

No. :

21-969

ORIGINAL

IN THE
SUPREME COURT
OF
THE UNITED STATES

FILED
NOV 01 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JEAN COULTER, Petitioner
v.
GERRI VOLCHKO PAULISICK
and JOSEPH R. PAULISICK, Respondents

**On Petition for Writ of
Certiorari to the
Pennsylvania Supreme Court**

PETITION FOR
WRIT OF CERTIORARI

Jean Coulter, Petitioner
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a. QUESTIONS PRESENTED

This case asks This Honorable Court to show that the Pervasive Bias in the state courts does not extend to this nation's Highest Court. Here, a Butler County Judge "utilized" an Order of Court from Allegheny County, as the complete authority for the Dismissal of a civil case (related to damages caused by neighbors' gross neglect of their trees). The dismissal was officially based solely on the basis that the Butler filing violated that Allegheny County Order which specifically prohibits Coulter from proceeding pro se (a.) even when transferring a case from federal court to state court following a finding of lack of diversity jurisdiction, or (b.) if any current defendant or claim has "any relationship (direct or indirect) to" any prior defendant or claim – and (c.) requires Coulter receive (written) pre-filing permission to file even to for a transfer following a finding of lack of diversity - or pay essentially \$10,000 filing fee.

1. Has the Trial Court accurately conclude that the **Pervasive Bias** which is evident in the states' justice systems, also extends even to this This Honorable Court – particularly when the litigant is either pro se, or worse, one who **had the audacity to file suit against the profession's most sacred/revered institution (the local Bar Association)?**
2. Do **Rule 233.1** and its progeny (the Allegheny County Order) violate both **28 U.S. Code § 1367** as well as **Due Process and Equal Protection?**
3. Must This Court defend the Public and Justice System from attacks by biased state Rules and Orders including **Pa. R.C.P. 233.1** and its progeny?
4. **Does the complete denial of Appeals violate Coulter's Equal Protection and Due Process?**

b. PARTIES IN THE STATE COURTS

(i) Jean Coulter, Petitioner
Gerri Volchko Paulisick, and
Joseph R. Paulisick, Respondents
(iii) The trial court – the Butler County Court of
Common Pleas, Jean Coulter, Plaintiff v. Gerri
Volchko Paulisick and Joseph R. Paulisick,
Defendants, Civil Division case number A.D. No.
2020-10334.

The lower appellate court, Pennsylvania
Superior Court, Jean Coulter, Petitioner v. Gerri
Volchko Paulisick and Joseph R. Paulisick,
Respondents, case number 83 WDN 2020.

The state's highest court, Pennsylvania
Supreme Court, Jean Coulter, Petitioner v. Gerri
Volchko Paulisick and Joseph R. Paulisick,
Respondents, case number 362 WAL 2020.

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d. REPORTS OF OPINIONS AND ORDERS

The Trial Court's decision is filed in the Court of Common Pleas of Butler County at A.D. No. 2020-10334. The denial of permission to appeal, in the Pennsylvania Superior Court is docketed at 83 WDN 2020. And the Pennsylvania Supreme Court decision denying review is docketed at 362 WAL 2020.

e. JURISDICTIONAL STATEMENT

All of the matters under consideration at this time were denied review by the Pennsylvania Supreme Court on June 2, 2021. Therefore, the time for filing was extended to 150 days pursuant to the Orders related to COVID (which was not rescinded until after the date of the decision being appealed from).

Statutory provision conferring jurisdiction in this Honorable Court :

28 U.S. Code § 1257- State courts; certiorari :

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

f. CONSTITUTIONAL PROVISIONS,
STATUTES, ORDINANCES

**Amendment XIV - Section 1,
of the United States Constitution**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Amendment V
of the United States Constitution**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

28 U.S. Code § 1367. Supplemental jurisdiction
(Attached in its entirety in the appendix)

§ 11. Courts to be open; suits against the Commonwealth.

**"CONSTITUTION
of the
COMMONWEALTH OF PENNSYLVANIA
Article I
DECLARATION OF RIGHTS**

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT –

...

§ 11. Courts to be open; suits against the Commonwealth. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

§ 9. Right of appeal.

CONSTITUTION OF PENNSYLVANIA

ARTICLE V

THE JUDICIARY

SECTION 9. RIGHT OF APPEAL.

§ 9. Right of appeal. There shall be a right of appeal in all cases to a court of record from a court not of record; and there shall also be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court, the selection of such court to be as provided by law; and there shall be such other rights of appeal as may be provided by law.

Title 42 § 5103. Transfer of erroneously filed matters.

(Attached in the entirety in the Appendix)

Title 201, Chapter 7. Assignment of Judges

RULES OF JUDICIAL ADMINISTRATION

ASSIGNMENT AND TRANSFER OF JUDGES

Rule 701. Assignment of judges to courts.

(E) Regional Administrative Units.

(2) In cases where a judge has disqualified him or herself for any of the reasons specified in Rule 2.11 of the Code of Judicial Conduct or Rule 2.11 of the Rules Governing Standards of Conduct of Magisterial District Judges, the assignment of another judge to the case shall be made through the Administrative Office. In other instances of recusal, the assignment may be made through the Regional Unit, but in no case shall a recusing judge select his or her replacement.

**“ARTICLE V
THE JUDICIARY**

§ 10. Judicial administration.

... The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts ... if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. ...”

Pa.R.C.P Rule 233.1. Frivolous Litigation. Pro Se Plaintiff. Motion to Dismiss.

(Attached in its entirety in the Appendix)

g. CONCISE STATEMENT OF THE CASE

The federal questions, including the "Unconstitutionality" of both **Rule 233.1** and the Order from Allegheny County as well as **Pervasive Bias** were raised in the Trial Court during the hearing (14a., 21a.-22a.) As both Coulter and the stenographer were unable to hear much of the proceedings, the transcript is noticeably lacking on both sides of the discussion. (Due to concerns about infection, Coulter appeared remotely, and does not know where the stenographer was located during the proceeding.) The restrictions on Coulter's ability to transfer matters from the federal court were raised in the Statement of Matters Complained of on Appeal which was also filed in the Trial Court, and it also includes another presentation of issues of **Rule 233.1** being unconstitutional and **Pervasive Bias**.

The intermediate appellate court was made aware of the federal questions in Petition for *En Banc* Reconsideration of the Final Order Denying Coulter Permission to File Appeal

The state's highest court was made aware of the issues before this court, in the Petition for Allowance of Appeal – in the Questions Presented section of her Petition for Allowance of Appeal (25a,)

None of these issues were ever addressed in any state court.

This case involves the application, in Butler County, of an entirely Unconstitutional Order of Court (1a. – 9a.) from Allegheny County – in a completely unrelated matter.

Events leading up to the first Unconstitutional Order

Coulter and her attorney had a fee dispute – and Coulter was lead to believe that the Allegheny County Bar Association had agreed to do Mediation, but instead issued a binding Arbitration Award.

Coulter eventually sued the Bar Association and the Panel. **Having their Bar Association sued was more than Pittsburgh's jurists could stand** - so, Allegheny County Criminal Division's Judge Ignelzi arranged to be transferred to hear Civil Motions Court for one week.

Coulter requested Recusal, so Ignelzi first selected and assigned his replacement, and then finally Recused! Judge Ignelzi was specifically prohibited from making that assignment, of course.

(Title 201, Chapter 7. Assignment of Judges)

The Bar Association was given an instant "win" as Ignelzi's hand-selected judge – loudly announcing in "open court" :

"It's true that this Court if for Justice, but it is also for finality. YOU ARE GETTING FINALITY! It's over. Put it behind you." (The second sentence (in caps) was spoken in increased volume and with significant emphasis in tone.)

(See Coulter v. Ignelzi, 20-1023, Cert. denied) So, Coulter sued Ignelzi and the Allegheny County Administrative Judges who helped him. In that case a Senior Judge ruled that every case that Coulter ever filed was "related", for the purposes of **Rule 233.1**, to every other case - simply because :

- every Judge is "related to" every other Judge and
- every Judge is "related to" every Lawyer and

- every Judge is “related to” every Member of Law Enforcement and
- every Lawyer is “related to” every Judge as well as every other Lawyer and every Member of Law Enforcement
- Every member of Law enforcement is related to every Judge as well as every Lawyer and every other member of law Enforcement.

(For Judge Reed’s complete “explanation” for that determination, see the Appendix for Coulter v. Ignelzi, 20-1023, Cert. denied, pages 15a. – 40a.)

Indeed, the entirely Unconstitutional Allegheny County Court Order (which served as the sole authority for the Butler Judge’s dismissal of Coulter’s case) **totally prohibits Coulter from filing pro se any future case in any Pennsylvania court against any Party whom Coulter has previously sued (or anyone “related” either directly or indirectly) to any prior defendant or involving any claim which is related (directly or indirectly) to any earlier claim – even *apparently* when the case has been transferred from the federal court upon finding of Lack of Diversity Jurisdiction.**

Procedural History

Paulisicks (Respondents) argued that Coulter’s Complaint failed to state a Claim, after the first amendment had been filed - and without justification of any form, the Trial Court determined to deny Coulter’s right to amend more than once.

However, when the Trial Court saw that he would not be able to dismiss on that basis, the Trial Court decided to instead impose the Allegheny

County Order which he had been "holding in his back pocket". It should be noted that, by his expression and tone of voice, every time that the Butler County Court has spoken of that Allegheny County Order, it is/was obvious that the Trial Court very much enjoyed the position which would permit him to also deny Coulter any form of "Justice" - this time without even the "fuss" which was required in Ignelzi's case!

The Unconstitutional Allegheny County Order, without citing any authority to do so, grants "authority" to every judge in Pennsylvania to *sua sponte* Dismiss with Prejudice any matter which Coulter would file, which might cross his bench.

Coulter explained to the Trial Court that as her case in the Federal Court was pending prior to the Order being produced, by its very terms, it did not apply :

"... The foregoing bar. injunction, and prohibition shall not apply to any cases previously instituted by the Plaintiff Jean Coulter that are still pending and not yet finally resolved."

But, the Trial Court referenced the Docket Number on the case, and said that because it was transferred to the state court in Butler in 2020, the case was no longer considered pending at the time that the Allegheny County Order was written. So, the State Court believed he could successfully *sua sponte* dismiss Coulter's case, without fear of reprisal, as he was confident that he and his Brethren had successfully barred Coulter from ever accessing the courts ever again!

It is noteworthy that no Court, either state or federal court, at either the trial court or appellate court level (including This Honorable Court) has ever been willing to even “review” that senior judge’s entirely unconstitutional violation of Coulter’s Right to seek justice in the courts.

When every single state appellate jurist has refused to even consider a clearly Unconstitutional Order of Court – is that not proof positive of Extreme and Pervasive Bias?

Coulter attempted to appeal to the PA Superior Court – paying the \$10,000.00 filing fee which that court had also illegally imposed as a “Bond” (as part of their decision in another completely unrelated matter). Initially, Coulter’s appeal was denied and Coulter’s “bond” Ordered Forfeited. However, the En Banc review still denied appellate review, but the Bond was returned (apparently on the basis that the En Banc review had determined that the \$10,000.00 was intended, apparently, as the filing fee for appeals which would actually at least appear to be truly “heard”, but only applicable to individuals named Jean Coulter).

Coulter appealed the Instant Matter to the Pennsylvania Supreme Court for discretionary review - but the state’s highest court refused to review any of the actions/decisions by any of the lower courts’ jurists. (1a.)

h. Argument

1. **Rule 233.1 violates restrictions placed on the rule-making authority of the Pennsylvania Supreme Court, as Pa. R.C.P. Rule 233.1 (“Rule**

233.1”), and its progeny (here, the Allegheny County order) permit Pro Se Cases to be adjudicated differently (more severely) than Civil Complaints filed by Plaintiff(s) who are represented by licensed counsel.

Further, both Rule 233.1 and it’s progeny (the Allegheny County Order) violate the Constitution of the United States (especially as the Allegheny County Order far exceeds the authority of Rule 233.1) - and both that Order and Rule 233.1 violate the guarantees of Equal Protection and Due Process in the United States Constitution

Coulter Transferred this matter to the state court after the federal court determined that it lacked Subject Matter Jurisdiction. Then, the State Trial Court, acting sua sponte, chose to “impose” the restrictions of an entirely Unconstitutional Allegheny County Order (which was ostensibly authorized by **Pa. R.C.P. Rule 233.1**), thereby dismissing Coulter’s case completely without consideration of any form.

There is no dispute that Pa. R.C.P. Rule 233.1 (“Rule 233.1”) changes Pro Se Litigants’ access to the Pennsylvania courts and even the state’s lower appellate court acknowledges that it alters the manner in which the judge who is hearing the case can determine if the matter will be dismissed. This is because the judge is permitted to dismiss a Pro Se Complaint based exclusively upon a determination that Parties and Claims are somehow “related” to those in some prior matter - rather than on the basis of res judicata and collateral estoppel. This fact has even been publicly extolled by the Pennsylvania Superior Court

(the lower appellate court), in the Pennsylvania Precedential case Gray v. Buonopane, 53A. 3d. 829 (Pa Super. Ct. 2012) :

“... Contrary to Gray's suggestion, **neither the language of the Rule nor the explanatory comment mandate the technical identity of parties or claims imposed by res judicata or collateral estoppel**; rather, it merely requires that the parties and the claims raised in the current action be "related" to those in the prior action and that those prior claims have been "resolved." Pa.R.C.P. 233.1(a). These two terms are noteworthy in their omission of the technical precision otherwise associated with claim and issue preclusion; whereas parties and/or claims are to be "identical" under the purview of those doctrines, Rule 233.1 requires only that they be sufficiently related to inform the trial court, in the exercise of its discretion, whether the plaintiff's claim has in fact been considered and "resolved" ... It does not require, however, that the matter has progressed to a "final judgment on the merits, ..." (emphasis added)

Summary of the Argument

The Pennsylvania Constitution clearly requires that Coulter have access to the courts : “All courts shall be open; and every man for an injury done him ... shall have remedy by due course of law...” :

“CONSTITUTION
of the

COMMONWEALTH OF PENNSYLVANIA

Article I

DECLARATION OF RIGHTS

... WE DECLARE THAT ...

§ 11. Courts to be open; suits against the Commonwealth. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

And, while the Pennsylvania Constitution permits the Pennsylvania Supreme Court to "prescribe general rules governing practice, procedure and the conduct of all courts", those rules must comply with the restriction that the rules proscribed by the Supreme Court : "neither abridge, enlarge nor modify the substantive rights of any litigant" :

"ARTICLE V THE JUDICIARY

§ 10. Judicial administration.

... I The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts ... if such rules are consistent with this Constitution and **neither abridge, enlarge nor modify the substantive rights of any litigant**, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. ..." (emphasis added)

It is readily apparent that Coulter's Right to access to the courts (like that of all Pro Se Plaintiff's) has, at the very least, been modified by Rule 233.1. It is also readily seen that the limitations on Coulter's filings are imposed simply based on the single fact that Coulter is not represented by Counsel. Rule 233.1's differing (and significantly more severe) treatment of Coulter is based exclusively on the fact that Rule 233.1 permits a judge to rule on Coulter's Civil Complaint based on a different set of rules, simply because Coulter is part a "class" of litigants who are not represented by Counsel. So, if it is determined that Coulter's Right to access has not restricted to exclusively procedural modifications, then the restrictions placed on all Pro Se Plaintiffs (including Coulter) violate the restrictions on the rule-making authority of the state's Supreme Court as clearly stated in the Pennsylvania Constitution.

Argument

Rule 233.1 violates the restrictions on the rule-making authority of the Pennsylvania Supreme Court and further, it violates Due Process and Equal Protection and is therefore Unconstitutional

In Section § 10. Judicial administration, the Pennsylvania Constitution specifically prohibits any rule/rules to even "modify" Coulter's substantive rights – and the specific wording of Pennsylvania Rule 233.1 appears to be "borrowed" directly from 28 U.S.C. §2072 which defines the limits on this court's powers using the identical wording as is used in the Pennsylvania Constitution :

“28 U.S. Code § 2072. Rules of procedure and evidence; power to prescribe”

(a) The Supreme Court shall have the power

to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals.

(b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect. ...”

And just like **§2072**, the authority for the state’s Supreme Court to promulgate **Rule 233.1**, requires that the rule must comply with restrictions of **§ 10. Judicial administration**, of Pennsylvania’s Constitution. Section 10 only authorizes the Pennsylvania Supreme Court to prescribe general rules which :

“... neither abridge, enlarge nor modify the substantive rights of any litigant”.
(emphasis added)

As both this court and the Pennsylvania Supreme Court are bound by the identically worded restrictions on the court’s promulgation of rules (with respect to that rule’s affects on the litigants rights), it should be reasonable to look at this court’s decision with respect to this court’s authority to promulgate rules – as there exists absolutely no Case Law regarding the Pennsylvania Supreme Court’s rule-making authority, simply because this honorable court has never undertaken such a consideration, as this, the Nation’s Highest Court, has never chosen to make that determination.

Decisions as related to 28 U.S.C. §2072

Decisions by this court, with respect to **28 U.S.C. §2072**, explain that a procedural rule may affect substantive rights, but that rule is only valid when/if it only merely incidentally affects the person's substantive rights.

28 U.S.C. §2072, also referred to as the "Rules Enabling Act" authorize this court to create its own procedural rules. However, this court's authority in declaring those rules is not unlimited (just as the state's highest court's authority is also limited), as both the Pennsylvania Constitution and **28 U.S.C. §2072** require that :

"… Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect. …"

So, it appears that the rule-making authority of the state's highest court is restricted in a manner similar to that with which this court is restricted – so examination of the determinations with respect to **28 U.S.C. §2072**, should provide guidance for this court's determination.

As this court determined in Shady Grove Orthopedic Associates v. Allstate Ins., 559 US 393 - Supreme Court 2010, citing Mississippi Pub. Corp. v. Murphree, 326 U. S. 438, this court explains what is meant by the wording of **28 U.S. Code §2072** :

"… The test is not whether the Rule affects a litigant's substantive rights; most procedural rules do. Mississippi Publishing Corp. v. Murphree, 326 U.S. 438, 445, 66 S.Ct. 242, 90 L.Ed. 185 (1946). What matters is what the Rule itself regulates: If it governs only "the

manner and the means" by which the litigants' rights are "enforced," it is valid; if it alters "the rules of decision by which [the] court will adjudicate [those] rights," it is not. *Id.* at 446, 66 S.Ct. 242 (internal quotation marks omitted). ..." (emphasis added)

**Rule 233.1 affects the way
that Pro Se Cases are adjudicated**

In the Instant Matter, the Trial Court, *sua sponte*, chose to impose on Coulter the conditions imposed by the Allegheny County Order (by Senior Judge Reed). The Allegheny County Order was ostensibly developed exclusively on the basis of the authority of the county judge pursuant to Rule 233.1 – even though it even further restricted Coulter's ability to use the state courts for settling disputes. And, the Senior Judge sitting in Allegheny County described how he personally undertook extensive research of cases, after determining that Coulter's Complaint did not violate Rule 233.1 with respect to the cases advanced by the Defendants in Allegheny County :

“ It is not alleged that Coulter is suing the “same defendants” in the above-captioned action. Coulter has never previously filed suit against the Defendants Bagnato, Folino, Lenzi, . Cipriani & Werner, Ignalzi, O'Reilly, or Wecht.

There is some dispute whether Coulter is alleging the “same claims” raised in prior actions because in several of Coulter’s prior actions, she has also claimed that the defendants therein “conspired to deprive Coulter of her rights, breach of contract, fraud,

etc." However, the basis of Coulter's claims of "breach of contract, fraud, etc." are alleged to have arisen through the conduct of those defendants named in those prior lawsuits, not the conduct of the Defendants herein.

Therefore, a strict construction of the "prior claims" provision would lead to the conclusion that the claims raised in the above-captioned action are not the same claims raised in these prior cases.

Since they are not the "same defendants" nor the "same claims," Coulter's instant action is not "frivolous" under Rule 233.1(a) — unless the Defendants herein are "related defendants" and the claims herein are "related claims" as argued by Defendants.

...

It is obvious that Coulter has created a "daisy chain," each link being represented by another lawsuit wherein that link references a prior lawsuit, i.e. a previous link.

...

In this manner, Coulter has fashioned and tied together an elaborate chain of events, ... She has construed the conduct of virtually everyone who has had any role in her numerous cases as evidence of a common design and conspiracy to cause her injury. ..." (emphasis added) (see Coulter v. Ignelzi, 20-1023, Cert Denied 36a.)

Indeed, by the Allegheny County Trial Court's own decision explains what makes his Order invalid :

"Since they are not the "same defendants" nor the "same claims," Coulter's instant action is not "frivolous" under Rule 233.1(a) — unless

the Defendants herein are “related defendants” and the claims herein are “related claims” as argued by Defendants.”

So, it is exclusively upon the basis of that Senior Judge (specially assigned temporarily to Allegheny County) own “argument” that there exists a **“daisy chain” of events which occurred over a period of years and involved entirely separate actors** – yet the Trial Court (Senior Judge Reed) somehow determined that they must be “related”, and therefore that alone supposedly provides the Trial Court’s support for a determination that **Rule 233.1** applies and so all of Coulter’s Civil Complaints could be dismissed pursuant to **Rule 233.1!**

It is readily apparent however, that the Trial Court would never have been able to even attempt to “justify” the dismissal of Coulter’s Civil Complaint, had it not been for the fact that **Rule 233.1** “alters “the rules of decision by which [the] court will adjudicate”. And, that means that **Rule 233.1** violates the restrictions as have been determined by this court for **28 U.S.C. §2072**, as well as those imposed on the rule-making authority of the Pennsylvania Supreme Court by the Pennsylvania Constitution

Once it has been determined that Pennsylvania **Rule 233.1** violates the Constitution of Pennsylvania by Unconstitutionally altering a Pro Se Litigant’s access to the courts, it must be found that **Rule 233.1**, also violates the **United States Constitution** – and by extension, any subsequent Order which expands upon Rule 233.1 also violates the Constitution of the United States.

The United States Supreme Court decision in **Ross v. Moffitt, 417 US 600 – Supreme Court 1974**

has determined that, pursuant to the requirements of the **14th Amendment to the Constitution of the United States** – that the state acts unconstitutionally, when the state treats the members of two group differently and the differing treatment results in lesser rights being afforded to the members of one of those groups :

“Language invoking equal protection notions is prominent both in Douglas and in other cases treating the rights of indigents on appeal. The Court in Douglas, for example, stated :

“[W]here the merits of the one and only appeal an indigent has as of right are decided without benefit of counsel, we think an unconstitutional line has been drawn between rich and poor.” 372 U. S., at 357. (Emphasis in original.)

The Court in Burns v. Ohio, stated the issue in the following terms :

“[O]nce the State chooses to establish appellate review in criminal cases, it may not foreclose indigents from access to any phase of that procedure because of their poverty.” 360 U.S., at 257.

... The **Fourteenth Amendment** "does not require absolute equality or precisely equal advantages," San Antonio Independent School District v. Rodriguez, 411 U. S. 1, 24 (1973),.... It does require that the state appellate system be "free of unreasoned distinctions," Rinaldi v. Yeager, 384 U. S. 305, 310 (1966), and ... have an adequate opportunity to present their claims fairly within the adversary system. Griffin v.

Illinois, *supra*; Draper v. Washington, 372 U. S. 487 (1963)..."

In the Instant Matter, the "unconstitutional line" that is drawn between groups, concerns those represented by counsel and those presenting their cases *pro se*, which in many cases, is identical to the line being drawn between rich and poor - or perhaps more frequently, between those seeking "justice" from members of the "Justice System" and those seeking recovery from one of their fellow "civilians". Thus, it seems obvious that **Rule 233.1**, as well as its "progeny" (in this case, the Allegheny County Order which formed the "basis" for the State Court's *sua sponte* actions against Coulter's filing) both violate both the Equal Protection and the Due Process Clauses of the United States

Constitution through its application of different rules for making determinations against different classes of litigants. This is particularly striking when one looks back at that this court's determinations in Ross v. Moffitt, which makes the connection between the **Fourteenth Amendment** and the basic concept that the Law should not be based on "unreasoned distinctions" as they ultimately result in inequitable treatment :

"... The Fourteenth Amendment "does not require absolute equality or precisely equal advantages," San Antonio Independent School District v. Rodriguez, 411 U. S. 1, 24 (1973), ... It does require that the state appellate system be "free of unreasoned distinctions, ..." "

Further, **Due Process** is required in Civil Matters just as it is in Criminal Matters. Any situation where one's Property or Rights may be affected,

requires **Procedural Due Process**, as explained in Baldwin v. Hale, 68 US 223 - Supreme Court 1864 :

“Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified. Common justice requires that no man shall be condemned in his person or property without notice and an opportunity to make his defense. Nations et al. v. Johnson et al., 24 How., 203; Boswell's Lessee v. Otis et al., 9 How., 350; Oakley v. Aspinwall, 4 Comst., 514. ...”

Because Pro Se Plaintiffs are not permitted to have equal access to the state courts by Rule 233.1, (an issue exacerbated in this matter, as the Allegheny County Order far exceeds even the authority of Rule 233.1) - the Rights of Due Process and Equal Protection under the United States Constitution are violated because Pa.R.C.P. Rule 233.1 (and its progeny) unconstitutionally restrict Coulter's access to the courts – in violation of the Constitution of the United States!

2. Pervasive Bias within the Pennsylvania Courts, makes it essentially impossible for any Plaintiff to successfully recover from a defendant or defendants, particularly if any one of those defendants are members of the “Just Us System” (employed as judges, attorneys, members of law enforcement) or associated in some manner with one or more of these groups.

Although there is no shortage of Case Law on the issue of Pervasive Bias, essentially every decision

determines that there is not sufficient evidence in that particular matter, for The Court to recognize this exception to the Extrajudicial Source Doctrine. In this case though, there is clearly more than enough evidence to prove not merely bias against Coulter personally, but also that the evidence conclusively shows that in Pennsylvania's Courts, a judge's bias against a Pro Se Litigant is not merely "accepted", it is actually encouraged by **Rule 233.1** and its progeny (especially the Allegheny County Court Order which formed the basis for the dismissal of the Instant Matter).

In the Instant matter, the proceedings had only progressed to the point where the Parties had just begun the authorized process of fine tuning the Complaint in response to Preliminary Objections – and Coulter had filed the very first Amended Complaint, when, apparently, Paulisicks' Counsel took the almost unprecedeted step of approaching the Trial Court at that point.

At that moment, the Trial Court announced his plan to take the actually unprecedeted step of ruling on Preliminary Objections after "allowing" only one amendment, in direct conflict with Pa R.C.P. Rule 1033 and Case Law. The Trial Court's decision to deviate from established procedures was soon explained as the Judge stated that he was interested in imposing an Order of Court which he had "uncovered" (and that Order specifically prohibits Coulter from filing Pro Se under numerous situations). When Coulter pointed out that the Allegheny County Order specifically states that it does not apply to matters that were pending at that time – and that the matter had been pending in the federal courts when the order was written. The

Judge countered that because the case was stamped with a 2020 identifying number by the clerk's office – it was clearly not pending in 2015 (when the Allegheny County Order was produced. While this **Extrajudicial** information should have been sufficient to force the Trial Court to recuse – none of the jurists from either of the state's two appellate courts, ever even suggested that he should.

Coulter argued that Pennsylvania Statute requires that it be considered to be filed on the date that it was filed in the federal court pursuant to **Title 42 § 5103. Transfer of erroneously filed matters.** :

“... A matter which is within the exclusive jurisdiction of a court ... but which is commenced in any other tribunal ... shall be transferred ... where it shall be treated as if originally filed in the transferee court or magisterial district of this Commonwealth on the date when first filed in the other tribunal.

...

Subsection (a) shall also apply to any matter transferred or remanded by any United States court for a district embracing any part of this Commonwealth. ...”

And besides, her argument continued, the Allegheny County Order is Unconstitutional. But, the Trial Court was unpersuaded – however, the Judge did make a point of “omitting” (from his opinion filed in this case) *the portion of the original (Allegheny County) Order of Court which clarifies that it does not apply to pending cases.*
(7a.)

Paulisicks' Counsel should have expected that Coulter would be permitted to amend (as Leave to amend is not required following one single amendment the procedure in the federal courts.) **So there was no conceivable reason why the Defendants' (Paulisicks') attorney should have, or even would have, ever approached the Trial Court for relief**, after Coulter had only filed one, single amended complaint! Therefore, it seems obvious that either the "Courthouse Gossip" concerning events in Allegheny County must have been completely "historic" in order for every lawyer who works in the county courthouse (in any capacity) to still remembered the details of that case five (5) full years later – **or the Trial Court felt so much support (or Pervasive Bias) from his Brethren that he felt empowered to (*ex parte*) approach Paulisicks' Counsel to offer his help to do for Paulisicks just what the Senior Judge sitting in Allegheny County had done for the benefit of all of his Brethren.**

Of course, it should be asked how the Butler Courts actually learned of what had happened in Allegheny County. The Senior Judge who "heard" the Ignelzi case, assured that the President Judge of each of the state's sixty (60) Trial Courts, personally, received a copy of his decision. **And, the fact that, at least in Butler County, the President Judge personally assured that all of those serving below him also became aware of the highly Unconstitutional expansion upon Rule 233.1 – goes a long way toward evidencing Pervasive Bias – at least among the Butler County judiciary!**

Indeed, the mere existence of Rule 233.1 points very strongly toward the existence of Pervasive Bias in all of the Pennsylvania Courts. Clearly, evidence of the extreme and Pervasive Bias against all Pro Se Plaintiff's exist in every level of the Pennsylvania courts.

Further, there is solid proof of extreme corruption of the state's "Justice System" by numerous Jurists (from across the state) – at all levels of the state courts. Notably, periodically, scandals are uncovered which prove the existence of that **Bias** - including the Kids for Cash Scandal (involving **three (3) of the seven (7) Justices in the state's highest court**), and the circumstances which resulted in **the dissolution of the entire Traffic Division** in the Philadelphia County Court! Indeed, as Coulter's attempt at appealing to the state's lower appellate court, involved an En Banc decision to deny appeal – it is apparent that at the minimum, the majority of those Jurists determined that they "could" deny appeal to Coulter – despite the state's Constitution clearly and unequivocally guaranteeing a Right of Appeal :

§ 9. Right of appeal. There shall be a right of appeal in all cases to a court of record from a court not of record; and there shall also be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court, the selection of such court to be as provided by law; and there shall be such other rights of appeal as may be provided by law.

says a lot about the "state" of the state's judiciary!

In the Instant Matter, the Trial Court chose, *sua sponte*, to uncover and unmask the Interlocutory Order (from a completely unrelated case in another county) – so that the Trial Court could utilize that clearly Unconstitutional Order, exclusively to “justify” the dismissal of Coulter’s Claims for property damage which had been (on three separate occasions) negligently caused by a tree located on property owned by Paulisicks. **The mere fact that the Allegheny County Order remains Interlocutory now nearly six (6) years – provides substantial proof of the breadth and depth of that bias in the state**, and this court, as This Court has personally viewed the evidence of that Bias, in *Coulter v. Ignelzi* – where, because the state’s highest court refused to grant Mandamus, Coulter was required to take the “moon shot” *(and file Petition for Cert) so she could have that clearly Unconstitutional Order reviewed by some court, as the State’s Highest Court had refused!

However, because this court did not believe it was necessary to grant Certiorari in *Coulter v. Ignelzi*, the reasons for this court’s determination will never be known, just as is the situation with the state’s highest court. **And the fact that This Court also fails to explain why certain cases are denied review – results in apparent secrecy – which certainly adds to the perception that the Pervasive Bias which is obvious in the State Courts, must extend all of the way up to the Highest Court in the Land!**

CONCLUSION

It appears that Pennsylvania is the only state.

to promulgate a Rule of Court like Rule 233.1, a Rule which is clearly intended to end every civil case against every member of the "Justice System. Still though, it is crucial that This Honorable Court must either accept this matter for Public Argument – or immediately Issue a Decision which will declare **Pa.R.C.P. Rule 233.1 Unconstitutional**, and overturn any matters involving this Rule of Court, as to do otherwise would signal the Pennsylvania Judiciary that This Court will look the other way to such blatant violation of the **Constitutional Rights** of everyone who has ever been injured by a member of Pennsylvania's "Justice System"!

Further, I believe that it will be necessary, for a possibly extended period of time, to remove the process of dismissal on technicalities, from the hands of the state's jurists, any time that a member of the "Justice System" is being brought into court to pay for damages they have inflicted upon any "civilian". It has become painfully obviously that as long as one member of the Justice System can use their official position to shield one of their "Brethren", the public will not be afforded any protection against the indiscriminate abuses inflicted by those who are part of the "Just Us System"!

I feel certain that This Honorable Court has been made aware that the Public's confident in this, the Nation's Highest Court, has been eroding recently. And, while it is certainly unfair to blame This Honorable Court for the actions by all of the lower courts (including the state courts) – it is inevitable that This Court will be blamed, simply because it is you alone that has the power to step in and assure that the American Public are provided with the Justice System that we truly both need and

deserve. But, as long as the lower courts continue to act with impunity, and allow those around them to do so as well – This Honorable Court will continue to shoulder a disproportionate burden of the blame for the problems in our “System of Justice”!

I wish to Thank You, for your thoughtful consideration of this Petition for Certiorari, and ask that you recognize the very real effects that your decision in this matter will have on others who have been (or may in the future be) injured either intentionally or unintentionally by members of our Justice System.

As Mr. Chief Justice Burger, stated in the case of *In re Griffiths*, 413 US 717 - Supreme Court 1973, raising this very Issue:

"The role of a lawyer as an officer of the court predates the Constitution; ... always within—never outside—the law... That this is often unenforceable, that departures from it remain undetected, and that judges and bar associations have been singularly tolerant of misdeeds of their brethren, renders it no less important to a profession ... It is as crucial to our system of justice as the independence of judges themselves." (emphasis added)

Respectfully Submitted,

Jean Coulter, Petitioner