

Case No. 2021-8145

IN THE
SUPREME COURT OF THE UNITED STATES

GREGORY T. ACKERMAN, ET AL.

Petitioner / Relator,

v.

THE BANK OF NEW YORK MELLON, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee for Bear Stearns Asset- Backed Securities Trust 2005-SD1, Asset-Backed Certificates Series 2005-SD1 c/o **Wells Fargo Bank, N.A. (SC)**
3476 Stateview Boulevard Fort Mill, SC 29715 MAC # 7801-013

Respondent,

On Petition for Writ of Certiorari to the Supreme Court of Ohio

EMERGENCY PETITION FOR REHEARING

Judicial Notice of Constitutional Question and Claim of Unconstitutionality

Petitioner Invokes:

28 U.S.C. § 2403(a) ~ MUST APPLY TO UNITED STATES ATTORNEY GENERAL

28 U.S.C. § 2403(b) ~ MUST APPLY TO OHIO ATTORNEY GENERAL

JURY DEMAND ENDORSED HEREON

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Respondent.

Petitioner,

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Appendixes;

Appendix A; Entry on October 03, 2022

Appendix B: Missing page of “Parties”

Appendix C: Order of Dismissal.

Appendix D ~ Citation of Authority (verbatim)

“Never has there been a parchment of law, however fair, which prevented one crime.”
‘Action, alone, is the tinder which ignites ...the parchment (of law).... my plans, my goals, into a living force. Action is the food and drink which will nourish my success. I will act now’.
Og Mandino (2011). “The Greatest Salesman in the World”, p.71, Bantam

EMERGENCY PETITION FOR REHEARING

Pursuant to this Honorable Supreme Court of the United States case No. 21-8145; entry on October 03, 2022, “The petition for a writ of certiorari is denied”, now comes Petitioner; Greg T. Ackerman and Joyce L. Ackerman (spouse), respectfully with their compelling “Emergency Petition for Rehearing”, pursuant to Supreme Court Practice Rule 44 (Rehearing).

See Appendix A; Entry on October 03, 2022

Petitioner represents an instrumentality of justice in correcting obvious errors of oversight, omission, or otherwise “fraud on the court”, upon the Petitioner’s clear, relevant, and correlating case matters with straight forward legal motions and orders for a “Jury Demand(s)” action within state of Ohio and federal court(s) venues for the past 22 years.

Petitioner’s legal proceedings demonstrate favorable evidence of misguided due process of law involving multiple longstanding case matters of perpetual litigation, with a specific “priority

in civil action(s)” in hearing and disposing case matters under the rules of Ohio and Federal law.

It appears the Petitioner’s fundamental, substantive, and substantial rights and liberties have been violated via alleged overt acts of perpetrated “fraud on the court” to defile the important functions and mechanical operations of due process of law within the state of Ohio and Federal judiciary, and further misguide its fair and accountable adjudication of Petitioner’s case matters in fair and proper order of hearing the case.

First in order of hearing is a priority case matter involves alleged “insurance company fraud”, with malice against the Petitioner and tax payers, while carrying a paramount and pending “Jury Demand” action (a citizens “ultimate right” to determine the facts of the case, not a bench judge), which is preserved remains inviolate to execute a trial by jury that will have a direct and proximal effect on all other case matters of the Petitioner, and harms and ill-wellbeing since the “original instant action” filing of Petitioner’s substantial foreign case matter complaint in March 2000, with a jury demand endorsement clearly posted on the front cover title page.

Second in order of hearing is this instant action case matter herein, which involves alleged bad faith affidavit filings and demonstrating clear and obvious mortgage fraud by Respondent named Wells Fargo Bank, N.A., upon a dual tracking foreclosure scheme case matter at Common Pleas Court of Montgomery County, Ohio Case No. 2009Cv 03194. Dismissal of the foreclosure case following a valid and binding loan modification, however the real property was foreclosed and sold at Montgomery County Sheriff Sale by Sheriff Rob Streck without a valid case number or merit.

This egregious act led to the alleged “theft by deception” of real property, personal property and business property of the Petitioner for the past 33 years of residency. Now it is necessary to engage the court with a presentment of information to a grand jury foreman on possible overt

acts of perpetrated “fraud on the court” and interference against Petitioner’s relevant due process of law to a meaningful “Jury Demand”, as pro se litigants within the American judiciary.

Petitioner, along with this Honorable Supreme Court of the United States, must discover why the delay in due process of law for 22 years, and who is accountable or accessory after the fact for the delay in due process of law for a trial by jury in civil case matters.

Petitioner shall state its grounds briefly, distinctly and shall be limited to intervening circumstances of a substantial or controlling effect favorable to the Petitioner, with meaningful judicial notice and purpose for public safety in promoting fair trials under the state of Ohio and Federal legal standards; dictated as fundamental, substantive, and substantial elements of due process of law that serves the best public interest and general welfare.

Petitioner presents convincing evidence on record, and most reasonable grounds, to correct the clear and obvious errors of the Court(s), and further affirms Petitioner’s “Emergency Petition for Rehearing” for substantial remedies of relief to the devastation of legal abuse syndrome and the cumulative stressors and cost from dealing with the Justice system for 22 years;

- 1) First clear and obvious clerical error was brought to the attention of the Petitioner and Clerk of Court that a copying error occurred on the Petitioner’s “Motion for Stay of Writ of Certiorari”, filed, and posted on January 24, 2022, upon the Supreme Court of the United States docket at case No. 21-8145, which prevented a full and complete disclosure of the Petitioner’s petition, thus affecting fair disclosure of the “Parties”; including the Respondent and their alleged bad faith egregious actions on record for public interest observation and possible intervention. The clerical error has now been corrected by the clerk of Court after the court “Entry” on October 03, 2022. **See Appendix B: Missing page of “Parties”**

- 2) Second clear and obvious error and oversight On Petition for Writ of Certiorari to the Supreme Court of Ohio, is evidenced by the dual tracking foreclosure case matter before the lower court at the Common Pleas Court of Montgomery County, Ohio at case No. 2009 CV 03194, which was properly “Dismissed” by the Court on July 10, 2010, and most relevant to this Honorable Supreme Court of the United States, no new action if necessary, has ever been populated or generated in any court of law by any legal party since the court order of Dismissal. **See Appendix C: Order of Dismissal.**
- 3) Third clear and obvious egregious error is of alleged judicial misconduct in office by judicial officers to continue a foreclosure case matter that was properly dismissed, and moreover has a direct 13-year correlation and interference of justice with other important Petitioner’s “priority of civil actions” (See: 28 U.S. Code § 1657 - Priority of civil actions) that are still pending completion.

Petitioner’s substantive and substantial rights have been violated are pending before foreign case matters of alleged “insurance company fraud”, with “good cause shown” to 22 years of perpetual “insurance company fraud” and meaningful litigation, which is still to this day is incomplete while carrying a preserved inviolate statute(s) to a state of Ohio and Federal “Jury Demand” action for a trial by jury in the same Common Pleas Court of Montgomery County, Ohio, specifically at Case No. 2000 CV 1472, and independent action at case No. 2003 CV 9499, pursuant to Federal Rule of Civil Procedure Rule 81. Applicability of the Rules in General; Removed Actions,...

(b) SCIRE FACIAS AND MANDAMUS. The writs of scire facias and mandamus are abolished. Relief previously available through them may be obtained by appropriate action or motion under these rules.

(c) REMOVED ACTIONS.

(1) *Applicability.* These rules apply to a civil action after it is removed from a state court.

(2) *Further Pleading.* After removal, repleading is unnecessary unless the court orders it. A defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of these periods:

(A) 21 days after receiving—through service or otherwise—a copy of the initial pleading stating the claim for relief;

(B) 21 days after being served with the summons for an initial pleading on file at the time of service; or

(C) 7 days after the notice of removal is filed.

(3) *Demand for a Jury Trial.*

(A) *As Affected by State Law.* A party who, before removal, expressly demanded a jury trial in accordance with state law need not renew the demand after removal. If the state law did not require an express demand for a jury trial, a party need not make one after removal unless the court orders the parties to do so within a specified time. **The court must so order at a party's request and may so order on its own.** A party who fails to make a demand when so ordered waives a jury trial.

(B) *Under Rule 38.* If all necessary pleadings have been served at the time of removal, a party entitled to a jury trial under Rule 38 must be given one if the party serves a demand within 14 days after:

(i) it files a notice of removal; or

(ii) it is served with a notice of removal filed by another party.

(d) LAW APPLICABLE.

(1) *“State Law” Defined.* When these rules refer to state law, the term “law” includes the state’s statutes and the state’s judicial decisions.

(2) *“State” Defined.* The term “state” includes, where appropriate, the District of Columbia and any United States commonwealth or territory.

(3) *“Federal Statute” Defined in the District of Columbia.* In the United States District Court for the District of Columbia, the term “federal statute” includes any Act of Congress that applies locally to the District.

REMEDIES OF RELIEF

This Honorable Supreme Court of the United States must aid in the compelling administration of fair justice herein and must affirm the Petitioner’s “Emergency Petition for Rehearing” on the reasonable grounds under Federal Rules of Civil Procedure (FRCP) Rule 60 Relief from a Judgment or Order, (a) Corrections based on Clerical Mistake, Oversight and Omissions, and furthermore relief pursuant to (d) Other Powers to Grant Relief. This rule does not limit a court's power to: (1) entertain an independent action to relieve a party from a judgment, order, or proceeding; or (3) set aside a judgment for fraud on the court.

CONSTITUTIONALITY OF ACT OF CONGRESS AFFECTING PUBLIC INTEREST

Wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question herein, (Why have all judicial officers of state of Ohio and federal court(s) of the Petitioner's multiple case matters, knowingly, willfully, and egregiously attempt to "terminate" the meaningful constitutionality "Acts of Congress" under the Constitution of the United States Bill of Rights First Amendment, Fifth Amendment, Seventh Amendment and Fourteenth Amendment, and associated federal statute Civ. Rule 38. Right to a Jury Trial; Demand

"(a) RIGHT PRESERVED. The right of trial by jury as declared by the Seventh Amendment to the Constitution—or as provided by a federal statute—is preserved to the parties inviolate".

The information provided by the Petitioner of alleged perverted and illegal judicial actions are attempts to defile the fundamental, substantive, and substantial mechanisms of the court itself. Therefore, Petitioner invokes 28 U.S.C. § 2403(a) ~ (must apply herein to United States Attorney General) and 28 U.S.C. § 2403(b) ~ (must apply herein to Ohio Attorney General) for assistance in these state and Federal constitutional question of public interest and general welfare.

APPOINTMENT OF SPECIAL MASTER

Pursuant to these alleged overt acts of perpetrated fraud on the court, Petitioner motions and moves this Honorable Supreme Court of the United States for public safety and highly probable remedies of relief, with the necessary appointment of a "Special Master", pursuant to Civ. R. 53(b), the order of reference may direct a special master to make findings of fact based on evidence to carry out an investigation of alleged perpetrated "fraud on the Court", based on reasonable grounds and information on public record, with compelling evidence and documents of the state of Ohio and Federal court venues of the Petitioner multiple correlating case matters, so as to inform the court of necessary future actions.

The “Special Master” will discover clear and obvious judicial errors, as evidenced in the 22 years of documented court and public records, for good cause and not for delay, and future remedy of relief for the Petitioner under the substantive and substantial rules of civil procedure Civ. R. 60 (d) 1 and 3, and furthermore with the assistance loyal team at the Solicitor General prove beyond a reasonable doubt, by clear and convincing evidence, of the many actor’s dereliction of duty, intentional fraud and egregious misconduct of possible high treason specifically directed at the court itself.

Petitioner’s information of alleged overt acts of perpetrated “fraud on the court” by judicial officers is a serious offense against the Constitution of the United States and is sufficient in fulfillment of the 3 elements of Judicial Treason under Article 3. (Judiciary) Section III, (Treason). Whereas, treason against the Constitution of the United States; 1) “shall consist only in levying war against them” (Courtroom legal battle / war against “We the People of the United States to terminate due process of law”), 2) “or in adhering to their enemies” (adhering to Insurance Company (Assurant) and Mortgage company(Wells Fargo Bank, N.A) while filing bad faith affidavits and corrupting civil actions), 3) “giving them aid and comfort” (to corrupt the fundamental operations of the court, and deny American citizens of their basic civil rights within the constitutional “Bill of Rights”, of due process of law to a trial by jury).

Furthermore, “No person shall be convicted of treason unless on the testimony of two witnesses (Petitioner herein) to the same overt act, or on confession in open court.”

Petitioner believes that there is a “reasonable” probability that the Justices will reconsider and grant their “Motion for Stay of Writ of Certiorari”, and now agree to review the merits of the case; that there is a “fair prospect” that a majority of the Court will conclude upon review that the decision was erroneous; that irreparable harm has resulted from the denial of the stay; further the court should find it appropriate to

explore the relative harms to the Petitioner, and further determining deterrents to prevent future overt acts, while promoting fair justice in protecting public interests and general welfare against wasteful matters of fraud on the court.

See recommended citation in support of Petitioner remedies to relief upon fraud on the court;

1) David R. Hague, *Fraud on the Court and Abusive Discovery*, 16 NEV. L.J. 707 (2016).
<https://commons.stmarytx.edu/cgi/viewcontent.cgi?article=1042&context=facarticles>

2) *More Than Fraud: Proving Fraud on the Court*, 10 ST. JOHN'S BANKR. RESEARCH LIBR. NO. 24 (2018).
https://www.stjohns.edu/sites/default/files/uploads/18_vandoren_memo_24.pdf

3) "[A] bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse."

- Thomas Jefferson, December 20, 1787

<https://www.aclu.org/other/bill-rights-brief-history>

Petitioner sustains their valuable, longstanding preserved inviolate insurance case matters of 22 years, while demonstrating clearly and obviously errors of oversight, omission, or otherwise overt acts of fraud on the court, which has adversely affected the Petitioner's substantial rights, upon high profile dealings with the judiciary, and other principal government actors under oath and duty to "support" the Constitution of the United States, and the supreme laws accordingly.

Wherefore the Petitioner's "Emergency Petition for Rehearing" produces a judicial notice (See Rule 201. Judicial Notice of Adjudicative Facts) of these clear and obvious paramount oversight and omissions errors of adjudication on the facts and evidence presented, this highest and most powerful court in the United States must declare immediate and substantial remedies of meaningful relief to the Petitioner from the deliberate overt acts of judicial harms and losses of 22 longstanding years of errant judicial litigation within the local, state, and federal court venues.

Petitioner's petition for rehearing seeks specific judicial relief pursuant to 28 U.S. Code § 2072 - Rules of procedure and evidence; power to prescribe, 28 U.S. Code § 2201 - Creation of remedy, 28 U.S. Code § 2202 - Further relief, 28 U.S. Code § 1872 - Issues of fact in Supreme

Court, upon the discovery of petitioner's meritorious evidence while executing Federal Rules of Evidence Rule 201. Judicial Notice of Adjudicative Facts.

Petitioner has faces enormous losses of real property, personal property, business property and opportunities, lifestyle, and wellbeing during these multiple correlating legal proceedings, and now seeks a federal creation of a valuable and meaningful remedy for further relief for the Petitioner's acquired injustices of the past 22 years, for good cause, and not for any further delay.

Alternatively, the Petitioner will be publicly obligated as American Citizens to respectfully proceed on an Original Action (See: S. Ct. Prac. R. 17. Original Action), as a matter of great public interest to the Constitution of the United States, Article III Section(s) 1, 2, and 3 with the Supreme Court of the United States, along with other relevant motions against principal actors (State of Ohio and Federal government representatives under oath of office and duty) for their alleged overt acts of treason (See: 18 U.S. Code § 2381 – Treason) against the expressed text of the Constitution of the United States, and We the People of the United States who are represented under the color of law and the meaningful United States of America Flag.

See: S.Ct.Prac. Rule 17. Procedure in an Original Action

1. This Rule applies only to an action invoking the Court's original jurisdiction under Article III of the Constitution of the United States. See also 28 U. S. C. §1251 and U. S. Const., Amdt. 11.

See: 18 U.S. Code § 2381 - Treason

“Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.”

Please see other relevant citations of authority at Appendix D.

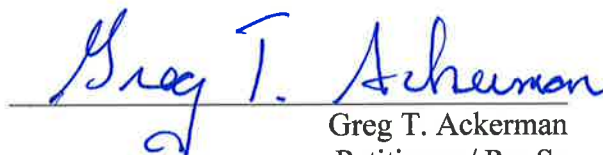
JURY DEMAND ENDORSED HEREON ON ALL ISSUES OF MATERIAL FACTS

Legal Reference for citations: <https://www.law.cornell.edu>

CONCLUSION

Petitioner prays this Honorable Supreme Court of the United States to affirm Petitioner's substantial Emergency Petition for Rehearing, and further declare substantial and meaningful remedies of relief in favor of the Petitioner.

Respectfully submitted,



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