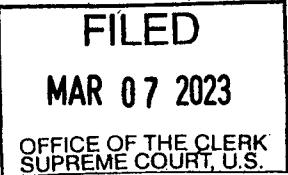


NO. 22-949



IN THE SUPREME COURT OF THE
UNITED STATES

DR. APARNA VASHISHT-ROTA,

Petitioner,

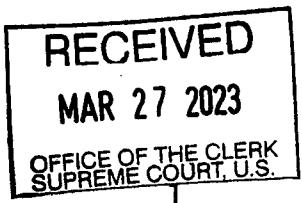
v.

Utah AG; Hon. Judge (s) Fonnesbeck; Hagen;
Mortensen; Tenney; Orme; Appleby
Respondents.

On Petition to the
United States Supreme Court

In re DR. APARNA VASHISHT-ROTA
**PETITION FOR AN EXTRAORDINARY WRIT OF
CERTIORARI RULE 20**

Pro Se Petitioner
12396 Dormouse Road,
San Diego, California 92129
(858) 348-7068



QUESTIONS PRESENTED

1. If Mr. Howell's mom knows the Court, is that a fair forum for Petitioner?
2. Should the Speak Out Act result in nationwide expansion of sexual harassment statute of limitations to a standard of 3 years?
3. Should the Court consider retroactive application to 2015 to allow victims to come forward based on the Speak Out Act?
4. Should the Court adopt a nationwide standard for litigation privilege for sexual harassment victims?
5. Should the judges that allow such deviance from trial processes be allowed to have their jobs? By what process can they be removed?
6. What is the way to get reparations for lost time from the state for botching a fair trial and allowing involuntary servitude?
7. If the underlying case had allegations to Human Trafficking for Labor, then how can Petitioner allege this without retaliation?
8. Did the Court go too far in not removing the qualified immunity doctrine from 42 U.S.C. §1983?
9. Does the Utah Court's trial delay a use of excessive force; excessive sanctions a violation of 1st, 8th and 14th amendment of the constitution in light of its refusal to allow evidentiary hearings and withhold money due by contract and statute?
10. Should Utah lose its comity till it brings up its services given the total denial of services and because Utah wrote a strong letter in support of harassment victims?
11. If two women have died due to Utah's law enforcement misconduct, Gabby Petito and Zhifan Dong, is Utah safe for any woman of any color?
12. Should the Court consider naming the expansion of harassment reporting statute of limitations and retroactive application to Hill, Dong, and Petito Apology?

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PETITION FOR AN EXTRAORDINARY WRIT

PETITION FOR EXTRAORDINARY WRIT OF CERTIORARI

Petitioner Aparna Vashisht-Rota respectfully requests the issuance of a writ of certiorari to review the judgment of the Utah Supreme Court.

DECISION BELOW

The Utah Supreme Court denied the writ on March 6, 2023

JURISDICTION

The Utah Supreme Court denied the writ on March 6, 2023
This Court's jurisdiction is invoked under 28 U.S.C. §1651 (A) and (B).

STATE RULES INVOLVED

§76-5-308 Human Trafficking for Labor

§76-5-308 (1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section. (2) An actor commits human trafficking for labor if the actor recruits, harbors, transports, obtains, patronizes, or solicits an individual for labor through the use of force, fraud, or coercion, which may include:

- (a) threatening serious harm to, or physical restraint against, that individual or another individual;
- (b) destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government- issued identification document;
- (c) *abusing or threatening abuse of the law or legal process against the individual or another individual;*

§76-5-308.1. Human trafficking for sexual exploitation.

(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.

(2) *An actor commits human trafficking for sexual exploitation if the actor recruits, harbors, transports, obtains, patronizes, or solicits an individual for sexual exploitation through the use of force, fraud, or coercion, which may include:*

- (a) threatening serious harm to, or physical restraint against, that individual or another individual;
- (b) *destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government-issued identification document;*
- (c) *abusing or threatening abuse of the law or legal process against the individual or another individual;*

Theft by Extortion §76-6-406.

An actor is guilty of theft if the actor obtains or exercises control over the property of another person by extortion and with a purpose to deprive the person of the person's property.

- (3)(a)A person who is adversely impacted by the conduct prohibited in Subsection (1) may bring a civil action for equitable relief and damages.
- (b)In accordance with Section 78B-2-305, a person who brings an action under Subsection (3)(a) shall commence the action within three years after the day on which the cause of action arises.

§76-6-409. Theft of services.

- (1) *A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment for them.*
- (2) *A person commits theft if, having control over the disposition of services of another, to which he knows he is not entitled, he diverts the services to his own benefit or to the benefit of another who he knows is not entitled to them.*

Rule 19. Extraordinary writs.

Effective: 11/1/2020

- (a) **Petition for extraordinary writ to a judge or agency; petition; service and filing.** An application for an extraordinary writ referred to in Rule 65B, Utah Rules of Civil Procedure, directed to a judge, agency, person, or entity must be made by filing a petition with the appellate court clerk. The petition must be served on the respondent judge, agency, person, or entity and on all parties to the

action or case in the trial court. In the event of an original petition in the appellate court where no action is pending in the trial court, the petition must be served personally on the respondent judge, agency, person, or entity and service must be made by the most direct means available on all persons or associations whose interests might be substantially affected.

(b) **Contents of petition and filing fee.** A petition for an extraordinary writ must contain the following:

- (1) A statement of all persons or associations, by name or by class, whose interests might be substantially affected;
- (2) A statement of the issues presented and of the relief sought;
- (3) A statement of the facts necessary to an understanding of the issues presented by the petition;
- (4) A statement of the reasons why no other plain, speedy, or adequate remedy exists and why the writ should issue;
- (5) Except in cases where the writ is directed to a district court, a statement explaining why it is impractical or inappropriate to file the petition for a writ in the district court;
- (6) Copies of any order or opinion or parts of the record that may be essential to an understanding of the matters set forth in the petition;
- (7) A memorandum of points and authorities in support of the petition; and
- (8) The prescribed filing fee, unless waived by the court.
- (9) Where emergency relief is sought, the petitioner must file a separate petition and comply with the additional requirements set forth in Rule 23C(b).
- (10) Where the subject of the petition is an interlocutory order, the petitioner must state whether a petition for interlocutory appeal has been filed and, if so, summarize its status or, if not, state why interlocutory appeal is not a plain, speedy, or adequate remedy.

(c) **Response to petition.** The judge, agency, person, or entity and all parties in the action other than the petitioner will be deemed respondents for all purposes. Two or more respondents may respond jointly. If any respondent does not desire to appear in the proceedings, that respondent may advise the appellate court clerk and all parties by letter, but the allegations of the petition will not thereby be deemed admitted. Where emergency relief is sought, Rule 23C(d) applies. Otherwise, within seven days after the petition is served, any respondent or any other party may file a response in opposition or concurrence, which includes supporting authority.

(d) **Review and disposition of petition.** The court will render a decision based on the petition and any timely response, or it may require briefing or request further information, and may hold oral argument at its discretion. If additional briefing is required, the briefs must comply with Rules 24 and 27. Rule 23C(f) applies to requests for hearings in emergency matters. With regard to emergency petitions submitted under Rule 23C, and where consultation with other members of the court cannot be timely obtained, a single judge or justice may grant or deny the petition, subject to the court's review at the earliest possible time. With regard to all petitions, a single judge or justice may deny the petition if it is frivolous on its face or fails to materially comply with the requirements of this rule or Rule 65B, Utah Rules of Civil Procedure. A petition's denial by a single judge or justice may be reviewed by the appellate court upon specific request filed within seven days of notice of disposition, but such request may not include any additional argument or briefing.

(e) **Transmission of record.** In reviewing a petition for extraordinary writ, the appellate court may order transmission of the record, or any relevant portion thereof.

(f) **Issuing an extraordinary writ on the court's motion.**

The appellate court, in aid of its own jurisdiction in extraordinary cases, may on its own motion issue a writ of certiorari directed to a judge, agency, person, or entity. A copy of the writ will be served on the named respondents in the manner and by an individual authorized to accomplish personal service under Rule 4, Utah Rules of Civil Procedure. In addition, copies of the writ must be transmitted by the appellate court clerk, by the most direct means available, to all persons or associations whose interests might be substantially affected by the writ. The respondent and the persons or associations whose interests are substantially affected may, within four days of the writ's issuance, petition the court to dissolve or amend the writ. The petition must be accompanied by a concise statement of the reasons for dissolving or amending the writ.

Rule 44. Transfer of improperly pursued appeals.

Effective: 11/1/2020

If a notice of appeal, a petition for permission to appeal from an interlocutory order, or a petition for review is filed in a timely manner but is pursued in an appellate court that does not have jurisdiction in the case, the appellate court, either on its own motion or on motion of any party, will transfer the case, including the record on appeal, all motions and other orders, and a copy of the docket entries, to the court with jurisdiction in the case. The clerk of the transferring court will give notice to all parties and to the clerk of the trial court of the order transferring the case. The time for filing all papers in a transferred case will be calculated according to the time schedule of the receiving court.

STATEMENT OF THE CASE

Pursuant to Rule 20, Petitioner hopes for the Court's time on important questions regarding jurisprudence supervision, accountability, and trial standards to ensure that the law is accessible to the most vulnerable amongst us. It is better to be vexatious than a sex worker, it is better to litigate than have your business and trade secrets stolen from you, and it is better to try 8 times, and fail 7 times in the hope to get better protection for American women in business of color or otherwise given the Speak Out Act.

Sexual harassment victims are perceived to have little support from the Supreme Court, however, given the procedural mistakes in 22-276 and 22-758, and (this is both from Petitioner and the Court) without any remedial effort at all to reach the Supreme Court warrants the Court's Appellate jurisdiction.

For example, in 22-758, Petitioner made an error but the Court corrected it and sent it back to be submitted in the right format. Similarly, Petitioner has documented her findings in other Courts and can present the data to the Court to show that the Utah Courts are simply not letting Petitioner have a trial and forced her to lose 8 years of her career for being better than a white male in international recruitment of Indian Nationals while Petitioner is a US Citizen of Indian origin.

Many court members were treated unfairly due to the harassment allegations levied against them but did not have nearly the same career set back as the women in question. As well, in this case, Petitioner's career is more valuable to the United States. She is married to a 'white guy' with three boys and needless to say that this dispute has taken up a huge part of her career in a niche market.

Facing grave business harm, Petitioner filed and extraordinary

writ under Rule 19 and 23C 20220971-SC to get interim business access as the petition process may not work so as a backup, using the Speak Out Act, and the evidence that the sanctions were already litigated, the documents produced redacted, and AAA Award has the narrowest review possible. Thus, the Utah Court prevented her from competing or having a livelihood at all for 8 years without any relief or access to justice. It threw out all the materials all the time.

Petitioner finished her thesis in 2019 and has her research and teaching career delayed due to Utah's refusal to offer any relief for any reason no matter what the legal basis. Petitioner stated that due to the approval requirements of the work, 100% of the work and events fall under the First and Second agreements. The harassment (already a ruling 3-19-0512 filed with counsel) wages (3-18-02010 already a ruling that Petitioner is an employee till March 31, 2017. There are two employments and using dépeçage the Court can split the case by contracts as suggested in 22-276 and 22-758.

The first one was under the AAA agreement that was terminated on March 31, 2017. The wages (19-55748), harassment (20-55302), and First and Second Contract (22-56118) claims fall under these agreements. Speak Out Act shows that women lose in niche markets. In this case, Appellant won in AAA and has claims based on that win. These are all the California cases and can be split based on dates and events.

The second independent contractor agreement that commenced April 24th, 2017 and is ongoing under the alleged Utah agreements. Appellant's claims of breach of contract of the third agreement, unjust enrichment, and breach of good faith against Appellees' claims for privileged harassment reporting falls under that agreement. The facts are around Mr. Ravi Lothumalla calling Mr. Chris Howell a pimp and a gold digger after Mr. Chris

Howell negligently emailed him to ‘prohibit’ Petitioner for helping a student.

As the facts are not the same, a split by contracts makes sense. In the alternative, the Court can use Rule 2 motion to suspend U.R.C.P. Rule 60 (B)(C) and dismiss the Utah case because of no Utah agreements and the entire HMS complaint and the Utah orders are based on privileged documents—litigation privilege as she wrote the Court in relation to the cases as a litigant.

Petitioner hoped via the extraordinary writ to get relief on the gag order and her business access. One of the clerks had suggested this route as Rule 23C has a 7-day ruling time. Plus, pursuant to theft by extortion code under Utah, withholding rulings, and other sections are actionable against judges so she filed her case. Several other *pro se* litigants have filed their case against judges, this is nothing new.

As well, the Utah Court of Appeals and trial Court acted to delay, the extraordinary writ is proportional to the 8-year loss when Petitioner is at 73% of HMS’ performance.

It is unlikely that a one-year delay would be enough to waive the exhaustion requirement, but a two-year delay might be. See *Harris v. Champion*, 15 F.3d 1538, 1556 (10th Cir. 1994) (determining that a “delay in adjudicating a direct criminal appeal beyond two years from the filing of the notice of appeal gives rise to a presumption that the state appellate process is ineffective”); *Calhoun v. Farley*, 913 F. Supp. 1218, 1221 (N.D. Ind. 1995) (holding that sufficient time had passed to excuse the need for exhausting state remedies where no action had been taken by the state or by the incarcerated person for almost two years on his petition for post-conviction relief); *Geames v. Henderson*, 725 F. Supp. 681, 685 (E.D.N.Y. 1989) (finding that a delay of three and a half years is excessive when the “[c]ourt

views the issues on appeal as no more complex than in most criminal appeals"). Of course, the Court of appeals reviews matters much more complex than a simple contract dispute

In addition, to get an independent opinion, and as she got the case from 20-1320 documents for the supplemental authority 20-1320, C1.G v. Siegfried, et al Dist/Ag docket: 1:19-CV-03346-RBJ for 22-758, she used that case law.

"Plaintiff filed suit under 42 U.S.C. § 1983 claiming: (1) violations of C.G.'s rights under the First and Fourteenth Amendments against CCHS/CCSD officials for C.G.'s suspension and expulsion; (2) the same violations against the District for adopting policies in violation of the First Amendment; (3) violations of C.G.'s Fourteenth Amendment procedural due process rights against all Defendants for C.G.'s suspension and expulsion; (4) the same violations asserted in claim (3) against the District for adopting policies in violation of the Fourteenth Amendment; and (5) violations of the First and Fourteenth Amendments against all Defendants for conspiracy to violate C.G.'s constitutional rights.3 Id. at 1204. Defendants filed a motion to dismiss Plaintiff's Amended Complaint (Complaint) for failure to state a claim under Federal Rule of Procedure 12(b)(6) or to grant individual Defendants qualified immunity."

Using this case law and the Utah case law provision, she filed her case with the Utah Supreme Court. She also wrote the Court to see whether she can use Rule 44 of the URAP with Rule 2, 19, and 23C to get the case transferred to this Court within the circuit for rulings in 17000325 should the Supreme Court take up this case and show the world that it does exercise appellate jurisdiction and isn't afraid to roll up its sleeves and clear the way for a the little person, in this case, a harassment victim, known and perceived by the world that this Court does not support harassment victims.

**Transfer case to get a second opinion on
170100325 for civil claims against judges.**

UNITED STATES COURT OF APPEALS FOR THE TENTH
CIRCUIT Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157
Clerk@ca10.uscourts.gov

CONCLUSION

Ms. Rota hopes for that the Court takes up this writ and exercise appellate jurisdiction to 1) split the case between the contracts to allow her harassment complaint, wages, AAA claims to go forward under the AAA agreement; or 2) take up the Utah agreements and weigh whether public policy supports the rescission and deposition under oath that Petitioner's signature was stolen; or 3) or dismiss the Utah case as HMS' case is based on privileged documents.

Respectfully submitted,



/s/ Aparna Vashisht-Rota Pro

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March 6, 2023