

No. 21-604

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

STEPHEN KANTOS - PETITIONER

VS.

LEONARD MAJOR, BARBARA MAJOR, AQUA SHORES MARINA, AQUA Shores  
MANAGEMENT, INC., and SILVER SHORES, INC., - RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE COURT OF APPEALS OF THE STATE OF MICHIGAN  
PETITION FOR WRIT OF CERTIORARI

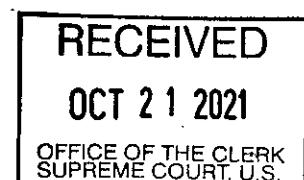
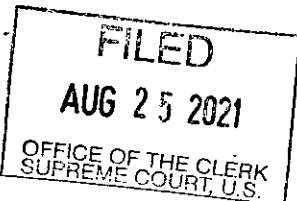
STEPHEN KANTOS

828 E. Flamingo Rd., #321

Las Vegas, Nevada 89119

(714) 326-3471

SUBMITTED: October 19, 2021



## **QUESTIONS PRESENTED**

1. Did the court of appeals manifestly err in affirming the trial court's erroneous order that denied plaintiff his constitutional right to a jury trial under us const am 7 and 1963 mich const, art. 1, sec. 14 by dismissing his case with prejudice as a sanction on the ground that plaintiff was not present in the courtroom on the morning of the date of the jury trial without considering any of the factors set forth in vicencio v ramirez, 211 mich app 501; 536 nw2d 280 (1995).

**LIST OF PARTIES**

**1. STEPHEN KANTOS - PETITIONER**

**2. LEONARD MAJOR, BARBARA MAJOR, AQUA SHORES MARINA, AQUA Shores**  
**MANAGEMENT, INC., and SILVER SHORES, INC., - RESPONDENTS**

## **TABLE OF CONTENTS**

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	2
STATEMENT OF THE CASE	2
REASONS FOR GRANTING THE WRIT	4
CONCLUSION	5

## **TABLE OF APPENDICES**

APPENDIX A - Decision And Opinion Of The Michigan Superior Court	A-1
APPENDIX B - Decision And Opinion Of The Michigan Court of Appeals	B-2
APPENDIX C - Decision Of The Supreme Court Of Michigan Denying Review	C-3
APPENDIX D - Decision Of The Supreme Court Of Michigan Denying The Opportunity For Reconsideration	D-4

## TABLE OF AUTHORITIES CITED

<b>CASES</b>	<b>PAGE NUMBER</b>
Johnson Family Ltd Partnership v White Pines Wireless, LLC, 281 Mich App 364 (2008)	3
(Kantos v Major et al, per curiam unpublished opinion of the Michigan Court of Appeals, issued August 20, 2020 (Docket No. 346680)	2
 <b>STATUTES AND RULES</b>	
28 U.S.C. §1257(a)	1
U.S. Constitutional Amendment XIV - Section 1.	2
MCR 7.305(B)(5)(b)	3

No. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
STEPHEN KANTOS - PETITIONER

VS.

LEONARD MAJOR, BARBARA MAJOR, AQUA SHORES MARINA, AQUA Shores  
MANAGEMENT, INC., and SILVER SHORES, INC., - RESPONDENTS

\_\_\_\_\_  
ON PETITION FOR A WRIT OF CERTIORARI TO  
THE COURT OF APPEALS OF THE STATE OF MICHIGAN  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgments below.

JURISDICTION

The date on which the highest state court decided my case was August 20, 2021. A copy of the decision and opinion appears at Appendix A..

A timely appeal was thereafter denied on the following date: June 1, 2021, and a copy of the order denying review appears at Appendix C.

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

## OPINIONS BELOW

1. The decision and opinion of the highest state court to review the merits, The Superior Court Of Michigan, appears at Appendix A to the petition and is unpublished.
2. The decision and opinion of the trial court, The Third Judicial District - Michigan at Appendix B to the petition and is unpublished.
3. The decision of the State Supreme Court, The Supreme Court Of Michigan, denying review appears at Appendix C to the petition and is unpublished.
4. The decision of the State Supreme Court, The Supreme Court Of Michigan, denying the opportunity for reconsideration appears at Appendix D to the petition and is unpublished.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following Constitutional and Statutory Provisions are involved:

1. U.S. Constitutional Amendment XIV - Section 1. [Citizens of the United States.]
2. Michigan Property Law Statutes and Case Law;
3. Any and all other statutes state or federal pertaining to family law use that is relevant in the instant matter.

## STATEMENT OF THE CASE

Plaintiff Appellant Stephen Kantos appeals this matter from the unpublished per curiam opinion of the Court of Appeals (Redford, PJ, and Meter and O'Brien, JJ), issued on August 20, 2020 (Kantos v Major et al, per curiam unpublished opinion of the Michigan Court of Appeals, issued August 20, 2020 (Docket No. 346680). (Ex. K), affirming the October 9, 2018 order of the Wayne Circuit Court (Ex. E), the Honorable

CraigStrong presiding, dismissing Plaintiff-Appellant, Stephen Kantos' Complaint with prejudice for failure to appear in court on the date and time set for trial and for failing to provide a reasonable basis for not appearing.

Pursuant to MCR 7.305(B)(b) Plaintiff-Appellant has met the grounds for peremptory reversal of the court of Appeals decision or to remand to the trial court for reinstatement of the case via jury trial. The Plaintiff had counsel and witnesses present at the hearing and were prepared to proceed to trial which was thoroughly prepared for. The snap judgment complained of solely on the basis of the Plaintiff not present when others were present and prepared to proceed is entirely contrary to the fundamental due process rights of the Plaintiff to access the civil justice system and contradicts holdings in similar cases in Michigan Courts such as Johnson Family Ltd Partnership v White Pines Wireless, LLC, 281 Mich App 364 (2008), thereby warranting granting of the instant cert petition as well as reversal on appeal.

The affirmation of the decision in the instant matter deprives the Plaintiff of proper notice which is entirely in conflict with the due process requirements of the 14th Amendment of the U.S. Constitution, thereby warranting granting of the instant petition and reversal of the judgment entered in the instant matter.

In the instant matter, the Petitioner had counsel present on their behalf as well as the witnesses in the case ready to testify and the trial court explicitly refused to allow the matter to proceed. This was entirely in contradiction with the due process rights of the Plaintiff in the highest regard. Having counsel to proceed on behalf of an individual in a civil matter is among the most basic fundamental constitutional rights that exist and

the explicit refusal by the Michigan Court to recognize this through their affirmation of the erroneous snap judgment entered in the instant matter is entirely unconstitutional and warrants the supervisory authority of this Court.

#### **REASONS FOR GRANTING THE PETITION**

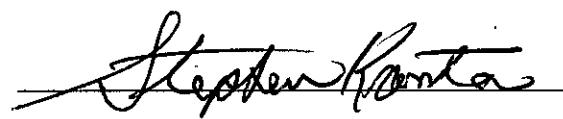
1. The matter involves a fundamental constitutional right - the right to proper notice in a legal proceeding. It is unreasonable to expect a Plaintiff with counsel and witnesses present at a hearing to be childishly prevented from proceeding by the lower court in the instant matter over a frivolous factor such as actual presence when this is not necessary once counsel is retained. The lower courts in the instant matter have strayed far beyond the constitutional limitations required by the standards set forth by this Court which have a long standing in history and statutory basis.
2. There is a split between the circuits - circuit courts have upheld that proper notice is necessary in the administration of due process and yet the Michigan Supreme Court along with the lower state courts are neglecting this obligation substantially. Certainly the Michigan Courts have strayed far beyond the standards established by the U.S. Constitution as interpreted by the federal courts thereby giving rise to the instant conflict between interpretations and warranting granting certiorari in the instant matter.
3. The matter is substantially in the public interest of the United States in upholding the integrity of the law as well as for the State of Michigan who are being deprived of their fundamental constitutional right to proper notice and opportunity to be heard. The recklessness of the Michigan Courts in the instant matter and disregard to the rights of the procedural due process rights of the Plaintiff in the instant matter warrants relief.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant his petition for review.

Dated: OCTOBER 19, 2021

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stephen Ranta", is written over a horizontal line.