought this suit under its brand name and, therefore it has no standing to sue." **Vonchina v. Estate of Turner, 154 Cal. App. 2d 134 [315 P. 2d 723 (1957)], Estate of Schoeller v. Becker, 33 Conn. Sup. 79, 79-80, 360 A. 2d 907 (1975), and Isaac v. Mount Sinai Hospital, 3 Conn. App. 598, 490 A.2d 1024, cert. denied, 196 Conn. 807, 494 A.2d 904 (1985)**). As a result of this finding, the Court, Judge Morgan, dismissed the foreclosure action bearing Docket No. MMX-CV-1 0-6001915 for lack of 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 pursuant to **Practice book § 10-31** and **Conn. Gen. Stat. §52-123** in this foreclosure matter the Plaintiff Respondents, The Bank of New York Mellon commenced this action under its trade name and not the incorporated registered name (**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 Plaintiff-Respondents, The Bank of New York Mellon, opened the case that the Superior Court had no jurisdiction or authority to open and the law contains no four-month grace period for a Dismiss case that lacked subject matter jurisdiction; (See: Levinson v. Lawrence, 162 Conn. App. 548, 565-66, 133 A.3d 468 (2016)) such a failure must be evaluated in light of the totality of the circumstances, including all the instructions, the arguments, whether the weight of the evidence was overwhelming, and other relevant factors to determine whether the Defendant received a constitutionally fair trial under the Equal Protection Clause of the 14th Amendment. Adopting the Federal Rules of Evidence in toto.

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I. CONCLUSION

For the reasons set forth above, as well as those contained in the petition for writ of certiorari, Petitioner respectfully requests that this Court grant Petitioner's request for rehearing and vacate the order denying writ of certiorari in this case.

RESPECTFULLY SUBMITTED PETITIONER

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Executed on December 27, 2021

CERTIFICATE OF RETITIONER

SELF-REPRESENTED

I hereby certify that this petition for rehearing is restricted to the grounds specified in supreme court **Rule 44**, is presented in good faith, in the interest of justice and not for delay.

Executed on this 27th day of December 2021.

RESPECTFULLY SUBMITTED PETITIONER

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