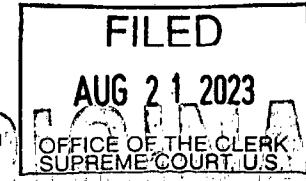


22-5446

In The



ORIGINAL

**Supreme Court Of The United States**

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ELIZABETH RICHERT on behalf of herself  
and all others similarly situated,

*Petitioner,*

v.

KATHLEEN WHITE MURPHY and THOMAS WHITE,  
as co-administrators of the estate of ANNA M. WHITE,

*Respondents.*

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

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**PETITION FOR A WRIT OF CERTIORARI**

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ELIZABETH RICHERT  
In Propria Persona  
8724 Sunset Drive, #282  
Miami, Florida 33173  
Telephone: (305) 349-3191  
Email: sunset8770@aol.com

## QUESTIONS PRESENTED

1. The Fifth Amendment guarantees that private property shall not be taken for public use without due process, nor shall it be taken for public use without just compensation. The Fourteenth Amendment guarantees all citizens due process of law and equal protection of the laws. In the instant case, the lower court's grant of summary judgment to Petitioner for Count I foreclosed Plaintiffs from obtaining title to the subject property. (App. D; App.B). Plaintiffs and Plaintiffs' two attorneys responded by breaking into, changing the locks, and forcibly taking the subject property. On April 21, 2022 the lower court denied Petitioner's Emergency Motion for Contempt, Injunction, and Other Relief, (N.D. Ill., Doc. 505; App.C), finding, "there is no basis in the Court's judgment to enjoin plaintiffs or their attorneys from attempting to assert control over the property," (App.C, p. 3), begging the question:

Whether the District Court's April 21, 2022 post-trial order, finding, "Because the Court has never ruled that title to the Buffalo Grove home belongs to defendant in her individual capacity, there is no basis in the Court's judgment to enjoin plaintiffs or their attorneys from attempting to assert control over the property," amount to an unconstitutional taking without due process, equal protection, and just compensation within the meaning of the Fifth Amendment's Takings Clause, the Fifth Amendment's due process clause, and the Fourteenth Amendment's due process and equal protection clauses?

2. The Fifth Amendment guarantees an individual's rights to equal protection and due process in federal courts. The Fourteenth Amendment echoes those rights. In the instant case, the lower court found that Petitioner "...was entitled to rely on the Court's order dismissing Count I," (App. B, pp. 23-25), but the lower court

(prejudicially) vitiated that, and others of its orders, the (Federal) Rules of Civil Procedure, the Federal Rules of Evidence, and the Seventh Circuit's Local Rules, and violated the Fifth and Fourteenth Amendments to the United States Constitution, the Judicial Code of Conduct, agreements by the parties, and the truth, in order to arrive at its final judgment, and post-trial orders.

The Supreme Court's supervisory power, inherent in the judicial power granted to it in Article III of the United States Constitution, and promulgated by Supreme Court Rule 10, authorizes the Court to exercise its supervisory power where an appellate court has sanctioned the departure of a lower court, that is so far from the accepted and usual course of judicial proceedings, as to call upon the Supreme Court for an exercise of its supervisory power.

Whether the Seventh Circuit's sanctioning the decision(s) of the United States District Court, for the Northern District of Illinois in Case No. 15-cv-8185, that so far departed from the accepted and usual course of judicial proceedings, call for an exercise of this Court's supervisory power?

## STATEMENT OF RELATED PROCEEDINGS

- \* *White v. Richert*, No. 21-3203, U.S. Court of Appeals for the Seventh Circuit (November 24, 2021).
- \* *White v. Richert*, No. 15-cv-8185, U.S. District Court for the Northern District of Illinois (September 18, 2015).
- \* *White v. Richert*, No. 15-CH-1312, Illinois's Nineteenth Judicial Circuit (removed September 18, 2015).

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## **PETITION FOR A WRIT OF CERTIORARI**

Petitioner, Elizabeth Richert, respectfully petitions for a writ of certiorari to review the judgment(s) of the United States Court of Appeals for the Seventh Circuit.

### **OPINIONS BELOW**

The appellate court's Order (App. A), is reported at 2023 WL 2200963. The district court's October 26, 2021 Memorandum Opinion and Order, (App. B), is reported at 2021 WL 4963604. The district court's April 21, 2022 (Memorandum Opinion and) Order, (App. C), is unreported. The district court's May 27, 2021 Memorandum Opinion and Order, (App. D), is reported at WL 2021 2156448. The appellate court's Order denying rehearing (App. E), is reported at 2023 WL 2603475.

### **JURISDICTION**

The Order of the court of appeals was entered on February 24, 2023. A petition for rehearing was denied on March 22, 2023. On June 14, 2023, Justice Barrett extended the time within which to file this petition for a writ of certiorari up to and including August 19, 2023. The jurisdiction of this Court is being invoked under 28 U.S.C. § 1254(1).

### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The Fifth Amendment to the United States Constitution provides, "nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Section 1 of the Fourteenth Amendment to the United States Constitution provides in pertinent part, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

#### **STATEMENT OF THE CASE**

1. Petitioner and her aunt, Anna White, ("White"), were beneficiaries of an Arizona Trust, ("Trust"). The Trust was created in 2008 by Petitioner's uncle, White's brother, who passed away in November 2009. The Trust appointed Petitioner successor trustee. On July 17, 2015, six years later, Plaintiffs, Kathleen White Murphy and Thomas White, citizens of Illinois and two of White's four children, filed this lawsuit in Lake County, Illinois Circuit Court against Petitioner, a citizen of Florida, hiding behind White as Plaintiff, (*infra*).<sup>1</sup> Petitioner removed the case to federal court based upon diversity jurisdiction.

Falsely representing to the contrary,<sup>2</sup> (7th Cir., Doc. 26, pp. 3-4; N.D. Ill., Doc. 44, ¶¶ 1-7),<sup>3</sup> the relief sought by Plaintiffs' was directed solely to the Trust. Plaintiffs demanded title to property in Buffalo Grove, Illinois, ("Illinois Property"), held in Petitioner's name as trustee of the Trust, (*see* N.D. Ill., Doc. 51, General

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<sup>1</sup> During the November 29, 2016 hearing, Plaintiffs admitted, "When I filed this lawsuit, Your Honor, I never expected to put her [White] on the stand," (N.D. 244-1, p. 69, lines 18-19).

<sup>2</sup> To avoid Arizona's two year statute of limitations for breach of fiduciary duty as trustee, (N.D. Ill., Doc. 26, Fn. 34; N.D. Ill., Doc. 244-1, p. 2).

<sup>3</sup> Falsely representing that ILCS 735 5/13-205 and antiquated caselaw pre-dating 735 ILCS 5/13-214.3 controlled, (7th Cir., Doc. 26, p. 3; N.D. Ill., 44, ¶¶ 5-7).

Allegations, pp. 1-10),<sup>4</sup> dissolution of the Receipt and Release, ("Release"), knowingly, willingly and admittedly<sup>5</sup> executed by White in July 2011, releasing White's interest in the Trust, and an accounting for the Trust, which White admittedly received when she executed the Release, (7th Cir., Doc. 26, p. 19). It is undisputed that Plaintiffs waited to sue Petitioner, until White was no longer able to testify, (7th Cir., Doc. 26, p. 19, Fn. 25; N.D. Ill., Tr. 455, p. 523, lines 9-24). Absent hiding behind White as Plaintiff, Plaintiffs did not have standing to sue, (7th Cir., Doc. 26, p. 3; *id.*, pp. 5-6). With no basis upon which to sue Petitioner in Illinois, Plaintiffs falsely represented that Petitioner was a licensed Illinois attorney, (7th Cir., Doc. 26, p. 4, Fn. 6; N.D. Ill., Doc. 351-11, p. 20, lines 24-25, p. 21, lines 1-7), and as such, breached a fiduciary duty to White. Not until the November 29, 2016 hearing on Plaintiffs' perjurious<sup>6</sup> motion for protective order, seeking to prevent Petitioner from taking White's deposition, were Plaintiffs forced to disclose White's (pre-suit) incompetence. When the court ordered White to sit for her deposition, Plaintiffs' executed a Stipulation agreeing that, "Anna White will not be called as a witness in this matter and no testimony from Anna White will be proffered or introduced at any trial...in this matter," and "This Agreement and Stipulation shall be binding on the parties to this case and on any...representative of plaintiff, or any other person acting on her behalf with respect to any claim

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<sup>4</sup> Establishing that White's step-grandson, Gary Steciuk, stole White's inheritance from the Trust, conned Petitioner into paying for the Illinois property so he could steal the rest of White's inheritance, and more. Steciuk was arrested in 2014, and incarcerated for approximately 8 years, the result of stealing in excess of \$2.6 million dollars from his clients, including White. See in particular ¶¶ 30, 33.

<sup>5</sup> 7th Cir., Doc. 26, p. 4, Fn. 5; N.D. Ill., Doc. 1-1.

<sup>6</sup> See 7th Cir., Doc. 26, p. 5; *id.*, Fn. 10; Tr., Doc. 455 at 523, lines 4-23.

against the defendant." (See 7th Cir., Doc. 26, pp. 5-6; N.D. Ill., Doc. 467, pp. 84-85; Tr. 449, p. 62, lines 15-25, pp. 63-67, p. 68, 1-16).<sup>7</sup>

On September 25, 2015, two months and eight days after Plaintiffs filed suit, Petitioner established that Plaintiffs' single, conclusory allegation upon which Plaintiffs' entire 2015 complaint depended, was false. (N.D. Ill., Doc. 8). After improperly transferring the case to a magistrate judge for all proceedings, contrary to the Local Rules and Petitioner's right to refuse, (7th Cir., Doc. 26, p. 2, Issue IV; *id.*, pp. 27-29). The lower court persistently denied all of Petitioner's motions to end the Illinois litigation, (7th Cir., Doc. 26, pp. 4-5). Instead, the lower court permitted "fishing expedition" discovery directed at Petitioner, in violation of Rule 26(b)(1),<sup>8</sup> providing in pertinent part, "Parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense...," and "the importance of the discovery in resolving the issues..." (*id.*). Where the single, conclusory allegation upon which Plaintiffs' entire 2015 complaint depended, was already known to the court to be false, no discovery was either relevant or important, to resolving the issue. The foregoing collectively, violated Petitioner's constitutional rights to equal protection and due process, and Fed. R. Civ. P. 1, "to secure the just, speedy, and inexpensive determination of every action and proceeding," (7th Cir., Doc. 26, p. 5).

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<sup>7</sup> Not only was a power of attorney allegedly executed by White, admitted at trial without proper foundation, but the court consistently allowed hearsay testimony regarding White to come in, over ongoing objections by Petitioner. (See Tr., p. 314, lines 18-25, 316, 317, lines 1-21).

<sup>8</sup> The intent of which is to prevent exactly that which occurred in the instant case.

Petitioner found two "versions" of the Trust. The first "version," (Plaintiffs' N.D. Ill., Doc. 173, Exhibits A and B, (A/B),<sup>9</sup> was in the form of loose pages, scattered amongst a hoard of paperwork, on a desk in her uncle's office, (7th Cir., Doc. 26, p. 24). Petitioner took a copy of Plaintiffs' A/B to her aunt, when Petitioner went to visit her in 2010. Petitioner found the second "version," of the Trust, during a later trip to Arizona, when she stepped on what turned out to be a locked floor safe, underneath the carpet, in a corner of the master bedroom closet, (*id.*). Petitioner hired a locksmith to open the safe. Inside, was a fully executed, stapled, original of her uncle's Trust, (7th Cir., Doc. 26, p. 24). Petitioner took a copy of the second "version" of the Trust, Plaintiffs' N.D. Ill., Doc. 173, Exhibit C, to her aunt, when Petitioner went to visit her in July of 2011.

During the years that ensued, the box containing Petitioner's copies of all "versions" of the Trust, along with multiple other boxes, were stolen from Petitioner's residence. In February 2017, "on the eve of her deposition,"<sup>10</sup> Petitioner discovered a plastic bag inside her mailbox, containing a copy of the second "version" of the Trust, Plaintiffs' Exhibit C, (*id.*). Petitioner immediately advised her attorney, and sent the Trust to him. He in turn, scanned the Trust into his computer, and emailed a copy to Plaintiffs' attorneys, and Plaintiffs' attorneys in turn, filed a *Motion to Compel*, (N.D. Ill., Doc. 146), seeking to reconvene Petitioner's deposition, and a *Motion for Leave to Issue Discovery and to Designate*

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<sup>9</sup> The terms of which are identical in all respects.

<sup>10</sup> N.D. Ill., Doc. 467, p. 10.

*Expert Witness*, (N.D. Ill., Doc. 149),<sup>11</sup> the lower court noting, "The plaintiff is saying we think that this maybe phonied up." (7th Cir., Doc. 26, p. 6; N.D. Ill., Doc. 351-16, p. 19, lines 4-5).<sup>12</sup>

Plaintiffs' two April 12, 2017 Motions were directed to the Trust and more. Now Plaintiffs were demanding discovery regarding Petitioner's personal trust, to-wit: "A major issue in this litigation is who is entitled to Robert Richert's Arizona home (the "Carefree Home") that was part of the Robert Trust," and "The identities of the beneficiaries to the Elizabeth Richert Trust are germane to this action, since it holds an asset that Elizabeth Richert is alleged to have pilfered from Anna White while acting as her attorney," (N.D. Ill., Doc. 146, p. 8). Both representations were false. Plaintiffs' 2015 complaint, (N.D. Ill., Doc. 1-1), alleged nothing about Petitioner's personal trust holding an asset to which White was entitled, (*id.*), and other than violating Petitioner's right to privacy, the names of beneficiaries to Petitioner's personal trust were irrelevant to Plaintiffs' claim that Petitioner breached a fiduciary duty to White as White's licensed Illinois attorney. Plaintiffs' further alleged, "...[S]even days after the close of discovery, attorney Jacobson produced a .pdf purporting to be a copy of the Robert L. Richert Trust (the "purported Robert Trust"), **the authenticity of which is highly suspect,"** (N.D. Ill., Doc. 149, pp. 2-3). [Emphasis added].<sup>13</sup>

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<sup>11</sup> The first induction that Plaintiffs planted a copy of the Exhibit C Trust in Petitioner's mailbox, *infra*.

<sup>12</sup> The third induction that Plaintiffs planted a copy of the Exhibit C Trust in Petitioner's mailbox, *infra*.

<sup>13</sup> The second induction that Plaintiffs planted a copy of the Exhibit C Trust in Petitioner's mailbox, *infra*.

On April 19, 2017, the court granted Plaintiffs' motions, neither of which were relevant or important to resolving that which was resolved two years earlier, to-wit: Petitioner was never a licensed Illinois attorney, *supra*, Rule 1, Fed. R. Civ. P., *supra*. (See also N.D. Ill., Doc. 244-1, p. 72, lines 17-25, p. 73, lines 1-4, a/k/a DX 34). At one year and 9 months into the litigation, Plaintiffs had yet to produce any evidence whatsoever, that Petitioner ever represented White as White's licensed Illinois attorney, or otherwise.

The lower court also granted Plaintiffs' *ore tenus* motion for "more legible copies" of checks from the Fidelity account, (N.D. Ill., Doc. 351-16, p. 16, lines 17-25, p. 17), ordering Petitioner, **not** Plaintiffs, to either subpoena or request from Fidelity more legible copies, "but that's it," (*id.*, p. 17, lines 17-19). [Emphasis added]. However, the order entered by the lower court contained a scrivener's error. Instead of "checks," the order said "trust," (N.D. Ill., Doc. 151), while correctly stating that Petitioner, not Plaintiffs, follow through. In contempt of the lower court's directive, and instead of advising the court of the scriveners error,<sup>14</sup> Plaintiffs issued a subpoena to Fidelity for the Trust, advising Petitioner's attorney, after the fact. With a contemptuously obtained copy of the "first" Trust in hand, on June 27, 2017, Plaintiffs filed a motion to amend their original complaint, to add Count II for breach of fiduciary duty as trustee of the Trust, (N.D. Ill., Doc. 165), attaching to it their proposed "Count II for Liability as Trustee (of the Trust)," (*id.*).

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<sup>14</sup> Contrary to the Illinois Rules of Professional Conduct.

During the July 18, 2017 hearing, Plaintiffs leveled multiple, defamatory, conclusive allegations at Petitioner. In response, the lower court set forth two **prerequisite** findings of facts to proving their allegations, to-wit: "has there been a finding of fact that prior to the time she said she found it in her mailbox that she actually had it? That it wasn't stolen?", (N.D. Ill., Doc. 351-11, p. 6, lines 6-19), and "Has there been a finding of fact that it's altered or forged?", (*id.*, p. 6, lines 24-25, p. 7, lines 1-13).

During the same hearing, Plaintiffs made multiple false representations regarding the subpoena Plaintiffs contemptuously issued to Fidelity, the Arizona statute of limitations for filing a breach of fiduciary duty claim against a trustee, and more. Every representation was false, e.g. that Plaintiffs' "initial subpoena to Fidelity, well before the close of discovery, should have produced the trust documents. Fidelity chose not to disclose it," (*id.*, p. 2, lines 7-25; Doc. 291-8, p. 4). Acknowledging Plaintiffs' contempt of its order, (N.D. Ill., Doc. 351-11, p. 3, lines 1-9), the lower court took no action to sanction Plaintiffs. Instead, and in spite of knowing that Plaintiffs' single, conclusory allegation, upon which Plaintiffs' entire 2015 complaint depended, was false, *supra*; that Plaintiffs lied, (then lied again), (N.D. Ill., Doc. 351-11, p. 20, lines 23-25, p. 21, lines 1-6), and Plaintiffs vehement assertion that this lawsuit had "nothing to do with the Arizona Trust," (7th Cir., Doc. 26, p. 1; N.D. Ill., Doc. 44, ¶¶ 1-7), the the lower court prejudicially put the cart before the horse, entertaining a settlement discussion while assuming facts not in evidence for Plaintiffs' "versions" A/B and C, (*id.*, p. 14, lines 14-25, pp. 15-17, p. 18,

lines 1-7, p. 19, lines 18-25, and p. 20, lines 1-6); ordering Petitioner's attorney, **not** Plaintiffs', to "make a real offer," (*id.*, p. 22, line 5),<sup>15</sup> and unwittingly expressing bias against Petitioner stating, "This case should have settled a long time ago," (*id.*, p. 21, lines 13-14). [Emphasis added].

When the lower court reconvened on August 8, 2017, in spite of expressing its lack of fondness for [Plaintiffs' not Petitioner's] "take it or leave it," approach, (App. F, p. 6, lines 7-10),<sup>16</sup> the lower court punitively and prejudicially ruled against Petitioner, **not** Plaintiffs', stating both, "Then I'll rule. I'm going to grant leave to file an amended complaint to add to Count Two..., (*id.*, p. 6, lines 11-12), and, "So if that's the way you're going to approach it, then we'll deal with it a different way," (*id.*, p. 7, line 25, p. 8, lines 1-2). [Emphasis added]. Petitioner had neither used a "take it or leave it" approach, nor had Petitioner done anything wrong. Moreover, the lower court permitted Plaintiffs to amend their complaint, absent any indication whatsoever, that Plaintiffs had anything more than an additional conclusory allegation, beyond that contained in Plaintiffs' 2015 complaint, that went to the lower court's stated prerequisite findings, *supra*, again putting the cart before the horse, again to Petitioner's detriment, **not** Plaintiffs'. [Emphasis added]. Assisted by the lower court, Plaintiffs had finally managed to circumvent White, to

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<sup>15</sup> The lower court made an improper finding of fact on motion for summary judgment stating, "As for Ms. Richert's argument that the different language in Section 5.4.1 in Versions B and C of the Robert Trust mean the same thing, we find that reading implausible," (N.D. Ill., Doc. 228, p. 15).

<sup>16</sup> Petitioner could not locate the court reporter's filing of the August 8, 2017 transcript on the case docket, to be able to cite to its docket number.

assert derivative rights without standing, (N.D. Ill., Doc. 26, p. 6), and to avoid Arizona law, (Fn. 1, *supra*).

On August 25, 2017, Petitioner filed a second Federal Rule (12)(b)(6) Motion to Dismiss this time directed to Plaintiff's First Amended Complaint, (N.D. Ill., 176), and on August 30, 2017, the lower court struck yet another attempt by Petitioner to end this litigation, (N.D. Ill., 177).

On August 28, 2018, the court finally granted summary judgment to Petitioner,<sup>17</sup> for Plaintiffs' 2015 complaint, as time barred,<sup>18</sup> (N.D. Ill., 227; 228), but not before improperly permitting Plaintiffs to amend their complaint to add Count II for breach of fiduciary duty as trustee of the very Trust Plaintiffs so vehemently denied was the subject of their 2015 complaint, (N.D. Ill., Doc. 44, ¶¶ 1-7), *supra*. At the same time, the lower court denied Petitioner's motion for summary judgment for Plaintiff's First Amended Complaint, Count II, making an improper finding of fact on a motion for summary judgment, (Fn. 15, *supra*), affirming same in its August 28, 2019 Memorandum Opinion and Order, (7th Cir., Doc. 26, ¶ 11; N.D. Ill., Doc. 335, p. 3), then used its improper finding of fact in part, to find that Petitioner forged Plaintiffs' Exhibit C Trust beginning, "As the Court explained in its prior

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<sup>17</sup> Including Plaintiffs' claim for title to the Illinois property, an accounting for the Trust and dissolution of the Release.

<sup>18</sup> The May 23, 2013 letter from White's/Plaintiffs' attorney to Petitioner, questioning title to the property, and White's approving the title at closing, (N.D. Ill., Doc. 51, Exhibit B, Doc. 74, p. 26, ¶ 8; 7th Cir., Doc. 26, p. 19), rendered Plaintiffs' lawsuit time-barred at filing, Plaintiffs falsely represented the date the "the issue of title" was "discovered," (N.D. Ill., Doc. 1-1, ¶ 8). The letter also established a day certain when White knew Plaintiffs and their attorney were questioning Petitioner about the Trust, and White refused, terminating Plaintiffs' attorney's services, (see letter dated April 20, 2015, (N.D. Ill., Doc. 51, p. 21; Doc. 1-1, p. 15).

order granting in part and denying in part defendant's motion for summary judgment...", (N.D. Ill., 467, pp. 7-9), but not before granting Plaintiffs' Motion to Strike Petitioner's three impeachment witnesses pretrial, to-wit: "(2) Objections to defendant's witness list: the objections to defendant's witnesses...Hala Marouf, and Matle (sic) Walter are sustained, and "motion to compel Thomas White to produce all deposits for the RBC/Athene annuity or in the alternative, seek leave of court to subpoena same directly are denied,"<sup>19</sup> (7th Cir., Doc. 26, p. 11, Fn. 16; N.D. Ill., Doc. 292), leaving Petitioner defenseless, except for Petitioner's own testimony, and cross-examination of Plaintiffs' witnesses.<sup>20</sup> Even so, on cross-examination by Petitioner, and consistent with her deposition testimony, Plaintiff, Kathleen White Murphy testified "the lawyers" told her Plaintiffs' Exhibit C Trust was forged, (7th Cir., Doc. 26, p. 11).

White passed away on August 29, 2019. Petitioner and White had always been close, but after Petitioner lost her mother to cancer in 1998, White was like a second mother to her. Petitioner testified that White and Petitioner distributed the Trust together, and that White knew everything, (7th Cir., Doc. 26, p. 19; N.D. Ill., Tr., Doc. 458, p. 714, lines 13-20, p. 715, lines 11-14).

Trial took place between September and November 2020. Trial was limited to Plaintiffs' Count II, and Petitioner's First Amended Counterclaim, Count II, (N.D.

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<sup>19</sup> Enriching Plaintiffs in the amount of \$32,657.58.

<sup>20</sup> Petitioner pointed out that Petitioner's 47% and White's 47% added to the 6% to charities, resulted in the same 100% in both versions of Paragraphs 5.4.1 of Plaintiffs' Exhibits A/B, and C, further indicating the Settlor's intent that both Paragraphs 5.4.1 resulted in the same 47% distributions to White and Petitioner, (7th Cir., Doc. 26, p. 11, Fn. 15).

Ill., Doc. 333). Plaintiffs' Count II was a single, conclusory allegation that Petitioner "altered and forged" Plaintiffs' Exhibit C Trust, (N.D. Ill., Doc., 173, ¶¶ 28-29).<sup>21</sup>

Pursuant to the lower court's stated prerequisites findings, *supra*, Plaintiffs failed to produce any evidence, whatsoever, pretrial, "that prior to the time she said she found it in her mailbox that she actually had it? That it wasn't stolen?," (N.D. Ill., Doc. 351-11, p. 6, lines 6-19), and "Has there been a finding of fact that it's altered or forged?," (*id.*, p. 6, lines 24-25, p. 7, lines 1-13), and Plaintiffs failed to introduce any evidence, whatsoever, at trial, "that prior to the time she said she found it in her mailbox that she actually had it? That it wasn't stolen?," (N.D. Ill., Doc. 351-11, p. 6, lines 6-19), and "Has there been a finding of fact that it's altered or forged?," (*id.*, p. 6, lines 24-25, p. 7, lines 1-13).<sup>22</sup>

In spite of the foregoing, on May 27, 2021, the lower court entered a disturbing, vitriolic, defamatory 86 page Memorandum Opinion and Order, against Petitioner, and in favor of Plaintiffs, finding that Petitioner forged Plaintiffs' Exhibit C Trust.

In addition to using its improper finding of fact on motion for summary judgment in part, to find that Petitioner forged Plaintiffs' Exhibit C Trust, (Fn. 15, *supra*), the remaining "evidence" used by the lower court, to reach its conclusion that Petitioner forged Plaintiffs' Exhibit C Trust, was post-trial, *sua sponte*, to-wit:

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<sup>21</sup> Plaintiffs' First Amended Complaint had additional problems, (see 7th Cir., Doc. 26, pp. 12-14).

<sup>22</sup> Moreover, even if arguendo, one or both of the experts found that Plaintiffs' Exhibit C Trust had been "altered or forged," which they didn't, Plaintiffs would still have been required to prove that Petitioner had done the altering or forging.

1) The lower court shifted the burden of proof from Plaintiffs to Petitioner, (7th Cir., Doc. 26, p. 15, N.D. Ill., 467, p. 16);<sup>23</sup> 2) In spite of the parties' agreement to submit their respective experts' reports for the lower court's consideration, which they did, and which were admitted into evidence, post-trial, without notice to, or consent of the parties, the lower court excluded both experts' reports, claiming they canceled each other out,<sup>24</sup> then *sua sponte*, compared the initials on Page 3 of Plaintiffs' Exhibits A/B, and Page 3 of Plaintiffs' Exhibit C, the court itself concluding that the initials on Page 3 of Plaintiffs' Exhibit C were forged, attributing same to Petitioner, contrary to both experts' reports, (7th Cir., Doc. 26, p. 16-17; N.D. Ill., Doc. 467, p. 48),<sup>25</sup> and absent the lower court's prerequisite findings, *supra*; 3) The lower court stated in part, "Defendant testified that, after she discovered Version C in a floor safe in her late uncle's home, she maintained that document at her home in Florida. At some date she could not remember, defendant testified, one of her clients stole the original Version C from her house. Defendant decided not to report the burglary to police, supposedly because of her need to keep her address secret due to her past involvement in an abusive relationship. Then, one day in early 2017, a copy of Version C appeared in defendant's mailbox, contained in a plastic grocery

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<sup>23</sup> In fact, the lower placed the burden of proof on Petitioner from the beginning.

<sup>24</sup> Both experts' reports favored Petitioner, (7th Cir., Doc., 26, p. 16; *see also* Murphy deposition testimony, (*id.*, p. 11; N.D. Ill., Doc. 351-14, p. 68, lines 9-24, p. 69, lines 1-6).

<sup>25</sup> Plaintiffs' assertion was not that the initials on the two pages were forged, Plaintiffs' assertion was that Petitioner replaced the dispositional language of Paragraph 5.4.1 of Version A/B, with the dispositional language of Paragraph 5.4.1 of Version C, (7th Cir., Doc. 26, p. 17; N.D. Ill., Doc. 173, ¶ 28).

bag. The Court does not believe a single piece of this testimony," (N.D. Ill., Doc. 467, p. 44). The foregoing was not Petitioner's testimony. Petitioner testified, in part, "With the original of Plaintiffs' Exhibit C having been stolen from me, (and) the only other copy of Plaintiffs' Exhibit C having been given to Anna White, I put two and two together and realized that the only individuals who had a motive to put a copy of the trust into my mailbox were plaintiffs or their attorneys," (N.D. Ill., Doc. 458, p. 729, lines 5-10), "I now believe that plaintiffs had someone plant a copy of the copy that I gave to Anna White into my mailbox to set me up, because they knew I would either produce it, which I did, and certainly as an officer of court, after which they repeatedly stated throughout this case how implausible my story was about how I got the copy, where if I didn't produce it they would call whoever planted it there to testify that I did not produce it," (N.D. Ill., Doc. 458, p. 730, lines 6-13); **4)** *Appellant's* "claim" was "fantastical" and "illogical" because "plaintiffs were in a worse position because "that document" distributes the Carefree home to defendant alone," (N.D. Ill., Doc. 467, p. 45,) a direct contradiction to its earlier statement that "title to the home passed to defendant in accordance with paragraph 5.4.1 of each version of the trust instrument," (*id.*, p. 9). (*See also* 7th Cir., Doc. 26, p. 15; N.D. Ill., Doc. 348, Fn. 2, establishing all versions of the Trust distributed the Carefree home "to defendant alone," **5)** *see also* 7th Cir., Doc. 26, Fn. 20; and **6)** Asserting that, Petitioner failed to prove that White was incompetent to sign the power of attorney in 2013, the lower court decided that Plaintiff, Kathleen White Murphy's testimony regarding her mother's competence to sign the power of attorney was credible, (N.D.

Ill., Doc. 467, pp. 34-35), contrary to the lower court's finding to the contrary, during the November 29, 2016 hearing, that the "declaration" [under penalties of perjury]<sup>26</sup> from Plaintiff Kathleen White Murphy, "an interested party" was not an appropriate "basis" upon which "to make" a "judgment," (N.D. Ill., Doc. 244-1, p. 69, lines 9-15). Such is especially true where, had the lower court found the power of attorney invalid, Plaintiffs Count II claim would have failed for lack of standing.<sup>27</sup> Contrary to the lower court's May 27, 2021 stance on Plaintiff White-Murphy's credibility, both Plaintiffs were very adept at fraudulent representations, e.g., N.D. Ill., Doc. 244-1, pp. 46-50; pp. 51-66; pp. 56-59, and p. 84, lines 23-25, p. 85, lines 1-6), and beyond,

None of the lower court's improper, post-trial, *sua sponte* "evidence" established its prerequisite findings, "that prior to the time she said she found it in her mailbox that she actually had it? That it wasn't stolen?", (N.D. Ill., Doc. 351-11, p. 6, lines 6-19), and "Has there been a finding of fact that it's altered or forged?", (*id.*, p. 6, lines 24-25, p. 7, lines 1-13; pp. 14, 18, Fn. 22, *supra*), and but for any competent, substantial evidence meeting the lower court's prerequisite findings, and if so, that Petitioner "altered or forged," Plaintiffs' Exhibit C Trust, Plaintiffs' First Amended Complaint, Count II single, conclusory allegation failed, rendering the dispositional language of either version, immaterial.

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<sup>26</sup> See (N.D. Ill., Doc. 106, p. 26, ¶ 4), Affidavit [of Kathleen A. White Murphy].

<sup>27</sup> Never one to miss the opportunity to take a dig at Petitioner in its 86 page, vitriolic, defamatory Memorandum Opinion and Order, the lower court added, "the Court found Kathleen to be a credible witness who, unlike defendant, engaged in no egregious misconduct that came at the expense of Anna White, (N.D. Ill., Doc. 467, p. 36). Actually, the opposite was true.

Thereafter, Petitioner asserted the following: "What is illogical is the Court deciding that Defendant reporting the appearance of a copy of Plaintiffs' Exhibit C in Defendant's mailbox, would be preferable to reporting that Defendant found a second copy of the trust agreement in her home, and produced it," (N.D. Ill., Doc. 496, Exhibit R, § A(2)(4), pp. 15-16).

In addition to the foregoing, in spite of the lower court's 2018 summary judgment in favor of Petitioner for Plaintiffs' 2015 complaint without limitation, (N.D. Ill., Doc. 227), including Plaintiffs' only claim for dissolution of the Release, post-trial, the lower court *sua sponte* found the Release was unenforceable,<sup>28</sup> vitiating two previous court orders to do so, to-wit: Petitioner's summary judgment for Count I, (N.D. Ill., Docs. 227, 228), and the lower court's order in part, limiting the issues for trial to Plaintiffs' First Amended Complaint, Count II, (N.D. Ill., Doc. 333). (See also 7th Cir., Doc. 26, pp. 18-20).

Finally, on September 5, 2019, the lower court entered an order finding, pursuant to Illinois law, that White's death extinguished any possibility of punitive damages should Plaintiffs succeed on their Count II breach of fiduciary duty claim, that attorneys' fees were not available for either side, pursuant to the American rule, and that Plaintiffs were not entitled to any part of the Arizona property, admittedly left to Petitioner, (N.D. Ill., Doc. 348, Fn. 2). Nevertheless, the court invited Plaintiffs to timely (by September 9, 2019 at 9:00 a.m.) file a memorandum

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<sup>28</sup> Because an enforceable Release barred Plaintiffs' *First Amended Complaint*, Count II, and extinguished Plaintiffs' derivative rights to sue.

of law, should they disagree with the lower court. Plaintiffs (untimely) filed their *Memorandum of Law in Support of the Availability of Punitive Damages in Favor of Plaintiffs* on September 12, 2019, (N.D. Ill., Doc. 361). The lower court did not alter or amend its N.D. Ill., Doc. 348 order. However, in spite of Plaintiffs' forum shopping into Illinois to avoid Arizona law, (p. 9, Fn. 2, *supra*), for the first time, four years into this litigation, Plaintiffs admitted without limitation, that Arizona law governed "plaintiffs' claims," (including their 2015 complaint, and their First Amended Complaint, Count II claim, (N.D. Ill., Doc. 361, p. 4), *infra*. But for Plaintiffs' 2015 complaint fraudulently representing that Petitioner was a licensed Illinois attorney with a fiduciary duty to White, Arizona's two year statute of limitations for an action against a trustee for breach of fiduciary duty, barred this entire litigation. (See N.D. Ill., Doc. 244-1, p. 2, A.R.S. 14-11005, C(1)), establishing that the Arizona statute of limitations for "plaintiffs' claims" ran on November 9, 2011, 4 years and 8 months before Petitioners filed their 2015 complaint.<sup>29</sup>

Having refused to do so at the request of Petitioner throughout, *infra*, post-trial, the lower court *sua sponte* vitiated its own (N.D. Ill., Doc. 348) order, then turned to the choice-of-law provision in the (Arizona) Trust "stating that "[t]his Agreement shall be construed under and regulated by the laws of the State of Arizona as now or hereafter in effect," (N.D. Ill., Doc. 467, p. 39), to "apply Arizona law in deciding plaintiffs' fiduciary-duty claim," (*id.*, p. 39), and to award Plaintiffs punitive damages, then granted leave to Plaintiffs to file a motion for attorneys' fees

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<sup>29</sup> Hence, their motive for forum shopping into Illinois.

pursuant to Fed. R. Civ. P. 54(d)(2), (N.D. Ill., Doc. 467, p. 86), a federal rule of civil procedure, not "a contractual or statutory basis to deviate from the American rule that each party in a lawsuit bears his or her own attorneys' fees," pursuant to (N.D. Ill., Doc. 348 (Fn. 2).<sup>30</sup> In addition, beginning on p. 39 of (N.D., Ill., Doc. 467), the lower court asserted that neither party had identified a difference in the relevant laws of the three possible states, to apply to Plaintiffs' Count II breach of fiduciary duty claim. The foregoing was also false, to-wit:

Plaintiffs' September 12, 2019 *Memorandum in Support of Punitive Damages* emphatically stated, "Elizabeth Richert consistently has argued to this Court, based on § 8.6, that Arizona law applies to plaintiffs' claims. *See, e.g.*, ECF No. 206 at 3—4 ("[h]ere, the interests of the settlor in predictability of state law in the state in which he resides and the interests of that state in the gathering and transfer of property of its deceased citizens should outweigh the interests of the various states in which beneficiaries might happen to reside. This choice of Arizona law certainly does no violence to the wishes of the Illinois legislature"). Plaintiffs agree, (N.D. Ill., Doc. 361, p. 4). [Emphasis added]. Excluding Petitioner's of record, numerous attempts to argue Arizona law, all of which fell on deaf ears, subsequent to Plaintiffs' first admission that "Arizona law applies plaintiffs' claims," Petitioner filed her *Motion to Dismiss for Lack of Jurisdiction, or in the Alternative, Motion to*

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<sup>30</sup> Petitioner too, filed a motion for attorneys fees, and while the lower court denied Plaintiffs' their attorneys' fees for Count I, it failed and refused to award Petitioner attorneys' fees for the fraud perpetrated by Plaintiffs for Count I, and throughout. (Petitioner is fully aware that had the lower court so desired, it could have awarded attorney's fees to Petitioner under several theories, not the least of which is Rule 11, Fed. R. Civ. P.

*Dismiss with Prejudice*, based entirely upon Plaintiffs' admission (N.D. Ill., Doc., 382, ¶ 6; denied *id.*, Doc. 382), and her *Amended Motion for Leave to File Third Motion for Summary Judgment or for a Choice of Law Ruling Consistent Therewith*, also based entirely upon Plaintiffs' admission, (N.D. Ill., Doc. 418, ¶ 4; denied *id.*, Doc. 421). Both were denied, *supra*. The lower court's second denial disingenuously stated, "The basis for defendant's motions is her belief that plaintiffs now agree with her that Arizona law controls Count II of plaintiffs' first amended complaint. Defendant cites to plaintiffs' Memorandum of Law in Support of the Availability of Punitive Damages in Favor of Plaintiffs [361] for this proposition but ignores that the focus of plaintiffs' memorandum was the **discreet** issue of the choice of law regarding punitive damages in this case," (*id.*, p. 2). [Emphasis added]. "If the mind rebels," [SCOTUSblog](#), quoting, Justice Elena Kagan, [Argument Analysis](#), by Amy Howe, April 26, 2023).

2. Petitioner filed her initial brief on appeal to the 7th Circuit on July 5, 2022. The standard of review for all issues presented was *de novo*. On February 23, 2023, the 7th Circuit entered its order on Petitioner's appeal, (7th Cir., Doc. 49). It too contained misstatements of fact and focused on the lower court's improper finding of fact on summary judgment regarding the language on p. 3, § 5.4.1 of Plaintiffs' Exhibits A/B and C, rather than on Plaintiffs' failure to introduce any evidence, whatsoever, "that prior to the time she said she found it in her mailbox that she actually had it? That it wasn't stolen?," "that it's altered or forged?," *supra*, or if so, that Petitioner altered or forged it?, (Fn. 2, *supra*; 7th Cir., Doc. 26, pp. 10, 14, 17;

7th Cir. Doc. 49, p. 5), deciding that Petitioner's remaining arguments, did not merit discussion, (*id.*). So doing, the 7th Circuit sanctioned the departure of the lower court, that was so far from the accepted and usual course of judicial proceedings, as to call upon the Supreme Court for an exercise of its supervisory power.

## ARGUMENT

**Whether the District Court's April 21, 2022 post-trial order, finding, "Because the Court has never ruled that title to the Buffalo Grove home belongs to defendant in her individual capacity, there is no basis in the Court's judgment to enjoin plaintiffs or their attorneys from attempting to assert control over the property," amount to an unconstitutional taking without due process, equal protection, and just compensation within the meaning of the Fifth Amendment's Takings Clause, the Fifth Amendment's due process clause, and the Fourteenth Amendment's due process and equal protection clauses?**<sup>31</sup>

On October 26, 2021, the lower court entered a post final judgment, Memorandum Opinion and Order, (N.D. Ill., Doc. 500), App. B, hereto), deciding in part, Plaintiffs' request to amend the lower court's final judgment with the following relief for Plaintiffs': to (1) reflect that plaintiffs are entitled to a 62.51% interest in the Buffalo Grove home; (2) or, in the alternative, quiet title to the Buffalo Grove home in plaintiffs' names in their capacity as the independent co-administrators of Anna White's estate; (3) reinstate Count I of their first amended complaint to conform to the trial evidence that defendant "committed ethical violations at least as Anna White's former attorney" within two years of the filing date of Anna White's original state-court petition; and (4) conform their amended complaint to

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<sup>31</sup> The following appears to be a case of first impression.

the evidence introduced at trial establishing that defendant should be equitably estopped into surrendering a one-half interest in the Carefree home to plaintiffs, (*id.*, pp. 15-16).

The lower court denied all of Plaintiff's requested relief, (*id.*, pp. 16-26). In denying Plaintiffs' request to quiet title to the Illinois property, the lower court stated that Petitioner "was entitled to rely on the Court's order dismissing Count I, (*id.*, pp. 23-24).<sup>32</sup> The lower court further found, "But as the Court explained in its Memorandum Opinion and Order, the Court's grant of summary judgment to defendant on Count I foreclosed plaintiffs from obtaining title to the Buffalo Grove home. ("[T]itle to the Buffalo Grove home was the subject of count one of plaintiffs' first amended complaint, but the Court dismissed that claim as time-barred nearly three years ago.") (internal citation omitted); ("the Court's summary-judgment ruling clearly foreclosed plaintiff[s] from obtaining title to the Buffalo Grove home"), and, "And while plaintiffs had sought an accounting of the Robert Trust and an order transferring title to the Buffalo Grove home to themselves,<sup>33</sup> the Court dismissed that claim on statute-of-limitations grounds long ago," (App. B., pp. 17-18, p. 21), (citations omitted).<sup>34</sup> Plaintiffs failed to appeal the foregoing, rendering Petitioner's summary judgment final, res judiata, and an adjudication on

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<sup>32</sup> And by extension, to rely upon all court orders.

<sup>33</sup> And dissolution of the Release, (N.D. Doc. 1-1, prayer for relief.

<sup>34</sup> As did it Plaintiffs' claims for an accounting for the Trust and dissolution of the Release, *supra*.

the merits for all relief sought by Plaintiffs' in their 2015 complaint,<sup>35</sup> pursuant to Ill. Sup. Ct. R. 273 and Rule 41(b), Fed. R. Civ. P., and Rein v. David A. Noyes & Co., 665 N.E.2d 1199 (Ill. 1996), (*see also* 7th Cir., Doc. 52, pp. 2-3).

Instead of appealing the foregoing, Plaintiffs and their two Illinois attorneys, broke into, changed the locks, and forcibly took the Illinois property by force, and in spite of Plaintiffs' second admission that venue for the Trust and an adjudication in Arizona were required,<sup>36</sup> collectively, they fraudulently and perjuriously self-appointed and self-adjudicated one of the Illinois attorneys, trustee of the Trust, (7th Cir., Doc. 14-1); (N.D. Ill., Doc. 505). (*See also* p. 21, *supra*). Plaintiffs did not respond to either of Petitioner's motions, nor did the lower court ask them to. Instead, Plaintiffs filed a retaliatory Motion for Certification of Judgment, (N.D. Ill., 506), 10 months, one week, and five days after the fact, because Plaintiffs were busy forum shopping (again), into the same Lake County, Illinois Circuit Court as in 2015, attempting to pro se, change title to the same Illinois property in the federal court case, to one of Plaintiffs' attorneys, (N.D. Ill., Doc. 505-2, ¶¶ 6-7, in particular).

On April 21, 2022, the lower court entered a Memorandum Opinion and Order on Petitioner's emergency motion for contempt, injunction and other relief, and on Plaintiffs' motion for certification of judgment, (N.D. Ill., Doc. 509; Doc. 505; Doc. 506). The lower court's order stated in pertinent part, "Because the Court has

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<sup>35</sup> Including the Release, which the lower court post-trial, *sua sponte* and improperly found unenforceable, (N.D. Ill., Doc. 467, p. 3).

<sup>36</sup> *See* N.D. Ill., Doc. 471, pp. 3-4), Plaintiffs' second admission that venue was in Arizona.

never ruled that title to the Buffalo Grove home belongs to defendant in her individual capacity, there is no basis in the Court's judgment to enjoin plaintiffs or their attorneys from attempting to assert control over the property, (N.D. Ill., Doc. 509, p. 3),<sup>37</sup> The lower court's refusal to act, put its stamp of approval on Plaintiffs' criminal activity, (N.D. Ill., Doc. 26, pp. 20-21). The lower court<sup>38</sup> finding that Plaintiffs and their attorneys could assert control over the Illinois property, resulted in a per se taking, by a government official, subjecting Petitioner to a permanent physical occupation by Plaintiffs and their attorneys, without just compensation, violated Petitioner's constitutional rights under the Takings Clause to the United States Constitution. The lower court did so without due process, violating Petitioner's Fifth and Fourteenth Amendment constitutional rights to due process, and in favor of Plaintiffs and their attorneys, and against Petitioner, violating Petitioner's Fourteenth Amendment constitutional right to equal protection.<sup>39</sup>

The taking in the instant case is not an eminent domain for public use case, nor is it an inverse condemnation case in the usual and customary sense of the term. Neither Plaintiffs or their attorneys were awarded any right, title or interest

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<sup>37</sup> Adding a footnote stating in pertinent part, "At some point after trial, it appears, plaintiffs removed defendant from her position as trustee of the Robert Trust and replaced her with one of plaintiffs' attorneys. See [505-2] 1. Even if arguendo, there had been an intestate share of the Trust, Petitioner would have been a 1/2 of 1/3 beneficiary of same, so Plaintiffs' attorney's acceptance of a (fraudulent) appointment was automatically a conflict of interest.

<sup>38</sup> A governmental official.

<sup>39</sup> Plaintiffs and their attorneys have since clouded title to the Illinois property with a second Lis Pendens, taken the property by force, *supra*, forged documents purporting to establish that one of Plaintiffs attorneys has unseated Petitioner as trustee of the Trust, recorded same against both the Illinois and Arizona properties, executed documents and a contract for sale of real estate for the Illinois property, holding one of Plaintiffs attorneys out as a bond fide representative of Petitioner's estate, with Petitioner's estate stated as Seller, and sold the property, but could not close, so have since been renting same, retaining the rental income.

in or to the Illinois property, including any possessory interest therein. In fact, the opposite occurred. The lower court's order is clear, no title, no percentage of title, no anything lawfully entitling Plaintiffs or their attorneys to assert control over the Illinois property, except the lower court's April 21, 2022 order stating they could.

**Whether the Seventh Circuit's sanctioning the decision(s) of the United States District Court, for the Northern District of Illinois in Case No. 15-cv-8185, that so far departed from the accepted and usual course of judicial proceedings, call for an exercise of this Court's supervisory power?**

Because the record in this case is extensive, having taken place from July 2015 through the present, most, but not all, of Petitioner's Argument is woven into Petitioner's Statement of the Case, citing thoroughly to the record below, attempting to simplify that which is convoluted, in the best way poss.

Rule 10(a) encompasses the Court's supervisory power to review on a Writ of Certiorari, where a United States court of appeals has sanctioned a decision by a lower court that has so far departed from the accepted and usual course of judicial proceedings, as to call for an exercise of this Court's supervisory power. This is such a case.

Public trust in the Judiciary matters. According to an article published in *Judicature*, when Gallup released its annual (2022) survey, it showed that our overall faith in our institutions, "from organized religion and public schools, to news media and big business, sank." Even with a drop in confidence, the Supreme Court remained the most trusted of the institutions within our three branches of

government.<sup>40</sup> To maintain that level of trust requires securing and/or maintaining, uniformity of decisions. That function rests squarely upon the Judiciary and the orders entered by our courts. The expectation that when an (well-founded) order is entered, it must be followed or there will be consequences, is critical. When a court vitiates its own orders, and acts in a manner that is so far departed from the usual and accepted course of judicial conduct, confidence wanes, or, as is the case with Petitioner, it is almost entirely lost. If litigants are unable to expect an impartial trier of fact, equal protection and due process; if litigants are unable to rely upon court orders, our judicial system will slowly be eviscerated.

On October 26, 2021, the lower court found that Petitioner, "...was entitled to rely on the court's order dismissing count I," (N.D. Ill., Doc. 500, pp. 23-24). Not only did Petitioner think she was entitled to rely upon the lower court's order dismissing Count I, but by extension, Petitioner, and all litigants should be entitled to rely upon all court orders.

Petitioner also had the expectation that the case would be heard by an impartial trier of fact; that her constitutional rights to equal protection and due process would not be violated; and that a court would not participate so flagrantly, or at all, in that which occurred here.

Especially now, when we are living in a time where we have never been more divided, our Judiciary must remain constant and unwavering. There is no better

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<sup>40</sup> David F. Levi, Raymond J. Lohier, Jr., Diane P. Wood and Jeffrey Sutton, In Conversation, *Losing Faith, Why Public Trust in the Judiciary Matters*, *Judicature*, Bolch Judicial Institute, Duke Law School, Vo. 106, No. 2 (2022).

way than from the Supreme Court, for "we the people" to receive the message that justice matters.

## CONCLUSION

For the foregoing reasons, Petitioner respectfully requests this Court grant her Petition for Writ of Certiorari.

DATED: August 21, 2023.

Respectfully submitted:

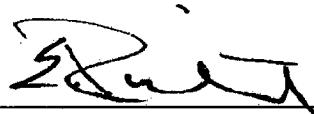


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Elizabeth Richert  
In propria persona  
8724 Sunset Drive, # 282  
Miami, Florida 33173  
Telephone: (305) 349-3191  
Email: sunset8770@aol.com

## CERTIFICATE OF SERVICE

A copy of Petitioner's Motion to proceed IFP, the accompanying Affidavit in support thereof, and this Petition for Writ of Certiorari were served via U.S. Mail upon Paul J. Kozacky, appellate counsel for *Respondents* below, Kozacky, Weitzel, McGrath, P.C., 77 West Wacker Drive, Suite 4500, Chicago, Illinois, 60601, on August 21, 2023, in accordance with Supreme Court Rules 22.2 and 29.3.



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Elizabeth Richert  
In propria persona  
8724 Sunset Drive, # 282  
Miami, Florida 33173  
Telephone: (305) 349-3191  
Email: sunset8770@aol.com