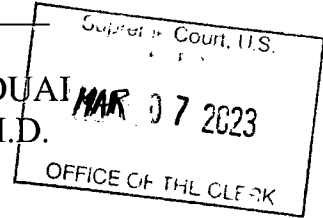


Case No. 23A834

IN THE SUPREME COURT OF THE UNITED STATES

RAYMOND H. PIERSON, III, as an INDIVIDUAL
AND dba RAYMOND H. PIERSON, III, M.D.
Petitioner/Appellant,



v.

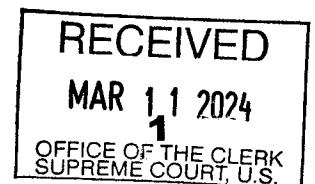
NORTHERN CALIFORNIA COLLECTION SERVICE, INC.; GERALD &
BETTY MCINTYRE and COLLIERS INTERNATIONAL REAL ESTATE
MANAGEMENT SERVICES, INC.

Plaintiff and Respondent

**APPELLANT MOTION FOR A 60-DAY EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI CONCERNING THE
SUPREME COURT OF THE STATE OF CALIFORNIA DECISION OF
DECEMBER 13, 2023 IN CASE #S282177**

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Pro Se Petitioner/Appellant



To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States:

This Motion is advanced by this Pro Se Appellant, Raymond H. Pierson, III, M.D to this Highest Court in this Republic for the purpose of requesting a sixty (60) day extension of time to file a *Petition for Writ of Certiorari* concerning the California Supreme Court Opinion in Case# S282177 of December 13, 2023 to deny (Exhibit A) the *Petition for Review* submitted by Dr. Pierson and filed in that Court originally on October 9, 2023 with a completely revised submission filed and accepted by that Court on November 20, 2023 (Exhibit C).

This request has been made necessary by the fact that Dr. Pierson, a self-represented injured party in this and two other fully independent but related appeals before the California Courts, has had intensive competing demands for critical legal filings in those cases which have overwhelmed his personal and financial resources. In one of those appeals (Case # C097290) which remains before the Court of Appeal of the State of California, Third Appellate District the *Initial Appellant Brief* and *Appendix* (12 separate volumes, over 2600 pages) had to be recently prepared and filed. In the second of those cases which concerns critical federal questions involving the First Amendment *right to petition* in the courts, the Fifth and Fourteenth Amendment *rights of due process and equal protection*, and the Fourteenth Amendment requirement that the many states may not permissibly infringe upon those federal constitutional rights extended to all citizens, the case has been advanced to this highest Court in the form of a *Petition for Writ of Certiorari*. That Petition was originally submitted to the Court on February 17, 2024 (No: 23A528) but found to be non-conforming and returned for revision with a current last permissible date for filing of April 22, 2024. All these

fully separate but related litigations have arisen from the exceptional damages caused to Dr. Pierson's medical practice as well as to result in injuries sustained by Dr. Pierson and his office staff because of the motor vehicle accident-related destruction of his medical office suite which occurred due to the negligent operation of a motor vehicle by an elderly driver. The remarkable and truly improbable convergence of these multiple related appellate matters has resulted in the simultaneous need for Dr. Pierson, a self-represented party, and his sole assistant to work on all these legal filings within the same limited time frame. As a result, Dr. Pierson's personal and financial resources have been stretched to the breaking point. These adverse circumstances have been further exacerbated by the fact that Dr. Pierson's only assistant upon whom he is completely dependent for her information technology and word processing skills currently has quite limited availability and must work in a much-diminished capacity due to her ongoing affliction with *long-Covid* which has followed her recent third occurrence of the Covid-19 infection. For these reasons, as well as for those other demands and time constraints not mentioned here, Dr. Pierson is unable to proceed with completion of the *Petition for Writ of Certiorari* due in this present matter which has a current last permissible date for submission of March 13, 2023.

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address the “ <i>other issues raised on appeal</i> ” (see Exhibit #4, p. 25) inclusive of the multiple arguments advanced by Dr. Pierson that the California Vexatious Litigant Statute was fully unconstitutional under both the California and U. S. Constitutions. As to those constitutional challenges advanced within the appeal, the Third District Court found “ <i>we need not and do not consider any of the other issues raised on appeal</i> ”.	
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CERTIFICATE OF INTERESTED PARTIES

Rob Bonta, J.D., California Attorney General
Raymond H. Pierson, III, MD
Andre LeLievre, J.D., NCCS Counsel
Steven D. Cribb, J.D., NCCS Counsel
Stephen Mackay, J.D., McIntyre & Collier’s Counsel
Michael Myers, J.D., McIntyre & Collier’s Counsel
Lawrence H. Cassidy, NCCS
The Honorable Renee C. Day
The Honorable JS Hermanson
Gerald McIntyre
Betty McIntyre
Bruce E. Leonard, J.D., Phyliss Rushing Counsel
Maria S. Quintero, J.D., CSAA et al. Appellate Counsel
Phyliss M. Rushing
Keliann Petty-Salado,
 Colliers International Real Estate Management
Hardeep Kaur,
 Colliers International Real Estate Management
Mark Inbody, CSAA Insurance Services, Inc. CSAA Insurance Exchange Liberty
Mutual Insurance Co.
State Farm Insurance Company
Dorothy T. Tran, J.D., Phyliss Rushing Counsel

Section I

Pursuant to Supreme Court Rule 13, 21, 22, 29, 30, 33 and 34 Pro Se Petitioner Raymond H. Pierson, III, M.D. respectfully requests that the Honorable Associate Justice Elena Kagan grant this time extension request for the full permissible sixty (60) days for submission of a *Petition for Writ of Certiorari* to this the Nation's Highest Court for review of the Supreme Court of California December 13, 2023 denial of Petitioner's October 10, 2023 Petition for Review (Case# S282177) with regard to the California Third District Court of Appeal decision (Case# C089972) of the appeal advanced by Pro Se Petitioner, Dr. Pierson, with respect to the Decision by the Superior Court of Amador County in Case# 17-CVC-10112.

A list of the significant dates relevant to the *Appeal* in this case initially advanced in the California Third District Court of Appeals (Case# C089972) and subsequently submitted to the Supreme Court of California under the *California Collateral Order Doctrine* in the form of a *Petition for Review* (Case #S282177)) are provided below:

May 7, 2019 Date of the Judgment(s) of Dismissal of Dr. Pierson's Second Amended Cross-Complaint by the Superior Court of California in Amador County as to NCCS, et al. as well as to Gerald McIntyre, Betty McIntyre and Collier's International (Case# - 17-CVC-10112). Those Dismissals followed the Court's granting the Original Plaintiffs/Cross Claim Defendants/Respondents Motions to have Original Defendant/Cross Claim Complainant/Appellant Dr. Pierson . designated a vexatious litigant based on his sole prior involvement in two federal litigations (one of which was then ongoing) as a self-represented party. It must be emphasized that Dr. Pierson had no prior involvement as a self-represented party in a California state court litigation or any other state

court litigation for that matter at the time that he was brought unwillingly into this litigation when the original plaintiffs, NCCS et al., filed their complaint against him on May 19, 2017.

- July 5, 2019 Date of timely filing of the appeal to the California Third District Court of Appeals by Pro Per Appellant Dr. Raymond Pierson.
- March 22, 2022 Date of filing of the (corrected) *Appellant Opening Brief* and seven (7) volume *Appendix* (Note: Significant delays accrued due to the ongoing effects of the COVID-19 pandemic)
- May 2, 2022 Date of submission of NCCS, et al. Respondent's Brief.
- November 2, 2022 Date of Submission of McIntyre et al. Respondent's Brief
- April 4, 2023 Date of filing of the Appellant's Reply Brief.
- August 23, 2023 Oral Argument held before a three (3) judge panel of the California Third District Court of Appeal.
- August 30, 2023 Decision by the Third District Appellate panel (Exhibit D) to reverse the decision of the court finding that Dr. Pierson was not a vexatious litigant under the California statute (CCP 391 (b)(1)) which resulted in the elimination of the May 7, 2019 Judgments of Dismissal and restoration of Dr. Pierson's Cross-Complaint with remand below for proceedings. This Third Appellate District decision did not consider in any manner or form the multiple novel arguments advanced by Dr. Pierson challenging the constitutionality of the California Vexatious Litigant Statute (CCP 391- 391.8) under both the California and U. S. Constitutions.

- October 10, 2023 Date of acceptance for filing of the *Petition for Review* by the Supreme Court of California. This petition advanced the multiple California and U. S. Constitutional challenges to the California Vexatious Litigant Statute (CCP 391- 391.8) under the Collateral Order Doctrine.
- November 20, 2023 Date of submission of an authorized “Fully Corrected” Version of the October 10, 2023 Petition for Review (Exhibit C).
- December 13, 2023 Decision by the Supreme Court of California to deny the *Petition for Review* (Exhibit A)
- March 13, 2024 The current last permissible date for filing a *Petition for Writ of Certiorari* to the Supreme Court of the United States in this matter which concerns multiple federal questions inclusive of the First Amendment Right of Petition to access the courts, the Fifth and Fourteenth amendment rights to due process and equal representation under the law, and the Fourteenth Amendment prohibition which bars the many states from the infringement upon those fundamental rights extended to all citizens of this republic by the U.S Constitution.

Section II

A Review of the background in this case filed in the Superior Court of California, County of Amador by Original Plaintiff / Respondents on May 19, 2017 (Case#- 17-CVC-10112) and subsequently appealed to the California Third District Court of Appeal (Case# - CO89972).

The litigation in this case arose from a motor vehicle collision with a side structural wall of Dr. Pierson’s medical office suite at 813 Court Street in Jackson, California on October 10, 2016, resulting in initial instability of the structure necessitating the abrupt and persistent closure of the practice.

The referenced motor vehicle accident resulted from the negligent operation of the motor vehicle by a former patient of Dr. Pierson who had intended to stop by the office to drop off x-rays for Dr. Pierson to review at her scheduled upcoming office visit. The property managers, under direction of the owner/lessors recruited the services of a local business, the Stuart London Handyman Service, to perform the necessary demolitions and repairs. Due to the involvement of the structural side wall of the office suite and the resultant potential for instability of the structure, Dr. Pierson and his staff were initially prohibited from entry. That restriction of access persisted for the entirety of the first week until the initial phase of demolition was able to be completed with provisional support for the structure put into place. During that initial phase, Dr. Pierson was informed that all work would be completed with a full return to occupancy and unobstructed use of the structure within 10 to 14 days. When Dr. Pierson and his staff were eventually permitted to reenter the office space one week following the accident the entirety of the interior office space had been disrupted and heavily contaminated throughout. All surfaces throughout the clinic were extensively contaminated with a thick layer of a toxic combination of construction dust and debris. It was fully apparent at that re-entry that the construction team had made no effort to prevent or to subsequently remediate that contamination leaving the entirety of that task to Dr. Pierson and his staff. In addition, the areas of demolition and reconstruction remained insufficiently isolated and effectively open to the remaining clinic areas. During that extended time period the office condition was absolutely unsafe for healthcare delivery and truly uninhabitable due to the extent and severity of the contamination present. Despite that condition of the space which was far below OSHA permissible standards, Dr. Pierson and his staff were forced to be present in order to access patient records and to be able to meet ongoing patient needs, to make

arrangements for patient visit rescheduling and to manage other patients. The financial strain of the extended closure soon became overwhelming and resulted in Dr. Pierson's medical practice coming to a near financial collapse. It was at that point that Dr. Pierson had to make the abrupt decision to temporarily close the practice for a more extended period until that point in time that he was able to receive sufficient financial compensation from the tortfeasor's insurance company to permit reopening.

It is important to emphasize the fact that at that point in time Dr. Pierson's lease on the office suite was on a month-to-month basis with thirty (30) days' notice prior to termination of occupancy. A critical point which must be stressed concerns the fact the international contract law inclusive of the Uniform Commercial Code as well as the Second Restatement of Contracts § 261 (Am. Law Inst. 1981) clearly state that when a contract (such as a lease) is rendered "*impracticable without fault by the occurrence of an event the non-occurrence of which was a basic assumption on which the contract was made, the duty to render that performance is discharged . . .*". Thus, from the perspective of the relevant international contract law there was no entitlement or reasonable expectation on the part of the owner/lessor(s) to the expectation of rent payment by Dr. Pierson given those persistent uninhabitable conditions of the space.

A last point that must be emphasized is the fact that as a direct result of the persistent exposure to that toxic office environment by Dr. Pierson and his two office staff members they all sustained pulmonary injury and exacerbations that have continued to persist through to the time of this writing. The pulmonary injury as well as a shoulder injury which Dr. Pierson sustained during that period have resulted in persistent physical impairments to Dr. Pierson.

Remarkably, despite the fact that the incompetently managed demolition and reconstruction of the facility rendered the space unsafe and unusable for the leased purpose of healthcare delivery, within five (5) days of Dr. Pierson having been forced to vacate the structure, the property owner/lessor(s)-initiated collection efforts against Dr. Pierson for lost rent for that period of interruption during which time there was absolutely no entitlement to receive rent from Dr. Pierson, the lessee. As to this issue of lost rent from loss of use of the damaged facility, Dr. Pierson has maintained no objection through to the present time to any efforts by the owner/lessor to pursue their claims of *loss of use* and *loss of rent* against the operator of the motor vehicle who caused the building damage. Following that initial collection efforts, the next level of collections efforts by the property manager and owner/lessors directed against Dr. Pierson was to enlist the involvement of Northern California Collection Service, Inc. (hereinafter NCCS) to pursue collection against Dr. Pierson to seek payment for the lost rent which they had no entitlement to receive under existing contract law precedents. NCCS later initiated litigation in the Superior Court of Amador County with their exceptionally fraudulent complaint on May 19, 2017 (case #17-10112).

Dr. Pierson was not served that complaint by mail until January 24, 2018. He then responded with a "*Response to Complaint/Counterclaims*" (1-APP-18-84). Before proceeding, it is important to emphasize the fact that the NCCS complaint was fraudulently advanced in the Amador Superior Court under the authorization of a completely invalid and expired lease. Furthermore, that NCCS complaint quite fraudulently misrepresented the case to the Court as is evidenced by the fact that their complaint completely failed to make any reference whatsoever to the occurrence of the motor vehicle accident nor did it mention the resultant immediate and extended disruption of office space operations which resulted not only from

the initial structure damage, but also and subsequently by the incompetently performed repairs which resulted in the office site being unsafe for occupancy for an extended period.

Dr. Pierson, the original Defendant in the lawsuit which resulted, followed his initial answer to the NCCS complaint with a *Cross-complaint and Demand for Jury Trial* which was filed on April 12, 2018 (I-APP-125-149). A *First Amended Cross-complaint and Demand for Jury Trial* later followed on July 6, 2018 (1-APP-150-179).

In response to that First Amended Cross-Complaint, NCCS responded with a *General and Special Demurrer* which was filed on August 7, 2018 (1-APP-188-228). The other defendants inclusive of the McIntyres (the owner/lessors) and Colliers International (the property managers) provided answers to the complaint. The Court ultimately granted those NCCS *demurrers* at a rescheduled hearing which occurred on September 21, 2018 (2-APP-396), however, that Court's Order did grant to Dr. Pierson the opportunity to amend. A *Second Amended Cross-complaint* which included fourteen (14) causes of action was then filed timely by Dr. Pierson on October 18, 2018 (2-APP-532-569). On October 30, 2018 NCCS provided an answer to the complaint (2-APP- 570-579).

In their next Court filing shortly thereafter, NCCS proceeded with their Motion to name Dr. Pierson a vexatious litigant (3-APP-700-710, Declaration 3-APP-711-713 and Exhibits 3-APP-714-886, 4-APP-887-1182 and 5-APP-1183-1431) despite Dr. Pierson having never, prior to this case in which he was the original defendant, initiated any lawsuit *in propria persona* in the State of California or for that matter in any state, county or city court in this nation. That filing by NCCS was followed shortly thereafter by a similar motion by the owners/lessors the McIntyres and Collier's International to name Dr. Pierson a vexatious litigant (5-APP-1432-1444,

Exhibits 5-APP-1445-1480 and 6-APP-1481-1591, Motion amended 6-APP-1633-1635).

The Hearing on the two vexatious litigant motions was held on March 1, 2019 (Exhibit C, Transcript 6-APP-1714-1746). In the Court's subsequent *Order After Hearing* ruling of March 27, 2019 (7-APP-1791-1793), the Court made the determination that Dr. Pierson was a vexatious litigant under the single criteria established at CCP 391(b)(1). That determination was made exclusively under the criteria established under the California Vexatious Litigant statute at CCP 391(b)(1). In that decision, the Court later imposed an exceptional and onerous security deposit requirement of \$140,743.42 to be provided within thirty (30) days of that Order. Dr. Pierson was subsequently able to produce only the partial security amount of thirty thousand dollars (\$30,743.43) by the deadline (7-APP-1970) which should have been May 2, 2019. Ex Parte Applications were filed by Dr. Pierson for a 60-to-90-day time extension to produce the security bond (7-APP-1806-41, 7-APP-1875-1901) and denied by the Court (7-APP-1842-45, 7-APP-1902-3). The Court, however, improperly submitted a Proposed Judgment of Dismissal at the earlier improper date of April 30, 2019 (7-APP-1846-1847). Dr. Pierson then followed that Court Order with submission on May 2, 2019 of a Motion for Reconsideration (7-APP-1904-1931) of the Court's March 27, 2019 Order granting the original Plaintiff/Cross Claim Defendant's Motion to Designate Dr. Pierson a vexatious litigant as well as to object to the security bond amount required by the Court which far exceeded the amount which had been originally requested by Plaintiffs. That Motion for Reconsideration was amended on May 6, 2019 (7-APP-1932-1949). A *Proposed Judgment of Dismissal* was entered by the Court on April 30, 2019 (7-APP-1846). The actual *Judgments of Dismissal* were then issued by the Court on May 7, 2019 (7-APP-1950-1951 and 7-APP-1952-

1956). The Motion for Reconsideration of the determination that Dr. Pierson was a vexatious litigant with imposition of an onerous security bond requirement and pre-filing order which was filed by Dr. Pierson on May 2, 2019 (7-APP-1904-1931) and amended on May 6, 2019 (7-APP-1931-1949)-was later denied by the Court on June 14, 2019 (1-APP-1990). A timely filed Notice of Appeal was submitted on July 5, 2019 (7-APP-2008-2013).

After completion of the briefing in the Appeal by all parties, oral argument in the case was held on August 23, 2023 before a panel of three (3) judges of the Third Appellate District Court. The Court's August 30, 2023 decision (Exhibit D) found that the trial court in the Superior Court of California in Amador County had erred in making the determination that Dr. Pierson was a vexatious litigant under the statute (CCP 391(b)(1)). As a result of that determination the Court proceeded with reversal of those Judgment(s) of Dismissal which has resulted in remand of Dr. Pierson's Second Amended Cross-Complaint to the court below for proceedings. The Third District Appellate panel, however, did not consider nor address "*the other issues raised on appeal*" which included multiple novel arguments that the California Vexatious Litigant Statute (CCP 391 – 391.8) was unconstitutional under the California and U. S. Constitutions. Under the California *Collateral Order Doctrine* those issues were unsuccessfully advanced to the Supreme Court of California in the October 10, 2023 (corrected November 20, 2023 – Exhibit C) Petition for Review which that Court denied without a written opinion on December 13, 2023 (Exhibit A). It is Dr. Pierson's plan to now advance under this Esteemed Court's Collateral Order Doctrine (*Cohen v. Beneficial Industrial Loan Corp.* 337 U.S. 541 (1949) those multiple constitutional challenges which concern the deprivation of essential fundamental rights and liberties within a Petition for Writ of Certiorari.

Section III

A Brief Review of the Issues which Dr. Pierson plans to advance to this Highest Court includes but is not limited to the following issues of law and fact.

Introduction:

The right to a remedy in the courts for wrongful injury holds a revered place in our civil justice system. Lord Coke traced this right to Chapter 29 of the Magna Carta, which guaranteed: “*Every subject may take his remedy by course of the Law, and have justice, and right for injury done to him...*” 1 Edward Coke, the Second Part of the Institutes of the laws of England 55 (London, E. & R. Brooke 797). Chief Justice Marshall restated that principle for Americans:

The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection.

Marbury v. Madison, 5 U. S. (1 Cranch) 137, 163 (1803). Thus, our Fifth Amendment guarantee of due process is an “affirmation of Magna Carta according to Coke.” *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U. S. 1, 29 (1991) (Scalia, J., concurring).

This Court has left no doubt that “[t]he Right to sue and defend in the courts is the alternative to force. In an organized society it is the Right conservative of all rights and lies at the foundation of orderly government.” *Chambers v. Baltimore & Ohio, R.R.*, 207 U. S. 142, 148 (1907). This fundamental right is grounded in multiple constitutional guarantees. *Christopher v. Harbury*, 536 U. S. 403, 415 n. 12 (2002).

ISSUE #1

Litigiousness or Numerosity of Litigations Alone is Insufficient to Support the Determination that a Self-Represented Party is a Vexatious Litigant. The California Legislature's Mandate to the Courts at CCP § 391(b)(1) to Require that the Courts Make Such a Determination Absent of Other Qualifying Criteria Usurps the Court's Core Inherent Authority and Independence to Make Judicial Decisions "To Do Justice" which Violates the Separation of Powers Doctrine.

ISSUE #2

The Right of Petition which had Origins in English Law has Represented a Fundamental Right which has been Solidly Advanced and Protected in the Bill of Rights to the U.S. Constitution and Later Fully Recognized in the Constitution of this State of California. The California Vexatious Litigant Statute Broadly and Unconstitutionally Deprives Litigants of Their Right of Petition and Access to the Courts. Furthermore, the Statute Fails to Maintain the Minimum Standards Established by the Federal Appellate Courts as to the Required Protections of the Federal Right of Petition and Access to the Courts Which All Citizens of This Great Nation are Entitled Under the First Amendment of the U.S. Constitution.

ISSUE #3

Multiple Federal and California Case Precedents Have Established that Beyond Any Doubt That All Courts have the Inherent Power to Sanction Abusive Litigation Practices with the Institution of Prefiling Orders. Despite the Existence of that Inherent Power, the Multiple Federal Appellate Circuits Have Established the Minimum Standard which the California Courts are Constitutionally Obligated to Follow Under the Fourteenth Amendment which Requires that Such Sanctions Must be "Narrowly Tailored and Rarely Used".

The California Vexatious Litigant Statute has Exceptionally Failed to Follow Those Requisite Minimum Federal Level of Constitutional Protections and thus

Represents an Unconstitutional Infringement of the Fundamental Right of Petition and Access to the Courts Provided Under Federal Law and the U.S. Constitution.

ISSUE #4

The Multiple Federal Appellate Circuits Have Established Uniformity in the Precedential Case Law Decisions Concerning the Sanctioning of Access to the Courts for Pro Se Litigants which has Found that Such Sanctioning Represents the *“Exception to the General Rule of Free Access to the Courts”* that, If Instituted Must be *“Narrowly Tailored”*. The California Vexatious Litigant Statute Fails Abjectly to Meet that Requisite Federal Standard Imposed Under the Fourteenth Amendment and Must Be Found to Result in an Unconstitutional Infringement of the Fundamental Right of Petition and Access to the Courts.

ISSUE #5

The *Separation of Powers Doctrine* Found in the California Constitution at Article III, Section 3 Defines a System of Three Branches Legislative, Executive and Judicial which are to be *“Kept Largely Separate”*. The California Vexatious Litigant Statute CCP 391-391.8 in which the Legislature has Arrogated Critically Important Core Functions of the Judicial Branch so as to Undermine the Independence and Essential Powers of the Courts has Unconstitutionally Violated the *Separation of Powers Doctrine* in Multiple Provisions Contained Within the Statute Which have Rigidly Imposed Required Determinations Upon the Court which Fully Undermine the Critical Core Functions and Independence of the California Judiciary *“To Do Justice”*.

ISSUE #6

The Fourteenth Amendment to the U.S. Constitution Prohibits the Deprivation by the Many States of Life, Liberty or Property Without Due Process of Law.

The Evidence Presented in this Case Confirms that the California Vexatious Litigant Statute Infringes Upon the U.S. Constitution's First Amendment Right of Petition which Imposes a Minimum Standard that the California Statutes and California Courts Must Maintain. Furthermore, it Deprives Self-Represented Litigants of the More Expansive Right of Petition Provided Under the California Constitution as Recognized by this Supreme Court of California in *Robins*. Lastly, in this Case at Issue the Amador Superior Court's Acting Under the Authorization of the Statute has Denied Dr. Pierson Due Process and "Fair Hearing" in the Consideration of the Motion for Reconsideration (App. Tab 65, pg. 1743, Tab 83, pg. 1949, Tab 90, p. 1908, Tab 92, 2014-2043) which Represents a *Per Se* Deprivation of Essential Civil Liberties.

ISSUE #7

An Unconstitutional Double Standard Exists with Respect to the Disproportionately High Designation of Self-Represented Non-Attorney Litigants as Vexatious Litigants Who Have Been Sanctioned by the Courts as Compared to the Rare Designation of Vexatious Litigants Being Directed to Represented Parties and Their Attorneys Not Only in the California Superior Courts but also in Federal District Courts Located in California While Acting Under the Direction of the California Statutes.

A Statute Such as the Vexatious Litigant Statute which Distributes Essential Rights Based Upon the Specific Characteristics of the Citizenry Especially From the Perspective of One's Financial Wherewithal Must be Found to be Facially Unconstitutional.

ISSUE #8

An Original Defendant Called Unwillingly Into Court by the Pleadings of an

Original Plaintiff has Historically Been Designated Under the Long Recognized Eastin-Ritter Doctrine the Privilege and Full Immunity Protections of Being Permitted to Proceed with a Vigorous Defense with No Risk of Exposure to a Charge of Providing a Malicious Defense. The 1971 Revision of the California Statutes at CCP 428.20-428.80 ~~Which~~ at CCP 428.80 Abolished Counterclaims and the Opportunity for Defendants to File Additional Causes of Action Dependent Upon Causes Advanced in Plaintiff's Original Complaint. Those Statutory Changes Also Mandated that All Such Counterclaims Must be Advanced as Causes of Action in the Form of a Cross-Complaint thus Requiring Defendants to Become Unwilling Plaintiffs. That Taking of the Defendant Right of an unrestricted and vigorous defense, an opportunity which Still Exists Under Federal Law (FRCP 13) is Not Only Unconstitutional but also Represents a Violation of the Fourteenth Amendment.

ISSUE #9

In the Amador Superior Court's March 27, 2019 "*Order After Hearing*" (7-APP-1791-3) which found Dr. Pierson to be a vexatious litigant, the Court proceeded to assign an unprecedented and prohibitive security bond requirement (\$140,743.42) (7-APP-1793) which exceeded by 4.7 times the amount sought by Appellees/Movants in their original Vexatious Litigant Motions (\$30,000) (3-APP-707, 5-APP-1440). That assignment by the Court represents a blatant and intentional attempt to construct an overwhelming and unassailable financial barrier to deprive Dr. Pierson, the original defendant in this litigation, access to the Amador Court to defend himself against the fraudulent charges advanced by those Original Plaintiff/Vexatious Litigant Motion movants. That action was taken by the Court with no regard or expression of judicial concern for the fact that the assignment of such an excessive security bond would effectively construct a

prohibitive financial barrier which would obstruct with likely absolute certainty Dr. Pierson's ability to ransom back his most fundamental of civil liberties which is the opportunity to seek redress for his injuries in a Court of Law. That severe and almost unprecedented security bond imposed also effectively represented an excessive fine which was fully qualifying as a cruel and unusual punishment under the 8th Amendment of the U.S. Constitution and Article 1, Section 17 of the California Constitution.

CONCLUSION:

For all of these reasons Dr. Pierson reviewed above, this Pro Se Petitioner, Dr. Pierson, must plead for the mercy of this Court to grant this request for a full sixty (60) day time extension for submission of a *Petition for Writ of Certiorari* to this Highest Court in the referenced Supreme Court of California case (S282177). This time extension request has been noticed in email transmissions to Counsel for Respondents NCCS et al. and McIntyre's et. al..

Respectfully submitted,

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Date
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