

21-7761

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

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
FEB 02 2022  
OFFICE OF THE CLERK  
SUPREME COURT U.S.

ORIGINAL

"In Re SHANNON RILEY"

(Your Name)

ON PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS  
IN THE SUPREME COURT OF THE STATE OF KANSAS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SHANNON RILEY

(Your Name)

1368 SMITHS LAWN

(Address)

AIKEN, SC 29801

(City, State, Zip Code)

(815) 814-5179

(Phone Number)

**QUESTION(S) PRESENTED**

1. CAN A KANSAS STATE COURT REVERSE A KANSAS APPELLATE COURT ON A COUNTERCLAIM?
2. DOES THE REQUIREMENT OF A SUPERSEDEAS BOND ON A DEFENDANT FACING PUNITIVE DAMAGES HAVE A DUE PROCESS RIGHT TO APPEAL?
3. IS THE FILING TO EXECUTE A KANSAS FOREIGN JUDGMENT IN SOUTH CAROLINA FOR THE SECOND TIME RES JUDICATA?

## 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:

The Honorable Paul C Gurney  
District Court Judge  
Johnson County District Court  
150 W Santa Fe St  
Olathe, KS 66061

Rhonda K. Levinson, Esq.  
Perry & Trent LLC  
132 Oak St  
Bonner Springs, KS 66012

Dionne Carroll, Esq.  
Carroll Law Firm, P.S.  
107 Pendleton St N.W.  
Aiken, SC 29801

## RELATED CASES

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CARRIE KATHLEEN MEEHAN, PLAINTIFF v SHANNON RILEY, DEFENDANT  
Case No. 18CV00490  
Division No. 11

IN THE COURT OF APPEALS OF THE STATE OF KANSAS  
CARRIE KATHLEEN MEEHAN, APPELLEE v SHANNON RILEY, APPELLANT  
Case No. 122,380 "A"

CARRIE KATHLEEN MEEHAN, PLAINTIFF v SHANNON RILEY, DEFENDANT  
State of South Carolina, County of Aiken In the Court  
of Common Pleas, Case No. 2019CP0200950

IN THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA  
SHANNON RILEY, PETITIONER, CARRIE KATHLEEN MEEHAN,  
RESPONDENT, Appellate Case No. 2019-01987.

SUPREME COURT OF THE UNITED STATES  
592 U.S. Case No. 20-6501  
SHANNON RILEY, PETITIONER v CARRIE KATHLEEN MEEHAN, RESPONDENT

SUPREME COURT OF THE UNITED STATES  
"IN RE" SHANNON RILEY  
595 U.S. CASE NO. 21-5512

IN THE SUPREME COURT STATE OF KANSAS  
SHANNON RILEY, PETITIONER v CARRIE KATHLEEN MEEHAN RESPONDENT  
CASE NO. 124722

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4-10
REASONS FOR GRANTING THE WRIT .....	11-15
CONCLUSION.....	15

## INDEX TO APPENDICES

<b>APPENDIX A</b>	SUPREME COURT STATE OF KANSAS Shannon Riley Petitioner v Carrie Kathleen Meehan Respondent Case No. 1247220 Order Petition for Writ of Mandamus, Motion to Stay Denied filed 1/25/22
<b>APPENDIX B</b>	District Court of Johnson County Kansas Carrie Kathleen Meehan v Shannon Riley Case No. 18CV490 Kan R. Rel Dist Ct. 170 Order
<b>APPENDIX C</b>	State of Kansas Court of Appeals Meehan v Riley, Case No. 122380 Memorandum Opinion filed 9/25/20
<b>APPENDIX D</b>	District Court of Johnson County Kansas Meehan v Riley Case No. 18CV490 Journal Entry Granting Default Judgment filed 12/3/18
<b>APPENDIX E</b>	Johnson County District Court Meehan v Riley Case No. 18CV490 Nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent with the Order of the Court filed 1/15/19
<b>APPENDIX F</b>	STATE OF KANSAS COURT OF APPEALS .. v. .... MANDATE Dist Ct No. 18CV490

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Edwards 383, S.C. 97, 678 S.E. 2d, 420 .....	14
Blalock v Johnson 180 S.C. 40, 50, 185 S.E. 51, 55 (1936) .....	14
Willimon v City of Greenville 243, S.C. 82, 6-87, 132 S.E. 2d 169, 170-71 (1963)	13
Evitt v Lucey 469 U.S. 387, 393-94 (1985) .....	9
Smith v Robbins 528 U.S. 259, 270 (2000) .....	9
Honda v Oberg 512, U.S. 415, 432 (1994) .....	9
Cheney et al v U.S. Dist Ct for the D.C. Circuit Case No. 03-475 U.S. Supreme Court .....	15
Will 389, U.S. U.S. Supreme Court .....	15
Bankers Life 346 U.S. .....	15
Carrie Kathleen Meehan, Plaintiff v Shannon Riley, Defendant Case No; 18CV490 Johnson County District Court, Kansas .....	4
Shannon Riley, Appellant v Carrie Kathleen Meehan, Appellee Case No. 122380 State of Kansas Court of Appeals .....	4

TABLE OF AUTHORITIES (CON'T)

cases	page
Shannon Riley, Petitioner v Carrie Kathleen Meehan, Respondent Case No. 124722 Kansas Supreme Court	5
Shannon Riley, Petitioner v Carrie Kathleen Meehan, Respondent Case No. 2020-000228 South Carolina Supreme Court.....	10
Shannon Riley, Petitioner v Carrie Kathleen Meehan, Respondent Case No. 20-6501 U.S. Supreme Court .....	10 (footnote 1)
Carrie Kathleen Meehan, Plaintiff v Shannon Riley, Defendant Case No. 2019CP0200950 State of South Carolina Aiken Courthouse Common Pleas.....	7 (footnote 1)
<b>STATUTES AND RULES</b>	
28 U.S.C. 1651(a) .....	4
K.S. Chapter 260(B) (3) fraud .....	8
South Carolina Section 15-35-920 .....	
Kan R Rel Dist Ct 170.....	6/7/8/9
Supreme Court Rule 20.....	4
<b>OTHER</b>	
U.S. Constitution XIV Amendment due process .....	11
Doctrine of Res Judicata .....	10
Supercedens Bond.....	4
Kansas Appellate Court Mandate.....	7

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of Mandamus 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.

[x] For cases from state courts:

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

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[x] is unpublished.

Supreme Court State of Kansas

The opinion of the \_\_\_\_\_ court appears at Appendix A to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[x] 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 1/26/22.  
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: 1/26/22, and a copy of the order denying rehearing appears at Appendix A.

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. 1651(a)

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

1. XIV Amendment U.S. Constitution due process
2. K.S.A. 260(b)(3) fraud
3. Kan. PR! Rel. Dist. Ct. 170
4. South Carolina Section 15-35-920

## STATEMENT OF THE CASE

This case is filed under Supreme Court Rule 20, whereby Petitioner seeks the extraordinary Writ of Mandamus, 28 U.S.C. 1651(a). To justify the granting of the writ, Petitioner must show that the writ will be in aid to the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief can not be obtained in any other form or from any other court.

### WRIT IN AID OF COURT'S APPELLATE JURISDICTION

This Petition for the extraordinary Writ of Mandamus will aid the Courts appellate jurisdiction on the issue of the Kansas Supreme Court denying a Petition for a Writ of Mandamus and Request to Stay as moot, case closed, in a fraud on the District Court, by the District Court itself.

### EXCEPTIONAL CIRCUMSTANCES WARRANT COURT'S DISCRETIONARY POWERS

This case, Meehan v Riley, 18CV490, Johnson County District Court, KS involves the District Court's reversal of the Kansas Appellate Court, case No. 122380 Memorandum Opinion that Petitioner's counterclaim is outstanding and has not been dismissed and no action has been taken on the counterclaim. The reversal in a Kansas Rule 170 order that dismissed the counterclaim with prejudice and ordered the filing of a supersedeas

bond in the event of an appeal. The Kansas Supreme Court Case No. 124722 dismissing the Petition for Mandams and request for stay as moot. Case closed.

The nexus of the case, filed in 2018 is the filing to execute a Kansas foreign judgment in South Carolina in 2019, the first time with 1. a pending counterclaim. The filing of the Rule 170 order, dismissing the counterclaim paving the way for a second filing without a counterclaim.

At the heart of the order are two orders, (i) a journal entry granting default judgment filed in 12/3/18 and (ii) a nunc pro tunc journal entry correcting default judgment. Neither order dismissed the counterclaim.

The 3 judge panel of the Kansas Appellate Court (Apdx C@pg2) states, "At no time has the district court taken action on Riley's counterclaim against Meehan. The counterclaim remains pending." Pg 3, "Riley's counterclaim for breach of contract is outstanding and has not been dismissed." The district court's judgment only provides: "Plaintiff Carrie Kathleen Meehan is granted

judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, postjudgment interest at the rate, and the Costs of the action." see Appendix F, pg 2/3 Nunc pro tunc journal entry correcting default judgment. "No ruling has ever been sought and no action has been taken on Riley's outstanding counterclaim."

Yet, the Kansas Rule 170 Order (Appx B, pg 2&7) states;

"Defendant's counterclaim against Plaintiff was denied on November 20, 2018 and dismissed with prejudice."

NOVEMBER 20, 2018 JOURNAL ENTRY GRANTING  
DEFAULT JUDGMENT. HEARING HELD NOVEMBER 20, 2018,  
FILED IN DISTRICT COURT 12/3/18

Appearing as Appx Dm pg 2, IT IS ORDERED AND ADJUDGED AND DECREED AS FOLLOWS: "The above findings are adopted as the Order of this Court. "Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages and \$80,000.00 in punitive damages, for a total judgment of \$120,000.00. Court costs shall be assessed against the Respondent."

DEFENDANT'S COUNTERCLAIM AGAINST PLAINTIFF WAS NOT  
DENIED ON NOVEMBER 20, 2018 AND DISMISSED WITH PREJUDICE.

NUNC PRO TUNC JOURNAL ENTRY CORRECTING  
DEFAULT JUDGMENT

Appx E, pg 2/3), IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS: The above findings are adopted as the Order of this Court. "Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the Costs of the action." IT IS SO ORDERED.

DEFENDANT'S COUNTERCLAIM AGAINST PLAINTIFF WAS NOT  
DENIED ON ON JANUARY 15, 2019 AND DISMISSED WITH PREJUDICE.

After the issuance of the mandate (Appx F), by the Kansas Appellate Court on 8/18/21 (28 months after the first filing to execute the Kansas foreign judgment in South Carolina), Petitioner filed a Petition for a Writ of Mandamus in the U.S. Supreme Court, Case No. 21-5512, U.S. 595. Rehearing denied 12/6/21.

Following the Rule 170 Order, where the court directed Plaintiff to prepare an order reversing the Appellate Court, and to dismiss defendant's counterclaim with prejudice and require a supercedas bond in the event of an appeal, Petitioner filed a Petition for Mandamus and Request to stay proceedings. Both denied as moot, Case closed.

-----

1. Plaintiff fraudulently filed to enforce to execute the Kansas foreign judgment in South Carolina on 4/22/19 with the simultaneous filing of the Journal entry granting default judgment and nunc pro tunc journal entry correcting default judgment on a false affidavit (Appx G, pg 1 @15), stating "The foreign judgment is not further contested." The Case filed as No. 2019CP0200950, on which Plaintiff obtained judgment (Appx G) on 2/3/20. This, 18 months prior to a District Court Order in Kansas (Appx H), filed 12/5/19 with the order stating @3, The District Court final order @3, "The Nunc Pro Tunc Journal Entry Correcting Default Judgment Consistent with the Order of the Court entered January 15, 2019, constitutes a final order because it disposed of the action as to all claims by all parties and no appeal was taken during the statutory deadlines."

This 12/5/19 Order, 9 months before the Kansas Appellate Court Opined on 9/25/20 that, "At no time has the district court taken action on Riley's counterclaim against Meehan."

RELIEF FROM JUDGMENT OR ORDER (FRAUD)

Pursuant to K.S. Chapter 60-260(b) Grounds for relief from a final judgment, order or proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order or proceeding for the following reasons(3) fraud, whether previously called intrinsic or extrinsic, misrepresentation or misconduct by an opposing party.

The Kansas District Court's reversal of the Kansas Appellate Court as to the dismissal of defendant's counter-claim is clearly fraud, wrongful deception intended to result in financial gain for Plaintiff in enforcing a Kansas foreign judgment in South Carolina and the result of the District Court order directing Plaintiff to prepare an order (see Kan R Rel Dist Ct 170(a)), dismissing defendant's counterclaim with full knowledge that the journal entry granting default judgment and the nunc pro tunc journal entry correcting default judgment did not dismiss defendant's counterclaim and is not in the public record.

SUPERCEDEAS BOND ORDER

The Kansas District Court filed the Rule 170 Order, granting Plaintiff's dismissal of Defendant's counterclaim with prejudice and requiring Defendant to file a supersedeas bond in the amount of the judgment in order to stay any execution on the judgment in the event an appeal is taken.

FUNDAMENTAL DUE PROCESS AND FAIRNESS DENIED

Defendants should be on the same footing as plaintiffs when it comes to their ability to appeal an adverse verdict. Appeal bond requirements can act as a full denial of this right of appellate jurisdiction review. The U.S. Supreme Court has held that a state violates the due process clause if it imposes procedures which effectively impede access to the appellate court system. *Evitts v Lucey*, 469 U.S. 387, 393-94 (1985); *Smith v Robbins*, 528 U.S. 259, 270 (2000). It has been held that defendant facing punitive damages (as in this case see Appendix D pg 2, E, pg 2/3) have a due process right to appeal. *Honda v Oberg* 512, U.S. 415, 432 (1994).

THE FILING TO EXECUTE A KANSAS FOREIGN JUDGMENT  
IN SOUTH CAROLINA FOR THE SECOND TIME IS RES JUDICATA

The Rule 170 Order dismissing the counterclaim allows the filing to execute a Kansas foreign judgment in South Carolina for a second time. The first time with the counterclaim not dismissed, the second time with it dismissed.

This matter has been adjudicated by a competent court, Aiken Court of Common Pleas, Case No. 2019CP0200950 judgment filed 2/3/20 (Appendix H), on a false affidavit (Appendix i), filed on 4/19/19, simultaneously with the nunc pro tunc journal entry correcting default judgment. The Affiant is swearing, "There are no post trial motions pending before the District Court of Johnson County." The counterclaim clearly pending.

The Doctrine of Res Judicata bars subsequent litigation where four elements are met; (1) the prior decision was rendered by a court of competent jurisdiction; (2) there was a final judgment on the merits; (3) the parties were identical in both suits, and (4) the prior and present causes of action are the same.

-----

2. After judgment in this case, Petitioner filed a Mandamus Petition in the Supreme Court of South Carolina. Denied 11//20 Case No. 20-001987. Petitioner then filed a Petition for Certiorari in the U.S. Supreme Court Case No. 20-6501 592 U.S. denied

## REASONS FOR GRANTING THE PETITION

### FRAUD UPON THE COURT

The fraud upon the court in this case is a situation in which a material misrepresentation has been made by the court itself, and impeaching due process under the XIV amendment of U.S. Constitution

The Kansas District Court Rule 170 Order (Appx B@7)

states, "Defendant's counterclaim against Plaintiff was denied on November 20, 2018 and dismissed with prejudice."

The November order (filed 12/3/18) (Appx D) states, "IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS: The above findings are adopted as the Order of this Court. Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages and \$80,000.00 in punitive damages, for a total judgment of \$120,000.00. Court costs shall be assessed against Respondent."

The counterclaim was not denied on November 20, 2018.

The District Court reversing the Kansas Appellate Court Memorandum Opinion filed 9/25/20 (Appx C@2/3) states, "At no time has the district court taken action on Riley's counterclaim against Meehan. The counterclaim remains pending." "Riley's counterclaim for breach of contract is outstanding and has not been dismissed."

The District Court reversing the Appellate Court for the sole purpose of : : refiling to execute a Kansas foreign judgment in South Carolina for the second time.

The first time with the counterclaim pending in violation of South Carolina Code 15-920(A), which states in part,

"A contested judgment includes a judgment includes a judgment for which post-trial motions are pending before the trial court, notice of appeal has been filed, or an appeal is pending.

The second time with the counterclaim dismissed with prejudice by the engineering of the District Court.

The first filing to execute the foreign judgment filed simultaneously

The first filing to execute the foreign judgment filed on a sworn affidavit (Appx I@15) states, "The foreign judgment is not further contested. There are no post-trial motions pending before the District Court of Johnson County."

To further confuse that, "Defendant's counterclaim against Plaintiff was denied on November 20, 2018 and dismissed with prejudice," the Rule 170 Order (Appx B@3/4) states, On December 3, 2018, this Court granted a default judgment in favor of Plaintiff and against Defendant." On January 15, 2019, the Court issued a Nunc Pro Tunc Judgment, which clarified that Plaintiff was awarded interest on her damages against Defendant during the hearing held November 20, 2018. Through the inadvertent oversight and clerical error of counsel, this detail has been omitted from the original journal entry."

@4 In granting these judgments, this Court intended to dispose of all claims in this case, including Defendant's counterclaims against Plaintiff. During the hearing held November 20, 2018, the Court denied Defendant's counterclaims against the Plaintiff when granting judgment in favor of Plaintiff. The Court did not intend to bifurcate this proceeding."

The Nunc Pro Tunc Order correcting default judgment (Appx E) states; IT IS THEREFORE ORDERED ADJUDGED AND DECREED AS FOLLOWS:  
"The above findings are adopted as the Order of the Court. Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post judgment interest at the statutory rate and the Costs of the action."

THE COUNTER CLAIM IS NOT DENIED ON JANUARY 15, 2019.

Further to the Memorandum Opinion of the Appellate Court (Appx C@2), states, "Riley's counterclaim for breach of contract is outstanding and has not been dismissed. The district court's judgment only provides, "Plaintiff Carrie Kathleen Meehan is granted judgment against Defendant Shannon Riley in the amount of \$40,000.00 in actual damages, pre-judgment interest at the statutory rate on the actual damages of \$40,000.00, \$80,000.00 in punitive damages, post-judgment interest at the statutory rate, and the Cost of the action." "NO RULING HAS EVER BEEN SOUGHT, AND NO ACTION HAS BEEN TAKEN ON RILEY'S COUNTERCLAIM.'

AT NO TIME WAS THE COUNTERCLAIM DISMISSED AND NOT PART OF THE ORDER FILED IN THE DISTRICT COURT.

When ordering a supersedeas bond to prevent appeal of the order.

Petitioner respectfully seeks the extraordinary writ of mandamus to the Kansas Supreme Court ordering it to properly fulfill its official duties to correct an abuse of discretion. ~~that~~ this is obligated under the law to do.

"The writ of mandamus is the highest judicial writ known to the law and according to long approved and well established authorities, only issues in cases where there is a specific legal right to be enforced or where there is a position of duty to be performed, and there is no other specific remedy." Willimon v City of Greenville, 243, S.C. 82, 6-87, 132 S.E. 2d 169, 170-71 (1963).

The primary purpose of function of a writ of mandamus is to enforce an established right, and to enforce a corresponding imperative duty created to or imposed by law." Id. "It is designed to promote justice, subject to certain well-defined qualifications." Id. Its principal function is to command and execute and exercise, and not to inquire and adjudicate, therefore, it is not the purpose of the writ to establish a legal right, but to enforce one which has already been established." id.

"For a writ of mandamus to issue, the following must be shown; (1) a duty of the Respondent to perform the act, (2) the ministerial nature of the act; (3) the Petitioner's specific legal right for which discharge of the duty is necessary; and (4) a lack of any other legal remedy." Edwards, 383 S.C. 97, 678 S.E. 2d, 420. "When mandamus is warranted, "the judiciary cannot properly shrink from its duty." Id. (quoting Blalock v Johnson, 180 S.C. 40, 50, 185 S.E. 51, 55 (1936).

In Cheney, et al v U.S. Dist Ct for the D.C. Supreme Court Case No. 03-475, Justice Kennedy opined in part; "As we discussed at the outset, under principles of mandamus jurisdiction, the Court of Appeals may exercise its power to issue the writ only upon a finding of "exceptional circumstances amounting to a judicial" usurption of power," Will, 389 U.S. at 95, or "a clear abuse of discretion," BankersLife, 346 U.S. at 383."

Such "exceptional circumstances" and judicial usurption of power" exist in this case, with the Kansas Supreme Court denying a Mandamus petition and Request to stay as moot. Case closed.

## **CONCLUSION**

Based on the foregoing Appendix, the Petition for the extraordinary Writ of Mandamus should issue.

Respectfully submitted,

Date: FEB 9 2022