22-810

ORIGINAL

IN THE

SUPREME COURT

OF

THE UNITED STATES

ANDREA ROSEN LIEBMAN

Petitioner

Vs.

OCWEN LOAN SERVICING, LLC.

FUTURA MIAMI INVEST, LLC.

Respondents

ON PETITION FOR WRIT OF CERTIORARI

TO

11TH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT

FOR

WRIT OF CERTIORARI

Andrea R. Liebman *Pro se*
P.O. Box 3661
Hallandale, Fl. 33009
786-375-7938
February 13, 2022

QUESTION(S) PRESENTED

1. Did the 11th U.S. Court Of Appeals err when the 3 Judge Panel & 12 Judge Enc Banc Panel Per Curiam issued the 11-2-21 Opinion Affirming the Bankruptcy use of an Arbitrary Nunc Pro Tunc Technique after the *Willful* Violation of 5-14-15, that is in direct conflict with the Supreme Court 2-24-20 Archdiocese V. Acevedo, Et al.?

2. Does not the lack of enforcement of this Case lead to total disrespect for *Acevedo*, making it moot with a ripple effect for U.S. Supreme Court Justices diminishment of past, current, future Opinions/ authority over all the Lower Tribunals & Judges below; encourage, (not discourage) future *abuse of process*, affecting entity(s) & person(s) now certain to experience continued *Willful* Violations, weakening 11 U.S.C. 362 Automatic Stay & 362(k)(1); leading to billions, trillions of $ of confiscations, foreclosures?

LIST OF PARTIES

Andrea R. Liebman

Ocwen Loan Servicing LLC.

Futura Miami Invest LLC.

Bailey, Jennifer: Dade County Circuit Judge

Beach Club Villas Condominium Association ("BCV")-Creditor Matrix

Cech Samole, Brigid F.: Counsel for Appellee (Ocwen)

Clemente, Katherine: Coimsel

Cristol, A. Jay: U.S. Bankruptcy Judge

Deutsche Bank National(Ocwen)

Gomez, Michael W., P.A. for Beach Club Condo Assoc.

Greenberg Traurig, P.A., Counsel for Defendants/Appellees (Ocwen)

Lenard, Joan A.; U.S. District Court Senior Judge

Liebman, Jay

Mancebo. Guillermo, Counsel for BCV

Menach, Andrea, Counsel for Appellee (Ocwen)

Meyer, Robert C., Counsel for Appellee (Futura)

Newman, Ari, Counsel for Appellee (Ocwen)

Ocwen Financial Corporation: Defendant/Appellee

Perez-Medina, Luis, Miami-Dade Circuit Judge

Richards, John, Counsel for BCV

Rook, Mathew, Counsel for BCV

Scola Jr., Robert N.; U.S. District Court Judge

Torres, Edwing G.: U.S. District Magistrate Judge

RELATED CASES

Beach Club Villas Condominium Assoc.-Plaintiff/Counter-Defendant V. Jay & Andrea Liebman Defendant/Counter-Plaintiffs:
Case #'s No. 2009-014161-CC-05 (County), No. 2012-004500-CA-01 (Circuit) Dade County. Fl.
Deutsche Bank National v. Jay Liebman, Andrea Liebman, Dade County Circuit # 10-352347 CA-01
U.S. Bankruptcy Court #1:15-bkc-13372-AJC
U.S.D.C. Case No.: 1:15-cv-22539--LENARD
U.S.D.C. Case No. 17-22874-cv-Scola
U.S.D.C. Case No: 1:20-cv-20322-RNS
U.S.C.A. Case No: 18-10495
U.S.C.A. Case No: 20-14872-HH

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JURISDICTION

The judgment of the 11th Circuit Court of Appeals dated 11-2-21. The Jurisdiction of this Court is invoked under 28 U.S. Code § 1254.

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

ARTICLE VI, Clause 2

AMENDMENT I (1791)

AMENDMENT V (1791)

AMENDMENT IX (1791)

AMENDMENT XIV (1868) Section 1.

11 U.S.C. CHAPTER 362 (a) & (k)(1)

STATEMENT OF THE CASE

Note: I. BACKGROUND (Excerpt(s) from Lenard Memorandum Opinion dated 9-7-16 filed 09/12/2016 14pgs Doc 217)

"On February 25, 2015, Appellant filed a voluntary bankruptcy petition pursuant to Chapter 13 of the Bankruptcy Code. See Liebman v. Neidich, 15-13372-AJC (Bankr. S.D. Fla) (hereinafter, "Bankr. R.") at D.E. 1. On March 9, 2015, Appellant's bankruptcy case was dismissed for certain filing deficiencies – namely the failure to file a service matrix as required by Local Rule 1007-2(A). (Bankr. R. at D.E. 7.) On April 8, 2015, Bankruptcy Judge Cristol reinstated the case, but imposed the following condition:

The automatic stay in this reinstated case shall not stay, stop or affect the foreclosure sale currently set for May 14, 2015, in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County Florida in Case No. 10-35247-CA-01; and the May 14, 2015 foreclosure sale shall proceed as scheduled, in due course, pending further order of this Court, or the state court.

(Bankr. R. at D.E. 18.)

In response to Judge Cristol's Order excluding her home from the protection of the automatic stay, Appellant filed a Motion to Stay the May 14, 2015, foreclosure sale

of her home. (Bankr. R. at D.E. 24.) On May 13, 2015, Bankruptcy Judge Cristol held a hearing on Appellant's Motion to Stay. (Bankr. R. at D.E. 160.) At the hearing, Appellant agreed to make a vested payment of $3,600.00 – after which Judge Cristol granted her motion to stay the foreclosure of her home.2 (Id. at 12:16–19) ("This was a motion for hearing to stay – well I mean, to enter the automatic stay and it's granted."). Counsel for Appellee, recognizing Judge Cristol's oral ruling, stated on the record, "Your Honor, I will advise foreclosure to stay the sale." (Id. at 12: 14–15.) Despite the representation of Appellee's counsel at the hearing, and in direct contradiction of Judge Cristol's oral Order, Appellee continued with the foreclosure sale of Appellant's home. The home was sold at auction on May 14, 2015 – the day after the hearing.

2 Judge Cristol entered a written order memorializing his oral ruling on May 26, 2015. (Bankr. R. at D.E. 46.)"

On May 26, 2015, Appellant filed an Emergency Motion requesting that the Appellee show cause why it continued with the foreclosure sale in violation of Judge Cristol's oral order staying the foreclosure. (Bankr. R. at D.E. 43.) Judge Cristol held a hearing on Appellant's Emergency Motion on June 3, 2015. (Bankr. R. at D.E. 161.)At the hearing, Judge Cristol criticized Appellant's counsel for not filing a written order before the foreclosure sale took place and stated that, if Appellee did not agree to vacate the sale, he could not offer Appellant any relief.3 (Id. at 8: 12–17).

("What does Ocwen want to do? You have two choices. If you want to agree to vacate the sale, that will let counsel possibly off the hook. If not, the sale is over, and Ms. Liebman is left with a professional liability claim against her attorney."). Appellee's counsel stated that she had previously agreed to vacate the sale and felt ethically obligated to do so, but asked if the Court would hold the foreclosure sale in abeyance until Appellant's bankruptcy plan was either confirmed or rejected. Judge Cristol pending confirmation of the case."

The Motion to Vacate Sale pending in Circuit Court, and this Court's oral ruling from May 13, 2015 hear- ing granting Debtor's Motion to Stay the May 14, 2015 Foreclosure Sale are HELD IN ABEYANCE pending the confirmation hearing on Debtor's Chap- ter 13 plan scheduled for June 16, 2015

. . . .

If the plan is not confirmed on June 16, 2015, then the Court's ruling to stay the foreclosure sale shall be vacated, and the foreclosure sale conducted on May 14, 2015 shall be deemed valid, and the Debtorshall withdraw the Motion to Vacate Sale filed in the Circuit Court. Once the Court vacates its ruling to stay the foreclosure sale, all interested parties may proceed with their post-sale rights and remedies, including but not limited to, obtaining a certifi- cate of title and possession of the subject property.

. . . .

If the plan is confirmed on June 16, 2015, the auto- omatic stay will be determined to have been in effect nunc pro tunc to the May 13, 2015 oral ruling, and the sale process in Circuit Court will be determined to be void in violation of the automatic stay, but the violation, if any, is clearly not knowingly or willful and no sanctions will be ordered.

b. Merits of the Appeal13

The first issue in this appeal is whether Judge Cristol's May 13, 2015, oral order reinstating the automatic stay was binding absent a written order. It undoubtedly was.

11 To the extent that the orders identified in Appell- ant's Notice of Appeal are non-final, the Court grants her leave to file an interlocutory appeal of those orders.

12 Appellee essentially argues that it can violate Judge Cristol's oral order imposing the stay with im- punity, but that this pro se Appellant's appeal should be dismissed because she failed to appeal an oral order.

13 Notably, Appellee does not address the actual merits of this case in its Answer Brief – but instead presents several red herrings.

10 Oral orders are "are just as binding on litigants as written orders; the consequences for violating

an oral order are the same as those for violating a written order." See Malautea v. Suzuki Motor Co., 987 F.2d 1536, 1543, n.7 (11th Cir. 1993).

The second issue in this appeal is also easy to re- solve. In this Circuit, actions taken in violation of the automatic stay are void ab initio, or lacking legal effect. See Tacoronte v. Cohen, et al., 2016 WL 3439012, at *3 (11th Cir. June 23, 2016); see also In re Jawish, 260 B.R. 564, 570 (Bankr. M.D. Ga.2000); Matter of Ring, 178 B.R. 570, 577 (Bankr. S.D. Ga. 1995).

The third issue – whether Judge Cristol could retro- actively lift the stay – is more difficult and will re- quire more attention. (see final Excerpt from Lenard Memorandum 9-17-16 below). In this case,the Bank-

ruptcy Court did not consider any of these factors when deciding to annul the stay. Instead, it retro-actively lifted the stay based exclusively on the App- ellant's failure to prepare a confirmable plan by the June 16, 2015 deadline. The failure to meet a court- ordered deadline is not a "limited" circumstance to which warrants retroactively lifting a bankruptcy stay. Because the Bankruptcy Court failed to consider the appropriate factors, it abused its discretion when it retroactively lifted the stay and sanctioned the foreclosure sale of Appellant's home. See Anderson v. Cagle's, Inc., 488 F.3d 945, 953 (11th Cir. 2007) (articulating the abuse of discretion standard). Consequently, this matter is remanded to the Bankruptcy Court to apply the appropriate legal standards and make supplemental findings.

Another Excerpt from Lenard Memorandum Opinion & Remand 9-17-16:

"Under II. ANALYSIS

Judge Cristol did not enter a written order lifting the stay of the foreclosure sale until after the Appellant filed her Notice of Appeal."

Petitioner, Andrea R. Liebman Pro se, interprets this above Statement that Judge A. Jay Cristol *Lacked Jurisdiction* to write the written order 6-28-15 retroactively lifting the automatic stay of the foreclosure sale; taking one step further, Dade County Circuit Court also Lacked Jurisdiction, due to the ongoing Appeal as well.

Excerpt From Lenard Memorandum Opinion 9-17-16:

Bankruptcy Procedure 8001 – 8028. The Appellee raises a series of jurisdictional arguments, asserting that this Court cannot consider the merits of Appellant's claim. First, Appellee argues that the Appellant's claim is barred because she failed to appeal: (1) Judge Cristol's written order holding the stay in abeyance pending confirmation; or (2) his ore tenus order lifting the stay. (D.E. 33 at 31.) Appellee argues that because Appellant did not identify the "correct" order to appeal, this Court cannot grant her requested relief. (Id.) Appellee's hyper-technical argument ignores the well established rule that courts liberally construe the filings of pro se appellants. See, e.g., Restivo v. Bank of Am. Corp., 618 F. App'x 537, 540 (11th Cir. 2015) ("We liberally construe pro se pleadings and briefs."). While pro se litigants must comply with

procedural rules, Appellant has satisfied the most basic procedural requirement to perfect her appeal. Her Notice of Appeal and Initial Brief clearly inform the Court of the ruling she seeks to have reversed, and that is all that is required.

****

Honorable Justices please read the Petition For Rehearing/Petition For En Banc Hearing dated 1-10-22, as it is a mandatory read to understand the *Arbitrary* Nuevo Nunc Pro Tunc Technique used to Retroactively Lift the Automatic Stay of 5-13-15 on 7-18-19 Addressing Remand Issues: (2 years later). I detailed clearly how Judge Cristol arbitrarily, intentionally misstated ("Put Colorfully") the Reinstatement dates in his 7-18-17 Order Addressing Remand Issues... to create a 2nd Nunc Pro Tunc in direct conflict with Your Honorable Justices' *Acevedo* clarification on 2-24-20.

The 3 Judge *Panel* & 12 Judge *En Banc Panel* chose to *arbitrarily,* blatantly ignore *Acevedo* and side with Bankruptcy Judge A. Jay Cristol's version of Nunc Pro Tunc on 7-18-17, that rearranged the facts to create a 2nd Nunc Pro Tunc Order (Petitioner timely filed her Amended NOA Appeal re Motion For Relief From Judgment Rule 60(b)... within one year of the 7-18-17 Order) Retroactively Lifting the Automatic Stay. Judge Cristol "Put Colorfully" in his 7-18-17 Order Addressing

Remand Issues... backdated a 2nd unenforceable *Nuevo* Nunc Pro Tunc 6-16-15 *Ore Tenus* Order deliberately, when a Bankruptcy Court can only use Nunc Pro Tunc (to correct an *inadvertent error,* according to *Acevedo,* in not filing an Oral Order, such as in the Petitioner's 5-13-15 Oral Order Reinstatement of the Automatic Stay, which the Bankruptcy Judge Cristol himself, voluntarily corrected on 5-26-15 with a filed written order, acknowledging the "Automatic Stay' was in force on 5-13-15.

ORDERED AND ADJUDGED that:

(a) The Second Motion to Reinstate is Denied;

(b) The Motion To Amend The Dismissal Order Is Granted and The Second Dismissal Order is modified to indicate this Court retains jurisdiction to conduct the hearing and to make the following findings on remand: *The First Reinstate Order Did not reinstate the automatic stay under 11 U. S. C. §362, but rather enjoined the sale under 11U.S.C.§105. Once the injunction was lifted the sale to Futura was properly completed.

The Truth is the First Reinstatement Order did not reinstate the automatic stay under 11 U. S. C. §362, however the Order is correctly titled Order Reinstating Case and Limiting Automatic Stay.

IMPORTANT TO NOTE: but rather enjoined the sale under 11 U.S.C.§105. Once the injunction was lifted, the sale to Futura was properly completed. THIS STATEMENT IS A FICTION, because Futura's existence was nonexistent on 4-9-15 & 5-13-15. Futura was not a Bonafide Purchaser see- In re: Joe Frank Ford Jr.,

briefed by Honorable Joan Lenard on 9-7-15. In fact, the 11 U.S.C. §362 covers the fact that only a *Bonafide* Purchaser may be protected against a *Willful* Violation of the Automatic Stay.

However, Futura is a Third Party Purchaser who Purchased our Townhouse at a Foreclosure Sale in Willful Violation of the Ore Tenus Automatic Stay. (Important, I've Said this before and it still holds. Futura gambled, because they had plenty of opportunity to avoid further financial involvement before 7-28-15 & Futura also *Willfully* Violated the Stay on 7-29-15 & 8-26-15 when presented themselves in Dade County Circuit Court very similar to Acevedo when State Court Lacked Jurisdiction.

Clarification of 4-9-15 Doc 18 Judge A. Jay Cristol made clear conditions to be met to Reinstate the Automatic on 5-13-15; Condition 5. in = Order #5 (1.-6.) States: " Once all filing deficiency are cured, a Chapter 13 plan is timely filed and all sums due under the proposed Chapter 13 Plan are paid to the Trustee, the Debtor may file a motion seeking to stay the May 14, 2015 foreclosure sale if she can demonstrate that such a Chapter 13 plan end the payments adequately protect the secured creditor(s) in the State Court foreclosure case.

<u>The 5-13-15 Hearing (Second -II- Oral Reinstatement Order Granting the Auto Stay is not conditional upon anything).</u> The Confirmation condition was born out of the mouth of Alice Blanco (see Lenard above) on 6- 3-15 to avoid her promise to vacate the Foreclosure Sale of 5-14-15 Foreclosure Sale. The Confirmation Process

was totally Arbitrary, Whimsical, Devious. Alice Blanco Esq.(Ocwen) spoke with my Attorney, Dorota Trzcieaka Esq., stating she would not object to my Chapter 13 Plan, however once Alice Blanco Esq. lured Judge A. Jay Cristol into making the 5-13-15 Oral Automatic conditional, when it was a lawful Nunc Pro Tunc into the record on 5-26-15, subject to Confirmation by 6-16-15 (see Lenard word for word case history above), that was totally under Ocwen's Arbitrary control(a Predatory Lender), expression Ocwen "had us by the b- - - - s"), slam dunk. Besides scenario, Alice Blanco Esq. talked my Lawyer, Dorota Trezcieka into filing a 1st Amended Chapter Plan with her financial plan to wipe out Beach Club Villas Condo claim for $50,000 by raising the Ocwen Claim to $331,000 without me, the Petitioner's knowledge to approx. $331,000 & lowering the value of my Townhome to $285,000 ($385.000 in original Chapter 13 Plan) to wipe out BCV Claim for $50,000. I already had filed a Counter-Claim against BCV, detailed in my original Chapter 13 Plan, for much, much greater $ due catastrophic, Pain & Suffering, loss of Dr. Jay Liebman's Right from an Acanthamoeba Infection contracted in BCV condo Pool (Dade County & Circuit No. Beach Club Villas Condominium Assoc.-Plaintiff/Counter-Defendant V. Jay & Andrea Liebman Defendant/Counter-Plaintiffs Case #'s No. 2009-014161-CC-05 (County), No. 2012-004500-CA-01 (Circuit) Dade County. Fl.

I, Petitioner, Andrea R. Liebman, filed a timely Notice of Appeal filed 7-28-17 D.E. #327, re Final Order Dated issued by Honorable A. Jay Cristol 7-19-17,

which contained a Nunc Pro Tunc Order (not in accordance to *Acevedo* 2-24-20) Doc 322 Order (I) Addressing Remand Issues, (II) Denying Motion For Reinstatement,(III) Modifying Dismissal Order. On 1-18-18 Bankruptcy D.E. 347, Honorable Robert N. Scola, Jr. Final Order By District Court, Re: Appeal on Civil Action Number: 17-22874-cv-Scola, Affirming (Re: 322 Order on Motion to Amend, Order on Motion to Reinstate Case). I, Petitioner, timely filed NOA on Judge Scola's 1-18-18 Decision Appealed that on 02/12/2018 Bankruptcy D.E. 395 Acknowledgment of Receipt of NOA from US Court of Appeals. Date received by USCA: 2/6/2018. USCA Case Number: 18-10495-C, Re: Notice of Appeal in District Court Case # 17-cv-22874-RNS filed by Andrea Rosen Liebman (Re: 347 Final Order By District Court Judge Scola, Re: Appeal on Civil Action Number: 17-22874-cv-Scola, AFFIRMING (Re: 322 Order (I) Addressing Remand Issues, (II) Denying Motion To Reinstate) (Cohen, Diana) (Entered: 04/20/2018). On 6-28-2018 U.S. Bankruptcy Judge A.Jay Cristol Bankruptcy D.E. 432 BNC Certificate of Mailing - PDF Document (Re: 430 Order Denying Debtor's Motions For Relief From Judgment, For Contempt and Punitive Damages, and For a Stay of Execution (Re: 399) and 412)) Notice Date 06/28/2018. (Admin.) (Entered: 06/29/2018)On 7-5-2018 Bankruptcy D.E. 435 Acknowledgment of Receipt of NOA from USCA re: Notice of Appeal, filed by Andrea Rosen Liebman. Date received by USCA: 6/29/2018. USCA Case Number: 18-10495-C (Re: 347 Final Order By District Court Judge Scola, Re: Appeal on Civil Action Number: 17-22874-cv-RNS Affirming (Re: 322 Order (I)

Addressing Remand Issues, (II) Denying Motion To Reinstate and (III) Modifying Dismissal Order) (Cohen, Diana) Additional attachment(s) added on 9/19/2018 (Cohen, Diana). (Entered: 07/05/2018)

I, Petitioner, filed a timely 2nd Amended NOA dated 7-9-2018 D.E. 439 "Notice of Filing, 2nd Amended Notice of Appeal, Filed by Debtor Andrea Rosen Liebman . (Covington, Katrinka) (Entered: 07/10/2018)" - re Relief From Judgment Rule 60(b).. dated 7-19-17 within 1 year of the Final Order (1)

Addressing Remand Issues..... regarding my Relief From Judgment Rule 60 (b) Dated 7-19-17.

The Petitioner, Andrea R. Liebman, is trying to give Your Honorable Justices & Law Clerks the convoluted history that took place, because the only legitimate Nunc Pro Tunc was on 5-26-15.

REASONS FOR GRANTING THE PETITION

1ST REASONS FOR GRANTING THE PETITION

Petitioner & her Husband, Dr. Jay Liebman D.C. are crying for years for Justice, regarding losing our Townhome, Under Color of Law, purchased in 1972-2022, in Violation of Due Process & Equal Protection, Violations of the 5th Amendment (Federal) & 14th Amendment (State). Our Townhome has been in our Family for 50 years, the Liebman's want to go back and live there and put whatever furniture & personal belongings remaining in storage the past seven years back into our Townhome. Restore wherever we can the history of our townhome etc.

Futura has been renting our Townhome for years, not living in it as their Homestead, receiving our rental income while my husband, Dr. Jay Liebman & I, on 9-1-15 were evicted under color of law. The U.S. Supreme Court stated in Acevedo: Once a notice of removal is filed, "the State court shall proceed no further unless and until the case is remanded." 28 U. S. C. §1446(d).2 The state court "los[es] all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment [are] not . . . simply erroneous, but absolutely void." Kern v. Huidekoper, 103 U. S. 485, 493 (1881). "Every order thereafter made in that court [is] coram non judice," meaning "not before a judge." Steamship Co. v. Tugman, 106 U. S. 118, 122 (1882); Black's Law Dictionary 426 (11th ed. 2019). See also 14C C. Wright, A. Miller, E. Cooper, J. Steinman, & M. Kane, Federal Practice and Procedure §3736, pp. 727–729 (2018).

2ND REASON FOR GRANTING THE PETITION

This Granting of a Writ Of Certiorari to the Petitioner is imperative, mandatory, a necessity, to demonstrate to all Justices, Judges, Attorneys, Creditors, Debtors & even the public, (the Citizens, people) that when the U.S. Supreme Court makes a Decision/Ruling, the Supreme Court Justices mean business: this case is a mandatory opportunity to enforce the *Acevedo* Decision by example.

Definition of mean business: to be focused about achieving a goal * to take a serious action or intend to do something very seriously * in the very earnest way * usually used terms of going against general opinion to achieve a goal. The Granting of this

Petition to Petitioner, Andrea R. Liebman, is just what the Doctor Ordered, based in other words what the Supreme Court stated, clarified, in Acevedo:

1)Once a notice of removal is filed, "the State court shall proceed no further unless and until the case is remanded." 28 U. S. C. §1446(d).2 The state court "los[es] all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment [are] not . . . simply erroneous, but absolutely void." Kern v. Huidekoper, 103 U. S. 485, 493 (1881). "Every order thereafter made in that court [is] coram non judice," meaning "not before a judge."

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2) Federal courts may issue nunc pro tunc orders, or "now for then" orders, Black's Law Dictionary, at 1287, to "reflect[ ] the reality" of what has already occurred, Missouri v. Jenkins, 495 U. S. 33, 49 (1990). "Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court." Cuebas y Arredondo v. Cuebas y Arredondo, 223 U. S. 376, 390 (1912).

Put colorfully, "[n]unc pro tunc orders are not some Orwellian vehicle for revisionist history—creating 'facts' that never occurred in fact." United States v. Gillespie, 666 F. Supp. 1137, 1139 (ND Ill. 1987). Put plainly, the court "cannot make the record what it is not." Jenkins, 495 U. S., at 49.

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The Petitioner, Andrea R. Liebman, believes & emphatically states that when the U.S. Supreme Justices took the time to issue a prior Writ of Certiorari in *In re*: Archdiocese v. Acevedo and make a subsequent ruling/clarified ruling, Your Honors are in other words, the Petitioner humbly takes the liberty to use the expression, "laying down the Law", (to make a strong statement about what someone is or is not allowed to do) restricting the *arbitrary,* abusive misapplication of *Nunc Pro Tunc* for every Justice, Judge, Magistrate, Attorney, Creditor, etc.

The Petitioner's Reasons For Granting this Petition For Writ of Certiorari are compelling. The U.S. Supreme Court must enforce that Ruling, stand by what Your Honors say, what you have clarified, what you have ruled *In re*: Archdiocese v. Acevedo for without enforcement/punishment (11 USC 362(k)(1), Except as provided in paragraph (2), an individual injured by any *willful* violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages.

Without enforcement, without punishment, without reprimand there is no backbone to Your Honor's Ruling in *Acevedo*. Hence, the necessity for Granting a Writ of Certiorari.

Appellate Court Judges, Bankruptcy Judge(s), Attorney(s), Creditors, 3rd Party Purchasers (in my case) under the same or similar circumstances in subsequent cases that seek a Writ that came about, because Appellate Judges,

Judges, Attorneys, Creditors refused to adhere, acknowledge, recognize, honor the U.S, Supreme Court Ruling in this instant Petition.

The GRANTING of this Petition for a Writ/Summary Reversal is the perfect opportunity to enforce Your Honors previous U.S. Supreme Court Opinion that previously decided, the same issues, similar abuse and misapplication of nunc pro tunc which has now been clarified as to how, & why in *Acevedo,* a Recent *Stare Decisis* Decision made on 2-24-20 Cite as: 589 U. S. ____ (2020) 1

Per Curiam SUPREME COURT OF THE UNITED STATES ROMAN CATHOLIC ARCHDIOCESE OF SAN JUAN, PUERTO RICO v. YALI ACEVEDO FELICIANO, ET AL. ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF PUERTO RICO No. 18–921. Decided February 24, 2020

Supporting excerpt from law.cornell.edu (Cornell Law School)

Why is stare decisis important in our legal system?

a) *Stare decisis* is the doctrine that courts will adhere to precedent in making their decisions. Stare decisis means "to stand by things decided" in latin. When a court faces a legal argument, if a previous court has ruled on the same or closely related issue, then the court will make their decision in alignment with the previous court's decision. The previous deciding-court must have binding authority over the court; otherwise, the previous decision is merely persuasive

b) Stare decisis is a legal doctrine that obligates courts to follow historical cases when making a ruling on a similar case. *Stare decisis* ensures that cases with

similar scenarios and facts are approached in the same way. Simply put, it binds courts to follow legal precedents set by previous decisions

Most important is that Your Honors need to back up your Ruling(s), especially, when your Ruling is so recent, 2 ½ years, and clear. Further, your Ruling, Clarification is not just for the elite, the powerful, the known entities. Your Decisions, Rulings equally protect all Citizens, regardless of their status, as well as entities, corporations, etc.. Clarification in this situation, case, petition applies to such an individual namely Petitioner, Andrea R. Liebman Pro se.

GRANTING of this Petition, demonstrates to all persons, entities that the U.S. Supreme Court, Your Honor's, Stand Behind what you say as you did in *Acevedo*, your extremely important Decision, Ruling, Clarification of Nunc Pro Tunc limiting its usage to "Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court."

On the other hand, if you turn down the Petitioner's request for a Writ of Certiorari/Summary Reversal, Your Honor's will be sending a clear message to every Judge, every Attorney, every Creditor, every Debtor, every person, every entity that abuse of Nunc Pro Tunc is unenforceable. The abuse will go on and in fact proliferate, negating Your Honor's original intent to halt the abusive practice of Nunc Pro Tunc Orders you previously clarified in Archdiocese vs. Acevedo on 2-20-20.

3RD REASON FOR GRANTING THE PETITION

The Petitioner, Andrea R. Liebman, asks Your Honors of The U.S. Supreme Court to send a clear message to the Bankruptcy Courts, Attorneys, Creditors, and others that the "Automatic Stay" means just that. The Stay is Automatic & cannot be overturned Retroactively, when there was an oral decree that stated so, however inadvertently did not get entered into the record, that the Stay had been Orally Ordered, as in my Case, on 5-13-15 by Honorable A Jay Cristol: "Such a decree presupposes a decree allowed, or ordered, but not entered, through inadvertence of the court." Cuebas y Arredondo v. Cuebas y Arredondo, 223 U. S. 376, 390 (1912).

Otherwise the State Court loses all Jurisdiction once a Notice of Removal/Petition for Bankruptcy is filed in Federal Court, as the "Automatic Stay" is just that a Stay that removes the State Jurisdiction and Federal Jurisdiction takes over.

As stated below in *Acevedo*:

Once a notice of removal is filed, "the State court shall proceed no further unless and until the case is remanded." 28 U. S. C. §1446(d).2 The state court "los[es] all jurisdiction over the case, and, being without jurisdiction, its subsequent proceedings and judgment [are] not . . . simply erroneous, but absolutely void." Kern v. Huidekoper, 103 U. S. 485, 493 (1881). "Every order thereafter made in that court [is] coram non judice," meaning "not before a judge."Steamship Co. v. Tugman, 106 U. S. 118, 122 (1882); Black's Law Dictionary 426 (11th ed. 2019). See also 14C

C. Wright, A. Miller, E. Cooper, J. Steinman, & M. Kane, Federal Practice and Procedure §3736, pp. 727–729 (2018).

4TH REASON FOR GRANTING THE PETITION:

For all those, who in good faith filed for Bankruptcy Protection under 11 U.S. Code § 362 - Automatic stay, like myself, and others similarly situated, to protect my/their Real Property, Assets, Personal Property, etc. from Foreclosure, Replevin, Repossession, etc. Those like myself and others, similarly situated, who made payments on my/their Bankruptcy Plan and still lost their home, property, personal property, asset, etc. from Willful Violation(s) of the Automatic Stay punishable by 362 (k)(1).

5TH REASON FOR GRANTING THE PETITION

To enforce 11 U.S.C. §362 (k)(1) by punishing those individuals, corporations, entities, etc. who *Willfully* Violate the Automatic Stay, had knowledge that an Automatic Stay was in force & proceeded to violate the Automatic Stay anyway — they can get a Nunc Pro Tunc Order Under Color of Law. Please Note: In my Case, Beach Club Villas (BCV) took $10,000 on 1-6-16 (during Lenard Appellate Review over the $50,000 Filed Claim of Lien when Trustee Nancy Neidich issued a payment to BCV without realizing that BCV had been previously paid in full, Judge Cristol let them get away with it. BCV & Futura split the money (Transcripts 2019) Ocwen also received approx. $12,000 the same day 1-6-16 from my Trust Account that had at one time upwards of $60,000 & kept the $12,000 after being fully paid on or

about 7-29-15 during the Lenard Appeal, until I brought up in my Relief From Judgment Rule60(b) re Disgorgement Hearing 4-15-18 D.E. 389, 4-16-18 D.E. 390. Ocwen did return the money at the Disgorgement Hearing, but would not redeposit into my Trust A/c, however I took the check, cashed it & put it back in my Trust A/c, then the Trustee took that money $12,000 + approx. $25,000=$37,000 & deposited into the Bankruptcy Court unclaimed funds. The money is still there from approx. July 2018, because I must be Reinstated & get our Waterfront Townhome, located on a canal just off the N. Miami Intracoastal. The Liebmans are entitled to punitive damages as per 11 U.S.C. 362 (k)(1). The record will show I made Arguments only to be rebuffed.

6TH REASON FOR GRANTING THE PETITION

Willful Violation(s) of the 11 U.S.C. §362 (k)(1) are in violation of the 5th Amendment Guaranteed by The U.S. Constitution (defined):

"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."

Supreme Court Justices, Appellate Justices, Judges, Magistrates, Law Clerks, Attorneys, etc. all swear to uphold the U.S. Constitution see Oaths - source(https://www.constitutionfacts.com/us-supreme-court/history-of-oaths-of-office / below: Unlike the Presidential Oath of Office, the wording of the Supreme Court Oath is not explicitly defined in the text of the United States Constitution. However, according to Article VI of the Constitution:

"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious test shall ever be required as a Qualification to any Office or public Trust under the United States." In 1789, Congress sought to remedy this omission by drafting an official oath. This first version was used until 1861. The text was short, a single sentence. It read:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States."

7TH REASON FOR GRANTING THE PETITION

All Bankruptcy Court Federal Judges & State Court(s) Judges, in this Case, Florida Judges, need to know that a Judge loses Jurisdiction when there is an Automatic Stay in force/in place, inclusive of timely filed Appeals/Appellate Jurisdiction and that continues until appeal is finalized. Judge A. Jay Retroactively Lifted the Automatic Stay during the Lenard Memorandum:

MEMORANDUM OPINION AND ORDER REMANDING THIS MATTER FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION THIS MATTER is before the Court on Andrea Liebman's (hereinafter, "Appellant") Notice of Appeal from the Bankruptcy Court, filed on July 2, 2015.1 (D.E. 108).

1.) "Ocwen Loan Servicing, Inc. (hereinafter, "Appellee") filed its Brief in Opposition (D.E. 33) on June 30, 2016; and Appellant replied (D.E. 41) on July 28, 2016. Having fully considered the parties' pleadings, the Court finds as follows."

The Petitioner's point here is if the acting Appellate Judges below the Supreme Court do not reprimand Judges that violate Appellate Jurisdiction, the Appellate System below the U.S. Supreme Court is actually encouraging other Federal Judges, like Judge A. Jay Cristol & State Judges, like Miami Dade Circuit Judge John Schleshinger Lawsuit Deutsche v. Liebman on 7-29-15 to Transfer Title even when he was aware of Federal Appellate Jurisdiction. Dade County & Circuit BCV v. Liebman Counter-Plaintiff, Judge Luis Perez-Medina, Miami-Dade Circuit Judge in a current collateral Dade County Case Beach Club Villas Condo Assoc. (BCV) Plaintiff/Counter-Defendant v. Jay & Andrea R. Liebman Defendant/Counter-Plaintiff & Bank (Ocwen, Third Party Purchaser (Futura), Beach Club Villas Condo Assoc.(BCV) all disrespected/ ignored Appellate Jurisdiction & proceeded to use the order generated by Bankruptcy Judge Cristol's on July 28, 2015 to obtain a State Order of July 29, 2015, which was a Void On It's Face Order by Dade County Circuit Judge John Scleshinger, both Federal & State

Judges, were aware/knew that a timely Notice of Appeal(s) had been filed, during Lenard Appellate Review. In spite of violating Appellate Jurisdiction,

Judges are too often not held accountable. The U.S. Court of Appeals Panel and the En Banc Panel chose to ignore *Acevedo* and in essence continued to sanction the use of Nunc Pro Tunc "Put Colorfully"..... In spite of *Acevedo*. The Acevedo Decision should be applied to all U.S. Citizens, like the Liebmans, not just in high profile cases. It's the average person, family, low profile entity that continues to suffer from the use of Nunc Pro Tunc, *Willful* Violations of the Automatic Stay & *Willful* Violations of Appellate Jurisdiction.

GRANTING Andrea R. Liebman a Petition For Writ of Certiorari/Summary Reversal will make a huge difference. All State Justices, Judges, Attorneys, Creditors, et al. will get the message that *Willful* Violations of the Automatic Stay, Orders generated during Appellate Review, that Lack Jurisdiction, will be called out for an "Abuse of Discretion" along with the Creditor or Third Party Purchaser - will not be saved by using an *arbitrary* Nunc Pro Tunc, in all cases, not just high profile cases like *Acevedo*.

8TH REASON FOR GRANTING THE PETITION

Another excellent and compelling reason to GRANT a Writ of Certiorari/Summary Reversal is to foster respect for Your Honors & all the Law Clerks, who work long & arduous hours, to facilitate the Supreme Court Justices in reaching Decisions, Clarifying Statutes & Legal Issues to guide the Appellate Courts, Lower

Courts(Federal & State). Assisting U.S. Supreme Court Law Clerks deserve Respect for their hard work by those Officials below the U.S. Supreme Court, ignored by En Banc Panels, Lower Tribunals, Judges, Attorneys, Creditors, etc. as to Decisions by the Supreme Court made as in *Acevedo*, the Petitioner, Andrea R. Liebman's instant Petition.

9TH REASON FOR GRANTING THE PETITION

Another excellent reason to GRANT this Petition, that it appears that the Clarification of Nunc Pro Tunc, as to its limitations, has been going on since the 1800's & has been ruled on several times by the U.S. Supreme Court, yet the abusive, arbitrary application of Nunc Pro Tunc continues to this very day. Yes, in this instant case. Yet, the Lower Court & Lower Appellate Courts in the instant Petition continues to *Arbitrarily* apply Nunc Pro Tunc improperly. The incentive is to get personal & real property for undervalued dollars, creating tremendous profits for those who are skilled in how to successfully use the misapplication process of Nunc Pro Tunc, as I & my Husband experienced first hand. The Petitioner, Andrea Liebman, Reasoning Lack of Enforcement, no repercussions, no penalty such as the application of 11 U.S.C. §362 (k)(1). Instead it is the Petitioner & those similarly situated that bear the brutal, exorbitant cost in loss of real property/personal property and emotional stress from the continued costs associated with a *Willful* Violation of the Automatic Stay. The Bankruptcy Court, Creditor, 3rd Party Purchaser, the Lower Appellate Courts, except for Honorable U.S. District

Judge Joan A. Lenard (stated above-repeated for emphasis) & State Judges, violate the 5th & 14th Amendments (Due Process & Equal Protection). Most of all at this point ignored the current *Acevedo* Per Curiam Decision by the U.S. Supreme Court.

10TH REASON FOR GRANTING THE PETITION

Use this Case - as a study to understand why the Lower Appeal Court & Bankruptcy Courts - continue to Reinvent creative ways to use Nunc Pro Tunc, to prevent further improper use & abuse not in line with *Acevedo* 2-24-2

11TH REASON FOR GRANTING THE PETITION

Finally - in addition to being a Legal Issue - there is a Moral Issue. It is just Wrong for Courts, Justices, Judges, Attorney(s) (who are Officers of the Court), Creditors, 3rd Party Purchasers, etc. whether Federal Or State to continue using Nunc Pro Tunc Under Color of Law, violating the 5th & 14th Amendment to Retroactively undermine the 11 U.S.C. §362 Automatic Stay.

CONCLUSION

The Preamble:
"We the people of the United States in Order to perform a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and to our Posterity, do ordain and establish this Constitution for the United States of America."

2 Excerpts from Declaration of Independence that:
1. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life Liberty and the pursuit of Happiness. -That to secure these rights,

Governments are instituted among Men, deriving the just powers from the consent of the governed, "

2. "In every stage of these Oppressions we have petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury."

To sum up all, it appears to me, the Petitioner, Andrea R. Liebman the average Citizen, that the Justices of the 11th circuit Court of Appeals,

the En Banc Panel decided that The Andrea R. Liebman, Petitioner, case is not a high profile case like Archdiocese versus Acevedo, however it will not be forgotten very quickly. The En Banc Panel has not reached the level that a Supreme Court Justice, like yourselves attains, which becomes a part of you, your Heart & Soul. When you become a Supreme Court Justice for Life, you are simply not the same Judge that you were. Yes, all of your attributes go along with you, however you must now Think & Rule, make Decisions on a much higher level. A Supreme Court Justice position demands the highest level of thinking, Honor (National/International). The need to protect the general public, and the need to protect a person from the general public by adhering to, enforcing the United States Constitution and its Amendments. Particularly in this very case, the 5th and 14th Amendments must be Enforced/Reinforced, as to Due Process & Equal Protection.

The Petitioner, Andrea R. Liebman Prays that Your Honors Review my Final Petition For Grievances. At this juncture I quote the words from:

The Declaration Of Independence:

"In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated

injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people."

In every stage of these Oppressions We (The Liebmans) have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury."(Except for Honorable U.S. District Joan A. Lenard) in her Memorandum Opinion & Remand dated 9-17-16.

Honorable Justices of The U.S. Supreme Court, from the Petitioner's recent experiences, the 12 Judge En Banc Panel of the 11th Circuit Court of Appeals has reopened the loophole that Your Honors closed (needed to be closed/still needs to be closed) by the *Acevedo* Per Curiam Decision. The Petitioner has brought this once again *Arbitrary* application of Nunc Pro Tunc to Your attention, for 3 purposes 1) To protect all those Citizens in a similarly situated situation that are still currently losing their property/personal property through this whimsical nunc pro tunc under color of law practice, apparently favored by the Lower Appellate Courts, Bankruptcy Judges, Creditors, Third Party Purchasers, et al. 2) to shore up 11 U.S.C. §362 the Automatic Stay, protecting the whole essence of filing for Bankruptcy in the 1st place, which is to Stay State Proceedings
(State loses all Jurisdiction) 3) Petitioner, Andrea R. Liebman & her husband, Dr. Jay Liebman want their Townhome back that is still theirs, because Dade County Circuit Court had no jurisdiction, according to Lenard Memorandum Opinion & Remand 9-17-16 & Your Honorable Justices recent (2 yrs+) Supreme Court *Acevedo* Decision Per Curiam dated 2/24/20.

It boils down to backing up Your Honorable Justices Decisions, especially recent Decisions, like *Acevedo* and effectively punishing in this Case through §362 (k)(1), those who *Willfully* Violate Automatic Stay(s). Without punitive measures, Attorneys, Creditors, Third Party Purchasers will continue preying on Debtor's Assets, through continually abusing Nunc Pro Tunc; Retroactively rewriting history to take assets clearly protected by the 11 U.S.C. §362 Automatic Stay. (Taken from Case History above & from the Petition For Rehearing & Petition For Hearing En Banc):

2 Judge Cristol entered a written order memorializing his 5-13-15 oral ruling on 5-26-15. (Bankr. R. at D.E. 46.). Inadvertently did not get filed in Petitioner's Bankruptcy Case #15-AJC-1:15-bkc-13372-AJC. Clearly stated without conditions, on 5-13-15 & yet the Automatic Stay was *Willfully* Violated the next day, 5-14-15. A lawful Nunc Pro Tunc of the Order on 5-26-22 was entered into the record by Bankruptcy Judge A. Jay Cristol.

Honorable A. Jay Cristol used a second Nunc Pro Tunc Order "Put Colorfully" on 7-18-15 filed 7-19-17 Doc 322 of his first Nunc Pro Tunc Order of 5-26-15 Doc 46 in direct conflict with the U.S. Supreme Court Case Archdiocese v. Acevedo decided Feb. 24, 2020:

"Put colorfully, "[n]unc pro tunc orders are not some Orwellian vehicle for revisionist history—creating 'facts' that never occurred in fact." United States v.

Gillespie, 666 F. Supp. 1137, 1139 (ND Ill. 1987). Put plainly, the court "cannot make the record what it is not." Jenkins, 495 U. S., at 49."

However, now that I am before The Honorable Justices of the Supreme Court, I am confident that Your Honors will Grant the Petition for Writ of Certiorari/Summary Reversal based on your recently decided case, *Acevedo*, which clarified precisely how the application of nunc pro tunc is applied and that it cannot be used or abused to "Put colorfully..... Sending another clear message, further reinforcement of Archdiocese versus Acevedo seeing that *Acevedo* is being ignored, that the days of using Nunc Pro Tunc to rewrite history is over and done with, strictly enforced by the US Supreme Court Justices, Law Clerks, et al.

GRANTING of this Petition/Writ of Certiorari/Summary Reversal sets an example that other Decisions made by the U.S Supreme Court will be enforced, (past & future) especially, if they are recent, like Acevedo, decisions that have been thoroughly reviewed by the Supreme Court justices and the Law Clerks of U.S. Supreme Court affiliated/working with The Honorable Supreme Court Justices of the United States of America.

This is exactly what Judge A. Jay Crystol did, misapplication of Nunc Pro Tunc and was sanctioned (def. give official approval for an action) by District Judge Robert N Scola Jr. and every Judge sitting on the 11th Judicial U.S. Circuit Court of Appeals En Banc Panel.

Petitioner Cites additional Supporting Case Law for Granting Writ of Certiorari:

Collections of U.S. Supreme Court 1993-1998

Release date March 8, 2012 Posted date April

"Court Considers Issues Not Raised "'On a number of occasions, this Court has considered issues waived by the parties below and in the petition for certiorari because the issues were so integral to the decision of the case that they could be considered "fairly subsumed" by the actual questions presented.' Gilmer v. Interstate/ Johnson Lane Corp., 500 U.S. 20, 37 (1991) (Stevens, J., dissenting) (citing cases). The Court has not always confined itself to the set of issues addressed by the parties." Kolstad v. American Dental Assn., 527 U. S. 526, 540 (1999).

[The Petitioner asks that the "Court Considers Issues Not Raised " where applicable to the above Case Law, supporting the issuance of a Writ & Reversal.]

Page 11 Collections of U.S. Supreme Court Legal Maxims 1993-1998

Release date March 8, 2012 Posted Date April

Honorable Justices of The United States Supreme Court, the Petitioner refers to these precedent cases above, because the shenanigans by Ocwen/Deutsche, Beach Club Villas, Futura are in so many directions. The Judges below have just turned a blind eye and have in fact enabled these parties, through *unjust enrichment* from the Liebmans, and others similarly situated.

The Petitioner, Andrea R.Liebman, has put tremendous effort over the years with the assistance of her husband, Dr. Jay Liebman, who is blind in his right eye. The shenanigans had a bearing on what happened to him. Ocwen *Predatory*

lending, BCV negligence & deceit, *Willful* Violation of Stay, violating Federal & Appellate Jurisdiction, and finally the 3rd Party Purchaser who also Willfully violated the Stay, etc.

The Petitioner asks for a Summary Reversal "[A] summary reversal does not decide any new or unanswered question of law, but simply corrects a lower court's demonstrably erroneous application of federal law." Maryland v. Dyson, 527 U.S. 465, 467 n.* (1999) (per curiam).

Honorable Justices of The U.S. Supreme Court. I, petitioner, Andrea R. Liebman used the word Shenanigans above to describe the Respondents and BCV's behavior in that all three Parties *Willfully* Violated the Automatic Stay; multiple times.

I, Petitioner, want to make it Clear, that because the 2nd *Nunc Pro Tunc* was improperly executed/used/applied not according to Your Honors Clarification in *Acevedo* 2-24-20 on 7-19-17, the Petitioner was left with only one choice, to file for a Petition For Writ Of Certiorari.

Fact, Appellee, Futura & BCV would not have been able to, in addition to Ocwen/Deutsche, *Willfully* Violate the Oral Automatic Stay of 5-13-15 (corrected properly, according to *Acevedo,* by Bankruptcy Judge A. Jay Cristol's written *Nunc Pro Tunc* Order filed Order of 5-26-15, stating that his Oral Order Reinstating the Automatic Stay is now Officially written into the Record), the following Shenanigans would have not taken place:

1) Take the 7-28-15 Bankruptcy Judge A. Jay Cristol *Void* Order Retroactively Lifting the Stay based on missing a Court Ordered Deadline re a rigged Denial of Confirmation (Lacked Jurisdiction during Appellate Review)
2) File the above Bankruptcy Judge Cristol's *Void* Order of 7-28-15 in Dade County Circuit on 7-29-15 to defeat Defendant's Objection To Foreclosure Sale And Motion To Vacate Sale & a Third Party Purchaser, Futura Miami Invest LLC.
3) Ocwen/Deutsche File on 7-29-15 a Motion For Issuance Of Certificate Of Title & release of approx. $220,000 of Court escrow funds (Ocwen/Deutsche filed lien- now paid in full) when Dade County Court Lacked Jurisdiction, yet Ocwen Double Dipped for approx. $12,000 on 1-6-16.
4) On or about 8-15-15, BCV was able to obtain the balance of approx. $37,000 of the $50,000 claim of lien, the balance of $13,000 paid by the 3rd Party Purchased, according to Florida Law.(BCV now paid in Full) BCV & Futura Double Dipped approx. $10,000 from my Trust A/c on 1-6-16, split the Trust Funds.
5) On 9-1-15 Futura Under Color of Law & Lack of Jurisdiction used the 7-28-15 same void Bankruptcy Order to evict my Husband, Dr. Jay Liebman & Petitioner from our N. Miami Beach, Waterfront Townhome on a canal directly off the Intracoastal Waterway.

The Petitioner, Andrea R. Liebman's application for a Writ of Certiorari/Reversal calls for swift, imperative, strict mandatory enforcement of the misapplication of *Nunc Pro Tunc* by all the Judges (except for Honorable Joan A. Lenard), who violated the *Abuse of Discretion Standard* by disrespecting Your Honor's *Acevedo* Per Curiam Decision of 2-24-20 enumerated below:

1) U.S. Bankruptcy Court Honorable A. Jay Cristol
2) U.S. District Court Honorable Judge Robert N. Scola, Jr.
3) U.S. Court Of Appeals' Tribunal, William Pryor, Chief Judge, Wilson, and Anderson, Circuit Judges. PER CURIAM:
4) 12 Judge En Banc Panel.

The Creditors, Ocwen Loan Servicing LLC./Deutsche Bank National, Beach Club Villas Condo. Assoc. & Futura Miami Invest LLC.(3rd Party Purchaser), as Clarified in *Acevedo* collectively, if I might use the expression "jumped the gun" on 7-29-15 by *Willfully* Violating the 11 U.S.C. §362 Automatic Stay, during Lenard Appellate Jurisdiction that would not have become Final for another 2 weeks/Appealed as well. These above parties *Willfully* Violated the Autonomic Stay on multiple occasions & must pay actual & punitive damages to the Petitioner, according to 11 U.S.C. §362(k)(1).

THEREFORE, Honorable Justices of The United States Supreme Court. Honorable Justices, John G. Roberts, Jr., Chief Justice of the United States, ...

- Clarence Thomas, Associate Justice, ...
- Samuel A. Alito, Jr., Associate Justice, ...
- Sonia Sotomayor, Associate Justice,...
- Elena Kagan, Associate Justice,...
- Neil M. Gorsuch, Associate Justice,...
- Brett M. Kavanaugh, Associate Justice,...
- Amy Coney Barrett, Associate Justice,...
- Ketanji Brown Jackson.

I, Andrea R. Liebman, the Petitioner, Respectfully & humbly address Your Honors, imploring each & every Honorable Justice to reach a *Per Curiam Opinion,* based on YOUR HONOR'S Per Curiam Opinion *In re*: Archdiocese v. Acevedo 2-24-20.

The Petitioner humbly requests that Your Honorable Justices of The U.S. Supreme Court GRANT a SummaryReversal/Writ of Certiorari, which will serve as an example of enforcement & prevention for millions & millions of person(s) and

entities for many generations to come. Ultimately, saving collectively billions, trillions, quadrillions.... in exponential dollars of *Under Color of Law Arbitrary* takeovers of real & personal property.

The Petition for a Writ of Certiorari/Summary Reversal must be Granted.

Respectfully submitted,

Andrea R. Liebman Petitioner 2-13-22

Important Note: Quoted from 11-2-21 Opinion: "the Doctrine of the Law of The Case Bars Us from Considering That Judgment a Second Time in the absence of any controlling authority or a clear error in the decision" Taken From "because... Excerpt:

Acevedo is a controlling authority plus the fact that it was just a *Clarification* of what makes an incorrect application of Nunc Pro Tunc; *Acevedo* Opinion cites other controlling authorities dating far back, less & over 100 years. The prior 2019 Opinion uses the Petitioner's failure to properly respond to Stockwell Factors for a Reason To Affirm,, now a Moot Point with the *Acevedo* Decision 2-24-20.: In addition, Petitioner filed a timely (less than 1 year from 7-18-17) Motion For Relief From Judgment Rule 60 (b) that needed to be heard 1st. The U.S. Court of Appeals forced me to write a Moot Brief, while just prior, The U.S. Court of Appeals Clerk was Ordered to refile my Amended NOA in the U.S. Bankruptcy (accidentally filed in U.S.D.C. re Relief From Judgment Rule 60(b). Clerk filed approx. 2 years late (after the 6-7-19 Opinion), hence the 11-2-21 Opinion is based on the *Acevedo* Opinion, while the 2019 as stated above was based on Stockwell Factors, a Clear Error on 11th U.S. Court of Appeals part.

"Because Liebman's motion challenged a judgment that we affirmed in her first appeal, the doctrine of the law of the case bars us from considering that judgment a second time in the absence of any contrary controlling authority or a clear error in the decision. See United States v. Stein, 964 F.3d 1313, 1322–23 (11th Cir. 2020). In the earlier appeal, we concluded that Liebman presented no "arguments or evidence suggesting that the bankruptcy court erred by refusing to reinstate her case" or "inappropriately applied . . . the factors [it had to] consider determining whether to grant [her] a retroactive stay."