

12/31/281

NO. 24-1042

In the
Supreme Court of the United States

Original

ROBERT R. PARKER, JR.,

Petitioner,

v.

JOHN D. BURNES, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the
Oregon Supreme Court

PETITION FOR A WRIT OF CERTIORARI

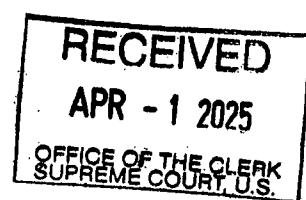
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QUESTIONS PRESENTED

1. Whether the Oregon Supreme Court's denial of the Petition for Judicial Review, despite acknowledging systemic racism and discrimination, violates the Petitioner's due process and equal protection rights under the Fourteenth Amendment.
2. Whether the Oregon Rules of Civil Procedure (ORCP) 71B and 71C should be interpreted to allow relief from a judgment when new evidence of systemic racism, fraudulent concealment, and actions taken without legal authority by state agencies and officials is presented.
3. Whether the enforcement of a release of claims, obtained under duress and based on fraudulent misrepresentations, violates the Petitioner's constitutional rights.

PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below

- Robert R. Parker, Jr.

Respondents and Defendants-Respondents below

- John D. Burnes
- John Kitzhaber, in his individual and representative capacity as former Oregon Senate President
- Shell Oil Company ExxonMobil Corporation
- Mobil Corporation
- Texaco Inc.
- Atlantic Richfield Company (ARCO)
- Union Oil Company of California (UNOCAL)
- Chevron Corporation
- Miller Nash Law Firm

LIST OF PROCEEDINGS

Supreme Court of Oregon

No. S070983

Robert R. Parker, Jr., *Plaintiff-Appellant*,
v. John D. Burnes Et Al, *Defendants-Respondents*.

Order Denying Review: October 3, 2024

Oregon Court of Appeals

No. A178691

Robert R. Parker, Jr., *Plaintiff-Appellant*,
v. John D. Burnes Et Al, *Defendants-Respondents*

Final Opinion: February 22, 2024

Multnomah County Circuit Court, Oregon

No. 880502842

Robert R. Parker, Jr., *Plaintiff*,
v. John D. Burnes Et Al, *Defendants*

Final Order: May 3, 2022

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PETITION FOR A WRIT OF CERTIORARI

Petitioner, Robert R. Parker, Jr., respectfully petitions for a writ of certiorari to review the judgment of the Oregon Supreme Court and Oregon Court of Appeals.



OPINIONS BELOW

The opinion of the Oregon Court of Appeals is reported at 331 Or App 58 (2024) and included at App.3a. The order of the Oregon Supreme Court denying the Petition for Judicial Review is unreported and included at App.1a.



JURISDICTION

The judgment of the Oregon Supreme Court was entered on October 3, 2024. This Court has jurisdiction under 28 U.S.C. § 1257(a). Additionally, this Court has original jurisdiction under Article III, Section 2 of the U.S. Constitution, as the State of Oregon is effectively a party to this case through the actions of its officials and agencies.

**CONSTITUTIONAL AND
JUDICIAL RULES INVOLVED**

**U.S. Const. amend. XIV, § 1
Due Process and Equal Protection Clauses**

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Oregon Rules of Civil Procedure 71 B and C

Reproduced at App.19a-20a.



STATEMENT OF THE CASE

Petitioner, Robert R. Parker, Jr., was wrongfully deprived of his right to practice law for 34 years due to systemic racism and discrimination, as acknowledged by the Oregon Legislature in Senate Concurrent Resolution 22 (SCR 22). Despite this acknowledgment, the Oregon Supreme Court denied Petitioner's Petition for Judicial Review, which sought to vacate a 1988 judgment and reinstate his defamation claims.

In 1987, Petitioner was accused of misconduct based on false allegations, leading to investigations and legal actions initiated by John Kitzhaber, then Oregon Senate President, and involving the Miller Nash Law Firm and seven oil companies: Shell Oil Company, ExxonMobil Corporation, Mobil Corporation, Texaco Inc., Atlantic Richfield Company (ARCO), Union Oil Company of California (UNOCAL), and Chevron Corporation. These actions ultimately did not result in any indictments. Petitioner filed a defamation claim in 1988, which he voluntarily dismissed. He later signed a release of claims in a federal case, which he now argues was obtained under duress and fraudulent misrepresentations and the wrongful concealment of evidence by the Respondents.

In 2021, the Oregon Legislature passed SCR 22, formally apologizing to Petitioner and acknowledging the role of racism and discrimination in the investigations against him. SCR 22 admitted that state agencies and officials acted *ultra vires*, without legal authority, further compounding the injustice faced by Petitioner.

Despite the foregoing and the admission of appellant to the practice of law in addition to reversing and vacating the OGEC appellate judgment that lingered on the record in excess of thirty (30) years as requested by SCR 22, the Oregon Supreme Court denied his Petition for Judicial Review, leading to this Petition for a Writ of Certiorari.



REASONS FOR GRANTING THE PETITION

I. Violation of Due Process and Equal Protection Rights

The denial of Petitioner's motion to vacate the judgment and reinstate his defamation claims, despite the acknowledgment of systemic racism, discrimination, and actions taken without legal authority, violates his due process and equal protection rights under the Fourteenth Amendment. This Court should grant certiorari to address this constitutional violation.

II. Interpretation of ORCP 71 B and C

The Oregon courts' interpretation of ORCP 71 B and C to deny relief, despite new evidence of systemic racism, fraudulent concealment, and actions taken without legal authority by state agencies and officials, raises significant questions about the proper application of these rules. This Court's guidance is needed to ensure that procedural rules do not perpetuate injustice.

III. Enforceability of Release of Claims

The enforcement of a release of claims obtained under duress and based on fraudulent misrepresentations violates Petitioner's constitutional rights. This

Court should grant certiorari to address the enforceability of such releases considering new evidence that was suppressed by the respondents or 34 years and legislative findings of misconduct as evidenced in SCR 22.

IV. Original Jurisdiction under Article III, Section 2

Given that John Kitzhaber is named in his representative capacity as former Oregon Senate President, and the Oregon Legislature's acknowledgement of *ultra vires* conduct by state agencies and officials, the State of Oregon is effectively a party to this case. This provides an alternative basis for the Supreme Court to consider the petition under its original jurisdiction as provided by Article III, Section 2 of the U.S. Constitution.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,
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March 28, 2025

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