

No. 24-459

In The
Supreme Court of the United States

GORDON CLARK,

Petitioner,

v.

SANTANDER BANK, N.A.,

Respondent.

**On Petition for a Writ of Certiorari to the
Supreme Court of Connecticut**

REPLY BRIEF FOR THE PETITIONER

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Respondent Santander Bank, N.A. through its attorney, Robert J. Wichowski (Mr. Wichowski) of Brock & Scott, PLLC, *filed factual errors and legal errors with this Court* through the filing of its *Brief in Opposition* on November 22, 2024. Moreover, *with all due respect* to Mr. Wichowski, and *giving him every benefit of the doubt*, since for some reason he apparently was assigned to file said *Brief in Opposition* despite not being involved *in any manner whatsoever* with the underlying state

proceedings, and who the *pro se* Petitioner Gordon Clark (Mr. Clark) had never heard of until said filing on November 22, 2024. Instead of Mr. Wichowski's colleague, Attorney Jeffrey M. Knickerbocker (Mr. Knickerbocker) filing said *Brief in Opposition*, who has been the lead attorney in the underlying legal proceedings in state court from its inception and for over the past more than five (5) years.

Nonetheless, Mr. Knickerbocker chose not to file said *Brief in Opposition*, which I am sure is common legal practice, despite his familiarity with all the state proceedings, and Mr. Wichowski did, which unfortunately shows Mr. Wichowski's ***lack of understanding or intentional misrepresentation*** of the facts and the law in this case.

Furthermore, if it were not for Mr. Wichowski's ***factual errors and legal errors filed with this Court*** in said *Brief in Opposition*, Mr. Clark would not have had to spend his *precious and limited time and resources* to file this *Reply Brief for the Petitioner*.

Consequently, after this Court reads this *Reply Brief for the Petitioner* concerning said *Brief in Opposition* factual and legal errors, Mr. Clark *hopes and trusts* that this Court will assign ***no validity nor merit*** to said *Brief in Opposition* filed by Mr. Wichowski on behalf of the Respondent on November 22, 2024. Which appears to have been filed in an effort to mislead this Court in the belief that this Court can

be easily misled and/or that Mr. Clark would not have the time, resources, and/or wherewithal to file a *Reply Brief*.

A. Respondent's *Brief in Opposition* Factual Errors

On April 29, 2022, *pro se* Defendant-Petitioner Gordon Clark (Mr. Clark) filed his *Answer, Affirmative/Special Defenses, Counterclaim, and Jury Demand* with the *Superior Court of Connecticut* (Please see: **HHD-CV19-6120472-S – Docket Entry 196.00**).

On May 18, 2022, Plaintiff-Respondent filed its *Answer and Special Defenses to Counterclaims* with the *Superior Court of Connecticut* (Please see: **HHD-CV19-6120472-S – Docket Entry 202.00**).

On April 10, 2023, Plaintiff-Respondent through its attorney, Mr. Knickerbocker filed its *fraudulent Certificate of Closed Pleadings* with the *Superior Court of Connecticut* (Please see: **HHD-CV19-6120472-S – Docket Entry 252.00**).

On April 26, 2023, Mr. Clark filed his *Claim for Jury* and paid the associated \$440 court fee with the *Superior Court of Connecticut* (Please see: **HHD-CV19-6120472-S – Docket Entry 264.00**).

However, Mr. Wichowski failed to mention that Defendant-Petitioner Gordon Clark filed a *Motion to*

Strike Fraudulent Certificate of Closed Pleadings on April 17, 2023, which was ***denied*** on May 1, 2023, ***one (1) day before trial*** (Please see: **HHD-CV19-6120472-S – Docket Entries 255.00 and 255.86**).

In addition, Mr. Wichowski failed to mention that Plaintiff-Respondent filed a ***Motion to Strike Defendant Claim for Jury Trial*** on April 28, 2023, which was ***granted*** on May 2, 2023, ***after the trial had commenced*** (Please see: **HHD-CV19-6120472-S – Docket Entries 272.00, 273.00, and 272.86**).

Furthermore, Mr. Wichowski ***falsely and repeatedly claims*** in said *Brief in Opposition* that Mr. Clark failed to file for a jury trial in a timely manner. When in fact, Mr. Clark filed on two (2) separate occasions demanding a jury trial, which were when he file his *Answer, Affirmative/Special Defenses, Counterclaim, and Jury Demand* with the *Superior Court of Connecticut* on April 29, 2022, ***which this filing alone should have been sufficient court notice*** (Please see: **HHD-CV19-6120472-S – Docket Entry 196.00**); and when Mr. Clark file his *Claim for Jury* form on April 26, 2023 (Please see: **HHD-CV19-6120472-S – Docket Entry 264.00**).

Lastly, Mr. Wichowski again spoke another ***misleading half-truth***, which is ***a whole-lie***, in his *Brief in Opposition*, where he falsely and repeatedly implies that Mr. Clark is receiving proper and lawful due process of law as a *pro se* litigant in state court,

when that is the furthest from the truth. For example, Mr. Wichowski stated the following:

“The Defendant filed a Motion to Stay Pending Decision by the U.S. Supreme Court per Connecticut Practice Book §71-7 on September 11, 2024. The State Trial Court denied the motion on September 12, 2024. The foreclosure sale went forward on September 14, 2024 as scheduled; however, to date, the State Trial Court has not approved the results of the foreclosure sale.”

However, what Mr. Wichowski does not mention to this Court is that Mr. Clark *initially* filed a **MOTION TO STAY SUPERIOR COURT PROCEEDINGS PENDING SCOTUS APPEAL** with the *Appellate Court of Connecticut* on September 5, 2024, *which is the proper procedure*. Nonetheless, when the *Appellate Court of Connecticut*, once again, failed to rule in a timely manner, Mr. Clark, a *pro se* litigant, *desperately* file a second **MOTION TO STAY SUPERIOR COURT PROCEEDINGS PENDING SCOTUS APPEAL** with the *Superior Court of Connecticut* on September 11, 2024, in an effort to *stay* the *Foreclosure by Sale* on September 14, 2024, that was denied by the *Superior Court* on September 12, 2024, which Mr. Clark subsequently learned that the *Superior Court* *did not have proper and lawful jurisdiction* to make such a ruling. *And to this very day*, the *Appellate Court of Connecticut* *has still not yet ruled* on said **MOTION TO STAY SUPERIOR**

**COURT PROCEEDINGS PENDING SCOTUS
APPEAL filed on September 5, 2024 (Please see:
AC-46473, and Motion 242482).**

Tragically, Mr. Clark continues to experience firsthand, for over five (5) years and counting, the ***repeated disrespect and the systemic denial*** of proper and lawful due process of law for *pro se* litigants.

Case in point, the **Connecticut Practice Book – Rules of Appellate Procedure: Sec. 71-7. Stays of Execution Pending Decision by United States Supreme Court**, *clearly and unequivocally* states, in part, as follows:

When the state Supreme Court has denied a petition for certification from the Appellate Court, any stay in existence at the time of such denial shall remain in effect for twenty days. Any party to the action wishing to extend such stay of execution or to otherwise obtain a stay of execution pending a decision in the case by the United States Supreme Court shall file a motion for stay with the appellate clerk directed to the Appellate Court. The filing of the motion shall operate as a stay pending the Appellate Court's decision thereon.

And yet, the Superior Court of Connecticut ***without proper and lawful jurisdiction*** not only disregarded said Section 71-7, but also ***denied*** Mr.

Clark's **MOTION TO STAY SUPERIOR COURT PROCEEDINGS PENDING SCOTUS APPEAL**, and then *unjustly and illegally* proceeded with the *Foreclosure by Sale* of Mr. Clark *beloved and deceased* wife's humble home of 65 years on September 14, 2024. Is it any wonder why *nearly half* of our fellow Americans have lost complete faith in our democratic/judicial institutions.

In the *United States of America*, our **public court** system is supposed to **pursue truth and justice for all and for the common good**, and not only for the rich and powerful, but also for the poor and powerless who cannot afford tens of thousands or hundreds of thousands or millions of dollars in legal fees. If not, our **public courts** have tragically become **private courts** for the rich and powerful to *evade just accountability* and/or to take advantage of the poor and powerless (neighbors), that can only be accessed by attorneys; and therefore, deprives *pro se* litigants equal access to our **public courts**, which is not how our court system was designed to work in the United States.

Consequently, due to Respondent's **facts being in error throughout** said *Brief in Opposition*, its reasoning and/or arguments are also **baseless, erroneous, and misleading**, and should not be relied upon in any manner whatsoever by this Court.

B. Respondent's *Brief in Opposition* Legal Errors

Mr. Wichowski on behalf of the Respondent also repeatedly makes legal arguments that are ***erroneous, without merit, absurd, ridiculous, and unprofessional.*** Frankly, Mr. Clark cannot decide if Mr. Wichowski just files template documents without proper review nor editing, thus the litany of errors, or if Mr. Wichowski believes that this Court can be easily fooled, because Mr. Clark *highly doubts* that Mr. Wichowski believes much of the ***nonsense*** that is contained in said *Brief in Opposition*.

For example, the Respondent falsely claims the following in his *Brief in Opposition*:

"The Connecticut Supreme Court's denial of the Petition is not within this Court's certiorari jurisdiction under 28 U.S. Code § 1257. The question presented by the Defendant is strictly one of state court law, it does not present a United States Constitutional question, nor does it seek to remedy a split of authorities or a pressing public interest issue and therefore should not be reviewed by the highest Court in the land."

This entire paragraph ***is a lie***, there is ***nothing true*** contained in it.

First of all, 28 U.S.C. § 1257 (State courts; certiorari), reads as follows:

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, *may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.*"

Therefore, this Court has certiorari jurisdiction under 28 U.S.C. § 1257, as well as under 28 U.S.C. § 1254 (1), 28 U.S.C. § 1331, 28 U.S.C. § 1654, and Rule 12.4. And the questions presented by the Defendant-Petitioner *do present* a United States Constitutional question, and *does seek* to remedy a split of authorities, and *is a pressing public interest issue*; and consequently, should be reviewed by the highest Court in the land.

Nor does it appear that the Respondent (Mr. Wichowski) is familiar with or instead chooses to feign ignorance of **The Constitution of the United**

States – *The Supremacy Clause*, Article VI, Paragraph 2, which reads as follows:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, ***shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding.***”

Nor does it appear that the Respondent (Mr. Wichowski) is familiar with or instead chooses to feign ignorance of **The Constitution of the United States – The Due Process of Law and Equal Protection Clause, 14th Amendment, Section 1**, which states, *in part*, the following:

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.

Nor does it appear that the Respondent (Mr. Wichowski) is familiar with or instead chooses to

feign ignorance of **Gibbons v. Ogden**, 9 Wheat. 1, 22 U.S. 1 (1824)., which states, *in part*, the following:

“But the framers of our constitution foresaw this state of things, and provided for it, by declaring the supremacy not only of itself, but of the laws made in pursuance of it. ***The nullity of any act. *211 inconsistent with the constitution, is produced by the declaration, that the constitution is the supreme law.*** The appropriate application of that part of the clause which confers the same supremacy on laws and treaties, ***is to such acts of the State Legislatures*** as do not transcend their powers, but, though enacted in the execution of acknowledged State powers, interfere with, or are contrary to the laws of Congress, made in pursuance of the constitution, or some treaty made under the authority of the United States. ***In every such case, the act of Congress, or the treaty, is supreme; and the law of the State, though enacted in the exercise of powers not controverted, must yield to it.***”

Nor does it appear that the Respondent (Mr. Wichowski) is familiar with or instead chooses to feign ignorance of **Hillsborough County, Florida, et al. v. Automated Medical Laboratories, Inc.**, 471 U.S. 707 (1985)., which states, *in part*, the following:

“It is a familiar and well-established principle that the Supremacy Clause, U. S. Const., Art. VI, cl. 2, *invalidates state laws that interfere with, or are contrary to, federal law*. *Gibbons v. Ogden*, 9 Wheat. 1, 211 (1824) (Marshall, *713 C. J.).”

Consequently, and once again, due to Respondent’s *cited law being in error throughout* said *Brief in Opposition*, as well as failing to address the *constitutional questions in Petitioner’s Petition*, its reasoning and/or arguments are also *baseless, erroneous, and misleading*, and should not be relied upon in any manner whatsoever by this Court.

C. Conclusion

The Petitioner believes and assert in his *Petition* and this *Reply Brief* that the *Respondent’s Questions* have been answered in the affirmative. That (1) “*The Petitioner correctly asserts that his procedural due process rights have been violated such that review by this Court is proper.*”; and (2) “*The Petitioner has set forth a valid basis on which review by this Court is proper.*”

However, the Petitioner also believes and asserts that the Respondent has *failed to address* the *Petitioner’s Questions* concerning the federal and state unconstitutionality of denying the Petitioner’s

rights to proper and lawful ***due process of law***, including, but not limited to *discovery, exhibits, witnesses, and a jury trial*, as well as the denial of a full transcript (written, audio, and/or video) of the *Remote Court Trial* proceedings, which would prove ***beyond any reasonable doubt*** that Mr. Clark was ***repeatedly denied*** his *due process of law rights* in this matter. Nor has the Respondent addressed the ***lack of subject matter jurisdiction***, nor the ***lack of in personam jurisdiction***, nor the ***lack of standing*** in this matter.

Finally, ***our constitutionally protected due process of law rights***, including, but not limited to a jury trial cannot be ***morally, lawfully, and/or justly*** taken away by judicial discretion and/or by legislative/judicial fiat ***without proper and lawful notice and/or the written and/or verbal consent of any litigant***. Especially not from a *pro se* litigant who does not understand all the *inconsistent rules* between courts, nor should any honorable court allow said *due process of law rights* to be ***stolen*** from its citizens through *deceit, subterfuge, and/or legislative/judicial/legal trickery*.

For example, this issue of state laws attempting to circumvent the constitutional right to a jury trial in state courts is not a problem in federal courts, since the federal courts do not have such ***arcane and unconstitutional rules***. Thus, the ***absolute need*** for this federal *Supreme Court of the United States* to correct this ***ongoing and unconstitutional injustice*** in the state courts of Connecticut.

Moreover, there is no honorable federal nor state court that would deny a jury trial to anyone charged with an **alleged crime without their written or verbal consent in a court of law**. Then how is it that the *State of Connecticut* can **routinely and systematically** deny civil litigants, **especially those litigants who cannot afford honest and competent legal counsel**, a jury trial **without their written or verbal consent in a court of law**, under the guise of a state law that **violates and is repugnant** both to the *Constitution of the State of Connecticut*, as well as *The Constitution of the United States*; and therefore, **is unconstitutional, and thus invalid on its face**.

WHEREFORE, for the foregoing reasons in this *Reply Brief for the Petitioner* and those stated in the *Petition for a Writ of Certiorari*, the *Petition* should be **granted** by this Court to **not only reaffirm** that *The Constitution of the United States*, including, but not limited to the **7th Amendment (The Right of Trial by Jury)**, the **5th Amendment (The Right to Due Process of Law)**, and the **14th Amendment (The Right to Equal Protection)** are **still in effect** in our *beloved, yet imperfect* Nation; but also, that the *Constitution of the State of Connecticut*, including, but not limited to **Article IV (The Right of Trial by Jury)**, **Article XVII (The Right to Due Process of Law)**, and **Article XXI (The Right to Equal Protection)** are **still in effect** in our *beloved, yet imperfect* State of Connecticut. As well as to **protect and defend** the rights of every American **to a jury trial, to due process of law, and to equal**

protection under the law, all of which are bedrocks of our judicial system, and foundational to the *rule of law*, that *our beloved, yet imperfect and fragile democracy* needs to survive and thrive for us today, and for our ***precious*** posterity for generations to come.

Thank you for your time, consideration, and understanding of this *urgent and critically important* legal matter; and blessings *always* to you and yours. Please continue to stay healthy and be safe.

And may *The Creator of Heaven and Earth* have *Mercy* on our *beloved, yet broken and divided* Nation, and may *He* have *Mercy* on *all* our souls.

Respectfully filed on December 30, 2024, by *pro se* Petitioner Gordon Clark.

/s/ Gordon Clark

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