

NO-23-448

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IN THE SUPREME COURT OF THE  
UNITED STATES

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DR. APARNA VASHISHT-ROTA, an individual,  
and AUGUST EDUCATION GROUP LLC

Petitioner,

v.

HOWELL MANAGEMENT SERVICES,

Respondents.

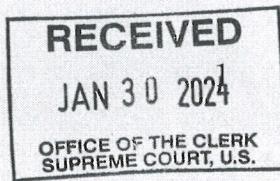
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On Petition for Rehearing to the  
United States Supreme Court

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**DR. APARNA VASHISHT-ROTA  
PETITION FOR REHEARING**

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



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## STATE RULES INVOLVED

See Main Petition

## QUESTION PRESENTED

1. Whether an employee in current employment can modify the terms of her employment and choose the forum to add all defendants under §1332 (A)(1)
2. Whether, similar to Mark Meadows who is a former employee facing a hostile state court like Petitioner (a competitor of HMS') facing a hostile state Court that won't grant basic litigation privilege or contractual rights, expect a fair forum for litigation?
3. Foreclosing removal from a state court to federal court for *ongoing employment* when the state prosecutes the competitor of a local resident, can allow a state's weaponization of the prosecution power to go unchecked and fester especially with harassment involved, in such a case, can any Petitioner expect a fair trial?
4. Whether the procedural gap of issuing a Writ before judgment available from federal court that allows a Petitioner to bypass appeal courts a major truncation of Petitioner's federal rights?

## ARGUMENT

### **A. Rogue State Court Petitions Must Be Approved/Fast Tracked:**

Petitioner faces a hostile Court in the state of Utah. The State Court in Cache County. Mr. Chris' Howell's mom was a local politician for many decades. Similar to Mr. Mark Meadows who has no chance of a fair trial, Petitioner, too has the same issue from a state Court.

Being in litigation is difficult as it is. As a litigant, petitioner is reasonably pursuing her rights and those actions are well within what other litigants say or do—most litigants criticize the judges, the process, or the disruption of life. When state Courts act rogue and a competitor has an unpopular opinion or allegation, can cause a crisis in faith in our government and our courts. Not only that, these types of actions can cripple litigants and women from reporting harassment from current employer when Petitioner is acting within the scope of her employment. Now a litigant has to check whether the perpetrator knows the Court.

Whether the parties are in current employment or former employment is not determined. Facts show that Petitioner repudiated the retainer section of the alleged third agreement but the court held the unmodified version as controlling so the agreement is ongoing employment. By Court Order, the employment was terminated on September 21, 2023, but the Court didn't ask HMS to fulfill its post termination contractual obligations.

While the process from the state court to the Supreme Court is not established and the state courts must have their rights, however, not to the detriment of national harassment victim rights, not to the detriment of ongoing employees facing an employer refusing to pay for ongoing harassment, and not to the detriment of any former employee that can face a rogue state court such that the government loses talent.

## **B. Truncation of Federal Right to Writ Before Judgment:**

As Petitioner is in a state court in the middle of nowhere, the inability to directly petition the SCOTUS is a major

truncation of a federal right. Moreover, the parties in the case are from different states, it is a diversity case. Petitioner needs to add more out of state defendants, the state Court won't grant a leave to amend, won't let Petitioner file a Rule 12 (H) motion based on §925B commonly provided to white males. Petitioner is unable to change her ongoing employment. Petitioner did not get basic litigation privilege for harassment reporting that she filed in federal Court. The rogue state court did not allow a leave to amend when it saw Petitioner add more claims as seen in 22-276. Many litigants run out of money, the Courts help and reduce the steps and accommodate, provide informal briefing, not the rogue state Court.

Moreover, data shows that not only the other Courts in this situation awesome, they are a dream compared to Utah and it is unfortunate that all Courts have had to spend time on a simple contract dispute. If the competition now knows the Court, then middle aged women have no hope.

**C. No Response to the Motion Filed for June 9<sup>th</sup>, or June 13th, 2023 Motions:**

The Court of Appeals noted that it let Petitioner file a response as it was *before* the present order issued, (page 38 23-748, similarly, the rogue state court must let Petitioner litigate her case and file her response to the costs motion she won on appeal and the appeal that was dismissed due to suggestion of mootness under URAP 37 (A).

**D. August Education Group Dissolved as of August 2, 2017, Petitioner is the sole assignee:** In *Bowers v. Estate of Mounger* (Tenn. Ct. App. June 29, 2017), the Court of Appeals reversed the trial court's dismissal based on lack of standing, holding that because the LLC Act does not prohibit the sole member from assigning LLC property to himself as part of wind-up and

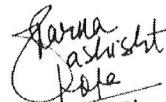
dissolution, the member's assignment of the rights under the contract was valid, and the member had standing to sue the other party in the LLC's contract. Therefore, the former single member, in his individual capacity, could bring the breach of contract suit as an assignor. In this case, AEG has been dissolved since August 2, 2017. Petitioner is the sole assignor of the single member LLC based out of California.

## CONCLUSION

State Courts should not have so much power. They issue rulings that are a disgrace for a judicial officer with self-confessed prejudice over simple filing mistakes that the Court never ruled on or HMS filed a response. Since no one read it or ruled on the merits, how could it be Petitioner's fault?

It's not.

Petitioner should be able to exercise §925B in the ongoing employment that terminated on September 21, 2023 and move the case out of Utah to federal in California with a leave to amend to join all past claims and defendants in one trial.

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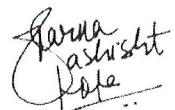
/s/ Aparna Vashisht-Rota  
Pro Se Petitioner  
12396 Dormouse Road,  
San Diego, California 92129  
(858) 348-7068

December 31, 2023

## Certificate of Compliance

I hereby certify that: This brief complies with the word limits set forth in Supreme Court Rule 33.1, because this brief contains 1,275 words, excluding the parts of the brief exempted by United States' Supreme Court R. 33.

DATED this December 31, 2023

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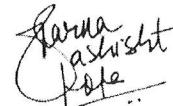
/s/ Aparna Vashisht-Rota

## Certificate of Good Faith

Petitioner, relying on the cases cited and others similarly situated, affirms that this Petition is brought in good faith, after careful due diligence, and that the instant petition is grounded in established and recognized legal precedent.

Petitioner, Dr. Aparna Vashisht-Rota, hereby certifies that this Petition for Rehearing is presented in good faith, and that the Petition is not for the purpose of delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.

DATED AND SIGNED: December 31, 2023

A handwritten signature in black ink, appearing to read "Aparna Vashisht Rota".

/s/ Aparna Vashisht-Rota