

No. _____

**In the
Supreme Court of the United States**

JERMAINE J. HOWARD,

Petitioner,

v.

SHAWN JAY-Z CARTER,

Respondent.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Second Circuit**

PETITION FOR A WRIT OF CERTIORARI

Jermaine Jevon Howard

Petitioner Pro Se

1035 Beach Rd #D2

Buffalo, NY 14225

(716) 436-9009

lilchooie@gmail.com

June 27, 2023

SUPREME COURT PRESS

◆ (888) 958-5705 ◆

BOSTON, MASSACHUSETTS

RECEIVED

JUN 29 2023

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

QUESTIONS PRESENTED

The schedule of a phenomenal, superstar U.S. Rapper and Executive has to be a tiring, stressful one. Stress and loss of rest has to intensify with the addition of Executive duties such as business workshops and classes to properly run businesses such as Rocawear Clothing, 40/40 Club, Armand de Brignac Champagne and others. The transition must have been extensive including interviews, promotional events and concert tours for a gentleman who has less than a high school graduates education. Within the midst of becoming disciplined and prepared to take on the world, this Great M.C. would require assistance from others with business preparations, liaisons to assist with balancing schedules and songwriters to assist with lyrics and ideas to create Phenomenal Hits repeatedly in a short amount of time!

1. With other Copyright Owners listed on U.S. Copyright Office, Copyright Registrations, is it possible that Shawn Jay-Z Carter received needed assistance with composing lyrics for songs, he made into hits? And if so, is it possible Shawn Jay-Z Carter with so many new business ventures may have forgotten to compensate a person who assisted him with composing lyrics for songs a songwriter which is listed under a Pseudonym on U.S. Copyright Registrations jointly owned by the songwriter, Shawn Jay-Z Carter and others?

2. Did Shawn Jay-Z Carter have a legal duty owed to the Petitioner, and did he breach of that duty? Given the Petitioner's sufferance of an injury and proof that Defendant's breach caused the injury (typically

defined through proximate cause) constitute elements evidencing this violation?

3. Did the Counsel of the Defendant make a statement of Defamation within their opening arguments of Defendant's 7 Motion for Dismissal? Was the Statement, "Howard has tried this trick before: he has brought lawsuits in other districts against other rappers similarly claiming to have written their music and to have loaned them millions of dollars. *See e.g. Howard v. Pearl*, No. 2:20-cv-05880-MWF-MRW (C.D. Cal.); *Howard v. 3, 6 Mafia*, No. 1:20-cv-06116-LLS (S.D.N.Y.). Howard is a serial litigant whose unfounded claims should be dismissed with prejudice for at least three independent reasons." a deceitful technique used to get Plaintiff Jermaine Howard's Complaint dismissed because Counsel's Statement contrasts Defendant Shawn Jay-Z Carter's Statement, "JAY-Z denies Howard's allegations but accepts any well pleaded facts as true for the purpose of this motion only *see e.g. Trustees of Upstate N.Y. Eng's Pension Fund v. Ivy Asset Mgmt.*, 843 F.3d 561, 566 (2d Cir. 2016)."; the statement was placed in a footnote on page #3 of Defendant Carter's Motion to Dismiss Complaint, 1:20-cv-00417, *Jermaine Jevon Howard v. Shawn Jay-Z Carter*? And would this statement of Defamation be a depiction of how the Defendant regards the Plaintiff which has left the Plaintiff injured as far as not receiving the Plaintiff's division of profits for being an author (Co-author) of songs with Defendant along with slighting the Plaintiff to the degree that the Plaintiff's songwriting career was snuffed out?

LIST OF PROCEEDINGS

United States Court of Appeal for the Second Circuit
No. 22-1557

Jermaine Jevon Howard, “Chooie”, *Plaintiff-Appellant*,
v. Shawn Jay-Z Carter, (Rocafella Records), *Defendant-Appellee*, Kareem Biggs Burke, (Rocafella Records),
Damon Dame Dash, (Rocafella Records), *Defendants*.

Date of Final Order: November 17, 2022

Date of Rehearing Denial: January 12, 2023

United States District Court for the Western District
of New York

No. 20-CV-417

Jermaine Jevon Howard, “Chooie”, *Plaintiff* v.
Shawn Jay-Z Carter, (Rocafella Records), Kareem
Biggs Burke (Rocafella Records), Damon Dame Dash
(Rocafella Records), *Defendants*

Date of Final Decision/Judgment: August 3-4, 2022

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
LIST OF PROCEEDINGS	iii
TABLE OF AUTHORITIES.....	vi
PETITION FOR A WRIT OF CERTIORARI	1
OPINIONS BELOW	1
JURISDICTION	1
CONSTITUTIONAL PROVISIONS, STATUTES AND OTHER AUTHORITIES	2
STATEMENT OF THE CASE	3
A. Statute of Limitation	10
B. Discrimination.....	11
REASONS FOR GRANTING THE PETITION	12
CONCLUSION	17

TABLE OF CONTENTS – Continued

Page

APPENDIX TABLE OF CONTENTS**OPINIONS AND ORDERS**

Order of the United States Court of Appeal for the Second Circuit (November 17, 2022)	1a
Decision and Order of the United States District Court for the Western District of New York (August 3, 2022)	3a
Judgment of the United States District Court for the Western District of New York (August 4, 2022)	7a
Decision and Order of the United States District Court for the Western District of New York (July 13, 2022)	8a

REHEARING ORDER

Order of the United States Court of Appeal for the Second Circuit Denying Motion for Reconsideration (January 12, 2023)	16a
---	-----

JUDICIAL RULE INVOLVED

Rule 8-General Rules of Pleading	18a
--	-----

OTHER DOCUMENTS

Chat Messages	19a
Emails	25a
Notary Attested Affidavits of Howard	29a

TABLE OF AUTHORITIES

Page

CASES

<i>Aalmuhammed v. Lee</i> , 202 F.3d 1227 (2000)	6
<i>Amalfitano v. Rosenberg</i> , 12 N.Y.3d 8 (N.Y. 2009)	4
<i>Consumer Health Information Corp.</i> <i>v. Amylin Pharmaceuticals Inc.</i> , No. 14-3231 (7th Cir. 2016)	10
<i>Davis v. Boenheim</i> , 110 A.D.3d 1431 (N.Y.2014)	5
<i>Howard v. Mafia</i> , No. 1:20-cv-06116-LLS (S.D.N.Y.)	3, 15
<i>Howard v. Pearl</i> , No. 2:20-cv-05880-MWF-MRW (C.D. Cal.) ...	3, 15
<i>Kawashima v. Holder</i> , 566 U.S. 478 (2012)	4
<i>Landry's Inc. v. Animal Legal Def. Fund</i> , No.14-17-00207-cv (Tex. App August 5, 2021)	4
<i>Levinsky v. Wal Mart</i> , 999 F. Supp. 137 (D. Me 1998)	16
<i>Patrella v. MGM</i> , 572 U.S. 663 (2014)	7
<i>S.O.S. Inc. v. Payday Inc.</i> , 886 F.2d 1081 (9th Cir. 1989)	6
<i>Santa Clara County v. Southern Pacific</i> <i>Railroad</i> , 118 U.S. 394 (1886)	12

TABLE OF AUTHORITIES – Continued

Page

<i>Trustees of Upstate N.Y. Eng'rs Pension Fund</i> <i>v. Ivy Asset Mgmt.</i> , 843 F.3d 561 (2d Cir. 2016)	ii, 3, 13
---	-----------

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. XIV	2, 11, 12
------------------------------	-----------

STATUTES

17 U.S.C. § 101	2
17 U.S.C. §§ 101, 201(a), Copyright Interests–Joint Authors	2, 6
28 U.S.C. § 1254(1)	1
28 U.S.C. § 4101, Defamation	2
NYS Judiciary Law 487.....	2, 4, 13

OTHER AUTHORITIES

Article 10 of the Universal Declaration of Human Rights	2
The Covenant of Good Faith	2
U.S. Copyright Act Circular 32.....	2, 7
U.S. Copyright Act Circular 56.....	2, 7



PETITION FOR A WRIT OF CERTIORARI

Petitioner, Jermaine J. Howard, respectfully requests the issuance of a writ of certiorari to review the judgement of the United States Court of Appeals for the Second Circuit.



OPINIONS BELOW

The Order of the United States Court of Appeals for the Second Circuit, dated November 17, 2022, is included at App.1a. The Decision and Order of the United States District Court for the Western District of New York, dated August 3, 2022, is included at App.3a. The district court's entry of Judgment, dated August 4, 2022, is included at App.7a. These Opinions were not designated for Publication.



JURISDICTION

The Second Circuit entered its Order on November 17, 2022. (App.1a). The Order Denying Rehearing was Filed January 12, 2023. (App.16a) This Court has jurisdiction under 28 U.S.C. § 1254(1).



CONSTITUTIONAL PROVISIONS, STATUTES AND OTHER AUTHORITIES

Constitutional Provisions:

- U.S. Constitution, 14th Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. 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.

Statutes:

- 17 U.S.C. § 101
- 17 U.S.C. § 201(a)
- Copyright Interests Joint Authors
- 28 U.S.C. § 4101. Defamation
- NYS Judiciary Law 487

Other Authorities:

- Article 10 of the Universal Declaration of Human Rights
- U.S. Copyright Act Circular 56
- U.S. Copyright Act Circular 32
- The Covenant of Good Faith



STATEMENT OF THE CASE

In a footnote on page #3 of Defendant Shawn Jay-Z Carter's 7 Motion for Dismissal of Complaint, 1:20-cv-00417, *Jermaine Jevon Howard v. Shawn Jay-Z Carter*, Defendant Carter stated that, "JAY-Z denies Howard's allegations but accepts any well pleaded facts as true for the purpose of this motion only". Defendant went on to cite *Trustees of Upstate N.Y. Eng'rs Pension Fund v. Ivy Asset Mgmt.* 843 F.3d. 561, 566 (2d Cir. 2016). However, the opening statement of the motion states,

Howard has tried this trick before: he has brought lawsuits in other districts against other rappers similarly claiming to have written their music and to have loaned them millions of dollars. *See e.g. Howard v. Pearl*, No. 2:20-cv-05880-MWF-MRW (C.D. Cal.); *Howard v. Mafia*, No. 1:20-cv-06116-LLS (S.D.N.Y.). Howard is a serial litigant whose unfounded claims should be dismissed with prejudice for at least three independent reasons.

The two statements contrast, and the placements create deception. The reader would view Defendant Carter as looking upon Plaintiff Howard as a serial litigant which is not a legal term. App.25a-26a illustrates that "serial litigant" is not a legal term through a screenshot of an email from a local law library at a University in Buffalo, NY which states you can only define each word to gain an idea of what is being meant. The word "Serial" implies a repeated act which

is of criminal or corrupt acts. Therefore, the Statement, "Serial Litigant" implies Plaintiff Howard is acting in a criminal manner or in a corrupt manner by filing a Complaint in pursuit of Justice. The deceit lies in the manner that the statement containing, "Serial Litigant" is headlining while Defendant Carter's Statement is in a smaller print located in a footnote later in the motion on page #3. The author's intention was to deceive the Court into believing Plaintiff Howard is acting in a criminal or corrupt manner by filing this complaint. However, Defendant Carter is willing to accept Plaintiff Howard's claims as true if well pleaded in smaller print in a footnote on page #3. The contrast presents that Defendant Carter's Counsel acted outside of attorney's duties to their client. Therefore, this situation would call for Attorney's immunity to make a statement of Defamation, Libel within litigation to be withdrawn. Plaintiff Howard cites case *Landry's Inc. v. Animal Legal Def. Fund*, No.14-17-00207-cv-(Tex. App August 5, 2021).

The Contrast violates New York State's Judiciary Law 487 which states

An attorney or counselor who ... is guilty of any deceit or collusion or consents to any deceit or collusion, with intent to deceive the Court or any Party ... is guilty of a Misdemeanor.

And in addition to the punishment prescribed, therefore, by the penal law forfeits to the party injured treble damages to be recovered in a Civil Suit. Plaintiff Howard cites, *Kawashima v. Holder*, 566 U.S. 478 (2012) as a Supporting Case and *Amalfitano v. Rosenberg*, 12 N.Y.3d 8 (N.Y. 2009).

Plaintiff Jermaine Jevon Howard is owed treble damages because of Defendant Carter's Counsel's contrasting, deceitful manner of seeking to have not only Plaintiff Howard's Complaint against Defendant Carter Dismissed with prejudice, but Plaintiff Howard two other Complaints in other District Courts, as well as damaging Plaintiff Jermaine Jevon Howard's Good Reputation as a favorable Plaintiff in a future Complaint because of Defendant Shawn Jay-Z Carter's Power and Popularity. Defendant Carter's Counsel labels Defendant Carter as a World Famous Rapper. Defendant Shawn Jay-Z Carter has over 216 Million Followers reported by Instagram.

Further, New York State Courts favor that if a Statement of Defamation is made to the extent of accusing someone of committing a crime or corrupt act, the Courts refrain from Dismissing Complaints for failure to state a claim, as long as pleading meets the minimum standard necessary to resist dismissal of Complaint. Plaintiff Howard cites, *Davis v. Boenheim*, 110 A.D.3d 1431 (N.Y. 2014).

The existence of a legal duty that the Defendant owed to the Plaintiff. The Defendant's breach of that duty. The Plaintiff's sufferance of an injury, and proof that Defendant's breach caused the injury (typically defined through proximate cause) are all present with Plaintiff's Complaint.

Listed on the U.S. Copyright Registrations for songs, "Coming of Age." "Dead President's," "Hard Knock Life," and "Do It Again, Put Ya Hands Up," the Pseudonym Lil Lu Lu Publishing was used to acknowledge Jermaine Jevon Howard's participation as a Co-author and ownership of the copyright for each song. The Pseudonym used for the registration for the

song, "People Talking" was Jowat Music. This displays that Howard has ownership to the intellectual property, copyrighted music along with Carter in which Carter exploited the music. A witness who handled the filing of Documents/Records, Rocafella Record Executive Craig Sweat stated that Howard is owed "Copyright Royalties" for songs he Co-authored with Shawn Jay-Z Carter and has U.S. Copyright Registration ownership. The Defendant Carter has not and refuses to account profits for the songs: "Coming of Age," "Dead President's," "Hard Knock Life," "Do It Again, Put Ya Hands Up," and "People Talking," and Divide profits obtained with joint Copyright Owner Plaintiff Jermaine Jevon Howard as is made lawful by the U.S. Copyright Act, 17 U.S.C. § 201, "Each Co-author has a duty to account to the other Co-authors for any profits obtained from the exploitation of the work." A further illustration is with *S.O.S. Inc. v. Payday Inc.*, 886 F.2d 1081 (9th Cir. 1989). The United States Court of Appeals for the Ninth Circuit reversed holding that the District Court erred in assuming that a license to use a copyrighted work necessarily preclude infringement. Payday Inc. exceeded the scope of its license when it copied and prepared a modified version of the programs without *S.O.S. Inc.*'s, permission. Carter modified and exploited music, songs that were previously recorded and U.S. Copyright Registered with Co-author Howard.

In the case *Aalmuhammed v. Lee*, 202 F.3d 1227 (2000), Plaintiff Howard's Complaint differs, Aalmuhammed's Complaint because Howard provided more than just creative contributions. Howard provided on a self estimate at least 45% of written lyrics for songs Co-authored by Carter and Howard on each song listed,

“Coming of Age,” “Dead President’s,” “Hard Knock Life,” “Do It Again, Put Ya Hands Up” and “People Talkin.” was the partner who connected the songs. The original song writing and recording sessions were recorded on a handheld recording device and the recordings handed into the U.S. Copyright Office. The recordings counts as Copyrighted art under The U.S. Copyright Act’s Circular 56 Rule. Therefore, Howard and Carter would be duo “Masterminds” entitling Howard to an account and divisional share of exploitation profits. Howard’s use of a Pseudonym on the U.S. Copyright Registration is of legal use. U.S. Copyright Act Circular 32, “A Pseudonym is a fictitious name that an individual author may use to identify him or herself on the copies of a work or when registering a claim to copyright with the U.S. Copyright Office. *Patrella v. MGM*, 572 U.S. 663 (2014) displays the usage of a Pseudonym. Frank Patrella used the Pseudonym “Peter Savage” for Copyright Registration. Howard’s use of a Pseudonym was to protect his identity because the world of Hip Hop was becoming a violent one. This includes Shawn Jay-Z Carter’s stabbing of Lance “Un” Rivera on 30 November 1999. Rivera was stabbed for allegedly “bootlegging” Carter’s music, stealing studio recording and making duplicates of the music for distributions and sales. Shawn Jay-Z Carter has rudely remarked Howard who was making a third party request for an account and division of profits for their copyrighted music. Carter replied, “Nigga! I don’t give a Fuck!” The request was made through Carter’s artist, Benny the Butcher of Griselda /RocNation. RocNation is a record company founded by Shawn Jay-Z Carter. A screenshot photo of Benny the Butcher’s reply is included at App.23a-24a.

Carter also made a statement of Defamation towards Howard in in his 7 Motion request for dismissal of Howard's Complaint. Carter's Defense named Howard a "Serial Litigant" and not only should the complaint against him (Carter) be dismissed but a Complaint that received a Ninth Circuit Court Reversal and Remanded to Federal District Court be dismissed as well. This deems Carter as not wanting to see Jermaine Jevon Howard paid for any song in which Howard Co-authored and without a songwriting career. Carter's refusal to account and divide profits with Howard for their U.S. Copyright joint owned songs has financially injured Howard and as Carter's Defense states, Carter is a 'World Famous Rapper' that has left Howard without a songwriting career. Rocafella Records (which is defunct) Executive Craig Sweat (718) 200-6807 was attempting to re-start Howard's songwriting career with U.S. Rapper Jim Jones who is contracted with RocNation, founded by Shawn Jay-Z Carter, never evoked. This maybe because of Carter's feelings towards Howard.

Craig Sweat shouted to Howard during their December 17, 2018 conversation with Attorney Thomas View Esq. of Washington, DC (202) 841-9915, "I told 'Stroe' everything and you should have too; he knows everything about you Man!"

While Carter is the founder and owner of a very lucrative Record Company, RocNation, Howard is barely living above low-income status. Carter's refusal to account and divide profits for Carter's exploitation of their jointly owned U.S. Copyrights along with Carter's damaging view of Howard has left Howard in a struggling financial situation. U.S. Rapper Benny the Butcher's deliverance of Howard's message demon-

strates that Carter knows Howard is in need of compensation for his legal binding Co-authorship of music, songs with Carter. Carter's "rude" neglect displays Shawn Jay-Z Carter has moved on and does not care about Howard's well being.

Shawn Jay-Z Carter has exploited at least 5 copyrighted songs that were Co-authored/jointly owned with Jermaine Jevon Howard and refuses to account and divide profits with Howard.

Around about April of 1991, Jermaine Jevon Howard (Plaintiff) recorded written lyrics for a song titled, "Coming of Age" which Shawn Jay-Z Carter (Defendant) and his artist Memphis Bleek performed on Carter's "Reasonable Doubt" LP and "Vol:2 Hard Knock Life" LP.

Around about May of 1994, Jermaine Jevon Howard (Plaintiff) began preparing lyrics for a song titled, "Dead Presidents." Around about May of 1995, Plaintiff Howard followed Defendant Carter to a trailer home in Fort Erie, Ontario and completed the lyrics for "Dead President's" reciting the lyrics that Howard wrote for the song on a small handheld recording device.

Around about March 1998, Jermaine Jevon Howard created through a recorded phone conversation the song titled, "Hard Knock Life" Shawn Jay-Z Carter sent Howard a cell phone by Courier that Carter would call before 5pm that day. Howard created lyrics with Carter by phone.

Around about November 1999, Howard in a studio session because Carter was complaining about being stressed and fatigued from touring and the lifestyle he acquired that Carter was unable to create a Debut

single for his upcoming LP due out by the close of the quarter. Howard assisted Carter with creating and making the first recording of the song titled, "Do It Again, Put Ya Hands Up!" Which Carter performed on his "Vol 3: Life and Times of S. Carter" LP.

Around about October of 1993, Jermaine Jevon Howard created and performed on a small handheld recording device lyrics for a song titled, "People Talking" the song was never released on LP and is labeled a Nas Diss Song.

Because of the injury suffered by this exploitation of millions of copies of these songs sold, shared, downloaded, the usage of music in movies and music videos, Carter owes Howard over \$100,000,000.00 in Compensatory Damages for Carter's refusal to account and divide profits for each song. The total amount of damages owed would have to be professionally accounted for and divided with Jermaine Jevon Howard, plus Punitive Damages in the amount of 15% of business at RocNation Music.

The result of Thomas View Esq., Craig Sweat and Howard's conversation was an email to Tito "Stroe" Rumpa which has been screenshot and is included at App.27a-28a.

A. Statute of Limitation

At the time of the filing of the complaint on 7 April 2020, there was no Statute of Limitation for filing a Complaint for Joint Copyright Ownership. Copyright ownership only accrues when a dispute over ownership becomes "explicit." *Consumer Health Information Corp. v. Amylin Pharmaceuticals Inc.* Thus, the argument over joint copyright ownership account and divide of profits became explicit on March 27, 2020 when

Shawn Jay-Z Carter made a rebuttal of, "Nigga! I don't give a Fuck!" To the monetary request of Howard made by third person party Benny the Butcher. Howard filed a Complaint in the Western District of New York Court a couple weeks later, 7 April 2020.

Shawn Jay-Z Carter was bullying making statements such as, This is not the time "Chooie," you can ruin my career with copyright claims. Shawn Jay-Z Carter can get violent with regards to his music as displayed in the 30 November 1999 Lance Un Rivera stabbing. Carter travels with a tough crew; Jermaine Jevon Howard travels alone.

B. Discrimination

Howard was being discriminated against by Carter and his following because of origin. Howard is not from New York City, Howard is from Buffalo, NY. Age was a factor too Howard is 6 years younger than Carter. Carter felt his grouping was bigger and older than Howard; Howard just did not fit in Carter's social grouping. Discrimination of any sort is a violation of a person's 14th Amendment: "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." The 14th Amendment Definition in short terms, "The 14th Amendment granted citizenship and equal rights to former slaves and influenced many civil rights cases." Defendant Shawn Jay-Z Carter is violating Plaintiff Jermaine Jevon Howard's Right to Life Liberties by a Corporation, Shawn Jay-Z Carter and Rocafella Records LLC by having Howard author songs and exclude Howard from Career involvement

including pay for personal preference. Plaintiff Howard cites, *Santa Clara County v. Southern Pacific Railroad*, 118 U.S. 394 (1886). The Supreme Court held that the 14th Amendment applied to Corporations. Since then, court has repeatedly reaffirmed this protection.

Shawn Jay-Z Carter was just relying on Howard to create music for himself, his Rocafella Records artists and in support of the record label. Carter would complain about stress and fatigue being factors with him not being able to become creative. Carter would call Howard complaining he needed Howard's assistance with creating lyrics and ideas for songs. This was especially true in October of 1999, Carter called on Howard because Carter complained he was exhausted after the Hard knock life Explosion of Success! Carter asked Howard for assistance with creating a debut single for his upcoming LP which was due out before the end of the quarter. Howard assisted Carter with creating the song which was a major party theme, "Do It Again, Put Ya Hands Up!" The first single we created was "S. Carter" from the Jay-Z, "Vol 3 Life and Times of S. Carter" LP. Carter still to current refuses to compensate Howard for song-writing.



REASONS FOR GRANTING THE PETITION

Plaintiff Jermaine Jevon Howard is Humbly and Prayerfully seeking the U.S. Supreme Court to Grant Plaintiff Howard's Petition for several independent reasons as follows.

Defendant Shawn Jay-Z Carter stated, Defendant Carter is willing to accept any well pleaded facts as true for the purpose of this motion only. Then Defendant's Counsel's Contrasting statement labeling Plaintiff Howard a "Serial Litigant" is a deceitful means to injure Plaintiff Howard which violates NYS Judiciary Law 487.

Defendant Carter states, any well pleaded Facts as True, Therefore, Defendant Carter is stating Howard's Claims are true but need to be well plead. Facts are of a true nature. The statement maybe Defendant Shawn Jay-Z Carter's closest attempt to state, Plaintiff Jermaine Jevon Howard indeed Authored and Co-Authored songs for and with me, Defendant Shawn Jay-Z Carter. However, Defendant Carter has to uphold Contractual Agreements such as licenses, Record Company/Record Label Contracts and Insurance Contracts, therefore, Defendant Carter cannot just simply state the truth. This could violate Ivy Trust. Defendant Carter has a daughter which name is Blue Ivy Carter and Plaintiff Jermaine Jevon Howard is from Upstate New York, Buffalo, NY.

Further, the Case, *Trustees of Upstate N.Y. Eng's Pension Fund v. Ivy Asset Mgmt.* 843 F.3d 561, 566 (2d Cir. 2016). Is a case which involves a situation known as a Ponzi Act. Ponzi Acts were common in Brooklyn, NY and other NYC Boroughs. The situation Ponzi Acts created is there is a finite number of investors which are going to benefit from an investment. However, there is going to be an infinite number of solicited investors, but there will be a time established cutoff point. The infinite number of investors who are targeted not to benefit from the investment will be transferred over to a third party investment

company which has been set up to make faulty investments in order to file bankruptcy. Therefore, any investors involved will legally lose. This third party investment company is a company of "bullies." A third party could have deemed Plaintiff Jermaine Jevon Howard not needed to be present; Plaintiff Howard has missed out on the Benefits. Defendant Shawn Jay-Z Carter's position would be, now am I, Defendant Carter suppose to lose because I, Defendant Carter is wanted/Benefitting, but I, Defendant Carter can not include Plaintiff Jermaine Jevon Howard. Therefore, it is not up to me, Defendant Carter to be Honest and pay Plaintiff Howard; Plaintiff Jermaine Jevon Howard has to prove his, Plaintiff Howard's Facts and be rendered Plaintiff Howard's Justice.

Shawn Jay-Z Carter has become a major force, a very Powerful Figure within the world of Entertainment. You cannot turn your internet service on without seeing a news story about Shawn Jay-Z Carter. Therefore, it is very damaging to have a Hip Hop Icon, Hip Hop Legend who's Record Company, RocNation provides so much opportunity along with other businesses, refer to you (Howard) in a manner such as "Nigga! I don't give Fuck!" Howard's career is ruined; no one wants to work with him. Craig Sweat who joined in the battle for Justice for Jermaine Jevon Howard by asking Attorney Thomas View Esq., "How can you help US!" Illustrated how much assistance Howard provided Rocafella Records LLC. Craig Sweat seems to be the only member not afraid to assist Jermaine Jevon Howard with his Complaint for Justice.

Attorney View Esq. stated that he has association with Attorney Al Branch who is an attorney for Shawn Jay-Z Carter. Thomas View Esq. withdrew his

services once Howard seemed Federal Court Action. Carter's Defense even made a statement of defamation against Howard naming Howard a "Serial Litigant." There is no legal term serial litigant, therefore, Defense and Carter meant malice by this statement. Carter's Defense named the two other Complaints Howard has in two separate Federal courts which included Case# 2:20-cv-05880 which received a Ninth Circuit Court of Appeals Reversal and Remanded back to the Federal District Court and demanded all the claims be dismissed with prejudice, never to be argued in court again. The Defense and Carter by saying this are stating he (Carter) exercises equal or greater power than each Judge both in the District Federal Courts and the Ninth Circuit Court of Appeals Court as well. The publication of these documents can be viewed on several Internet sites, Pacer Monitor and Justia. The statements slight Howard who is a credible witness supported individual who should not be trusted. The reason being Record Executive Shawn Jay-Z Carter owes Jermaine Jevon Howard a lot of money and Carter is hindering Howard's career as well with his antics. For example, the possible experience with assisting U.S. Rapper Jim Jones which Craig Sweat, on his own behalf was providing the opportunity. Carter's broken the Covenant of Good Faith with his refusals. The Covenant of Good Faith is a rule used by most Courts in the U.S. that requires every party in a contract to implement the agreement as intended, not using means to undercut the purpose of the transaction. The binding agreement between Howard and Carter would be the Copyright Registrations.

Levinsky v. Wal Mart, 999 F. Supp. 137 (D. Me 1998) illustrates Defamation in that a Wal-Mart representative stated that a smaller private store owned by Levinsky was "Trashy" and they keep you on hold for 20 minutes whenever a customer calls. These statements were deemed belittling and Damaging to the store owner's reputation throughout the community.

Because of his Power and Enormous Popularity, Carter is looking to break ties with the severely lessened in class Jermaine Jevon Howard without compensating Howard for his participation in Carter's success. Therefore, Jermaine Jevon Howard is Humbly and Prayerfully seeking the United States Supreme Court as a final resort with seeking Justice for an account and division of profits as a joint Copyright owner of 5 U.S. Copyright Registrations with Shawn Jay-Z Carter along with Punitive Damages for Defamation and the hinderance of Jermaine Jevon Howard's career as a Songwriter.



CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

Jermaine Jevon Howard
Counsel of Record
1035 Beach Rd #D2
Buffalo, NY 14225
(716) 436-9009
lilchooie@gmail.com

June 27, 2023