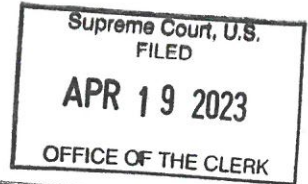


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~~No. 23~~



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IN THE SUPREME COURT OF THE UNITED STATES

---

ALBERTA ROSE JOSEPHINE JONES

*Applicant,*

v.

DONALD DAVID JONES

*Respondent.*

---

FROM IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

---

EMERGENCY RULE 23 APPLICATION FOR STAY  
OF ENFORCEMENT OF MONEY JUDGMENT

---

ALBERTA ROSE JOSEPHINE JONES

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Pro Se Applicant

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To: Justice Neil M. Gorsuch, Associate Justice and Justice  
for the Tenth Circuit

Applicant and non-prevailing party below, Alberta Rose Josephine Jones, asks that enforcement of the underlying judgment be stayed pending the disposition of this case in this court. This is a divisible divorce case and said subject does not require posting of a supersedeas bond per Sup. Ct. Rule 62(b) and (e):

(b) Stay of Execution on Default Judgment. Execution in a personal action shall not issue upon a judgment by default against an absent defendant who has no actual notice thereof until one year after entry of the judgment except as provided by law.

(e) Stay Upon Appeal. Except as provided in subdivisions (c) and (d) of this rule, the taking of an appeal from a judgment shall operate as a stay of execution upon the judgment during the pendency of the appeal, and no supersedeas bond or other security shall be required as a condition of such stay.

The question presented: If a contest over title to real property/marital assets turns solely on an important issue of the U.S. Constitution Article IV, 1 Full Faith and Credit Clause, whether the court that render the final judgment had in rem jurisdiction or quasi en rem jurisdiction over title to the real property/marital assets in a divisible divorce and whether said respondent had minimal contacts with the forum state. In this particular case it appears the states are unfairly treating marital assets when one party is not permanently domiciled in one state and the other permanently domiciled in another state and the real property/marital assets are physically contained in the state in which the district court which rendered the judgment had absolutely no jurisdiction over the real property/marital assets in the other state. The case before this court must

resolve how divisible marital assets should be treated when not physically within the jurisdiction of the state that rendered the judgment and no minimal contacts existed with the Respondent. It appears there is a “huge” split among the 50 U.S. States and must be resolved by this court before these marital assets of Applicant Jones are unlawfully taken by the court that rendered the judgment.

**A. Applicant Jones has satisfied the procedural prerequisites of  
Supreme Court Rule 23.**

Applicant Jones requests to stay relief in this court after being denied such relief in the highest court in the State of Oklahoma three times- Sept 10, 2018, Appendix (B), March 28, 2023, Appendix (C) , and April 13, 2023, Appendix (D). Applicant Jones’ Motions for Stay are attached as Appendix (E) dated June 4, 2018 and Appendix (F) dated August 8, 2018. Applicant did the following in both the District and the Appellate Courts in the forum state, repeatedly filed motions to dismiss regarding the Respondent having no minimal contacts with the forum state and the fact that the forum state was a non conveniens forum. Applicant repeatedly filed motions stating the forum state had no jurisdiction of the assets which were ultimately made a part of the default judgment. Absolutely all of the marital assets in the default divorce decree are assets located in the State of California i.e. \$20,000 in California property taxes, a Subaru vehicle in California belonging to the Applicant, and “alleged” damages to property located in California now in excess of \$127,423. Applicant would not be strapped with \$105,000 in Sanctions and the Respondent would be totally responsible for his attorney fees in excess of \$60,000. None of the above monies would have been possible if litigation had taken

place in the correct forum and the Applicant would have not only been entitled to alimony and thousand of dollars in damages caused to said properties by the Respondent would be repaired. Currently the "roof" at Applicant's previous home would be repaired and her daughter would have a place to live. Both properties jointly owned by said parties in California are virtually unlivable because of said respondent and the failure of the legal system to have a divorce settled in the correct "forum." The State of Oklahoma has caused the Applicant to suffer both emotionally, mentally and physically. The Respondent, his various attorneys both in Oklahoma and California, and the State of Oklahoma have "unclean hands."

The district court entered money judgments for the Respondent in the amounts of \$127,423 (for "alleged" damages to a jointly owned property in "Pacific Grove, Ca"), \$20,000.00 (for property taxes on homes owned by both the applicant and respondent one being "rented solely by their eldest son, Joseph Matthew Jones, and the other being occupied by the respondent), \$105,000.00 (for sanctions against the applicant) and \$60,000.00 (for attorney fees for the respondent) for a total of \$312,423 plus interest as well as a current motion before the Court of Civil Appeals State of Oklahoma for sanctions yet to be determined by said court. It is assumed the Court of Civil Appeals for the State of Oklahoma will grant such sanctions based upon their most recent final decree dated March 15, 2023. (Appendix (G)) It is estimated that said Applicant Jones will be forced to pay money damages to said Respondent in excess of \$500,00.00. Money she does not have which is causing her severe hardship and undue stress. Applicant has struggled for many years to bring this case before this honorable court.

Applicant filed a timely motion for a petition for rehearing. (Appendix (H))  
Applicant's Petition for rehearing was granted on April 7, 2023. (Appendix (I))  
Oklahoma Supreme Court Rule 3.15 Mandate; Stay; Further Petition for Rehearing  
(Appendix (J)) and Rule 3.14 Rehearing; Requisites of Petition. (Appendix (K))

**B. Proper Title to Alberta's homes hinges on unresolved divisible divorces in the United States.**

The forum state wants "jurisdiction" of marital assets not within their "boundaries" such as a vehicle, two homes, personal belongings in those homes, unlawfully determining when a married couple ended their divorce years in the past affecting federal and state "taxes" the couple filed jointly, debts that no longer exist. The forum state went so far as to issue a "judgment" of \$127,423 for "supposed" property damage to a home in California when the couple were still "residents" of the State of California and well past the "statute" of limitations in the State of California.

"[W]hen claims to the property itself are the source of the underlying controversy between the plaintiff and the defendant, it would be unusual for the State where the property is located not to have jurisdiction." (Shaffer v. Heitner, 433 U.S. 186, 207 . . . ). Thus, a state continues to have jurisdiction to resolve claims to property located within its borders.

This Court's previous opinion:

[T]he presence of property in a State may bear on the existence of jurisdiction by providing contacts among the forum State, the defendant, and the litigation. For example, when claims to the property itself are the source of the underlying controversy between the plaintiff and the defendant, it would be unusual for the State where the



property is located not to have jurisdiction. In such cases, the defendant's claim to property located in the State would normally indicate that he expected to benefit from the state's protection of his interest. The State's strong interests in assuring the marketability of property within its borders and in providing a procedure for peaceful resolution of disputes about the possession of that property would also support jurisdiction, as would the likelihood that important records and witnesses will be found in the state. (Shaffer v. Heitner, 433 U.S. 186, 207 . . .)

Although utilization of in rem and quasi in rem jurisdiction should be carefully scrutinized, "when claims to the property itself are the source of the underlying controversy between the plaintiff and the defendant, it would be unusual for the State where the property is located not to have jurisdiction" (Shaffer v. Heitner, 433 U.S. 186, 207 . . .)

A decree of divorce rendered in one State may be collaterally impeached in another by proof that the court which rendered the decree had no jurisdiction, even though the record of the proceedings in that court purports to show jurisdiction. Williams v. North Carolina, 325 U.S. 229 (1945)

In short, the Full Faith and Credit Clause puts the Constitution behind a judgment, instead of the too fluid, ill defined concept of "comity." 325 U. S. 229 (1945)

But the Clause does not make a sister-State judgment a judgment in another State. The proposal to do so was rejected by the Philadelphia Convention. 2 Farrand, The Records of the Federal Convention of 1787, 447, 448. "To give it the force of a judgment in another state, it must be made a judgment there." McElmoyle v. Cohen, 13 Pet. 312, 38 U. S. 325. It can be made a judgment there only if the court purporting to render the

original judgment had power to render such a judgment. A judgment in one State is conclusive upon the merits in every other State, but only if the court of the first State had power to pass on the merits -- had jurisdiction, that is, to render the judgment.

In light of the possible jurisdiction issues in divorce, it is important to know which state has jurisdiction over all aspects of the divorce before the complaint is filed to ensure the matter is pursued in the proper location. While the divorce itself can be finalized rather quickly in a divisible divorce situation compared to the more complicated litigation that often arises with the division of a marital estate, the estate must be divided at some point, and it is therefore best to know from the start which state has jurisdiction over the property and the parties to avoid separate litigation in multiple states.

In rem jurisdiction is based not upon contacts between the forum and the defendant's person, but rather upon contacts between the forum and the defendant's property. For example, a state always has jurisdiction to determine who owns real property located physically within its borders, even if all of the various claimants reside out of state.

The financial issues arising at divorce property division, spousal support, and child support are governed by the traditional jurisdiction standard applying to money judgments generally. That standard consists of two alternative tests. First, jurisdiction is always proper if the defendant is personally served within the territorial borders of the forum state. *Burnham v. Superior Court*, 495 U.S. 604 (1990). Second, if the defendant is not personally served, jurisdiction still exists if the defendant has sufficient minimum contacts with the forum. The contacts must result from purposeful action on the part of the defendant, and not from mere passive acquiescence in the desires of children or other third persons. *Kulko v. Superior Court*, 436 U.S. 84 (1978)

State courts generally recognize that under *Williams* jurisdiction to grant a divorce is proper in any state in which either spouse is domiciled. There has been some discussion over whether *Williams* was overruled by *Shaffer*, which requires minimum contacts for assertion of quasi-in-rem jurisdiction. The majority rule is that the language from *Shaffer* quoted above, approving of true in rem jurisdiction, preserves the holding in *Williams*. See *In re Kim-ura*, 471 N.W.2d 869 (Iowa 1991); *Weller v. Well-er*, 164 Or. App. 25, 988 P.2d 921, 927 n.7 (1999).

In particular, domicile exists if the plaintiff spouse intends to remain indefinitely, even if the reason for that intention is to satisfy the residency requirement and obtain a divorce. See *In re Kimura*, 471 N.W.2d 869 (Iowa 1991); *Fletcher v. Fletcher*, 95 Md. App. 114, 619 A.2d 561 (1993); *Hager v. Hager*, 79 Ohio App. 3d 239, 607 N.E.2d 63 (1992).

Forum non conveniens has been discussed much more often than it has been actually applied. In light of this fact, a spouse who argues for application of the doctrine in the divorce setting is likely to succeed only where the facts suggest that the forum is seriously inconvenient for both parties.

Other states adopt a broader view, holding that the trial court may always consider whether it is a convenient location for litigating the action. For example, in *Alley v. Parker*, 707 A.2d 77 (Me. 1998), the court held that the parties' divorce action could be more conveniently litigated in California. Most of the witnesses were located there, the court noted, and California clearly had jurisdiction under the relevant statutes to resolve the pending divorce.

Regardless of whether a divorce action is pending in another jurisdiction, state courts can also defer jurisdiction under the doctrine of forum non conveniens. That

doctrine gives the trial court discretion to refuse to hear a case if the case could more conveniently be heard in another forum. The doctrine is not limited to domestic relations, and has broad application to many different types of actions. See generally 21 C.J.S. Courts 69 (1990).

The Full Faith and Credit Clause, U.S. Const. art. IV, 1, requires the courts of one state to defer only to final judgments from another state. It does not require any state to defer to the mere possibility that a state might render such a judgment in the future, or to the presence of a pending action elsewhere. Thus, as a matter of constitutional law, two married persons are perfectly free to pursue simultaneous divorce actions in different states. "The rule, therefore, has become generally established that where the action first brought is in personam and seeks only a personal judgment, another action for the same cause in another jurisdiction is not precluded." *Kline v. Burke Construction Co.*, 260 U.S. 226, 230 (1922).

The Texas Supreme Court reached a similar result in *Dawson*, holding that in rem jurisdiction is available only where the defendant consented to the presence of property within the forum state. On the facts, the husband had moved from Minnesota and California to Texas after separation, bringing with him various items of community property. Because the wife did not consent to the presence of these pieces of property within Texas, the court refused on the facts to exert in rem jurisdiction. The Supreme Court's denial of certiorari in *Dawson* suggests that it may agree with *Carroll* and *Dawson* that the presence of property is a sufficient basis for jurisdiction only where the presence results from some purposeful action of the defendant. 363 S.E.2d at 874.

Thus, the court seemed to accept the holding in *Breen* that in rem jurisdiction is available. The court held, however, that it is available only where the property arrived in the state because of some purposeful act of the defendant, so that, in the *Breen* court's phrase, the defendant made "a conscious assumption of risk that the State would . . . adjust their disputes over ownership should the marriage dissolve." *In re Breen*, 560 S.W.2d at 363. On the facts of *Carroll*, there was no evidence that the property was in the state through the action or consent of the defendant. This lack of evidence was fatal to the court's jurisdiction.

Here, the facts do not indicate who brought the property into North Carolina or whether defendant even consented to the property being in North Carolina. See Restatement (Second) of Conflicts of Law Sec. 60 comment d (1969) ("A state will not usually exercise judicial jurisdiction to affect interest in a chattel brought into its territory without the consent of the owner unless and until the owner has had a reasonable opportunity to remove the chattel, or otherwise waived the exemption[.]")

A North Carolina decision adopts a more traditional approach, accepting in rem jurisdiction on the law but rejecting it on the facts. In *Carroll v. Carroll*, 88 N.C. App. 453, 363 S.E.2d 872 (1988), the parties lived during the marriage in Washington. When they separated, the wife moved to North Carolina, bringing certain marital assets with her. The trial court accepted in rem jurisdiction to divide those assets which were physically present, but the court of appeals reversed:

The fact that there exists some personal property in North Carolina in which the defendant may have an interest because of the equitable distribution statute is not alone sufficient to establish jurisdiction over the defendant or his property. If there was

evidence the defendant [husband] brought the property into North Carolina or consented to the placement of property in North Carolina, this would be some evidence of contacts with the forum State, the defendant and the litigation. . . . In re Marriage of Breen. . . . This, however, would not itself necessarily be decisive concerning the issue of jurisdiction. The United States Supreme Court has recently emphasized that in each case, under the test in *International Shoe*, the exercise of jurisdiction must be reasonable and fair.

The court summarily recognized in rem jurisdiction in *Cheng v. Cheng*, 347 Pa. Super. 515, 500 A.2d 1175 (1985). The parties in *Cheng* separated in Pennsylvania, and the husband moved to South Carolina. He filed a divorce petition there, and the court granted the divorce itself, but it refused to consider the economic issues because it lacked personal jurisdiction over the wife. The wife then filed in Pennsylvania an independent action to divide the marital property. The trial court dismissed, but the appellate court reversed. The court reasoned that "this Commonwealth has jurisdiction because significant marital property is located here." 500 A.2d at 1186. It also stated that "property matters in a divorce case are within the jurisdiction of the state where that property is located." *Id.*

The most substantial recent decision to approve in rem jurisdiction is *Abernathy v. Abernathy*, 267 Ga. 815, 482 S.E.2d 265 (1997). The parties to that case lived in Louisiana during their marriage. Upon their separation, the husband moved to Georgia. One year later, he filed a divorce action. The wife moved to dismiss on grounds that she had no minimum contacts with Georgia, so that the state court could not exercise personal jurisdiction over her. The trial court agreed, but held that it nevertheless had in

rem jurisdiction to divide property physically located within the state. The Georgia Supreme Court affirmed:

Respondent Jones had absolutely no minimal contacts with the State of Oklahoma. He paid no bills in the State of Oklahoma including "state taxes" or "property taxes." He had no vehicles registered in the State of Oklahoma and definitely no driver's license. He received no mail in the State of Oklahoma. He was not personally served in the State of Oklahoma, received no summons and was only served by regular mail. His own admission is his counter-claim against the applicant. (Appendix (L)) doesn't state he is a resident of Oklahoma or that he has "minimal" contacts. The document was "notarized" in Sunnyvale, California. There was no effort by his attorneys to prove he had "minimal" contacts with the State of Oklahoma. He never testified under oath as to his contacts with the State of Oklahoma. He made no initial appearance. His attorney appeared but he did not. Applicant complained about this fact in that he was absent.

The Respondent in this matter did not meet the "minimal" contact test with the forum state: 1) he was not personally served in the State of Oklahoma, 2) he received no summons 3) he never lived in the State of Oklahoma 4) he had absolutely "no" minimal contacts with the State of Oklahoma 5) he didn't even make an initial appearance in the divorce in fact he never appeared except for an appearance after the divorce was ongoing for over 3 years, 6) his presence in the on-going divorce proceedings was basically nonexistent because the Applicant continued to file motions to dismiss for non-convenient forum and lack of jurisdiction over both the respondent and the "marital" assets which were in the State of California.

Minimum contacts are a nonresident civil defendant's connections with the forums state (i.e., the state where the lawsuit is brought) that are sufficient for the forum state to assert personal jurisdiction over that defendant. Lack of minimum contacts violates the nonresident defendant's constitutional right to due process and "offends traditional notions of fair play and substantial justice" (International Shoe Co. v. Washington, 326 U.S. 310 (1945)). Defendants' minimum contacts can take the form of general jurisdiction or specific jurisdiction. Some examples of minimum contacts include conducting business within the state, incorporating in the state, and visiting the state. Respondent had none of these.

C. A Stay of Enforcement is Warranted

11 U.S.C. § 362(b)(2)(a)(IV) – Automatic Stay

11 U.S. Code § 362 - Automatic stay

(2) subsection (a)—

(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

(b) Stay of Execution on Default Judgment. Execution in a personal action shall not issue upon a judgment by default against an absent defendant who has no actual notice thereof until one year after entry of the judgment except as provided by law.

(e) Stay Upon Appeal. Except as provided in subdivisions (c) and (d) of this rule, the taking of an appeal from a judgment shall operate as a stay of execution upon the judgment during the pendency of the appeal, and no supersedeas bond or other security shall be required as a condition of such stay.



## In Rem Jurisdiction in the United States:

1. Value of property: The property must be valuable.
2. Location of property: The property must be located within the territory in which the court has jurisdiction. ...
3. Control of property: The court must have control of the property before it is able to exercise in rem jurisdiction.

Furthermore, in in rem actions, jurisdiction is fair to the parties involved since the forum state has strong interests in regulating the ownership of property and the defendant's claim to the property indicates that he intended to benefit from the state's protection of his property interests.

Applicant Jones is likely to succeed on the merits. In this case it is quite the opposite, the plaintiff wanted the State of California which had control over the property and strong interests in regulating the ownership of the property and how it was maintained to have control and the defendant did not so he could benefit from the forum court which were strictly in his best interest not that of the in state plaintiff vs. the out-of-state defendant. The out-of -state defendant wanted the benefit of the "corruption" and "politics" in the forum state which he did.

The burden of proving physical residence is on the plaintiff. *Skiles v. Skiles*, 646 N.E.2d 353 (Ind. Ct. App. 1995); *Wambugu v. Wambugu*, 896 S.W.2d 756 (Mo. Ct. App.

Footnote: Applicant must give credit to her brief to the following for the cases in her application: DivorceSource.com: Pursuing the Divisible Divorce: Recent Case Law on State Court Jurisdiction in Divorce Cases 2000 National League Research Group, Inc.

1995); *Hager v. Hager*, 79 Ohio App. 3d 239, 607 N.E.2d 63 (1992). Once physical residence is proven, there is a presumption that the plaintiff intended to reside permanently in his or her place of residence. *Andrews v. Andrews*, 697 So. 2d 54 (Ala. Civ. App. 1997); *Hager v. Hager*, 79 Ohio App. 3d 239, 607 N.E.2d 63 (1992). Stated differently, the fact of physical residence alone is sufficient proof to justify a finding of an intent to remain permanently. The defendant therefore bears at least the burden of introducing evidence suggesting that the plaintiff did not intend to reside in the forum state permanently.

### CONCLUSION

For the reasons above, Alberta Rose Josephine Jones asks and prays that the judgment issued in the default divorce decree which exceeds well over \$400,000.00. Said Applicant does not have. The public interest is served by preventing a sale which may result in later, additional litigation to set the sale aside, possibly involving a purchaser who would not or should not be a part of a messy divorce settlement, should Applicant Jones prevail.

If the default divorce decree was to be enforced in the State of Oklahoma, Applicant would be unjustly forced to sell a home she has owned for the majority of her life and one which she intended on permanently residing until her husband started taking all of her lifelong belongings and forging her signature on federal tax returns. Until proceedings in the United States Supreme Court are completed. Further this motion be accorded emergency consideration given the harm already caused the applicant after repeated attempts to stay the enforcement of an unfair judgment against her.

It is therefore best to know from the start which state has jurisdiction over the property and the parties to avoid separate litigation in multiple states which did not legally occur in the case now before this honorable court.

Dated: April 15, 2023

Respectfully Submitted,

  
  
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Pro Se Litigant

### CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Emergency Application upon counsel listed below, by email and postage prepaid first-class U.S. Mail, on 04/17/2023.

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# APPENDIX A

IN THE DISTRICT COURT OF LINCOLN COUNTY  
STATE OF OKLAHOMA

FILED

APR 25 2018  
CINDY KIRBY, COURT CLERK  
LINCOLN COUNTY, OKLAHOMA

IN RE THE MARRIAGE OF: )  
ALBERTA ROSE JONES, )  
Petitioner, )  
And, )  
DONALD DAVID JONES, )  
Respondent. )

Case No. FD-2015-0004

DECREE OF DIVORCE AND DISSOLUTION OF MARRIAGE

On the 23<sup>rd</sup> day of April, 2018, this matter was presented for hearing upon this Court's March 1, 2018 Order setting all matters for hearing. Petitioner, Alberta Rose Jones did not appear and is in default of this Court's Order dated February 27, 2018. Respondent, Donald David Jones, appeared in person and by his attorneys of record, Shanda L. Adams and John D. L. Clifton of Rick Dane Moore and Associates, PLLC. Whereupon, the Court proceeded to review the court file and appearance docket and receive the evidence and the argument of counsel and the testimony of Respondent. The Court had an opportunity to observe the witnesses and assess the credibility of the witness. Being fully advised of the premises, the Court FINDS, ORDERS, and DECREES as follows:

**DATE OF MARRIAGE AND JOINT INDUSTRY**

The Petitioner and Respondent were lawfully married on February 26, 1980, in Santa Clara County, State of California, and remained husband and wife until their separation on approximately January 1, 2011, at which time the joint industry of the marriage ended and the parties were irrevocably separated. There are no minor children arising of the marriage herein, and the Petitioner is not pregnant at this time.

## JURISDICTION

The Petitioner was a bona fide resident of the State of Oklahoma for more than six consecutive months prior to the filing of this action and a bona fide resident of Lincoln County for at least thirty days prior to filing this action. The matter has been assigned by the Supreme Court of the State of Oklahoma to Judge George Butner of Seminole County District Court on or about October 4, 2016. Accordingly, the Court has subject matter jurisdiction concerning this action and venue is proper in this County.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. The parties are divorced and their marital relation is terminated and dissolved, which decree is final on this date. The parties are admonished to be in compliance with the law of this state prohibiting remarriage of the parties (except to each other) until six months passes from this date.
2. The Court finds that the parties have been separated since January 1, 2011. Accordingly, any and all property or debts acquired by the parties since that date is the separate property or debt of the party who acquired the same and shall not be equitably divided by this Court.
3. Petitioner is awarded her separate property, free and clear of all right, title, interest, or claim of the Respondent.
4. Petitioner is ordered to pay, and to indemnify and hold Respondent harmless from all claim, demand, and liability associated with her separate, non-marital property.
5. Respondent is awarded his separate property, free and clear of all right, title, interest, or claim of the Petitioner.
6. Respondent is ordered to pay, and to indemnify and hold Petitioner harmless from all claim, demand, and liability associated with his separate, non-marital, debts.
7. The parties are the owners of real property commonly referred to as 1144 Tangerine Way, Sunnyvale, California (Sunnyvale Property). This court finds that Petitioner knowingly and voluntarily withdrew \$25,000.00 from the Home Equity Line of Credit (HELOC) on the Sunnyvale Property after commencing this action, and thus knowingly encumbered the marital property in anticipation of separation or divorce. Accordingly, Petitioner is ordered to pay to Respondent \$25,000.00 removed from the home equity line of credit by Petitioner. The Respondent is further awarded all of the parties' rights, title, and interest in Sunnyvale Property. The Sunnyvale property has an estimated value of \$1.1 million after necessary repairs estimated at roughly \$200,000 and is encumbered by

documents as Ordered by this Court on February 27, 2018. The Petitioner is awarded all of the parties' right, title, and interests in the Petitioner's I.R.A. Account.

12. The Respondent is the owner of a Thrift Savings Plan, contributed to by Respondent and his employer, the United States Postal Service, throughout the course of the marriage and by joint industry of the marriage. The Thrift Savings Plan is currently valued at \$112,742.00. The Respondent is awarded all of the parties' right, title, and interests in the Thrift Savings Plan.
13. The Respondent is the owner of an E-Trade Account, valued at approximately \$5,000.00. This Account was contributed to during the marriage and is thus the product of joint industry of the marriage. The Respondent is awarded all of the parties' right, title, and interests in the E-Trade Account.
14. The parties are the owners of various stocks and shares, including stocks in Disney, Time Warner, A.M.A.T., Time Warner Cable, and other miscellaneous stocks, valued at approximately \$15,000.00. The Petitioner is awarded all of the parties' right, title, and interests in the stocks and shares owned by the parties. Respondent is ordered to execute and deliver to the Petitioner good and sufficient acknowledged documents of title, transfer, and delivery as are necessary to effectuate this Order.
15. The parties are the owners of a number of vehicles, which are of nominal and varying values. The Petitioner is awarded all of the parties right, title, and interests in the 2007 Toyota Tundra, 1995 Chevy Van, 2003 KZ08 Sportsman Trailer, and all vehicles currently in the possession of the Petitioner. The Respondent is awarded all of the parties' right, title, and interests in the 2002 Subaru WRX, 2004 Honda Accord (as the Respondent's sole and separate property inherited from the estate of Respondent's father), and all vehicles otherwise in the Respondent's possession. Both parties are ordered to execute and deliver to the other all such good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate conveyance, transfer of title and delivery of each of the above vehicles. The parties shall be assigned and be liable for any and all loans or debts on the respective vehicles assigned to them in this Order.
16. This Court finds that Respondent has solely paid all property taxes on the Sunnyvale and PG Properties since the separation of the parties in 2011, total of approximately \$27,500.00. Respondent has solely paid all property taxes on the PG property since the separation of parties up until 2016 since there were no property tax for 2016-2017 fiscal tax year due to property damage; total of approximately \$16,000. The Petitioner does not pay property taxes on the Agra property due to her status as a disabled veteran. Accordingly, the Petitioner is ordered to pay Respondent \$20,000.00.
17. That a judgement lien has been entered against the Sunnyvale and/or PG Properties by one Mark Simonson result of a judgement against the Petitioner in California. Petitioner is ordered to pay all judgement and costs arising from this action and to immediately settle this matter so as to remove any and all liens from the Sunnyvale and PG Properties.

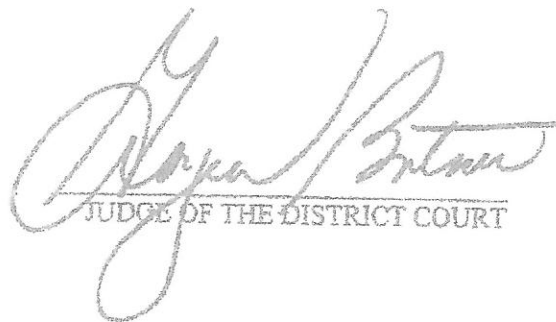
approximately \$415,000 in debt from a mortgage and HELOC. The Respondent is assigned any and all debts associated with the Sunnyvale Property, sans the \$25,000.00 encumbrance placed upon the property by Petitioner in anticipation of divorce or separation. The Petitioner is ordered to execute and deliver to Respondent good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate a conveyance of the title and delivery of the property. Respondent is ordered to immediately seek refinancing on the Sunnyvale property or otherwise remove the Petitioner's name from the loan on the property.

8. The parties are owners of real property commonly referred to as 780706 S. 3450 Road, Agra, Oklahoma, and more particularly referred to as 45 AC MOL 11-16-4 N 1485' OF W/2 SW/4 16-4-11-300-002 (Agra Property). There is no debt associated with this property. The Agra Property has an appraised value of approximately \$220,000. The Petitioner is awarded all of the parties' rights, title, and interest in the Agra Property. The Respondent is ordered to execute and deliver to Petitioner good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate a conveyance of the title and delivery of the property.
9. The parties are owners of real property commonly referred to as 390 Melrose St., Pacific Grove, California (PG Property). This Court finds that Petitioner knowingly and voluntarily damaged and/or destroyed the PG Property in roughly 2011, causing damage to the marital asset in the amount of \$127,423.00 by permitting waste to occur on the property during her tenancy thereof, violating several city ordinances, and failing to pay past due property taxes while it was under Petitioner's control. Further damage occurred in or around December 2015 to this property, and Petitioner is found liable for the failure to repair the property and for the loss of rental income during the period from April 2016 to present. Accordingly, damages to the marital estate in the amount of \$127,423.00 are imputed to Petitioner. The PG property has an estimated value of \$850,000 after necessary repairs relating to the December 2015 damage and is unencumbered by any mortgage. Petitioner is awarded all of the parties' rights, title, and interest in the PG Property. The Respondent is ordered to execute and deliver to Petitioner good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate a conveyance of title and delivery of the property. Petitioner is to immediately remove the Respondent's name from any insurance policy associated with this property and to assume liability for any fines, costs, or fees associated with the property as result of the December 2015 damage to the property.
10. The Respondent is the owner of an Individual Retirement Account (I.R.A. Account), valued at \$207,000.00 and contributed to during the course of the marriage through the joint industry of the marriage. The Respondent is awarded all of the parties' right, title, and interests in the Respondent's I.R.A. Account.
11. The Petitioner is the owner of an I.R.A. Account, contributed to during the course of the marriage through the joint industry of the marriage. The value of Petitioner's I.R.A. Account is unknown, as Petitioner has refused to participate in Discovery or submit



18. That Petitioner has represented herself *pro se* throughout the majority of this action and has filed no fewer than three (3) collateral actions in the United States Court for the Western District of Oklahoma and in the State of California and an untimely *Petition for Writ of Mandamus* before the Supreme Court of Oklahoma. Further, that Petitioner has failed to adhere to the jurisdiction of this Court despite Petitioner's filing before this Court. That Petitioner's actions have caused undue delays in this case, and unnecessary burden upon the Respondent and the Court, and that Petitioner has acted capriciously and arbitrarily throughout the course of this action, including but not limited to Petitioner's failure to comply with discovery and other orders of this Court. That Petitioner's conduct has unnecessarily increased the overall cost of litigation in this matter. Accordingly, Respondent is awarded attorney fees in the amount of \$60,000.00.
19. As to each and all of the foregoing awards and orders pertaining to real and/or personal property, each party is ordered, on this date, to execute and deliver to the other all such good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate conveyance, transfer of title and delivery of each and all of the foregoing awards and orders of real and/or personal property to each respective party. In the event that either party fails to do so, and on this date, this Decree of Divorce and Dissolution of Marriage shall fully operate as such execution, conveyance, transfer of title, and delivery as to each and all of the foregoing orders and awards.
20. As to the monetary sums awarded to the Respondent, in total amount of \$105,000, the Petitioner is Ordered to pay the same not later than thirty days from the date of this Order and Decree.

Signed on this 24<sup>th</sup> day of April, 2018.

  
JUDGE OF THE DISTRICT COURT

## RULE 3.14 - REHEARING; REQUISITES OF PETITION

### Rule 3.14 Rehearing; Requisites of Petition

- A. A petition for rehearing, unless otherwise ordered by this Court, shall be made by the attorney of record, and filed with the Clerk within twenty (20) days from the date on which the opinion in the cause was filed.
- B. A petition for rehearing shall not be filed, as a matter of course, but only for the following reasons:
- (1) Some question decisive of the case and duly submitted by the attorney of record has been overlooked by the Court,  
or
  - (2) The decision is in conflict with an express statute or controlling decision to which the attention of this Court was not called either in the brief or in oral argument.
- C. Such petition shall briefly state the grounds upon which the attorney of record relies for a rehearing. The overlooked question, statute or decision must be specifically set forth in the petition. If the application is granted, the cause shall be assigned for rehearing. Additional time may be granted for argument or briefing.
- D. If a petition for rehearing is not filed within twenty (20) days, the decision shall be final.
- E. A petition for rehearing may be filed only in regular appeals, as defined by Rule 1.2.

# APPENDIX I

Approved for Entry:

A handwritten signature in black ink, appearing to be "Shanda Adams", written over a horizontal line.

Shanda Adams, OBA No. 30811  
John D. L. Clifton, OBA NO. 33146  
Rick D. Moore and Associates, PLLC  
P.O. Box 721775  
Norman, OK 73071  
(405)366-0373  
*Attorneys for Petitioner*

CERTIFICATE OF SERVICE BY E-MAILING/MAILING

The undersigned hereby certifies that he e-mailed/mailed a true, correct and exact copy of the above and foregoing DECREE OF DIVORCE AND DISSOLUTION OF MARRIAGE on the 24<sup>th</sup> day of April, 2018 to:

Shanda L. Adams, Esq.  
E-Mail: [Adamsshanda@gmail.com](mailto:Adamsshanda@gmail.com)  
Attorney for Respondent

Alberta Rose Josephine Jones  
E-Mail: [2hockeymom@gmail.com](mailto:2hockeymom@gmail.com)  
Pro-Se Petitioner

Alberta Rose Josephine Jones  
P. O. Box 204  
Tryon, OK 74875  
Petitioner  
(Copy mailed with postage pre-paid and sufficient)

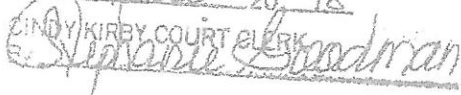
Cindy Kirby  
District Court Clerk - Lincoln Co.  
811 Marvel Ave., Suite 9  
P. O. Box 307  
Chandler, OK 74834-0307  
(Original mailed with postage pre-paid and sufficient)

Cindy Kirby  
E-Mail: [cindy.kirby@oscn.net](mailto:cindy.kirby@oscn.net)  
District Court Clerk



GEORGE W. BUTNER  
District Judge - 22<sup>nd</sup> Judicial District  
P. O. Box 656  
Wewoka, OK 74884-0656  
Telephone: 405-257-2545  
Facsimile: 405-257-2631  
E-mail: [george.butner@oscn.net](mailto:george.butner@oscn.net)

I, Cindy Kirby, Court Clerk of Lincoln County Oklahoma hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record and on file in my office of Lincoln County, Okla. this 24 day of April, 2018

CINDY KIRBY COURT CLERK  
  
Deputy

# APPENDIX B



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

SEP 10 2018

JOHN D. HADDEN  
CLERK

IN RE THE MARRIAGE OF: )  
 )  
ALBERTA ROSE JONES, )  
 )  
Appellant, )  
 )  
v. )  
 )  
DONALD DAVID JONES, )  
 )  
Appellee. )

No. 117,025

ORIGINAL

ORDER

Appellant's "Renewed Motion for Stay of Supersedeas Bond" is denied.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE

THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2018.

*Norma D. Gurich*  
VICE CHIEF JUSTICE

Gurich, V.C.J., Winchester, Edmondson, Colbert, Reif, Wyrick, Darby, JJ., concur.

Combs, C.J., Kauger, J., not participating.

Rec'd (date)	9/10/18
Posted	lf
Mailed	lf
Distrib	lf
Publish	yes <input type="checkbox"/> no <input checked="" type="checkbox"/>

# APPENDIX C





ORIGINAL

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION IV

FILED  
COURT OF CIVIL APPEALS  
STATE OF OKLAHOMA

IN RE THE MARRIAGE OF: )  
)  
ALBERTA ROSE JONES, )  
)  
Petitioner/Appellant, )  
)  
vs. )  
)  
DONALD DAVID JONES, )  
)  
Respondent/Appellee. )

MAR 28 2023


JOHN D. HADDEN  
CLERK

Case No. 117,025

ORDER

Appellant Alberta Rose Jones' Motion to Stay is denied.

SO ORDERED this 28<sup>th</sup> day of March, 2023. ALL JUDGES CONCUR.

  
GREGORY C. BLACKWELL  
Presiding Judge, Division IV

Rec'd (date) 3-28-23  
Posted PG  
Mailed JK  
Distrib JK  
Publish yes  no

# APPENDIX D



ORIGINAL

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION IV

IN RE THE MARRIAGE OF: )  
 )  
 ALBERTA ROSE JONES, )  
 )  
 Petitioner/Appellant, )  
 )  
 vs. )  
 )  
 DONALD DAVID JONES, )  
 )  
 Respondent/Appellee. )

FILED  
COURT OF CIVIL APPEALS  
STATE OF OKLAHOMA

APR 13 2023

JOHN D. HADDEN  
CLERK


Case No. 117,025

ORDER

Appellant's second Motion to Stay Mandate is denied. No new grounds for the Motion are asserted and no filing with the United States Supreme Court has been received by this Court.

SO ORDERED this 11<sup>th</sup> day of April, 2023. ALL JUDGES CONCUR.

Rec'd (date)	4-13-23
Posted	PC
Mailed	PC
Distrib	PC
Publish	yes <input checked="" type="checkbox"/>

  
 \_\_\_\_\_  
 GREGORY C. BLACKWELL  
 Presiding Judge, Division IV

# APPENDIX E



ORIGINAL

In the Supreme Court of the State of Oklahoma

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

JUN - 4 2018

JOHN D. HADDEN  
CLERK

Alberta Rose Josephine Jones )  
 )  
 Appellant )  
 )  
 vs )  
 )  
 Donald David Jones )  
 )  
 Appellee )

Case No. 117025

received: 6/4/18  
 Docketed: [initials]  
 Marshal: [initials]  
 COA/OKC: [initials]  
 COA/TUL: [initials]

RECEIVED

JUN 4 2018

CLERK'S OFFICE

MOTION TO STAY

Wherefore, Appellant Alberta Rose Josephine Jones, hereby respectfully requests a stay in these proceedings pending Appellant's request for the recusal of the Honorable Chief Justice Douglas Combs.

In support of Appellant's request for an immediate stay, she states as follows:

- a) Exhibit (1) Oklahoma Supreme Court Order Scad-2016-78 signed by Vice Chief Justice Douglas Combs on October 3, 2016.
- b) Exhibit (2) Biography of Justice John F. Reif, District 1, stating he was the Oklahoma Supreme Court Justice for years 2015-2016 ending on December 31, 2016.
- c) Oklahoma Constitution, Article VII, Section 6 and 8(i) state as follows:

Text of Section 6:

Administrative Authority - Director and Staff

Except with reference to the Senate sitting as a Court of Impeachment and the Court on the Judiciary, general administrative authority over all courts in this State, including the temporary assignment of any judge to a court other than that for which he was selected, is hereby vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules.

Section 8

Text of Section 8:

*Classes of District Court Judges - Selection - Terms - Jurisdiction - Qualifications*

(i) District Judges, Associate District Judges and Special Judges may hold court anywhere in this State authorized by rule of the Supreme Court.

d) Section 8(i) of the Oklahoma Constitution is in direct conflict with the following Oklahoma statutes and substantially violated the "rights" of said Appellant. Wewoka, Oklahoma is an inconvenient forum. Vice Chief Justice Douglas Combs now Chief Justice Douglas Combs was well aware of these facts but did it to "harass" said Appellant Jones and place her in a harmful unwanted forum in the State of Oklahoma for "political" undertones:

*Title 12. Civil Procedure*

*§12-143. Venue statutes as cumulative - Application.*

All venue statutes are cumulative wherever they appear and any action brought under any such statute may be maintained where brought. No court shall apply one venue statute in preference to another whether considered general or special.

*§12-1653. Parties - Venue.*

B. The venue of the action shall be established by existing statutes; provided, however, where the action involves an individual defendant, the venue shall be in the county of the defendant's residence or where the defendant may be served with summons.

*Title 43. Marriage and Family*

*§43-103. Venue for any action for divorce, annulment of a marriage or legal separation.*

A. The venue of any action for divorce, annulment of a marriage or legal separation may be in the following counties:

B. The court may, upon application of a party, transfer an action for divorce, annulment of marriage or legal separation at any time after filing of the petition to any county where venue would be proper under subsection A of this section if the requirements of subsection C or D of this section are met.

C. The court shall grant a party's application for change of venue when the other party is not a resident of this state at the time the application for change of venue is filed, or the plaintiff has departed from this state and has been absent for more than six (6) months preceding the date the application for change of venue is filed, and transfer is requested to the county where the applying party resides in this state.

- e) Corruption in the judicial process in the State of Oklahoma:

## THE OKLAHOMA JUDICIARY

Lesli E. McCollum

The University of Oklahoma

The features of Oklahoma's judicial system are a direct result of scandals that plagued it in the late 1960s. Before the reforms, the Oklahoma judicial system had been criticized for its circus-like character. After news of extensive scandal erupted in the media, the judicial system was completely restructured.

### The Selection Process

Many scholars have tried to discover the effect, if any, of various selection systems on judicial background characteristics. Most have concluded that the type of selection system used in a state has no effect on the types of judges serving on the courts. While it may be true that the backgrounds of the judges may not significantly differ across systems, Oklahoma provides an example of a state where method of selection is important. The initial impetus to change the method of selecting judges in Oklahoma was not so much to produce more qualified jurists. Rather, Oklahoma provides an example of a state where reforms in method of selecting judges were necessary because of corruption that is inherent in the politics of partisan judicial elections.

In conclusion, the selection of Judge George Butner was not "random" and in direct conflict with Oklahoma's Constitution. Chief Justice Douglas Combs was not the "chief justice" of the Oklahoma Supreme Court when Judge George Butner was "corruptly" assigned. Only the Chief Justice of the Oklahoma Supreme Court can assign a judge. Additionally, a party to a divorce proceeding has a right to have a divorce case tried in a convenient forum upon application. Currently a corrupt judge has made decisions in assets owned by said Appellant. The State of California law requires equal division of assets. Equal down to the "penny." Appellant cannot be forced to sign over property in the State of California against her "will" when it violates her "constitutional" rights by a "rogue" court in Oklahoma.

In re the Marriage of DAVID M. DELLARIA and ELIZABETH L. BLICKMAN-DELLARIA,  
DAVID M. DELLARIA, Appellant,

v.

ELIZABETH L. BLICKMAN, Respondent.

No. A122162.

Court of Appeals of California, First District, Division Four.

March 17, 2009.

Generally, we review a ruling dividing property under the abuse of discretion standard. (*In re Marriage of Quay* (1993) 18 Cal. App. 4th 961, 966 [22 Cal. Rptr. 2d 537] (*Quay*)). Factual findings are upheld if supported by substantial evidence. (*Ibid.*) However, to the extent the trial court's decision reflects an interpretation of a statute, it presents a question of law that we review de novo. (*In re Marriage of Pearlstein* (2006) 137 Cal. App. 4th 1361, 1371-1372 [40 Cal. Rptr. 3d 910]; *In re Marriage of Rothrock* (2008) 159 Cal. App. 4th 223, 230 [70 Cal. Rptr. 3d 881].)

Accordingly, we undertake our own statutory interpretation of Family Code section 2550, the statute governing an agreement entered into during a dissolution proceeding to divide the community assets. That section provides as follows: "*Except upon the written agreement of the parties, or on oral stipulation of the parties in open court, or as otherwise provided in this division, in a proceeding for dissolution of marriage or for legal separation of the parties, the court shall, either in its judgment of dissolution of the marriage, in its judgment of legal separation of the parties, or at a later time if it expressly reserves jurisdiction to make such a property division, divide the community estate of the parties equally.*" (*Italics added.*)

The Court of Appeal reversed, finding the agreement was legally unenforceable under Civil Code former section 4800, subdivision (a), the predecessor to Family Code section 2550.[5] The court held that Civil Code former section 4800, subdivision (a) required the court to divide the community estate equally, except upon the written agreement of the parties or on stipulation in open court. The parties had failed to meet any of the statutory requirements for enforcing an agreed-upon property division. The court explained that "[t]o allow the enforcement of a private oral agreement would sanction an exception to the statute not contemplated by the Legislature." (*Maricle, supra*, 220 Cal.App.3d at p. 58.)

(2) We adopt the reasoning in *Maricle*, and apply it to this case. Once a petition for dissolution has been filed, the community property needs to be divided, either by the parties or by the court. If the court divides the community property, it must do so equally. (See *Quay, supra*, 18 Cal.App.4th at p. 966.)

Further under California "law" a deed cannot be transferred without the "signature" of both parties.

Parties who attempt to transfer real property by execution of a deed should be aware of this pitfall. Often one spouse will execute an Interspousal Transfer Deed to transfer the title of the family




residence to the other spouse after the divorce proceeding has commenced. What we learn from Dellaria (as quoted above) is that in such a piecemeal settlement, a transfer of real property by deed alone is not enforceable because it is not a writing signed by both parties. A deed contains the names of both spouses, but it is only signed by the spouse releasing his/her community property interest to the other spouse.

“Judicial corruption”-

“Judicial corruption means the voice of the innocent goes unheard, while the guilty act with impunity. –Huguette Labelle, Chair of Transparency International (TI), 2007. Corruption damages judicial systems and thousands of people worldwide are denied access to justice and protection of their individual rights.”

June 1, 2018

Respectfully Submitted,

  
Allene Rose Josephine Jones - Appellant  
PO-Box 240  
Tryon, Oklahoma 74875  
Tel: 405-240-4451

**CERTIFICATE OF MAILING TO ALL PARTIES AND COURT CLERK**

I hereby certify that a true and correct copy of the MOTION TO STAY was mailed this 2ND DAY OF JUNE, 2018 by depositing it in the U.S. Mail, postage prepaid to:

Rick Dane Moore and Associates  
Shanda Adams and John Clifton  
30630 Western Ave, Norman, OK 73072

ORIGINAL EX (1)

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

RE: Assignment to Judicial Service ) SCAD-2016-78

FILED SUPREME COURT STATE OF OKLAHOMA OCT - 3 2016 MICHAEL S. RICHIE CLERK

ORDER

Acting under the authority of the Oklahoma Constitution, Article VII, Section 6 and 8(i), the following judge:

Honorable George Butner District Judge of Seminole County

is hereby assigned to judicial service to hear and decide all necessary matters filed or to be filed in Lincoln County, case FD-2015-00004, Alberta Rose Jones vs. Donald David Jones.

DONE BY ORDER OF THE SUPREME COURT this 3 day of October, 2016.

[Signature] Vice Chief Justice

# The Supreme Court of the State of Oklahoma

[Prior Section](#) | [Home](#) | [Next Section](#)

EX (2)



## JUSTICE JOHN F. REIF, District No. 1



Justice Reif is currently serving as Chief Justice of the Oklahoma Supreme Court for 2015 and 2016. Justice Reif was appointed to the Supreme Court in October 2007 by Governor Brad Henry. He was chosen to serve on the Oklahoma Court on the Judiciary, Appellate Division, from March 1, 2011 through March 1, 2013.

Prior to his service on the Supreme Court, Justice Reif served 23 years on the Court of Civil Appeals. He started his judicial service in February 1981 as a special district judge for the Fourteenth Judicial District in Tulsa County.

Justice Reif began his legal career in 1977 with the Tulsa County District Attorney's Office, where he worked in the civil division providing general legal services to the county. Before practicing law, he provided planning and grant assistance to law enforcement agencies in the Tulsa area through the Indian Nations Council of Governments from 1974 to 1977. Reif also served as a police officer for the City of Owasso from 1973 to 1975.

While on the bench, teaching has been Justice Reif's way of giving back to the community. He has made over 150 presentations for Oklahoma Bar Association sponsored CLEs and community education programs. In December 2010, the Oklahoma Bar Association awarded Justice Reif the Earl Sneed Award in recognition of his continuing legal education presentations over the past thirty years. In 1995, Reif was the recipient of the Distinguished Service Award from Oral Roberts University for his teaching at ORU.

From 1994 through 2001, Reif completed extensive judicial training provided by The National Judicial College, and joined the faculty of the National Tribal Judicial Center at the NJC in 2003. He presents classes in essential skills for both Appellate and Trial Court Tribal Judges at The National Judicial College. Justice Reif also is an active participant in The Sovereignty Symposium, annually presenting the ethics portion of the program.

Reif was born June 19, 1951, in Skiatook, Oklahoma. He attended high school at Cascia Hall, in Tulsa, Oklahoma, under a work study scholarship and graduated as Valedictorian of his Class of 1969. He attended the University of Tulsa, receiving his Bachelor's degree in Criminal Justice in 1973, and his Juris Doctor from the University of Tulsa College of Law in 1977. Reif was married for 35 years to Aylo (Brewer) Reif until her death in 2008.

[Home](#) | [Full Brochure](#) | [General Information](#) | [Supreme Court](#) | [Appellate Courts](#) | [Bringing Cases Before the Appellate Courts](#) | [Cases Pending](#) | [The Supreme Court and the Judicial System](#) | [The Justices](#) | [Administrative Office](#) | [Judges](#) | [Workers' Compensation Court](#) | [Court of Civil Appeals](#) | [Court of Criminal Appeals](#)

[Prior Section](#) | [Home](#) | [Next Section](#)

# APPENDIX F



**ORIGINAL**

**IN THE SUPREME COURT STATE OF OKLAHOMA** FILED  
SUPREME COURT  
STATE OF OKLAHOMA

Alberta Rose Josephine Jones )  
 )  
 Appellant )  
 )  
 vs )  
 )  
 Donald David Jones )  
 )  
 Appellee )  
 )

AUG 6 2018  
JOHN D. HADDEN  
CLERK  
Case No. 117025  
Oklahoma Statute Title 5, Chapter 1,  
Section 5

Received:	8-6-18
Docketed:	
Marshall:	R
COA/OKC:	
COA/TUL:	

**MOTION FOR PROOF OF AUTHORITY - STAY OF PROCEEDINGS**

COMES NOW, the Appellant, Alberta Rose Josephine Jones, Pro Se, respectfully motions the court for proof of authority under which Rick Dane Moore and Associates, PLLC, Shanda Adams, A/K/A Ricky Dane Moore, A/K/A Patricia Moore and A/K/A Patricia Hatamyar appear for Appellee, Donald David Jones and states as follows in accordance with Oklahoma Statute Title 5, Chapter 1, Section 5:

- 1) Per  Oklahoma Statutes Citationized
  - Title 5. Attorneys and the State Bar
  - Chapter 1 - Attorneys and Counselors
  - General Provisions (cont.)
  - Section 5 - Proof of Authority - Stay of Proceedings
- Cite as: O.S. §, \_\_\_

The court, on motion of either party and on the showing of reasonable grounds therefor, may require the attorney for the adverse party or for any one of the several adverse parties to produce or prove by oath, or otherwise, the authority under which the attorney appears and, until the attorney does so, may stay proceedings by the attorney on behalf of the parties for whom the attorney assumes to appear.

- 2) Upon information and belief, Rick Dane Moore, Patricia Moore and A/K/A Patricia Hatamyar are residents of the State of Florida. Rick Dane Moore and a/k/a Patricia Hatamyar live at 520 NE 35<sup>th</sup> St Boca Rotan, Florida 33431. Patricia Moore is the owner of the website [okmoorelawfirm.com](http://okmoorelawfirm.com).

RECEIVED

AUG - 6 2018  
CLERK'S OFFICE

## Company: Patricia Moore

Address: 520 NE 35th St Boca Raton FL 33431 US

Phone: +1 3059510516

Fax: +51 17057182

Email: [patmoorelay@cox.net](mailto:patmoorelay@cox.net), [PATRICIASMOORE@EARTHLINK.NET](mailto:PATRICIASMOORE@EARTHLINK.NET),  
[ying140863@139.com](mailto:ying140863@139.com), [trishajrmoore@gmail.com](mailto:trishajrmoore@gmail.com)

Patricia Moore a/k/a Patricia Wick Hatamyar is married to Ricky Dane Moore A/K/A Rick Dane Moore Marriage license as proof Oklahoma Cleveland County ML-2011-13 :

In Re the marriage of Patricia Wick Hatamyar and Ricky Dane Moore

No. ML-2011-13  
(Marriage license)

In Re the marriage of Patricia Wick Hatamyar and Ricky Dane Moore

Filed: 01/04/2011  
Closed: 01/04/2011

IN THE DISTRICT COURT IN AND FOR CLEVELAND COUNTY, OKLAHOMA

No. ML-2011-13  
(Marriage license)

In Re the marriage of Patricia Wick Hatamyar and Ricky Dane Moore

Filed: 01/04/2011  
Closed: 01/04/2011

Judge: Unassigned

### PARTIES

Hatamyar, Patricia Wick, Female Applicant  
Moore, Ricky Dane, Male Applicant

### ATTORNEYS

None

### EVENTS

None

### DOCKET

Date	Code	Description	Court	Party	Amount
01-04-2011	ML	MARRIAGE LICENSE Document Available at Court Clerk's Office			

Return To:  
FIDAL DOCS F7400-01F  
4101 WILSON BLVD BLDG 100  
SAN ANTONIO, TX 78251-4200

CFN 20120332730  
OR BK 25413 PG 1420  
RECORDED 08/24/2012 13:51:31  
Palm Beach County, Florida  
AMT 224,000.00  
Dwd Dcs 704.00  
Intang 400.00  
Sharon E. Buck, CLERK & COMPTROLLER  
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This document was prepared by:  
FLORIDA HOME FINANCE GROUP, LLC

13675 TECHNOLOGY DRIVE,  
BOYDTON, NC 28007-0112, EDEM  
ADAM GRODS

[Space Above This Line For Recording Date]

### MORTGAGE

BY SIGNING BELOW, Borrower accepts and agrees to the terms and conditions contained in this  
Mortgage Instrument and in any Rider executed by Borrower and recorded with it.  
Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
PATRICIA W MOORE (Seal)  
-Borrower

*Alishia Hamilton*



520 NE 35TH ST  
BOCA RATON FL 33431 (Address)  
*Alishia Hamilton* 8/24-12 (Seal)  
Rick Anne (Seal)

Witness #1 *Shirley* (Seal) \_\_\_\_\_ (Seal)  
-Borrower

*Shirley Adams*  
450 E Tarkenton St #4  
Norman, OK 73069

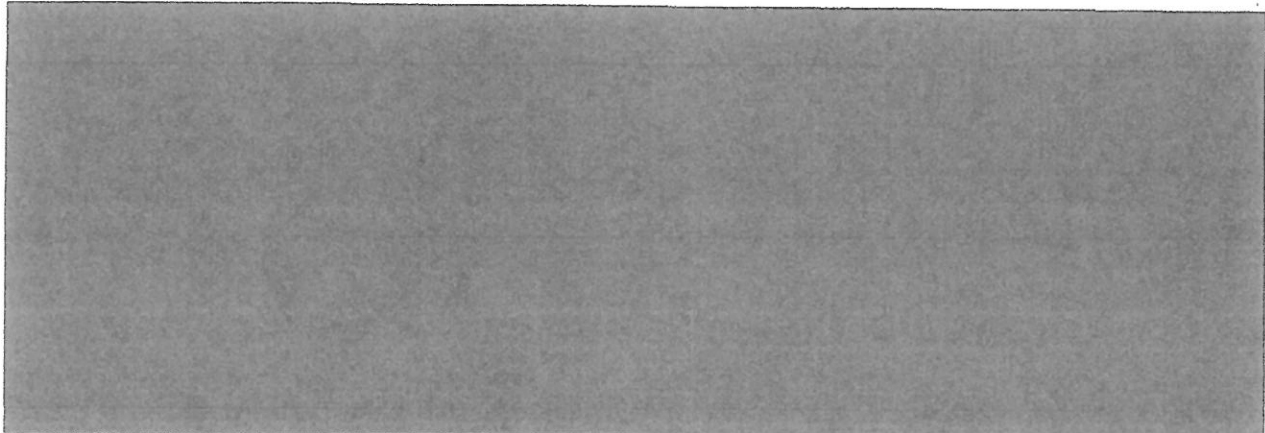
520 NE 35TH ST  
BOCA RATON FL 33431 (Address)

Witness #2 *Nathan Adams*

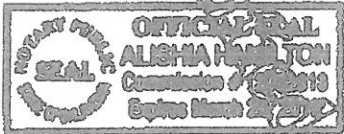
520 NE 35TH ST  
BOCA RATON FL 33431 (Address)

*Nathan Adams*  
14205 Imperial Rd  
Norwood, OK 73026

520 NE 35TH ST  
BOCA RATON FL 33431 (Address)  
Witness (Seal) \_\_\_\_\_ (Seal)  
-Borrower



Attorney Shanda Adams was the witness on the mortgage of 520 NE 35<sup>th</sup> Boca Rotan Florida 33431 of said property owners Rick Dane Moore and Patricia W. Moore of said property known as 520 NE 35<sup>th</sup> St, Boca Rotan, Florida 33431.

*Handwritten:* T-2  
*Handwritten:* Celina Hamilton  
  
*Handwritten:* Witness #1  
*Handwritten:* Shanda Adams  
 450 E. Tarkenton St #46  
 Norcross, GA 30071  
*Handwritten:* [Signature]  
 520 NE 35TH ST  
 BOCA RATON FL 33431 (Address)  
 520 NE 35TH ST  
 BOCA RATON FL 33431 (Address)  
 520 NE 35TH ST  
 BOCA RATON FL 33431 (Address)  
 520 NE 35TH ST  
 BOCA RATON FL 33431 (Address)

The Honorable Judge George Butner emailed Patricia Moore a/k/a Patricia Hatamyar at her email address [okmoorelawfirm@gmail.com](mailto:okmoorelawfirm@gmail.com) belonging to Patricia Moore a/ka/ Patricia Hatamyar on July 25, 2018 as follows:

from: Butner, George <George.Butner@oscn.net>  
 to: "adamsshanda@gmail.com" <adamsshanda@gmail.com>,  
 "9hockeymom@gmail.com" <9hockeymom@gmail.com>,  
 "Kirby, Cindy A." <Cindy.Kirby@oscn.net>,  
 "okmoorelawfirm@gmail.com" <okmoorelawfirm@gmail.com>  
 cc: "Reynolds, Jill" <Jill.Reynolds@oscn.net>  
 date: Jul 25, 2018, 10:28 AM  
 subject: FW: Order On Pending Motions and Order Setting Hearing - FD-2015-4 (Lincoln Co.)  
 mailed-by: oscn.net

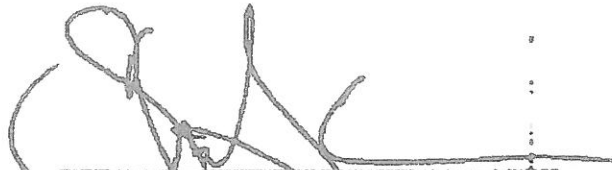
Under what proof and authority was Judge George Butner emailing Patricia Moore a/k/a Patricia Hatamyar at 520 NE 35st, Boca Rotan, Florida?



Under what authority for the adverse party Donald David Jones is Patricia Moore a/k/a Patricia Hatamyar appearing for Donald David Jones in these proceedings?

Shanda Adams keeps adding "rick dane moore" to her pleadings as follows but he has not made a "personal" appearance in the case.

: 2nd day of August 2018,



~~Rick D. Moore, OBA No. 12148~~  
Shanda Adams, OBA No. 30811  
RICK D. MOORE AND ASSOCIATES, PLLC  
PO Box 721775  
Norman, Ok 73070  
Telephone: 405-366-0373  
Attorneys for the Respondent


Shanda Adams most recently added Rick Dane Moore under her name with an OBA # of 12148 but Rick Dane Moore has not made an appearance.

He has not signed an entry of appearance in FD 2015-0004 or Supreme Court Case 117025 or 117086. He has not signed one pleading in the case, yet his "name" appears.

Under what authority and how is he appearing? Until the Court address these facts, Appellant hereby requests these proceedings be stayed in the interest of justice.

Dated: August 4, 2018

Respectfully Submitted,

  
~~Josephine Jones~~  
Pro Se Litigant  
PO Box 2014  
Tryon, Oklahoma 74875  
405-240-4451

**Certificate of Service:**

A true and exact copy of this pleading was mailed postage pre-paid to the Law Office of Rick Dane More and Rick Dane Moore and Associates, 30630 Western Avenue, Norman, Oklahoma 73072 and 520 NE 35<sup>th</sup> St, Boca Rotan, Florida 33431.

# APPENDIX G



**ORIGINAL**

THIS OPINION HAS BEEN RELEASED FOR PUBLICATION BY ORDER OF  
THE COURT OF CIVIL APPEALS

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION IV

FILED  
COURT OF CIVIL APPEALS  
STATE OF OKLAHOMA

IN RE THE MARRIAGE OF: )

ALBERTA ROSE JONES, )

Petitioner/Appellant, )

vs. )

DONALD DAVID JONES, )

Respondent/Appellee. )

MAR 15 2023

JOHN D. HADDEN  
CLERK

Case No. 117,025

APPEAL FROM THE DISTRICT COURT OF  
LINCOLN COUNTY, OKLAHOMA

HONORABLE GEORGE BUTNER, TRIAL JUDGE

Rec'd (date)	3-15-23
Posted	<i>JK</i>
Mailed	<i>JK</i>
Distrib	<i>JK</i>
Publish	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

**AFFIRMED**

Anita F. Sanders  
ANITA F. SANDERS LAW FIRM  
Oklahoma City, Oklahoma

For Petitioner/Appellant

Shanda L. Adams  
JUSTICE LEGAL TEAM, PLLLP  
Oklahoma City, Oklahoma

For Respondent/Appellee

OPINION BY JOHN F. FISCHER, JUDGE:

¶1 Alberta Rose Jones appeals various district court rulings related to and including the divorce Decree entered in this marriage dissolution action she filed against Appellee Donald David Jones. The substance of her appeal asserts that the “default decree” is void because she did not receive the required notice of the hearing when the Decree was entered. That contention is not supported by the record. Further, Alberta failed to preserve appellate review for any of the issues argued in her appellate briefing. Nonetheless, we review the Decree for fundamental error. Finding none, we affirm.

BACKGROUND

¶2 Alberta and Donald were married in 1980 in California. In 2011, the couple separated and Alberta moved to Oklahoma while Donald remained in California. In January of 2015, Alberta filed a petition for dissolution of marriage in Lincoln County, Oklahoma, and served Donald in California by certified mail. The district court granted Donald an extension of time to answer until February 24, 2015, based, in part, on Donald’s representation that Alberta had agreed to his request for an extension. Donald timely filed an answer and permissive counterclaim. Alberta filed an answer to the counterclaim and the case proceeded, although slowly and contentiously.

¶3 For example, Donald filed his initial discovery request on February 26, 2015, which Alberta received on March 6, 2015. Alberta's attorney withdrew from the case and Alberta proceeded pro se. Alberta refused to answer the discovery requests despite being ordered by the court to do so on May 19, 2015, and April 27 and May 17 of 2016. On June 9, 2016, Donald filed a motion for an order sanctioning Alberta for refusing to comply with the district court's discovery orders. The matter was heard on July 5, 2016.

¶4 However, prior to that hearing, Alberta filed several matters including a statement that she had not received Donald's June 9, 2016 motion. She also filed a sworn declaration stating that she was unable to attend the July 5, 2016 hearing because she would be on vacation and was not going to change her plans.

Nonetheless, Alberta did appear at the hearing according to a court minute filed in the case.<sup>1</sup> However, before Donald's motion was considered, the original judge assigned to the case heard and granted Alberta's motion to recuse. As a result, consideration of Donald's motion for an order sanctioning Alberta for refusing to comply with the district court's previous discovery orders was delayed. Donald's motion was finally heard on April 25, 2018.

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<sup>1</sup> This and certain other filings discussed in this Opinion were not included in the record but are available on [www.oscn.net](http://www.oscn.net). This Court "may review information found on Oklahoma district court appearance dockets . . . ." Okla.Sup.Ct.R. 1.1(d), 12 O.S.2021, ch. 15, app. 1.

¶5 In addition, Alberta has caused the prosecution of this case to be delayed by filing numerous motions to disqualify the judges assigned to her case. Alberta's first motion to recuse the Lincoln County judge originally assigned to this case was denied, but she was not deterred. Over the course of the next year, she filed four separate motions to recuse that judge, including the motion granted at the July 5, 2016 hearing.

¶6 In 2016, the Supreme Court assigned a district court judge sitting in Wewoka to this case. Wewoka is in Seminole County, a county adjoining Lincoln County and approximately a one-hour drive from the Lincoln County courthouse in which Alberta filed this case. Alberta filed successive motions to recuse the new judge appointed to her case, or to transfer the case to a different judge, or to change venue. Those motions were unsuccessful but delayed resolution of the case while the motions were pending.

¶7 Further, Alberta filed several motions and other documents challenging the district court's personal jurisdiction over Donald and the court's subject matter jurisdiction over the marital estate in California, despite the fact that she had voluntarily initiated this litigation in Oklahoma, and Donald had appeared without objection to the Oklahoma court's jurisdiction and had requested affirmative relief. All of Alberta's challenges to the district court's jurisdiction were denied. But, Alberta's jurisdictional challenges were so numerous and meritless that the district

court, in an April 25, 2018 sanctions Order, “prohibited and enjoined” her from refileing or reasserting any claims relating to the “Jurisdiction of this Court.”

¶8 On August 23, 2017, Donald filed a motion to enter the matter on the trial docket, and a motion to settle an order granting his motion for discovery sanctions. A proposed sanctions order was attached to Donald’s motion. By an order signed and emailed to the parties, including Alberta, on November 13, 2017, but not filed until November 15, 2017, the district court set several matters for hearing, including Donald’s motions. The hearing was set for November 30, 2017, “in the South Courtroom, Seminole County Courthouse, Wewoka, Oklahoma.” The district court advised the parties that: “FAILURE TO ATTEND MAY RESULT IN THE DISMISSAL OF THE ACTION OR THE GRANTING OF A DEFAULT JUDGMENT.” In addition, the court advised the parties to “be familiar with and comply with the requirements of District Court Rule 5, Rules for District Courts of Oklahoma,” which governs pretrial proceedings.

¶9 Alberta and Donald appeared at the November 30 hearing. However, before proceeding to resolve the matters set for hearing, Alberta again sought removal of the district judge. The judge allowed Alberta to file a written request for the judge’s recusal *instanter* and to present evidence and argument in support of her motion during an *in camera* hearing. The court denied her motion and advised Alberta she had five days to appeal the denial of her motion for recusal.



¶10 Alberta did so by filing a petition with the Chief Judge of the judicial district. Alberta's petition was set for hearing on December 21, 2017, in Newkirk, Oklahoma, in the courtroom of the Chief Judge. Alberta filed a request to reschedule the hearing date complaining that she had not received ten days' advance notice of the hearing and advising the court that she would be on vacation until January 1, 2018. The Chief Judge denied Alberta's request for the recusal of the district judge assigned to her case on January 31, 2018.

¶11 In an order filed on March 1, 2018, but signed and emailed to the parties, including Alberta, on February 27, 2018, the district court noted that Alberta's most recent motion for recusal had been denied and that no appeal of that order had been filed. The court then ordered that: "all pending matters in regard to the divorce proceedings in the above-captioned case be . . . set for hearing and resolution before the undersigned Judge in the South Courtroom, 2<sup>nd</sup> floor, Seminole County Courthouse, Wewoka, OK on the 23<sup>rd</sup> day of April, 2018 at 8:30 o'clock a.m." Donald's August 23, 2017 motion to settle order on discovery sanctions and his motion to enter the case on the trial docket were again set to be resolved at the April hearing. In addition, the parties were ordered to exchange witness and exhibit lists, provide a "signed and sworn affidavit of income and expenses," provide a list of assets and liabilities with values and recommendations regarding how they should be divided for property division, a statement of

uncontested facts, and a list of disputed issues with a written recommendation for their resolution. The parties were ordered to comply “within 20 days of this date, February 27, 2018.”

¶12 On April 12, 2018, Donald filed and served Defendant’s Motion in Limine. The motion was mailed to Alberta by certified mail on April 11, 2018. In that motion, Donald stated that the documents that the district court ordered on February 27 to be exchanged “within 20 days” were due on March 19, 2018, but that Alberta had failed to provide any of the court-ordered documents. Donald moved “pursuant to 12 O.S. § 3227, and Rule 5(J) of the rules for the District Courts of Oklahoma” for discovery sanctions “or, in the alternative, default judgment against the Plaintiff, pursuant to 12 O.S. § 3237(B)(2)(c).” Alberta did not respond to Donald’s motion.

¶13 However, on April 20, 2018, three days before the scheduled hearing, Alberta filed her “Exhibits Submitted by Plaintiff Alberta Rose Josephine Jones in Support of Her Opposition to these Proceedings and Non Participation.” Although Alberta had attended the November 30, 2017 hearing in Wewoka, she stated in her April 20 filing: “Plaintiff Alberta Rose Josephine Jones will not be attending any more hearings in Wewoka, Oklahoma.” The exhibits attached to Alberta’s statement of non-participation were not responsive to the district court’s March 1, 2018 order but reasserted her jurisdictional argument. Alberta also attached an

order dismissing the lawsuit she had filed in the United States District Court for the Western District of Oklahoma, and in which she had named various defendants including Donald, his counsel and the district judge.

¶14 Alberta's federal case, CIV-17-1287-HE, was dismissed on February 21, 2018, without leave to amend for Alberta's failure to assert a colorable federal claim and failure to establish diversity of citizenship. The federal court noted the similarity of Alberta's invalid "litigation positions" in other federal litigation and her refusal to cooperate in discovery in that case. Alberta was: "advised that further pursuit of cases like this one in federal court may result in the imposition of filing restrictions or other sanctions." Alberta's appeal of this ruling to the United States Court of Appeals for the 10th Circuit was unsuccessful but continued to disrupt the divorce proceeding.

¶15 For example, at the April 23, 2018 hearing, the district court inquired as to whether the federal courts had stayed the State court proceeding. When advised that no stay had been entered, the court proceeded with the scheduled hearing. The court noted that Alberta did not appear, and had filed her April 20, 2018 notice of non-participation indicating that "she will not be present today." In a detailed, fact-specific Order granting discovery sanctions filed on April 25, 2018, the district court found that Alberta had failed to respond to Donald's discovery requests despite being ordered to do so on three occasions more than one year earlier. The

court also found that by failing to comply with the court's March 1, 2018 order, Alberta did not intend to call any witnesses, other than herself, or rely on any exhibits. As a discovery sanction, the court ordered that Alberta was precluded from presenting any physical evidence and from calling any witnesses other than herself or Donald. The court struck various pleadings and prohibited Alberta, "upon penalty of contempt," from refileing or asserting "[a]ll claims relating to Jurisdiction of this Court." The district court granted Donald's request for discovery sanctions and ordered Alberta to pay \$5,100 of the \$10,000 in attorney fees Donald requested. The sanctions Order that the district court entered was essentially the order proposed by Donald and attached to his August 23, 2017 motion served on Alberta eight months earlier.

¶16 At this point in the hearing, Donald's counsel raised the issue of Alberta's default. The district court found that Alberta was in default and proceeded to hear evidence regarding the substantive issues in the divorce action. Donald, who had traveled from California to attend the hearing, was called to testify. After being sworn, Donald responded to questions from his counsel and a lengthy examination by the court, providing evidence supporting the property values and recommended property division addressed in the written exhibits he had filed in response to the district court's March 1, 2018 order. Donald's counsel offered a proposed decree consistent with Donald's evidence and the court took the matter under advisement.

On April 25, 2018, the district court granted the parties a divorce and entered the Decree which is the subject of this appeal.

#### SCOPE OF REVIEW

¶17 Alberta filed her initial petition in error on May 18, 2018, attaching a copy of the April 25, 2018 divorce decree. In that appeal, Alberta sought review of the Decree and the April 25, 2018 sanctions Order.<sup>2</sup> However, prior to filing the May 18 petition in error, Alberta filed two motions to vacate the Decree and the April 25, 2018 sanctions Order, and a separate motion for new trial. These pleadings were filed on April 27, April 30 and May 2, 2018, respectively, all within ten days of the filing of the April 25, 2018 Decree and sanctions Order.

If a motion for new trial . . . or to . . . vacate . . . is filed by any party not later than ten (10) days after the judgment, decree or final order is filed . . . the appeal time for any party to the action shall not begin to run until the motion shall have been disposed of.

Okla.Sup.Ct.R. 1.22(c)(1), 12 O.S.2021, ch. 15, app. 1. *See also* 12 O.S.2021

§ 990.2(A). Consequently, Alberta's May 18, 2018 petition in error, and her June 8, 2018 petition in error, were premature. *See* Okla.Sup.Ct.R. 1.26(c), 12 O.S.2021, ch. 15, app. 1.

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<sup>2</sup> On May 30, 2018, the Supreme Court ordered Alberta to file an amended petition in error "attaching both the Decree and the Sanctions Order filed April 25, 2018, from which Appellant appeals." In response to this Order, Alberta filed an amended petition in error on June 8, 2018, but only attached the April 25, 2018 sanctions Order. Donald filed a motion to dismiss Alberta's appeal for failure to comply with the Supreme Court's May 30, 2018 Order. The Supreme Court denied Donald's motion prior to assignment of the appeal to this Court.

¶18 The district court denied all three of Alberta's post-trial motions by an order filed on July 26, 2018. On July 10, 2018, before the district court resolved Alberta's post-trial motions, the Oklahoma Supreme Court ordered Alberta to show cause why her appeal should not be dismissed as premature. In her response, Alberta quoted from the district court's July 26, 2018 Order denying her post-trial motions. According to the Supreme Court's July 31, 2018 Order, Alberta's response satisfied the Court's inquiry as to the prematurity of her appeal, and the appeal was allowed to proceed subject to an order requiring Alberta to "file an amended petition in error . . . attaching a file-stamped, certified copy of the trial court's July 26, 2018 'Order on Pending Motions' which disposes of Appellant's motion to vacate Decree in accordance with Oklahoma Supreme Court Rule 1.25(a)." She did not.

¶19 Alberta did request an extension of time to file a new petition in error. That request was granted in an August 7, 2018 Order which provided, in part: "Appellant shall file an amended petition in error attaching all orders appealed from on or before August 20, 2018. No further extensions of time will be granted."

¶20 On August 20, 2018, Alberta filed a third petition in error, but the only order she attached and sought review of was a February 6, 2015 district court order granting Donald's motion for extension of time to respond to Alberta's initial

petition for divorce. Despite being specifically ordered to do so, Alberta did not attach the district court's July 26, 2018 Order on Pending Motions which denied her post-trial motions. Nonetheless, when a litigant files a motion to vacate or a motion for new trial within ten days, as Alberta did in this case, and the motion is denied, "the moving party may appeal from the . . . ruling on the motion . . . within thirty (30) days after the filing of the order disposing of the motion." 12 O.S.2021 § 990.2(A).

¶21 However, a party is not required to appeal from the order denying a post-trial motion. *Id.* ("[T]he moving party may appeal from the judgment, decree or final order, from the ruling on the motion, or from both, in one appeal . . ."). In neither her August 20, 2018 third petition in error nor in any of her previous appellate filings has Alberta sought review of the district court's July 26, 2018 order. And, the time to appeal the district court's July 26, 2018 order has long passed. "An appeal to the Supreme Court of Oklahoma, if taken, must be commenced by filing a petition in error with the Clerk of the Supreme Court of Oklahoma within thirty (30) days from the date a judgment, decree, or appealable order . . . is filed . . . ." 12 O.S.2021 § 990A(A). Any error in denying Alberta's post-trial motions has been abandoned and not preserved for review.

¶22 In her final petition, Alberta contended that she had never seen a copy of the district court's February 6, 2015 order granting Donald an extension of time to

answer. She identified the issues to be raised on appeal as (1) insufficiency of service of process, (2) that she had never issued summons or served Donald with her 2015 divorce petition within 180 days, and that Donald had not issued summons for the counterclaim he filed as required by law, (3) “Fraud on the Court,” and (4) no waiver of service of summons had been filed. Not only did Alberta’s third petition in error completely disregard what she had twice been ordered by the Supreme Court to do, but also, this petition failed to comply with 12 O.S.2021 § 990A(F)(1) and Supreme Court Rule 1.26(c), 12 O.S.2021, ch. 15, app. 1 (governing the filing of a supplemental petition in error after the filing of a premature petition in error).

¶23 These substantial procedural defects notwithstanding, appellate review in this appeal is ultimately limited by Alberta’s May 2, 2018 motion for new trial. “If a motion for new trial be filed and a new trial be denied, the movant may not, on the appeal, raise allegations of error that were available to him at the time of the filing of his motion for a new trial but were not therein asserted.” 12 O.S.2021 § 991(b).

¶24 Alberta’s motion for new trial asserted two purported errors: (1) the April 25, 2018 sanctions Order did not contain the attachments represented as being attached to that Order; and (2) the April 25, 2018 journal entry and Decree each contain a scrivener’s error which identified Donald’s counsel as the “attorneys for



petitioner.” Neither of these issues is addressed in Alberta’s brief in chief. Consequently, Alberta has waived appellate review of the issues raised in her motion for new trial. *See Cox Okla. Telecom, L.L.C. v. State of Okla. ex rel. Okla. Corp. Comm’n*, 2007 OK 55, ¶ 33, 164 P.3d 150 (“The court has on many occasions said that judicial review will not be given to issues that receive only superficial treatment in an appellate brief or to assignments of error that lack a reasoned argument or supporting authority.” (footnote omitted)). “Issues . . . omitted from the brief may be deemed waived.” Okla.Sup.Ct.R. 1.11(k)(1), 12 O.S.2021, ch. 15, app. 1.

¶25 As a result, Alberta has not preserved for appellate review any error she has asserted with respect to the April 25, 2018 Decree or sanctions Order. We are also precluded from reviewing any error asserted with respect to the district court’s February 6, 2015 order. That is the only order Alberta sought to have reviewed in her final petition in error filed August 20, 2018. However, that petition in error was filed three-and-one-half years too late to review the February 2015 order, assuming it was reviewable if the petition had been timely filed. In addition, any error regarding granting Donald an extension of time to answer was not addressed in Alberta’s brief in chief and is deemed waived. *Id.*

¶26 Without regard to Alberta’s failure to preserve review of any assignment of error, an appellate court “may review claims which relate to alleged deprivations of

due process of law despite a failure to preserve error.” *Patterson v. Beall*, 2000 OK 92, ¶ 1, 19 P.3d 839 (citations omitted). Fundamental error remains reviewable by the appellate court even if not addressed in the appellate briefs. *Sullivan v. Forty Second West Corp.*, 1998 OK 48, ¶ 4, 961 P.2d 801. This is because fundamental error “compromises the integrity of the proceeding to such a degree that the error has a substantial effect on the rights of one or more of the parties.” *Id.* ¶ 7 (citation omitted). Based on this authority, we will review Alberta’s claim that she was not provided the required notice of the proceeding that resulted in the April 25, 2018 Decree and that the entry of the Decree violated her right to due process of law.

#### STANDARD OF REVIEW

¶27 Whether an individual’s due process rights have been violated is a question of law reviewed de novo, “meaning they are subject to an appellate court’s plenary, independent, and nondeferential re-examination.” *Cole v. State ex rel. Dep’t of Pub. Safety*, 2020 OK 67, ¶ 6, 473 P.3d 467.

#### ANALYSIS

¶28 We begin by noting that, during this appeal, Alberta removed the divorce action pending in the Oklahoma district court to the United States District Court for the Western District of Oklahoma, case number CIV-18-1171-HE. She notified the Supreme Court of her action which resulted in an Order filed December 7,

2018, staying further proceedings in this appeal. The federal court remanded the divorce action to the district court on December 17, 2018, finding an absence of any basis for the removal. The federal court also dismissed a second-filed action, case number CIV-18-1193, for lack of subject matter jurisdiction and failure to state a claim on which relief could be granted. Because Alberta appealed both of these rulings to the United States Court of Appeals for the 10th Circuit, the Oklahoma Supreme Court, on several occasions, continued the December 2018 stay of this appeal, directing Alberta to advise the Court of the status of the 10th Circuit appeal. In an Opinion filed June 22, 2020, the 10th Circuit affirmed the federal district court rulings, including the filing restrictions imposed by that court. Alberta did not advise the Supreme Court of the 10th Circuit's ruling, but Donald did so on September 15, 2020. The Supreme Court lifted the stay on October 16, 2020, and the appeal proceeded after a two-year delay.

¶29 In her appellate briefing, Alberta claims that the April 25, 2018 Decree, entered in her absence at the April 23, 2018 hearing, is void. Alberta's specific argument is that the Decree was entered by default and that she was not provided the required notice in advance of the hearing in which the Decree was entered in violation of her right to due process of law.<sup>3</sup>

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<sup>3</sup> Alberta's brief in chief also contains an argument that California is the proper venue regarding the marital estate located in California. This issue was not raised in Alberta's May 2, 2018 motion for new trial and will not be addressed for the reasons previously discussed.

## I. Due Process

¶30 A party's due process rights are protected by the state and federal constitutions. *Flandermeyer v. Bonner*, 2006 OK 87, ¶ 9, 152 P.3d 195. "Due process requires an orderly proceeding adapted to the case in which the parties have an opportunity to be heard, and to defend, enforce and protect their rights." *Malone v. Malone*, 1979 OK 21, ¶ 4, 591 P.2d 296 (footnote omitted). "Due process is flexible and calls for such procedural protections as the particular situation demands." *Flandermeyer*, 2006 OK 87, ¶ 10 (footnote omitted). That flexibility may require balancing a party's due process rights against a party's dilatory litigation tactics, but not "at the expense of a litigant's due process rights." *Price v. Zhang*, 2022 OK 95, ¶ 16, 521 P.3d 795.

¶31 "Due process is implicated in a divorce proceeding." *Flandermeyer*, 2006 OK 87, ¶ 9 (footnote omitted). In a divorce proceeding, "the fundamental requirement of due process of the opportunity to be heard in a meaningful time and in a meaningful manner must be satisfied." *Price*, 2022 OK 95, ¶ 11. When the district court "sets a hearing which could result in a ruling dispositive of an action," personal notice is required. *Id.* ¶ 16. "Notice is . . . a fundamental element of due process." *Cate v. Archon Oil Co. Inc.*, 1985 OK 15, ¶ 10, 695 P.2d 1352 (footnote omitted). "Due process requires personal notice of a hearing, either through personal service or mail." *Price*, 2022 OK 95, ¶ 15 (citing *Heiman v.*

*Atlantic Richfield Co.*, 1991 OK 22, 807 P.2d 257). Specific to Alberta's argument, Rule 10 of the Rules for District Courts of Oklahoma addresses the notice required when a party seeks relief based on an opponent's default.

## II. Alberta's Rule 10 Notice Argument

¶32 Alberta invokes Rule 10 by characterizing the April 25, 2018 Decree as a "default divorce decree." "A default judgment is a judgment entered against a party because of that party's failure to comply with a command imposed by law." *Powers v. Dist. Ct. of Tulsa Cnty.*, 2009 OK 91, n.6, 227 P.3d 1060. A default judgment may be entered at the request of an opposing party or by the court when authorized by law to do so.

¶33 When a party files a motion requesting a default judgment, Rule 10 governs the required notice and procedure.

In matters in default in which an appearance, general or special, has been made or a motion or pleading has been filed, default shall not be taken until a motion therefore has been filed in the case and five (5) days notice of the date of the hearing is mailed or delivered to the attorney of record for the party in default or to the party in default if he is unrepresented or his attorney's address is unknown.

Okla.Dist.Ct.R. 10, 12 O.S.2021, ch. 2, app. However, when a party has not requested that relief, the power of the district court to enter a default judgment *sua sponte* depends on the authority authorizing the court to act. *See Payne v. DeWitt*, 1999 OK 93, ¶ 9, 995 P.2d 1088 (stating that section 3237 "allows the trial court to

sanction a disobedient party by dismissal of its claim or by a default judgment.”

(footnote omitted)).

¶34 Alberta relies solely on the notice requirement in the first paragraph of Rule 10 to argue that the Decree should be vacated. Alberta cites the Supreme Court’s decisions in *Schweigert v. Schweigert*, 2015 OK 20, 348 P.3d 696, and *Velasco v. Ruiz*, 2019 OK 46, 457 P.3d 1014, in support of her contention that the Decree is void for entry without the required Rule 10 notice.

¶35 In both *Schweigert* and *Velasco*, the Court construed the notice requirements for obtaining a default judgment authorized by the first paragraph of Rule 10, “in which an appearance, general or special, has been made or a motion or pleading has been filed . . . .” As stated by the Court in *Schweigert*: “The dispositive question raised for our review is whether a party must file a motion for default and give the adverse party notice under Rule 10 of the Rules for District Courts . . . when the adverse party fails to file an answer or an entry of appearance but physically appears at a hearing.” *Schweigert*, 2015 OK 20, ¶ 1. The *Velasco* Court, citing the first paragraph of Rule 10, found “troubling” the movant’s failure to provide notice of the motion seeking judgment by default after the respondent filed a special appearance and objection to the court’s jurisdiction. *Velasco v. Ruiz*, 2019 OK 46, ¶ 13.

¶36 In this case, Donald had filed an answer and counterclaim to which Alberta had filed an answer and the case was at issue as of March 17, 2015. Although these facts distinguish this case from *Schweigert* and *Velasco*, the distinction does not materially affect application of the holding in those cases as it relates to the Rule 10 notice issue. Nonetheless, *Schweigert* and *Velasco* are not dispositive of the notice issue in this case. Alberta contends that the Decree was entered pursuant to Donald's oral motion for a default judgment made at the April 23, 2018 hearing, which failed to comply with the notice requirements of Rule 10. If that were so, *Schweigert* and *Velasco* would control. However, Alberta's characterization of the record is wrong.

¶37 Alberta's argument ignores the fact that the district court's March 1, 2018 Order containing the notice of the April 23, 2018 hearing also ordered the parties to exchange, "within 20 days of this date, February 27, 2018," witness and exhibit lists, an affidavit of income and expenses, tax returns for the past three years, evidence of medical insurance and premium costs, a list of monthly living expenses, a list of assets, liabilities and marital debts with the parties' recommendation as to how the marital estate should be divided, and a statement of the disputed issues with written recommendations as to how those issues should be resolved.

¶38 When Alberta chose not to comply with the court's order, Donald filed Defendant's Motion in Limine on April 12, 2018. In this motion, Donald renewed his request for discovery sanctions which were the subject of his pending August 23, 2017 motion. However, the primary focus of Donald's motion was his new request for entry of a judgment based on Alberta's most recent refusal to comply with a district court discovery order – her total failure to comply in any respect with the court's March 1, 2018 Order. Although Donald titled his filing as a motion in limine, the “meaning and effect of an instrument filed in court depends on its contents and substance rather than on the form or title given it by the author.” *Whitehorse v. Johnson*, 2007 OK 11, n.13, 156 P.3d 41. “The function of a motion in limine is to preclude introduction of prejudicial matters to the jury.” *Middlebrook v. Imler, Tenny & Kugler M.D.'s, Inc.*, 1985 OK 66, ¶ 12, 713 P.2d 572 (citation omitted). In substance, Donald's April 12, 2018 motion was not a motion in limine; it was a motion for a default judgment and we treat it as such.

¶39 That motion was served on Alberta on April 11, 2018, twelve days before the April 23 hearing. In his motion, Donald advised the district court that the documents that the court ordered on February 27, 2018, to be exchanged were due on March 19, 2018, and that Alberta had failed to provide any of the court-ordered documents. For the first time, Donald moved “pursuant to 12 O.S. § 3227, and



Rule 5(J) of the rules for the District Courts of Oklahoma” for a “default judgment against the Plaintiff, pursuant to 12 O.S. § 3237(B)(2)(c).”

¶40 Completely absent from Alberta’s appellate briefing is any mention of Donald’s April 12, 2018 written motion for default judgment, and any argument that this motion was not received prior to the five days required by Rule 10. More importantly, Alberta’s appellate briefing is devoid of any argument purporting to show that she was not in default for refusing to comply with the district court’s March 1, 2018 Order.

¶41 Donald’s April 12, 2018 motion satisfied the notice requirements of the first paragraph of Rule 10.

### III. Alberta’s Default

¶42 Donald’s motion for default judgment and Alberta’s total disregard for three previous court orders to provide discovery are not the only bases for finding that Alberta was in default at the time of the April 23, 2018 hearing. Alberta’s willful refusal to comply with the district court’s March 1, 2018 order to exchange witnesses and exhibits justifies the court’s action as well. Section 3237 provides:

If a party . . . fails to obey an order to provide or permit discovery . . . the court in which the action is pending may make such orders in regard to the failure as are just. Such orders may include the following:

...

c. an order . . . rendering a judgment by default against the disobedient party.

12 O.S.2021 § 3237(B)(2)(c). Further, the district court's March 1, 2018 order, requiring the exchange of witnesses and exhibits in advance of the hearing, is a matter generally addressed in advance of a pretrial conference. *See*

Okla.Dist.Ct.R. 5, 12 O.S.2021, ch. 2, app. District Court Rule 5(J) provides:

“Default. Failure to prepare and file a scheduling order or pretrial order, failure to appear at a conference, appearance at a conference substantially unprepared, or failure to participate in good faith may result in any of the following sanctions: . . .

4. default judgment.”

¶43 Alberta has advanced no argument in her appellate briefing, nor has she cited to any portion of this record in an attempt to show that (1) she provided the discovery she had been previously ordered to provide on May 19, 2015, and April 27 and May 17 of 2016, or (2) that she was not in default of the district court's March 1, 2018 order to exchange witnesses and exhibits and other matters necessary for the preparation of the case for trial.

¶44 Finally, the Rule 10 notice requirement on which Alberta solely relies for her due process argument applies when a party files a motion for a default judgment. It does not apply when the district court acts independently, pursuant to its statutory authority granted in section 3237 to render a judgment against a party in default.

#### IV. Notice of the April 23, 2018 Hearing

¶45 Alberta does not argue that she did not receive the constitutionally required notice of the April 23, 2018 hearing which resulted in the Decree. That argument is not available to her, nor could she make such an argument. After being notified of that hearing, Alberta advised the district court that she would not attend. And, Alberta knew the purpose of that hearing and what matters would be addressed.

¶46 The court's March 1, 2018 Order set for hearing on April 23, "all pending matters in regard to the divorce proceedings" and concluded by advising the parties that "the court will issue any and all necessary orders." In effect, the March 1, 2018 Order reset for hearing the matters the district court had originally set for hearing on November 30, 2017. The November 30 hearing was set pursuant to the court's November 15, 2017 Order which also lifted a stay the court had previously granted while Alberta pursued disqualification of the district judge.

¶47 However, the matters originally set for hearing on November 30 were not heard on that date because Alberta appeared at the hearing in Wewoka and filed yet another, although ultimately unsuccessful, motion to recuse the assigned judge. Nonetheless, Alberta's filing delayed resolution of the merits of the matters set for hearing on November 30, 2017, until the April 23, 2018 hearing.

¶48 As previously discussed, the November 15, 2017 Order setting the November 30 hearing advised Alberta that: "FAILURE TO ATTEND MAY

RESULT IN THE DISMISSAL OF THE ACTION OR THE GRANTING OF A DEFAULT JUDGMENT.” In addition, the court directed Alberta to “be familiar with and comply with the requirements of District Court Rule 5, Rules for the District Courts of Oklahoma.” The November 15 Order specifically advised Alberta that her failure to attend could result in the grant of a default judgment. But also, District Court Rule 5(J) authorizes the court to enter a default judgment when a party fails to appear at a conference, appears at a conference substantially unprepared, or fails to participate in good faith in the preparation of the case for trial. Alberta was advised as early as November 15, 2017, that her failure to appear at the April 23, 2018 hearing could result in the entry of a default judgment, and Alberta does not argue otherwise.

¶49 Yet, in her appellate briefing, Alberta claims that she “filed a motion indicating her unavailability” on April 23, 2018. This misrepresents the record. No such motion appears in this record, nor does Alberta cite to any portion of the record supporting that claim. Three days in advance of that hearing, Alberta did file a document notifying the district court that: “Plaintiff Alberta Rose Josephine Jones will not be attending any more hearings in Wewoka, Oklahoma.” No explanation was provided, no conflict with her schedule was identified, and no request was made to reset the April 23 hearing to another date on which she could attend.

¶50 Even more misleading is Alberta's contention that she "had requested to participate by telephone on April 23, 2018, which the court denied in her absence." It is clear why Alberta does not cite the portion of the record where this request was made. It does not exist. Alberta had filed a Motion to Appear Telephonically on September 25, 2017, but that motion was directed to a hearing set for September 29, 2017. That hearing did not occur because Alberta filed a motion to recuse the district judge which stayed further proceedings. In its November 15, 2017 order lifting that stay, the district court correctly determined that Alberta had exhausted her efforts to remove the district judge and that her September 25, 2017 motion for telephonic participation was moot. The only explanation in this record for Alberta's absence from the April 23, 2018 hearing was best stated by the district court as: "the complete disregard that this Petitioner has for the orders of the state court."<sup>4</sup>

#### V. The April 25, 2018 Sanctions Order

¶51 We do not review the April 25, 2018 sanctions Order for fundamental error based on lack of notice because it is undisputed that Alberta received the district court's March 1, 2018 order setting "all pending matters" for hearing in Wewoka

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<sup>4</sup> Alberta's appellate briefing refers to that portion of the April 23, 2018 hearing transcript where the district court discussed its ruling on the September 2017 motion. But Alberta takes this discussion out of context in an effort to contrive some excuse for her absence, other than her own willful disobedience of the district court's order, from the April 23 hearing.

on April 23, 2018. First, in its July 26, 2018 order denying Alberta's post-trial motions, the district court found that Alberta had been properly notified of the April 23 hearing. Alberta has not sought to and cannot challenge that finding in this appeal. Second, Alberta filed a document in advance of the April 23 hearing notifying the district court that she would not be attending the hearing or "any more hearings in Wewoka, Oklahoma."

¶52 One of the "pending matters" for the April 23, 2018 hearing was Donald's August 23, 2017 motion for discovery sanctions. The district court granted that motion, imposed the requested evidentiary sanctions, prohibited Alberta from introducing evidence and essentially limited the trial of the case to the evidence submitted by Donald, subject to cross-examination by Alberta and any testimony she chose to provide. The district court did so pursuant to its authority granted in section 3237(B) of the Discovery Code:

If a party . . . fails to obey an order to provide or permit discovery . . . the court in which the action is pending may make such orders in regard to the failure as are just. Such orders may include the following:

- a. an order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order,
- b. an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence . . . .

12 O.S.2021 § 3237(B)(2). The district court's statutory authority to grant the relief provided in the April 25, 2018 sanctions Order is clear and unchallenged. And, as previously discussed, Alberta failed to preserve review of any error regarding the April 25, 2018 sanctions Order, assuming there was one, an assumption we find no basis to entertain.

¶53 More importantly, Alberta's due process challenge to the April 25, 2018 Decree fails to address the significance of the April 25, 2018 sanctions Order. As a result of her repeated misconduct during the litigation, any trial held after April 23, 2018, would have only provided Alberta the opportunity to testify and cross-examine Donald regarding the value and equitable division of the marital estate. These due process opportunities are not insignificant. *See Jackson v. Indep. Sch. Dist. No. 16 of Payne Cnty.*, 1982 OK 74, ¶ 11, 648 P.2d 26 ("The purpose of any due process proceeding is to afford the opportunity to each person to present evidence and arguments in a forum which provides fair and equal justice."). And, entry of a judgment based on a party's default does not, in and of itself, prevent the party from participating in subsequent proceedings. *See also Payne v. DeWitt*, 1999 OK 93, ¶ 12, 995 P.2d 1088 ("A default declaration, imposed as a § 3237(B)(2) sanction, cannot extend beyond saddling the defendant with liability for the harm occasioned and for the imposition of punitive damages."); *Bishop v. Bishop*, 1958 OK 16, ¶ 0, 321 P.2d 416 (Syllabus 4) ("Excluding a defendant from

participation in any feature of the divorce for failure to pay suit money, alimony or child support as ordered, is a denial of due process . . . .”). However, there is a difference between a court ordering that a party may not participate in a hearing and a party who expressly refuses the opportunity to participate.

¶54 At the April 23 hearing, after the district court found that Alberta was in default, there remained for determination (1) the value of the marital estate, and (2) a division of the marital property the court finds is “just and reasonable.” 43 O.S.2021 § 121(B). As evident from the hearing transcript, the district court proceeded to do just that. The district court did not enter a “default divorce decree,” as Alberta contends. The district court proceeded to hear Donald’s evidence regarding the value of the marital estate, the parties’ assets and liabilities, and Donald’s proposal for an equitable division of their jointly owned property. As stated in its Journal Entry of April 23, 2018, the district court denied Donald’s motion to enter as moot, found Alberta “in Default for failure to appear as Ordered on this date,” and then heard “Respondent’s testimony and evidence.”

¶55 At the conclusion of the evidentiary portion of the April 23 hearing, the district court did not immediately enter the Decree, but took the matter under advisement and reviewed the proposed divorce decree submitted by Donald. On April 25, the district court granted the parties the divorce Alberta had first



requested more than three years earlier and entered the Decree Alberta challenges in this appeal.

¶56 Despite finding Alberta was in default, the district court did not prevent Alberta from participating in the evidentiary portion of the April 23, 2018 hearing. The opposite is true. The sanctions Order specifically provides that Alberta “may not: 1. Call any witness, other than herself and the Respondent, to testify as to any matter before the Court in this case . . . .” (emphasis added). Alberta did not appear and testify nor did she appear and cross-examine Donald. A default judgment may be entered against a party properly served and over whom the court has jurisdiction, if the party fails to appear, or “in consequence of the evidence presented.” *Choctaw Cnty. Excise Bd. v. St. Louis-San Francisco Ry. Co.*, 1969 OK 110, ¶ 11, 456 P.2d 545. The Decree was not entered because Alberta refused to appear at the hearing as ordered, “but in consequence of the evidence presented.” *Id.*

¶57 It is settled law that a party may choose to forego procedural opportunities afforded by due process. *Cole v. State ex rel. Dep’t of Pub. Safety*, 2020 OK 67, ¶ 16, 473 P.3d 467 (by ignoring the required procedure to request a hearing, a party “failed to avail himself of the opportunity for a hearing”). Even the constitutional requirement for notice may be waived. *Price v. Zhang*, 2022 OK 95, ¶ 11, 521 P.3d 795. “A waiver is defined as the voluntary or intentional relinquishment of a

known right.” *Faulkenberry v. Kansas City Southern Ry. Co.*, 1979 OK 142, ¶ 6, 602 P.2d 203 (footnote omitted).

¶58 Although the constitutional right to notice can be waived, that is not the issue here. Alberta received the required notice of the April 23, 2018 hearing. Then, she voluntarily and intentionally relinquished her right to “be heard” at the April 23 hearing by choosing not to attend. Alberta confirmed this relinquishment to the district court, in writing, on April 20, 2018, when she advised the court that she would “not be attending anymore hearings in Wewoka, Oklahoma.” Due process of law requires the court to give a litigant the opportunity to be heard; it does not require the court to seize an obstructive litigant, force them into court and require them to speak. There is no basis in this record on which to conclude that the April 25, 2018 Decree resulted from fundamental error.<sup>5</sup>

---

<sup>5</sup> During the course of this appeal, the parties have filed various motions and requests for relief, collateral to the issues addressed in their appellate briefing. Most of these filings have been resolved by the Supreme Court prior to assignment of the case to this Court. Four remain pending: (1) Alberta’s June 21, 2018 motion for sanctions, (2) Donald’s July 24, 2019 motion for sanctions, (3) Donald’s request for appeal-related attorney fees and costs included in his response brief, and (4) Anita Sanders’ June 30, 2021 motion to withdraw as appellate counsel for Alberta. The two sanctions motions and Anita Sanders’ June 30, 2021 motion to withdraw are resolved by a separate order filed with this appeal. Donald’s request for appeal-related attorney fees and costs does not satisfy the requirements of Supreme Court Rule 1.14, 12 O.S.2021, ch. 15, app. 1., and is denied without prejudice to refile in a rule-compliant form.

## CONCLUSION

¶59 Alberta received the constitutionally required notice of the April 23, 2018 hearing, scheduled to resolve “all pending matters.” But she chose not to appear. She informed the district court in writing that she would not attend that hearing. She did not request a continuance and she did not request to participate in the April 23 hearing by telephone. She simply ignored the district court’s order setting that hearing. The fact that Alberta chose not to take advantage of the opportunity to appear does not inject error into the proceeding conducted in her absence. The April 25, 2018 Decree is free from fundamental error and is affirmed.

¶60 AFFIRMED.

BLACKWELL, P.J., concurs in result, and WISEMAN, J., (sitting by designation), concurs.

March 15, 2023

# APPENDIX H

**ORIGINAL**



**FILED  
COURT OF CIVIL APPEALS  
STATE OF OKLAHOMA**

**IN THE SUPREME COURT STATE OF OKLAHOMA**

**MAR 30 2023**

**JOHN D. HADDEN  
CLERK**

ALBERTA ROSE JONES,

Appellant,

v.

DONALD DAVID JONES

Appellee.

117,025

Lincoln County Case No. FD 2015-004

Received:	
Document:	CS 2
Marshal:	
COA/OKC:	
COA/TUL:	

**PETITION FOR REHEARING  
AND**

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REHEARING**

COMES NOW, Alberta Rose Josephine Jones, respectfully filing her Petition for Rehearing and her motion for an extension of time to file her petition for rehearing.

As the record reflects, Appellant's former attorney Anita F. Sanders failed to immediately notify said Appellant of the final decree of the Oklahoma Court of Appeals sitting in Tulsa, Oklahoma.

Anita F. Sanders has not been acting as her attorney in these matters for almost two years. Ms. Sanders has refused to return Appellant's files in her divorce. Former attorney Alexander Bendar has the files on behalf of Ms. Sanders. Appellant's files are in his possession at the law offices of Ms. Sanders located at 830 NW 10<sup>th</sup> St, Oklahoma City, Oklahoma 73106.

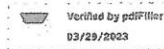
Appellant respectfully requests this court order Ms. Sanders to return Appellant complete divorce files immediately so Appellant may proceed with her Petition for Rehearing in these matters as well as a Writ of Certiorari to the United States Supreme Court.

Appellant Jones respectfully requests her Petitioner for Rehearing be based on the fact she currently has "no files" in her possession including the 95 page transcript from the hearing in Wewoka, Oklahoma on April 23, 2018. The transcript is also not in the district court as required by law.

Dated: March 29, 2023

Respectfully Submitted,

Alberta Rose Josephine Jones  
PO Box 188  
Tryon, Oklahoma 74875



**RECEIVED**

**MAR 30 2023**

**CLERK'S OFFICE**

Certificate of Service:

Copy emailed to Shanda L. Adams at adamsshanda@gmail.com and shanda@justicelegalteam.com

# APPENDIX I

ORIGINAL



IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION IV

FILED  
COURT OF CIVIL APPEALS  
STATE OF OKLAHOMA

APR - 7 2023

JOHN D. HADDEN  
CLERK


IN RE THE MARRIAGE OF: )  
)  
ALBERTA ROSE JONES, )  
)  
Petitioner/Appellant, )  
)  
vs. )  
)  
DONALD DAVID JONES, )  
)  
Respondent/Appellee. )

Case No. 117,025

ORDER

Appellant's Motion for Extension of Time to File Petition for Rehearing is granted. Appellant shall file her Petition for Rehearing on or before April 24, 2023. No further extension of time to file a Petition for Rehearing will be granted. Supreme Court Rule 1.13(b).

SO ORDERED this 5<sup>th</sup> day of April, 2023. ALL JUDGES CONCUR.

  
GREGORY C. BLACKWELL  
Presiding Judge, Division IV

Rec'd (date)	4-7-23
Posted	PC
Mailed	PC
Distrib	PC
Publish	yes <input checked="" type="checkbox"/>

# APPENDIX J



## **RULE 3.14 - REHEARING; REQUISITES OF PETITION**

### **Rule 3.14 Rehearing; Requisites of Petition**

- A. A petition for rehearing, unless otherwise ordered by this Court, shall be made by the attorney of record, and filed with the Clerk within twenty (20) days from the date on which the opinion in the cause was filed.
- B. A petition for rehearing shall not be filed, as a matter of course, but only for the following reasons:
- (1) Some question decisive of the case and duly submitted by the attorney of record has been overlooked by the Court,  
or
  - (2) The decision is in conflict with an express statute or controlling decision to which the attention of this Court was not called either in the brief or in oral argument.
- C. Such petition shall briefly state the grounds upon which the attorney of record relies for a rehearing. The overlooked question, statute or decision must be specifically set forth in the petition. If the application is granted, the cause shall be assigned for rehearing. Additional time may be granted for argument or briefing.
- D. If a petition for rehearing is not filed within twenty (20) days, the decision shall be final.
- E. A petition for rehearing may be filed only in regular appeals, as defined by Rule 1.2.

# APPENDIX K

## RULE 3.15 – MANDATE; STAY; FURTHER PETITION FOR REHEARING

### Rule 3.15 Mandate; Stay; Further Petition for Rehearing

**A. Issuance of Mandate.** After the expiration of twenty (20) days from the filing of a decision in any appeal filed with this Court, the Clerk shall issue a mandate to the court in which the Judgment and Sentence was rendered in accordance with the decision of this Court. This procedure shall not apply to original proceedings for extraordinary writs brought under Section X, of these Rules. PROVIDED HOWEVER, nothing in these Rules shall prohibit this Court, where necessary, from directing the issuance of the mandate forthwith upon the delivery and filing of the decision. The Court's action shall be without prejudice to the filing of a petition for rehearing as set out in Rule 3.14.

**B. Mandate Stayed.** If a petition for a rehearing is timely filed after the filing of a decision, the mandate shall not issue until the disposition of the petition for rehearing, unless the mandate was issued at the time of the filing of the decision, in which case the mandate may be withdrawn pending the resolution of the rehearing. After the ruling on the petition for rehearing, the mandate shall be issued forthwith. Provided, further, that in the event the petition for rehearing is granted and the decision originally rendered withdrawn, the aggrieved party shall have fifteen (15) days within which to file a petition for rehearing, but in no event shall either party be entitled to more than one (1) petition for rehearing. When the petition for rehearing has been decided, the mandate shall issue forthwith. The mandate shall not be recalled, nor stayed pending an appeal to any other court, nor shall bail be allowed by this Court pending appeal from a final decision of this Court, unless a majority of the Court, for good cause shown, recalls or stays the mandate.

# APPENDIX L

IN THE DISTRICT COURT  
TWENTY THIRD JUDICIAL DISTRICT  
SITTING IN LINCOLN COUNTY, OKLAHOMA

IN THE MARRIAGE OF: )  
ALBERTA ROSE JONES, )  
PETITIONER, )  
V. )  
DONALD DAVID JONES, )  
RESPONDENT. )

FILED

FEB 25 2015

CINDY KIRBY, COURT CLERK  
LINCOLN COUNTY, OKLAHOMA

CASE NO.: FD-2015-04

ANSWER AND COUNTER-CLAIM

COMES NOW the Respondent, Donald David Jones, and for this his Answer to the Petition of the Petitioner on file herein would state and answer as follows:

1. The Respondent admits Paragraphs numbered 1, 2, 3, 4, 8, 9 and 10 of the Petitioner's Petition.

2. With regard to Paragraph number 5 of the Petitioner's Petition, the Respondent would state in connection therewith that the parties were married on or about February 26, 1980 in San Jose, California. That the parties separated on or about January 16, 2011. As such, to the extent that the Petitioner's allegations vary from that of the Respondent, the Respondent denies those allegations as set forth in Paragraph 5 of the Petitioner's Petition.

3. With regard to Paragraph number 6 of the Petitioner's Petition, the Respondent would admit that an incompatibility has arisen during the marriage of the Petitioner and the Respondent; however, the Respondent would deny that he is at fault with regard to same.

4. With regard to Paragraph number 7 of the Petitioner's Petition, the Respondent would state in connection therewith that three (3) children were born of the marriage, all of those children being over the age of eighteen (18) years and none of

which are regularly enrolled in high school at this time. As such, the Respondent denies that this Court has venue or jurisdiction over any child of the marriage and would further state in connection therewith that the child referenced in Paragraph 7 of the Petitioner's Petition is not a resident of the State of Oklahoma and is subject to guardianship proceedings in the State of California.

5. The Respondent denies all remaining allegations and averments of the Petitioner's Petition not specifically addressed hereinabove and demands strict proof thereof.

WHEREFORE, having fully answered, the Respondent prays for relief consistent with his Answer and Counter-claim on file herein together will all and further relief to which he might be entitled.

#### COUNTER CLAIM

COMES NOW the Respondent and for this his Counter-claim for Divorce against the Petitioner would state and allege as follows:

6. The Respondent restates and realleges so much of his Answer as may be applicable to the maintenance of a Counter-claim for Divorce against the Petitioner.

7. That an incompatibility has arisen between the Petitioner and the Respondent such that the Respondent is entitled to a Decree of Divorce between the Petitioner and the Respondent.

8. That the Respondent is entitled to an equitable division of property, both real and personal, acquired during coverture as well as an equitable division of debt. The Respondent is entitled to such separate properties that they have acquired, brought into or inherited during the time of coverture to be awarded separately to himself.

9. That the Respondent has been required to obtain attorneys to represent him in connection with this matter and as such, the Respondent is entitled to his reasonable attorney fees and costs of the action.

WHEREFORE, premises considered, the Respondent prays for relief consistent with his Answer and Counter-claim on file herein together with all and other further relief to which the Respondent might be entitled to.

Respectfully submitted,

JAMES J. HODGENS, P. C.

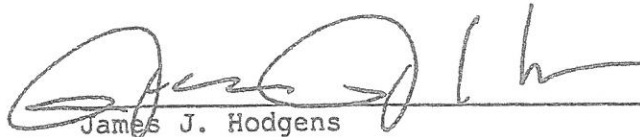


James J. Hodgens, OBA #10338  
P. O. Box 688  
Stroud, OK 74079  
918/968-2537 Fax: 918/968-2620  
Attorney for Donald David Jones

CERTIFICATE OF MAILING

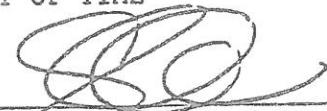
This will certify that on the 25 day of February, 2015, a true and correct copy of the above and foregoing document was deposited in the U. S. Mail, with postage prepaid and addressed as follows:

Alberta Rose Jones  
780706 S. 3450 Rd.  
Agra, OK 74824



James J. Hodgens

PERMISSION GRANTED TO FILE OUT OF TIME



JUDGE OF THE DISTRICT COURT





# APPENDIX M

SWORN AFFIDAVIT OF ALBERTA ROSE JOSEPHINE JONES

I, Alberta Rose Josephine Jones, declare under penalty of perjury:

1. I lived in California for over 28 years.
2. I joined the Navy as a Commissioned Officer. My first duty station was in California in 1979/80.
3. I am still a resident of the State of California.
4. I am both a resident of Oklahoma and California which is what I was told I could do by my former attorney.
5. I never intended on not returning to "California."
6. I had vehicles in California registered only to me and only in my name alone.
7. I have voted in California in the last general election for president.
8. I own a 2001 Subaru which is located at 1144 Tangerine Way, Sunnyvale, Ca.
9. I filed for a legal separation in California on August 8, 2017 in the Superior Court of California Santa Clara County. The Case No. is 17FL003304 Alberta Jones vs Donald Jones Case Number: 17FL003304 Filing Date: 8/8/2017 Case Status: Active Court Location: Family
10. The Respondent in this case has harmed me over have of my life. When married and living together, he would repeatedly throw household items at my back, He <sup>and have bruises</sup> was very smart. He would <sup>be just faint</sup> hit me right on my shoulder and it "hurt." I was afraid to do anything because he said his father and mother would help him. His father who passed away in 2015 was a "retired" "LDO" Commander in the U.S. Navy.
11. I must not have been the only one afraid of the Respondent's father, Thesle Jones, The Respondent's father "repeatedly" raped his two sisters when they were young and stationed in the Philippines. Commander Thesle Jones was so sure of himself that he got his eldest daughter pregnant and took her (supposedly) to Hong Kong to have an abortion. This information has been verified.
12. The Respondent has done everything in his power to harm me financially and to make ~~me~~ my son and myself suffer.
13. When I filed for divorce, I was afraid. The Respondent's father just passed away. My husband informed me he was transgender. My son is very, very sick. My uncle a doctor who is now passed away believed my son who lives with me and I am his legal guardian had what my mother died from i.e. porphyria. Porphyria mimics "schizophrenia." It is a very difficult disease to not only treat but diagnose.
14. If this court refuses an order to stay the default decree in Oklahoma Case No. FD-2015-0004, my son and I will suffer immensely. The Respondent will not. He benefited financially from being married to me for over 35 years. I on the other hand have not. I have no alimony. The Respondent sold the majority of his IRA which I would have been entitled to <sup>hold</sup> in the State of California. I was not the bread winner in the family. I was not only a Naval Officer but a "Navy Wife."

I declare under penalty of perjury the above statements are true and correct.

Dated this 17<sup>th</sup> Day of April 2023 in Stillwater, Oklahoma.

  
Alberta Rose Josephine Jones

---

Is this the correct city and state?

---

## Warning

---

All address could not be found. Your mailing will continue to  
Oklahoma City, OK 73103

You entered:

1211 N SHARTEL  
Oklahoma City, OK 73103

Would you like this printed on the label?

Yes

No

---

Yes

No

*Exhibit (6)*

Rule 23 to emergency stay of money judgement

---

From: luckyarjj@yahoo.com (luckyarjj@yahoo.com)

To: anitafsanders@aol.com

Cc: shanda@justicelegalteam.com

Date: Monday, April 17, 2023 at 02:19 PM PDT

---

[Sent from Yahoo Mail on Android](#)



Rule 23 and all appendices a-l but m-1.pdf  
5.4MB

**COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 4 (below). The RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The Rules are available in federal court clerks' offices, on individual federal courts' websites, and on [www.uscourts.gov](http://www.uscourts.gov).

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: Alberta Rose Josephine Jones

Contact Address: PO Box 188 PO Box 188  
Tryon, Oklahoma 74875 Tryon, Oklahoma 74875

Daytime telephone: ( 405 ) 780-3214

2. Name(s) of Judge(s): I am not for sure ? Justice John Roberts

Court: U.S. Supreme Court

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

Yes  No

If "yes," give the following information about each lawsuit:

Court: U.S. Supreme Court

Case Number: Was refused a case number

Docket number of any appeal to the 117,025 Oklahoma Supreme Court

Are (were) you a party or lawyer in the lawsuit? Jones vs. Jones

Party  Lawyer  Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

*Anita F. Sanders*  
830 NW 10th St.  
Oklahoma City, Oklahoma 73103  
14052322525

RECEIVED  
MAY - 4 2023  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY**

4. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

5. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

Signature: \_\_\_\_\_



05/02/2023

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

05/02/2023

**Attached:**

- 1) *Alberta Rose Josephine Jones' letter in Response to the US Supreme Court letter dated April 20, 2023 and attached to her complaint.*
- 2) *Email from the U.S. Supreme Court dated April 25, 2023*
- 3) *Rejection letter from the US Supreme Court April 20, 2023*
- 4) *Alberta Rose Josephine Jones' Emergency Rule 23 Application with all Exhibits A - M*
- 5) *Shanda L. Adams address is invalid at USPS Kiosk in Stillwater, Oklahoma at 1 pm on April 17, 2023*
- 6) *Email with Exhibit Rule 23 Application to Shanda L. Adams on April 17, 2023*

***Proof of Service to parties in on  
Page 19 of Exhibit (4)***

## EXHIBIT (1)

Alberta Rose Josephine Jones  
PO Box 188  
Tryon, Oklahoma 74875

May 2, 2023

Supreme Court of the United States  
The Office of the Clerk  
One First Street  
NE Washington, DC 20543

Dear U.S. Supreme Court:

I made an online complaint regarding the handling of my Emergency Rule 23 Application for Stay of Enforcement of Money Judgment under Sup. Ct. Rule 62(b),(e) and 11 U.S.C. § 362(b)(2) (a)(IV). (Exhibit (2) – Email)

This letter/complaint is in response to Exhibit (3) - letter from the United States Supreme Court dated April April 20, 2023 signed by a Ms. Laurie Wood.

Exhibit (4) - is an accurate copy of my Emergency Rule 23 Application for Stay of Enforcement of Money Judgment under Sup. Ct. Rule 62(b),(e) and 11 U.S.C. § 362(b)(2) (a)(IV).

Exhibit (5) is a copy of the screen shot of the United States Postal Service attempt to mail Exhibit (3) to the Respondent Donald David Jones attorney of record Shanda L. Adams (Bar #30811), 1211 N Shartel Ave Ste 200, Oklahoma City, OK 73103. A true and exact copy of Exhibit (3) was emailed to both Anita F. Sanders and Shanda L. Adams. Anita F. Sanders at [anitafsanders@aol.com](mailto:anitafsanders@aol.com) and Shanda L. Adams at [shanda@justicelegalteam.com](mailto:shanda@justicelegalteam.com) Exhibit (6) *Certificate of Service page 19 of Exhibit (4)*.

Attachment (1) is a true and exact copy of Applicant Jones' motion for change of



Venue and proof that the Oklahoma Supreme Court directed her Petition to be heard by the Oklahoma Court of Civil Appeals.

Appendix E and F of Complainant Jones' Emergency Rule 23 Application for Stay of Enforcement of Money Judge are "denials" by the Oklahoma Supreme Court to stay the money judgment. Complainant Jones included them in her Rule 23 Application as proof that both the Oklahoma Supreme Court and the Oklahoma Court of Civil Appeal have both "denied" her requests to stay.

In addition, Complainant Jones called the U.S. Supreme Court and left at least 2 if not more messages to speak to a clerk about the fact that she has filed not one but 3 or motions to stay the money judgment against her in the Oklahoma Supreme Court. Her filings are with the Oklahoma Supreme Court not the Oklahoma Court of Civil Appeals.

In conclusion, Complaint Jones' has met all of the requirements of Exhibit (3) from the United States Supreme Court directing her to do something that she has already done in her Emergency Rule 23 Application for Stay of Enforcement of a Money Judgment.

Complainant Jones believes it is futile to submit her Emergency Rule 23 Application again without filing a complaint under the Rules of the Court.

Dated: May 2, 2023

Respectfully Submitted,



Alberta Rose Josephine Jones  
PO Box 188  
Tryon, Oklahoma 74875  
405-780-3214  
luckyarjj@yahoo.com

Attachment (1) Change of Venue Oklahoma Supreme Court

# ATTACHMENT (1)

**IN THE SUPREME COURT STATE OF OKLAHOMA**

ALBERTA ROSE JONES, )  
 )  
 Appellant, )  
 ) 117,025  
 v. )  
 ) Lincoln County Case No. FD 2015-004  
 )  
 DONALD DAVID JONES )  
 )  
 Appellee. )

**MOTION FOR CHANGE OF VENUE**

COMES NOW, Alberta Rose Josephine Jones, respectfully requesting a change of venue.

Appellant’s petition was originally assigned to the Oklahoma Court of Civil Appeals in Oklahoma City. (Exhibit (1)) and later changed to the Oklahoma Court of Civil Appeals in Tulsa. (Exhibit (2))

Appellant respectfully requests her petition in error be changed to the correct venue.

Appellant’s case does not fall under the jurisdiction of the Tulsa Court of Civil Appeals.

Dated: March 29, 2023

Respectfully Submitted,



Alberta Rose Josephine Jones  
PO Box 188  
Tryon, Oklahoma 74875

Certificate of Service:

Copy emailed to Shanda L. Adams at adamsshanda@gmail.com and shanda@justicelegalteam.com



# Exhibit (1)

## IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

The following cases are assigned to the Court of Civil Appeals, Oklahoma City, Divisions 1 and 3. The judges serving in the Oklahoma City Divisions are E. Bay Mitchell, III, Robert D. Bell, B.J. Goree, Barbara G. Swinton, Trevor Pemberton and Thomas E. Prince. The judges sit in three-judge panels which rotate periodically, but all assigned cases will be decided by three of the above named judges. Any party may seek disqualification of any judge pursuant to Okla.Sup.Ct.R. 1.175, 12 O.S. 2011, Ch. 15, App. 1 and 20 O.S. 2011 §§ 30.3, 1401 and 1402.

- 117,025 In Re the Marriage of: Alberta Jones v. Donald Jones**
- 118,569 Mark Myers, et. al. v. Cemoil, Inc.**
- 118,962 Deutsche Bank Nat'l Trust Co. v. Richard Lathrop, et. al.  
[comp w/ 116,992]**
- 119,151 Caleb Morris, III v. Derrick Behrens, et. al.**
- 119,557 BCE-MACH LLC v. Jennifer Roach**

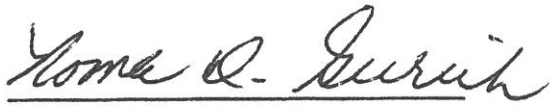
The proceedings are to be governed by Oklahoma Supreme Court Rules, Part V, Appeals Assigned to Court of Civil Appeals. 12 O.S. 2011 Ch. 15, App. 1. Until the Court of Civil Appeals has entered its final disposition, all motions, petitions and other paperwork shall be filed with the Clerk of the Supreme Court - who serves *ex officio* as the Clerk of the Court of Civil Appeals - in the Clerk of the Supreme Court's offices, 2100 N. Lincoln Blvd., Suite 4, Oklahoma City, Oklahoma, 73105.

DONE BY ORDER OF THE SUPREME COURT THIS 26<sup>th</sup> DAY OF  
MAY, 2021.

**FILED  
SUPREME COURT  
STATE OF OKLAHOMA**

MAY 26 2021

**JOHN D. HADDEN  
CLERK**

  
ACTING CHIEF JUSTICE

SD



Exhibit (2)

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

In Re The Marriage Of: )  
 )  
 )  
 Alberta Rose Jones, )  
 )  
 )  
 Petitioner/Appellant, )  
 )  
 )  
 vs. )  
 )  
 )  
 )  
 Donald David Jones, )  
 )  
 )  
 Respondent/Appellee. )

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

JUN 14 2021

JOHN D. HADDEN  
CLERK

No. 117025

Rec'd (date)	6/14/21
Posted	<i>[Signature]</i>
Mailed	<i>[Signature]</i>
Distrib	<i>[Signature]</i>
Publish	yes

ORDER

This matter is withdrawn from assignment to the Court of Civil Appeals, Oklahoma City, and assigned to the Court of Civil Appeals, Tulsa, Divisions 2 and 4.

The judges serving in the Tulsa Divisions are Keith Rapp, Jane P. Wiseman, John Fischer, Deborah B. Barnes, P. Thomas Thornbrugh, and Stacie Hixon. The judges sit in three-judge panels which rotate periodically, but all assigned cases will be decided by three of the above named judges. Any party may seek disqualification of any judge pursuant to Okla.Sup.Ct.R. 1.175, 12 O.S. 2011, Ch. 15, App. 1, and 20 O.S. 2011 §§ 30.3, 1401 and 1402.

The proceedings are to be governed by Oklahoma Supreme Court Rules, Part V, Appeals Assigned to Court of Civil Appeals, 12 O.S.2011 Ch. 15, App. 1. Until the Court of Civil Appeals has entered its final disposition, all motions, petitions and other paperwork shall be filed with the Clerk of the Supreme Court, who serves ex

officio as the Clerk of the Court of Civil Appeals, in the Clerk of the Supreme Court's offices, 2100 N. Lincoln Blvd., Suite 4, Oklahoma City, Oklahoma, 73105.

DONE BY ORDER OF THE SUPREME COURT on June 14, 2021.



---

ACTING CHIEF JUSTICE

**Exhibit (2)****RE: Supreme Court Submission**

From: PIO NoReply (pionoreply@supremecourt.gov)

To: luckyarjj@yahoo.com

Date: Tuesday, April 25, 2023 at 07:52 AM PDT

Dear Alberta,

We are writing in response to your email to the Supreme Court of the United States. You may wish to contact the Clerk's Office at (202) 479-3011. Please push "5" in response to the automated message to speak with a case analyst. Alternatively, you may wish to write the Clerk's Office at the following address:

Supreme Court of the United States  
The Office of the Clerk  
One First Street, NE  
Washington, DC 20543

We hope this information will be helpful to you.

Public Information Office  
Supreme Court of the United States

Thank you for your submission, it has been received and should it require any other information we will contact you at this e-mail address. - Public Information Officer, U.S. Supreme Court

Sent to: Public  
Information Office

Form Data

Name	Alberta Rose Josephine Jones
EMail Address	<a href="mailto:luckyarjj@yahoo.com">luckyarjj@yahoo.com</a>
Subject	complaint about not answering the phone and filing documents
Originated	2600:387:1:803::74, 184.30.31.37, 96.7.74.175

Message

I sent a Rule 23 Emergency Stay of Money Judgement overnight delivery and it cost me over \$123.00 by fedex. It arrived at the US Supreme Court Mailroom at 10:30 am on Tuesday, April 18, 2023. I was told it would be docketed by Friday at the latest. It was not. I have made phone calls and no one absolutely no one answers the phone or returns phone calls.

Please explain what is happening at the US Supreme Court.

Sincerely, Alberta Rose Josephine Jones

*Exhibit (3)*

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

April 20, 2023

Alberta Jones  
PO Box 188  
Tryon, OK 74824

RE: Jones v. Jones

Dear Ms. Jones:

Your application for stay or enforcement of money judgment received April 19, 2023 is herewith returned for the following reason(s):

You must attach a certificate of service showing that you have served all parties with a copy of the application.

You are required to state the grounds upon which this Court's jurisdiction is invoked, with citation of the statutory provision.

You must first seek the same relief (stay, injunction, etc.) in the appropriate lower courts. For state courts, an order or judgment from the highest court in a state is required before this Court has jurisdiction to entertain a request for the same relief. 28 U.S.C. 2101(f). You have not attached the requisite order from the Supreme Court of Oklahoma on review of your recent proceedings in the Oklahoma Court of Civil Appeals.

Sincerely,  
Scott S. Harris, Clerk

By: 

Laurie Wood  
(202) 479-3031

Enclosures



# EXHIBIT (4)