

Federal Cir. Case No. [2023-1020, 2023-1022]:

LINKED to US SUPREME COURT Case Nos. [22A1002], (*Application to Individual Justices*);
and *Writ of Certiorari*, [22-7365].

No. 2023-1020, 2023-1022
(consolidated)

In the

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

GINA RUSSOMANNO

Plaintiff and Appellant,

v.

SUNOVION PHARMACEUTICALS, INC. AND IQVIA, INC.

AND

**DAN DUGAN; JENNA YACKISH; TREVOR VOLZ;
ERIK WEEDEN; SUNOVION PHARMACEUTICALS, INC.**

Defendants and Appellees.

**APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE THIRD DISTRICT OF NEW JERSEY**

CASE NO. 3:20-CV-12336; and

CASE NO. 3:20-CV-12336

HONORABLE FREDA L. WOLFSON, JUDGE

Since Transferred to Honorable, Michael A. Shipp

**APPELLANTS RULE 8 MOTION FOR
EMERGENCY STAY TO COURT ORDER, [DKT. 25]**

GINA RUSSOMANNO

6309 Avalon Ct.

West Long Branch, NJ 07764

732-841-4647

grusso777@comcast.net

PRO SE PLAINTIFF AND APPELLANT, (NON-PRISONER)

LINKED to *US SUPREME COURT* Case Nos. [22A1002], (*Application to Individual Justices*);
and *Writ of Certiorari*, [22-7365].

TABLE OF CONTENTS

STATEMENT OF ISSUE.....1
CONCLUSION.....3
RELIEF REQUESTED.....4
SIGNATURE CERTIFICATION.....5
PROPOSED ORDER.....6
CERTIFICATE OF COMPLIANCE..... -
CERTIFICATE OF SERVICE..... -

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TABLE OF AUTHORITIES

Federal Rules of Appellate Procedure

Rule 8(a)(2).....1

Rule 56(a)(c)(e).....1

U.S. Codes:

28 U.S. Code § 1292 (a)(e).....1, 2

28 U.S.C. § 1631.....2

STATEMENT OF ISSUE

Per *Federal Rule of Appellate Procedure* Rule 8(a)(2), this motion is to request a STAY or Injunction on the Court Order at [Docket 25], on 2/28/2023, *dismissing all appeals and denying all motions as Moot*; whereby Briefing was first accepted by this *Federal Court of Appeals* for a full, two-calendar-months, from (10/11/2022 through to 12/27/2022), up to and including, ‘Secondary-Defendant IQVIA’s Reply,’ (*whereto*, Primary Defendant, Sunovion Pharmaceuticals, Defaulted to Reply). *See*: F.R.A.P Rule 56(a)(c)(e).

At this Stage, the Case was suddenly halted by the Federal Circuit Court’s (erroneous) Show Cause ORDER, [Dkt. 18], (1/3/2023), *issued only after* IQVIA’s Defendant Reply, and Sunovion Pharmaceutical’s Defendant Default, and *before* Plaintiff could Reply Respond to either.

Plaintiff *next* entered Plaintiffs Response to STAY the Court’s Show Cause ORDER, concurrent with, Plaintiff’s motion for Summary Judgement, (upon Primary Defendant, Sunovion Pharmaceuticals, Default to answer or appear). *See*: F.R.A.P Rule 56(a)(c)(e).

The *Federal Circuit Court of Appeals* has jurisdiction of these Cases from the Third (Federal) Circuit, District of New Jersey by 28 U.S. Code § 1292 (a)(e): Interlocutory Decisions; whereby, (e): “The Supreme Court may prescribe rules,

in accordance with SECTION 2072 OF THIS TITLE, to provide for an appeal of an interlocutory decision to the courts of appeals that is not otherwise provided for under subsection (a), (b), (c), or (d).” (*Whereto*, (a),(b),(c),(d) references: **subject matters** (i.e. patents, etc) that are ‘Exclusive, (for-only), the jurisdiction of the Federal Circuit Court of Appeals; whereby, no other Appeals Courts may attempt to adjudicate or entertain these specific subject-matters). *Thereto*, U.S. code does not bar the *Federal Circuit Court of Appeals* from jurisdiction to any other (diverse) subject-matter, appeals.

Therein, the *Federal Circuit Court of Appeals* has concurrent jurisdiction (with other Appeals Courts), pertaining to non-exclusive matters whereby, more than one Court may take jurisdiction over the Case. The Federal Circuit Court of Appeals has jurisdiction for Plaintiff’s Cases.

As Per, 28 U.S.C. § 1631, “Transfer to Cure Want of Jurisdiction,” this *Federal Circuit Court of Appeals* does not hold a Want of Jurisdiction for cure. The Court has non-exclusive jurisdiction to a Diverse range of Appeals Cases whereby, other appeals courts may also share. Thereby, the *Federal Circuit Court of Appeals* possesses a jurisdiction to review decisions of federal district courts, and that jurisdiction is not limited *wherein* for Plaintiffs Cases.

These matters are now on *Writ of Certiorari with the United States Supreme Court, Case No. [22-7365]*, filed April 20, 2023, and entered to this Federal Circuit Court of Appeals [Docket 27], (4/25/2023); and on Application to Individual Justices, Chief Justice John G. Roberts, USSC Case No. [22A1002], filed May 18, 2023.

Thereby, the Dismissal action of this Federal Circuit Court of Appeals should be Stayed upon “Rule 8 emergency filing,” today, May 19, 2023.

CONCLUSION

Plaintiff is a Pro Se Party and *entitled by law standards to leniency and favorable light.*

Plaintiff has produced to this Court *due proof* that the Federal Circuit Court of Appeals has official, Non-Exclusive, Concurrent Jurisdiction for this Case, and cannot Transfer this Case when there does not exist a “Want of Jurisdiction” to cure.

Plaintiff has produced to this Court *due proof* in support of Plaintiffs appeal and demand; and *due proof* wherein, Primary Defendants, Sunovion Pharmaceuticals, Inc., have Defaulted to “appear and answer” in *delay* to “timeline, fixed-by-law.”

Additionally, Secondary Defendants *filed* Modified Entry Response at [Dkt 23], 2/2/2023, Declaration of Robert Palumbos, Esq. “inclusive with” a “Modified, Motion to Dismiss.” **There**to, also in **Default** in *delay* to “timelines fixed-by-law.”

Thereby, Default and Summary Judgement (entered 1/17/23, [Dkt. 22]; and *Plaintiff’s comprehensive* “Declaration” document (173 pgs), filed 2/7/2023, [Dkt. 24], demonstrate that the law and evidence is in *favor* to the Plaintiff, and against the Defendants.

Further, this Rule 8 Emergency STAY has been been *forwarded for entry* to the U.S. Supreme Court for Case No. [22A1002], Application to Individual Justices, Chief Justice John G. Roberts, and Writ of Certiorari, Case No. [22-7365], as *both* are LINKED to this STAY.

RELIEF REQUESTED:

It is thereby requested:

1. The dismissal actions of this *Federal Circuit Appeals Court* are **STAYED;**
2. **Default for failure to answer** is entered upon **Sunovion Pharmaceutical, Inc.**, Default is **Granted;**

3. IQVIA's "Modified, Motion to Dismiss," [Dkt. 23], (*delay-entered after 12/27/22*), is DENIED, in Default to *timeline* answer, and Default is Granted;
4. Summary Judgement, in *favor* of the Plaintiff Petitioner, and *against* Defendant Parties Sunovion Pharmaceuticals, and IQVIA, Inc., (*Plaintiff Motion, filed, [Dkt. 22], 1/17/2023 and further supported at [Dkt. 24], 2/7/2023*), is GRANTED;
5. JUDGEMENT ORDERS to Prior Judgements for Cases [3:19-cv-05945]; and [3:20-cv-12336] are Vacated and Remanded to NJ District Court for proper due continuance, is Granted.

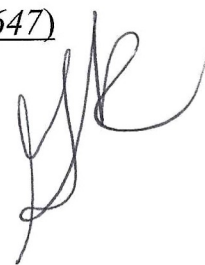
This Rule 8 Emergency STAY has been also been *forwarded for entry* to the U.S. Supreme Court for Case No. [22A1002], Application to Individual Justices, Chief Justice John G. Roberts, and Writ of Certiorari, Case No. [22-7365], as *both* are LINKED to this STAY.

CERTIFICATION

I certify that the foregoing statements made by me are true. I am aware that if any statements are willingly false, I am subject to punishment.

Dated: May 19, 2023

Gina Russomanno; (732-841-4647)
Plaintiff Pro Se, Appellant
6309 Avalon Ct.
West Long Branch, NJ 07764



PROPOSED ORDER

It is hereby **ORDERED**:

- **Rule 8 Emergency STAY, filed 5/19/2023** is **Granted**;
- *United States Supreme Court*, Application to Individual Justices, *Application to Chief Justice John G. Roberts*, Case No. [22A1002] is **LINKED** to this **STAY**, and is also **LINKED** to *USSC Writ of Certiorari*, Case No. [22-7365], thus have been **Granted**.
- **Default** upon Sunovion Pharmaceuticals, Inc. is **Granted**;
- **“Delay-entry”** upon IQVIA’s Motion to Dismiss **[Dkt. 23]**, **2/2/2023**, is **Denied**; and **Default** upon IQVIA, Inc. is **Granted**;
- **Summary Judgement, Plaintiff filed**, at **[Dkt. 22]**, 1/17/2023 and *further supported* at **[Dkt. 24]**, 2/7/2023, is **Granted**.
- **Plaintiff Appeal and Relief- Requested** (to *vacate and remand* these cases to NJ District Court) is **Granted**.

Signed and **ORDERED**, on this date, _____ by

_____.

_____.

United States Federal Circuit Court of Appeals
717 Madison Pl.
Washington, DC 20005

LINKED to US Supreme Court Case Nos. [22A1002], (*Application to Individual Justices*);
and *Writ of Certiorari*, [22-7365].

CERTIFICATE OF COMPLIANCE

With Type-Volume Limit,
Typeface Requirements, and Type-Style Requirements

1. This document complies with [the type-volume limit of Fed. R. App. P. [32(a)(7)(B)]] [the word limit of Fed. R. App. P. [5(c)(1)]], excluding the parts of the document exempted by Fed. R. App. P. 32(f).

- this document contains [1003] words.

or

this brief uses a monospaced typeface and contains
[state the number of] lines of text.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because:

- this document has been prepared in a proportionally spaced typeface using [Microsoft Word in Times New Roman, 14pt.].

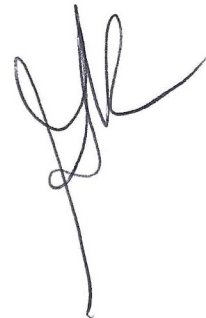
or

this document has been prepared in a monospaced typeface using [state name and version of word-processing program] with [state number of characters per inch and name of type style].

3. Per Fed. R. App. P. 32(a)(7)C), this certifies that the text of the electronic brief is identical to the text in the paper copies, [virus detection program] has been run on the file, and no viruses were detected.

(s) Gina Russomanno
Pro Se Plaintiff

Dated: May 19, 2023



Federal Cir. Case No. [2023-1020, 2023-1022]:

LINKED to US SUPREME COURT Case Nos. [22A1002], (*Application to Individual Justices*); and *Writ of Certiorari*, [22-7365].

CERTIFICATE OF SERVICE

I hereby certify than on May 19, 2023, I filed with the Clerk of U.S. Court of Appeals for the Federal Circuit, Plaintiff Appellants Rule 8 *Motion For Emergency Stay to Court Order* [Docket 25], Certificate Compliance, and this Certificate of Service:

TO: 'emergencyflings@cafc.uscourts.gov'
Clerk, U.S. Court of Appeals for Federal Circuit
717 Madison Pl. NW
Washington, DC 20005

I hereby further certify that on May 19, 2023, I mailed a copy of Plaintiffs Plaintiff Appellants Rule 8 *Motion For Emergency Stay to Court Order* [Docket 25] via 3-day Fed Ex mail to the following parties at the **addresses listed below**:

TO: 'rmeek@supremecourt.gov'
Clerk, United States Supreme Court
1 First St. NE
Washington, DC 20543

AS LINKED TO USSC CASES [22A1002] AND [22-7365]

TO: *Little Mendelson, P.C.*
One Newark Center 8th Floor
Newark, NJ 07102
Ivan Novich, Esq., Christie Pazdzierski, Esq.
FOR DEFEDANT SUNOVION PHARMACEUTICALS, INC.

TO: Duane Morris, LLP
30 South 17th Street
Philadelphia, PA 19103
Dana B. Klinges, Esq. and Sarah Felm-Stewart, Esq.
ATTORNEYS FOR DEFENDANT IQVIA, INC.

*I certify that all participants in the case are registered CM/ECF users.

I declare under penalty of perjury that the above is true and correct.

Dated: May 19, 2023

/s/Gina Russomanno
Plaintiff, Pro Se

