

FEB 09 2023

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No. 22-769

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

WEIXING V. WANG,

Petitioner,

v.

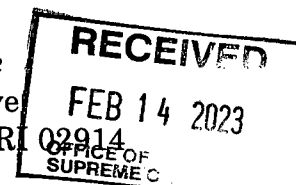
BRANDYWYNE COMMON CONDOMINIUM,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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February 8, 2023

SUPREME COURT PRESS

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BOSTON, MASSACHUSETTS

FEB 14 2023

QUESTIONS PRESENTED

1. Solely with the lies and fabricated numbers on paper, without even one evidence, how can Petitioner be ordered to pay \$47,319.86?

2. In a civil case, is the Judge allowed to stop completely and prevent Discovery repeatedly by violating the court procedure and Fed. R. Civ. P. 37 to help Respondent to cheat with solely lies?

3. Is the Judge allowed to repeatedly violate Fed. R. Civ. P. 37, not only 100% completely denied all Petitioner's Motion to compel without reason, even Respondent never objected the motions, but also never rule on two Petitioner's Motion to compel forever?

4. Is the Judge allowed to violate the court Procedure, the Fed. R. Civ. P. 40 and Fed. R. Evid. 602, totally and permanently prevent any trial in this case?

5. Is the Judge allowed being the backup and Defending Lawyer for Respondent, and asking what Respondent wanted, then 100% granted all to Respondent?

6. Is the Judge allowed to be the Advisor for Respondent and in his 5/18/2021 order asked Respondent to fabricate new lies on lien, which never existed and neither in any of Respondent's four Motions for Summary Judgements.

7. Why after having concluded all three "witnesses" have no personal knowledge on the fines, but the Judge still granted \$14,156.86 to Respondent in the final order, based on those lies from fake "witnesses" who were not there at all, by violating Fed. R. Evid. 602 willfully?

8. How can the Judge, in conflicting to his own order, grant Respondent's 4th Motion for Summary Judgement by violating Fed. R. Evid. 602, when the laws, the Motions and the affidavits were all exactly same, after Respondent's 3rd Motion was denied by himself?

9. Is the Judge allowed to fabricate the fraud \$6.36 in his 8/3/2021 final order, by himself, trying to change this fault case with solely fabricated fake fines to a lien collection case?

10. How can NH Supreme Court Judges, by hiding all the facts, support all trial Court Judge's violations to the Federal Laws, NH Laws and Constitution?

11. According to what the \$33,163 attorney fee was granted for submitting only five documents with total 39 text pages? Why the NH Supreme Court Judges could not give even one word on the fact, evidence or the laws for granting the fabricated \$33,163?

12. How can the Petitioner's Constitutional Rights on the Seventh Amendment have been complete stripped away? In the entire four years court proceedings, why any of Trial, Testify, or the Oral-Argument was completely prevented, and never be mentioned even once anywhere by the Judges?

LIST OF PROCEEDINGS

Supreme Court for the State of New Hampshire

No. 2021-0399

Brandywyne Common Condominium v.

Weixing V. Wang

Date of Final Judgment: October 18, 2022

Date of Denial of Reconsideration: November 14, 2022

Superior Court of the State of New Hampshire

No. 218-2019-CV-00221

Brandywyne Common Condominium v.

Weixing V. Wang

Date of Final Order: August 3, 2021

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OPINIONS BELOW

The opinion of the NH Supreme Court on this case has not been published. The three NH Supreme Court orders are on App.1a, 35a and 4a. There has never been any trial in this case in any NH Court, including never an Oral-Argument in NH Supreme Court; hence, there is never any Findings of Facts in this case. There was never any opinion published in any NH court. The other two orders for appeal from the NH Superior trial court are on App.5a and 16a.



JURISDICTION

The judgement of the Supreme Court for the State of New Hampshire on Denying Motion for Reconsideration in this case was entered on November 14, 2022. App.35a. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). In addition, the jurisdiction of this Court is invoked under the United States Constitution, Seventh Amendment and Fed. R. Civ. P. 37, Fed. R. Civ. P. 40 and Fed. R. Evid. 602.



**CONSTITUTIONAL AND
STATUTORY PROVISIONS AND JUDICIAL
RULES INVOLVED**

U.S. Const. amend. VII

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 reexamined in any Court of the United States, then according to the rules of the common law.

(Amdt7.1.4 Restrictions on the Role of the Judge.)

**Fed. R. Civ. P. 37. Failure to Make Disclosures
or to Cooperate in Discovery; Sanctions**

(a) **MOTION FOR AN ORDER COMPELLING DIS-
CLOSURE OR DISCOVERY**

(1) *In General.* On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.

(2) *Appropriate Court.* A motion for an order to a party must be made in the court where the action is pending. A motion for an order to a nonparty must be made in the court where the discovery is or will be taken.

Fed. R. Civ. P. 40. Scheduling Cases for Trial

Each court must provide by rule for scheduling trials. The court must give priority to actions entitled to priority by a federal statute.

Fed. R. Evid. 602. Need for Personal Knowledge

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703.

NH Superior Court Law Rule 23

These interrogatories are propounded in accordance with Rule 23 of the Rules of the Superior Court of the State of New Hampshire applicable in civil actions. You must answer each question separately and fully in writing and under oath. You must return the original and one copy of your answers within thirty (30) days of the date you received them to the party or counsel who served them upon you. If you object to any question, you must note your objection and state the reason therefore. If you fail to return your answers within thirty (30) days, the party who served them upon you may inform the court, and the court shall make such orders as justice requires, including the entry of a conditional default against you.

NH Superior Court Law Rule 24**(b) Procedure.**

(1) The request shall set forth, either by individual item or by category, the items to be inspected, and describe each with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(2) The party upon whom the request is served shall serve a written response within 30 days after the service of the request. A shorter or longer time may be directed by the court or, in the absence of such an order, agreed to in writing by the parties. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for the objection shall be stated. If objection is made to part of an item or category, the part shall be specified and inspection permitted of the remaining parts.

(3) A party who produces documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

NH RSA 491:8-a**Motions for Summary Judgment**

I. A party seeking to recover upon a claim, counterclaim, or crossclaim, or to obtain a declaratory judgment, may, at any time after the defendant has appeared, move for summary judgment in his favor upon all or any part thereof. A

party against whom a claim, counterclaim, or crossclaim is asserted or a declaratory judgment is sought, may, at any time, move for a summary judgment in his favor as to all or any part thereof

II. Any party seeking summary judgment shall accompany his motion with an affidavit based upon personal knowledge of admissible facts as to which it appears affirmatively that the affiants will be competent to testify. The facts stated in the accompanying affidavits shall be taken to be admitted for the purpose of the motion, unless within 30 days contradictory affidavits based on personal knowledge are filed or the opposing party files an affidavit showing specifically and clearly reasonable grounds for believing that contradictory evidence can be presented at a trial but cannot be furnished by affidavits. Copies of all motions and affidavits shall, upon filing, be furnished to opposing counsel or to the opposing party, if the opposing party is not represented by counsel.

III. Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits filed, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone, although there is a genuine issue as to the amount of damages.

IV. If affidavits are not filed by the party opposing the summary judgment within 30 days, judgment shall be entered on the next judgment day in

accordance with the facts. When a motion for summary judgment is made and supported as provided in this section, the adverse party may not rest upon mere allegations or denials of his pleadings, but his response, by affidavits or by reference to depositions, answers to interrogatories, or admissions, must set forth specific facts showing that there is a genuine issue for trial.

V. If it appears to the court at any time that any of the affidavits presented pursuant to this section are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party presenting them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney's fees. Any offending party or attorney may be found guilty of contempt.



STATEMENT OF THE CASE

A. Brief Summary

In the entire case, lasted for about four years since Feb. 2019, Petitioner's Constitutional Rights, the Seventh Amendment, have been completely stripped away by the court Judges. The Judge knew Respondent's fines in May 2018 have no any supporting facts, with not even one evidence such as a picture, and violated the condominium Rules and Regulations; plus, the solid facts had shown that the Respondent cannot answer even one question to the Petitioner's INTERROGATORIES, and could not provide even one docu-

ment as the supporting evidence for their fabricated fines to Petitioner's REQUEST FOR PRODUCTION OF DOCUMENTATION, and never present any evidence showing their fines were issued in compliant with the Condominiums Rules and Regulations.

The Judge always acted as the backup for the Respondent. In order to support the Respondent to cheat, the Judge violated the court procedure, and violated the Federal laws and NH State laws in fraudulent ways, by stopping completely the Discovery procedure and prevented the Discovery to occur, helping Respondent to cheat without any fact nor any supporting evidence. The Judges also totally and permanently prevented any Trial or Oral-Argument in this case during the entire proceedings in the two NH courts, by violated the Federal laws and NH State laws in fraudulent ways to prevent any Trial or testify on those fabricated fake fines and the made-up lies.

After the Judge had denied the three affidavits from the three fake "witnesses" and denied the Respondent's 3rd Motion for Summary Judgement in his 9/21/2020 order, on 5/18/2021 the same Judge granted four (4) of the fines to Respondent in their 4th Motion for Summary Judgement, which were totally \$700, App.33a. However, in the Judge's 8/3/2021 final order, the \$700 suddenly became \$1,468.36, and granted Respondent \$14,156.86 for their fake fines, including the \$12,688.50 attorney fee. The \$700 were solely based on the lies and fabricated numbers on paper from the fake "witnesses".

In all the four Respondent's Motion for Summary Judgement, the only things they demanded were the seven fraudulent fines totally \$1225, App.22a; plus the attorney fee. After three of them had been denied,

the remaining four were \$700. There was completely no way for the \$700 to become \$1,468.36. The Judge acted as Respondent's advisor and in his 5/18/2021 order requested Respondent to fabricate new lies of lien, App.31a-32a, which was never mentioned in any of four Respondent's Motion for Summary Judgement.

What court Judges did were not only the fraudulent ways and violating the Federal laws and NH State laws, but also severely violated the U.S. Constitution. The Petitioner's U.S. Constitutional Rights for fair trial with the normal court procedure have been completely stripped away in the past four years in the entire court proceedings, including the appeal in NH Supreme Court.

The NH Supreme Court Judges never cared about the lies and fabrications made up by the Respondent and the Judge, never cared about the Oral-Argument, and never cared about the violations to the court procedure and violating the laws, by stopping and preventing the Discovery and permanently preventing any Trial. Moreover, the NH Supreme Court Judges also granted another \$33,163 fake attorney fee, with no any fact nor any evidence but solely based on the Respondent's fabricated lies, for the Respondent's attorney's filing only five documents in NH Supreme Court with totally only 39 text pages. All those fraudulent ways in this case proceedings have completely invaded and stripped Petitioner's Constitutional Rights.

B. Federal Laws Violated by the Judges

The courts Judges have willfully violated the Constitution, Federal Laws, and NH Laws, as shown below.

After the Respondent had not answered nor responded to Petitioner's INTERROGATORIES and REQUEST FOR PRODUCTION OF DOCUMENTATION for several months, Petitioner filed many times the Motion to Compel; but all Petitioner's Motions were 100% denied by the trial court Judge Honigberg, even Respondent never filed any Objection to them. The Judge continued repeatedly to make new orders supporting Respondent not to respond the two court proceeding documents at all, and continued to violate NH Superior Court Law Rule 23 and 24. This has also violated the "Fed. R. Civ. P. 37. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions."

In the 9/21/2020 court order on denying the Respondent's 3rd Motion for Summary Judgement, the Judge had concluded clearly all those three "witnesses" added on 7/10/2020 have no personal knowledge on those fines. But in 5/18/2021 court order, the same Judge granted Respondent's 4th Motion for Summary Judgement, which is the exact same as their 3rd Motion, and the three Affidavits from the three fake "witnesses" were also the exact same. The same judge who concluded on 9/21/2020 the three "witnesses" were not qualified as they all have no personal knowledge on the fines, but wrote in his 5/18/2021 order completely contrary to his former order, and denied his prior order without any supporting facts or evidence.

The Judge has violated "Fed. R. Evid. 602. Need for Personal Knowledge", as he had known for sure and concluded all the three "witnesses" all have no personal knowledge on those fines. How could the fake "witnesses" several months later suddenly became having personal knowledge for the fines that were more than three years ago, when they were not there

at all? The Fed. R. Evid. 602 requires "A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter". No any of them was testified, because they were not qualified as they had been proved having no personal knowledge at all. But the judge granted Respondent's 4th Motion for Summary Judgement solely based on the lies from those fake "witnesses".

The Judges have totally and permanently prevented any trial or testify on the fabricated fake lies or on the fake affidavits from the fake "witnesses", by violating the NH law RSA 491:8-a willfully. This also severely violated the Fed. R. Civ. P. 40. Scheduling Cases for Trial, requiring "Each court must provide by rule for scheduling trials". The Judge hid those lies and the fabricated fake fines, to prevent the truth of facts with supporting evidences from Petitioner to be presented in trial and to be recorded in Findings and Facts in this case; that was why the Judges totally and permanently prevented any trial, or the "Oral-Argument" in NH Supreme Court. The Judges willfully violated the Fed. R. Civ. P. 40. Scheduling Cases for Trial.

The Judge granted four fabricated fines with \$700 on 5/18/2021 order, App.33a; in the same order the Judge also asked Respondent to fabricate and submit some lien to the court to continue to cheat more, App.31a-32a. There has never been any lien requested or mentioned in any of the four Respondent's Motion for Summary. It was totally the Judge himself guided Respondent fabricated \$1,468.36 and granted.

Moreover, the Judge himself fabricated the lien \$6.36 in his 8/3/2021 final order trying to change the

case with fake fines to a lien collection case; and granted the newly fabricated \$1,468.36 to Respondent, plus their attorney fee. These solid facts have shown the Judge conducting fabrication trying to change this fault case with solely fabricated fake fines to a lien collection case, helping Respondent to cheat. This has violated the Federal Laws.

More important, the NH court Judges violated the United States Constitution, Seventh Amendment, including Amdt. 7.1.4 Restrictions on the Role of the Judge. Petitioner's Constitutional Rights have been Completely stripped away. Without even one evidence but with solely the lies and fabricated numbers on paper, the Discovery procedure was stopped and prevented, the Trial or any Testimony were all completely and permanently prevented by the Judges in fraudulent ways by violating the laws, then Petitioner was ordered to pay \$14,156.86 and \$33,163 to Respondent, for nothing true at all. For the fabricated \$47,319.86, Respondent could never present even one true fact with the real supporting evidences. As a U.S. citizen, Petitioner has lost \$47,319.86, because those frauds and violations to laws conducted by both Respondent and court Judges. How can Petitioner's Constitutional Rights had been stripped so severely, and is living in such dangerous U.S. environment, lost so much money in such easy way? There was no Justice at all in NH State.

C. Detailed Facts and Evidences

The followings are the facts and evidences showing the Judges' violations to the Fed. Laws and U.S. Constitution.

Respondent's 1st and 2nd Motion for Summary Judgement with the MEG Property Management (working for Respondent in 2018) Manager's affidavit had all been denied in 2019 by the first Judge in this case, William Delker, who was a good Judge and did not violate the court procedure or laws.

On 2/16/2020 and 3/13/2020, Petitioner sent his DEFENDANT'S INTERROGATORIES PROPOUNDED UPON PLAINTIFF and DEFENDANTS REQUEST FOR PRODUCTION OF DOCUMENTATION PROPOUNDED UPON PLAINTIFF to Respondent twice. Respondent could not answer any of the question at all, and could not provide even one document for supporting their lies. The NH Superior court Rules 23 and 24 require the Respondent to respond the INTERROGATORIES and REQUEST FOR PRODUCTION OF DOCUMENTATION within 30 days; Respondent could not respond anything to any of the two legal court documents, as they only had the lies and the fabricated fake numbers on paper conflicting each other, and never with even one supporting evidence (such as a picture). Hence, Respondent had to continuously violate Rules 23 and 24.

The second Judge of this case, Martin Honigberg, stopped the Discovery by violating court procedure and violated the "Fed. R. Civ. P. 37. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions". The Judge knew extremely clear, all Respondent had were the fabricated fake numbers on paper and lies, without any supporting evidence.

The Respondent's lies had numerous conflicting and defects. Respondent also had violated the "RULES-AND-REGULATIONS-BRANDYWYNE-COMMON-

CONDOMINIUM-ASSOCIATION"/By-laws, which has Rules:

"4.] Notice and Fine Structure a), Notice- Any notice hereunder shall be deemed to have been duly given if in writing and delivered in person or by regular mail, addressed to the unit owner at the address on record."

4.] Notice and Fine Structure b), The unit owner may challenge any notification by requesting a meeting with the Board. This request must be made to the Management within ten (10) days after receipt of the notice".

5.] a) Continuing offenses shall be considered as separate offenses for each thirty days period that the offense continues".

Respondent never cared about the Rules and never sent the fine-notification, made Petitioner never received any fine-notification. For example, there was never the 1st fine for warning for the noise, but suddenly came the 2nd fine and 3rd fine. After the 2nd fine issued at 1:30 am on 5/29/2018, only four hours later, before any fine notification was sent out to the tenant and unit owner, another new fine was already made up at 5:30 am on 5/29/2018.

There were many things wrong on what Respondent did. First, people have their rights to speak inside their home. There has never been a law to forbid people talking inside their home. If the wall had poor sound insulation function, it is Respondent's—the Condominium Association's fault, who own the Condor buildings, not tenants' fault; even the unit owners do not own the condo building.

Secondly, Respondent did not wait for 30 days before issuing another-3rd fine. Those solid facts with the supporting evidences show Respondent never cared about, but just violated the 5] a) of the Condo Rules and Regulations.

Thirdly, Respondent never cared about the 4] a) of the Condo Rules and Regulations, to send out the fines notice to unit owner; but just did whatever they like by violating the Condo Rules and Regulations; that was why Petitioner never received any fine notification. The first time Petitioner learned those fines was from the NH Superior court's mail in 2019. This should be also one of the reasons why Responder failed to answer any question in Petitioner's INTERROGATORIES.

Another example of Responder's fake fines is Respondent made up \$350 fake fines for unknown car parked in the guest parking area, but request Petitioner to pay the \$350. The fines should be issued to that car's owner per its plate; but Respondent made up lie that car belongs to Petitioner's tenant, who is known for sure having only a truck in the whole family. The court Judge also denied that \$350 fines as they are the made-up frauds, without any evidence showing that car belongs to Petitioner's tenant. Any tickets/fines should be issued to the car owner per its car plate.

Another example, the 11/06/2019. \$25 fine was added after this case had been filed in court for nine months. The Violation of Chimney Inspection fine is usually issued only next year, because Inspection can be delay if the Chimney Inspector was very busy or the tenant does not allow the inspector to go inside the house. And this fine was denied by the Judge.

In order to cover the conflicting and defects in their lies, Respondent fabricated new affidavits with more new lies from three fake “witnesses”, who were not there in May 2018 and knew nothing about the fines. Those three fake affidavits from the three fake “witnesses” were added to Respondent’s 3rd Motion for Summary Judgement on 7/10/2020, are completely different from the only one Affidavit from MEG Manager in Respondent’s 1st and 2nd Motion for Summary Judgement. The three new affidavits were full of lies with conflicting to each other, and were completely against the true clear facts. For examples, just in Buckley’s affidavit, there are 18 conflicting places to his own lies as shown below, because they were the made-up lies by himself two years later.

1). Even the MEG manager working in 2018 cannot list any fine in details for before 8/10/2019, how could Buckley know the details and added numerous new lies 2-years later on 7/10/2020 for the fines dated 1/1/2018-05/10/2018, when he was not there at all? Buckley’s lies for fines before 5/10/2018 were fabricated 26-months after May 2018 and 5-months after Respondent received Petitioner’s INTERROGATORIES.

2). For 3rd-violation of Disposal of pet waste \$250.00 on 5/5/2018, where were the 1st and 2nd-violations on this? Never. Buckley fabricated the 3rd-fine two-years later without any evidence, nor any previous 1st and 2nd-fine.

3). If there was 2nd fine pet waste disposal before, there should be \$100 fine listed before; but Buckley’s list shows never \$100 fine before; \$39.35 was the maximum; and Petitioner had credit-\$188.48. How could Petitioner have had \$188.48 credit in his

account if there was \$100 fine before? This shows Buckley was completely lying and fabricating.

4). For listed 2nd-Violation-Unleashed pets \$100.00, where was the 1st-violation? Never. Respondent just made 2nd fine \$100 two years later. It's an easily fabricated numbers on paper, added two-years later.

5). Buckley's lies are conflicting, showing the fines were fabricated afterwards, never real.

"THIRD-VIOLATION — Failure to dispose of pet waste, May 5th fine \$250.00"; but on next page:

"05/10/18 Third Violation-Disposal of pet waste 250.00"

5/5/2018 or 5/10/2018, which was the true date? None of them. If they had any evidence or a picture, the true date will be recorded.

6). For "SECOND VIOLATION — Failure to keep pets leashed on common area, May 6th fine \$100.00"

On his list, "05/10/18 Second Violation-Unleashed pets 100.00";

May 6th and 05/10/18 are two conflicting dates! It was fabricated, because he was never there in May 2018.

7). For "Noise and disturbance after 10:00 PM, May 9th, Police were called. First-violation — warning." How come on his list, there was nothing listed for 5/9/2018, especially if police were called to come? Because they were all fabricated lies afterwards.

8). Buckley's affidavit has so many conflicting to his own list, showing Buckley's lying ways. Buckley/ Respondent knew as long as they fabricated fake fines

on paper, they will get paid, because Judge Honigberg as their back-up will surely grant them.

9). Buckley only attached 2 of 13-pages of "RULES-AND-REGULATIONS-BRANDYWYNE-COMMON-CONDOMINIUM-ASSOCIATION" in his affidavit, but hiding other 11-pages to cheat.

10). Because Respondent violated Rule 4] a) and 5] a), Buckley hid other 11 pages of the Rules to prevent the truth to be seen.

11). Respondent made new lies for 1/1/2018-5/10/2018 and added them to their 3rd motion 7/10/2020. To answer the Petitioner's Question: where came \$39.35, No matter how they made-up new lies, Respondent still failed to show where calculated-out \$39.35 balance.

Those lies are the evidences that Buckley never cared about the "RULES-AND-REGULATIONS-BRANDYWYNE-COMMON-CONDOMINIUM-ASSOCIATION" on delivering fine-notification, but just made-up new fines anytime they like and never delivered/mailed fine-notifications to Petitioner.

12). It just took several minutes to make a new lie on paper, like in Buckley's affidavit. If they were true, how come they never appeared anywhere for 2-years until 7/10/2020? The numerous places of conflicting in Buckley's affidavit have shown clearly, they were not based on facts.

13). The \$100 and \$250 fines for noise on 5/29/2018 were made-up and violated Rule "5] a). Respondent just did not care the Rules, but violate them.

14). Where is the law forbidding people from talking inside their home, and getting \$350 fines? Respondent did it totally illegally.

15). Petitioner physically witnessed such nonsense once he was in his rental house with two painters, who were talking while painting around 9 AM Saturday. A man from next door broke in and told painters be quiet, said their conversation made too much noise. What was this? They were chatting quietly because they were only a few feet apart. They did not have rights to talk in Petitioner's unit while painting? Just because the poor sound insulation of walls, people cannot speak inside their unit or at their home? Where is such law in the entire world? Because the fines were fake ones, made-up by violating laws, Respondent never delivered/sent any fine-notification to Petitioner. Hence Respondent could never provide any proof for sending out fine notifications.

16). If it's big noise at night by playing sound system or music instruments etc., and the sound was too big, police should be called to come to measure sound dB. If it was over dB limit, ticket can be issued by police, but never for people talking at home inside their house.

17). Buckley cheated more by making up more lies willfully and signed his affidavit under oath to cheat. In next year 2021 Buckley made new lie, trying to put a 9/13/2019 picture to say it was the picture for the alleged fine in May 2018, but the date 9/13/2019 on the picture showing he was lying.

18). All affidavits submitted to court require the witness to state under oath his/her name, address and true facts; Buckley violated this law willfully,

never gave his address. Knowing he was lying, conducting criminal frauds. he hid his address in his affidavit. But the Judge still used the defected affidavit not meeting the legal requirements, and granted on 5/18/2021 the lies made-up two years afterwards.

The only document showing the alleged fines in 2018 was Decker's Affidavit, but Decker was never there 2018 and 2019. Only starting 01/01/2020, Respondent hired Property-Management-New-England and Decker was an employee of Property-Management-New-England. Decker just lied in his Affidavit that he knew all the details of the fines in May 2018; that was totally against to the facts that he and the company were never there in 2018. Decker also conducted his criminal frauds by cheating in his affidavit to court.

Petitioner included all those true facts and evidences in his Appeal Brief submitted to NH Supreme Court, but they were all hidden by NH Supreme Court. The Respondent's 3rd Motion of Summary Judgement was denied in 9/21/2020 order with the Judge's clear conclusion: "Mr. Decker's affidavit does not suggest that he has personal knowledge of the events underlying the fines.", "Neither that affidavit nor the exhibits attached thereto suggest that Mr. Buckley personally observed, or had personal knowledge of, the tenants' alleged violations.", "Butterweck's . . . , the affidavit does not explain why the affiant believes those vehicles were connected to Defendant's tenants.". And summarized: "As explained above, the affidavits submitted in support of Plaintiff's third motion for summary judgment do not demonstrate personal knowledge that the events underlying the fines actually took place and/or are properly attributed to Defendant's tenants."

It has been extremely clear that those three fake “witnesses” cannot be the witnesses as they knew nothing about these fines. However, the exact same Motion for Summary Judgment with the exact same three Affidavits from the fake “witnesses” was resubmitted and granted by the same Judge on 5/18/2021. In that order the total granted was \$700.

There was a Status-Conference on 11/16/2020. In the transcript of the Status-Conference transferred from the trial court to NH Supreme court, the Judge’s violations to the Federal laws and U.S. Constitution have been shown extremely clear in the court audio, as shown in the transcript (App.37a-App.48a). At beginning the Judge told Petitioner: all his motions had been denied, without giving any reason in his orders. For so many Motions filed by Petitioner, Respondent only filed their Objection once; for all other times, Respondent did not need to file any Objection, the Judge will deny all Petitioner’s Motions 100% for Respondent. And the Judge pretended never saw Petitioner’s 11/6/2020 MOTION TO COMPEL. After Petitioner broke the judge’s lie, the Judge admitted he saw it, but lied again “it was just a couple days ago”; in facts it was 10-days ago. This fact shows the judge lied against the true facts in front Petitioner! The Motion could be ruled on 11th day as Respondent never objected that Motion; but the Judge conducted frauds and did not rule that motion forever.

Petitioner asked the Judge for six times in Status-Conference: “Why the NH Law Superior Court Rule 23 was not followed?” and “Is that Unusual?”. The Judge never could answer (App.40a-App.48a). The Judge willfully violated in fraudulent ways the “Fed. R. Civ. P. 37. Failure to Make Disclosures or to Coop-

erate in Discovery; Sanctions” all the times, and acted as the backup and defending attorney for Respondent to hide the lies and fabrications conducted by Respondent, helping Respondent to cheat money.

When Petitioner pointed to the Judge that all Respondent’s three-times Motions were full of lies, without any supporting evidence. The Judge just said “I understand” (App.43a, 48a), but continuously supported those lies and fabrication in fraudulent ways and continuously violated the laws. The Judge never mentioned even once “Trial”, nor any “testifying” on the fake fines and the fake affidavits from the fake “witnesses” in the entire proceeding period of this case since Feb. 2019.

In Status-Conference the Judge asked Respondent’s attorney: “Mr. Daddario, should I lift the stay of discovery or will you be filing another MOTION FOR SUMMARY JUDGMENT, do you expect?” (App.46a). The Judge served not only as the backup and the Defending Attorney, but also seemed more a loyal serviceman for Respondent, and did everything he can to meet whatever Respondent wanted, by violating the “Fed. R. Evid. 602. Need for Personal Knowledge” and “Fed. R. Civ. P. 40. Scheduling Cases for Trial”, as well as the State laws. Those are the evidences in black-white showing the Judge’s fraudulent ways on helping Respondent’s cheating with lies, fake affidavits from fake “witnesses”, and granted Respondent first \$700 on 5/18/2020, later changed it to \$14,156.86 by fabrication himself, without any reliance nor any evidence. The Judge’s frauds are crystal clear.

In the 9/21/2020 court order denying Respondent’s 3rd Motion of Summary Judgement, the Judge ordered: “stay of discovery is hereby lifted”. As the Respondent

still continued violating the laws Rule 23 and 24 for another 55 days, continuously not answer even one word to INTERROGATORIES and not provide even one document to REQUEST FOR PRODUCTION OF DOCUMENTATION, on 11/16/2020 after asking what Respondent wanted, the Judge immediately ordered: "So the stay of discovery is going to be-is going to remain in effect." (App.46a), which is completely conflicting to his order made 55 days ago, solely for the purpose to support Respondent to continuously violating the laws Rule 23 and 24. This has also repeatedly violated the Fed. R. Civ. P. 37. The Judge also repeatedly and 100% denied all Petitioner's Motions to compel, to help Respondent to cheat with solely the lies and fabricated fake numbers. The Petitioner's Constitution Rights for fair court procedure had completely stripped away by the judge. The Judge asked Petitioner if he like to schedule the payments for those fabricated fake fines.

Right after made the new order of "stay of Discovery", the Judge immediately asked Respondent to file a Motion For Summary Judgment again, and even asked in fraudulent ways "You may file a proposed structuring order. And as I said, if it's reasonable the Court will approve it." Petitioner immediately objected that by pointing out "Their (Respondent's) Motions for Summary Judgment had been submitted three times all with lies, with no fact. So it's (they all have) been denied. And then (they said,) why they need to submit another one, fourth time, with no true fact?" The Judge could not answer at all, but just said "I understand—your position, Mr. Wang." and "I understand. You'll have an opportunity to respond to the motion and you have rights, which I advise you to

familiarize yourself with under the rules". Petitioner continued to point out "No, Judge, because (you—) the current situation is to follow the Superior Court rule. (When Rule 20 indiscernible) Rule 23, (there's a—) there is a law saying that, okay. The default motion should be granted. If it's not granted, it's not following the law." The Judge had not even one word to defend his violation to the laws, and said "When— did you—send them a document that invoked Rules 23 and 24? MR. WANG? (The last motion.) Your last motion was filed within, what, just a couple days ago.". Petitioner immediately broke his lie: "No, it's more than a week." Actually, it was ten days ago. The Judge continued "Oh, so a week ago, you invoked Rules 23 and 24?" and "I have read it. That's what I thought. You are not entitled to a default. Is there anything else you want to talk about this morning?" Petitioner repeated "I'm sorry. It simple as Rule 23, 24, superior court rule." The Judge: "Got it.". Petitioner emphasized "If you don't consider that, it's not following the law.". The Judge never denied that he did not following, but willfully violating the laws Rule 23 and 24, and said "Is there anything else you want to talk about this morning?" (App.47a-48a). All those true facts recorded in the court audio have been demonstrated in the transcript (App.37a-48a). It shows clearly the Judge's violations to Fed. R. Civ. P. 37, in fraudulent ways to protect and support Respondent's lyings and cheatings.

Petitioner knew the Judge was doing in fraudulent ways; hence, immediately submitted another Motion on 11/16/2020 after the Status-Conference. Rule 23 and 24 were also clearly and repeatedly invoked in Petitioner's 11/16/2020 Motion. But the Judge also pretended not seeing it, and never ruled forever on

Petitioner's 11/16/2020 Motion. The judge conducted the fraudulent ways, violating the Fed. R. Civ. P. 37 and the Constitution willfully and repeatedly, in planned ways with lies and cheating.

As the action to cooperate with the Judge's helping on their cheating money, Respondent submitted their 4th Motion of Summary Judgement on 12/15/2020, which is exactly the same as the 3rd Motion, and with the exact same affidavit from those three fake "witnesses". The only change in 4th Motion is two affidavits were signed with 12/15/2020, but Decker's affidavit was still signed with 7/10/202. Because Decker and their company were fired by Respondent on 8/1/2020; Decker did not need to lie for Respondent anymore. But Respondent still used Decker's old affidavit in 3rd Motion with 7/10/2020 to cheat again on 12/15/2020.

On 12/22/2020, Petitioner submitted his OBJECTION TO PLAINTIFF'S RENEWED (4th) MOTION FOR SUMMARY JUDGMENT with 35 points of facts and supporting evidences with total 21 pages, and also submitted his AFFIDAVIT IN SUPPORTING OBJECTION TO PLAINTIFFS' RENEWED MOTION FOR SUMMARY JUDGMENT with 18 statements of the true facts, to object Respondent's 4th Motion. According to NH laws RSA 491-8-a II "The facts stated in the accompanying affidavits shall be taken to be admitted for the purpose of the motion, unless within 30 days contradictory affidavits based on personal knowledge are filed or the opposing party files an affidavit showing specifically and clearly reasonable grounds for believing that contradictory evidence can be presented at a trial but cannot be furnished by affidavits." As Petitioner submitted his Affidavit

and Objection only 7 days after Respondent's 4th motion filed, a trial should be arranged according to laws RSA 491-8-a. But the Judge completely and permanently prevented any trial to occur in this case by violating laws RSA 491-8-a, which also definitely violated "Fed. R. Evid. 602. Need for Personal Knowledge" and "Fed. R. Civ. P. 40. Scheduling Cases for Trial".

There was absolutely not any new content added to Respondent's 4th Motion or in the three affidavits at all. The same three fake "witnesses" having been denied as having no personal knowledge in 9/21/2020 order, how could they suddenly become having personal knowledge of the fines on 5/18/2021?

When the laws, the Motion and the Affidavits were all the same as the ones in Respondent's 3rd Motion, what made the denied same Motion granted? The Judge violated many laws and did in fraudulent ways on granting Respondent's 4th Motion. On 5/18/2021, the Judge granted the Respondent's 4th Motion for Summary Judgment for \$700 with the statement "Plaintiff (Respondent) has submitted several affidavits in support to its fourth MOTION FOR SUMMARY JUDGMENT". This is completely conflicting to his 9/21/2020 judgement with the conclusion: "... the affidavits submitted in support of Plaintiff's third motion for summary judgment do not demonstrate personal knowledge ...".

In his Summary of 5/18/2021 order, only four fines were granted (\$100+100+250+250=) \$700 (App.33a); at the same time, the Judge requested Respondent to fabricate new lies of lien, App.32a. But in all the four Respondent's Motion for Summary Judgment, there was not any lien was requested or even mentioned;

the only things Respondent demanded were the seven fraudulent fines totally \$1225, App.22a; plus the attorney fee.

These solid facts have shown the Judge was not only the backup and Defending Lawyer for Respondent, but also acted as Respondent's advisor to guide Respondent how to cheat more, and dominated Respondent's cheatings.

The Judge made up new lie by himself in his 8/3/2021 final order, the \$6.36, which never existed in all the four Respondent's Motion for Summary. The Judge had been hiding the facts that all Petitioner's \$44 balance for the month condo fee increase had all been paid one lumpsum, with written agreement; the Judge was hiding this agreement all the times.

That was the purpose of the Judge to completely and permanently prevented any trial or testifying to occur in this case. Thus, the fabricated fake fines and lies in 2018 and 2020 and also the frauds \$14,156.86 fabricated by the judge himself will be never testified. Respondent and the Judge can fabricate whatever they wanted. Those are the evidences of the Judge's fraudulent ways and violating the laws. The Judge definitely violated the NH State laws RSA 491-8-a, and severely violated the "Fed. R. Evid. 602. Need for Personal Knowledge" and "Fed. R. Civ. P. 40. Scheduling Cases for Trial", and so severely violated the Seventh Amendment in U.S. Constitution. Petitioner's Constitutional Rights for having normal court procedure and having fair Trial have been completely stripped away by the Judge.

Judge Honigberg also conducted the following frauds willfully.

- Fabricated fake \$6.36 by himself in his 8/3/2021 order, trying to change this fault case with solely fabricated lies to a case of lien collection.
- Guided Respondent as the Advisor how to fabricate new lies on lien helping Respondent to cheat more money with new lies, and granted \$14,156.86 based on solely the lies and conflicting to his prior order.
- Acted completely as Respondent's backup; and 100% denied all motions from Petitioner, even they were never objected by Respondent.
- Acted as defending attorney for Respondent to hide and cover the Respondent's violations to the laws and their fabricated lies, as demonstrated in the transcript of Status-Conference.
- Acted more like a loyal Serviceman for Respondent, to fulfill whatever Respondent wanted, and meet more than Respondent expected, by violating the laws and court procedure.
- Hiding the facts that Respondent violated the "RULES-AND-REGULATIONS-BRANDYWYNE-COMMON-CONDOMINIUM-ASSOCIATION"/By-laws, which made all fines become invalid.
- Hiding the facts that the Respondent illegally increased their fines-amounts in 2017, which was 430 times of 2017 condo fee increase, 105 times of annual fine increase in past 40 years.

The NH Supreme Court Judges have made the trial court Judge free after his violating to those laws and Constitution. Knowing extremely clearly about Superior court judge's violating court procedure, Rules 23 and 24 and NH RSA 491-8-a, and know clearly about the lies, fabrications, cheating frauds, the violations to the "RULES-AND-REGULATIONS-BRANDYWYNE-COMMON-CONDOMINIUM-ASSOCIATION"/By-laws, and violations to NH laws conducted by Respondent, the NH Supreme Court Judges did in fraudulent ways by hiding all the true facts, and never cared about those violations to the laws and the violation to U.S.A. Constitution.

Same way as the trial court Judge, no Oral-Argument was considered at all by the NH Supreme court judges. Hence, completely no Trial, Testify or Oral-Argument has been mentioned in past four-years, but totally prevented permanently by court Judges. The Judges willfully to violate the NH Laws, Federal Laws and U.S. Constitution.

Respondent fabricated new lies and fake numbers even in NH Supreme court, by making up fake attorney fee \$33,163.00, for their submitting totally 39 text pages in their total five documents to the NH Supreme court. This lie and the fabricated \$33,163.00 was 100% granted by NH Supreme court judges with only: "Brandywyne Common Condominium's motion for taxation of attorney's fees in the amount of \$33,163.00 is granted.", but no even one other word. In that 12/22/2022 NH Supreme Court order, the Judges could not give even one law for their Order, neither even one fact, nor one evidence for supporting their order (App.4a). This fact with the supporting evidences has clearly shown the NH court judges are

the firmly backup for Respondent's lies, and 100% supported and granted whatever Respondent wanted in fraudulent ways, by abusing their power and by violating laws.

In his Objection, Petitioner presented detailed facts and evidences showing the \$33,163 could not be true at all, but just a lie. From the time the appeal case was opened in NH Supreme court 9/1/2021 to its close 11/14/2022, Respondent only submitted five documents to Supreme courts, with totally 39 text pages. In the affidavit, Respondent's attorney stated their two attorneys' hourly fees are \$425/hr. and \$340/hr. Writing a 5 pages document should take a 20-years' experience attorney no more than one hour, which is about \$425 for submitting one document. For five (5) such documents, it should be about \$2075. Plus, the few hours on reviewing Petitioner's documents, totally Respondent's attorney fee should be around \$3,000. How could \$3,000 attorney fee become \$33,163?

Even given the doubled amount on writing documents, *i.e.*, two hours on writing five (5) pages document, then the attorney fees on writing all five (5) documents would be \$4150 in total. Plus, the time reading Petitioner's documents taking another few hours, it should be no more than \$5,425 (\$4150 + 3 x 425).

For \$5,425, Respondent's attorney dares to lie for \$33,163 to cheat. This shows Respondent's nature of lying, fabricating to cheat money. Respondent attorney's frauds have been demonstrated once more extremely clear in NH Supreme Court. If only the five (5) documents with total 39 text pages cost \$33.163, then writing one document with five pages

would cost on average \$6,632.00, or each page costing \$850.00, almost \$1 K. These are completely lies to cheat.

For 2.5 years of this case in NH Superior court, both Petitioner and Respondent probably submitted thousands pages of documents, which were close to a hundred times more than the 39 pages submitted to the Supreme court. If the 39 pages documents cost \$33,163, then the thousand pages submitted to the Superior court should cost $100 \times \$33,163 = \$3,316,300.00$. With the supporting from NH Supreme court judges, Respondent became extremely brave to lie and fabricate their big lie to cheat money. Any lies from Respondent are 100% supported and granted by the NH Supreme Court judges without giving even one reason why, despite so many questions had been presented in Petitioner's Objection. The Judges fraudulent ways have been demonstrated once more extremely clear.

Those facts further shown the Respondent's ways of fabrications, and the fraudulent ways conducted by Judges. In same way as the trial court judge, the NH Supreme Court Judges protected, supported and encouraged Respondent's lying and fabricating; never cared about the true facts and evidences but hiding all the truths, 100% granted whatever the Respondent lied for, by preventing any Oral-Argument.

Petitioner's U.S. Constitutional Rights on the Seventh Amendment have been totally stripped away in this case by the NH Court Judges.



REASONS FOR GRANTING THE PETITION

Solely with the Respondent's lies and fake numbers fabricated by Respondent, without even one evidence, Petitioner is ordered to pay \$47,319.86 to Respondent for the cheatings supported by courts Judges. This is like robbing U.S. Citizen's money by team-members together by violating laws in fraudulent ways. If this is allowed in this country, people here would have no secured environment to live. Any liar with the help from court Judges can made people lost huge amount of money, with solely lying and fabricating but no any facts nor supporting evidences.

If the key court procedures like Discovery can be prevented and eliminated by a Judge by violating the laws to help the liars to cheat money, there will be no fair proceeding in courts at all. The Fed. R. Civ. P. 37 regarding to the Discovery and NH Superior court Rule 23 and 24 had been violated numerous times by the Judges, and all Petitioner's Motions to compel had been denied or hidden without any ruling forever on Petitioner's two Motions to compel filed on 11/06/2020 and 11/16/2020. According to the Fed. R. Civ. P. 37, Petitioner's Motions to compel should be granted and Petitioner should have already won in this case. But the Judge never ruled Petitioner's two Motions to compel, filed by invoking NH Superior court Rule 23 and 24. The Judge willfully and repeatedly violated Fed. R. Civ. P. 37.

The Judge had concluded all three "witnesses" have no personal knowledge on the alleged fines, but willfully violated "Fed. R. Evid. 602. Need for Personal Knowledge", and granted the same Motion for Summary Judgement resubmitted several months later,

conflicting to his prior order. The Judge violated Fed. R. Evid. 602 repeatedly in fraudulent ways. If this is allowed, it would be in huge mass of Judges' frauds, and there will be no Justice in Courts in this country.

There has never been even once "Trial", "Testify", "Hearing on Evidences", or "Oral-Argument" being mentioned or scheduled by the Judges in this case. Trial is the most critical and fundamental procedure in civil cases, If Trial is permanently forbidden by the Judges, anyone can cheat money with solely lies, because even the opposite party have shown the true facts with evidences, all the truth are hidden by the Judge in fraudulent ways. No trial is allowed to reveal the truth. This was violating the Seventh Amendment of U.S. Constitution having fair trial, and also violating U.S. Constitution Amit 7.1.4 Restrictions on the Role of the Judge. The Judge has the entire power in the trial court to help the liars cheating and robbing the victim's money. People's Constitutional Rights were stripped away. If this violating to U.S. Constitution and the Fed. R. Civ. P. 40 and 602, prevent any Trial, is allowed, there would be completely no Justice in Courts, as no truth can be seen.

There was never any lien requested or mentioned in any of the four Respondent's Motion for Summary Judgement. It was the Judge, acted as the cheating advisor, guided Respondent to make new lies by fabricating the non-existing lien. The Judge himself fabricated the lie of \$6.36. After granted fake \$700 fabricated fines, the Judge also helped Respondent lied it to become \$1,468.36, and granted it. If a Judge is allowed to fabricate frauds to help Respondent to cheat, to guide Respondent how to cheat by fabricating new lies, then the court won't be the place for Justice,

but the places for fabrications, especially for judge's fabrications to help one party to cheat! Then there will be absolutely no any true result from the court in the cases preceded by the fraudulent Judges.

Fabrications in court are criminal frauds, especially for Judges. The Judge should be prosecuted for the criminal frauds-fabrication conducted by the Judge on helping Respondent cheating money. No individual is above the laws.

As demonstrated in Status-Conference, the Judge was more the serviceman working for Respondent, rather than working for the State. This kind of individual should be not allowed to work in any court in the country, as he will always conduct frauds to cheat by violating laws. The Judge seems never cared about showing to public his frauds and violating laws. Is it because the Judge is above the laws and be protected for his frauds? If Judges are allowed to conduct frauds by fabricating fake things, the courts in that State, or even in U.S.A. will be the darkest places to rob civilians' money.

The NH Supreme Court Judge did in the same fraudulent ways, 100% supported all those violations to the Laws and the Constitution. If all the Justice Systems in this country are like this, the United States will not be a Lawful Country at all, and there will be no Justice in U.S.A., but only the violations to the court procedures, violations to the Laws in fraudulent ways, cheating and robbing victims' money.

The Superior Court Judges never hide their fraudulent ways and 100% granted the fabricated \$33,163 attorney fees for submitting totally 39 text pages, without given even one fact, evidence or according to

which laws to grant the fake \$33,163. The normal U.S. citizens will be the victims for this kind of robbery in court. If the court Judges are allowed to act as team-members on helping the cheatings with solely lies to rob U.S. Citizens moneys, where are the Constitution for protecting Human Beings lives in this country? If this is allowed in U.S.A., the U.S.A. courts will become the places to cheat and rob people's money, solely with the fabricated lies, by conducting frauds and violating the Laws. Then U.S.A. will be no longer a lawful country. Can this kind criminal frauds and violations to court procedure and to laws be allowed in this country? Absolutely NO!

Petitioner Constitutional Right, the Seventh Amendment, have been severely and completely stripped away by the Judges, who willfully and repeatedly violated the court procedure and laws. Solely with the lies and fabricated fake numbers, without even one evidence, but by violating so many laws and Constitution in fraudulent ways, Petitioner has been ordered to pay \$47,319.86. Where are the Petitioner's Constitutional Rights? This has been completely no Justice in this case in NH State Courts.

If this is not corrected and prevented, anyone can fabricate lies, with no Discovery, no Trial in court at all, but with the support of Judges, they will be granted huge amount money. Then it would be the easiest way to become rich in this fraudulent way in courts.



CONCLUSION

This Petition for a writ of certiorari should be granted, to protect the U.S. Citizens' Constitutional Rights. In this case, the normal court procedure Discovery and Trial were totally prevented; hence, all the orders made in NH State Courts should be denied due to the violations to many Federal laws and the Constitution. The 8/3/2021 court order for \$14,156.86, the 10/18/2022 and 11/14/2022 affirming order, and the 12/22/2022 court order for \$33,163, should be all dismissed, as they were made based on solely the lies and the fabricated numbers on paper, and by violating the Fed. R. Civ. P. 37, Fed. R. Civ. P. 40 and Fed. R. Evid. 602 and the Constitution.

As the NH Rockingham Superior 5/18/2021 Court order was made by violating Fed. R. Civ. P. 37, Fed. R. Civ. P. 40 and Fed. R. Evid. 602, and the facts that the trial court Judge either 100% denied Petitioner's motions or never ruled Petitioner's two Motions to compel, the Petitioner's Motions to Compel should be reviewed and granted per Fed. R. Civ. P. 37. Petitioner should have won this case according to the Fed. R. Civ. P. 37, as well as the NH Superior court Rule 23 and 24.

Respectfully submitted,

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