

No. 21-6084

IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

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JACQUELYNE JONES --- PETITIONER

VS

NICOLE JOBE --- RESPONDENT

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ON PETITION FOR A WRIT OF CERTIORARI TO

STATE OF KANSAS COURT OF APPEALS

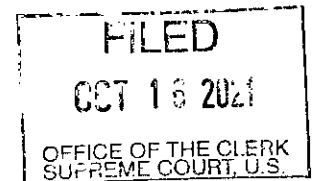
PETITION FOR WRIT OF CERTIORARI

JACQUELYNE JONES

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## **QUESTIONS PRESENTED**

DID THE KANSAS SUPREME COURT IN CONFLICT WITH THE UNITED STATES SUPREME COURT PRESENTED FAILED TO FOLLOW THE LAW AND RULES OF THE JUDICIARY IN CONDONING A PROCEDURE OF ONE OF IT'S STATE COURT IN VIOLATION OF KANSAS CANNON 2.9(A) WHICH PROHIBITED JUDGES FROM INITIATING EX PARTE PROCEEDING IN AN IMPENDING MATTER.

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ 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:

## RELATED CASES

*NONE*

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### OTHER

NONE

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the Kansas Court of Appeals court appears at Appendix A to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 19 July 2021  
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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KANSAS SUPREME COURT RULE 165	4
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## STATEMENT OF THE CASE

THIS CASE ORIGINATED FROM A SMALLS CLAIMS TRIAL WHERE JUDGMENT WAS AWARDED TO RESPONDENT, NICOLE JOBE. PETITIONER APPEALED TO THE DISTRICT COURT. ON OR ABOUT MARCH 31, 2018 PETITIONER WAS PERSONALLY SERVED A NOTICE OF HEARING THAT WAS SCHEDULED TO CONVENE ON APRIL 3, 2018 IN VIOLATION OF KANSAS NOTICE REQUIREMENT. ON APRIL 3, 2018 AN EX-PARTE HEARING WAS HELD TO COMPEL DISCOVERY AND RESPONDENTS MOTION TO COMPEL DISCOVERY WAS GRANTED IN VIOLATION OF PETITIONERS DUE PROCESS RIGHTS. PETITIONER FILED A MOTION OBJECTING TO THE COURTS FINDINGS AND RULINGS OF THE EX-PARTE HEARING WHICH VIOLATED NOTICE REQUIREMENTS SET FORTH IN K.S.A. 60-260(C). A HEARING WAS HELD AND THE DISTRICT COURT DENIED PETITIONER'S MOTION OBJECTING TO THE COURT'S FINDINGS. PETITIONER FILED A MOTION INVOKING THE DISTRICT COURT JUDGE'S DUTY UNDER RULE 165 TO STATE ADEQUATE FINDINGS OF FACTS AND CONCLUSIONS OF LAW. THE MEMORANDUM OF THE COURT OF APPEALS AFFIRMED THE DISTRICT COURT'S DECISION. THE KANSAS SUPREME COURT DENIED PETITIONER'S REQUEST FOR PETITION FOR REVIEW.

## REASONS FOR GRANTING THE PETITION

THE KANSAS APPELLATE COURT'S HOLDINGS ON IT'S STATUE AT K.S.A. 60-206(c) ON THE NOTICE REQUIREMENT FOR A HEARING IS IN VIOLATION WITH THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION DUE PROCESS CLAUSE. RESPONDENT'S LAWYER FILED A MOTION TO COMPEL DISCOVERY ON MARCH 28, 2018. PETITIONER WAS SERVED ON SATURDAY MARCH 31, 2018. THE COURT HEARING WAS ON TUESDAY APRIL 3, 2018. THE MEMORANDUM OPINION OF THE KANSAS COURT OF APPEALS (APPENDIX A PAGE 2) STATED: "SHORTLY BEFORE THE SCHEDULED TRIAL, JOBE'S LAWYER FILED A MOTION TO COMPEL AND SCHEDULED A HEARING IN LESS THAN SEVEN DAYS, WHICH APPEARS TO BE QUICKER THAN THE NOTICE TIME REQUIRED UNDER K.S.A. 2019 SUPP. 60-206(c)". THE "DISTRICT COURT ORDERED THE DISCOVERY". HERE THE DISTRICT COURT COMMITTED A PROCEDURAL DUE PROCESS VIOLATION BY PRESIDING OVER THE APRIL 3, 2018 HEARING AND MAKING AN EX PARTE RULING. PETITIONER PUT ON RECORD IN VARIOUS MOTIONS OBJECTING TO THE APRIL 3, 2018 HEARING. THE DISTRICT COURT FAILED TO GIVE ADEQUATE FINDINGS OF FACTS AND CONCLUSION OF LAW IT BASED IT'S APRIL 3, 2018 HEARING ON IN LESS THAN SEVEN DAYS OF SERVICE ON PETITIONER.

KANSAS CODE OF JUDICIAL CONDUCT RULE 2.9(A) AND THE ABA MODEL CODE OF JUDICIAL CONDUCT, RULE 2.9(A) STATES A JUDGE SHALL NOT INITIATE, PERMIT OR CONSIDER EX PARTE COMMUNICATION, OR CONSIDER OTHER COMMUNICATIONS MADE TO THE JUDGE OUTSIDE THE PRESENCE OF THE PARTIES” THE ETHICS CODE GOVERNING FEDERAL JUDGES TAKES THE SAME BASIC APPROACH, SEE CODE OF CONDUCT FOR UNITED STATES JUDGES, CANON 3A(4)(2009). NEITHER JUDGES OR LAWYERS MAY ENGAGE IN EX PARTE COMMUNICATIONS EXCEPT UNDER THE NARROW CIRCUMSTANCES APPROVED BY THE RULE SCHEDULING ISSUES, ETC. IF THE JUDGE INITIATES SUCH COMMUNICATION, THE LAWYER MUST RESPECTFULLY TERMINATE IT. SEE.eg., ILLINOIS LEO 94-7 (9/1994); MICHIGAN LEO RI-195 (3/7/94). IN PETITIONER'S CASE IT WAS THE RESPONDENT'S LAWYER WHO FILED THE MOTION, SET THE HEARING IN LESS THAN THE SEVEN DAYS REQUIRED BY K.S.A. 60-206(c) AND THE DISTRICT COURT HEARD THE MOTION AND GRANTED RESPONDENT'S MOTION IN VIOLATION OF PETITIONER'S FIFTH AMENDMENT DUE PROCESS RIGHTS. THE KANSAS COURT OF APPEALS IN IT'S MEMORANDUM OPINION AND THE KANSAS SUPREME COURT ARE IN CONFLICT WITH OTHER COURTS BY PROTECTING AN EX PARTE COURT PROCEEDING THAT VIOLATES IT'S CITIZENS DUE PROCESS RIGHTS. IF THIS PETITION IS NOT GRANTED THE COURTS IN KANSAS WILL CONTINUE TO HAVE A BLIND EYE WHEN THEY SEE THE ABUSE OF EX PARTE HEARINGS.

## CONCLUSION

THEREFORE THE PETITIONER ASK THIS COURT FOR FOREGOING REASONS TO REVERSE, REMAND AND VOID THE JUDGMENTS AND ORDERS OF THE KANSAS COURTS.

Respectfully submitted,



Date: 16 Oct 2021