No. 23-472

In The
Supreme Court of the United States

DORA L. BONNER,

Petitioner,

v.

TRIPLE S MANAGEMENT CORPORATION, et al.,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The First Circuit

BRIEF IN OPPOSITION

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I. RESTATEMENT OF THE QUESTIONS PRESENTED

Petitioner Dora Bonner ("Petitioner") has nominally set forth three questions, which were framed in the context of purported circuit splits. Because the questions asserting supposed circuit splits are not appropriately before this Court on the basis of what transpired below, and are otherwise artificially framed in an attempt to justify certiorari review before this Court, Petitioner's questions are more accurately reframed as follows:

(1) Whether the courts below misapplied the summary judgment standard.

(2) Whether the U.S. Court of Appeals for the First Circuit ("First Circuit") should have intervened with the U.S. District Court's broad discretion in managing pre-trial matters and discovery and should have reversed that court's denial of Petitioner's motion to compel.

As more fully explained below, the errors raised by Petitioner are baseless and, moreover, do not meet the standard for granting *certiorari* review.

II. CORPORATE DISCLOSURE STATEMENT

Respondent Triple-S Vida, Inc. ("TSV") is a wholly owned subsidiary of Respondent Triple-S Management Corporation ("TSM"). TSM in turn is a wholly owned subsidiary of Guidewell Mutual Holding Corporation, which is a Florida not-for-profit mutual insurance holding company.

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V. OPINIONS BELOW

The case before the First Circuit was captioned *Bonner v. Triple-S Management Corp., Triple-S Vida, Inc.*, Civil No. 22-1066. The Opinion affirming the grant of summary judgment and denial of the Motion to Compel was rendered on May 19, 2023 and published at 68 F.4th 677 (1st Cir. 2023). The June 23, 2023 Order denying panel rehearing and rehearing en banc is unpublished. Petitioner included such Order as Appendix C to her Petition before this Court.

The case before the U.S. District Court for the District of Puerto Rico was likewise captioned *Bonner v. Triple-S Management Corp., Triple-S Vida, Inc.*, and assigned Civil No. 19-1228. The District Court issued two unpublished Opinions and Orders—one on March 30, 2020, denying a motion to dismiss, and another on December 17, 2021, granting summary judgment in favor of Respondents. These Opinions and Orders may be found, respectively, at 2020 WL 1536601 and 2021 WL 4295766. A September 21, 2021 Order denying the Motion to Compel is also unpublished and may be found at 2021 WL 4295766.

Petitioner's claims were previously filed before the Texas courts. The U.S. District Court for the Southern District of Texas dismissed that case for lack of personal jurisdiction on January 25, 2016. *Bonner v. Triple-S Management Corporation*, 181 F. Supp. 3d 371 (S.D. Tex. 2016). The U.S. Court of Appeals for the Fifth Circuit affirmed such dismissal through an unpublished Opinion. *Bonner v. Triple-S Management*

Corporation, No. 16-40284, 661 F. App'x 820 (Sept. 13, 2016).

VI. JURISDICTIONAL BASIS

Respondents do not dispute this Court's jurisdiction over the case, but respectfully submit that the case does not warrant *certiorari* review pursuant to the criteria set forth in Rule 10 of the Supreme Court Rules.

VII. COUNTERSTATEMENT OF THE CASE

Respondents TSM and TSV are Puerto Rico corporations. TSM is an independent licensee of the Blue Cross Blue Shield Association and a holding company of several insurance companies that offer health, life, and property and casualty insurance in Puerto Rico. TSV in particular offers life insurance in Puerto Rico. Neither TSM nor TSV invest assets on behalf of individuals.

Petitioner, a Texas resident, filed two actions claiming that Respondents defrauded her of significant amounts of money in connection with an $8 million investment certificate purportedly held by TSV. Specifically, Petitioner alleged that between March and August of 2015 she exchanged over 50 phone calls and more than 150 emails with five individuals who identified themselves as employees or officers of TSV, TSM, or an affiliate. Petitioner further alleged that these individuals—Messrs. Alberto Gamboa Spencer, Feliciano Zelaya, Ramón Ruiz, Eugenio Cerra, Jr., and Emilio Aponte (the "Actors")—told her that she was the

beneficiary of an $8 million investment certificate held by Respondent TSV, but that for the funds to be released to her, she had to pay a management fee of $65,438.50. Despite allegedly transferring the funds to yet another individual at the Actors' request, the $8 million was not released to Petitioner. Instead, the Actors continued asking for additional management fees to release the funds, claiming there were administrative and other difficulties with TSM, TSV, the authorities in diverse countries, the FBI, and others—that required additional payments. Petitioner alleges she obliged, at least in part, but never received any funds from Respondents.

On the basis of these allegations, Petitioner initially filed suit in Texas. The U.S. District Court for the Southern District of Texas dismissed for lack of jurisdiction. That court found that TSM "did not actually have the contacts that Bonner alleges give rise to her cause of action." *Bonner*, 181 F. Supp. 3d at 375. In support of that conclusion, the Texas district court noted that it believed TSM's evidence that Petitioner had not actually been in contact with TSM, but rather had been "the unfortunate victim of . . . [a scam] in which someone used the corporate name of [TSM] to induce Ms. Bonner to send them money." *Id.* at 373. The U.S. Court of Appeals for the Fifth Circuit later affirmed such dismissal, noting the lack of credible evidence that Petitioner had, in fact, been in contact with TSM. *Bonner*, 661 F. App'x at 820.

Petitioner, however, persisted and filed yet another lawsuit against TSV and TSM, this time in Puerto

Rico. Prior to Respondents' filing of their motion for summary judgment, the parties had close to a year to conduct discovery. During that time, Petitioner filed a Motion to Compel, asserting deficiencies in Respondents' answers to written discovery. She also requested additional time for discovery. Respondents opposed the Motion to Compel. The court ultimately denied the Motion to Compel.[1]

Meanwhile, Respondents filed a motion for summary judgment. The motion for summary judgment showed that Respondents had not been the perpetrators of the alleged fraud. Through several affidavits, Respondents showed that the Actors were not employees or officers of Respondents or their affiliates, that Respondents had not defrauded or communicated with Petitioner regarding any alleged certificate, that Respondents did not have any accounts with the banks to which the Actors requested that Petitioner transfer the management fees, and that Respondents are not in the business of investing assets on behalf of individuals, among other key facts.

After seeking several extensions, Petitioner opposed Respondents' motion for summary judgment, without reservations, and addressed Respondents'

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[1] The court denied most of the Motion to Compel with prejudice. As to certain discovery requests, however, the court denied the motion without prejudice because the parties had not met and conferred as required by Local Rule prior to filing a discovery motion. Petitioner did not seek to reinstate her Motion to Compel as to those items after the meet-and-confer, hence the denial stood unaltered.

statement of uncontested facts. She purported to deny most of the facts by reference to what the Actors had told her via phone or email. Petitioner did not file an affidavit pursuant to Fed. R. Civ. P. 56(d), nor did she cite such rule in any way in the summary judgment briefing.

After all briefing on summary judgment concluded, the district court entered an Opinion and Order granting the motion. *Bonner*, Civil No. 19-1228, 2021 WL 5989772, at *1. While the district court took note of Petitioner's opposition and alleged evidence in support of her contentions, it found such evidence was inadmissible hearsay and/or was not authenticated. Hence, the district court concluded that there was no genuine issue of material fact as to Respondents' lack of participation in the fraudulent scheme of which Petitioner complained.

VIII. REASONS FOR DENYING THE PETITION

A. THE QUESTIONS RAISED BY PETITIONER DO NOT ARISE FROM THE FACTS OF THIS CASE.

In a failed attempt to meet the standard of Supreme Court Rule 10 regarding the considerations governing review on *certiorari*, Petitioner asserts the existence of two issues on which there is a circuit split: (1) weighing the evidence as part of summary judgment, which Petitioner misleadingly asserts the First Circuit allows, and (2) the application of Rule 56(d).

Neither question is appropriate in the context of this case.

Whether or not there is a circuit split as to weighing the evidence in summary judgment—and there is not—is frankly irrelevant where, as here, the district court's decision on summary judgment was based on Petitioner's failure to raise a genuine issue of material fact through *admissible* evidence. The district court conducted a meticulous analysis of the evidence furnished by Petitioner to assert that the Actors were Respondents' employees or officers, and found such evidence to be inadmissible hearsay and/or lacking authenticity. *Bonner*, 2021 WL 5958772 at *6-7. As the First Circuit noted in its decision, the issue "is not whether the district court weighed evidence, but rather whether it improperly failed to consider Bonner's evidence." *Bonner*, 68 F.4th at 689. Put another way, in light of the record, what Petitioner seeks is an advisory opinion as to an (inexistent) circuit split concerning the standard for summary judgment.

Similarly, the alleged circuit split on Rule 56(d) is immaterial. The parties had *at least* 9 months to conduct discovery—the scheduling conference was held on October 16, 2020 and discovery closed on August 3, 2021, *see* Civil No. 19-1228, Dockets No. 46 and 50. And while it is true that Petitioner filed a Motion to Compel one month before the discovery cutoff, which was pending at the time Respondents filed their motion for summary judgment, that Motion to Compel was denied well before Petitioner filed her opposition to the summary judgment papers. Civil No. 19-1228,

Dockets No. 51, 55, 56, 69. Crucially, moreover, Petitioner opposed the motion for summary judgment without reservations, addressing Respondents' proposed uncontested facts and arguing that the motion should be denied on the basis of Petitioner's proffered inadmissible evidence. *See* Civil No. 19-1228, Dockets No. 69 and 70. Tellingly, she did not file an affidavit pursuant to Fed. R. Civ. P. 56(d), nor did she in any way invoke the rule in her opposition or prior to opposing. Accordingly, even if there were a circuit conflict concerning Rule 56(d), this is not the case to resolve it, as the rule is not implicated here.

B. THERE IS NO CIRCUIT SPLIT ON WHETHER DISTRICT COURTS MAY WEIGH THE EVIDENCE AS PART OF A SUMMARY JUDGMENT.

Petitioner argues that there is a circuit split as to whether a district court may weigh the evidence submitted by parties as part of the summary judgment record. Specifically, Petitioner posits that the First Circuit stands alone in allowing the courts to weigh the evidence at summary judgment. As noted above, the purported circuit split is not germane to this case, because the underlying decision was not the result of any such weighing, but rather a straightforward analysis of the uncontested facts submitted by Respondents, and which Petitioner could not controvert with admissible evidence. Even if the issue were in fact relevant, Petitioner's argument would still fail because there is no such circuit split.

Petitioner quotes cases from the Second through Eleventh Circuits, as well as the D.C. Circuit and the Federal Circuit Court, to the effect that a district court may not make credibility determinations, weigh the evidence or resolve factual conflicts in ruling on a motion for summary judgment. Respondents do not dispute that is the standard. More to the point, the First Circuit also adheres to that same rule, thus following this Court's precedent. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986) ("[I]t is clear enough from our recent cases that at the summary judgment stage the judge's function is not himself to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.") Multiple First Circuit cases hold as much. *See, e.g.*, *Lopez-Hernández v. Terumo Puerto Rico LLC*, 64 F.4th 22 (1st Cir. 2023) (quoting *Anderson*, 477 U.S. at 249 for the proposition that a judge's function in summary judgment is not to weigh the evidence); *Advanced Flexible Circuits, Inc. v. GE Sensing & Inspection Techs. GmbH*, 781 F.3d 510, 516 (1st Cir. 2015) ("We are not to make 'credibility determinations or weigh the evidence' in determining whether summary judgment should be granted." (citing *Anderson*, 477 U.S. at 255)); *Greenburg v. Puerto Rico Maritime Shipping Auth.*, 835 F.2d 932, 936 (1st Cir. 1987) ("[T]he decisive criterion on a summary judgment motion is not a comparative one. Fed. R. Civ. P. 56 does not ask which party's evidence is more plentiful, or better credentialled, or stronger. . . . The precincts patrolled by Rule 56 admit of no room for credibility determinations, no room for the measured weighing of conflicting evidence such as

the trial process entails, no room for the judge to superimpose his own ideas of probability and likelihood . . . upon the carapace of the cold record.").

Petitioner is evidently aware of the First Circuit's adherence to the standard set by this Court and, consequently, the absence of any circuit split. In her opening brief to the First Circuit, she devoted a section precisely to arguing that, while the norm (in the First Circuit and other circuits) for summary judgment does not allow for weighing the evidence or making credibility determinations, the Magistrate Judge had failed to adhere to that rule. *See* Appeal No. 22-1066, Appellant's Brief of March 22, 2022 at 17-25. Petitioner then quoted extensively from a First Circuit case, *Greenburg*, 835 F.2d 932, precisely as to the prohibition of making credibility determinations and weighing evidence as part of the summary judgment analysis.

In short, there is no circuit split. Petitioner misstated the law in her Petition.

C. PETITIONER WAIVED HER ARGUMENT THAT THE DISTRICT COURT FAILED TO ALLOW FOR DISCOVERY PRIOR TO SUMMARY JUDGMENT.

Attempting to manufacture yet another circuit split to justify *certiorari* review, the Petition invokes Fed. R. Civ. P. 56(f) to suggest that the district court should have denied summary judgment because Petitioner lacked sufficient discovery. Petition at 15-21. As a threshold matter, Petitioner mistakenly refers to Fed.

R. Civ. P. 56(f), as providing that "[a]fter giving notice and a reasonable time to respond, the court may: (1) grant summary judgment for a nonmovant; (2) grant the motion on grounds not raised by a party; or (3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute." Much like Petitioner's arguments do not correspond to the facts and record in this case, the basis of Petitioner's argument on the issue of sufficient time for discovery prior to summary judgment actually alludes to Fed. R. Civ. P. 56(d), not Rule 56(f). Rule 56(d) provides:

> (d) When Facts Are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:
>
> (1) defer considering the motion or deny it;
>
> (2) allow time to obtain affidavits or declarations or to take discovery; or
>
> (3) issue any other appropriate order.

Fed. R. Civ. P. 56(d). This subdivision (d) changed with the 2010 Amendments to the Federal Rules of Civil Procedure, carrying forward without substantial change the provisions of former subdivision (f), *see* Committee Notes on Rules—2010 Amendment, which may explain Petitioner's confusion and reference to an outdated subsection of Rule 56.

In any event, the Court should summarily deny Petitioner's argument because she has doubly waived it, having failed to raise or invoke Rule 56(d) (or Rule 56(f) for that matter) either in the district court or the First Circuit. Claims made for the first time before this Court are ordinarily not granted review. *See, e.g.*, *Taylor v. Freeland & Kronz*, 503 U.S. 638, 645-46 (1992) (citing *Youakim v. Miller*, 425 U.S. 231, 234 (1976) (per curiam)); *United States v. Ortiz*, 422 U.S. 891, 898 (1975). An examination of Petitioner's brief in the First Circuit indicates that she did not raise the question below. Petitioner merely argued there that the district court erred in denying the Motion to Compel and summarily stated that "[s]ince discovery had not been completed in the case prior to summary judgment being granted, the Magistrate Judge's Judgment should be vacated, reversed and remanded for completion of pretrial discovery and a jury trial," also in the context of appealing the denial of the Motion to Compel. Appeal No. 22-1066, Appellant's Brief of March 22, 2022 at 30. But Petitioner makes no mention of Rule 56(d) in her appeal brief before the First Circuit. Nor did Petitioner even attempt to invoke the rule in the district court, which in itself is waiver and would have prompted the First Circuit to decline to reach that argument in the first place. *See Eldridge v. Gordon Bros. Group, LLC*, 863 F.3d 66, 84 (1st Cir. 2017) ("[A] party is not at liberty to articulate specific arguments for the first time on appeal simply because the general issue was before the district court." (quoting *United States v. Slade*, 980 F.2d 27, 31 (1st Cir. 1992))). Indeed, the fact that Petitioner asserts the Rule 56(d) argument for the first

time is evident from her Petition, in which Petitioner admits that she did not submit a 56(f) affidavit while the summary judgment was pending. Petition at 20. The Court should therefore decline to consider this issue.

Even ignoring that Petitioner waived the argument based on Rule 56(d), it lacks merit and is unsupported by the record. On its face, Rule 56(d) does not apply here because, by Petitioner's own admission, she did not even attempt to show "by affidavit or declaration" that she could not "present facts" to support her opposition to the motion for summary judgment. The plain language of Rule 56(d) places the burden on the nonmoving party to explain why the existing discovery is inadequate, *see* Fed. R. Civ. P. 56(d), a burden which Petitioner did not even attempt to meet.

No Rule 56(d) objection to the summary judgment motion was ever filed. On the contrary, Petitioner filed an opposition, without reservations, after seeking several extensions, and addressed Respondent's statement of uncontested facts as part of her opposition papers. Petitioner's belated averment that "she did make the court aware of the need for more time for discovery" because she requested extensions of time to file an opposition to the motion for summary judgment and sought reconsideration of the denial of the Motion to Compel, *see* Petition at 20-21, falls woefully short of what is required by Rule 56(d). The argument that more discovery was needed to oppose summary judgment is particularly unavailing where, as here, it is raised after losing the motion.

Precisely because Rule 56(d) is inapplicable given the record in this case, even assuming *arguendo* there was a circuit split as to its interpretation or application, as Petitioner claims without any reasoned argument, it would not affect the First Circuit's disposition of the appeal. In other words, the existence or non-existence of a circuit split concerning Fed. R. Civ. P. 56(d) is inconsequential to this case. As with Petitioner's other arguments, she provides no basis for overturning the First Circuit's decision.

D. PETITIONER'S REAL QUESTIONS AND ARGUMENTS DO NOT MEET THE STANDARD SET FORTH IN RULE 10.

Aside from the immaterial and inexistent circuit splits, the Petition raises essentially three errors: (1) that the motion for summary judgment was improvidently granted, because affidavits cannot substitute a jury trial, (2) that Petitioner's evidence could not be discounted despite its inadmissibility, because this Court in *Celotex v. Catrett*, 477 U.S. 317 (1986) found that the nonmovant in summary judgment does not need to produce evidence in a form that would be admissible at trial, and (3) that Petitioner's Motion to Compel before the district court should have been granted. In substance, none of Petitioner's arguments are correct.

Petitioner contends that the decision below ran afoul of *Poller v. Columbia Broadcasting System*, 368 U.S. 464 (1962), and amounted to trial by affidavit. The

argument does not withstand scrutiny. Respondents relied on affidavits to support their proposed uncontested facts, and the district court took into account those affidavits inasmuch as they were based on personal knowledge. *See Bonner*, 68 F.4th at 690. Far from committing error in doing so, the district court was following Fed. R. Civ. P. 56(c), which expressly allows a party to support its assertion of undisputed facts with affidavits made on the basis of personal knowledge.

Petitioner's broad reading of *Poller* would gut Rule 56(c) and render summary judgment inoperant. The rule unambiguously provides for the use of affidavits, so long as they are based on personal knowledge of the declarant. The statements in *Poller* about the need for witnesses to declare live and subject to cross-examination were made in the context of "complex antitrust litigation where motive and intent play leading roles." *Poller*, 368 U.S. at 491.[2] That is readily distinguishable from this case, where the affidavits did not deal with

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[2] Subsequent cases have shown far less reluctance to use summary judgment in antitrust cases. *See, e.g.*, *Texaco Puerto Rico, Inc. v. Medina*, 834 F.2d 242, 247 (1st Cir. 1987) ("There is Supreme Court dictum that summary judgment procedures, specifically as applied to complex antitrust cases, should be used cautiously when motive and intent are integral elements of the cause of action. *See Poller v. C.B.S.*, 368 U.S. 464, 491 (1962). Although *Poller* has not been overruled, the courts, including the Supreme Court, now more freely approve the granting of summary judgment in antitrust cases." (citing *Matsushita Elec. Ind. Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986); *Monsanto Co. v. Spray–Rite Service Corp.*, 465 U.S. 752 (1984); *Amnook Enterprises v. Time Inc.*, 612 F.2d 604, 622-23 (2d Cir. 1979), cert. denied, 448 U.S. 914 (1980))).

motivation or intent, but rather with very specific facts as to whether certain individuals were Respondents' employees and whether Respondents did business with Petitioner. *Bonner*, 68 F.4th at 689.

Petitioner also misapprehends *Celotex*, 477 U.S. 317. *Celotex* allows a nonmovant to submit evidence that, *in form*, is not admissible at the time. 477 U.S. at 324 ("We do not mean that the nonmoving party must produce evidence in a form that would be admissible at trial in order to avoid summary judgment. . . . Rule 56(e) permits a proper summary judgment motion to be opposed by any of the kinds of evidentiary materials listed in Rule 56(c). . . ."). Nothing in *Celotex* suggests that a party may rely on evidence that, *in substance*, is inadmissible, such as the type of hearsay evidence on which Petitioner sought to rely in her opposition to summary judgment. As the Tenth Circuit explained,

> [W]hile Celotex indicates that the form of evidence produced by a nonmoving party at summary judgment may not need to be admissible at trial, the *content* or *substance* of the evidence must be admissible. That is, Rule 56 permits parties at summary judgment to produce their evidence by means of affidavit, a form of evidence that is usually inadmissible at trial given our adversarial system's preference for live testimony. Yet, at the same time, Rule 56 does not suggest we enjoy a license to relax the content or substance of the Federal Rules of Evidence when viewing a summary judgment affidavit: the Rule does nothing to intimate hearsay testimony that would be

> inadmissible at trial somehow becomes admissible simply by being included in an affidavit to defeat summary judgment. To the contrary, Rule 56 expressly prescribes that a summary judgment affidavit must be made on personal knowledge, set forth facts that would be admissible in evidence, and show that the affiant is competent to testify on the matters stated.

Johnson v. Weld County, Colo., 594 F.3d 1202, 1210 (10th Cir. 2010) (internal quotation marks and citations omitted).[3]

The First Circuit did not run afoul of *Celotex* in affirming the district court's grant of summary judgment. While Petitioner could rely on evidence that was inadmissible *in form*, she could not defeat the summary judgment motion by reference to documents that were inadmissible in substance because they contained hearsay or were simply not authentic.

Finally, Petitioner's argument as to the erroneous denial of the Motion to Compel is pointless. The district court had "considerable discretion" both in managing

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[3] *See also McMillan v. Johnson*, 88 F.3d 1573, 1584 (11th Cir. 1996) (reading *Celotex*'s statement that the nonmovant need not produce evidence in an admissible form "as simply allowing *otherwise admissible* evidence to be submitted in an *inadmissible form* at the summary judgment stage, though at trial it must be submitted in admissible form" (citations omitted)). As the First Circuit explained, "[e]vidence that is inadmissible at trial, such as inadmissible hearsay, may not be considered on summary judgment." *Bonner*, 68 F.4th at 689 (quoting *Vázquez v. López-Rosario*, 134 F.3d 28, 33 (1st Cir. 1998)).

pre-trial matters and ruling on the Motion to Compel. *Wells Real Estate Inv. Trust II v. Chardon/Hato Rey P'ship S.E.*, 615 F.3d 45, 55 (1st Cir. 2010). Nothing in the Petition comes close to supporting a successful argument that the district court abused its discretion in denying the Motion to Compel or that the First Circuit erred in affirming such denial.

Petitioner is not only mistaken in the substance of her arguments, but she also fails to heed this Court's admonition that "[a] petition for writ of certiorari will be granted only for compelling reasons." Supreme Court Rule 10. None of these arguments compel the grant of certiorari review. Even if Petitioner were correct in her contentions, at best she would have asserted an issue of misapplication of law, which, as set forth in Rule 10, *rarely* justifies the grant of certiorari.

IX. CONCLUSION

Petitioner has not set forth any compelling reason for this Court to grant the Petition. While Petitioner attempted to craft circuit splits as to weighing of the evidence in summary judgment and the application of Rule 56(d), these splits are nonexistent and wholly irrelevant and inconsequential to the lower courts' decisions as neither the district court nor the First Circuit based its determination on either of the supposed circuit split subjects. Moreover, compounding the obstacles for Petitioner, she waived her argument based on Rule 56(d) and the contention that summary judgment should have been denied for lack of sufficient discovery

as she raises it for the first time in the Petition. In sum, contrary to the Petition's averments, the First Circuit faithfully applied this Court's summary judgment jurisprudence, which does not warrant review. Petitioner's disagreement with the district court and First Circuit's decisions fails to raise a conflict with another court of appeals' decision. Nor are the topics she puts in controversy the type of important matter that warrants this Court's review or that calls for its supervisory power. Accordingly, this Court should deny the Petition for a Writ of Certiorari.

Respectfully submitted,

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