

United States of America:

The Supreme Court of the United States

Mark Downey, Disabled, pro se,	) – Fairfax, Virginia
Successors, Heirs, Assigns, Agents)	General District Court
Petitioner,	) Case: 19015466
	) - <i>Appealed</i> to the
v.	) Fairfax, Virginia
	) Circuit Court
Commonwealth of Virginia,	) Case: CL-2021-10170
John H. Lange Plumbing and	) - <i>Appealed</i> to the
Heating, Inc.,	) Virginia Court of Appeals
et. al.	) Case 08-847-214
Respondents.	) Ruled NOT in Jurisdiction
	) - <i>Forwarded</i> to the
	) Supreme Court of
	) Virginia, Case: 211213
	) - <i>Appealed</i> to the
	) Supreme Court of the
	) United States

Motion to File Leave-Out of Time

&

Motion to file the Writ in the papus-indigent format.

&

Writ of Certiorari – Extraordinary and Compelling – Rule 10

(Federal HIPPA Law, Medical Information Redaction, Non-Disclosure)

Directed to the Clerk, Scott S. Harris

**An Administrative Simultaneous Submission with the *Writ of Certiorari*
(There is No Statute of Limitations-stated by the Case Manager, Sarah)**

Application No: 22A51 - Granted by Chief Justice Roberts

No: _____

A Federal-State Conflict - *Joint and Several Liability*

This entire case was and is Disabled and pro se - self-represented.
There was No paid Legal Assistance, No Paid Legal Research or
Paid Attorney Assistance of ANY kind.

(by an Outsider Looking in – A High Potential for a Landmark case)

The Disabled, Self-Represented-pro se Litigants are
always allowed leeway.

This Entire Writ is Entirely Focused - Civil Rights-Human Decency
The Federal ADA

Rule 29 - State the Grounds Briefly - Statement of the Case
Significance of this Writ

Motion to file the Writ in the papus-indigent format.

I am currently in Rehab and housebound due to the most serious personal injury possible, a Broken Neck Injury. Many Doctor and Surgeries are pending due the ramifications of that Personal Injury. I did have over (6) U.S. District Court papus suits accepted, prior to my Personal Injury based upon submitting a copy of my Income Taxes; massive losses. Currently, my financial condition is unknown, in disarray, including my Taxes. This papus-indigent format request is requested based upon those criteria – without the submission of the papus forms.

Integrity, Honesty and being Truthful, is my Simultaneous intent, to follow my Downey Family (150) year ago Immigrant tradition to America. I am well aware that the acceptance of a Writ is very low, only .001%. As my Beloved Mother, Virginia Rose Downey, the Former Interior Designer for the Automobile Legend, Henry Ford, once said to me,

“Once you make up your mind, there is No stopping you.” So be it.

The Federal CDC, the Centers for Disease and Control Prevention, said,
the U.S. has 61 million Adults, 1 in 4 have Disabilities or 26% of Adults.

My research revealed,

- The World Population is SIX BILLION.
- 15% of the World's population is Disabled, 4% have severe Disabilities.
- The Total World Disabled population, therefore is *900 Billion*.
- Three times the population of the entire United States - Incredible !
(Source: The United Nations, the WHO - the World Health Organization)
- Therefore, this Legal Dispute impacts the entire Free World and **Beyond !**

(Un)Changing Rates of Pro Se Litigation in Federal Court,

Published online by the Cambridge University Press: January 20, 2020,
Mark D. Gough and Emily S. Taylor Poppe.

My research revealed,

- From 1999 to 2018 there were over 1,517,000 Federal pro se cases, 28%, 60% of all cases in Georgia are pro se.
- My ADA DOJ FOIA stated, there was a backlog 52,000 FOIA complaints submitted to the U.S. DOJ ADA Program Office.
- The DOJ investigated only .003% of the cases.
- The Federal Government has the Legal Staff; 38,000 Federal Lawyers and 10,000 DOJ Lawyers,
(Source: OPM and DOJ).

There are **15 Million cases in the U.S. a year.**

(Source: Federal Trial Courts Judges Association).

The ADA caseloads will continue to be overloaded and overwhelmed. It is common-place that when an Individual or a Government Department-Agency is Overwhelmed, little or Nothing is Done. The ADA caseload is a massive severe-unresolved problem – in the Entire United States and the Entire World, that needs to be **permanently** resolved. I am **absolutely positive**, that I can permanently resolve this **Festering U.S. and World Civil Rights-Human Decency** - ADA Problem. The entire case is to Resolve a Federal-State Conflict. Federal Law always takes Precedence. That is the Criteria to Grant the Review of my Writ of Certiorari and even to Grant the Final Writ Order.

There is No Statue of Limitations as stated by the DOJ ADA program office

I find it is necessary to elaborate, that this Writ, is **Not only** for this **focused** case for the Self-Represented-pro se Community, the Disabled Community, the Disabled Veterans Community, the Homeless Community and the Indigent Community, it is also for

***The Business-Corporate, Non-Profits and Governments;
Civil Rights-Human Decency.***

I, Petitioner, Mark Downey, being Severely Disabled, pro se, self-represented and being of sound mind, find it necessary to state that I have expertise to compose-submit and present, for review the *Writ of Certiorari*, to the **epitome** of Democracy, the Supreme Court United States, where every Ruling-Verdict impacts **every** person, in the everyday life of the **entire** United States.

**Civil Rights-Human Decency is the Fundamental Ingredient of
Democracy to enable a - Free World.**

**Inclusive for
The Business-Corporate, Non-Profits and Governments;
Civil Rights-Human Decency**

The SCOTUS initial Denial basis was -

1. **Rule 13.1** Brief, Number of Copies.
2. **Rule 29.2** not Timely.

The Court said We have No Power to Review and Grant the Appeal,
per the
Rules of the Supreme Court of the United States,
Adopted - April 18, 2019 and Effective - July 1, 2019
Rule 6(b)(1)(B) Rule of Civil Procedure - Excusable Neglect.

That Rule is an avenue **IF** the criteria of Neglect or Error in the Law was by the Petitioner, that was **Not** the case. The **Actual** Excusable – **Reasoning - Medical Good Cause.**

Chief Justice Roberts set and established Precedence when he Granted the Extension of Time based upon my **Health**, which were, (3) of my Primary Doctors **Acute Medical** need-necessity letters. Health is the **same identical** Criteria requested with this Motion to File Out of Time, now compounded.

1st Good Cause Reason - Health.

I, Petitioner, Mark Downey am severely Disabled with the most severe Death-Defying Personal Injury of a Broken Neck Injury with Life-Long Health ramifications. That Broken Neck Injury was due to my (35) year involvement in the Research and Development for the Mass Production of Vaccines and watching the President and the Corona Pandemic on You Tube and due to the Lange v. Downey case Acute Stress at 5:00 AM one Morning. I passed out and fell on the cement basement floor, head first and woke up paralyzed from the Neck down and in a pool of blood. The Paramedics did Not want touch me – I was covered with Blood.

Ramifications of my Broken Neck were and are multiple Surgeries, unresolved surgeries, a Double Hernia, a second Hernia, Blindness, massive kidney failure, a Catheter for the rest of my life, numerous 911 calls, Hospitals stays and continued being wheelchair bound that was delayed the entire time of the Lange v. Downey case. I now have House-Bound 24/7 rehabilitation for 2 to 3 months. The Prescriptions have the side-effects of dizziness, blurred vision, nausea and debilitating fatigue. It is extremely difficult to concentrate-focus and work on a Legal dispute and work on the computer with those Prescription side-affects. The definition of being Incapacitated.

The Corona Pandemic had a 250% increase, and then the Triple-Pandemic; COVID-19, flu and respiratory syncytial virus, or RSV, was sickening millions of Americans and putting increased pressure on health care systems. Some are referring to the circulation of the three viruses as a “tripledemic.” As a result of the tripledemic, I had more Hospital visits. Health, continues to be the Good Cause for Granting the Motion for Leave-Out-of- Time.

Rule 29. State the Grounds Briefly

Health - Excusable Neglect - Rule of Civil Procedure 6(b)(1)(B);

Admission of Excusable Neglect – Health

Rule of Civil Procedure 6(b)(1)(B);

The **2nd Good Cause** is that I was **Diligent** in All efforts to submit the Writ by the Deadline. Inserted the (9) SCOTUS Diligent Motions.

See below the (9) – SCOTUS stamped Received Writ Submissions.

1. July 27, 2022
2. October 17, 2022
3. October 18, 2022
4. January 31, 2023
5. April 24, 2023
6. April 24, 2023
7. May 8, 2023
8. May 15, 2023
9. August 17, 2023

NO SECURE - APR - WR - 11 - 27 - 2022

7-27-2022

Law-Suit-Downey-Sup-Ct-US-Contin-2.docx & .pdf
7/24/2022

United States of America:

The Supreme Court of the United States

Mark Downey, Disabled, pro se,
the Estate, the Heirs,
the Assigns and-or the
Designated Entities,
Petitioner,

V.

John H. Lange Plumbing and
Heating, Inc.
Respondent.

) - Fairfax, Virginia
) General District Court
) Case: 19015466
) - *Appealed* to the
) Fairfax, Virginia
) Circuit Court
) Case: CL-2021-10170
) - *Appealed* to the
) Virginia Court
) of Appeals,
) Case: 0847-214 Ruled
) not in Jurisdiction
) *forwarded* to the
) Supreme Court of
) Virginia, Case: 211213
) - *Appealed* to the
) Supreme Court
) of the United States
) not yet assigned Case #
) (The entire case was
) and is Disabled, pro se and
) self-represented)

URGENT-EXPEDITE

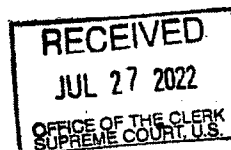
for a

Continuance with *Good Cause*

for the

Writ of Certiorari

(*Response Please*)



Law-Suit-Lange-v-Downey-Civil-Rights-10-11-2022.docx

United States of America:

The Supreme Court of the United States
Writ of Certiorari - Application - 22A51
No. _____

Mark Downey, Disabled, pro se,
the Estate, the Designated Agents,
Entities and-or Assigns
Petitioner,

v.

John H. Lange Plumbing and
Heating, Inc., et. al.
Respondents.

) - Fairfax, Virginia
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) Case: 19015466
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) Fairfax, Virginia
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) NOT in Jurisdiction
) **forwarded** to the
) Supreme Court of
) Virginia, Case: 211213
) - **Appealed** to the
) Supreme Court of the
) United States

EXTRAORDINARY

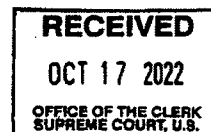
Writ of Certiorari

(Appealed from - The Supreme Court of Virginia)

**The Basis-Criteria for this Writ of Certiorari
is a Federal-State Conflict**

Joint and Several Liability

***This entire case was and is Disabled and pro se - self-represented.
There was No paid Legal Assistance, No Paid Legal Research or
Paid Attorney Assistance of ANY kind.***



Law-Suit-Lange-v-Downey-Civil-Rights-10-11-2022.docx

United States of America:

The Supreme Court of the United States
Writ of Certiorari – Application - 22A51
No. _____

Mark Downey, Disabled, pro se,
the Estate, the Designated Agents,
Entities and-or Assigns
Petitioner,

v.

John H. Lange Plumbing and
Heating, Inc., et. al.
Respondents.

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) Case: CL-2021-10170
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) Case: 0847-214 Ruled
) NOT in Jurisdiction
) **forwarded** to the
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) Virginia, Case: 211213
) - **Appealed** to the
) Supreme Court of the
) United States

EXTRAORDINARY

Writ of Certiorari

(Appealed from - The Supreme Court of Virginia)

**The Basis-Criteria for this Writ of Certiorari
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Joint and Several Liability

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There was No paid Legal Assistance, No Paid Legal Research or
Paid Attorney Assistance of ANY kind.

1-31-2023

Law-Suit-SCOTUS-Motion-Writ-Provision-Pro-Se-Disabled.docx

United States of America:

The Supreme Court of the United States

Mark Downey, Disabled, pro se,
the Estate, the Designated Agents,
Entities and-or Assigns
Petitioner,

v.

John H. Lange Plumbing and
Heating, Inc., et. al.
Respondents.

) - Fairfax, Virginia
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) of Appeals,
) Case: 0847-214 Ruled
) NOT in Jurisdiction
) **forwarded** to the
) Supreme Court of
) Virginia, Case: 211213
) - **Appealed** to the
) Supreme Court of the
) United States 2025
PER CHIEF JUSTICE ROBERTS

Motion Provision Request

**for the Disabled, pro se to use the Format-Content of the Indigent and
Pay the Filing Fee to submit
the Motion to Direct Clerk Out of Time and the Writ of Certiorari
(An Administrative Simultaneous Submission)**

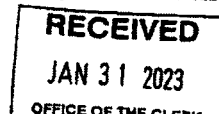
under Extraordinary and Compelling Reasons - Rule 10

Basis for Accommodation-Leeway - Extraordinary-Compelling

I do **Not** meet the Financial requirements to file the Writ as an Indigent.

The Writ Booklet format-content requirement is designed for Attorneys
and does **Not** allow leeway for the pro se or the Disabled, the;
**The Right to Petition by ANYONE, the 1st Amendment, the Due Process
of the Law, the 5th Amendment - Due Process, where very Individual
American shall NOT be "deprived of Life, Liberty or Property without the**

1 of 14



Law-Suit-Scotus-Writ-Motion-Ban-Steno-Mask-4-20-2023.docx

United States of America:

The Supreme Court of the United States

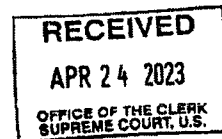
Mark Downey, Disabled, pro se,) - Fairfax, Virginia
Primary Petitioner &) General District
John Zanella,) Court
Co-Petitioner & Primary Witness,) Case: 19016466
pro se and the) - **Appealed** to the
Successors, Heirs, Estates, Assigns,) Fairfax, Virginia
Agents and) Circuit Court
Philanthropic Donation Entities) Case: CL-2021-10170
v.) - **Appealed** to the
Virginia Court
John H. Lange Plumbing and) Virginia Court Appeals
Heating, Inc.,) Case 08-847-214 Ruled
et. al.,) NOT in Jurisdiction
Respondents.) - **Forwarded** to the
Supreme Court of
Virginia, Case: 211213
) - **Appealed** to the
Supreme Court of the
United States

Application No: 22A51 Granted by Chief Justice John G. Roberts, Jr.

Emergency-Expedite Motion

**Motion to Ban the Court Reporting Method-Technology
Steno Mask in the Entire United States
Pre-Cursor & Prior to Filing the
Writ of Certiorari - under Extraordinary and Compelling - Rule 10
&
Pre-Cursor & Prior to Filing the
Motion to File Out of Leave-Time
Joint and Several Liability
A Federal-State Conflict**

1 of 25, Duplex



Law-Suit-Scotus-Writ-Motion-Ban-Steno-Mask-4-20-2023.docx

4-24-2023

ORIGINAL
CLERK
SCOTT
HARRIS

United States of America:

The Supreme Court of the United States

Mark Downey, Disabled, pro se,
Primary Petitioner &
John Zanella,
Co-Petitioner & Primary Witness,
pro se and the
Successors, Heirs, Estates, Assigns,
Agents and
Philanthropic Donation Entities
v.
John H. Lange Plumbing and
Heating, Inc.,
et. al.,
Respondents.

) - Fairfax, Virginia
) General District
) Court
) Case: 19016466
) - **Appealed** to the
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) - **Appealed** to the
) Virginia Court
) Virginia Court Appeals
) Case 08-847-214 Ruled
) NOT in Jurisdiction
) - **Forwarded** to the
) Supreme Court of
) Virginia, Case: 211213
) - **Appealed** to the
) Supreme Court of the
) United States

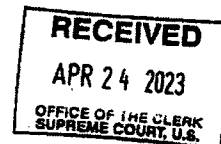
Application No: 22A51 Granted by Chief Justice John G. Roberts, Jr.

Emergency-Expedite Motion

Motion to Ban the Court Reporting Method-Technology
Steno Mask in the Entire United States
Pre-Cursor & Prior to Filing the
Writ of Certiorari - under Extraordinary and Compelling - **Rule 10**
&
Pre-Cursor & Prior to Filing the
Motion to File Out of Leave-Time
Joint and Several Liability

A Federal-State Conflict

1 of 25, Duplex



United States of America:

The Supreme Court of the United States

Mark Downey, Disabled, pro se,	) - Fairfax, Virginia
Petitioner,	) General District Court
Successors, Heirs, Estates,	) Case: 19015466
Assigns, Agents and	) - Appealed to the
Philanthropic Donation	) Fairfax, Virginia
Donation Entities	) Circuit Court
v.	) Case: CL-2021-10170
	) - Appealed to the
John H. Lange Plumbing and	) Virginia Court
Heating, Inc.,	) Virginia Court Appeals
et. al.,	) Case 08-847-214 Ruled
Respondents.	) NOT in Jurisdiction
	) - Forwarded to the
	) Supreme Court of
	) Virginia, Case: 211213
	) - Appealed to the
	) Supreme Court of the
	) United States

Application No: 22A51 Granted by Chief Justice John G. Roberts, Jr.

Emergency-Expedite Motion

Motion to Ban the Court Reporting Method-Technology

Steno Mask in the Entire United States - Pre-Petition to the

Writ of Certiorari - under Extraordinary and Compelling - Rule 10

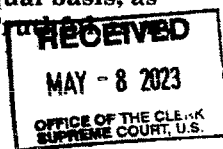
&

Pre-Cursor & Prior to Filing the Motion to File Out of Leave-Time

Joint and Several Liability - A Federal-State Conflict

I was advised, by the Court, to file the Writ in papus form. If the Writ is rejected, rewrite and resubmit the Writ in the Attorney required Booklet format, to eliminate the great expense. I do not meet the financial requirements. My first Disabled, pro se case was at the age of 23. For over (40) years, I litigated on a Disabled, pro se basis. The entire intent of my (40) years is to prove that a pro se and even a Disabled person can litigate on the Same Terms and Equal basis, as an Attorney. I addition, Integrity, Honesty and being True.

1 of 22, Duplex



5-15-2023

Law-Suit-Lange-v-Downey-Scotus-Motion-Revoke-Lien.docx

United States of America:

The Supreme Court of the United States

Mark Downey, Disabled, pro se,) - Fairfax, Virginia
Petitioner,) General District Court
Successors, Heirs, Estates,) Case: 19015466
Assigns, Agents and) - <u>Appealed</u> to the
Philanthropic Donation) Fairfax, Virginia
Donation Entities) Circuit Court
v.) Case: CL-2021-10170
) - <u>Appealed</u> to the
John H. Lange Plumbing and) Virginia Court
Heating, Inc.,) Virginia Court Appeals
et. al.,) Case 08-847-214 Ruled
Respondents.) NOT in Jurisdiction
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) United States

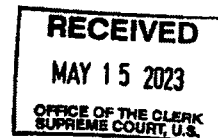
Application No: 22A51

Granted by Chief Justice John G. Roberts, Jr.

Pre-Petition Motion,
to filing of the
Motion to File Out of Leave-Time
and the administrative simultaneous submission of the
Writ of Certiorari - under Extraordinary and Compelling Reasons
Rule 10 - A Federal-State Conflict

Motion to Revoke Real Estate Property Lien
In the Commonwealth-State of Virginia

1 of 7, Duplex



United States of America:

The Supreme Court of the United States

Mark Downey, Disabled, pro se, Petitioner,	) - Fairfax, Virginia) General District Court) Case: 19015466
Successors, Heirs, Estates, Assigns, Agents and Philanthropic Donation Entities v.	) - Appealed to the) Fairfax, Virginia) Circuit Court) Case: CL-2021-10170) - Appealed to the
Commonwealth of Virginia, John H. Lange Plumbing and Heating, Inc., et. al., Respondents.	) ) Virginia Court) Virginia Court Appeals) Case 08-847-214 Ruled) NOT in Jurisdiction) - Forwarded to the) Supreme Court of) Virginia, Case: 211213) - Appealed to the) Supreme Court of the) United States

Writ of Certiorari - Extraordinary and Compelling - Rule 10

&

Motion for Sanctions - No. 1

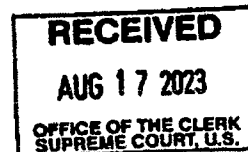
Joint and Several Liability

Application No: 22A51 Granted by Chief Justice John G. Roberts, Jr.

No: _____ - A Federal-State Conflict

- The *Writ of Certiorari* and the Motion to File Out of Leave-Time are Administrative Simultaneous Submissions, Directed Clerk, Scott S. Harris.
- There is No Statute of Limitations on the Motion to File Out of Leave-Time, Quote: Case Manager, Sara Simmons.
- There is No Statute of Limitations on the Federal ADA, Criminal or Civil, Quote: The U.S. DOJ ADA Program Office.
- The pro se, self-represented are allowed Leeway.
- This entire case **was and is** Disabled and pro se - self-represented.
- There was No paid Legal Assistance, No Paid Legal Research or Paid Attorney Assistance of **ANY kind**, submitted by an Outsider Looking in - A High Potential for a Landmark case

1 of 32, Duplex



- **Rule 60**-The Court has the Ability to Correct an Error in the Law;
- **Rule 36**- The Court has the Ability to Extend the *Writ of Certiorari* Deadline, Computing and Extending Time – and the Court did so;
- **Medical Good Cause** - the substantial grounds to take an action; Catastrophic, Extraordinary, Unforeseen, Beyond our Control Circumstances, that normal prudence and experience could Not foresee or anticipate;
- **The Federal ADA Writ to be submitted**
- due to being severely Disabled
 - a) The Federal ADA Title II, Government-Court Services Disabled Accommodation and Compliance;
 - b) The Federal ADA Title III, Private Sector, Opposing Counsel, Client-Business and the Individuals Disabled Accommodation and Compliance (Piercing the Corporate Veil).

Absolutely Nothing, is more Catastrophic, Extraordinary, Unforeseen, Beyond our Control and not normally foreseeable or Anticipated than the Worldwide Corona Health Pandemic, the Worldwide Economic Turmoil, the Worldwide Chaos, then the Triple Pandemic, and the most severe Death-Defying Personal Injury of a Broken Neck Injury and now the Rehabilitation of a Multiple Surgeries.

Rule 29.5 - Certificate of Service

I certify that a True Copy was mailed, with proof of return receipt on the date of signature to –

Rule 22 - Chief Justice, John G. Roberts, Jr., Applications to Individual Justices, Original and (2) copies; (3) Subtotal Copies.

(Sent Individually, due to Granting the Original Extension of Time)

Rule 33.2 - Clerk Scott S. Harris , Original and (40) copies;

Distributed by the Clerk to the Associate Justices

- Justice Clarence Thomas,
- Justice Samuel Alito
- Justice Sonia Sotomayor,
- Justice Elena Kagan
- Justice Neil Gorsuch,
- Justice Brett Kavanaugh
- Justice Amy Coney Barrett,
- Justice Ketanji Brown Jackson

Subtotal (43) Copies

XIII. Parties to the Proceeding and the Related Cases

(SCOTUS Rule: Required to be separate, from the Writ)

XIV. Petitioners and Respondents, et. al.

Rule 14.1 (b) (I). Parties to the Proceeding & Related Cases

Petitioner

1. Mark Downey, Disabled, pro se
P.O. Drawer SS, McLean, VA 22101-0729, 703-790-9433

Respondent

2. Jason Miyares, Attorney General, Commonwealth of Virginia
202 North Ninth Street, Richmond, Virginia 23219

Respondent-Businesses, et. al.

3. John H. Lange Plumbing and Heating, Inc. (Sue)
Benjamin Pelton (Opposing Counsel – Serve)
2300 Clarendon Blvd. Suite 607, Arlington, VA 22201 (703) 524-0770
4. Joseph A, Inabnet (Registered Agent)
8551 Rixlew Ln Ste 330, Manassas, Virginia 20109-4278
 - a. ICR/Rudiger & Green (trading name, 2022-06-27
 - b. Rudiger & Green (trading name, 2022-06-27
 - c. Rudiger, Green & Kerns Reporting Service
(trading name, 2022-06-27
 - d. Inabnet Court Reporting (ICR) (trading name, 2023-03-01
5. Sydney Smith (Sue & Serve)
Syds Plumbing and Repairs, 940 Dead Run Dr., McLean VA 22101

Respondent-Individuals, et. al.

6. Benjamin Pelton (Sue & Serve)
(Opposing Counsel - Individual, Acting Beyond Authority)
2300 Clarendon Blvd., # 607, Arlington, VA 22201 (703) 524-0770
7. John H. Lange (Sue & Serve)
(Individual, Acting Beyond Authority, Piercing Corporate Veil)
11407 Valley Stream Ct. (Residence), Great Falls VA 22066
8. Mary Lange (Sue & Serve)
(Individual, Acting Beyond Authority, Piercing Corporate Veil)
11407 Valley Stream Court (Residence)
Great Falls VA 22066 (703) 536-5060
9. Joseph A, Inabnet (Sue & Serve)
(Individual, Acting Beyond Authority, Piercing Corporate Veil)
8551 Rixlew Lane Ste 330, Manassas, Virginia 20109-4278
10. Sydney Smith (Sue & Serve), Syds Plumbing and Repairs, 940 Dead Run Drive,
McLean VA 22101

Individuals in a Corporation are responsible and accountable for their actions and non-actions, Piercing the Corporate Veil.

(I reserve the right to add additional et. al. and Respondent-Businesses-Individuals)

(Nothing – ex parte) TOTAL COPIES (53)

Individuals in a Corporation are responsible and accountable for their actions and non-actions, Piercing the Corporate Veil. **(Nothing – ex parte)**

Petitioner Disabled Downey's Credentials & Credibility - Introduction.

The Credentials & Credibility are the most important criteria in any Legal Dispute. I have been repeatedly been told by Judges and Court Clerks "You need a Lawyer."

I disagree – I have the expertise for the Simultaneous submitted –

Merited Motion to File Out of Time and the Disabled pro se

Writ of Certiorari – Extraordinary

The Credentials & Credibility are the most important criteria in any Legal Dispute. I have been repeatedly been told by Judges and Court Clerks

"You need a Lawyer." **I disagree** – I have the expertise for this

Merited pro se case.

**Former Consulting Federal Law Enforcement Forensic Scientist and
Qualified Expert Witness**

- Intricacies of the Federal Government, having lived and worked in the Washington, D.C. Metro Area for (55) years;
- Computer Industry; Software and Hardware;
- Author of (15) Published eBooks; 1,500 pages;
- Nominated for the Presidential National Medal of Technology;
- Legal Profession; litigation, criminal, civil, law enforcement forensics, court administration, legal technology, self-representation-pro se
- Law Enforcement; Federal and Local;
- Federal Procurement;
- Government Administration and Systems;
- Innovations and Government Reforms;
- Rated "Highly Qualified" for SES positions with the U.S. Courts, the U.S. Justice Department, as a U.S. Supreme Court Fellow and for numerous Federal Inspector General positions;
- I was offered a U.S. Supreme Court Clerk position (30) years ago, the expertise has increased and progressed since that time.
 - This case is a pro se, a pending case in the Highest Court of the Land, the Supreme Court of the United States, granted by Chief Justice John Roberts, a Federal-State Conflict ADA Writ –

a High Potential for a Landmark Case.

Remark made to me –

"You exceed, surpass and are Beyond an Attorney."

Summary Statement of Disabled Downey's Commitment to Integrity

I declare, under penalty of perjury under the laws of the United States of America, that the forgoing is true and that I did NOT intentionally state or misstate ANY misinformation.

I sincerely ask for this,


Mark Downey

Disabled, pro se – a **Individual** and a **Proud American**

Drawer SS, McLean, VA 22101-0729 USA 10-20-2023

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 11th day of May, 2022.

Mark Downey,

Appellant,

against

Record No. 211213

Circuit Court No. CL2021-10170

John H. Lange Plumbing and Heating, Inc.,

Appellee.

Upon a Petition for Rehearing

On consideration of the appellant's pleading titled "motion for reconsideration," which is treated as a petition to set aside the judgment rendered herein on March 16, 2022 and grant a rehearing thereof, the prayer of the said petition is denied.

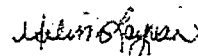
Upon consideration whereof, appellant's requests to reconsider and to seal are denied.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:



Deputy Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 16th day of March, 2022.

Mark Downey,

Appellant,

against

Record No. 211213

Circuit Court No. CL2021-10170

John H. Lange Plumbing and Heating, Inc.,

Appellee.

From the Circuit Court of Fairfax County

Finding that the appeal was not perfected in the manner provided by law because the petition for appeal does not contain assignments of error as required by Rule 5:17(c)(1)(i), the Court dismisses said petition filed in the above-styled case.

A Copy,

Teste:


Clerk

United States of America:

The Supreme Court of the United States

Mark Downey, Disabled, pro se,	) – Fairfax, Virginia
Successors, Heirs, Assigns, Agents)	General District Court
Petitioner,	) Case: 19015466
	) - <i>Appealed</i> to the
v.	) Fairfax, Virginia
	) Circuit Court
Commonwealth of Virginia,	) Case: CL-2021-10170
John H. Lange Plumbing and	) - <i>Appealed</i> to the
Heating, Inc.,	) Virginia Court of Appeals
et. al.	) Case 08-847-214
Respondents.	) Ruled NOT in Jurisdiction
	) - <i>Forwarded</i> to the
	) Supreme Court of
	) Virginia, Case: 211213
	) - <i>Appealed</i> to the
	) Supreme Court of the
	) United States

Writ of Certiorari – Extraordinary and Compelling – Rule 10
&

Motion to File Out of Leave-Time

Joint and Several Liability

Application No: 22A51 Granted by Chief Justice John G. Roberts, Jr.

No: _____ - A Federal-State Conflict

Notes:

- The *Writ of Certiorari* and the Motion to File Out of Leave-Time are Administrative Simultaneous Submissions, Directed Clerk, Scott S. Harris.
- There is No Statute of Limitations on the Motion to File Out of Leave-Time, Quote: Case Manager, Sara Simmons.
- There is No Statute of Limitations on the Federal ADA, Criminal or Civil, Quote: The U.S. DOJ ADA Program Office.
- The pro se, self-represented are allowed Leeway.
- This entire case **was and is** Disabled and pro se - self-represented.
- There was No paid Legal Assistance, No Paid Legal Research or Paid Attorney Assistance of **ANY kind**, submitted by an Outsider Looking in - A High Potential for a Landmark case.

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I. **Introduction - State the Grounds Briefly – Rule 29**

Significance of this Writ

The Federal CDC, the Centers for Disease and Control Prevention, said, the U.S. has 61 million Adults, 1 in 4 are Disabled, 26% of Adults.

- The World Population is Six Billion.
- 15% of the World's population is Disabled.
- 4% have severe Disabilities.
- Therefore, the Total World Disabled population is 900 Billion.

(Source: The United Nations, the WHO - the World Health Organization)

The World Disabled Population is 900 Billion, Three times the population of the entire United States, Incredible !

Therefore, this Legal Dispute impacts the entire **Free World and Beyond !**

(Un)Changing Rates of Pro Se Litigation in Federal Court,

Published online by Cambridge University Press: January 20, 2020, Mark D. Gough and Emily S. Taylor Poppe. From 1999 to 2018 there were over 1,517,000 Federal pro se cases.

My research revealed, 60% of all cases in Georgia are pro se. I did an ADA DOJ FOIA and there was a backlog 52,000 FOIA complaints submitted to the U.S. DOJ ADA Program Office. The DOJ investigated only .003% of the cases. The Federal Government has the Legal Staff of 38,000 Federal Lawyers and there are 10,000 DOJ Lawyers,

(Source: Federal - OPM and DOJ).

There are **15 Million cases in the U.S. a year.**

(Source: Federal Trial Judge Courts Association).

The U.S. ADA court caseloads will continue to be overloaded and overwhelmed. It is common-place that when an Individual or a Government Department-Agency is Overwhelmed, little or Nothing is Done. The ADA caseload is a massive severe-unresolved problem – in the Entire United States and the Entire World that needs to be **permanently** resolved. I am **absolutely positive**, that I can permanently resolve this **Festering U.S. and World Civil Rights-Human Decency**- ADA Problem. The entire case is to Resolve a Federal-State Conflict. Federal Law always takes Precedence. That is the Criteria to Grant the Review of this Writ of Certiorari and even to Grant the Final Writ Order.

I find it is necessary to elaborate, that this Writ, is Not only for this **focused** case for the Self-Represented-pro se Community, the Disabled Community, the Disabled Veterans Community and Indigent Community, it is also for the **Business-Corporate, Non-Profits and Governments, Local and Federal - Civil Rights-Human Decency.**

I, Petitioner, Mark Downey, being Severely Disabled, pro se and being of sound mind, find it necessary to state that I have expertise to compose-submit and present, for review this *Writ of Certiorari*, to the *epitome* of Democracy, the Supreme Court of the United States, where every Ruling-Verdict impacts *every* person, in the everyday life of the *entire* United States.

**Civil Rights - Human Decency is the Fundamental Ingredient of
Democracy to enable a - Free World and Beyond.**

Case Descriptors

- U.S. Constitution-Bill of Rights;
- ADA Title II, Government-Court Services;
- ADA Title III, Private Sector; Opposing Party & Counsel;
- State-Commonwealth of Virginia Civil Rights Laws;
- *Morals-Moral Turpitude - Human Decency Violations;*
- Malicious;
- Fabrication of Evidence;
- No Transparency;
- Withholding Evidence;
- Errors in the Law;
- Insufficient Denial Grounds;
- Evidence Denied.

(for Petitioner-pro-se-Disabled Downey, the Self-Represented-pro se Community, the Disabled Community, the Disabled Veterans Community, the Homeless Community and the Indigent Community, all Inclusive for ADA Accommodation and Compliance.)

***This Writ of Certiorari is in Federal Jurisdiction.
Federal Law preempts and takes precedence over
All conflicting State Laws.***

II. Criteria for Granting the Petition – The Federal-State Conflict

The Federal Question – 28 U.S.C. § 1331

Civil Rights – Human Decency

A) The Federal ADA, the Americans with Disabilities Act

Federal Parallel Laws - Precedence

- i) **The Federal ADA Title II Law**
Non-Accommodation and Non-Compliance
State-Commonwealth of Virginia,
Court Services.
(Federal ability to Correct an Error in the Law)
- ii) **The Federal ADA Title III Law**
Non-Accommodation and Non-Compliance

by the Private Sector,
Opposing Counsel, Corporate Client and Individuals;
Individuals - Piercing the Corporate Veil.
(Federal Ability to Correct an Error in the Law)

**iii) State-Commonwealth of Virginia –
State Parallel Law**

Civil Rights Act, Virginia Human Rights Act, § 2.2-3900.

Non-Accommodation and Non-Compliance State-
Commonwealth of Virginia Law, Civil Rights Act Laws.
“To Safeguard all individuals within the Commonwealth
from unlawful discrimination because of race, color,
religion, national origin, sex, pregnancy, childbirth or
related medical conditions, age, marital status, sexual
orientation, gender identity, military status, or disability
in places of public accommodation, including educational
institutions and in real estate transactions.”

(State Refusal to Correct an Error in the Law)

III. Petitioners Credentials & Credibility – Introduction

The Credentials & Credibility are the most important criteria in any Legal Dispute. I have
been repeatedly been told by Judges and Court Clerks “You need a Lawyer.” **I disagree –**
I have the expertise for this *Merited, Disabled, pro se case*.

**Former Consulting Federal Law Enforcement Forensic Scientist and Qualified Expert
Witness**

- **Intricacies of the Federal Government, having lived and worked in the Washington, D.C. Metro Area for (55) years;**
- **Computer Industry; Software and Hardware;**
- **Author of (15) Published eBooks; 1,500 pages;**
- **Nominated for the Presidential National Medal of Technology;**
- **Legal Profession; litigation, criminal, civil, law enforcement forensics, court administration, legal technology, self-representation-pro se**
- **Law Enforcement; Federal and Local;**
- **Federal Procurement;**
- **Government Administration and Systems;**
- **Innovations and Government Reforms;**
- **Rated “Highly Qualified” for SES positions with the U.S. Courts, the U.S. Justice Department, as a U.S. Supreme Court Fellow and for numerous Federal Inspector General positions;**
- **I was offered a U.S. Supreme Court Clerk position (30) years ago, the expertise has increased and progressed since that time.**
- **This Disabled, a pro se, case is in the Highest Court of the Land, the Supreme Court of the United States. The Application was granted by Chief Justice John G. Roberts, Jr., a Federal ADA festering case, a High Potential for a Landmark Case.**

Remark made to me –

“You exceed, surpass and are Beyond an Attorney.”

I am Not a Legal Novice. My first pro se case was at the age of (23), (40) years ago, in the very same Fairfax, Virginia General **District** Court and then in a subsequent Defendant Appealed Verdict ruled in my Favor in the Fairfax, Virginia **Circuit** Court **for the very same - pro se and ADA**

Unresolved, Festering - Federal-State Conflict.

IV. Federal Jurisdiction - Constitutional Requirement

Article III of the Constitution, Federal Courts accept "All cases, in Law and Equity, arising under this Constitution, [and] the Laws of the United States..." U.S. Constitution, Article III, Section 2. The Supreme Court has interpreted and found Federal Courts hear ANY case where there is a Federal Ingredient. **Citation - Osborn v. Bank of the United States, Wheat.** (22 U.S.) 738 (1824).

Federal Question Presented - 28 U.S.C. § 1331

The Federal-State Conflict is a Given, ADA is a **festering** Critical problem-**begging** for resolution. The ADA problem will Not go away. I am **absolutely positive**, that I have the ability to present and solve this serious U.S. and World – a Federal-State Conflict – **definitively !**
The Supreme Court of the United States is the Law of the Land. Federal Courts take precedence and Resolve Federal-State Conflicts.

V. Statutory Requirement - 28 U.S.C. 1331

This statute gives Federal Courts jurisdiction to hear cases that arise under the Federal Law **28 U.S.C. 1331**. The Supreme Court determined a "suit that arises under the law that creates the cause of action",

Citation: American Well Works v. Layne, 241 US 257 (1916), therefore, only suits based on Federal law, NOT State law suits, are more likely to create Federal question jurisdiction.

The Petitioner Federal Question Jurisdiction complaint is and will be well-pleaded. The initial complaint contains references and Qualified incidents, which are relevant and are the criteria for the Federal

Citation: Louisville & Nashville R. Co. v. Mottley, 211 U.S. 149 (1908).

VI. Supreme Court of Virginia - Basis for Dismissal –

Record No., 211213 Fairfax, Virginia, Circuit Court No.

CL2021- 10170 Supreme Court of Virginia **Rule 5:17 (1) (i)**,

Appeal Petition Dismissal Rule.

Petition for Appeal (a) *When the Petition Must be Filed.* - Unless otherwise provided by rule or statute, in every case in which the appellate jurisdiction of this Court is invoked, a petition for appeal must be filed with the clerk of this Court, as provided for in Rule 5:1B, within the following time periods: (1) in an appeal direct from a trial court, not more than 90 days after entry of the order appealed from; (2) in an appeal from the Court of Appeals, within 30 days after entry of the judgment appealed from or a denial of a timely petition for rehearing. However, an extension may be granted, in the for **Health Good Cause**, which was repeatedly and unjustly denied - the ADA Federal-State Conflict.

Health Good Cause Existed and Exists.

VII. Reasons for Granting the Writ

State of Virginia - Refusal to Correct Errors in the Law.

The Federal Parallel Laws – Federal Laws, the Supreme Court take Precedence and have the Ability to Corrects an Error in the Law. The Ability to resolve Federal-State Conflicts in the Law.

Federal Question Presented – 28 U.S.C. § 1331

A. Citations – Most Relevant

1. **Citation** - United States v. Virginia 518 U.S. 515 (1996), a Landmark Case.

Supreme Court Justice of the United States, Joan Ruth Bader Ginsburg spent is her legal Legacy career as an advocate for Gender Equality and Women's Rights, winning many arguments before the U.S. Supreme Court. My lifetime focused effort was and is an advocate of Civil Rights – for the pro se, for the Disabled, for the Disabled Veterans and for the Indigent Community. Although my efforts are in no way, shape or form equal to the accomplishments of U.S. Supreme Court Judge Ginsberg, there are however, similarities.

This Justice Ginsburg, Supreme Court of the United States Citation, was in my very own State of Virginia, in the same and identical State as this case, *Lange v. Downey*, only (6) years ago.

The Supreme Court of the United States struck down the long-standing male-only admission policy of the Virginia Military Institute (VMI) in a 7–1 decision. The Commonwealth of Virginia's exclusion of Women from the Virginia Military Institute violated Equal Protection Clause of the 14th Amendment. Justice Ruth Bader Ginsburg wrote the Majority Decision. VMI failed to show "exceedingly persuasive justification," for its sex-based admissions policy, violating the 14th Amendment's Equal Protection Clause. In an attempt to satisfy the equal protection requirements, the State of Virginia proposed a parallel program for women, called the Virginia Women's Institute for Leadership (VWIL), located at Mary Baldwin College, a private liberal arts women's college. Justice Ginsburg found that the VWIL would NOT provide Women with the same type of rigorous military training, facilities, courses, faculty, financial opportunities, and alumni, reputation and connections that VMI affords male cadets, a decision, **Citation** - **Sweatt v. Painter** (1950), in which the Court ruled that segregated law schools

in Texas were unconstitutional, since a newly formed black law school clearly did NOT provide the same benefits to its students as the state's prestigious and long-maintained white law school. She said, "The VWIL program is a pale shadow of VMI in terms of the range of curricular choices and faculty stature, funding, prestige, alumni support and influence." Justice William Rehnquist also wrote to strike down the male-only admissions policy of the Virginia Military Institute, and agreed there was Violation of the 14th Amendment's Equal Protection Clause.

**2. Citation - Fellers v. United States, 540 U.S. 519 (2004),
a Landmark Case.**

Supreme Court of the United States Petitioner Fellers, was an Original, pro se Petitioner; now a respected, Appellate-Lawyer-Professor of Law.

Bank Robber, Shon Hopwood, petitioned the Supreme Court of the United States on behalf of another inmate, John Fellers. The Supreme Court of the United States decided unanimously, 9-0, on behalf of Fellers. Shon Robert Hopwood is now an American Appellate Lawyer- Professor of Law at Georgetown University Law Center. Hopwood became well-known as a Jailhouse Lawyer who served time in prison for Bank Robbery. While in prison, Fellers spent time in the Prison law library. Since Hopwood was NOT a Lawyer, the only name on the brief was that of the other prisoner, John Fellers.

This citation is identical to this case, the Lange v. Downey case. Both were pro se, incapacitated Individuals, highly unusual, compelling cases, were and are Federal questions, with Nationwide widespread ramifications. That is the criteria for a Supreme Court of the United States *Writ of Certiorari* Verdict. The Fellers case was even in the very same location as this Lange v. Downey case, both were and are in the Washington D.C. Metro Area.

VIII. Errors in the Law

**1) Error in the Law - Procedural Issues - State of Virginia
Refusal to Correct an Error in the Law**

Procedural Issues Addressed Code of Virginia, Title 8.01.

Civil Remedies and Procedure » Chapter 17. Judgments and Decrees » Article 1. In General, » § 8.01-428. Setting aside default judgments; clerical mistakes; independent actions to relieve party from § 8.01-428. Setting aside default judgments; clerical mistakes; independent actions to relieve party from A. Default judgments and Decrees pro confesso; summary procedure. Upon motion of the Plaintiff or judgment debtor and after reasonable notice to the opposite party, the attorney, the pro se or the Court may set aside a Judgment by Default or a decree pro confessor upon the following grounds: (I) fraud on the court, (ii) a void judgment, (iii) on proof of an accord and satisfaction § 3911. Such motion on the ground of fraud on the court. B. Clerical mistakes. Clerical mistakes in all judgments or other parts of the record and errors therein arising from oversight or from an inadvertent omission may be corrected by the court at ANY time on its own initiative or upon the motion of ANY of an appeal, such mistakes may be corrected before the appeal is docketed in the appellate

court, and thereafter while the appeal is pending such mistakes may be corrected with leave of the appellate court.

2) Error in the Law - Federal Parallel Law –

Federal Precedence

Ability to Correct an Error in the Law

The Federal Parallel Laws – Federal Laws take Precedence, the **Ability** to Corrects an Error in the Law. The SCOTUS has the Ability to resolve Federal-State Conflicts in the Law. Federal Question Presented – 28 U.S.C. § 1331

3) Error in the Law – Lange v. Downey

The Definitive Verdict-Ruling for Disabled, pro se Petitioner.

The Fairfax, Virginia General District Court Chief Judge Mayne signed the Final Order on May 27, 2021. The first line of the Order states; “THIS MATTER CAME: before the Court on December 20, 2019 for the Trial and resulted in favor of the **Defendant.**”

I, Disabled, pro se, Mark Downey am the Defendant. That means I won the case; the Verdict is in my Favor. The entire Plaintiff suit therefore is Null-and-Void. Yes, the Court made an Error in the Law. That Error in the Law – Invalidates the entire Plaintiff Claim. My Counter Claim and All related Monetary and Disciplinary Actions, therefore result in a Verdict in my Favor. (see the Order below)

Rule 10: Considerations Governing Review on Certiorari

A **State Court** or a United States Court of Appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflict with relevant decisions of this Court.

The Criteria exist in this case.

A Petition for a *Writ of Certiorari* is rarely granted when the error consists factual findings or the misapplication of a factual stated rule of law.

Although, this is a Virginia State Error in the Law – **this is the most serious Error in the Law, an Error in the Final Order-Ruling.** The Error substantives an Error-Prone case. That there is a severe Festering Federal-State Conflict that needs to be permanently resolved; the non-compliance and non-accommodation of the Federal ADA.

If in Doubt, Don't

This Error in the Law was unresolved and Not corrected by the State, throughout the entire State of Virginia Court System; from the General District Court to the Supreme Court of Virginia.

(The Exhibit is in the State of Virginia case file. The entire case file is corrupted.)

MAY 27, 2021

VIRGINIA:

IN THE GENERAL DISTRICT COURT FOR THE COUNTY OF FAIRFAX

John H. Lange Plumbing & Heating Inc.

v.

Mark Downey

Case No.: GV19015466-00

ORDER

THIS MATTER CAME before the Court on December 20, 2019 for trial and resulted in a judgment in favor of the defendant. The judgment creditor docketed debtor's interrogatories which have been continued three times and are currently set for 11:30 a.m. on June 15, 2021. The defendant was granted an accommodation of submitting written answers to written Interrogatory questions in lieu of appearing before the Court for an Interrogatory Hearing. In the interim since that court order, the Court has received several emailed motions and writings by the judgment debtor; and

WHEREAS the Court, having read said emailed documents believes that the judgment debtor is moving the court to rehear the underlying case against him and that he is objecting to the form and substance of the interrogatories propounded upon him, it is therefore

ORDERED that on June 15, 2021 at 11:30 a.m. the Court will call the case and proceed as follows and in the following order:


1. The judgment debtor, Mr. Downey, may appear remotely by phone.
2. The Court will hear and rule on Mr. Downey's motion to rehear the

underlying matter; if the motion is granted, the matter will be continued for trial.

3. If the motion to rehear is denied, the Court will hear and rule on Mr. Downey's objections to Interrogatories.
4. If any of the objections to the Interrogatories are overruled, then the Court will administer an oath to the judgment debtor, and Interrogatories will be propounded orally by the judgment creditor, and answers will be given orally by Mr. Downey under the supervision of the Court.

AND THIS MATTER IS CONTINUED until June 15, 2021 at 11:30 am..

ENTERED this 27th day of May, 2021.



Lisa A. Mayne, Chief Judge
Fairfax County General District Court

Copies to: Counsel for Plaintiff
Defendant

3. Error in the Law - Legal Definition – State of Virginia

Assignment of Error

Assignment of Error is a declaration by a party with a Legal action specifying the Error in the Law made by the Court during the Trial that the party seeks to resolve and be corrected, to be permanently to be definitively resolved. The Assignments in Error were stated in the Original Supreme Court of Virginia Petition and in the Motion for Reconsideration – Error in the Law.

4. Error in the Law - Procedural Issues - State of Virginia

Refusal to Correct – Error in the Law

Procedural Issues Addressed Code of Virginia, Title 8.01.

Civil Remedies and Procedure » Chapter 17. Judgments and Decrees » Article 1. In General, » § 8.01-428. Setting aside default judgments; clerical mistakes; independent actions to relieve party from § 8.01-428. Setting aside default judgments; clerical mistakes; independent actions to relieve party from A. Default judgments and Decrees pro confesso; summary procedure. Upon motion of the Plaintiff or judgment debtor and after reasonable notice to the opposite party, the attorney, the pro se or the Court may set aside a Judgment by Default or a decree pro confessor upon the following grounds: (I) fraud on the court, (ii) a void judgment, (iii) on proof of an accord and satisfaction § 3911. Such motion on the ground of fraud on the court. B. Clerical mistakes. Clerical mistakes in all judgments or other parts of the record and errors therein arising from oversight or from an inadvertent omission may be corrected by the court at ANY time on its own initiative or upon the motion of ANY of an appeal, such mistakes may be corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending such mistakes may be corrected with leave of the appellate court.

Other judgments or proceedings. This section does NOT limit the power of the court to entertain at ANY time an independent action to relieve a party from ANY judgment or proceeding or to grant relief to a defendant NOT served with process as provided in §8.01-322, or to set aside a judgment or decree for fraud upon the court.

5. Error in the Law – Federal Parallel Law –

Federal Precedence

Ability to Correct at an Error in the Law

Rule 60. Relief from a Judgment or Order-

Federal Procedural Issues

(a) CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without Notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could NOT have been discovered in time to move for a new trial under **Rule 59(b)**;
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) ANY other reason that justifies relief.

(c) EFFECT OF THE MOTION.

(2) *Effect on Finality*. The motion does NOT affect the judgment's finality or suspend its operation.

(d) OTHER POWERS TO GRANT RELIEF. This rule does NOT limit a court's power to:

- (1) entertain an independent action to relieve a party from a judgment, order, or proceeding;
- (2) grant relief under 28 U.S.C. §1655 to a defendant who was NOT personally Notified of the action; or
- (3) set aside a judgment for Fraud on the Court.

Rule 60 - Met

All (3) criteria-elements exist in this case to

Grant the *Writ of Certiorari Appeal*

1 - Clerical Mistakes;

2 - Fraud on the Court;

3 - Dismissal.

6. Error in the Law - Administrative Finality

Administrative Finality is the concept that a definitive Ruling Verdict was made on both parties, unless they are later reopened and reconsidered for Special – **Multiple Good Cause** Reasons.

Special Good Cause Reasons apply and are the criteria basis for this *Writ of Certiorari* Ruling-Appeal-Verdict. An Administrative Finality does NOT apply in this case, there was NOT a Valid Verdict or Judgement. The State of Virginia Procedural Issues were NOT Considered – Errors in the Law.

7. Error in the Law - Catastrophic, Extraordinary, Unforeseen and Beyond our Control Circumstances – States

i No Error in the Law - State – Pennsylvania

ii. Error in the Law - State - Virginia

**iii. Error in the Law – State – Virginia - Individual
Personal Injury - Petitioner Disabled Downey**

The State of Virginia - Catastrophic, Extraordinary, Unforeseen and Beyond our Control Circumstances - were NOT Considered – Error in the Law

i. No Error in the Law - State – Pennsylvania

Catastrophic, Extraordinary, Unforeseen and Beyond our Control Circumstances

Citation - *Friends of DeVito v. Wolf*, April 13, 2020, Pennsylvania Supreme Court Decision. The Catastrophic, Extraordinary, Unforeseen and Beyond our Control Circumstances existed. The Pennsylvania Supreme Court ruled the Corona Pandemic constitutes a “Natural Disaster” is a Catastrophe, resulting in substantial damage to property, hardship and Loss of Life. The Court found the Governor has the authority to declare the entire State a Disaster; “Direct Physical Loss” of property and Loss of Life.

ii. Error in the Law - State Virginia

Catastrophic, Extraordinary, Unforeseen and Beyond our Control Circumstances – Refused to be Considered.

Virginia Code-Rule 97 - Extraordinary, Circumstances

The Virginia Code 97 Extraordinary circumstances is used in the event of Extraordinary Circumstances. These circumstances include: floods, snow, ice storms, tornadoes, earthquakes, other natural disasters, blackouts computer failures and massive deaths; the Worldwide Corona Pandemic.

**iii. Error in the Law – State – Virginia - Individual,
Personal Injury - Petitioner Disabled Downey
Catastrophic, Extraordinary, Unforeseen and
Beyond our Control Circumstances.**

I, Disabled, pro se, Petitioner Downey was Incapacitated due to many months of intense, excruciating pain of being diagnosed with multiple Ulcers, a Double Hernia, a Dilated Esophagus, multiple Abysses, Bed Sores, Infectious Diseases, Food Poisoning, being Paralyzed, Blindness, Massive Kidney Failure and even Death-Threats. That was prior to the trial and during the Virginia Lange v. Downey trial. Then with a subsequent Catastrophic, Extraordinary and Unforeseen and Beyond Control of a Broken Neck Injury, the most severe Personal Injury possible. That is a true Death-Defying Personal Injury with an incredible debilitating fatigue, and now, with massive Life-Long health ramifications.

**iv. Error in the Law Federal Precedence –
Federal Parallel Laws**

A. U.S.C. § 701(4) Catastrophic incident

The term “catastrophic incident” means ANY natural disaster,

act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area.

B. 7 CFR 799.33 & 40 1508.4 Extraordinary Circumstances

The 40 CFR 1508.4, is the definition of categorical exclusion, procedures required to provide for Extraordinary Circumstances in which a normally categorically excluded action may have a significant environmental effect. The presence and impacts of Extraordinary Circumstances require heightened review of proposed actions that would otherwise be categorically excluded. Although, this CFR is Environmental, this CFR is relevant and applicable to the Worldwide Corona Health Pandemic.

IX. Error in the Law - Use of Steno Mask, an Obsolete-Error Prone and Inaccurate Method-Technology for Court Reporting Transcripts-Hearings – resulting in a Fabricated Transcript – Permanently Bad Steno Mask

Definition: Steno Mask Method of Court Transcriptions-Depositions

Steno Mask method is a Court Reporter or Deposition Reporter, that Mask, places the Mask over their Mouth and Nose, and then repeats the words heard into the Mask. The words are then recorded on a recording machine. Then the Steno Mask listens to the words recorded on the Steno Mask recorder and types up the Hearing or Deposition.

Repetition of Words spoken and repeated does NOT work – ever.

In my High School English Class in the very same Virginia State, (43) years ago, my Teacher said a sentence and the entire class whispered the sentence in the Ear of the next person. The last person in the class, said the sentence and the entire sentence – Not one word was correct – the entire sentence made No sense. There was also a Telephone word repeat study that confirmed this.

Steno Mask was invented (70) years ago, after World War II.

Steno Mask is Antiquated, Obsolete, Error Prone, has and is a High Potential for Fraud and should be

Banned, Permanently and Definitively - in ALL uses - Forever.

There are an Abundance of other Technology-Methods that replaced Steno Mask in the last (70) years – that are accurate and that work.

Steno Mask did Not work (70) years ago and it does Not work today.

A. Endorsement 1

This Error in the Law stated, is endorsed by the Legal Service Corporation, Non-Profit, pro bono Attorney, Joseph Brinig, when he said, “I never heard of anybody criticize the Method.” (Quote

(The Definition – Extraordinary)

B. Endorsement 2

Email from Mona Savino, Ethics Counsel, National Association of Court Reporters Association, Reston, Virginia. (non-profit, 20,000 Members)

“Fabrication of a Transcript is a very Serious Matter. Please provide more details and notify to us when you obtain a Verdict.”

(Petitioner Disabled Downey was a Vendor-Manufacturer of Court Reporter Translation Transcript Computers.)

Therefore, this Writ has been deemed, designated and certified as “*Extraordinary*”, with a Nationwide and even a Worldwide impact and Ramifications – an additional Criteria for a Writ Review and even a Writ Appeal Verdict.

De novo is a Latin means "from the beginning" or "fresh", being heard for the first time. The Supreme Court of Virginia violated their Own Policy of No Court Reporting-Depositions in the Fairfax, Virginia General District Court. Only the Circuit Court has recorded Hearings. The Policy in Virginia was Quashed by Ordering the Lower Court, the General District Court to provide a No-Fee Deposition to Disabled Petitioner Downey. The Supreme Court of Virginia de Novo was and is Quashed-Nullified, by the Supreme Court of Virginia themselves. Therefore, the Fabricated is an admissible Quashed Transcript to the Supreme Court of the United States.

**B. Fabricated Transcript Reasoning by, Petitioner Disabled Downey, the Former Federal Law Enforcement Consulting Forensic Scientist and a Qualified expert in Court Reporting, Court Technology and Court Transcriptions
(Submitted to the Entire State of Virginia for Case Dismissal, Unjustly Denied.)**

ORIGINALS

Law-Sult-Lange-GDC-Fab-Trans.pdf (only) Documents

12/18/2021

Commonwealth of Virginia:

Supreme Court of Virginia, Richmond, Virginia

Mark Downey, Disabled, pro se	) Fairfax, Virginia
Estate of Mark Downey,	) General District Court
Heirs, Assigns and	) Case: 19015466
Designated Entities	) Appealed to the Fairfax,
Petitioner	) Case: CL-2021-10170
v.	
John H. Lange Plumbing and	) Heating, Inc.
Heating, Inc.	) Appealed, Virginia Court
Respondent	) of Appeals,
	) Case: 0847-214
	) Appealed – Ruled not in
	) Jurisdiction, forwarded to
	) Supreme Court of Virginia

Seal

*Due to the inclusion of Very Sensitive Medical Information,
(the Federal Health Insurance Portability-Accountability Act
(HIPAA),
requiring the protection of sensitive Patient Health Information
and the
Accommodation and Compliance of the
Federal ADA Title II,
(Government-Court Services),
the Federal ADA Title III,
(Private Sector-Attorney Services)
and
National Security Concerns*

Petition – Addendum-Amendment

Note:

The Virginia Appeals Court Clerk said, "The Case may not be transferred or accepted if there are issues in the Lower Trial Court."

The Fairfax, Virginia General District Court Voice Access Motion is to obtain the Voice Hearing Deposition for Petitioner Downey's Own Court Reporter for a Truly Impartial Transcription Testimony that Issue and Voice Access Motion Has Never been obtained or been resolved.

Therefore, the Supreme Court of Virginia Voice and Qualify Motion is Unresolved and Pending and the Petition with the Supreme Court of Virginia Petition due date has Not definitively been set.

Petitioner Downey continues to obtain the Fairfax, Virginia VOICE Hearing for his own Court Reporter Transcription Testimonies for a Truly Impartial Transcription Testimony for the Due Process of the Law

Sources:

1. NVRA, National Verbatim Reporters Association
2. MCRA, National Court Reporters Association\
3. Steno Mask Reporters Association\
4. Medical Transcribers Association
5. Fairfax, Virginia Computer IT Department, Employee Chad.
6. Fairfax, Virginia Public Law Library, Reference Librarians Catherine and Teresa.
7. Private Investigator, also the Owner of a (200) employee Security Firm
8. U.S. Congress, Law Library Reference Librarians
9. Arlington, Virginia Library, Reference Librarians
10. Virginia State Corporation Commission (SCC),
11. Legal Services Corporation Attorney, Joseph Brinig, (pro bono)
12. Victor Glasberg, Civil Rights-Federal ADA Attorney
13. Frank Han, Caregiver-Aid 24/7, now for (8) months to Disabled Petitioner Mark Downey

Transcript Invalidate Descriptors

- Moral Turpitude Violations
- Ethics Violations

- No Certified Transcript
- No Valid Transcript
- Allegations of perjury and fabrication
- Discredited the entire Court Reporter Firm
- Discredited Court-Verbatim. Steno Mask Reporter
- Discredited the use of the Obsolete Steno Mask Method of Court-Transcription Reporting
- Malicious Transcript Tampering
- Distortion of Transcript
- Forged Transcript Evidence
- Withholding Transcript Evidence
- False Transcript Evidence
- Abuse of the Legal System
- Information manufactured and altered
- Tainted Evidence
- Not Admissible Transcript
- Tainted evidence, where the origin of the evidence is untruthfully represented, preventing a Valid Ruling
- Suppressed Evidence
- Inadmissible and Forbidden
- Excluded Evidence
- Falsified Evidence
- Fabricated Evidence
- Miscarriage of Justice
- Unreliable Evidence
- Prejudicial Evidence
- Incomplete Evidence
- Challenged inadmissible evidence immediately
- Evidence and tainted evidence, information created and obtained illegally, to sway the verdict in a court case
- No True or Accurate Court Reporter Transcripts
- Massive non-Accommodation and non-Compliance of the Federal ADA

The Court-Transcription Reporter's entire purpose is to *definitively* certify that the words spoken and printed are True and Accurate - that was not provided or done.

- The Hearing Transcript consisted of only (2) minutes, yet, the submitted Court Reporter Transcript was (30) minutes;
- There were No Transcript page numbers;
- There was No Court Reporter Transcript Signature by Court Reporter Alyssa A. Boehm;
- The Transcript Reporter, Alyssa A. Boehm is Not a True Court Reporter, she is a Verbatim Reporter;
- Petitioner Downey is a Qualified Expert Witness in Court Reporting, Court Technology and Transcripts;
- Petitioner Downey is a Former Member of the National Association of Court Management;
- Petitioner Downey is a Former Member of the National Association of Court Reporters, the Verbatim Court Reporters Association, the Steno Mask Association or the Medical Transcription Association;
- Petitioner Downey was unable to verify any Credentials for Court Reporter Alyssa A. Boehm with the National Association of Court Reporters, the Verbatim Court Reporters Association, the Steno Mask Association or the Medical Transcription Association;
- The Court Reporting Firm, Rudiger, Green & Kerns Reporting Service did Not have a Valid Corporation status in the State of Virginia, the SCC, the Virginia State Corporation Commission, *Inactive Status*;
- The Court Reporting Firm, Rudiger, Green & Kerns Reporting Service did Not have a Valid Corporation Valid SCC, State Corporation Commission Registered Agent, a USPS letter with Return Service Requested was returned as an invalid address;
- The Court Reporting Firm, Rudiger, Green & Kerns Reporting Company, did Not have a Valid SCC Corporation status and is Not allowed to conduct business in the Commonwealth of Virginia or permitted to do Court Reporting.

The entire case has already been determined that the entire Trial Court case files have been corrupted in the Previously submitted Petition and the Petition Amendment-Addendum. Now, another document was submitted and entered in the case file, *ex parte*, as stated by the Supreme Court of Virginia Deputy Court Clerk, Melissa Layman. It is necessary to obtain the entire case file from the Courts to consider and determine the other recourses of action, including an Appeal to the U.S. Supreme Court, a *Writs of Certiorari*, should the Appeal Not be Granted. The fee for the entire case file has been paid and to be mailed Overnight.

C. Court Reporting – Steno Mask – Obsolete-Inaccurate Method of Court Reporting-Transcripts – Prone to Fabrication – Quashed over (30) years ago.

Citation: *Mark Downey, with Counsel v. Sylvia Pastrano, (A Court Reporter, Free Lancer), New Orleans Parish-County, LA, approx. date, 1989, unpublished.*

Disabled Downey was qualified as an Expert Witness in Court Reporting, Court Technology and Court Translations. The Verdict was ruled in Downey's favor.

Citation: *Mark and Virginia Downey (Mother), pro se v. Charles and Marie Sebenius, (with Counsel) Fairfax, Virginia, General District Court, Verdict in Downey favor.* The Defendant Appealed to the Fairfax, Virginia Circuit Court. Disabled Downey again obtained, a Verdict in the Fairfax, Virginia Circuit Court. After the Downey suit, the Lawyer sued for Sebenius for non-payment of Legal Services. Approx. date 1982, unpublished.

In that case, the Opposing party used the Obsolete Steno Mask method of Court Reporting in the Deposition of Virginia Downey, (Mother). In the Trial, Mark Downey Quashed the use of the Steno Mask Method of Court Reporting. At the time Disabled Downey had a Nationwide Business of building-manufacturing-selling Court Report Translation Computers, selling (170) Nationwide a year.

The Opposing Party attempted to use the Steno Mask Transcript at the Trial. The Prevailing Judge said, "We do **Not** accept the Steno Mask Reporting method." The Fairfax, Virginia Circuit Court Judge Quashed the obsolete (70) year old Steno Mask Method and the Steno Mask Deposition in the case.

The Steno Mask Reporter, placed the Steno Mask over her face. When she pulled Steno Mask off her face, slime came running out. She had a severe Cold. Being in the Court Reporting Industry, at the time, I told this to the owner of a Court Reporting firm and he screamed, "Who was that ? I want to know."

Now in this case, the Lange v. Downey case, I said, "Steno Mask, to the Clerks of the Supreme Court of Virginia and they kept saying "What, What." They did not even hear of Steno Mask." The Courts in the **entire** State of Virginia and the **entire** United States are using an Error-Prone, Potential-Fraud Method, of Steno Mask, a (70) year old Obsolete Technology Method. That could even be a false determining factor in a Death Row Decision.

D. Exhibit – Lange v. Downey – Opposing Party Court Reporter Fabricated Transcript

Enclosed is evidence that the Court Reporter firm hearing transcript in the Motion by Opposing Counsel Benjamin Pelton, by the Court Reporting firm of Rudiger, Green & Kerns Service Transcript **Method** was and is Obsolete and Inaccurate. The Steno Mask Method is easily corrupted, is a high potential for fraud, since invented (70) years ago. The Steno Mask method was used by the Steno Mask Court Reporter, Alyssa A. Boehm in the Lange v. Downey. The Transcript provided was **fabricated**.

- **The first and last page of the Transcript is presented here, the entire Transcript.**
- **Note that the Transcript is **NOT** signed by the so-called Court Reporter Boehm; a Null-and-Void Fabricated Transcript.**
- **Ms. Boehm also has **No** credentials as a Court Reporter.**

SCOTUS LANGE IN

The Law-Suit-Lange-Frank-Han-Transcript-Affidavit.doc

Affidavit - Notarized

I, Frank Han was with Mark Downey for the John H. Lange Plumbing and Heating, Inc. v. Mark Downey in the Fairfax, Virginia General District Court Hearing, Remote by Phone on August 17, 2021, received on September 14, 202, by an anonymous GDCMail. The Plaintiff Motion was to Reinstate Judgement and Release Disabled Downey's Posted Appeal Bond from the Fairfax, Virginia Circuit Court, Counter Claim. I sat next to Disabled Mark Downey and heard every word of the Hearing and read the entire Verbatim Steno Mark Transcript. In the Hearing, Disabled Mark Downey said my name, clearly, "Frank Han", my name was not even in the entire Steno Mask, Verbatim Transcript. The actual Hearing was only (2) minutes. Yet, the Transcript was a massive number of (12) pages, over (30) minutes.

The entire Transcript was Fabricated.

Mark Downey is the Most Honest and Intelligent Person I have ever met. We are Friends for Life. I am Honored to know him. I am a Witness, willing and able to testify for Any and All Hearings, Depositions and Trials. The Transcript is Not True or Accurate. This has All of the elements and criteria of Criminal activity, for Enforcement by multiple Court Reporter Certification Associations, State Licensing Boards, Law Enforcement, Local and Federal. The entire Trial Case files are corrupted. In any Shape and Form, the entire Transcript is Null-and-Void.

This is the Definitive criteria to Grant an Immediate-Expedited Order for a Rehearing in the Virginia Trial Courts.

Sincerely,

Frank Han, 10406 Dunn Meadow Road, Vienna VA 22182
Current Disabled Mark Downey Caregiver-Aid-Assistant under Home Care, 24/7, now for (8) months, Grace Home Care, Fairfax, Virginia.

COMMONWEALTH STATE OF VIRGINIA - COUNTY OF FAIRFAX

Notary Public, Commonwealth State of Virginia

Notary's Commission expires: 01.31. 2023

Date: 12/11/21



V I R G I N I A

IN THE GENERAL DISTRICT COURT OF FAIRFAX COUNTY

----- x
JOHN H. LANGE HEATING
AND PLUMBING INC.

-vs-

MARK DOWNEY,

Defendant.
----- x

:
:
:
: GV19015466-00
:
:

General District Courtroom 2E
Fairfax County Courthouse
Fairfax, Virginia

Tuesday, August 17, 2021

The above-entitled matter came on to be heard before
THE HONORABLE MICHAEL J. LINDNER, Judge, in and for the
General District Court of Fairfax County, in the
Courthouse, Fairfax, Virginia, beginning at 2:50 p.m.

APPEARANCES:

On Behalf of the Plaintiff:

BENJAMIN PELTON, ESQUIRE

On Behalf of the Defendant:

MARK DOWNEY, pro se
(via telephone)

RUDIGER, GREEN & KERNS REPORTING SERVICE
CERTIFIED VERBATIM REPORTERS
4116 LEONARD DRIVE
FAIRFAX, VIRGINIA 22030
(703) 591-3136

10
CERTIFICATE OF COURT REPORTER

I, ALYSSA A. BOEHM, a Verbatim Reporter, do hereby certify that I took the stenographic notes of the foregoing proceedings and thereafter reduced the same to typewriting; that the foregoing is a true record of said proceedings; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were held; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

ALYSSA A. BOEHM
Verbatim Reporter

RUDIGER, GREEN & KERNS REPORTING SERVICE
CERTIFIED VERBATIM REPORTERS
4116 LEONARD DRIVE
FAIRFAX, VIRGINIA 22030
(703) 591-3136

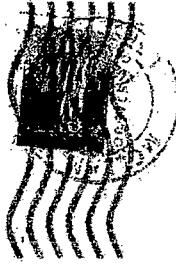
**E. Exhibit – Lange v. Downey – Opposing Party Court Reporting
Company – No Valid Registered Agent,
Not Allowed to Conduct Business.**

As a Former Consulting Federal Forensic Scientist, I mailed a letter to verify that the Court Reporting firm of Rudiger, Green & Kerns to determine if the Court Reporting firm had a valid Registered Agent in Virginia; Candice Legal Technologies, Inc. The USPS Certified Return Receipt mailing test envelope was returned. The Court Reporting Firm did ***Not*** have a Registered Agent in Virginia. They were ***Not*** allowed to Conduct Business in Virginia. The Company even said, “All of our Reporters use Steno Mask”; the obsolete, fraud prone method of Court Reporting.

6841 Elm Street
UMITE 55
McLEAN, VA 22101-0729

11 22 21

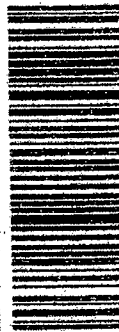
FIRST CLASS
NOVA 220
PMG L



OWNER

OR EN'S
KID BENSKE

CANDICE LEGAL Technologies, LLC
919 E. MAIN STREET, SUITE 1000
RICHMOND, VA 23219



7020 0090 0001 2620 8553

23219-0522-0001
22101-0729

F. Supreme Court of Virginia – Transcript-Hearing Law-Rule

Va. R. Sup. Ct. 5A:10 – Transcripts – Virginia Transcript Law
Refusal to Correct an Error in the Law; Rule 5A:10 - Record
on Appeal: Preparation and Transmission(a)Preparation
b) Form of the Record. (iv) the certificate of the clerk of the
Trial Court that the foregoing
The Virginia Supreme Court Rule, requires a - true, accurate
record. That was Not done.

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 19th day of November, 2021.

Mark Downey,

Appellant,

against Circuit Court No. CL2021-10170

John H. Lange Plumbing and Heating, Inc.,

Appellee.

From the Circuit Court of Fairfax County

On November 1, 2021 came the appellant, who is self-represented, and filed motions for a stay, "for no-expense transcripts and entire case files," "for all case files from the Fairfax, Virginia General District Court, the Fairfax, Virginia Circuit Court and all motions-hearings to be admissible," and "to obtain all voice hearings" in this case.

Upon consideration whereof, the Court denies the motions.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:


Deputy Clerk

**G. Federal Parallel Law – Federal Precedence –
Ability to Correct an Error in the Law**

The Federal Parallel Laws – Federal Laws take Precedence, the **Ability** to Corrects an Error in the Law. The SCOTUS has the Ability to resolve Federal-State Conflicts in the Law. Federal Question Presented – 28 U.S.C. § 1331

The Transcript-Hearing provided was **Not true, Not Complete and Not Accurate – Fabricated.** The Steno Mask Method-Technology for Court Reporting Transcripts-Hearings – Nationwide needs to be permanently banned. The Steno Mask is Error Prone – Obsolete and Easily Fabricated in the entire United States and the **Free World and Beyond..** The State of Virginia – Refusal to Correct an Error in the Law. The Court should have immediately Dismissed the Plaintiff suit.

There is massive interest in Transcripts-Depositions – and the Rules of Evidence 106, 615, 702....

State-Commonwealth of Virginia Transcripts and Testimony
Review archived public hearing transcripts and testimony submitted during annual comment period of the Judicial Conference Committee on Rules and Practice and Procedure and the advisory committees.

TRANSCRIPT OF PROCEEDINGS

Ln the Matter of:)	
PUBLIC HEARING ON PROPOSED)	
AMENDMENTS TO TEE FEDERAL)	
RULES OF EVIDENCE 106, 615,)	
AND 702 BEFORE THE JUDICIAL)	
CONFERENCE ADVISORY	)	COMMITTEE
ON EVIDENCE RULES)	
Pages :)	
1 through 116)	

Place : **Washington, D.C.**

: **January 21, 2022 (Very Recent and Timely) (Sample)**

HERITAGE REPORTING CORPORATION

Official Reporters

1220 L Street, N.W., Suite 206, Washington, D.C. 20005-4018 (202) 628-4888

WITNESSES :

REBECCA E. BAZAN, Duane MorrisLLP

DOUGLAS K. BURRELL, DRI Center for Law & Public Policy

LARRY E. COBEN, Anapol Weiss

ALEX R. DAHL, Lawyers for Civil Justice

GARDNER M. DUVALL, Whiteferd Taylor Preston LLP

RONNI E. FUCHS, Troutman Pepper

JAMES GOTZ, Hausfeld LLP

WAYNE HOGAN, Terrell Hogan

KATIE R. JACKSON, Shook, Hardy & Bacon L.L. P.

ANDREW E. KANTRA, Troutman Pepper

TOYJA E. KELLEY, DRI Center for Law & Public
Policy...

X. Conclusion.

Extraordinary Circumstances apply to All Extraordinary, Unforeseen and Catastrophic Circumstances.

My Disabled (35) year research, development and involvement for the production of Vaccines for the Masses and then for the Worldwide Corona Pandemic Vaccines for the Masses resulted in my Extreme Debilitating Stress, then the Death-Defying Injury of a Broken Neck Injury and from the Lange v. Downey case.

Those Catastrophic Personal Injuries were concealed in All of the Virginia Trial Courts by Client Lange and Opposing Attorney Pelton. I was Incapacitated at the Trial, with severe dizziness, the inability to function and think properly and then vomiting after the Trial, that is the Legal Definition of Incapacitation.

A. Summation - Errors in the Law

The Federal 7 CFR § 799.33 & 40 1508.4, the Pennsylvania Supreme Court Citation - Friends of DeVito v. Wolf and the Virginia Code 97, the Worldwide Corona Health Pandemic, the Worldwide Corona Economic Turmoil, the Worldwide Chaos, now the Triple Pandemic, which I was obtained and my own Personal Injury, the most severe Personal Injury possible of a Broken Injury, are

Catastrophic, Extraordinary, Unforeseen, Beyond our Control Circumstances and

NOT normally Foreseeable or Anticipated

There are thousands of Policies and Laws in the Federal Register and Laws in every State in the Union that have been enacted due to the Corona Pandemic.

I have been Diligent and this case had, a long, long hard journey. This entire Case was a Disabled, pro se, self-represented case, with no help and no monetary compensation payment of ANY kind for ANY Legal assistance, what-so-ever.

Quote – My Mother, Virginia Rose Downey, the Former Interior Designer for the Automobile Legend, Henry Ford, once said to me, (her Son), Petitioner Mark Downey, “Once you make your mind, there is No stopping you.”

Quote - Founding Father, Benjamin Franklin said, “No Pain, No Gain.”

Personal Injury, a Broken Neck Injury, I think you will agree, I have been there. Benjamin Franklin also had many Innovations. Benjamin Franklin refused to obtain Patents. He wanted everyone to have his innovations - the element of Share.

Reform – Verdicts Dismissed as Frivolous

The Disabled, the pro se and the Indigent are at a severe disadvantage in Legal Disputes and Litigation

Citation: Procedural Due Process Right of Civil Litigants, by Julie M. Bradlow, B.A. 1985, Yale University, J.D. Candidate 1988, The University of Chicago Review. The University of Chicago

“Procedural treatment of pro se Civil Litigants is at best highly case-specific, at worst inconsistent.” In Civil cases, litigants have a Statutory right, first embodied in the Judicial Act of 1789, to represent themselves. Most states also provide, either by constitution or by statute, for a right of self-representation in State Courts. Civil litigants have a protected interest in a meaningful opportunity to be heard. Toward a Due Process Standard for Leniency. In summary, pro se Litigants in Civil Cases in Federal Courts (and State Courts) are entitled under the Due Process to have their pleadings liberally construed by the courts under *Haines v. Kerner* standard. 404 U.S. 519 (1972).”

I, Petitioner, Disabled, pro se, Mark Downey, as well as other litigants **do** have Legal Disputes that have Merit. We often are Not versed in the Rules, Procedures, Policies and the Laws, including the use of Citations used by Lawyers. Those Citations and Laws are Not available to non-Lawyers, the pro se. The Legal Databases are databases maintained by for-profit companies and those databases are cost-prohibitive for the pro se, the Disabled and the Indigent. The pro se are intimidated, by the lack of how to do research - what, where and the most important – they do not have the money. They say, “If you have money, you can do anything.” When Any Client retains a Lawyer, the Lawyer has to sift through, comprehend and decipher the Subject Matter. The Client knows the Subject Matter better than any Lawyer. There is also the Intimidation element. **People are more afraid of Public Speaking and the Courts than Death.** I, Petitioner, pro se, Disabled Downey have represented myself, pro se for over (40) years in State Courts and Federal Courts. Several have been unjustly deemed Frivolous.

Quote – Albert Einstein once said, “Everybody Loves me, but nobody understands me”.

Quote: I do NOT have the intellect of Einstein. However, I am also severely misunderstood. *I feel, I anticipated and foresaw what was coming, numerous incidents, numerous times, including the Corona Pandemic.*

Case Citation-2 – Frivolous Citation 1

First-Hand-Accountable, Disabled, pro se Citation

Brian P. Allman, (pro se) v. Mark and Virginia Downey,

with Counsel, Fairfax, Virginia General District Court. Dismissed, Unpublished

ADA Title II and ADA Title III, Non-Accommodation and Non-Compliance

Brian Allman was the owner of Cheap Trash, a residential trash removal service. He terminated his trash removal service, without ANY Notice. We were without trash removal for several weeks. We asked Brian Allman to refund the monthly fee of \$15.00. Brian Allman sued Disabled Downey and Disabled (83) year old, Virginia Downey, Mother for the excessive and fabricated \$2.5 Million Dollar for Defamation of Character. Brian Allman was and is well known in the Virginia Court system for suing people for Frivolous law suits. Downey’s former Attorney Elizabeth Morough, said, Every time he is fired, he sues someone. Our Attorney Fairfax, Virginia Substitute Judge Hurd was our Attorney

in this case. Judge Hurd made a joke out this case, "He called Brian Allman and said we will return the \$15.00." The joke was at our Disabled expense. We Paid Attorney Hurd \$6,000 for a \$15.00 lawsuit. Brian Allman dismissed the case, "He said he found Jesus." This was a \$6,000.00 unnecessary expense by (2) Disabled people for a \$15.00 law suit. The case should have been Dismissed at the onset as "Frivolous."

Every State in the Union needs to balance their Budget, to be accountable and be cost-effective, No waste. Every State in the Union needs have a Whistleblower program and pay Whistleblower compensation.

Definition: Qui Tam and the Federal Claims Act

Qui tam or the Federal Claims Act, is the abbreviation for the Latin phrase "qui tam pro domino rege quam pro se ipso in hac parte sequitur," meaning "Who sues on behalf of the King as well as for himself."

In a qui tam action, a Relator brings an action against a person or company on the government's behalf. The government, not the relator, is the Plaintiff. If the government succeeds, the Relator bringing the suit receives a share of the award. The federal False Claims Act authorizes qui tam actions against parties who have defrauded the Federal Government. If successful, the Relator may receive up to 30% of the government's award. *See, e.g., United States ex rel Eisenstein v. City of New York, 129 S.Ct. 2230 (2009).*

I made massive attempts to help Balance the Budget in the Courts before the Corona Pandemic using the Federal Claims Act and Qui Tam. Balancing the Budget is Not realistic now, due to the massive expense of Corona Pandemic. I was told, I cannot Litigate on behalf of my Country, as a pro se Individual, for the Individuals of the United States. An Individual has the Obligation to initiate Claims to save Americans money, make America Cost-Effective, eliminate Waste and protect the interests of All Americans.

Should there be a law mandating the federal government have a balanced budget? balancing the budget protects future generations as well as social programs like Social Security.

What is the balanced budget amendment Act? Sen. Lee's amendment would force Congress to balance its budget each year, limit spending to no more than 18% of GDP, and require a supermajority vote in both the House and Senate before raising taxes or increasing the nation's debt ceiling. Perpetual deficits and debt debilitate economic growth.

Two laws result in most of the current federal budget procedures?

In the last four decades or so, these procedures have been rooted principally in two statutes—the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985.

My massive efforts to Balance the Budget attempts were deemed Frivolous.
I have Never sought Money or Fame.

Please to Do Not Deem my Lifetimes work as Frivolous !

If, I am so Honored by the Supreme Court Justices, the Guardians of the America's Justice system, to Grant my *Writ of Certiorari* Appeal, I request the Court to Direct an Immediate Verdict-Ruling or to direct the Lower Trial Court for a Verdict-Ruling in my Favor and the Immediate release of portion of my entire Posted, the In-Trust Bond of to be used for the IRS Tax Exempt Non-Profit 501 (c) (3) Organization, the

Legal Services Corporation's

Genuine-Sincere-Mission

"To promote equal access to Justice in our Nation and to provide high quality Civil Legal assistance to low-income people."

(Individuals)

The LSC is the largest single funder of Civil Legal aid in the United States, funding (132) Independent nonprofit pro bono, Indigent legal aid programs, with (852) Nationwide Offices.

The intent is to establish the *initial and seed-money* for a Nationwide ADA program, first in the Northern Virginia LSC (the Washington D.C. Metro Area), for the LSC Attorney representation and a program for self-legal resolutions and awareness program for the Disabled, the pro se – the self-represented, the Disabled Veterans and the Indigent - on a pro bono, no fee, fee waiver, *forma pauperis* basis.

My initiative follows in the footsteps James Smithson, (1765–1829), a British scientist who left his Estate to the United States, "for the establishment to increase and the diffusion of knowledge." The creation of the Smithsonian Institution. The Smithsonian, is a group of museums, education and research centers. The Smiths the largest complex in the world, created by the British Scientist, "*for the increase and diffusion of knowledge*". Founded in 1846, it operates as a Trust and is not formally a part of any of the three branches of the Federal Government. The institution is named after its founding donor, British scientist James Smithson with \$55,000 in 1864. I computed that amount today with the donation of \$55,000 in 2023 Dollars is \$1,028,992.36. I, Mark Downey, was considered for the Secretary-President-CEO, in 1993, (30) years ago. The Letter is now enclosed to substantiate and verify. Chief Justice John G. Roberts. Jr. is even on the Smithsonian Institution Board of Regents.



SMITHSONIAN INSTITUTION
Washington, D.C. 20560
USA

July 8, 1993

Mr. Mark Downey
P.O. Drawer SS
McLean, Virginia 22101

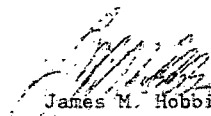
Dear Mr. Downey:

On behalf of I. Michael Heyman, Chairman of the Regents' Nominating Committee, I am pleased to acknowledge receipt of your June 25 expression of interest in serving as a Smithsonian Regent. As I may have explained to you earlier, our nominating processes are almost continuous, and in that context I will be glad to ensure that your name is kept on hand for some time to come.

It could be that your interests and expertise will align quite naturally with some other Smithsonian board, commission, or activity. Given your enthusiasm for serving the Institution, I trust that you will have no objection if I share your letter with other officials should such a match become apparent.

With thanks and best wishes,

Sincerely,


James M. Hobbins
Executive Assistant
to the Secretary

*If, my Health permits, I will file Motions and Additional Claims-Counts
and argue the Writ of Certiorari,
if I determine, if it is necessary and essential.*

However, I request, my preference (due to my severe health) is that this case, will NOT have ANY of my further Litigation, ANY of my further Legal Dispute, ANY of my further Court Appearances, ANY of my further Hinderances or ANY of my further Objections, that the Plaintiff Claim be Definitively Terminated without ANY of my Intervention, on *my pro se basis*, for the Immediate Release of my In-Trust Posted Bond and the other LSC stated initial seed-money under Extraordinary-Compelling Circumstances Virginia Rule 97 & Rule 10 with, *The Writ of Right*. The Court has the ability to exercise an unusual or discretionary power - a Common Law Writ for restoring to its owner property (monetary funds) held by another (the Court), for the immediate seed funding for the proposed ADA Initiative. A Writ granted is a Matter of Right.

If that provision is NOT provided-granted by the Court in an Order of Writ, or in other Avenues, in my favor, I propose to use the Released Bond funds held in the In-Trust-Escrow for my direct LSC donation. I will, then provide the Donation Receipt to the Court to verify that the Donation was made to the Non-Profit, pro bono, Indigent, Non-Profit, Legal Services Corporation.

*The very words on the United States currency,
that are
right-on-the-money,
the Latin phrases,
“novus ordo seclorum, “a new order of the ages,”
and
“e pluribus unum”, “out of many, one.”
Now,
“from one, to the many.”*

My Family, being Immigrants to the United States (150) years ago and my Ancestors, being on the New York Immigrant Ellis Island Wall of Honor, my Downey Family name's Integrity is my foremost and my primary intent.

**My, Love of Country and the needs of Individuals did and will
always take Precedence over my – “Life, Limb and Property.”**

***A more Proactive, Anticipated and Follow-Through, for the
Corona Worldwide Health and Corona Economic Turmoil was needed.***

The 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 ...” **and**

Quote: John Locke on the rights to life, liberty, and property of ourselves and others (1689) Found in The Two Treatises of Civil Government (Hollis ed.) John Locke (1632-1704) argued that the law of nature obliged all human beings not to harm "the life, the liberty, health, limb, or goods of another."

And "Life and Liberty is greater than the interest in property.", Ake v. Oklahoma, **Citation:** 470 U.S. 68, 78 (1985).

A Court Order of the Fairfax, Virginia Circuit Court **Wrongfully Released** my In-Trust Bond. I propose to Restore-Release the In-Trust Posted Bond, almost a \$20,000.00 Bond (\$18,988.00) and to donate \$5,000.00 of that Bond Amount to be donated to the Legal Services Corporation; seed money. I will also to do Crowd Funding for the LSC ADA Initiative and propose to my Congressmen and Senators for additional Legislative funding. That is the Ingredient of a – **in-the-making and the Legal Definition of a Good Cause.**

Absolutely Nothing, is more Catastrophic, Extraordinary, Unforeseen, Beyond our Control and not normally Foreseeable or Anticipated than the Worldwide Corona Health Pandemic, the Worldwide Economic Turmoil, the Worldwide Chaos, the Triple Pandemic and the most severe Death-Defying Personal Injury, my on Broken Neck Injury, Blindness, and then the Rehabilitation of a Double Hernia.

I was told **Chief Justice John G. Roberts, Jr.**, he is concerned about the Legacy of the Supreme Court. The question arises - is this case an element ?

All it takes is the one stroke of your pen.

I give you my thousand words for that singular motion.

Summary Statement – Disabled Downey's Commitment to Integrity

I, Disabled, pro se, Mark Downey, **28 U.S. Code § 1746;**

Federal Presedence. I declare, under penalty of pejury, under the Laws of the United States of America, that the forgoing is true an correct.

I submitted this Legal Document with the best of my ability.

I did NOT intently state or mistate ANY information.

I sincerely, ask for this,


Mark Downey

pro se, Certified Disabled by Medical Doctors

Drawer SS, McLean, VA 22101-0729 10-20-2023

Certificate of Service – SCOTUS Rule 29.5

I certify that a True Copy was sent on the date of signature to – the Court, Overnight Mail and email, email to Opposing Counsel, the and the Individual, John H. Lange. (Piercing the Corporate Veil; Clients are responsible for their Counsel's Actions and Non-Actions.)

XI. Certificate of Compliance (Not included in the page limit)

Writ of Certiorari Application No. 22A51

Petitioner, Mark Downey, Disabled, pro se, Self-Represented

v.

John H. Lange Plumbing and Heating, Inc., et. al. Rule 33.1 (h)

I certify that the Petition for the *Writ of Certiorari* is within the 40-page limit) in required text body Petition, excluding the parts of the Petition that are exempt by the Supreme Court, **Rule 33.1 (d).**

Summary Statement of Disabled Downey's Commitment to Integrity

28 U.S.C. § 1746

I declare, under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

(Submitted with the best of my ability.

I did NOT intentionally state or misstate ANY misinformation.)

XII. Certificate of Service – Rule 29.5 (not included in the page limit)

I certify that a True Copy was mailed, with proof of return receipt on the date of signature to –

Rule 22 - Chief Justice, John G. Roberts, Jr., Applications to Individual Justices, Original and (2) copies; (3) Subtotal Copies.

(Sent Individually, due to Granting the Original Extension of Time)

Rule 33.2 - Clerk Scott S. Harris , Original and (40) copies;

Distributed by the Clerk to the Associate Justices

- Justice Clarence Thomas,
- Justice Samuel Alito
- Justice Sonia Sotomayor,
- Justice Elena Kagan
- Justice Neil Gorsuch,
- Justice Brett Kavanaugh
- Justice Amy Coney Barrett,
- Justice Ketanji Brown Jackson

Subtotal (43) Copies

XIII. Parties to the Proceeding and the Related Cases

(SCOTUS Rule: Required to be separate, from the Writ)

XIV. Petitioners and Respondents, et. al.

Rule 14.1 (b) (I). Parties to the Proceeding & Related Cases

Petitioner

1. Mark Downey, Disabled, pro se
P.O. Drawer SS, McLean, VA 22101-0729, 703-790-9433

Respondent

2. Jason Miyares, Attorney General, Commonwealth of Virginia
202 North Ninth Street, Richmond, Virginia 23219

Respondent-Businesses, et. al.

3. John H. Lange Plumbing and Heating, Inc. (Sue)
Benjamin Pelton (Opposing Counsel – Serve)
2300 Clarendon Blvd. Suite 607, Arlington, VA 22201 (703) 524-0770
4. Joseph A. Inabnet (Registered Agent)
8551 Rixlew Ln Ste 330, Manassas, Virginia 20109-4278
 - a. ICR/Rudiger & Green (trading name, 2022-06-27
 - b. Rudiger & Green (trading name, 2022-06-27
 - c. Rudiger, Green & Kerns Reporting Service
(trading name, 2022-06-27
 - d. Inabnet Court Reporting (ICR) (trading name, 2023-03-01
5. Sydney Smith (Sue & Serve)
Syds Plumbing and Repairs, 940 Dead Run Dr., McLean VA 22101

Respondent-Individuals, et. al.

6. Benjamin Pelton (Sue & Serve)
(Opposing Counsel - Individual, Acting Beyond Authority)
2300 Clarendon Blvd., # 607, Arlington, VA 22201 (703) 524-0770
7. John H. Lange (Sue & Serve)
(Individual, Acting Beyond Authority, Piercing Corporate Veil)
11407 Valley Stream Ct. (Residence), Great Falls VA 22066
8. Mary Lange (Sue & Serve)
(Individual, Acting Beyond Authority, Piercing Corporate Veil)
11407 Valley Stream Court (Residence)
Great Falls VA 22066 (703) 536-5060
9. Joseph A. Inabnet (Sue & Serve)
(Individual, Acting Beyond Authority, Piercing Corporate Veil)
8551 Rixlew Lane Ste 330, Manassas, Virginia 20109-4278
10. Sydney Smith (Sue & Serve), Syds Plumbing and Repairs, 940 Dead Run Drive,
McLean VA 22101

Individuals in a Corporation are responsible and accountable for their actions and non-actions, Piercing the Corporate Veil.

(I reserve the right to add additional et. al. and Respondent-Businesses-Individuals)

(Nothing – ex parte) TOTAL COPIES (53)

**Additional material
from this filing is
available in the
Clerk's Office.**