

21-6066

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

ORIGINAL

Supreme Court, U.S.

FILED

OCT 18 2021

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

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R. Susan Woods,

Petitioner

vs.

Alina's Real Estate, LLC and It's Managers Amaya and Branche,  
Respondents (First Circuit No. 20-1991);

Joseph B. Collins, Chapter 7 Trustee,  
Respondent (First Circuit No. 20-1992); and

Joseph B. Collins, Chapter 7 Trustee,  
In his Official and Individual Capacity,  
Respondent (First Circuit No. 20-1993).

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On Petition for Writ of Certiorari to  
The United States Court of Appeals for the First Circuit

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**PETITION FOR A WRIT OF CERTIORARI**

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R. Susan Woods, *pro se*

P. O. Box 160

Hadley, MA 01035-0160

mobile 413-883-1414

[rsusanwoods@gmail.com](mailto:rsusanwoods@gmail.com)

## **Questions Presented for Review**

(generalized from lower court cases)

- a. Under what circumstances is it appropriate for the courts to refuse accommodation to the disabled?
- b. Can a trustee in a bankruptcy matter use personal funds to purchase property for an estate?
- c. Must non judicial foreclosure follow the letter of the laws pertaining thereto?
- d. Is court bias against the wrongfully foreclosed excusable, and if so, in what circumstances?
- e. Are bankruptcy exemptions subject to judicial discretion?
- f. Is the inability to afford the costs of depositions a barrier to a fair trial?
- g. Can a party who expressed interest in purchasing a property scheduled for foreclosure, but who then declined to bid, be questioned about price rigging within an adversary proceeding involving the buyer?
- h. Can third party buyers be held liable for damages in matters of wrongful foreclosure?
- i. Is it ever appropriate for a bankruptcy trustee to demand escrowed rents from tenants in cash?
- j. Is having and maintaining safe, secure housing implicit relative to the right to pursue happiness?
- k. Does an officer of the Court have discretion to act outside of court authorized orders? And if so, under what circumstances?
- l. Can mortgagors be held liable for "forcing borrowers into bankruptcy"?
- m. Are Registers of Deeds accountable to the courts? And if so, how?
- n. Under what circumstances can tenants be threatened to vacate a foreclosed property?
- o. When, if ever, is it appropriate to displace a disabled person from their lawfully occupied home?
- p. When, exactly, does the sale of a property occur?
- q. Is an officer of the courts personally liable for knowingly making false representations, material omissions, or engaging in other illegal acts?
- r. Are systemically important, too-big-to fail banks omnipotent?
- s. Is the *res judicata* doctrine applicable against defendants?

## **Questions for Review**

(Specific to denial of request to proceed *in forma pauperis*)

- 1. Matters of due process are raised as to whether the appeal qualifies as frivolous/not in good faith.**
- 2. Constitutional matters are raised concerning**
  - **property rights,**
  - **indigent court costs law,**
  - **Woods' state law right to the quiet enjoyment of her home, and**
  - **"burdened rights".**
- 3. Matters of jurisdiction are raised as to "voidness".**
  - A. Did the judge err by applying the wrong standard to Woods's *forma pauperis* by requiring of her, because she is indigent, a litmus test on her right to appeal which is not applied to those similarly situated who are not indigent (an apparent violation of equal protection and due process, Amendments XIV and V)?**
  - B. Did the judge err in apparently relying on opposing bankruptcy trustee's characterizations of Woods as litigious, when, beyond her control and against her best judgment and, actually, physical capacity, bankruptcy rules require appeal of every interlocutory decision, or you waive your appeal rights?**
  - C. Did the judge err in declaring Woods's appeals frivolous or vexatious, if such a standard could even Constitutionally be applied, given the following:**

1. The jurisdictional issue of whether the bankruptcy judge can apply Federal equity powers where a plain, adequate and complete remedy at law exists?
2. The jurisdictional issue of whether the bankruptcy judge can exercise her Federal equity powers over a province of state law, where a state law provides a plain, adequate and complete remedy?
3. Where issues as to the lower court's jurisdiction had been raised, could the judge foreclose on Woods's right to appeal for the benefit of the court, where the only question with a *forma pauperis* is the use of court resources going forward?
4. Where the question of the lower court's jurisdiction was a central issue in the appeal, is it not a removal of Woods's due process rights to deny her an opportunity to appeal and be fully heard, as guaranteed in such a situation?
5. Given that a review of the evidence is necessary to demonstrate the lower court's abdication of its obligation to review the veracity of a trustee's report can only be shown through the evidence?
6. Where the lower court judge's avoidance of reviewing the relevant state statutory requirements in an area that is the province of state law is only reviewable by reviewing the evidence in the record, especially where Woods brought the correct statutory interpretation to the attention of the lower court judge.

D. Did the Court err in not reviewing the evidence of Woods's limitations, given her disability in any deficiency in the record, where she brought her limitations on disability to the attention of the Court?

E. Did the Court err in, even if the frivolous or vexatious standard had been applicable, not reviewing *de novo* the violations of Massachusetts law in relationship to areas of state province: real property law (mortgaging, transfer of mortgage and note and foreclosure by sale requirements) and possession of property?

F. Did the judge err in not scheduling an evidentiary hearing as the only means of reviewing *de novo* the evidentiary based determinations by the lower court judge, where no discretion is to be given to a review of documentary evidence?

**Public Interest Questions Raised by These Cases**

G. Given an unprecedented number of federal and state government lawsuits against the mortgage servicers, lenders, and foreclosing entities, with unprecedented size settlements, and vast evidence of illegal systemic practices, and given that the very wealthy banks pauper their victims in predatory loans and foreclosures, is it not especially in the public's interest that a financial bar not be used to stop the prosecution of what the jurisprudential record shows are unusually likely to have been illegal actions by the huge predatory lending and foreclosure industry?

H. Given that Massachusetts foreclosure laws allow for (what a minority of states still allow for) non-judicial foreclosure, where even the steps that are reviewed by the courts as not reviewed as to the legal regulatory and jurisprudential requirements for legal, not-void foreclosures, is it not especially in the public's interest that the claimed violations of those laws of the land be reviewed for due process and equal protection violations as well?

I. Given that those purportedly foreclosed are likely to be impoverished and likely to be made homeless and to have their health harmed, is it not in the public interest to make sure the Bankruptcy Trustees and Courts are required to respect the laws of the state in this area, and the foreclosure related laws in the state (given that real property and possession laws are provinces of state law), the federal jurisdictional limits given the likelihood of the number of those facing foreclosure or post foreclosure eviction are likely to have to file a bankruptcy?



### **Additional Parties to the Proceedings**

No. 20-1991: Wells Fargo Bank, National Association\*

No. 20-1992: Martin Amaya Barazza (fraudulent claim)

No. 20-1993: Goldman Sachs Mortgage Company\*\*; Andrea O'Connor;  
Mickey Long and Cora Long

### **Related Cases**

- *Woods v. Alina's et al.*, No. 20-1991, U. S. Court of Appeals for the First Circuit. Judgment entered April 27, 2021.
- *Woods v. Alina's et al.*, No. 3:20-cv-30026, U. S. District Court for the Western District of Massachusetts. Judgment entered October 22, 2020.
- *Woods v. Alina's et al.*, AP No. 18-03019, U. S. Bankruptcy Court for the District of Massachusetts. Judgment entered February 4, 2020.
- *Woods v. Collins*, No. 20-1992, U. S. Court of Appeals for the First Circuit. Judgment entered April 27, 2021.
- *Woods v. Collins*, No. 3:20-cv-30047, U. S. District Court for the Western District of Massachusetts. Judgment entered October 22, 2020.
- *Collins v. Woods*, AP No. 19-03012, U. S. Bankruptcy Court for the District of Massachusetts. Judgment entered February 28, 2020.
- *Woods v. Collins*, No. 20-1993, U. S. Court of Appeals for the First Circuit. Judgment entered April 27, 2021.
- *Woods v. Collins*, No. 3:20-cv-30060, U. S. District Court for the Western District of Massachusetts. Judgment entered October 22, 2020.
- *In re: R. Susan Woods*, No. 18-30549, U. S. Bankruptcy Court for the District of Massachusetts. Judgment entered April 8, 2020.

\*,\*\* The banking entities are listed for liability purposes.

**Associated Cases as of 10/15/21**

**(All Cases are in Massachusetts)**

**-Open Cases in Bold-**

*-Cases pending re-opening in italics-*

<b><u>Opening Date</u></b>		<b><u>Date of Judgment</u></b>
1. 9/05/17	W. Housing Ct., No. 17H79SP003929 (Alina's v. Woods)	6/7/18
2. 2/12/18	W. Housing Ct., No. 18H79SP000663 (Goldman v. Woods)	withdrawn
3. 3/12/18	Mass. Land Ct., No. 18MISC000146 (Goldman v. Woods)	4/23/21
4. 4/10/18	Mass. Appeals Ct., No. 2018-J-0158 (Woods v. Alina's)	5/1/18
<b>5. 7/10/18</b>	<b>Bankr. Ct., No. 18-30549 (C.7, sought stay)</b>	<b>ongoing</b>
6. 7/12/18	Bankr. Ct., A.P. No. 18-03019, (Woods v. Alina's, illegal eviction)	4/24/20
7. 9/21/18	Mass. Supreme Judicial Ct., No. SJ-2018-0427 (appeal of bond)	7/22/20
8. 2/15/19	<i>US District Ct., No. 1:19-cv-10321-DJC (appeal order to sell)</i>	6/7/19
9. 2/19/19	<i>US District Ct., No. 3:19-cv-30023-DJC (appeal contempt)</i>	6/7/19
<b>10. 2/27/19</b>	<b>Mass. Superior Ct., No. 1980CV00040 (remand pending)</b>	<b>transferred</b>
11. 2/28/19	<i>US District Ct., No. 3:19-cv-30028-DJC (appeal order vacate)</i>	6/7/19
12. 2/28/19	<i>US District Ct., No. 3:19-cv-30030-DJC (appeal 2nd contempt)</i>	6/7/19
<b>13. 3/04/19</b>	<b>US District Ct., No. 3:19-cv-30029-MGM (re-opening pending)</b>	<b>transferred</b>
14. 3/08/19	Bankr. Ct., A.P. No. 19-03010, Woods v. Collins (illegal eviction)	6/6/19
15. 3/20/19	Bankr. Ct., A.P. No. 19-03012, Collins v. Woods (denial discharge)	2/28/20
<b>16. 6/20/19</b>	<b>US District Ct., No. 1:19-cv-11379-DJC (appl. dismissal A.P. 03010)</b>	<b>7/4/20</b>
17. 7/12/19	<i>First Circuit, No. 19-1698 (from 1:19-cv-10321)</i>	2/11/20
18. 7/12/19	<i>First Circuit, No. 19-1702 (from 3:19-cv-30023)</i>	2/10/20
19. 7/12/19	<i>First Circuit, No. 19-1703 (from 3:19-cv-30028)</i>	2/10/20
20. 7/12/19	<i>First Circuit No. 19-1704 (from 3:19-cv-30030)</i>	2/10/20
<b>21. 8/15/19</b>	<b>Mass. Supreme Judicial Ct., No. SJC-12794 (recon. pending)</b>	<b>7/16/20</b>
22. 8/27/19	BAP, No. 19-038 (Woods v. Alina's, Protective Order)	9/23/19
23. 11/04/19	BAP, No. 19-052 (Woods v. Alina's, Claim #2)	11/12/19
24. 2/18/20	US District Ct., No. 3:20-cv-30026-LTS (from A.P. No. 18-03019)	10/22/20
25. 3/13/20	US District Ct., No. 3:20-cv-30047-LTS (from A.P. No. 19-03012)	10/22/20
26. 4/22/20	US District Ct., No. 3:20-cv-30060-LTS (appl. denial m. void sale)	10/22/20
<b>27. 11/04/20</b>	<b>First Circuit, No. 20-1991 (from 3:20-cv-30026)</b>	<b>4/27/21</b>
<b>28. 11/04/20</b>	<b>First Circuit, No. 20-1992 (from 3:20-cv-30047)</b>	<b>4/27/21</b>
<b>29. 11/04/20</b>	<b>First Circuit, No. 20-1993 (from 3:20-cv-30060)</b>	<b>4/27/21</b>
30. 3/10/21	BAP, No. 21-006 (abandon claims, dismissed by Woods)	withdrawn
31. 4/23/21	BAP, No. MS 21-014 (transferred by Collins to US District Ct.)	transferred
<b>32. 6/22/21</b>	<b>Mass. Appeals Ct., No. 2021-P-0561 (appeal dismissal)</b>	<b>9/7/21</b>
33. 6/23/21	Mass. Appeals Ct., No. 2021-J-0287 (L.C. denial of costs vacated)	6/30/21
<b>34. 5/07/21</b>	<b>US District Ct., No. 1:21-cv-10754 (appl. vex., denial Notes)</b>	<b>ongoing</b>

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*Attorney General v. Dime Savings Bank*, 413 Mass. 284 (1992)

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*Commonwealth v. King*, 374 Mass. 5, 20 (1977)

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**Opinions Below**

None found.

**In re Woods (vs. Alina's) - United States Court of Appeals, First Circuit. April 27, 2021 Not Reported in Fed. Rptr. 2021 WL 1799849.**

**In re Woods (vs. Joseph Collins) -United States Court of Appeals, First Circuit. April 27, 2021 Not Reported in Fed. Rptr. 2021 WL 1806568.**

**Jurisdiction**

The date judgments sought to be reviewed were entered in each case is **4/27/21**.

The date of order respecting requests for rehearing in each is **7/19/21**.

Woods seeks review of denial of her *in forma pauperis* motions, which had the predictable effect of terminating her appeals. This Court has jurisdiction for appellate review under Article III, Section 1 of the U.S. Constitution. Woods' petition is timely, wherein she timely filed for full panel rehearings in each matter, each having been denied on 7/19/21.

Woods hereby notifies the Court that there may be further related and/or associated cases coming before this Court, for which she may seek deferred consideration.

**Rule 12.4 Statement**

There are three cases concurrently filed before this Court in which R. Susan Woods, Petitioner, appealed dismissals from the U.S. District Court to the U.S. Court of Appeals for the First Circuit, which affirmed the dismissals. The

judgments in each involve nearly identical or closely related questions. Thus, a single petition seeks review of three judgments.

#### **Note on Number of Related and Associated Cases**

One might assume from a cursory review of the number of cases listed, and from the Trustee's and other opponents of Woods complaints about her vexatiousness and frivolousness, or lacking in good faith, that such characterizations are accurate. Rather, those characterizations may be an elaborate deception by design.

The Honorable Justices and Clerks are asked to consider the following:

- Woods occupies defensive postures throughout these proceedings.
- Woods is *pro se*, with no legal training, and as such the demands of having to constantly respond to her opponents' assaults in the various courts, for which each generally has specific rules and procedures that must be adhered to, is enormously stressful and not of Woods' choosing.
- Woods suffers from several serious and complicating health diagnoses, which further compromises her ability to respond timely and fully to the demands configured by her opponents in the various tribunals.
- Woods has not ever intended to nor willfully engaged in actions to harass, delay, or frustrate judicial economy and/or the swift administration of justice, of which she may otherwise be a victim of her opponents' intentions thereto. Rather, she prays for swift, just resolution to these and associated matters.

**Constitutional and Statutory Provisions Involved,**  
**Including Regulations**

Bankruptcy Act of 1898

Declaration of Colonial Rights, First Continental Congress

Magna Carta, Establishment of Principles of Common Law

Massachusetts Constitution, Article I

Massachusetts Constitution, Article II

Massachusetts Constitution, Article X, Right to Protection of Property

Massachusetts Constitution, Article XI, Injuries to Property

Massachusetts Constitution, Article CXIV

Massachusetts Declaration of Rights, Article XI

United States Constitution, Article I

United States Constitution, Amendment V

United States Constitution, Amendment VI

United States Constitution, Amendment XIV

United States Declaration of Independence

"An Act preventing unlawful and unnecessary foreclosures," St. 2012

"An Act clearing titles to foreclosed properties" St. 2015, c. 141

Americans with Disabilities Act, Title II

Article 11 of the Massachusetts Declaration of Rights

11 U.S.C. § 101(14), Fiduciary to Certify Disinterestedness

11 U.S.C. § 305

11 U.S.C. §324, Removal of Trustee or Examiner

11 U.S.C. § 327, Professionals Employed by Trustee, Disinterestedness

11 U.S.C. § 328(c)

11 U.S.C. § 362(d)(1), Automatic Stay

11. U.S.C. §363(b), (f), (k), (n), (p)

11 U.S.C. § 522(k)  
11 U.S.C. §523(a)(6), Exceptions to Discharge  
11 U.S.C. § 541  
11 U.S.C. § 541(a)(3)  
11 U.S.C. § 541(a)(5)  
11 U.S.C. § 541(a)(6)  
11 U.S.C. §704 (a) (2), (a)(3), and (a)(5)  
11 U.S.C. §727 (a) (6) (A), Discharge  
18 U.S.C. §154 Adverse Interest & Conduct  
18 U.S.C. §241, Conspiracy Against Rights  
18 U.S.C. § 242, Deprivation of Rights Under Color of Law  
18 U.S.C. § 371: Conspiracy Against Rights  
18 U.S.C. § 1001: False Statements  
18 U.S.C. § 1341: Mail Fraud  
18 U.S.C. § 1343: Wire Fraud  
28 U.S.C. § 158(c)(1), Appeals  
28 U.S.C. § 332(d)(1), Judicial Councils of Circuits, Necessary & Appropriate Orders  
28 U.S.C. § 586  
28 U.S.C. § 1334(c)(1)  
28 U.S.C. § 1334(e)(2)  
Fed. R. Bankr. P. 2014  
Fed. R. Bankr. P. 6004(d)  
Fed. R. Bankr. P. 9006(b)(1)  
Federal Rule of Appellate Procedure 24(a)(3)  
Rule 24(a)(4)(B)  
Fed. R. App. P. 24(a)(5)

Fed. R. Civ. P. 12(b)(1)

F.R.C.P. Rule 60 (b)(4)

F.R.C.P. Rule 60(d)(1)

F.R.C.P. Rule 60(d)(3)

H.R. Rep. No. 95-595, at 126 (1977)

LR 83.6(5)(A), Rule 205, Disciplinary Referrals By Bankruptcy Judges

18 U.S.C. §§ 152, 157, and 3571 (fraudulent claims- Alina's, Collins)

28 U.S.C. §1915

28 U.S.C. § 1915(a)(3)

MBLR 2014-1

Mass. 209 CMR 18.21A

Mass. 940 CMR 7.08: Validation of Debts

Mass. Chapter 513 of the Acts of 1983

Massachusetts Equal Rights Act (MERA)

93A, M.G.L. c. 12 Unjust Enrichment

Massachusetts General Laws, Chapter 93, § 103 (a)

Massachusetts General Laws, Chapter 106 §§ 3 & 9

Massachusetts General Laws, Chapter 183.5(B)

Massachusetts General Laws, Chapter 183, §21

Massachusetts General Laws, Chapter 184, §18,  
amended by St. 1973, c. 778, § 1

Massachusetts General Laws, Chapter 186A

Massachusetts General Laws, Chapter 186 §14

Massachusetts General Laws, Chapter 235 §34

Massachusetts General Laws, Chapter 239, Sections 1 & 3

Massachusetts General Laws, Chapter 239, Sections 4

Massachusetts General Laws, Chapter 239, Sections 9 &10

Massachusetts General Laws, Chapter 244, Section 14  
Massachusetts General Laws, Chapter 244, Section 15  
Massachusetts General Laws, Chapter 244, § 35B  
Massachusetts General Laws, Chapter 244, § 35C  
Massachusetts General Laws, Chapter 260, § 120  
Massachusetts General Laws, Chapter 266. § 30: Larceny by False Pretenses  
Massachusetts General Laws, Chapter 261 §§27A-G  
Mass. R. Civ. P. 12(h) (3)  
Mass. R. Civ. P. Rule 60(b)(4)  
Mass. Rules of Conduct Rule 3.1: Meritorious Claims and Contentions  
Mass. Rules of Conduct Rule 3.3: Candor Toward the Tribunal  
Mass. Rules of Conduct Rule 3.4: Fairness to Opposing Party and Counsel  
Mass. Rules of Conduct Rule 3.5: Impartiality and Decorum of the Tribunal  
Mass. Rules of Conduct Rule 4.1: Truthfulness in Statements to Others  
Mass. Rules of Conduct Rule 4.4: Respect the Rights of Third Persons  
PTFA, the federal Act Protecting Tenants in Foreclosure  
Racketeer Influenced and Corrupt Organizations Act (RICO)  
Restatement (Second) of Contracts § 208 (1981)  
Restatement (Third) of Trusts §100 (2012)  
Restatement (Third) of Trusts: Prudent Investor Rule § 208 (1992)  
Restatement (Second) of Trusts § 208 (1959)  
Rules of Judicial Misconduct Rule 3 (h)(3)(B)  
Unif. Commercial Code, § 2-302. Unconscionable Contract or Clause  
U.S. District Court L.R. 203.8013(c)

### **Statement of the Case**

The instant three cases and each of the 31 current related and associated cases, as well as the 3 cases from 2012 referenced in the district court's orders, arise from predatory lending which resulted in wrongful foreclosure or attempts thereto.

All (3) cases arise from matters appealed from the Bankruptcy Court, (i) an appeal from an adversary proceeding in which Woods seeks claims against Alina's R.E., LLC et al for admittedly illegal eviction in defiance of the automatic stay; (ii) an appeal of denial of discharge against Woods; and (iii) an appeal of the denial of the Woods' motion to void sale of her 70 Russell Street property due to numerous violations of law thereto. Matters of voidness were raised but ignored in the second and third evictions.

Woods sought and was refused evidentiary hearings thus far in the state Housing Court, the state Land Court, the Bankruptcy Court, the state Superior Court, and the U.S. District Court. The Land Court matter and the Bankruptcy Court matter are currently under appeal. The Superior Court matter is subject to remand for which motions for re-opening, remand, and sanctions have been filed, although they have not been acted upon; intentional delay may be indicated.

The Housing Court matter has been appealed to the state Supreme Judicial Court, wherein reinstatement of Appeals Court cases dismissed due inability to pay onerous appeal bond orders and inapplicable use and occupancy fees are sought.

The SJC case awaits Woods' motion for reconsideration. Woods is joined by 24 co-plaintiffs in the SJC matter.

Related previous matters before the First Circuit in 2019 were not decided on the merits due to Woods' serious illness.

A related matter before the First Circuit in 2012 and 2013 can not and does not apply to the instant matters because the named banking entity is different, thus *res judicata* is inapplicable. The 2012 matter was also decided prior to recent case law which renders the decision in *Woods v. Wells Fargo* no longer applicable. Further, *res judicata* does not apply, as far as Woods can discern, to defendants. Woods occupies defensive postures in each of the related and associated cases since the 2012/13 First Circuit matter was heard and decided.

Each matter hereto was appealed by Woods and heard in the US District Court by a single justice, who dismissed all three appeals summarily for "chronic failure to comply with the scheduling deadlines governing litigation she has elected to pursue"<sup>1</sup> in the first matter and "lack of good faith"<sup>2</sup> in the second and third matters, affirming the decisions and orders of the Bankruptcy Court.

Woods timely appealed further to the First Circuit, which affirmed the district court's determination that good faith was lacking, additionally denying the

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<sup>1</sup> This is in light of Woods' well documented serious, multiple health diagnoses, and in light of limited access to courthouses due to the Covid-19 Pandemic restrictions.

<sup>2</sup> This is in light of Woods' defensive posture in each and all associated matters.

IFP motions stating "Appellant has failed to identify any non-frivolous argument on appeal".

The trustee appellee's motion to dismiss in the latter two matters was allowed. "After careful review of the parties' filings and the record" the motion to dismiss was granted because the court concluded that the appeal did not present a "substantial question" and that for substantially the reasons set out by the district court, affirmance was in order. The judgment of the district court was summarily affirmed and any remaining pending motions were denied as moot. These rulings are in contradiction to *stare decisis* of this Honorable Court. The rulings contradict law and statute as well.

Woods now seeks review of denial of her IFP motions, which had the predictable effect of terminating her appeals and rendering her remaining motions moot, for which Woods also seeks redress. Without allowance to proceed *in forma pauperis* Woods could not continue to prosecute her defenses of her properties. Woods, a disabled, seriously ill woman made homeless by the courts three times over was denied access to the First Circuit Court of Appeals, and thus was denied access to justice due to poverty.

Woods has effectively been sidetracked from defending her properties to defending her right to appeal. Meanwhile her health continues to deteriorate, especially in light of being made homeless. This is a predictable outcome of the illegal evictions.

It should be noted that jurisprudence after 1971 clarified two elements that appear to have been lost in modern practice: (1) that the burden of showing that the defenses are frivolous rests on the Plaintiff, not the Defendant, so that an extra burden is not put on the person who has been deemed indigent.

“The Supreme Court in *Draper*, supra, 372 U.S. at 499, 83 S.Ct. at 781, emphasized that its decision which invalidated rules of the State of Washington governing the provision of transcripts to indigent defendants does not prevent a State from applying “nondiscriminatory rules to both indigents and nonindigents in order to guard against frivolous appeals.” *Pires* at 829, 836.

And (2) that in all such appeal costs waiver jurisprudence, the non-frivolousness of appeals must be determined evenhandedly. Either all appeals are tested for their non-frivolousness or if they are only tested for their non-frivolousness in cases where an appeal costs waiver is sought it would then be a discriminatory practice.

“The Court in *Rodriquez* also criticized the Ninth Circuit rule for requiring the court to screen out purportedly unmeritorious appeals contrary to the ruling of *Coppedge v. United States*, 369 U.S. 438, 82 S.Ct. 917, 8 L.Ed.2d 21 (1962); *Id.* *Coppedge* did not prohibit the screening of appeals, but it did establish that the government, when opposing an attempted criminal appeal *in forma pauperis*, bears the burden of proving that the appeal is lacking in merit. *Id.* at 448, 82 S.Ct. 917. **This rule prevents indigents from having “an additional hurdle to clear just because their rights were violated at some earlier stage in the proceedings.” *Rodriquez v. United States*, supra, 395 U.S. at 330, 89 S.Ct. at 1717.**

Case No. 20-1992 is a case of the Bankruptcy Court approving denial of discharge relying on verbal and written misrepresentation of fact and law, omissions of required documents that would demonstrate illegalities by the Chapter 7 Trustee, Joseph B. Collins (“Collins”), and denial of Ms. Woods’ (“Woods”) legal rights.

Collins reversed course after qualifying the matter as a “no asset case” to one where he used his own funds to purchase title to Woods’ second property, 70 Russell Street, Hadley (“70 Russell”), purportedly taking it into the bankruptcy estate (“Estate”) via a release deed a full two months after the case commenced. Collins then emptied 70 Russell by threatening Woods’ tenants who wished to remain residing in it, misrepresenting the explicit Massachusetts’ statutory eviction requirements to the Court, followed by constructively evicting Woods from it, and liquidated it by a non-longer authorized Trustee sale. This used Bankruptcy equitable powers to clean a title that Goldman Sachs Mortgage Company (“Goldman”) had been sufficiently convinced was clouded by its own practices that it had commenced a quiet title case against Woods; for \$10, Goldman sold its purported post foreclosure title to a property worth approximately \$243,000.

For the estate to sell 70 Russell, Collins needed to increase the creditor claims against the estate enough to require the 70 Russell equity to satisfy them. Woods had filed this bankruptcy to stop an imminent eviction; she had little debt.

A *denial of discharge* prevents Woods from continuing to prosecute against a.) Collins, b.) the purported third party buyers of 70 Russell, Attorney Mickey and Cora Long (“the Longs”), c.) Goldman’s wrongful foreclosure of 70 Russell, d.) the purported third party buyers of 43 West, Alina’s Real Estate, LLC, relative to their bogus claim, e.) A purported Wells Fargo, N. A. REMIC Trust<sup>3</sup> (“Wells Fargo”), for wrongful foreclosure of 43 West, and f.) Korde & Associates, P.C., who conducted both wrongful foreclosures.

Woods’ actions in occupying her own second property and relying on any eviction having to comply with state law was under color of law. Woods further had every right to rely on the limitations the lower Court put on its own orders. However, the lower Court granted Collins contempt orders for Woods’ actions under color of law and that provided a basis for denial of discharge.

Due to Woods having so little debt, the trustee fabricated and inflated claims to justify his liquidation of the property, in which Amaya is an interested party to conspiring with the Trustee, Joseph B. Collins, in seeking unjust enrichment by making a false claim, that of Claim #2, in the amount of \$15,638.53, which was subsequently compromised to \$10,083.04.

Woods has had to defend her properties in the Massachusetts Western Housing Court (“WHC”), Land Court, Appeals Court, Supreme Judicial Court

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<sup>3</sup> Wells Fargo Bank, National Association, as Trustee for Securitized Asset Backed Receivables LLC Trust 2005-FR2 Mortgage Pass-Through Certificates, Series 2005-FR2.

(“SJC”), the Bankruptcy Court, the B.A.P., the U.S. District Court, and the First Circuit. This is her first certiorari petition.

The Court has held that no “reasonable person” would consider Woods’ arguments, however, Woods is unclear how the court reached that conclusion.

On January 7, 2011, the Mass. SJC, in the Ibanez decision (which impacted courts across the United States), established that a purported mortgagee in order to foreclose had to have a fully executed assignment prior to the foreclosure sale and that it be recorded for best practice.

A supermajority of the Mass legislature and the Mass. Governor took it a step farther and concurred. They codified that a complete chain of assignments needed to be recorded and that those recorded assignments needed to be on notice to the world, therefore included in any advertising.

Given that this was only passed into law in 2012 as an amendment to MGL Chapter 244 section 14, not surprisingly there is not a top court decision upon it. Still, the authority of the Mass. legislature and the Mass. Governor, and their intent (which represents more than 100 people in agreement with Woods) agreed the critical legal nature of the requirement to have those assignments, and to publish all assignments. This hardly leaves Woods without reasonable persons in agreement with her.

Voidness underlies and permeates all three cases, most especially no. 20-1993. The legal meaning of voidness likewise stands in a long tradition and a

court cannot affirm a void act. That has been true for well over 100 years of settled jurisprudence.<sup>4</sup> Therefore, the timelines of challenging a matter that was without subject matter jurisdiction and therefore is void is also well settled law and therefore represents widespread reasonableness. Again, many reasonable minds have agreed with Woods over many decades.

The date of execution for conveyance of title is also a long settled matter by reasonable minds in Mass.

The evidence in this case seems to lead to larger questions. Why are Woods' opponents expending vast resources in their attempts to quash Woods? Why is widespread and growing homelessness an accepted norm in our affluent society? How many preventable deaths due to homelessness and its attendant despair are acceptable? How many deaths due to wrongful foreclosure and the threat of foreclosure due to stress are acceptable? Is Petitioner Woods expendable ?

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<sup>4</sup> See for instance, 1899 treatise, (Kleber, John C, *VOID Judicial and Execution Sales and the Rights, Remedies and Liabilities of Purchasers Thereat with a Brief Discussion of Curative Statutes and Special Statutes Authorizing Involuntary Sales*, Library of the University of Michigan Law School), p. 70:

**“VOID AND VOIDABLE SALES...** There are sales void by reason of the want of authority in the court to make or enter the judgment or decree upon which, or the order of sale under which it's had... are unconditionally void and of no effect for any purpose and not susceptible of being validated at the instance of any one. ...

**Void and Voidable Defined.** In its strict legal signification, a void act is one devoid of legal force or efficacy, and as a necessary result an absolute nullity, not binding on any one and wholly incapable of ratification... A voidable act is not void in the sense of being incapable of giving rise to rights or obligations and not susceptible of confirmation or ratification, expressly or by implications,...

### **Reasons for Granting the Petition**

The staggering number of foreclosures looming for Americans in the near future due to the economic hardships for so many people resulting from the Covid-19 Pandemic has dire implications for families, individuals, and the economy in general. Chaos looms for the lower courts and the populace if the banks are allowed to foreclose with impunity. It is critically important that all foreclosures be scrutinized and minimized as applicable to stem the tide of economic devastation that has and will surely continue to result if left unchecked.

The lower court decisions are erroneous because misapplied and misconstrued quoted case law and statutes cited in Justice Sorokin's memorandums and orders following Trustee Collins' mischaracterizations, misrepresentations, and material omissions are therefore inapplicable, and were made with zero regard for Woods' disabilities. These departures are so far from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power.

In addition to the previously made arguments, Constitutional matters are at stake relative to Woods' protected status as a member of a newly created "suspect class," that of the wrongfully foreclosed. See *Commonwealth v. Washington*, Mass. case law holding that "the Equal Protection clause safeguards not merely against invidious classification, such as race, but also against 'an arbitrary classification of persons for unfavorable government treatment'.

In the *Bank of New York Mellon as Trustee v. Alton King* decision of the Massachusetts SJC the Court explicitly created a new class which under the 14<sup>th</sup> Amendment is properly identified as a “suspect class” because the SJC reversed even its most recent jurisprudence under *Adjartey v. Central Housing Court*; it carved out from constitutional protections, as to indigency, the suspect class of homeowners post the purported foreclosure.

Given the denial of constitutional rights to access to the court among others, the Government (in this case the First Circuit Court of Appeals) will have to show a compelling government interest for excluding such homeowners from their constitutional rights accorded all other litigants in Massachusetts Courts and further that excluding them from their ability to protect their interest in property through the courts based on their inability to pay is the only and most narrow resolution the First Circuit can find. At this point, post-purported foreclosure homeowners such as Woods are now being treated disparately as a suspect class, and as such this Court and all courts appear to be on notice to apply strictest judicial scrutiny to any request for court action that will deny litigants such as Woods the ability to equally exercise her rights to property both as to ownership and as to possession.<sup>5</sup>

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<sup>5</sup> Mass. Constitution Article I, separately identifies both acquiring and possessing property as guaranteed rights. The equal protection of these rights for all Massachusetts residents were affirmed in 1783 in *Commonwealth v. Jennison*.

The Supreme Court is implored to exercise its discretionary jurisdiction and decide the questions involved because the integrity of our judiciary is at stake. These matters not only have dire consequences for Woods; the consequences for these cases will ripple through these United States with implications for millions of Americans. The time to act is upon us.

### **Conclusion**

Woods has repeatedly requested accommodation for her disabilities, many of which have been ignored by the bankruptcy Court<sup>6</sup> and have been apparently entirely overlooked by the District Court<sup>7</sup>. This is an affront to the integrity of our democracy which is intended to guarantee every person equality under the law<sup>8</sup>.

Woods has suffered two unlawful evictions as a disabled person on behalf of Alina's and it's managers Amaya and Branche, along with a third unlawful eviction

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<sup>6</sup> See Appendix K, which includes the time of the trial in which Woods stated in open court that she wasn't well, and the judge failed to halt the proceeding.

<sup>7</sup> See Appendix B referencing Woods' repeated missed deadlines rather than making accommodation for her disabilities.

<sup>8</sup> See *Rutgers v. Waddington*, 1784, New York City Mayors Court; argued by Founding Father Alexander Hamilton, cross referenced from original sources by William M. Treanor, Georgetown University Law Center, see William M. Treanor, The Genius of Hamilton and the Birth of the Modern Theory of the Judiciary, in CAMBRIDGE COMPANION TO THE FEDERALIST (Jack Rakove & Colleen Sheehan eds., Cambridge University Press, 2017).

on behalf of Trustee Collins and his associate Attorney Andrea M. O'Connor.<sup>9</sup>

Woods is entitled to redress because the judge's order dismissing her appeal in the District Court considers matters outside of the scope of the appeal, while making erroneous findings and conclusions of fact and law in contravention of the laws and context to pertaining to the issues on appeal.

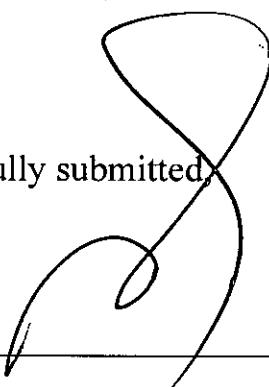
Voidness has been raised pertaining to the mortgage documents, the purported foreclosure, and therefore the Summary Process judgment which gave rise to the evictions conducted within the jurisdiction of the Bankruptcy Court. The Void contract, the Void purported foreclosure, and the therefore Void Execution for possession are *void by operation of law*; it is simply a matter of a court of appropriate jurisdiction affirming the void matters as void. Woods' appeal concerns matters of fact and law which must be thoroughly considered for due process to be fulfilled.

Wherefore, this petition should be ALLOWED to proceed in the public interest, the fair administration of justice, and equal access to government services.

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<sup>9</sup> See Statement by Sarah McKee at Appendix J and entered on the docket on 2/8/21 in case no. 20-1992, which applies equally to case no. 20-1991 given the very similar nexus of facts and issues raised in each.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Susan Woods", is written over a horizontal line. The signature is fluid and cursive, with a small loop at the end.

October 18, 2021

R. Susan Woods, Petitioner, *pro se*  
P.O. Box 160, Hadley, MA 01035-0160  
mobile 413-883-1414  
[rsusanwoods@gmail.com](mailto:rsusanwoods@gmail.com)