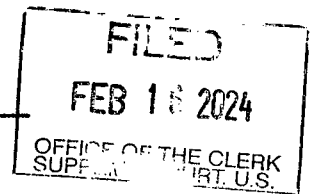


ORIGINAL

23-1156



IN THE
Supreme Court of the United States

EUN O. KIM, et al.

Petitioners

v.

Parcel K – Tudor Hall Farm, LLC

Respondent

On Petition for Writ of Certiorari
To The United States Court of Appeals
For the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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Petitioner/Leader

QUESTION PRESENTED

The questions presented are:

1. Whether the Justice system (The United States Court of Appeals for the Fourth Circuit) granting the Motion to Reopen to one party after 8 years from the final judgment, and denying the Motion to Reopen the same case to another party after just 7 months be justifiable?
2. Whether the discriminating treatment of the Justice System (The United States Court of Appeals for the Fourth Circuit) between a wealthy party with a legal team of huge law firm against a poor party without any legal counsel be justifiable?

PARTIES TO THE PROCEEDING

The Petitioners (20 Investors of Class A members), who were the appellants in the United States Court of Appeals for the Fourth Circuit, are Alan Young Cheng, Shui Qui Zhang, Kap J. Chung, Kwangjon Kim, Nam Doll Huh, Young Joo Kang, Chin Kim, Daniel I. Kim, Eun O. Kim, Gyeasook Kim, Lena Kim, Mi Young Kim, Youn Hwan Kim, Helena Lee, Ki N. Lee, Sun H. Lee, Kwang Bag Lee, Myong Ho Nam, Goom Y. Park, Eva Y. Tu.

The Respondent, who was the appellee, is Parcel K - Tudor Hall Farm, LLC.

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TABLE OF AUTHORITIES

**(Citation made from the case.
Petitioners do not know where to find the
information what/how to write in this TOA;
therefore, just Information of the case is stated.)**

Case:

Eun O. Kim, et al. v. Parcel K – Tudor Hall Farm,
LLC; 8:09-CV-1572-PWG;
MEMORANDUM OPINION
(Doc. 94, November 3, 2011,
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PETITION FOR WRIT OF CERTIORARI

Petitioners, Eun O. Kim, et al. respectfully petition for a writ of certiorari to review, to reverse, and to remand the judgment (the decisions) of the United States Court of Appeals for the Fourth Circuit in this case.

OPINIONS BELOW

UNPUBLISHED PER CURIAM OPINION of the Court of Appeals for the Fourth Circuit (October 23, 2023) is reported at USCA4 23-1482, Doc: 13, and reproduced at Appendix A.

ORDER of the Court of Appeals for the Fourth Circuit (November 21, 2023) is reported at USCA4 12-1482, Doc: 18, and reproduced at Appendix B.

MANDATE of the Court of Appeals for the Fourth Circuit (November 29, 2023) is reported at USCA4 23-1482, Doc: 19, and reproduced at Appendix C.

MEMORANDUM OPINION AND ORDER of the United States District Court for the District of Maryland, 09-cv-1572-PWG, Doc: 194, (August 1, 2022) is reproduced at Appendix D.

MEMORANDUM of The United States District Court for the District of Maryland, 09-cv-1572-PWG, Doc: 198, (March 29, 2023) is reproduced at Appendix E.

JURISDICTION

The Unpublished Per Curiam Opinion of the Court of Appeals was entered on October 23, 2023. The Petition for rehearing and rehearing en banc was denied on November 21, 2023. On November 29, 2023, the Court of Appeals Mandated the Court's Opinion of October 23, 2023. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

Because the Petitioners do not have knowledge, nor ability to find out the information regarding Constitutional Provisions Involved with this case, this section is left blank.

STATEMENT OF THE CASE

I. Introduction

1. May 2, 2005, this Fraudulent Investment Project was initiated and solicited by Sunchase Capital Partners XI, LLC. (Sunchase) and Parcel K – Tudor Hall Farms, LLC. (PK-THF) to purchase the entire Tudor Hall Farm (Land located in St. Mary's County, Maryland) (Parcel A,E,F,G,H,I, & J), and (Parcel K) for \$15.5 million.

2. 50 some investors became Members of Class A and invested a total of \$12.412 Million.
3. The portion that these Petitioners (20 Investors) invested was \$3.07 Million.
4. Parcel A,E,F,G,H,I, & J, were on One Deed (Sunchase), and Parcel K was on another separate Deed (PK-THF).
5. September 10, 2007, Sunchase filed a Bankruptcy (on Parcel A,E,F,G,H,I, & J).
6. The entire investment (\$12.412 Million) by Class A Members was wiped out (Parcel A,E,F,G,H,I, & J).
7. But, Parcel K was excluded from the Bankruptcy.
8. At the Bankruptcy, Tudor Hall Funding, LLC. purchased Parcel A,E,F,G,H,I, & J.
9. Tudor Hall Funding LLC. (created by the Year 2003 Trust for Descendants of William D. Pleasants, Jr.) is the managing and controlling member of PK-THF.
10. William D. Pleasants (Pleasants) is the managing and controlling member of Tudor Hall Funding, LLC.
11. Consequently, Pleasants is the individual who controls PK-THF and Tudor Hall Funding, LLC.
12. Parcel K was under the Subordinate Deed of

Trust and the Collateral for the entire Investment from the beginning.

13. And the Lien on Parcel K was \$12.412 Million, and Now the Lien is Still on Parcel K.

II. Facts

A. Factual Background I:

1. June 15, 2009, Petitioners (Plaintiffs) filed a Complaint against the Douglas A. Nyce, Nyce & Co., and PK-THF, Respondent, (Defendant) at the U.S. District Court for the District of Maryland.
2. November 3, 2011, the United States District Court for the District of Maryland, in its order in [Doc. 94] (Memorandum Opinion), [Doc. 95] (Order), Judge Alexander Williams, Jr. (Judge Williams) imposed a Constructive Trust Lien on Parcel K in favor of the Petitioners (Plaintiffs), and prohibiting the Transfer of Parcel K.
3. The supporting Facts about the ruling was clearly, concisely, and precisely summed up as Judge Williams stated, as

“the Court found that:”, “(2) Plaintiffs’ (Petitioners’) funds were procured by fraud, deceit, and other improper conduct; and...,” “Plaintiffs’ (Petitioners’) fraudulently procured funds supported the creation of PK-THF (Respondent) and its

ownership of Parcel K, and thus it would be unjust for PK-THF (Respondent) to retain the benefit.”

4. The original investment project was Fraudulent, and PK-THF (Respondent) has been involved with that Security Fraud (creation of PK-THF and obtaining the ownership of Parcel K).
5. November 20, 2014, Doc. 154 (Memorandum Opinion), 155 (Order), Judge Mark A. Barnett (Judge Barnett), the Court ordered the final Judgement as the previous Order was on Nov. 3, 2011, by Judge Williams, that imposed a Constructive Trust Lien on Parcel K in favor of the Plaintiffs (Petitioners), and prohibiting the Transfer of Parcel K, as the value of \$201,290.32.

B. Factual Background II:

In June 2022, in the attempt of getting the release of the Lien on Parcel K and Subordinate Deed of Trust without paying off the Lien, and the transfer of Parcel K with other land in Leonardtown, the Respondent filed Two (2) legal actions:

1. 1st Legal Action (Filing Motion in the U.S. District Court for the District of Maryland)

- a. June 1, 2022, in the U.S. District Court for the District of Maryland, the Respondent (Defendant) filed Motion to Reopen the case

and to authorize the Transfer/Swap of Parcel K.

- b. The request to Reopen by the Respondent (Defendant) was after 8 years from the final judgement (November 20, 2014).
- c. August 1, 2022, Doc. 194, the U.S. District Court for the District of Maryland, by Judge Paul W. Grimm (Judge Grimm), granted the Respondent's Motion to Reopen the case and authorized to Transfer and Swap Parcel K.
- d. The Respondent wanted to Transfer/swap Parcel K (the most important parcel among the entire parcels) with unknown lot to the Petitioners (who has right of Subordinate Deed of Trust, and Constructive Trust, and of Collateral).

2. 2nd Legal Action (filing litigation lawsuit in St. Mary's County Circuit Court)

- a. June 17, 2022, in the St. Mary's County Circuit Court, the Respondent (Plaintiff in a new lawsuit) filed a Complaint against the Petitioners (Defendants) regarding Parcel K.
- b. The Respondent filed a Complaint to the Court to Substitute Collateral and to Release Subordinate Deed of Trust upon the deposit of \$500,000.00 into the Court's registry.

- c. The Respondent insists on \$500,000.00 as Limited Liability and Obligation.
- d. Also, the Respondent insists on \$500,000.00 as the Cap when a Litigation occurs.
- e. Yet, because the entire investment project was fraudulent from the beginning, and the Respondent was supported by the Fraudulent Fund; \$500,000.00 CANNOT be enforced to the release of the Lien, not as the Limited Liability and Obligation, nor as the Cap.
- f. Parcel K has been under the Subordinate Deed of Trust and the Collateral for the Investment done by Class A member Investors from the beginning.
- g. Lien on Parcel K was the amount of the original Investment (\$12.412 Million), and the Lien is still in effect.
- h. January 31, 2024, the Court made the judgment granting the request of the Respondent.
- i. February 9, 2024, within 10 days, the Petitioners filed Motion to Stay and Motion to Vacate the judgment in that Court.
- j. The Motions were denied.

- k. The Petitioners appealed to the Appellate Court of Maryland against the Judgment.

C. Facts about the Respondent's Land Swap/Transfer Deal with Leonardtown, St. Mary's County.

1. Without informing to the Petitioners (who have right of Constructive Trust and Subordinate Deed of Trust on Parcel K, Collateral for their investment on Parcel K), the Respondent made a Swap/Transfer Agreement of Parcel K with Leonardtown, St. Mary's County in April 12, 2021 for a Land Development Project in Tudor Hall Farm.
2. December 12, 2022, when the Respondent submitted an Exhibit of Letter by Town Attorney (Patrick W. Thomas) that stated the Land Swap Agreement with Leonardtown, the Petitioners became to be aware of the Deal.

D. Facts about the Legal Counsel for the Petitioners.

1. While both lawsuits were in active, an Attorney represented for the Petitioners both in the U.S. District Court for the District of Maryland, and in St. Mary's County Circuit Court.
2. But, abruptly, the Attorney passed away on September 6, 2022, and the Petitioners were informed of his death in November 2022.

3. From that time, the Petitioners did not have any legal counsel in both cases in both Courts.
4. April 20, 2023, the Petitioners had an Attorney only in the case in St. Mary's County Circuit Court.
5. In the U.S. District Court for the District of Maryland, ever since September 6, 2022, the Petitioners did not have an attorney even now.

E. Facts about the legal counsel for the Respondent.

1. The Respondent has the same big law firm for all these years ever since 2005 when the fraudulent Investment Project started.
2. Many times, the Respondent had multiple attorneys (2 – 5) at hearings relating to the Investment including this case, while sometimes the Petitioners did not have even one attorney.

F. Facts about the Respondent's Bullying toward the Petitioner during the Petitioner did not have a legal counsel.

1. In the case in St. Mary's County Circuit Court, the Respondent bombarded with Motions in intimidation for the Petitioners to give up the rights and to release the Lien on Parcel K while the Petitioners did not have any legal counsel to protect and fight for them from September 6, 2022, until April 19, 2023.

2. The Petitioners barely managed to respond on time to the Motions filed by the Respondent in St. Mary's County Circuit Court during that period of time without an attorney.

G. Facts about the Petitioners' late awareness of the proceedings in the case in the U.S. District Court for the District of Maryland during the Petitioner did not have a legal counsel.

1. When the Petitioners did not have an attorney, the Petitioners did not know any proceedings in the case in the U.S. District Court for the District of Maryland.
2. December 12, 2022, in St. Mary's County Circuit Court, the Respondent submitted Exhibit of the Order (of August 1, 2022) made by Judge Grimm's granting Respondent's Motion to Reopen (filed on June 1, 2022) in the U.S. District Court for the District of Maryland.
3. So, that was the first time that the Petitioners were informed about Judge Grimm's Order and the Respondent's filing of Motion to Reopen.
4. The Respondent's Motion to Reopen (filed on June 1, 2022) was made after 8 years from the final judgment (November 20, 2014) by Judge Barnett in that case.
5. And Judge Grimm granted the Motion to Reopen to the Respondent after 8 years.

6. The Petitioners were not aware of, and did not have a slightest idea, when was the Time limits to file the Motion against the Order done by Judge Grimm to the U.S. District Court for the District of Maryland.

III. Court Proceedings in the U.S. District Court for the District of Maryland.

1. March 16, 2023, without an attorney, the Petitioners finally barely managed to file Motion to Stay, to Vacate, and to Reopen, in One request, about the Oder made by Judge Grimm on August 1, 2022.
2. March 29, 2023, Judge Peter J. Messitte (Judge Messitte) denied all three motions.

IV. Court Proceedings in the Appellate Court (the U.S. Court of Appeals for the Fourth Circuit.

1. June 15, 2023, the Petitioners appealed to the U.S. Court of Appeals for the Fourth Circuit.
2. October 23, 2023, the Court denied the Petitioners' Appeal by issuing Unpublished Per Curiam Opinion.
3. On November 5, 2023, the Petitioners filed again for Rehearing to the Court.
4. November 21, 2023, the Court denied the Rehearing motion.

5. November 29, 2023, the Court mandated the order of October 23, 2023.

REASONS FOR GRANTING THE WRIT

I. The U.S. District Court for the District of Maryland has erred in the Opinions and Orders.

The U.S. District Court for the District of Maryland made two Judgment in conflict against each other in this case.

1. On August 1, 2022, Judge Grimm granted the Motion to Reopen of the Respondent after 8 YEARS from the time the case was closed (in his own words confirming the fact).
2. Yet, March 29, 2023, Judge Messitte denied the Petitioners' Motion to Stay, Motion to Vacate, and Motion to Reopen the case just after 7 MONTHS passing from the Judgement of Judge Grimm (on August 1, 2022).
3. IF Judge Grimm was justified and rationalized for granting Reopen the case after 8 YEARS, Judge Messitte should have granted the Petitioners' Motion to Reopen the case because the Petitioners' request for Reopen was filed after only 7 MONTHS from August 1, 2022.
4. IF Judge Messitte's denying of the Petitioners' Motion to Reopen is justifiable due to the Time

Limit, Judge Grimm's Order should have been Vacated because Judge Grimm had granted long after the Time Limit that has passed 8 YEARS.

5. The first issue that Judge Messitte had grievously errored was Changing the Wording of Motions of Petitioners. The Petitioners requested Very distinctively Motion to Stay, Motion to Vacate, and Motion to Reopen. But Judge Messitte converted the Words (Stay, Vacate, and Reopen) and bundled them up into one word "Reconsideration" that the Petitioners had never uttered, nor used, nor thought about.
6. And the second issue that Judge Messitte grievously errored was Denying the "Reconsideration" of his own errored Interpretation, instead of, he Should have PARTIALLY DENIED Motion to Stay, and Motion to Vacate due to the Time Limit, But Should have PARTIALLY GRANTED Motion to Reopen, as Judge Grimm had granted the Motion to Reopen by the Respondent after 8 years.
7. One Issue that Judge Grimm grievously errored was his Misunderstanding of the Value of Parcel K, not the monetary value of the parcel, but true and realistic value of Parcel K.
8. Parcel K is the most important and valuable parcel among all 8 parcels in Tudor Hall Farm, because that parcel is the Only way to have access to Water (BRETON BAY).

9. Parcel K had been the subject matter of Litigation lawsuit in St. Mary's County Circuit Court since June 17, 2022.
10. In that Court, Parcel K is the parcel that the Respondent wanted to have the release of the Collateral and Subordinate Deed of Trust for an unjustifiable and unreasonable sum of money.
11. PK-THF (The Respondent, the owner of Parcel K,) tried to extinguish all liens and encumbrances against Parcel K, by defaulting on Tax (2013 and 2014).
12. William D. Pleasants (Pleasants) is a managing and controlling member of PK-THF.
13. On March 6, 2015, at the Tax Sale, the Advantage Homes, LLC. (affiliated and under common ownership with PK-THF) purchased Parcel K from PK-THF at Tax Sale.
14. On December 13, 2016, the Advantage Homes, LLC. filed a Complaint to Foreclosure the right of redemption in St. Mary's Circuit Court. (*Advantage Homes v. Parcel K Tudor Hall Farm, LLC*. Case No. C16-1697)
15. But the Advantage Homes, LLC. dismissed the Complaint prior the entry of an order foreclosing when it was exposed of its unlawful scheme of manipulating of the Tax Sale Process.

16. The Tax Sale was Void because the Property Owner, who defaulted on its obligation to pay taxes, is Ineligible to Acquire the Same Property, Directly or Indirectly, at the Tax Sale.
17. If Judge Grimm had studied, reviewed, and thoroughly understood the unlawful intention and manipulation of the Law done by the Respondent (PK-THF, the Owner of the Parcel K, PK-THF that its managing and controlling member is Pleasants), he would have never granted Authority to Transfer of Parcel K for the Land Swap Agreement between PK-THF and Leonardtown, Prior to the Respondent Pays for its obligation to the Petitioners who are the Lien holder of Parcel K for their Investments because the Transfer of Parcel K would irreparably harm the Petitioners who are the victimized small investors.

II. The Appeals Court (Richmond) has erred in the opinions.

1. The Appellate Court have not recognized that the U.S. District Court for the District of Maryland made errors (either by Judge Grimm, or by Judge Messitte, or by both Judges).
2. The Court should have reversed the Judgement of the Judge Peter J. Messitte and should have granted the Petitioners' Motion to Reopen the case, as justice may require.

III. This issue of the questions presented in this case is of great legal and national significance.

The issue of this case provides the good chance for Supreme Court of the United States to straighten out the ill treatments (the discriminatory actions) that are exercised by some Judges in the legal systems upon the poor and needy people who do not have legal counsels in the lawsuits in USA.

All parties in legal proceedings should be treated equally, fairly, and justly regardless of their financial status, social status, legal representation, etc. by all Judges.

Some poor and needy people without representation of legal counsel need the protection by the law against some wealthy people who have multiple fraudulently clever legal counsels and teams.

Some legal counsels and teams who manipulatively and deceitfully comply and exercise their legal practices of laws, rules, and regulations by disguising their outwardly compliances to be lawful actions for the benefits for some wealthy people must be stopped.

This Supreme Court needs to reenforce the just and fair standard guidelines for all the Judges and all people working in the legal field to comply and exercise the equal, fair, and just treatment toward all people regardless their financial status, social status, legal representation, etc. in ruling any and all cases in USA.

CONCLUSION

For the foregoing reasons, this petition for writ of certiorari should be granted to review, to reverse, and to remand the judgments (the decisions) of the United States Court of Appeals for the Fourth Circuit in this case.

Respectfully submitted.

Signatures are on page 19.

Alan Young Cheng,
Kap J. Chung,
Nam Doll Huh,
Chin Kim,
Eun O. Kim,
Lena Kim,
Youn Hwan Kim,
Ki N. Lee,
Kwang Bag Lee,
Goom Y. Park,

Shui Qui Zhang,
Kwangjon Kim,
Young Joo Kang,
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Petitioner/Leader

April 19, 2024

Signatures of Petitioners

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Zhang, Shui Qui	<small>Authentisign</small> Shui Q Zhang	04/17/24
Chung, Kap J.	<small>Authentisign</small> Kap J Chung	04/17/24
Kim, Kwangjon	<small>Authentisign</small> Kwangjon Kim	04/17/24
Huh, Nam Doll	<small>Authentisign</small> Nam D Huh	04/17/24
Kang, Young Joo	<small>Authentisign</small> Young J Kang	04/17/24
Kim, Chin	<small>Authentisign</small> Chin Kim	04/17/24
Kim, Daniel I.	<small>Authentisign</small> Daniel I Kim	04/17/24
Kim, Eun O.	<small>Authentisign</small> Eun O. Kim	04/17/24
Kim, Gyeasook	<small>Authentisign</small> Gyeasook Kim	04/17/24
Kim, Lena	<small>Authentisign</small> Lena Kim	04/17/24
Kim, Mi Young	<small>Authentisign</small> Mi Y KIM	04/17/24
Kim, Youn Hwan	<small>Authentisign</small> Youn H Kim	04/17/24
Lee, Helena	<small>Authentisign</small> Helena Lee	04/17/24
Lee, Ki N.	<small>Authentisign</small> Ki N Lee	04/17/24
Lee, Sun H.	<small>Authentisign</small> Sun H Lee	04/17/24
Lee, Kwang Bag	<small>Authentisign</small> Kwang B Lee	04/17/24
Nam, Myong Ho	<small>Authentisign</small> Myong H Nam	04/18/24
Park, Goom Y.	<small>Authentisign</small> Goom Y. Park	04/17/24
Tu, Eva Y.	<small>Authentisign</small> Eva Y Tu	04/17/24