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22-6373

No.

IN THE
SUPREME COURT OF THE
UNITED STATES

ALICJA HERRIOTT

Petitioner

v.

PAUL B. HERRIOTT

Respondent

On Petition For Writ Of Certiorari
To The Supreme Court Of
The State Of California

PETITION FOR WRIT OF CERTIORARI

ORIGINAL

ALICJA HERRIOTT

Petitioner

123-24th St

Hermosa Beach, CA 90254

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QUESTIONS PRESENTED

In *Be & K Constr. Co. v. NLRB* (2002) 536 U.S. 516, 53, this Court held, that "The First Amendment provides, in relevant part, that "Congress shall make no law . . . abridging . . . the right of the people . . . to petition the Government for a redress of grievances." We have recognized this right to petition as one of "the most precious of the liberties safeguarded by the Bill of Rights," *Mine Workers v. Illinois Bar Assn.*, 389 U. S. 217, 222 (1967), and have explained that the right is implied by "the very idea of a government, republican in form," *United States v. Cruikshank*, 92 U. S. 542, 552 (1876).
... We based our interpretation in part on the principle that we would not "lightly impute to Congress an intent to invade . . . freedoms" protected by the Bill of Rights, such as the right to petition. *Id.*, at 138."

This Court recognizes that access to Court to all litigants is a fundamental right protected by the First and Fourteenth Amendments. California Statutory Law of Vexatious Litigants violates due process of In Pro Per litigants. 16A C.J.S. Constitutional Law § 719.

PARTIES TO THE PROCEEDING

Petitioner, Alicia Herriott, is Appellant to the Court of Appeal, Second Appellate District, Defendant in a family law case in Los Angeles Superior Court, District Central.

Respondent Paul Herriott, is Respondent to the Court of Appeal Second Appellate Court, Plaintiff in a family law case in Los Angeles Superior Court, District Central.

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**ON PETITION FOR WRIT OF CERTIORARI
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OPINIONS BELOW

The decision of the Supreme Court of the State of California
Case No S275893, filed on September 14, 2022, is appended to this Petition
(Appendix D)

STATEMENT OF JURISDICTION

This appeal originates from a decision of the Supreme Court of The State of California, Case No S275893 denying Petition for Review of the Court of Appeal, Second District decision denying prefilling Order of Vexatious Litigant under Code Of Civil Procedure - C.C.P. § 391.7 filed on August 8, 2022. The United States Supreme Court has jurisdiction over this matter pursuant to 28 U.S.C. 1257(a). The questions raised by Petitioner to this Court is that the Petitioner, who is seeking review of a court order, has a substantial claim of right, and the denial of which threatens unrepresented litigants' fundamental right to access to Court.

CONSTITUTIONAL AND STATUTORY **PROVISIONS INVOLVED**

The First Amendment to The Constitution

Guarantees the right to petition their government.

The Eight Amendments to The Constitution

Excessive bail shall not be required, excessive fines imposed, or cruel and unusual punishments inflicted.

The Fourteenth Amendment to The Constitution

The clause says, ' No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." " No State shall "deny to any person within its jurisdiction the equal protection of the laws and the right of access to the courts.

Bill Of Rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to the full and equal benefit of all laws and proceedings for the security of persons and property.

Code Of Civil Procedure - C.C.P. § 391.8

(a) A vexatious litigant subject to a prefilings order under Section 391.7 may file an application to vacate the prefilings order and remove his or her name from the Judicial Council's list of vexatious litigants subject to prefilings orders. The Application shall be filed in the Court that entered the prefilings order, either in the

action in which the prefiling order was entered or in conjunction with a request to the presiding justice or Presiding Judge to file new litigation pursuing Section 391.7. The Application shall be made before the justice or Judge who entered the order if that justice or Judge is available. If that justice or Judge who entered the order is not available, the Application shall be made before the presiding justice or presiding Judge, or his or her designee.(c) A court may vacate a prefiling order and order removal of a vexatious litigant's name from the Judicial Council's list of vexatious litigants subject to prefiling orders upon a showing of a material change in the facts upon which the order was granted and that the ends of justice would be served by vacating the order.

STATEMENT OF THE CASE

1. Background Facts

Petitioner, Alicia Herriott, Respondent in a divorce case filed by Respondent Paul Herriott, Plaintiff in the Superior Court of Los Angeles, Central District¹. After the divorce is finalized, the following motions are regular causes of the divorce proceedings of child and spousal support modification or contempt of court orders, reimbursement of the medical bills, and delinquent payments of support. The Petitioner, a staying home mother of four children with \$950 per month spousal

¹ Case No. BD415-787, Name: Herriott vs.Herriott. The Judgment is entered on November 28, 2007

support, has no other choice than represent herself in the California Courts. Petitioner becomes In Pro Per Litigant in the Superior Court and the Court of Appeal. Petitioner appeals the lower court orders when a child and spousal support is modified without evidence of a change of circumstances.². Therefore, on May 1.2012, Court, without any evidence that Petitioner/Defendant acts vexatiously, grants represented by an attorney Plaintiff a request to proclaim her to be a Vexatious Litigant under California Code of Civil Procedure - C.C.P. § 391.7. Moreover, the Petitioner, with no history of litigation filed, that she is in the Court as a litigant for the first time. Consequently, Petitioner is subjected to the prefilling order before she can file a new litigation pursuing CCP391.7, and the third appeal is automatically dismissed. At the time, Petitioner has no understanding of how the Law is applied in the real world, but she learns in upcoming years that she has lost her right to petition and seek protection under the Law. Any petition to file for Restraining Orders, civil case for damages, or motion to file post-Death QDRO is denied. The pending case on appeal B243517 for review of the permanent spousal support termination without evidence of the material change of circumstances is dismissed by denying prefilling order of which the Appellant/Defendant is not a subject. Application of the Statutory Law of Vexatious Litigant in the real world is far from the intention of the Law.

2. Procedural Background

On May 1, 2012, Court declares Petitioner and Defendant in the divorce case as Vexatious Litigant pursuing to CCP391.7. On December 6, 2013, the Superior Court

² Case No. B233061, B234240. The Petitioner prevails on both appeals.

denies Petitioner's first request to be removed from the Judicial Council of California Vexatious Litigant List. In the year 2018, Petitioner files an Application to the Presiding Judge of the Superior Court of Los Angeles to reverse the order again. However, the Application is forwarded to the Judge, who issued the order, Hon Judge Christine Byrd. Due to Covid restrictions and the lockdown decision of the Court is delayed. On April 14, 2021, the court exercise judiciary powers and, without any legal explanation, denies Petitioner's request for reversal of the May 1, 2012 order declaring her Vexatious Litigant. The Petitioner appeals. Even though the defendants are not subjected to the prefilling order of Vexatious Litigant prior to filling the Notice on Appeal, the Court of appeal dismisses the case by denying such an order. Petitioner disagrees that she is the appellant/defendant in the action the Notice on Appeal is filed. Pursuing CCP391.8 defendant is not subjected to the prefilling order on appeal. Petitioner seeks review in the California Supreme Court, which is denied on September 14, 2022.

ARGUMENT

I. THE STATUTE BROADLY STATES WHAT SANCTIONABLE BEHAVIOR IS.

Under CCP391, a Pro Se litigant who had lost at least five pro se lawsuits in the proceedings seven years sued the same defendants for the same alleged wrongs, and any person while acting in propria persona repeatedly files meritless papers or uses the frivolous tactical device. The meaning of "repeatedly" and "unmeritorious" motion, under the statutory definition in any given case, is the various applications, motions, pleadings, or other procedural steps that may be filed or taken within the context of that litigation. *Garcia v. Lacey* (App. 5 Dist. 20140 180 Cal. Rptr. 3D 45, 231 CAL.APP.4TH 402. Notwithstanding the facts, the Court exercises judiciary discretion in determining whether a person is Vexatious Litigant *Fink v. Shemtov* (App. 4 Dist, 2010) 103 Cal. Rptr. 3d 509, 180 Cal. App.4th, 1160, and sanction Defendant with prefilng order of Vexatious Litigant *Bravo v. Ismaj* (App. 4 Dist. 2002) 120 Cal. Rptr. 3d 879, 99 Cal. App 4th 211. The requirement for a Vexatious litigant to file a new litigation against "Defendant" is a reasonable probability of prevailing in the case, *Goodrich v. Sierra Vista Reginal Medical Center* (App.2 Dist, 2016) 201 Cal. Rptr 3d 257, 246 Cal. App4th 1260. In this instance, the Petitioner cannot distinguish between permissible and impermissible fillings during divorce proceedings or any other litigations, and she has no knowledge if the Court will rule in favor when she seeks protection or compensation for damages. Nonetheless, each time Court exercises its discretionary powers and finds her motions, pleadings, and responsive papers as a sanctionable cause of action within the meaning of the

vexatious litigant statute and subjects her to all requirements under CCP391.7, *Taliaferro v. Hoogs* 46 Cal. Rptr. 147 (Ct. App. 1965). Petitioner, as Defendant in the family law case, without any specified history of frivolous (baseless) litigation, has no way of knowing what is sanctionable behavior when she makes filings in regular procedural steps within the context of a divorce case.

II. ON ITS FACE VEXATIOUS LITIGANT STATUE DOES NOT PASS THE TEST IN REAL-WORLD

Petitioner seeks reversal of the order and pursuing CCP.381.8. Court can modify a prefilling order, which modification can include the lifting of such order in conjunction with an application for such lifting. *Lucket v. Panos* (App. 4dist. 2008) 73 Cal. Rptr. 3d 745, 161 Cal. App. 4th 77. In accordance with CCP391.8 (c)." As long as a vexatious litigant stays away from bringing litigation that is "substantially similar" to the litigation that got him or her declared a vexatious litigant in the "previous" action, subdivision (b)(4) ³should not apply. (b)(4). It is a clear statement, but Petitioner is not able to comply with the requirement of CCP391.8 and C.C.P. section 533, "In any action, the court may on notice modify or dissolve an injunction that there has been a material change in the facts upon which the injunction was granted based upon the same or substantially similar facts, transaction, or occurrence" as the previous action in which the litigant was

³ CCP391 (b)(4) (4)?Has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding based upon the same or substantially similar facts, transaction, or occurrence. (6)

declared to be a "vexatious litigant" (§ 391, subd. (b)(4).) because there is no substantially similar facts, transaction, or occurrence" as the previous action of divorce in which Defendant is declared to be a "vexatious litigant." The trial court Judge exercises only the discretionary powers to deny reversing the order declaring Defendant as a Vexatious Litigant.

The Court of Appeal will uphold a ruling declaring a person vexatious litigant if it is supported by substantial evidence, but if there is insufficient evidence in support of designation, reversal is required. *Golin v. Allenby* (App.6 Dist. 2010) 118 Cal. Rptr. 3d 762,190 Cal. App.4th 616; *Bravo v. Ismaj* (App. 4 Dist. 2002) 120 Cal. Rptr. 3d 879, 99 Cal. App 4th 211. Pursuing CCP391.8 (a) In *Luckett v. Panos*, 161 Cal.App.4th 77, 96 (Cal. Ct. App. 2008). Petitioner's Application is in the action in which the prefilling order was entered, a divorce case in which Petitioner is Defendant. Petitioner's appeal is denied. According to Law, the Vexatious Litigant can file an original mandamus action in a higher court to compel a Judge to act if the litigation has merit and has not been filed for the purpose of harassment or delay. Cal. Const., art. VI, § 10; Code Civ. Proc.,§ 1085; *State Farm etc. Ins. Co. v. Superior Court* (1956) 47 Cal. 2d 428, 432 [304 P.2d 18]; cf. *Marble v. Latchford Glass Co.* (1962) 205 Cal. App. 2d 171, 175-176 [22 Cal. Rptr. 789]. Petitioner seeks review in a higher Court to compel Judge to act, but each time the prefilling order is denied. Pursuing *John V. Superior Court* " "(Mahdavi, *supra*, 166 Cal. App.4th), Petitioner should not be a subject of the prefilling order of vexatious litigant when she seeks review of the lower court decision where she is Defendant.

Notwithstanding, the Administrative Justice of the Court of Appeal denies a prefilling order of the Vexatious Litigant.

(A). The State may choose any rational method of dispute settlement that compares with the essential procedural safeguards required by Due Process.

By denying prefilling order and access to the court order, the Petitioner's right to due process is denied. California court reasoned " to the extent section 391.7 keeps vexatious litigants from clogging courts, which represent government's only practical means of managing competing uses of public facilities." *P.B.A., L.L.C. v. KPOD, Ltd.*, 112 Cal.App.4th 965, 975 (Cal. Ct. App, 2003), but congestion in the courts alone is not grounds for denying litigants access to courts, *Crawford v. Seaboard Coast Line R. Co.*, 286 F.Supp, 556, The State is allowed to set reasonable terms on which it will permit litigation in its courts. In *Muller v. Tanner*, 2 Cal.App.3d 445, 453 (Cal. Ct. App. 1969), *County of Sutter v. Superior Court* (1966) 244 Cal.App.2d 770, 773 [53 Cal.Rptr. 424] as long it is not in violation of the right to access courts and due process of Law guaranteed by the *First, Fifth, and Fourteenth Amendments*. It must be considered in the light of their relationship to necessary state functions reserved to the State by the *Tenth Amendment*.⁴ *Abbott v. Thetford*, 354 F. Supp. 1280, reversed 529, F. 2d 695, vacated 534, F 2d 1101; *Country Wide Ins., Co. v Harrelt*, 426, 431, U.S. 934, 53 L.Ed. 2d 252, when the requirement for granting a prefilling order of Vexatious Litigant is the only

⁴ The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

possibility that he will prevail in the litigation. Court. *Muller v. Tanner*, 2 Cal.App.3d 445, 82 Cal.Rptr. 738, 741n. 2 (1969). The conclusion section 391.7 appears to be a permanent and irrevocable restriction. *P.B.A., L.L.C. v. KPOD, Ltd.*, 112 Cal.App.4th 965, 975-76 (Cal. Ct. App. 2003)."

Generally, all litigants are entitled to meaningful access to the courts. *Branham v. Malone*, 367 F. Supp 370, affirmed 497 F.2d 923. However, the requirement to file only winnable litigation by Vexatious Litigant is prejudicial against both Petitioner and Defendant. When a presiding judge issues an order declaring that Vexatious Litigant litigation is a winnable case on the merits, it places the opposed party at a significant disadvantage that Defendant enters litigation with a court order stating that he or she is a losing party. When prefilling order is denied, Defendant wins the case without one court hearing.

B) The right to effective access to the courts is protected by XVI, XIV Amendment. *Stone v. Carlson*, 413 F. Supp. 718

Prefiling order of Vexatious Litigant deprives a person right to a day in court" It means right to be duly cited to appear and to be afforded an opportunity to be heard" *U.S. v. Jan Hardware Mfg.Co., Inc.*, 463 F. Supp. 732. Party has a Constitutional right to access the courts to redress violation of his or her Constitutional and statutory rights, and an aggrieved party should not lightly be deprived of the constitutional right to petition courts for relief. *Spock v. U.S.*, 464, F. Supp. 510. The First Amendment to the United States Constitution provides in part: "Congress shall make no law . . . abridging . . . the right of the people

peaceably to assemble, and to petition the government for a redress of grievances."

Despite the explicit reference to "Congress," the First Amendment, specifically the right to petition, is "incorporated" against the states by virtue of the Fourteenth Amendment. *Hague v. C.I.O.* (1939) 307 U.S. 496, 512-513 [59 S.Ct. 954, 963, 83 L.Ed. 1423, 1435]. The right to petition encompasses the right to sue. *California Transport v. Trucking Unlimited* (1972) 404 U.S. 508, 510 [92 S.Ct. 609, 611-612, 30 L.Ed.2d 642, 646], *Chambers v. Baltimore O.R. Co.* (1907) 207 U.S. 142, 148 [28 S.Ct. 34, 35, 52 L.Ed. 143, 146]. "Litigation may well be the sole practicable avenue open to a minority to petition for redress of grievances."

III. VEXATIOUS LITIGANT STATUTORY LAW IS "FACIALLY" INVALID

The Petitioner claims that a statute is always unconstitutional under all circumstances. *United States v. Stevens*, 559 U.S. 460 (2010), the statute is unconstitutionally vague when a reasonable person as Petitioner cannot distinguish between permissible and impermissible behavior because of the difficulty in assigning meaning to language and how the courts unequally apply it to all litigants. *Broadrick v. Oklahoma*, 413 U. S. 601, 615 (1978). When the statute lacks any legitimate sweep, it is invalid under the First Amendment right to petition," *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997). The overbreadth doctrine allows a party to whom the Law may constitutionally be applied to challenge the statute on the ground that it violates the First Amendment rights of others. See, e.g., *Board of Trustees of State Univ. of N. Y. v. Fox*, 492 U. S. 469, 483

(1989). The principal advantage of the overbreadth doctrine for litigants with legal representation is that it enables them to benefit from the statute's unlawful Application to In Pro Per litigants; *Ohralik v. Ohio State Bar Assn.*, 436 U. S. 447, 462, n. 20 (1978). The Petitioner challenges a statute that infringes the protected right to petition in real-world conduct, not fanciful hypotheticals. *See, e.g., id.*, at 301–302; *Ferber, supra*, at 773; *Houston v. Hill*, 482 U. S. 451, 466–467 (1987).

In the context of the First Amendment, the Court can recognize that Petitioner whose rights have been violated can challenge the Law in Court to protect both herself and other Americans' right not to have unconstitutional laws enforced against them and instead create a default rule of the government may not enforce even a plainly unconstitutional law against anyone who lacks the resources to challenge that Law. This impermissibly vague Vexation Litigant Law that the State has a right to deprive one group of litigants of the right to petition so another group of litigants can have these rights preserved under the same *First Amendment* is without a doubt on “its face,” and fundamentally wrong.

A) The prefilling order obligation of Vexatious Litigant discriminates against Pro Se Litigants.

Vexatious Litigant statute differentiates between In Pro Per and represented by an attorney litigant, and it violates equal protection under the Fifth and Fourteenth Amendments. *Buckley v. Valeo*, 424 U.S. 1, 93 (1976); *Weinberger v. Wiesenfeld*, 420 U.S. 636, 638 n.2 (1975); *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 214–18 (1995). In *Wolfgram v. Wells Fargo Bank*, 53 Cal.App.4th 43, 58 (Cal. Ct. App. 1997), only those citizens who decline to hire lawyers can be labeled

vexatious. The State presumes attorneys and judges always obey all laws are sworn to uphold. (Evid. Code, § 664 [presumption that official duty "regularly performed"]; Civ. Code, § 3548 ["law has been obeyed"]).", but that vexatious behavior of an attorney is not punishable under California State Bar Rules of ethics. Nonetheless, a retaining attorney does not insulate a Vexatious Litigant from prefilling order and post security either, *Flores v. Georgeson* (App. 5 Dist. 2011) 119 Cal. Rptr. 3d 808, 191 CalApp.4th 881, or preclude stay or dismissal because the attorney represents a party in an action in which a motion is made. *Muller v. Tanner* (App. 1Dist. 1969) 82 Cal Rptr. 734, 2 Cal. App.3d 438. The vexatious litigant can be barred from Court, even if she has an attorney. See *In re Shieh* (1993) 17 Cal.App.4th 1154, 1167, 21 Cal.Rptr.2d 886. In *Wolfgram v. Wells Fargo Bank*, 53 Cal.App.4th 43, 60 (Cal. Ct. App. 1997).

The V.L. statute under CCP391 violates the Petitioner's rights to be equally treated under the Law. *New York v. Ferber*, 458 U. S. 747, 767 (1982). In *Taliaferro v. Hoogs* (1965) 237 Cal.App.2d 73, 74 [46 Cal.Rptr. 643] California states that the right of In Pro Per litigant to file a lawsuit does not confer the right to clog the Court. However, it does not treat a litigant with legal representation in the same manner. Litigants represented by an attorney can file meritless litigation and clog a court calendar without being ever sanctioned with a prefilling order or posting security. The Court must look at this case and approach this question with all the usual presumptions and intendments in favor of constitutionality *Patton v. La Bree*, 60 Cal.2d 606, 35 Cal.Rptr. 622, 387 P.2d 398. The United States and California

Constitutions prohibit arbitrary and capricious legislation and unjust disparity of treatment between groups similarly situated as In Pro Per and represented by attorney litigants. The purposes of such provisions are substantially similar in each case. The provisions are intended to prevent any litigant from being singled out for discriminatory legislation. *Patton v. La Bree*, 60 Cal.2d 606, 611-12 (Cal. 1963).

Discrimination is unjustifiable as to be violative of due process.

B) It is a violation of due process to deny prefilling order of a Vexatious Litigant without allowing a litigant to be heard.

Pro Per litigant with a good faith claim vindicable only through judicial determination should not be denied access to the Court unless bar to judicial relief can be constitutionally justified. *Mendez v. Heller*, 380, F. Supp, 985. The Due Process Clause preserves the principles of liberty and justice, 110 U.S. at 532, 535, 537. *Twining v. New Jersey*, 211 U.S. 78 (1908); *Powell v. Alabama*, 287 U.S. 45 (1932); *Palko v. Connecticut*, 302 U.S. 319 (1937); *Snyder v. Massachusetts*, 291 U.S. 97 (1934). In *Saunders v. Shaw*, 244 U.S. 317 (1917), a state appellate court reversed a trial court and entered a final judgment for the Defendant, a plaintiff who had never had an opportunity to introduce evidence in rebuttal to certain testimony which the trial court deemed immaterial but which the appellate Court considered material was held to have been deprived of his rights without due process of Law. The prefilling order and denial of such order to access the Court violate guaranteed by the First, Fifth, and Fourteenth Amendments due process of Law, where the Vexatious Litigant has no opportunity to present evidence and its testimony to the Court. It must be considered in the light of their relationship to

vital state interest why the Law is applied only to a small and insignificant group of In Pro Per litigants and not to all litigants.⁵ *Abbott v. Thetford*, 354 F. Supp. 1280, reversed 529, F. 2d 69.

REASONS FOR GRANTING THE PETITION

These discriminatory and arbitrary selections of Pro Se litigants as a class render the statute unconstitutional. " Acts generally lawful may become unlawful when done to accomplish an unlawful end." *Gomillion v. Lightfoot*, 1960, 364 U.S. 339 at 347, 81 S. Ct. 125, at 130, 5 *268 L.Ed.2d 110. See also *Griffin v. Board of Education of Prince Edward County*, 1964, 377 U.S. 218 at 231, 84 S. Ct. 1226, 12 L. Ed. 2d 256 and *Cooper v. Aaron*, 8 Cir. 1958, 261 F.2d 97 at 104, affirmed, 358 U.S. 1, 78 S. Ct. 1401, 3 L. Ed. 2d 5. The due process tends to secure equality of Law to protect everyone's right to life, liberty, and property, which the Congress or the legislature may not withhold. *Solesbee v. Balkcom*, 339 U.S. 9, 16 (1950) Due process is violated if a practice or rule "offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental." *Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934), as it is an equal right to access to Court and to justice for all litigants. "State may, in the proper exercise of a state's police power, classify the persons to whom a prescribed regulation found to be necessary to the public welfare may apply, or determine whether certain classes of acts may be

⁵ The powers not delegated to the United States by the Constitution nor prohibited are reserved to the States, respectively, or to the people.

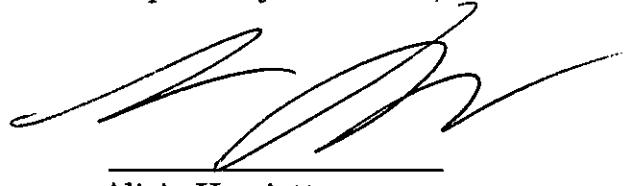
regulated, the exercise of the power must have some real and substantial relation to the public welfare, and the legislature may not, under the cloak of the police power, exercise a power forbidden by the constitution, or take away rights and privileges expressly guaranteed by the constitution." *16A C.J.S. Constitutional Law § 719*. The *First Amendment* speaks in terms of successful petitioning—it speaks simply of "the right of the people . . . to petition the Government for a redress of grievances" for all litigants. In the real -world, the Vexatious Litigant Statutory Law took Petitioner's right to access California courts. It seems forever.

CONCLUSION

For the foregoing reasons, that all litigants equally, with and without a legal representation, should have access to courts and be sanctioned under the Law for the same vexatious behavior, Petitioner respectfully requests the Supreme Court to grant Petition for Writ of Certiorari.

Date: December 9, 2022

Respectfully submitted,

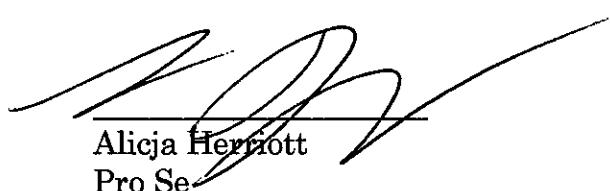


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CERTIFICATE OF COMPLIANCE

Pursuant to rule 8.204© of the California Rules of Court, I hereby certify that this document from page 1 to 16 contains 4,046 words, including footnotes. Pages from "I" to "X" are excluded from counting. In making this certificate, I have relied on the word count of the computer program used to prepare the Writ of Certiorari.

December 9, 2022



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