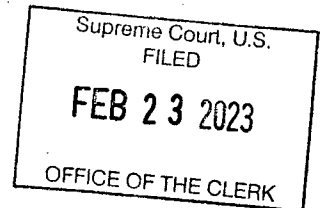


No. 22-6963

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_



Zachary James McAlexander — PETITIONER  
(Your Name)

vs.

Otsuka America Pharmaceutical, Inc. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eleventh Circuit

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

PETITION FOR WRIT OF CERTIORARI

Zachary James McAlexander

(Your Name)

2807 Jasmine Pkwy

(Address)

Alpharetta, GA 30022

(City, State, Zip Code)

(678) 672-9325

(Phone Number)

## QUESTION(S) PRESENTED

1. Why is the right to petition the government for grievances not being honored in this case, along with others, in accordance with the First Amendment and further why are decisions being made by lower courts without hearings or in front of a jury, which is contrary to the Seventh Amendment?
2. Why are companies being allowed to advertise and sell dangerous substances, such as those manufactured by the defendant of this case, to the public without any government regulation of said substances and why are they not being ordered by lower courts to pay damages to injured persons who consumed their products, as is the right of petitioners under the First Amendment?
3. Defendant was supposed to provide a medical treatment, which had benefits outweighing the risks. Petitioner, Zachary James McAlexander, was not benefitted, but in fact, suffered harm by weight gain consequently a kidney stone, pain, and emotional distress inflicted by defendant. Are companies allowed to make false claims to the American people, harm them, and subsequently escape by using attorneys who care nothing for other people or our country and by having no juries in our courts?
4. Defendant deprived Petitioner of liberty and property without due process of law. They harmed him physically without consent and interfered with his wealth. The lower courts violated the Seventh Amendment. Can companies in the US harm unsuspecting citizens and deprive them of life, liberty, and property without due process of law using attorneys and lower courts that violate the Seventh Amendment?



## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

1. Bullock v. Philip Morris
2. Anderson v. Owens-Corning Fiberglas Corp.
3. Anderson v. General Motors

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### STATUTES AND RULES

#### Amendment I

#### Freedoms, Petitions, Assembly

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### Amendment VII

#### Rights in civil cases

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

#### Amendment V

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 offence 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.

#### Strict product liability

#### Negligence

#### Misrepresentation and fraud

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

☒ reported at United States Court of Appeals for the 11th Circuit; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is United States District Court

Northern District of Georgia  
☒ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

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

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

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

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



## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 1/5/2023.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 1/5/2023, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.    A   .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.    A   .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### Amendment I

#### Freedoms, Petitions, Assembly

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### Amendment VII

#### Rights in civil cases

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

### Fifth Amendment

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 offence 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.

### O.C.G.A. 10-1-393 Fair Business Practices Act

### Negligence

### Strict Products Liability

### Misrepresentation and Fraud





## **STATEMENT OF THE CASE**

This is a case involving personal injury suffered by Petitioner, Zachary James McAlexander, after consuming products manufactured by defendant in July 2019. Petitioner was on the receiving end of sales by defendant and it was assumed by prescription that the product's benefits outweighed the risks. Petitioner never received any benefit from using Rexulti. Defendant made false claims and harmed Petitioner. Petitioner began rapidly gaining weight among other problems. Petitioner was provided confirmation by a CVS Pharmacist in Roswell, GA that defendant product caused the injury. There is no debate. Petitioner is correct.

However, the case was decided on by Federal Court in Northern District of Georgia and later by United States Court of Appeals without a single hearing or jury, in violation of the Seventh Amendment. Additionally, lawyers for defendants repeatedly made absurd arguments to try to prevent Petitioner from recovering damages, which is his First Amendment right. Petitioner had to have treatments for a kidney stone, which can be caused by high weight and has had to pay, out-of-pocket, at his own expense, for medical treatments, prescriptions, and for medical assistance with weight loss. None of the lower courts have done anything to address the dangers of defendant to the public.

Bullock v. Philip Morris, Anderson v. Owens-Corning Fiberglas Corp., and Anderson v. General Motors are all examples of what Petitioner suffered, a dangerous product produced and sold by negligent defendants.

## REASONS FOR GRANTING THE PETITION

The Petition should be granted because Petitioner is correct. The product manufactured by defendant is dangerous to the public. Petitioner was harmed immediately after consuming it. Defendants and their attorneys are dangerous to the public for trying to hide the dangers of defendant's products. They are all a threat to the public. Additionally, their arguments are invalid. The lower courts just followed the defense attorneys and violated the Seventh Amendment by preventing a jury trial, as is the right guaranteed by the Seventh Amendment. Therefore, Petitioner's Seventh Amendment constitutional right to a jury was violated by defendants and the lower courts, and he has suffered significant harm by all of them.

The Seventh Amendment states:

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

There was no jury in any of the previous rulings, so all of the lower court rulings were invalid.

Additionally, the First Amendment states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

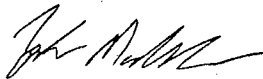
The defendant, their attorneys, and the lower courts are in violation of the First Amendment right, which is to petition the Government for a redress of grievances. The Government needs to redress Petitioner's grievances and award him damages in accordance with his suffering from defendant's negligence, fraud, and their defective, dangerous products.



## CONCLUSION

The petition for a writ of certiorari should be granted.

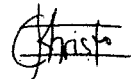
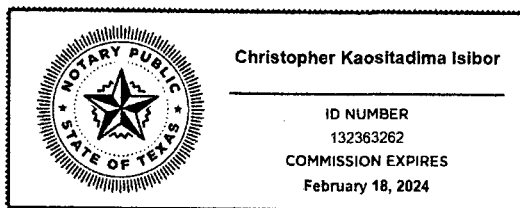
Respectfully submitted,



02/11/2023

Date: \_\_\_\_\_

State of Texas, County of Williamson



Christopher Kaositadima Isibor