

APPENDIX A

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Tuesday the 21st day of November, 2023.*

Martin Akerman,

Appellant,

against

Record No. 230684

Virginia State Corporation Commission, et al.,

Appellees.

From the State Corporation Commission

Finding that this matter appealed from is not a final, appealable order, the Court dismisses the petition for appeal in the above-styled case. This dismissal is without prejudice to the appellant's right to appeal a final order of the State Corporation Commission.

Upon consideration whereof, appellant's motions to consolidate and all relief requested therein are denied.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:



Deputy Clerk

APPENDIX B

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Monday the 29th day of January, 2024.*

MARTIN AKERMAN,

APPELLANT,

against Record No. 230684

VIRGINIA STATE CORPORATION
COMMISSION, ET AL.,

APPELLEES.

UPON A PETITION FOR REHEARING


On consideration of the petition of the appellant to set aside the judgment rendered herein
on November 21, 2023, and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:



Deputy Clerk

APPENDIX C

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 12th day of February, 2024.

MARTIN AKERMAN,

APPELLANT,

against

Record No. 230684

VIRGINIA STATE CORPORATION COMMISSION, ET AL.,

APPELLEES.

FROM THE STATE CORPORATION COMMISSION

On January 29, 2024, came the appellant, who is self-represented, and filed a "Motion to Stay the Mandate Pending Clarification."

On February 1, 2024, came again the appellant and filed a "Motion to Defer Issuance of Mandate Under Rule 5:39."

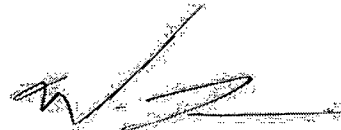
Upon consideration whereof, the Court denies the motions.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

A handwritten signature in black ink, appearing to be 'M. Pitney', written over a horizontal line.

Deputy Clerk

**Appendix A..... Supreme Court of Virginia Case
230684**

May 17, 2023

NOTICE OF APPEAL

TO: Clerk of the State Corporation Commission

RE: Appeal of Final Order in Bureau of Insurance Complaint 131860

1. I, Martin Akerman, Pro Se, hereby provide notice of my intent to appeal the decision rendered by the State Corporation Commission (SCC) in Bureau of Insurance Complaint 131860. This appeal is being filed within the 30-day window following the entry of the order.

2. Specifically, I intend to appeal the SCC's action of introducing fraudulent evidence and prematurely closing my complaint without entering a cognizable, appealable order. This action, I believe, constitutes an exceptional circumstance warranting review and reversal by the Supreme Court of Virginia.

3. In addition, I am filing a complaint in the Arlington Circuit Court to preserve the merits of the complaint of breach of contract and bad faith. This step is being taken to ensure that the full substance of the complaint is properly considered and adjudicated.

LEGAL BASIS FOR APPEAL AND FILING IN CIRCUIT COURT

4. Article IX, Section 4 of the Virginia Constitution grants the Supreme Court of Virginia exclusive jurisdiction over appeals seeking review or reversal of SCC orders. In this case, the relief I seek would require the Supreme Court to review the SCC's actions and determine that they were incorrect. This would entail reviewing, correcting, and allowing for further processing in the Arlington Circuit Court in a manner that allows for de novo review.

5. This view finds support in the Virginia Supreme Court case of *Little Bay Corp. v. VEPCO*, 216 Va. 406, 219 S.E.2d 677 (1975), where the Court held that the prohibition of Article IX, § 4 applies whether the SCC action is attacked directly or collaterally. If the challenge requires review leading to reversal, correction, or annulment of SCC action, the constitutional section forecloses jurisdiction to any Virginia court save the Virginia Supreme Court.

6. The Supreme Court of Virginia has exclusive jurisdiction over appeals seeking review or reversal of orders from the State Corporation Commission (SCC), such as those related to insurance rate increases (*Gahres v. Phico Ins. Co.*, 672 F. Supp. 249, 1987). No other court, including federal district courts, is granted mandamus or prohibition jurisdiction over SCC actions (*Atlas Underwriters, Ltd. v. SCC*, 237 Va. 45, 1989).

7. A federal district court, for example, cannot review or annul an SCC order granting an insurance rate increase (*Gahres v. Phico Ins. Co.*, 672 F. Supp. 249, 1987). Moreover, in a case alleging fraud on the SCC, a federal district court would not be able to provide the relief sought by the plaintiffs as it would necessitate reviewing and correcting an SCC order. This is beyond the court's jurisdiction due to constraints set by the Virginia Constitution (*Gahres v. Phico Ins. Co.*, 672 F. Supp. 249, 1987).

8. Importantly, the procedures prescribed for protecting consumers' interests align with the requirements of the due process clause of the Virginia Constitution and the due process and equal protection clauses of the Fourteenth Amendment to the U.S. Constitution (*Howell v. SCC*, 214 Va. 128, 1973).

9. Circuit courts, on the other hand, have jurisdiction to hear breach of contract actions against private utility companies when they can apply the terms of a tariff adopted by the SCC to resolve a common law dispute under VA § 38.2-1217. They, however, lack jurisdiction to resolve actions that require them to determine whether the Commission erred in a matter entrusted to it by the Constitution or statute (*Ashland, LLC v. Va. Am. Water Co.*, 2022 Va. LEXIS 68).

10. Finally, the Commonwealth, or any aggrieved party, has an appeal of right to the Supreme Court from any final order of the SCC. The Supreme Court of Virginia considers appeals from only final orders of the Commission (*Virginia Citizens Consumer Council v. C & P Tel. Co.*, 247 Va. 33, 1994).

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above Notice of Appeal was served via certified mail, return receipt requested, on this 17 May 20 day of May, 2020, to each of the following parties:

1. Scottsdale Insurance Company, 8877 North Gainey Center Drive, Scottsdale, Arizona, 85258

2. Nationwide Insurance Company, One Nationwide Plaza, Columbus, Ohio 43215

3. Federal Employee Defense Services, Inc., 4829 West Lane, Bethesda, MD 20814

4. Public Employees Purchasing Group, Inc., 1401 Eye Street, NW, Suite 600, Washington, DC 20005

5. Starwind Specialty Insurance Services, LLC, 10050 Innovation Dr, Suite 340, Miamisburg, OH 45342

6. Attorney General of Virginia, Office of the Attorney General, 202 North Ninth Street, Richmond, VA 23219

Martin Akerman, Pro Se

2001 North Adams Street, Unit 440, Arlington, VA 22201

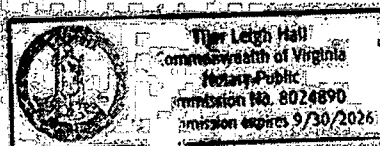
makerman.dod@gmail.com - (202) 656-5601

Subscribed and sworn to before me this 17 day of May, 2020

NOTARY 

Notary Public No. # 8024890

My commission expires: 07/30/2026



Submission History

Case Style	Record #	Court	Confirmation #	Submission Date/Time	Submitter	Actions
Akerman v. State Corporation Commission	280674	SCV	282116	6/9/2023 9:02 PM	MARTIN AKERMAN	
Court: Supreme Court of Virginia						
Case Style: Akerman v. State Corporation Commission						
Confirmation Number: 282116						
Calculated Fees: \$0.00						
Record Number: 280674						
Submitted By: MARTIN AKERMAN						
Submission Date/Time: 6/9/2023 9:02 PM						
Fee Exemption Requested: No						
Document	Document Type					
5-21-Service of Notice.pdf	Return/Acceptance of Service					
Akerman v. State Corporation Commission	280674	SCV	281811	6/5/2023 3:49 PM	MARTIN AKERMAN	
Court: Supreme Court of Virginia						
Case Style: Akerman v. State Corporation Commission						
Confirmation Number: 281811						
Calculated Fees: \$50.00						
Record Number: 280674						
Submitted By: MARTIN AKERMAN						
Submission Date/Time: 6/5/2023 3:49 PM						
Fee Exemption Requested: Yes						
Document	Document Type					
20230517131403_001.pdf	Appeal - Petition					
20230526151759_001.pdf	Appendix					
Akerman v. State Corporation Commission	SCV	280674	5/15/2023 4:18 PM	MARTIN AKERMAN		

Submissions made within the past 30 days are displayed.

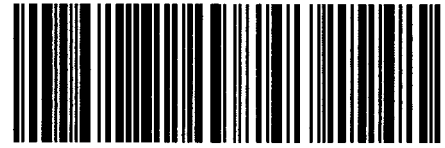
Martin Akerman
Pro Se
2001 North Adams Street, 440
Arlington, VA 22201

0007862880000011

Attorney General of Virginia
Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219



USPS CERTIFIED MAIL



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See Important Information Enclosed

IN THE CIRCUIT COURT OF ARLINGTON COUNTY, VIRGINIA



CM23001237-00

MISC

F0

Martin Akerman, Pro Se,

Plaintiff,

V.

Scottsdale Insurance Company, et al

Defendants.

Case No. CM23-1237

JURY TRIAL DEMANDED

ORDER FOR PROCEEDING IN CIVIL CASE WITHOUT PAYMENT OF FEES/COSTS

Upon consideration of the Plaintiff's Complaint and the accompanying Verification, it is hereby

ORDERED that:

1. The Plaintiff's Complaint is deemed properly verified under oath.
2. The Plaintiff is granted leave to proceed in forma pauperis under VA Code § 17.1-606(B).
3. The Clerk of Court shall issue the necessary summonses and shall serve a copy of the Complaint and summons upon the Defendants in accordance with the applicable rules and procedures.
4. The Defendants shall file a responsive pleading or motion within the time prescribed by the rules.
5. A pretrial conference shall be scheduled in due course.

May 25, 2023
Date

[Signature]
Judge

A COPY
TESTED
BY



COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

May 23, 2023

Circuit Court of ARLINGTON
1425 N COURTHOUSE RD
ARLINGTON, VA, 22201-20000, United States

Re: Martin Akerman
v. Scottsdale Nationwide Insurance, et al

Case or Matter No. CM23-1237

CERTIFICATE OF COMPLIANCE

I hereby certify that in Richmond, Virginia on May 23, 2023, the following process in the above-styled matter was served on me as statutory agent for Scottsdale Insurance Company in accordance with § 12.1-19.1 of the Code of Virginia by Priority Mail, and that on May 23, 2023, a copy of the Service of Process was sent by first-class United States mail to:

Scottsdale Insurance Company
8877 North Gainey Center Drive
Scottsdale, AZ, 85258, United States

A copy of the request of the person seeking service is also submitted herewith.

Dated May 23, 2023

Sincerely,



Bernard J. Logan
Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

May 23, 2023

Circuit Court of ARLINGTON
1425 N COURTHOUSE RD
ARLINGTON, VA 22201-0000, United States

Re: Martin Akerman
v. Scottsdale Nationwide Insurance, et al.

Case or Matter No.: CM23-1237

CERTIFICATE OF COMPLIANCE

I hereby certify that in Richmond, Virginia, on May 23, 2023, the following process in the above-styled matter was served on me as statutory agent for Nationwide Insurance Company in accordance with § 12.1-19.1 of the Code of Virginia by Priority Mail, and that on May 23, 2023, a copy of the Service of Process was sent by first-class United States mail to:

Nationwide Insurance Company
One Nationwide Plaza
Columbus, OH 43215, United States

A copy of the request of the person seeking service is also submitted herewith.

Dated May 23, 2023

Sincerely,



Bernard J. Logan
Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

May 23, 2023

Circuit Court of ARLINGTON
1425 N. COURTHOUSE RD
ARLINGTON, VA, 22201-0000, United States

Re: Martin Akerman
v. Scottsdale Nationwide Insurance, et al.

Case or Matter No. CM23-1237

CERTIFICATE OF COMPLIANCE

I hereby certify that in Richmond, Virginia on May 23, 2023, the following process in the above-styled matter was served on me as statutory agent for Public Employees Purchasing Group in accordance with § 12.1-19.1 of the Code of Virginia by Priority Mail, and that on May 23, 2023, a copy of the Service of Process was sent by first-class United States mail to:

Public Employees Purchasing Group
1401 Eye Street, NW, Suite 600
Washington, DC, 20005, United States

A copy of the request of the person seeking service is also submitted herewith.

Dated: May 23, 2023

Sincerely,



Bernard J. Logan
Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

May 23, 2023

Circuit Court of ARLINGTON
1425 N COURTHOUSE RD
ARLINGTON, VA, 22201-0000, United States

Re: Martin Akerman

v. Scottsdale Nationwide Insurance, et al.

Case or Matter No.: CM23-1237

CERTIFICATE OF COMPLIANCE

I hereby certify that in Richmond, Virginia on May 23, 2023, the following process in the above-styled matter was served on me as statutory agent for Federal Employee Defense Services in accordance with § 12.1-19.1 of the Code of Virginia by Priority Mail, and that on May 23, 2023, a copy of the Service of Process was sent by first-class United States mail to:

Federal Employee Defense Services
4829 West Lane
Bethesda, MD, 20814, United States

A copy of the request of the person seeking service is also submitted herewith.

Dated: May 23, 2023

Sincerely,



Bernard J. Logan
Clerk of the Commission

**COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION**

May 23, 2023

Circuit Court of ARLINGTON
1425 N COURTHOUSE RD
ARLINGTON, VA, 22201 - 0000, United States

Re: Martin Akerman
v. Scottsdale Nationwide Insurance, et al.

Case or Matter No.: CM23-1237

CERTIFICATE OF COMPLIANCE

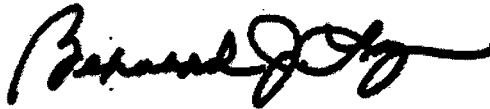
I hereby certify that in Richmond, Virginia on May 23, 2023, the following process in the above-styled matter was served on me as statutory agent for Starwind Specialty Insurance Services in accordance with § 12.1-19.1 of the Code of Virginia by Priority Mail, and that on May 23, 2023, a copy of the Service of Process was sent by first-class United States mail to:

Starwind Specialty Insurance Services
10050 Innovation Drive, Suite 340
Miamisburg, OH, 45342, United States

A copy of the request of the person seeking service is also submitted herewith.

Dated: May 23, 2023

Sincerely,



Bernard J. Logan
Clerk of the Commission

**Appendix B.....Filing Letter From the Clerk of
The Supreme Court of the United States**

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

February 14, 2024

Martin Akerman
2001 North Adams Street
Unit 440
Arlington, VA 22201

RE: Application for an Extension of Time
VASC Nos. Nos. 230684 and 230670

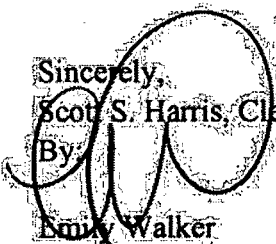
Dear Mr. Akerman:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked February 10, 2024 and received February 13, 2024. The application is returned for the following reason(s):

It is unclear which order the application for an extension of time to file a petition for a writ of certiorari is in reference to. The cover of the application, the date listed in the application, and the order(s) appended to the application do not correspond. The application must clearly and correctly identify the judgment sought to be reviewed as required by Rule 13.5.

To the extent that you are seeking to file an extension of time to file a petition for a writ of certiorari for the order(s) dated November 21, 2023 by the Virginia Supreme Court in case No. 230670 and for No. 230684, for which a timely petition for rehearing was denied in both cases on January 29, 2023, then you must do so in two separate applications. Each application must clearly list the date of the judgment sought to be reviewed as required by Rule 13.5.

A copy of the corrected application must be served on opposing counsel.

Sincerely,
Scott S. Harris, Clerk
By: 
Emily Walker
(202) 479-3955

Enclosures

Appendix C..Justice Alito's Criteria for Recusal

Statement of ALITO, J.

SUPREME COURT OF THE UNITED STATES

CHARLES G. MOORE, ET UX. *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 22–800. Decided September 8, 2023

The motion of petitioners to dispense with printing the joint appendix is granted.

Statement of JUSTICE ALITO.

In a letter to THE CHIEF JUSTICE dated August 3, 2023, Senator Richard Durbin, the Chair of the Senate Judiciary Committee, “urge[d]” THE CHIEF JUSTICE “to take appropriate steps to ensure” that I recuse in this case.¹ Recusal is a personal decision for each Justice, and when there is no sound reason for a Justice to recuse, the Justice has a duty to sit.² Because this case is scheduled to be heard soon, and because of the attention my planned participation in this case has already received, I respond to these concerns now.

There is no valid reason for my recusal in this case. Senator Durbin’s letter expressed the view that recusal is necessary because I participated in two interviews that resulted in two articles about my work that appeared in the Wall Street Journal. The interviews were jointly conducted, and the resulting articles were jointly written, by James Taranto and David B. Rivkin, Jr. Mr. Taranto, a prominent journalist, presumably either wrote or approved everything that appeared in the articles under his byline, and Senator Durbin’s letter makes no objection relating to his participation in this project. Senator Durbin argues, however, that Mr. Rivkin’s participation requires me to recuse because Mr. Rivkin, who is both a much-published

¹Letter from R. Durbin to J. Roberts (Aug. 3, 2023).

²See attachment to letter from THE CHIEF JUSTICE to R. Durbin (Apr. 25, 2023).

Statement of ALITO, J.

opinion-journalist³ and a practicing attorney, is one of the attorneys in this case.

This argument is unsound. When Mr. Rivkin participated in the interviews and co-authored the articles, he did so as a journalist, not an advocate. The case in which he is involved was never mentioned; nor did we discuss any issue in that case either directly or indirectly. His involvement in the case was disclosed in the second article, and therefore readers could take that into account.

There was nothing out of the ordinary about the interviews in question. Over the years, many Justices have participated in interviews with representatives of media entities that have frequently been parties in cases before the Court, including NPR,⁴ the New York Times,⁵ CBS,⁶ Fox

³Mr. Rivkin has published hundreds of articles, op-eds, and book reviews on a wide variety of subjects in newspapers and magazines, including the Wall Street Journal, the Washington Post, the New York Times, USA Today, and the Los Angeles Times.

⁴Justices Breyer and SOTOMAYOR have interviewed with NPR and did not recuse from a case in which NPR was respondent. See *Yeager v. National Pub. Radio*, No. 19–6442; A. Chang, Justice Stephen Breyer on What the Court Does Behind Closed Doors, and Hamilton, NPR (Dec. 13, 2015); N. Totenberg, A Justice Deliberates: Sotomayor on Love, Health and Family, NPR (Jan. 12, 2013).

⁵JUSTICE SOTOMAYOR has interviewed with a journalist for the New York Times and did not recuse in a case in which the Times was a party. See *Brimelow v. The New York Times Co.*, No. 21–1030; Justice S. Sotomayor & L. Greenhouse, A Conversation with Justice Sotomayor, 123 Yale L. J. Forum 375 (2014).

⁶Justices Breyer and SOTOMAYOR interviewed with CBS News and did not recuse in cases in which CBS News was a party. See *Personal Audio, LLC v. CBS Corp.*, No. 20–260; *Vernon v. CBS Television Studios*, No. 19–5161; *Den Hollander v. CBS News Inc.*, No. 17–1452; *Moline v. CBS News Inc.*, No. 14–9173; CBS News, Justice Sotomayor Prefers “Sonia from the Bronx” (Jan. 29, 2013); CBS News, Q&A: Justice Stephen Breyer (Sept. 13, 2015).

Statement of ALITO, J.

News,⁷ National Review,⁸ and ABC.⁹ Similarly, many of my colleagues have been interviewed by attorneys who have also practiced in this Court,¹⁰ and some have co-authored books with such attorneys.¹¹ Those interviews did not result in or require recusal.

Senator Durbin's request for my recusal is presumably based on the theory that my vote in *Moore* will be affected in some way by the content of the articles that resulted from the interviews, but that theory fundamentally misunderstands the circumstances under which Supreme Court Justices must work. We have no control over the attorneys whom parties select to represent them, and as a result, we are often presented with cases in which one of the attorneys has spoken favorably or unfavorably about our work or

⁷ JUSTICE GORSUCH interviewed with Fox News and did not recuse in a case in which Fox News was a party. See *Bralich v. Fox News Network, LLC*, No. 21–7528; Fox News, Justice Neil Gorsuch in “Fox & Friends” Interview: Pay Attention to “Separation of Powers” (Dec. 17, 2019).

⁸ JUSTICE GORSUCH has interviewed with National Review and did not recuse in a case in which National Review was petitioner. See *National Review, Inc. v. Mann*, No. 18–1451; C. Cooke, A Conversation with Justice Neil Gorsuch, *Nat. Rev.* (Oct. 10, 2019).

⁹ CHIEF JUSTICE ROBERTS interviewed with ABC and did not recuse in a case in which ABC was petitioner. See *American Broad. Cos., Inc. v. Aereo, Inc.*, No. 13–461; ABC News, Interview with Chief Justice Roberts (Nov. 13, 2006).

¹⁰ For instance, Bryan Garner has interviewed several Justices, and he argued a case three Terms ago. See LawProse with Bryan A. Garner, YouTube, <https://www.youtube.com/@lawprosewithbryana.garner6732>; T. Mauro, How Grammar Guru Bryan Garner Made His Way to the Supreme Court, *Nat. L. J.* (Dec. 11, 2020); *Facebook, Inc. v. Duguid*, No. 19–511.

¹¹ See, e.g., R. Ginsburg & A. Tyler, Justice, Justice Thou Shalt Pursue: A Life's Work Fighting for a More Perfect Union (2021); Brief for Federal Courts Scholars as *Amici Curiae* in *McDonough v. Smith*, O. T. 2018, No. 18–485; N. Gorsuch, A Republic, If You Can Keep It (2019) (with J. Nitze & D. Feder); Brief for The Rutherford Institute as *Amicus Curiae* in *Sorenson v. Massachusetts*, O. T. 2020, No. 20–1747 (signed by D. Feder).

Statement of ALITO, J.

character. Similarly, we regularly receive briefs filed by or on behalf of Members of Congress who have either supported or opposed our confirmations, or who have made either favorable or unfavorable comments about us or our work.¹² We participate in cases in which one or more of the attorneys is a former law clerk, a former colleague, or an individual with whom we have long been acquainted. If we recused in such cases, we would regularly have less than a full bench, and the Court's work would be substantially disrupted and distorted.

In all the instances mentioned above, we are required to put favorable or unfavorable comments and any personal connections with an attorney out of our minds and judge the cases based solely on the law and the facts. And that is what we do.

For these reasons, there is no sound reason for my recusal in this case, and in accordance with the duty to sit, I decline to recuse.

¹² See, e.g., Brief for Appellees in *FEC v. Ted Cruz for Senate*, O. T. 2021, No. 21–12; Brief on Jurisdiction for Respondent The Bipartisan Legal Advisory Group of the U. S. House of Representatives in *United States v. Windsor*, O. T. 2012, No. 12–307; Brief for Current and Former Members of Congress as *Amici Curiae* in *CFPB v. Community Fin. Servs. Assn. of Am.*, O. T. 2022, No. 22–448; Brief for Current Members of the United States Congress as *Amici Curiae* in *Mountain Valley Pipeline, LLC v. The Wilderness Soc.*, O. T. 2023, No. 23A35; Brief for Members of the United States Senate et al. as *Amici Curiae* in *Groff v. DeJoy*, O. T. 2022, No. 22–174; Brief for 228 Members of Congress as *Amici Curiae* and Brief for 236 Members of Congress as *Amici Curiae* in *Dobbs v. Jackson Women's Health Org.*, O. T. 2019, No. 19–1392.

Appendix D: Allotment of Circuits

Sept. 28, 2022

(ORDER LIST: 597 U.S.)

WEDNESDAY, SEPTEMBER 28, 2022

ORDER

It is ordered that the following allotment be made of The Chief Justice and the Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, Section 42, and that such allotment be entered of record, effective September 28, 2022.

For the District of Columbia Circuit, John G. Roberts, Jr., Chief Justice,
For the First Circuit, Ketanji Brown Jackson, Associate Justice,
For the Second Circuit, Sonia Sotomayor, Associate Justice,
For the Third Circuit, Samuel A. Alito, Jr., Associate Justice,
For the Fourth Circuit, John G. Roberts, Jr., Chief Justice,
For the Fifth Circuit, Samuel A. Alito, Jr., Associate Justice,
For the Sixth Circuit, Brett M. Kavanaugh, Associate Justice,
For the Seventh Circuit, Amy Coney Barrett, Associate Justice,
For the Eighth Circuit, Brett M. Kavanaugh, Associate Justice,
For the Ninth Circuit, Elena Kagan, Associate Justice,
For the Tenth Circuit, Neil M. Gorsuch, Associate Justice,
For the Eleventh Circuit, Clarence Thomas, Associate Justice,
For the Federal Circuit, John G. Roberts, Jr., Chief Justice.

**Appendix E:..... Proof of Default
and Habeas Proceeding**

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

JUL 13 2023

Martin Akerman, Pro Se,)
Petitioner, Pro Per)
v.)
General Cesar Garduno,)
Gen. Ondra L. Berry,)
Nevada National Guard,)
et. al.,)
Respondents.)

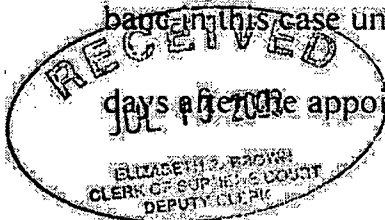
No. 86458

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *Elizabeth A. Brown*
DEPUTY CLERK

MOTION FOR EXTENSION OF TIME AND APPOINTMENT OF
COUNSEL

Pursuant to NRAP 26 and 27, Martin Akerman, the Appellant, respectfully requests an extension of time to file a petition for rehearing en banc or for the appointment of counsel. Appellant is currently a litigant in another case (Case No. CL23002240-00) scheduled for a Default Judgment Hearing on July 21, 2023, in the Arlington County Circuit - Civil Division. Appellant anticipates being awarded attorney's fees as specified in his insurance policy. Therefore, he requests an extension of time to file a petition for rehearing en banc in this case until 14 days after the Default Judgment Hearing or until 14

days after the appointment of counsel.



23-22491

Appellant also suffers from Post-Traumatic Stress Disorder (PTSD), which contributes to the difficulty in navigating the complex legal matters involved in this case. While he has made use of ChatGPT and GMU Scalia Law Library resources, these aids do not replace the need for an attorney's representation, expertise, and counsel.

BACKGROUND

On June 1, 2023, the court denied a pro se motion by the appellant requesting a video conference and court-appointed attorney. On June 2, the court denied the appellant's petition, including the "motion for an emergency writ of replevin" and "motion to certify the order for interlocutory appeal and rebuttal to allegations of frivolous and me." The appellant then filed a petition for rehearing on June 5, which the court subsequently denied on June 16, pursuant to NRAP 40(c).

The appellant continued to engage in legal action, filing a motion for specification in remittitur on June 28. The court responded to this on July 12, denying the motion, which requested the remittitur to resolve whether a general was acting under another's authority and provide a rationale for not hearing the appellant's habeas corpus and replevin petitions.

ARGUMENT

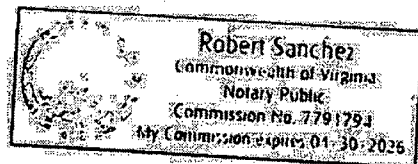
Given the anticipated award of attorney's fees from the Default Judgment Hearing, the complexity of legal matters involved, Appellant's PTSD condition, and the past denied requests, this extension is necessary to ensure the fair and adequate representation of Appellant's interests.

REMEDY

For the aforementioned reasons, Appellant respectfully requests this court grant an extension of time to file a petition for rehearing en banc or for the appointment of counsel. If granted, Appellant understands the new deadline to file the petition for rehearing en banc will be 14 days after the date of the Default Judgment Hearing in Arlington, or 14 days after the appointment of counsel.

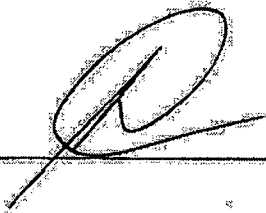
Signature: 

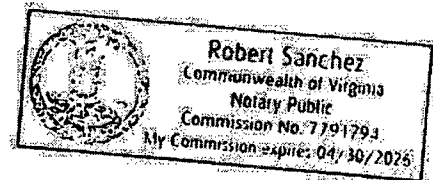
Martin Akerman



CERTIFICATE OF ETHICAL AI USE

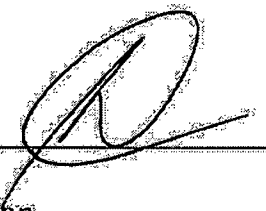
I, Martin Akerman, confirm that the AI used in the preparation of this document has been used in accordance with guidelines for ethical use. The AI has not replaced legal judgment and advice, and the document has been reviewed for relevance, applicability, and correctness in light of the circumstances.

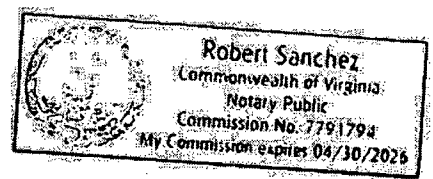
Signature: 
Martin Akerman



PROOF OF SERVICE

I, Martin Akerman, certify that I have, this 13th day of July, 2023, served the motion for extension of time or appointment of counsel upon all parties to this appeal by depositing a certified copy in the United States Mail, postage prepaid, and addressed as attached.

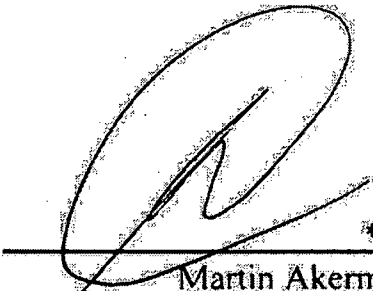
Signature: 
Martin Akerman

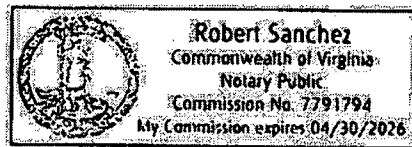


CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the formatting requirements of
NRAP 27(d) and the type-volume limitation of NRAP 27(d)(2). This motion
does not exceed 10 pages.

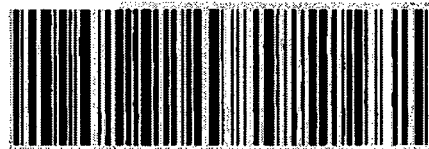
County/City of Arlington
Commonwealth of Virginia
The foregoing instrument was acknowledged
before me this 13 day of July
2023 by
Martin Akerman
(name of person seeking acknowledgment)
Notary Public
My Commission Expires 30 April 2026


Martin Akerman
2001 North Adams Street Unit 440
Arlington, VA 22201
(202) 656-5601



Martin Akerman
Pro Se
2001 North Adams Street, 440
Arlington, VA 22201

USPS CERTIFIED MAIL



9214 8901 4298 0486 2029 51

0006127486000020

STATE OF NEVADA OFFICE OF THE MILITARY
OFFICE OF THE ADJUTANT GENERAL
2460 FAIRVIEW DRIVE
Carson City, NV 89701

See Important Information Enclosed

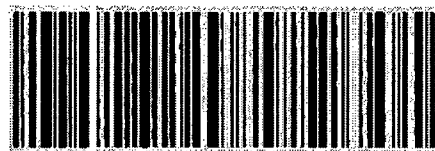
Martin Akerman
Pro Se
2001 North Adams Street, 440
Arlington, VA 22201

0008127484000031

Nevada Attorney General
Heroes Memorial Building
Capitol Complex
Carson City, NV 89710



USPS CERTIFIED MAIL

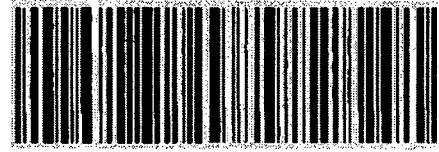


9214 8901 4298 0486 2029 68

See Important Information Enclosed

Martin Akerman
Pro Se
2001 North Adams Street, 440
Arlington, VA 22201

USPS CERTIFIED MAIL



9214 8901 4298 0486 2029 44

0006127484000010

General Counsel

National Guard Bureau

1636 Defense Pentagon, STE 1E169

Washington, DC 20301

See Important Information Enclosed

[Name List](#)[Pleadings/Orders](#)[Services](#)[Main Menu](#)[Logoff](#)

Arlington County Circuit - Civil Division

Case Details

Case Number: CL23002240-00	Filed: 05/31/23
Filing Type: Contract Action	
Number of Plaintiffs: 0001	Number of Defendants: 0005
Commenced By: Initial Filing	
Bond:	Complex Case:

If there are more than three plaintiffs or defendants as indicated under "Number of Plaintiffs" or "Number of Defendants" in the table above, please contact the court for the additional party information.

Plaintiffs

Plaintiff: AKERMAN, MARTIN
Trading as:
Attorney: PRO SE

Defendants

Defendant1: SCOTTSDALE INSURANCE COMPANY
Trading as:
Attorney:

Defendant2: NATIONWIDE INSURANCE COMPANY
Trading as:
Attorney:

Defendant3: FEDERAL EMPLOYEE DEFENSE SERVI
Trading as:
Attorney:

Hearings

#	Date	Time	Type	Room	Duration	Jury	Result
1	07/05/23	2:00PM	Term				Set For Trial
2	07/21/23	10:00AM	Default Judgment				
3	05/20/24	10:00AM	Jury Trial		1 Day(s)		

Date Ordered To Mediation:**Final Disposition**

- **Judgment:**
- **Final Order Date:**
- **Appealed Date:**
- **Concluded By:**

[Name List](#)[Pleadings/Orders](#)[Services](#)[Main Menu](#)[Logoff](#)

Build #: 3-9-0-17

VIRGINIA:

IN THE CIRCUIT COURT OF ARLINGTON COUNTY

Akerman, Pro Se

Petitioner,

vs

Civil No. CL 23 - 2240

Scottsdale Ins., et al

Defendant.

PRAECIPE

The Defendants did not appear as of noon on July 5, 2023. Defendants did not respond on time. I will request Default Judgment verbally at the Term Day Hearing today at 2 PM. This is my written request for Default Judgment.

I received a call for more time, on June 30, 2023, from an Attorney claiming to represent some but not all of the Defendants. I asked them to make an appearance on the record.

Sincerely,

Signature, Pro Se:

2001 North Adams Street, #10
Arlington, VA 22201

Address:

202-658-5601

Phone Number

IN THE CIRCUIT COURT OF ARLINGTON COUNTY, VIRGINIA

JUL 5 '23 PM 12:52

Martin Akerman, Pro Se,

)

Plaintiff,

)

V.

)

Case No. CL23002240-00

Scottsdale Insurance Company, et al

)

JURY TRIAL DEMANDED

Defendants.

)

-----)

ORDER GRANTING DEFAULT JUDGMENT

This day came the Plaintiff, Martin Akerman, Pro Se, and moved for the entry of a default against the Defendants, Scottsdale Insurance, Nationwide Insurance, FEDS Protection, Public Employees Purchasing Group, and Starwind Specialty Insurance Services, for failure to appear or file any pleadings as required by law and the rules of this Court.

UPON CONSIDERATION WHEREOF, the Court being of the opinion that:

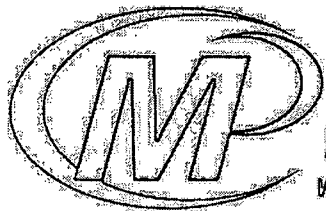
- 1) the Plaintiff filed with the Clerk of this Court a Motion for Judgment in the above-styled action against the Defendants, Scottsdale Insurance, Nationwide Insurance, FEDS Protection, Public Employees Purchasing Group, and Starwind Specialty Insurance Services, and pursuant thereto, a Notice of Motion for Judgment was issued by said Clerk;
- 2) all requirements for proper service have been met; and

3) the Defendants, Scottsdale Insurance, Nationwide Insurance, FEDS Protection, Public Employees Purchasing Group, and Starwind Specialty Insurance Services, have failed to appear or file any pleadings as required by law and the rules of this Court.

Accordingly, judgment is hereby entered against Defendants, Scottsdale Insurance, Nationwide Insurance, FEDS Protection, Public Employees Purchasing Group, and Starwind Specialty Insurance Services, for failure to appear or file any answer or other pleadings as required. And, it is so ORDERED.

Date

Judge



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Press.**

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Carsoncity@minutemanpress.com

Delivery / Pick-up Ticket

To: Martin Akerman, Pro Se
2001 North Adams Street, Unit 440
Arlington, VA 22201

Phone: 202-656-5601

Included Jobs:

8 Documents - 13 pages Motion for Extension on 20# white 8.5x11, collate and staple. Deliver to the State Supreme Court (Job ID 7841)

Signature is Required:

Elyse M. Hooper
Signature

Elyse Hooper
Printed Name

07/13/2023
Date