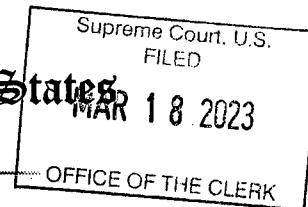


No. 22-1039

**In the
Supreme Court of the United States**



IN THE MATTER OF GARY PFEFFER JR.,
Petitioner.

**On Petition for a Writ of Certiorari to the
Maryland Supreme Court**

PETITION FOR A WRIT OF CERTIORARI

Gary Pfeffer Jr.
Pro Per, In Sui Juris
1122 Frenchtown Road
Perryville, Maryland 21903
(202) 894-0760
chemmy1981@gmail.com

March 17, 2023

SUPREME COURT PRESS

♦ (888) 958-5705 ♦

BOSTON, MASSACHUSETTS

QUESTIONS PRESENTED

Petitioner Gary Pfeffer Jr. filed an *Emergency Petition for Injunctive Relief or Any Other Remedy Available* asserting claims for financial relief seeking a Cease and Desist order through Common Law in response to Aggressors' actions to trespass upon the Appellant's rights and freedoms.

Appellant was ordered to leave his work site and suffered harassment, threats of job loss, and loss of pay. On February 10, 2022, the Circuit Court for Harford County ordered the matter dismissed and denied Appellant's request for a hearing.

The Questions Presented Are:

1. Was the trial court's dismissal of the Appellant's Petition for Emergency Injunctive Relief filed as a Common Law case based on "failure to state a claim" lawfully correct when a) this is a one-party only case because there is no controversy between parties and this case has already been adjudicated because notice and opportunity were given the other party and documentation of this was submitted and b) the Proposed Order for Emergency Injunctive Relief and Fee Schedule were submitted to trial court making clear Petitioner's claims?

2. Did Trial and Appellate Courts err by not fulfilling their lawful duty to grant due process review and judicial remedy to Petitioner (*in pro per in Sui juris*) in the original jurisdiction at Common Law (as per Maryland Rule 1-501 and *Bond v. United States, supra*) or did they process in error according to statutory or policy jurisdiction as if this were a complex case with Petitioner presenting in Pro Se?

3. Was the Appellant denied his right to due process and injunctive relief via the trial court's dismissal of his case without a hearing and denial of his motion for reconsideration according to Common Law and Article 5a and 19 of the Declaration of Rights from the Maryland Constitution and Maryland Rule 2-311(f) requiring a hearing be granted if requested?

4. Did Appellate Court err in claiming "Petitioner cited no authority prohibiting his employer from requiring him to vaccinate" when in fact extensive authorities, U.S. Constitutional Amendments, Maryland State Constitutional Articles were referenced by Petitioner and not refuted in any detail by Appellate Court?

5. Did Trial and Appellate Courts ignore substantial documentation and authorities proving Petitioner's lawful claim and Aggressor's deliberate violation of rights, default, and violation of Estoppel, having been given ample notice and opportunity and satisfying all legal requirements for defaulting and proving he is in tacit agreement of proceeding without lawful authority to trespass upon Petitioner's rights and cause substantial harm using coercion, duress, and threats?

PARTIES TO THE PROCEEDINGS BELOW

The Petitioner is Gary Pfeffer, Jr. This is an ex parte (one party only) Common Law case. This is not a statutory case against a corporation. Aggressors listed in the case have been informed that they are personally liable and were given notice and opportunity before continuing to trespass against Petitioner and were found in Default and proceeded to violate Petitioner's rights to be warned and notified for Violation of the Estoppel Notice that was served.

As an ex parte Common Law case, Petitioner avers that there is no Respondent party.

RULE 29.6 STATEMENT

Petitioner is coming in pro per status, there is no parent or publicly held company associated with this Petition.

STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings in the Harford County Circuit Court of Maryland, the Maryland Court of Special Appeals, and the Maryland Supreme Court:

- *In the Matter of Gary Pfeffer, Jr.*
Harford County Circuit Court
No. C-12-CV-22-000087
Order of Dismissal: February 10, 2022
- *In the Matter of Gary Pfeffer, Jr.*
Maryland Court of Special Appeals
No. CSA-REG-0007-2022
Final Opinion: August 26, 2022
- *In the Matter of Gary Pfeffer, Jr.*
Petition Docket No. 269
September Term, 2022
Denial: December 19, 2022

There are no other proceedings in state or federal trial or appellate courts, or in this Court, directly related to this case within the meaning of this Court's Rule 14.1(b)(iii).

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDINGS BELOW	iii
RULE 29.6 STATEMENT	iii
STATEMENT OF RELATED PROCEEDINGS	iv
TABLE OF AUTHORITIES	viii
OPINIONS BELOW	1
JURISDICTION.....	1
DEFINITIONS.....	1
STATEMENT OF THE CASE.....	4
A. Petitioner’s Common Law Adjudicated Case	5
B. Dismissal by the Circuit Court.....	6
C. Motion Dismissed by the Circuit Court	6
D. Dismissal by Maryland Court of Special Appeals	7
E. Motion Dismissed by the Maryland COSA	7
F. Petition for Writ of Certiorari Denied by Maryland Supreme Court.....	8
REASONS FOR GRANTING THE PETITION.....	8
I. DUE PROCESS AT COMMON LAW DENIED.....	8
A. Circuit Court Denied Petitioner’s Legal Right to a Hearing and Denied Due Process at Common Law	8
1. Denial of Hearing	8

TABLE OF CONTENTS – Continued

	Page
2. Denial of Due Process and First Amendment Right for Redress of Grievances	9
B. Court of Special Appeals Ruling Is Incorrect and Opinion Contains Inaccurate Statements of the Case	11
C. Circuit Court and Special Appeals Court Treated Petitioner’s Case as Statutory and Did Not Rule According to Common Law	21
II. IN PUBLIC INTEREST TO UPHOLD THAT CONSTITUTIONAL RIGHTS AND FREEDOMS ARE NOT SUSPENDED DURING AN EMERGENCY NOR SUPERSEDED BY EXECUTIVE ORDERS OR “MANDATES”	23
III. CONSTITUTIONAL RIGHT FOR JUDICIAL REMEDY VIA COMMON LAW MUST BE PRESERVED FOR ALL CITIZENS.....	25
CONCLUSION.....	27

TABLE OF CONTENTS – Continued

Page

APPENDIX TABLE OF CONTENTS**OPINIONS AND ORDERS**

Order of the Supreme Court of the State of Maryland Denying Petition for a Writ of Certiorari (December 19, 2022)	1a
Opinion of the Court of Special Appeals of the State of Maryland (August 26, 2022).....	3a
Mandate of the Court of Special Appeals of the State of Maryland (October 18, 2022)	6a
Order of Dismissal of the Circuit Court for Harford County (February 10, 2022)	7a

REHEARING ORDER

Order of the Harford County Circuit Court of the State of Maryland Denying Motion for Reconsideration of Dismissal of Action (February 22, 2022)	8a
---	----

OTHER DOCUMENTS

Ex Parte Case Cover Sheet (February 9, 2022)	12a
[Proposed] Order of the Harford County Circuit Court for Emergency Injunctive Relief or Any Other Lawful Remedy Available (February 9, 2022)	14a
Petition for Emergency Injunctive Relief (February 9, 2022)	21a
Letter to Circuit Court Judge (January 21, 2022).....	47a

TABLE OF AUTHORITIES

Page

CASES

<i>Bond v. United States</i> , 564 U.S. 211 (2011)	i, 10, 24
<i>Boyd v. United States</i> , 116 U.S. 616 (1886)	15
<i>Byars v. United States</i> , 273 U.S. 28 (1927)	15
<i>Carmine v. Bowen</i> , 64 A. 932 (1906)	20
<i>County of Butler v. Governor Wolf</i> , 2:20-cv-00677-WSS (W.D. Pa. 2020)	15
<i>Ex Parte Arata</i> , 52 Cal. App 1 380 (App. 2 Dist. 1921)	14
<i>Ex Parte Milligan</i> , 71 U.S. 2 (1866)	16
<i>Marbury v. Madison</i> , 5 U.S. 137 (1803)	13
<i>Meyer v. Nebraska</i> , 262 U.S. 390 (1923)	14
<i>Miranda v. Arizona</i> , 384 U.S. 436 (1966)	13, 15
<i>State v. Chadwick</i> , 150 Or. 645, 47 P.2d 232 (1935)	21
<i>United States v. Prudden</i> , 424 F.2d 1021 (1970)	19, 20
<i>United States v. Tweel</i> , 550 F.2d 297 (1977)	19, 20

TABLE OF AUTHORITIES – Continued

	Page
CONSTITUTIONAL PROVISIONS	
Md. Const. Art. 5a, § 1.....	9, 24
Md. Const. Art. 13.....	11
Md. Const. Art. 19.....	9, 24
Md. Const. Art. 24.....	12
U.S. Const. amend. I.....	10
U.S. Const. amend. V.....	12
STATUTES	
16 Am Jur 2d, Const. Law § 70	13, 24
28 U.S.C. § 1257(a)	1
Civil Rights Act of 1964 Title VII.....	5, 14
JUDICIAL RULES	
Md. R. Civ. P. § 1-501	i, 6, 9
Md. R. Civ. P. Cir. Ct. 22-311(f)	ii, 9, 24
REGULATIONS	
45 C.F.R. § 46.....	16
OTHER AUTHORITIES	
BLACK’S LAW DICTIONARY (4th Ed. 1968)	1, 20
BOUVIER’S LAW DICTIONARY, 14th Ed., Vol II (June 7, 2013).....	20
Nuremberg Code	16



OPINIONS BELOW

The Maryland Supreme Court denied Petitioner's Petition for Writ of Certiorari (Petition Docket No. 269) on December 19, 2022. (App.1a). The opinion of the Court of Special Appeals of Maryland, dated August 26, 2022 is unreported. (App.3a). The Circuit Court of Harford County dismissed the case without a hearing and denied motion for reconsideration. (App.7a).



JURISDICTION

The notice of appeal to the court of appeals was entered on March 2, 2022 and a motion for reconsideration denied. Mandate was received from Appellate Court on October 18, 2022 and a timely Petition for Writ of Certiorari was filed with Maryland Supreme Court on October 25, 2022 and denied on December 19, 2022. (App.1a). This Court's jurisdiction rests on 28 U.S.C. § 1257(a).



DEFINITIONS

The following definitions are taken from BLACK'S LAW DICTIONARY, Fourth Edition.

Ex Parte

On one side only; by or for one party; done for, in behalf of, or on the application of, one party only. A judicial proceeding, order, injunction, etc., is

said to be ex parte when it is taken or granted at the instance and for the benefit of one party only, and without notice to, or contestation by, any person adversely interested. *Janin v. Logan*, 209 Ky. 811, 273 S.W. 531, 532; *Van Alen v. Superior Court in and for Los Angeles County*, 37 Cal. App. 696, 174 P. 672; *Stella v. Mosele*, 299 53, 19 N.E.2d 433, 435. Ex parte means that an application is made by one party to a proceeding in the absence of the other. Thus, an ex parte injunction is one granted without the opposite party having had notice of the application. It would not be called "ex parte" if he had proper notice of it, and chose not to appear to oppose it.

Due Process of Law

"Law of the land," "due course of law," and "due process of law" are synonymous. *People v. Skinner*, Cal., 110 P.2d 41, 45; *State v. Rossi*, 71 R.I. 284, 43 A.2d 323, 326; *Direct Plumbing Supply Co. v. City of Dayton*, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; *Stoner v. Higginson*, 316 Pa. 481, 175 A. 527, 531. But "judicial process" and "judicial proceedings" are not necessarily synonymous with "due process." *Pennsylvania Publications v. Pennsylvania Public Utility Commission*, 152 Pa. Super. 279, 32 A.2d 40, 49; *Barry v. Hall*, 98 F.2d 222, 68 App. D.C. 350. The essential elements of "due process of law" are notice and opportunity to be heard and to defend in orderly proceeding adapted to nature of case, and the guarantee or due process requires that every man have protection . . . and benefit of general law. *Dimke v.*

Finke, 209 Minn. 29, 295 N.W. 75, 79; *Di Maio v. Reid*, 13 N.J.L. 17, 37 A.2d 829, 830.

Duress

Unlawful constraint exercised upon a man whereby he is forced to do some act that he otherwise would not have done . . . where the person is deprived of his liberty in order to force him to compliance . . . threats of bodily or other harm, or other means amounting to or tending to coerce the will of another, and actually inducing him to do an act contrary to his free will. *Heider v. Unicum*, 142 Or. 410, 20 P.2d 384, 385; *Shlensky v. Shlensky*, 369 Ill. 179, 15 N.E.2d 694, 698.

Coercion

Compulsion; constraint; compelling by force or arms. *Fluharty v. Fluharty*, Del. Super., 8 W.W. Harr. 487, 193 A. 838, 840; *Santer v. Santer*, 115 Pa. Super. 7, 174 A. 651, 652. It may be actual, direct, or positive, as where physical force is used to compel act against one's will, or implied, legal or constructive, as where one party is constrained by subjugation to other to do what his free will would refuse. *Metro-Goldwyn-Mayer Distributing Corporation v. Cocke*, Tex. Civ. App., 56 S.W.2d 489. It may be actual or threatened exercise of power possessed, or supposedly possessed. *In re New York Title & Mortgage Co.*, 271 N.Y.S. 433, 150 Misc. 827; *Weir v. McGrath*, D.C. Ohio, 52 F.2d 201, 203.



STATEMENT OF THE CASE

Petitioner (Mr. Pfeffer Jr.) is a custodial supervisor and twelve-year employee of Chimes DC who works on site at Aberdeen Proving Ground. He worked as an essential employee through the start of the COVID-19 pandemic when most employees at APG base began working from home to avoid any danger. Petitioner was never required to receive any vaccine or medical intervention as a condition of his employment, however was ordered by October 12, 2021 Memo from Gerard Cotter, Executive Vice President of Chimes DC to undertake medical interventions (COVID-19 mandatory regular testing or COVID-19 injections) or he would be subject to termination of employment or disciplinary action. Petitioner replied to Cotter's offer of the COVID-19 injection with a "Conditional Acceptance" dated October 12, 2021, (Exhibit 1 in original trial court case) stating Petitioner would conditionally accept the offer provided Cotter had lawful authority to enact such measures and is prepared to accept full liability in his "personal capacity." Cotter replied but failed to provide proof of lawful authority and continued to coerce Petitioner and was found in default and in tacit agreement (by silent acquiescence and his failure to respond) that Cotter et al. do not have any proof of claim regarding their offer and are in tacit agreement they do not have any Lawful authority in this matter. Mr. Pfeffer made it clear to Meadows, Cotter, et al. that complying with these coercive medical interventions is against his Constitutionally secured Rights as well as his sincerely held religious beliefs in violation of the Civil Rights

Act of 1964 Title VII and the Americans with Disabilities Act of 1980 as well as other authorities, as a result, Mr. Pfeffer Jr. was sent home on December 8, 2021 and threatened with termination of employment if he will not consent under duress. Meadows denied Petitioner's statement of holding religious convictions against forced medical interventions despite several certified letters documenting this, and accused Petitioner of holding "conspiratorial, anti-government views" which is untrue, unwarranted, and damaging to Petitioner's career as a high-performing employee of twelve years.

Meadows informed Petitioner he would be terminated on January 24th 2022, however on January 28th Meadows reneged by stating "However, various government mandates are being challenged in the courts. For that reason, for now, your employment will not be terminated." Mr. Pfeffer Jr. remained on indefinite unpaid leave. To date, Petitioner has lost 5 months of pay and benefits after being sent home and called back on three different periods of unpaid leave: December 8, 2021–March 8 2022, May 31–June 24, 2022, and August 10–September 8, 2022.

A. Petitioner's Common Law Adjudicated Case

It has been stated repeatedly that this is case of original jurisdiction (not statutory or policy) at Common Law ruled by NOTICE AND OPPORTUNITY. Please see Letter to Circuit Court Judge (App.47a), Ex Parte Case Cover (App.12a), and Petition for Emergency Injunctive Relief (App.21a) for detailed overview of documentation provided to named aggressors in evidence of this case having already been adjudicated due to having given aggressors notice and opportuni-

ty and submitting documentation to trial court in original exhibits.

B. Dismissal by the Circuit Court

This Common Law filing arises from a Petition for Emergency Injunctive Relief (App.21a) hereafter “Petition for Relief” submitted to the Circuit Court for Harford County on February 10, 2022 Docket #C-12-CV-22-000087 with a letter to the Judge (App.47a) explaining this case is an ex parte petition at Common law, coming in Pro Per, in Sui Juris with expectation of a hearing pursuant to Common Law and in accordance with due process protections. The Honorable Judge Angela Eaves dismissed the petition without granting a hearing on the same day it was submitted, February 10, 2022, stating “it fails to state a claim for which relief may be granted within the jurisdiction of the Court, ex parte or otherwise . . .”

C. Motion Dismissed by the Circuit Court

On February 22, 2022 a motion for reconsideration (App.8a) of the dismissal of the action was filed with clarification that the Harford County Circuit Court indeed has jurisdiction as the incidents and violations of rights occurred in Harford County at the Appellant’s place of employment and restating that according to Maryland Code of Courts and Judicial Proceedings, sec. 1-501,

“The circuit courts are the highest common-law and equity courts of record exercising original jurisdiction within the State.”

And outlining that this is a common law case and there is no claim to be stated as there is no controversy between parties since this case has already been

adjudicated as the other party was given notice and opportunity in advance. The other party has been found in default and by virtue of silent acquiescence is in agreement that the alleged violations were committed against the Appellant. The Circuit Court denied this motion on February 24, 2022 (App.8a), again without a hearing and without reply or clarification.

D. Dismissal by Maryland Court of Special Appeals

On March 2, 2022, the Appellant timely noted his appeal to the Court of Special Appeals #CSA-REG-0007-2022 and received an opinion of the court to affirm the Circuit Court's decision stating the following reasons: 1) Petitioner does not cite any authority that prohibits an employer from requiring that its employees either be vaccinated against COVID-19 or comply with testing requirements, 2) Petitioner does not cite any authority that supports his contention that his employer "defaulted" or somehow agreed to his allegations "by virtue of silent acquiescence" 3) Petitioner failed to state a claim upon which the court could have granted relief, and hence the court did not err in dismissing the petition.

E. Motion Dismissed by the Maryland COSA

Petitioner submitted a Motion for Reconsideration to COSA on September 7, 2022 clarifying where in the original case filing (Petition for Relief, App.25a-33a) outlining Cotter's use of threat, duress, and coercion, and outlining authorities detailing the process by which Cotter was in default, estopped, and proceeded to violate the estoppel. Clarity was added to direct the court's attention to the numerous references to relevant authorities from the original case filing to

the trial court which provide ample reason why Cotter et al. are in fact prohibited from trespassing against petitioner's constitutional rights. Further clarification on all points was submitted yet COSA issued a mandate on October 18, 2022 (App.6a) denying the Motion for Reconsideration with no further comment on authorities referenced.

F. Petition for Writ of Certiorari Denied by Maryland Supreme Court

On October 25, 2002, timely Petition for a writ of certiorari, No. 269 September Term, 2022, was denied (App.1a) by Maryland Court of Appeals on Dec. 19, 2022 "as there has been no showing that review by certiorari is desirable and in the public interest."



REASONS FOR GRANTING THE PETITION

I. DUE PROCESS AT COMMON LAW DENIED

A. Circuit Court Denied Petitioner's Legal Right to a Hearing and Denied Due Process at Common Law

1. Denial of Hearing

The Circuit court judge was provided with a letter (App.47a) in addition to the Petition for Relief (App.21a) explaining this is a common law case, in pro per in sui juris and that Petitioner "expects to be granted a hearing and to appear before a court of record," especially important given the uniqueness of a common law filing, however that right was denied by the Honorable Judge Angela Eaves.

As per Common Law jurisdiction and Article 5a and 19 of the Declaration of Rights from the Maryland Constitution, every citizen is entitled to due process at Common Law and Maryland Rule 2-311(f) requires the Circuit Court to grant Petitioner a hearing (which he requested and was denied).

“... the court may not render a decision that is dispositive of a claim or defense without a hearing if one was requested as provided in this section.”

2. Denial of Due Process and First Amendment Right for Redress of Grievances

The circuit court's dismissal (App.7a) cited “failure to state a claim for which relief may be granted” which is incorrect as was clarified in the motion for reconsideration as follows:

I filed in Harford County because I work at Aberdeen Proving Ground where the incident occurred (as opposed to Cecil County where I am domiciled.)

- This is not a statutory case, but a common law case: my understanding is that the Circuit Court would have jurisdiction, as per Maryland Code of Courts and Judicial Proceedings, sec. 1-501,

“The circuit courts are the highest common-law and equity courts of record exercising original jurisdiction within the State.”

- As this is common law, there is no claim to be stated as there is no controversy between parties. This case has already been adjudicated

because I have already given notice and opportunity and submitted the documentation of this. I am filing a petition for injunctive relief so that relief may be granted.

- As per the *Bond* case below, it states an individual's right to seek justice at their state court is protected Federally and any denial by the State to handle the matter at the appropriate jurisdiction would be enforceable Federally.

Bond v. United States, 564 U.S. 211 (2011),

“Federalism also protects the liberty of all persons within a State by ensuring that laws enacted in excess of delegated governmental power cannot direct or control their actions. See *ibid.* By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power. When government acts in excess of its lawful powers, that liberty is at stake.”

and further; Supreme Court in *Bond v. United States*, *supra*, states

“An individual has a direct interest in objecting to laws that upset the constitutional balance between the National Government and the States when the enforcement of those laws causes injury that is concrete, particular, and redressable.”

- U.S. Const. amend. I states “That every man hath a right to petition the Legislature for the redress of grievances in a peaceable and

orderly manner” and the Md. Const. 1867 Art. 13 also supports this right.

B. Court of Special Appeals Ruling Is Incorrect and Opinion Contains Inaccurate Statements of the Case

1. COSA lists three reasons for dismissing Petitioner’s case. All three contain inaccurate statements regarding the case and incorrect rulings. COSA did not refer to ANY of the authorities and documentation submitted as inadequate and appears to not have carefully reviewed the case.

2. COSA cites “failure to cite authority prohibiting employer from requiring Petitioner to vaccinate.” The first inaccuracy is that The Court of Special Appeals incorrectly claimed Petitioner did not cite ANY authority which prohibits his “employer” from requiring him to undergo medical interventions to include forced vaccination and/or testing, when in fact this case is not filed against an employer but names aggressors, Cotter (et al.), who are Personally liable under Common Law (case of original jurisdiction) for threatening, coercing, and using duress to harm Petitioner and violate his rights and freedoms as explained in Petition for Relief (App.25a-43a).

All documentation from trial court onward has included exhaustive documentation citing numerous authorities, constitutionally protected and secured rights and freedoms at the state and federal level, as well as statutes. These cannot all be included in this petition due to space limitations—original documentation must be reviewed in detail to comprehend the legally binding argument.

Reference original case filing Item #4 (App.21a) "Petition for Relief, which cites over 27 cases as authorities" and Item 9 Exhibit 1 "Conditional Acceptance" and Item #5 "Memorandum of Points of Authorities," (not included in Appendix) which contains 20 case references. Key points will be summarized here:

"Coercing and mandating Petitioner to undergo experimental medical interventions under duress (threat of loss of pay and/or termination of employment) represents a clear violation of Petitioner's constitutionally secured right to "life, liberty, and property" including it is a violation of his private medical information which is also his property. COTTER and CHIMES DC AGENTS are violating petitioner's Right not to be deprived of life, liberty or property, without due process of Law.

"No person . . . shall be compelled . . . 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."

U.S. Const. amend V and The Declaration of Rights of the Maryland Constitution (1867), Article 24.

Fifth Amendment: "nor be deprived of life, liberty, or property, without due process of law;"

These violations/crimes and resulting harms/injuries, arose from "COVID-19" "policy" requirements which COTTER attempted to enforce on employees without the Lawful authority to do so. In regard to any and all "COVID-19" "policies," "directives," "orders," or "mandates," (such as

guidelines for testing, tracking, “status forms,” or “vaccinations,” etc.), there is no actual Law that has been passed by the State or Federal Legislature that requires employees to comply, or compels employees to consent to the violation of their natural, unalienable, Constitutionally protected and secured Rights. In fact, no “law” may infringe upon or violate individual Rights, whether in a “declared emergency situation” or otherwise, whereas

“The Constitution is the supreme law of the land. Any law that is repugnant to the Constitution is null and void . . . The Constitution supersedes all other laws and individual rights shall be liberally enforced in favor of him, the clearly intended and expressly designated beneficiary.” *Marbury v. Madison*, 5 U.S. 137 (1803), and “Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.” *Miranda v. Arizona*, 384 U.S. 436, 491 (1966).

“The ‘directives,’ ‘orders,’ ‘mandates,’ or ‘guidelines’ of a governor, mayor, or agent or officer for a city/county/state/health department, etc. are not Law, and public ‘policy’ cannot infringe upon or violate the Rights or liberty of the People. Whereas ‘No public policy of a state can be allowed to override the positive guarantees of the U.S. Constitution [for the united States of America].’ 16 Am Jur 2d, Const. Law, Sect 70. Further, ‘The term [liberty] . . . denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the

common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of his own conscience . . . The established doctrine is that this liberty may not be interfered with, under the guise of protecting public interest.’ *Meyer v. Nebraska*, 262 U.S. 390, 399, 400 (1923) and ‘Encroachments on the liberty of the citizen cannot be tolerated even though the general result sought is a beneficent one.’ *Ex Parte Arata*, (App. 2 Dist. 1921) 52 Cal.Appl 380, 198 p. 814.”

(Excerpt above from Petition for Relief (App.24a). The original case documentation also outlines violations of religious freedoms in detail.)

Cotter, et al, claimed that the decision to “implement a vaccine mandate is a result of the requirements of Executive Order 14042” however, the authorities stated herein do not support the following:

- The Civil Rights Act of 1964, Title VII protects religious freedoms provided reasonable accommodation is requested (Petitioner only asked to do his job as he has been doing since the start of the COVID-19 pandemic which is NOT unreasonable considering he worked prior to the invention of a vaccine without adverse impact to his employer.
- Petitioner’s religious freedoms to object to what is injected in his body etc. are protected by authorities cited in Violation #3 and Violation #4 from the Petition for Relief. (App.34a-37a).

- Executive orders are not laws—the executive order is superseding the role of the Legislative branch as the sole authority to create laws.
- Emergencies do not allow the liberties of the Constitution to be dispensed or suspended by governmental authorities or policies, despite good intentions.

County of Butler v. Governor Wolf, Case 2:20-cv-00677-WSS stating:

“But, even in an emergency, the authority of government is not unfettered. The liberties protected by the Constitution are not fair-weather freedoms—in place when times are good but able to cast aside in times of troubleThe Constitution cannot accept the concept of a ‘new normal’ where the basic liberties of the People can be subordinated to open-ended emergency mitigation measures.”

(See Memorandum of Points and Authorities, Item #5 page 3-6 for complete argument regarding authorities to support it is unlawful to suspend Petitioner’s freedoms despite “state of emergency” etc.)

Byars v. United States, 273 U.S. 28 (1927): Rights must be interpreted in favor of the citizen. No unlawful search and seizure. Petitioner’s medical privacy, medical rights, and rights to bodily sovereignty were threatened with unlawful search and seizure.

Boyd v. United States, 116 U.S. 616 (1886): The court is to protect against any encroachment of constitutionally secured liberty.

Miranda v. Arizona, 384 U.S. 436, 491 (1966): Where rights secured by the constitution are involved,

there can be no rule making or legislation which would abrogate [abolish] them. Executive orders/mandates for instance.

Ex Parte Milligan, 71 U.S. 2 (1866):

"The Constitution of the United States is a law for rulers and people equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government."

In addition, Petitioner clarified to COSA in Motion for Reconsideration, September 7, 2022, that Aggressor was asked (and failed) to provide proof of claim that:

"mandating these experimental medical interventions as a condition of my employment and/or without my informed consent is not a violation of the Nuremberg Code and the U.S. Department of Health and Human Services Title 45 CFR part 46, which sets forth ethical guidelines for biomedical research and states that it is forbidden to coerce, influence, or force any human being to take experimental medical treatment and that fully informed consent is mandatory . . ."

COSA did not reply or refute any of the points raised in the Motion.

3. COSA claims Petitioner cited no authority that proves employer defaulted/agreed to terms of Conditional Acceptance. Again, COSA did not appear to review documentation adequately and again erred

in naming Aggressor's incorrectly as Petitioner's "employer." Petitioner addressed these points and clarified in detail through the Motion for Reconsideration. In order to fully prove liability, it is necessary for the court to review ALL of the original exhibits that were submitted to the trial court as each document fully explains and provides authorities substantiating Cotter's lawful duty to respond, tacit agreement that he is guilty of trespassing and harming Petitioner, and his continuance to coerce and threaten and financially and materially harm Petitioner despite having been warned repeatedly of being held personally and financially liable, and ESTOPPED. This documentation cannot be reprinted in this petition in full due to space.

- This case has already been adjudicated because notice and opportunity were given and the documentation submitted to the Circuit Court (See Trial Court Items 9-14 for Conditional Acceptance and all documentation citing NOTICE of DEFAULT and citing authorities and Item 4 "Petition for Relief" (App. 27a-28a) and Item 5 "Memorandum of Points of Authorities") for complete proof that Gerard Cotter et al, are in fact lawfully bound and were lawfully found in Default due to failing to fulfill their lawful duty to respond in good faith according to Common Law and were lawfully guilty of Violating Estoppel against the petitioner.
- As the court questioned whether Gerard Cotter is bound by the Conditional Acceptance document, the clarifying points and proof were all included in the original documentation sub-

mitted to the Circuit Court, as explained above, for your convenience please see some points below. As per Common Law, Gerard Cotter et al. had a legal duty to respond and submit proof that he and others referenced (not Chimes the company) had the lawful authority and was not in violation of multiple laws, constitutional amendments, that were cited in the documentation (a small fraction are listed below) such as:

- Proof of claim that these mandatory requirements are not made under threat, duress and/or coercion of potential discipline or and/or termination.
- Proof of claim that the Safer Federal Workforce Task Force contract clause (October 15, 2021) upon which you are basing the policies and guidelines . . . are not unconstitutional as applied to me . . .
- Upon proof of claim that the health “mandates” you promote and impress have been passed and signed through Congress as per Article I of the Constitution for the United States of America and/or the Maryland State Legislature in order to be true and actual Law . . .
- Upon proof of claim that you do not lack lawful authority to mandate forced release of private medical information or to impose medical interventions on me, including face coverings, medical tests, or injections as a condition of my employment . . . ”

- Court erred by denying that Gerard Cotter is legally in DEFAULT as per “Notice of Default” sent November 3, 2021 (*see* Item #1 Exhibit 3) which serves as *prima facie* evidence of Cotter’s “SILENCE” in this matter pursuant to *U.S. v. Prudden*, 424 F.2d 1021 (1970) and *U.S. v. Tweel*, 550 F.2d 297, 299 (1977).
- “I declare and notice the Court that I provided proper notice (*see* Exhibits for mailing receipts confirming proper service) and reasonable opportunity to GERARD COTTER, EXECUTIVE VICE PRESIDENT for CHIMES DC, and to any and all CHIMES DC AGENTS following his directives (since notice to principal is notice to agent, and notice to agent is notice to principal), who had a duty to timely respond to this matter in affidavit form and provide proof of Lawful authority (in proper compliance with governing law pursuant to the Maryland State Constitution and the Constitution for the united States of America) to enforce any health “policy,” “directive,” “order” or “mandate” upon me (such as “guidelines” for “physical distancing,” masking, testing, tracking, “status forms” or “vaccinations”); but instead, COTTER and CHIMES DC AGENTS chose to remain silent, and their lack of response resulted in default and Estoppel by Acquiescence and tacit agreement including that COTTER and CHIMES DC AGENTS do NOT have any proof of

claim regarding their offer or any Lawful authority in this matter, which is now established as settled fact (See Exhibit 1-6, incorporated by this reference as if fully restated herein):

- DEFAULT NOTICE—November 3, 2021, Sent via Email and USPS Return receipt for certified mail tracking number: 7020 0640 0000 0040 2694, No response from COTTER.
- “A default is an omission of that which ought to be done, and more specifically, the omission or failure to perform a legal duty. The term also embraces the idea of dishonesty, or an act or omission discreditable to one’s profession,” Black’s Law Dictionary, Fourth Edition, and “Silence can only be equated with fraud when there is a legal and moral duty to speak or when an injury left unanswered would be intentionally misleading,” *U.S. v. Prudden*, 424 F.2d 1021 (1970); *U.S. v. Tweel*, 550 F.2d 297, 299 (1977), and further, “One’s ‘silence’ may invoke doctrine of ESTOPPEL by acquiescence,” *Carmin v. Bowen*, 64 A. 932 (1906)
- “*Tacit*” is defined by Ballentine’s Law Dictionary, Third Edition, page 1252: “Silent; not expressed; implied;” and by BOUVIER’S LAW DICTIONARY, 14 Edition, Vol II, page 576: “That which although not expressed, is understood from the nature of the thing or from the provision of the law; implied;” and by BLACK’S LAW DICTIONARY, Fourth

Edition: “Existing, inferred, or understood without being openly expressed or stated, implied by silence or silent acquiescence, understood, implied as tacit agreement, a tacit understanding.” *See, State v. Chadwick*, 150 Or. 645, 47 P.2d 232, 234 (1935).

**C. Circuit Court and Special Appeals Court
Treated Petitioner’s Case as Statutory and
Did Not Rule According to Common Law**

Especially considering the unique nature of a Common Law Case in pro per, Judge Eaves had a responsibility to grant a hearing to the Petitioner for his Petition for Relief, to ask questions and dialogue with Petitioner regarding the unique claims of this case, which is already adjudicated and amply documented that the aggressors were given due process (notice and opportunity) of the violations against petitioner and chose to continue knowingly (and in tacit agreement) violating his rights after being notified of being in default, having been estopped, and proceeded to violate the notice of estoppel having been provided with notice of liability and fee schedule.

COSA language referencing Petitioner’s “employer” in the opinion indicates the case was ruled in error (App.4a). Petitioner did not bring a case against his employer, which is made very clear in all documentation, rather in Common Law pro per status mentioning Aggressors and individuals who were made aware they would be personally held liable if they proceeded to violate petitioner’s rights after ample notice and opportunity to honorably withdraw.

This is the basis of Common Law—the right to honorably resolve matters between individual persons

and seek judicial remedy if resolution is not possible. The language of the court's opinion is evidence, in fact, that the ruling is in error. Presumably either documentation was ignored by the appellate court or consistent misunderstandings compounded as the case escalated, resulting in the court ruling, in error, as if this case was statutory and against an employer not a common law case already adjudicated naming individual aggressors who were made aware in advance of personal liability.

The Appellate court echoed the circuit court's opinion that Petitioner "failed to state a claim for which relief may be granted."

Clarification was provided to Judge Eaves through the Motion for Reconsideration that there is no controversy between parties as this is a common law ex-parte, one party only case which is already adjudicated with other party given lawful notice and opportunity of violations, notice of liability, and fee schedule incurred for proposed damages to satisfy all lawful requirements.

However, to further clarify the "(Proposed) Order for Emergency Injunctive Relief or Any Other Lawful Remedy Available" (App.14a) submitted with the original case filing to the Circuit Court outlined in detail Petitioner's claims against named Aggressors and proposed relief to include Cease and Desist order and financial liability for Aggressors (in their personal, not corporate, capacities).

As a Common Law case with Petitioner not representing himself as a lawyer but presenting himself in pro per as a 'common man' seeking remedy as per common law, Judge Eaves had a responsibility to

clarify with the Petitioner if there was any question or clarity needed regarding his claim. The Ex Parte Case Cover sheet (App.12a) also made clear the following points to the trial court:

- Ex Parte Petition enumerates violations of Constitutionally protected and secured rights of Petitioner and resulting harms/injury.
- This is NOT a complex case under Maryland Code and Court Rules (NOT within the statutory or policy jurisdiction) but a case of original jurisdiction at Common Law ruled by NOTICE AND OPPORTUNITY, etc. . . .
- Lawful remedies sought are Declaratory or Injunctive Relief based on Exhibits 1 through 6 (original case documents submitted to trial court)
- Number of causes of action (violations) = 9
- This is NOT a class action suit

Common law puts the onus on the judge to work with petitioner who is not expected to communicate with the legal finesse of a statutory lawyer. Petitioner made every effort to communicate with the judge in advance of submission of the case the unique aspects of this case.

II. IN PUBLIC INTEREST TO UPHOLD THAT CONSTITUTIONAL RIGHTS AND FREEDOMS ARE NOT SUSPENDED DURING AN EMERGENCY NOR SUPERSEDED BY EXECUTIVE ORDERS OR "MANDATES"

The trial court and appellate court failed to uphold the precedent that emergencies and executive or

policy branches of the government are not permitted to suspend or supersede existing laws and constitutionally protected freedoms at the state and federal levels.

It is strongly in the public interest given the vast number of lawsuits and civil violations that have been committed against numerous citizens during the COVID-19 pandemic, that the United States Supreme Court not permit state courts across the nation to deny due process for judgements in error that claim employers (in general) are permitted to violate constitutional rights in this particular situation despite a long history of cases and statutes to the contrary.

Judge Eaves and the Appellate Court) failed to grant summary judgement while Petitioner faced imminent material harm which consisted of loss of income and threat of job loss and career damage, and did not grant a hearing or attempt to clarify petitioner's claim, despite the requirement of Maryland Rule 2-311(f) and Maryland Constitution, Declaration of Rights, Articles 5a and 19 which guarantee Petitioner's right to "Common Law of England" and to the "course of that Law" and "ought to have remedy by the course of the Law of the Land" from Article 19. Appellant was denied access to lawful remedy via the court and documentation seems to have been ignored based on the trial court's response. As per 16 Am. Jur. (2nd), Const. Law, Sect. 70 page 392 and *Bond v. United States*, 564 U.S. 211 (2011), Petitioner's right to seek justice at their state court is protected Federally, and any denial by the State to handle the matter at the appropriate jurisdiction (in this case original jurisdiction at Common Law—which Petitioner was denied) is enforceable Federally. Therefore, the United States

Supreme Court has an obligation to review and grant summary judgement and give Petitioner the opportunity to present and clarify any points of confusion among the original trial court documentation, not to be denied and dismissed as if he were a statutory lawyer, but as a common man seeking common law due process.

III. CONSTITUTIONAL RIGHT FOR JUDICIAL REMEDY VIA COMMON LAW MUST BE PRESERVED FOR ALL CITIZENS

Although the Maryland Supreme Court claims this petition is not in the public interest, that is incorrect. The treatment of this Common Law case by the courts (and others like it) illustrates a precedent that such cases and their documentation can be ignored by the court on the basis that individuals coming in pro per status (not representing themselves in pro se but simply presenting their case as "common law men and women" who do not claim to be qualified attorneys) can be denied due process at common law. Common law is the basis of our government and its principle is that even a common, uneducated person of minimal financial means, has the right to present their case honorably and receive a hearing and fair honorable review regardless if that individual is unlearned and unpracticed in the complexities of statutory and commercial law that is currently a barrier today.

Many citizens experienced severe civil and constitutional violations of the rights and freedoms including various forms of discrimination, loss of pay, and job/career loss as a result of the "COVID 19 Emergency" and had no legal recourse available other than through common law in pro per.

In addition to the general public, employees at CHIMES DC were effected. The Aggressors named in this petition were in positions of leadership for CHIMES DC, a company that employees individuals with disabilities and accepts state and/or federal funds to place them in employment situations. Many employees were unwilling to receive an experimental vaccine and had medical and/or religious concerns but accepted due to the coercion, duress, and threats of termination due to the scarcity of job opportunities for this population. Fear of facing financial and long-term career damaging harms and/or psychological harms of being singled out as a pariah for "repeated testing" and anti-vax discrimination caused many to accept forced medical interventions against their will and judgement. Petitioner's case represents not just his individual situation, but hope for all who have been marginalized and whose rights were violated by these Aggressors (and others like them) who failed to respect the rights of even their most vulnerable employees.

This Common law case and its importance is relevant to the public interest because it represents the principle that many other common law cases with very similar features that have been filed in several other states (California, Massachusetts, etc.) which were summarily dismissed and denied with similar reasoning by the court such as "failure to state a claim" and were processed not as common law cases, but as statutory cases. Justice and due process via Common Law must be upheld as a constitutional right, not just for this Petitioner, but for other citizens and our future generations or we risk completely losing all aspects of freedom and justice for all.



CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gary Pfeffer Jr.
Pro Per, in Sui Juris
1122 Frenchtown Road
Perryville, Maryland 21903
(202) 894 0760
chemmy1981@gmail.com

March 17, 2023