

24-5967

ORIGINAL

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT EMERT, Petitioner,

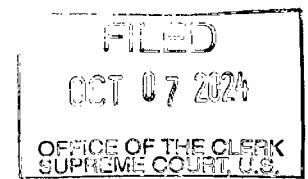
V.

SUPREME COURT OF CALIFORNIA, Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF
CALIFORNIA

PETITION FOR WRIT OF CERTIORARI

*A stay of proceedings was filed with Justice Elena Kagan and included copy of this
Writ of Certiorari*



ROBERT EMERT

Petitioner, In Pro Per

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I. QUESTION PRESENTED

Are the State of California courts at multiple levels (trial, appellate, and supreme) violating self-represented litigants' constitutional rights to due process and equal protection under the First and Fourteenth Amendments by abusing the Vexatious Litigant Statute (VLS) through coordinated actions that systematically deny access to justice?

II. LIST OF PARTIES AND RELATED CASES

Robert Emert, Respondent SDSC Case No.19FL010852N; Appellant
Court of Appeal, of the State of California, Fourth Appellate District, Division One
Supreme Court of California - Case No. S287030

Andrea Schuck (Emert), Petitioner SDSC Case No.19FL010852N; Respondent Court
of Appeal, of the State of California, Fourth Appellate District, Division One Supreme
Court of California - Case No. S287030

David S. Schulman and Sarah B. Bear of Moore, Schulman & Moore, APC, Attorneys
for Andrea Schuck (Emert) at all levels

*Emert v. Court of Appeal, of the State of California, Fourth Appellate District, Division
One Supreme Court of California* - Case No. S283070

In re the Marriage of ANDREA L. SCHUCK and ROBERT EMERT - D084322

In re the Marriage of Petitioner Andrea L. Emert and Respondent, Robert Emert -
19FL010852N Superior Court of San Diego (SCSD)

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IV. OPINIONS BELOW

For cases from state courts, no cases were published.

V. JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). This statute provides the Supreme Court with jurisdiction to review "[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had" when the validity of a statute is questioned on federal constitutional grounds or when any right, privilege, or immunity is claimed under the Constitution. The Supreme Court of California, the highest court of the state, denied the petition for writ of mandate and request for immediate stay on October 2, 2024, received through USPS October 6, 2024.

VII. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1) The Coordinated Actions of California Courts Violate Fundamental Constitutional Rights

The pattern of conduct exhibited by the California courts in this case infringes upon fundamental rights protected by the U.S. Constitution:

A. First Amendment Right to Petition

The First Amendment protects "the right of the people ... to petition the Government for a redress of grievances." This Court has recognized that the right of access to courts is an aspect of the right to petition. BE&K Construction Co. v. NLRB, 536 U.S. 516, 525 (2002). The potential abuse of the vexatious litigant statute to silence legitimate claims threatens this fundamental right.

B. Fourteenth Amendment Due Process and Equal Protection

The Fourteenth Amendment prohibits states from depriving "any person of life, liberty, or property, without due process of law" or denying "any person within its jurisdiction the equal protection of the laws." The coordinated actions of the California courts—from the trial court's premature scheduling of a vexatious litigant hearing to the appellate court's manipulation of the remittitur date—appear to violate these fundamental principles.

As this Court held in *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976), "[t]he fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" The systemic barriers erected by the California courts in this case,

particularly against a self-represented litigant, raise serious questions about whether such a meaningful opportunity was provided.

2) The Disregard for State Procedural Rules Raises Important Federalism and Due Process Concerns

The apparent disregard for California's own procedural rules implicates important questions about the limits of state court discretion:

A. California Code of Civil Procedure § 916(a) (Stay of proceedings)

This statute mandates that an appeal stays proceedings in the trial court on matters embraced in or affected by the appealed judgment or order. The trial court's scheduling of a vexatious litigant hearing while an appeal was pending appears to violate this provision.

B. California Rules of Court, Rules 8.264(b) and 8.272(b)

These rules govern the finality of appellate decisions and issuance of remittitur. The appellate court's apparent manipulation of the remittitur date raises serious concerns about adherence to these rules.

C. California Code of Civil Procedure § 391 (Vexatious Litigant Statute)

The potential misuse of California's vexatious litigant statute raises serious constitutional concerns. While ostensibly designed to prevent truly frivolous litigation, its application in practice threatens to silence legitimate claims and impede access to justice. The alarming statistic that approximately 3,500 Californians have been designated as vexatious litigants underscores the statute's overreach. This number is particularly troubling given that only a handful of states have adopted similar statutes, suggesting that California's approach is an outlier that may infringe on constitutional rights.

The excessive use of this statute appears misaligned with fundamental due process principles and potentially violates the constitutional right to petition the government for redress of grievances, as protected by the First Amendment. By creating a significant barrier to court access for a large number of citizens, the statute's implementation may be straying from its intended purpose of judicial efficiency and veering into the realm of unconstitutional restriction on legal recourse.

This Court's review is necessary to ensure that vexatious litigant statutes, particularly as applied in California, do not become tools for denying legitimate claimants their day in court, thereby preserving the delicate balance between preventing frivolous litigation and protecting the fundamental right of access to justice.

D. California Code of Civil Procedure § 473(b) (Relief from default)

The trial court's failure to properly consider the motion to vacate under this provision, especially in light of Petitioner's medical emergency, raises due process concerns.

3) Potential Fraud Upon the Court Exacerbates Constitutional Violations

The apparent coordination between different levels of the California court system suggests potential fraud upon the court, which intersects with the constitutional and statutory provisions in several ways:

A. Undermining Due Process and Equal Protection

Fraud upon the court compromises the integrity of judicial proceedings, preventing fair and impartial decision-making based on accurate information.

B. Nullifying the Right to Petition

Manipulating the judicial process through fraud can effectively nullify a litigant's First Amendment right to petition for redress of grievances.

C. Circumventing Procedural Safeguards

Fraudulent conduct could be used to circumvent the automatic stay during appeal, improperly calculate remittitur dates, or misrepresent a litigant's history to improperly invoke the vexatious litigant statute.

4) This Case Presents an Ideal Vehicle for Addressing These Important Issues

As this Court noted in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 887 (2009), "extreme facts are more likely to cross constitutional limits." The extraordinary circumstances of this case—Involving apparent coordination across multiple levels of the state judiciary—make it an ideal vehicle for providing needed guidance on these important constitutional questions.

In conclusion, the issues presented in this case are of exceptional importance, implicating fundamental questions of due process, equal protection, and access to justice. The petition for a writ of certiorari should be granted to address these critical issues and provide necessary guidance to lower courts across the nation.

5) Evidenced Fraud Upon the Court

A) Federal Rule of Civil Procedure 60(d)(3) and Related Case Law

While this case originates in state court, the principles underlying Federal Rule of Civil Procedure 60(d)(3) and related case law are instructive. These sources illuminate the gravity of fraud upon the court and the consequences of due process violations.

Rule 60(d)(3) preserves the court's power to "set aside a judgment for fraud on the court." This Court has long recognized the seriousness of such fraud:

- i. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944): This Court held that fraud on the court is "a wrong against the institutions set up to protect and safeguard the public," emphasizing that such fraud "is a matter of public concern transcending the interests of the parties to the cause."
- ii. *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991): This Court reaffirmed the inherent power of courts to address fraud on the court, stating that "courts are invested with inherent powers to manage their own affairs so as to achieve the orderly and expeditious disposition of cases."
- iii. *Bullock v. United States*, 763 F.2d 1115 (10th Cir. 1985): The court defined fraud upon the court as "fraud which is directed to the judicial machinery itself."

B) Void Judgments Due to Lack of Due Process

Courts have consistently held that judgments entered without due process are void:

1. *Armstrong v. Manzo*, 380 U.S. 545 (1965): The Supreme Court held that a judgment entered without notice or an opportunity to be heard is void.
2. *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988): The Court ruled that a default judgment entered without proper service of process was void, regardless of whether the defendant had a meritorious defense.
3. *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260 (2010): While not declaring the judgment void in this case, the Court discussed the principle that a judgment is void "only if the court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or if it acted in a manner inconsistent with due process of law."

C) Equal Access to Courts

The systemic denial of equal access to courts can also undermine the validity of proceedings:

1. *Boddie v. Connecticut*, 401 U.S. 371 (1971): The Supreme Court held that due process prohibits a state from denying access to its courts solely because of inability to pay court fees.

The apparent coordination between different levels of the California court system in this case raises serious questions about potential fraud on the court, violations of due process, and denial of equal access to justice. If proven, such conduct would not only violate state procedural rules but would also implicate fundamental principles of justice recognized by this Court. As established in the cited cases, such violations can render judgments void, striking at the very heart of judicial integrity and the constitutional rights of litigants.

The apparent coordination between different levels of the California court system in this case raises serious questions about potential fraud on the court. If proven, such conduct would not only violate state procedural rules but would also implicate fundamental principles of justice recognized by this Court.

III. STATEMENT OF THE CASE

This case presents a disturbing pattern of coordinated actions across multiple levels of the California court system that appear designed to abuse the vexatious litigant statute and deny Petitioner his constitutional rights to due process and equal protection.

Individuals and courts involved in this orchestrated collusion include, but likely not limited to:

Andrea Schuck, formerly Andrea Emert – Petitioner

David S. Schulman and Sarah B. Bear of Moore, Schulman and Moore, APC –
Opposing Counsel

Judge Alana Wong Robinson – San Diego Superior Court (SDSC) Family Court –

Former Commissioner Patti Ratekin – San Diego Superior Court (SDSC) Family Court

Former Judge Lorna Alksne – San Diego Superior Court (SDSC) Family Court –

Judge Elena Kelety – Court of Appeals Fourth District, Division One (COA)

Judge Patricia Guerrero – California Supreme Court (CSC)

A. ORCHESTRATED SHOWING OF FEAUD BETWEEN COUNSEL & COURTS

1. **CSC** - On October 2, 2024, the California Supreme Court denied Petitioner's writ of mandate without comment, effectively rubber-stamping the lower courts' incorrect remittitur date. (App. A). It should be noted that while typically, through the California Truefiling system I receive emails regarding issues or decisions. This denial was not emailed and sent by regular mail and received on 10/06/24.

2. **SDSC** – On October 4, 2024, Respondent filed a Motion for Sanctions against Petitioner and Opposing Counsel for their blatant disregard of Rules of Court, statute, and case law manipulation. (App. K)
3. **SDSC** - Under protest, in a court that lacked jurisdiction and would not stay the October 8th hearings, on October 3, 2024 Respondent was forced to file objections to Petitioner's "reply". (App. J)
4. **SDSC** - Under protest, in a court that lacked jurisdiction and would not stay the October 8th hearings, on October 3, 2024 Respondent was forced to file objections to Petitioner's NEW REQUEST FOR JUDICIAL NOTICE. (App. I)
5. **SDSC** – Under protest, in a court that lacked jurisdiction and would not stay the October 8th hearings, on October 1, 2024 Respondent was forced to file objections to Petitioner's vexatious litigant designation attempt motion. (App. H)
6. **SDSC** – On October 1, 2024, Petitioner filed a NEW REQUEST FOR JUDICIAL NOTICE related to the vexatious litigant opposition filed under protest on September 25, 2024, that was intended to be heard only five court days later on October 8th. The motion simply cited eighteen (18) documents and cases outside of the trial court. (App. G)
7. **SDSC** – On October 1, 2024, Petitioner also filed a "reply" to Respondent's vexatious litigant opposition filed under protest on September 25, 2024, that included new information, failed to reply to Respondent's issues raised, and filed FORTY (40) NEW EXHIBITS. (App. F)
8. **SDSC** – Under protest, in a court that lacked jurisdiction would not stay the October 8th hearings, on October 1, 2024, Respondent was forced to file a reply to his collateral attack RFO. (App. E)
9. **SDSC** – On September 25, 2024, in a court that lacked jurisdiction and would not stay the October 8th hearings, Respondent was also forced to file his Responsive Declaration (FL-320) to Petitioner's vexatious litigant designation attempt that included his Memorandum of Points & Authorities, Declaration, Notice of Intent to Lodge Documents, Request For Remote Hearing, Witness List, and Request for a Court Reporter. (App. D)
10. **CSC** - On September 22, 2024, Petitioner filed a Petition for Writ of Mandate with the California Supreme Court, seeking to correct the remittitur date, address the lower

courts' disregard for procedural rules, and discussion as to the missing motions from the Appellate Court Docket. (App. B)

11. **COA** – The same day, on September 18, 2024, the Appellate Court REJECTED Appellant's Motion for Clarification & Request to Amend Record. This motion was omitted from the case docket. (App. B, Exhibit 7, pg. 74)
12. **COA** – On September 18, 2024, Appellant filed a Motion for Clarification & Request to Amend the Record after he noticed the erroneous remittitur date, mischaracterization of his Motion For Reconsideration, and the order that was removed from the scheduled actions and omitted from the case docket. (App. B, Exhibit 6, pgs. 46-72)
13. **COA** – Although Appellant inquired as to his Motion for Reconsideration, and an order was issued only moments before, at approximately **142pm**, the Court of Appeal REJECTED Appellant's Motion for Status & Clarification, and failed to add it to the case docket. (App. B, Exhibit 8, pg. 95)
14. **COA** - Also on September 17, 2024, at approximately **140pm**, the Court of Appeal denied Petitioner's motion for reconsideration. In this denial, the court set an erroneous remittitur date of October 7, 2024, that did not comply with California Rules of Court 8.264(b) and 8.272(b). The correct date should have been November 17, 2024, or 61 days after the denial of the motion for reconsideration. (App. B, Exhibit 8, pg. 95)
15. **SDSC** – At **130pm** on September 17, 2024, the Superior Court denied the ex parte application, stating that if the remittitur was not issued before the October 8 hearing, the hearing would be continued. (App. B, Exhibit 13, pg. 99). However, Respondent's Responsive Declaration (Opposition) was due September 25, 2024, thus Respondent filed under protest and argued jurisdictional issues. Important to note is how the trial court issued the denial without giving Respondent the opportunity to be heard, and returned his RFO that requested the stay pending appeal along with other jurisdictional issues.
16. **COA** – Because Appellant had yet to receive an order on his Motion for Reconsideration, the morning of September 17, 2024, Appellant filed a Motion For Status & Clarification (App. B, Exhibit 8, pgs. 77-93)
17. **SDSC** - On September 16, 2024, Petitioner filed an ex parte application for stay with the Superior Court, seeking to stay the October 8 vexatious litigant hearing. (App. B,

Exhibit 13, pgs. 100-143). With the ex parte application, Respondent submitted an order shortening time to hear Respondent's request for stay pending the appeal.

18. **COA** - On September 13, 2024, the Future Scheduled Actions of the docket for case no. D084322 read: "Order on motion to vacate dism. w/J. Dalessio." This order was never served on Appellant, and later removed from the section after the September 17, 2024 denial of the Motion For Reconsideration. (App. B, Exhibit 5, pg. 45)
19. **COA** - On August 9, 2024, Petitioner filed a Motion for Reconsideration. (App. B, Exhibit 13, pgs. 191-192)
20. **COA** - On August 8, 2024, Appellant's appeal was dismissed. (App. B, Exhibit 13, pgs. 193-199)
21. **SDSC** - On May 28, 2024, the Superior Court issued a minute order acknowledging its lack of jurisdiction due to the pending appeal to hear Petitioner, yet still scheduled a hearing on the vexatious litigant motion for October 8, 2024. (App. B, Exhibit 16, pgs. 218-219)
22. **SDSC** - On May 3, 2024, while the appeal was pending, opposing counsel filed a motion in the Superior Court to designate Petitioner as a vexatious litigant. This was done despite the trial court's lack of jurisdiction due to the pending appeal under CCP § 916(a) but the trial court still calendared the hearing for October 8, 2024 and pushed it onto the date of Respondent's motion for collateral attack. This was the very same day as the collateral attack motion, yet this motion was filed six months prior on December 6, 2024. Then Respondent's Notice of Appeal was filed April 16, 2024. (App. C, Exhibit 15, pg. 215). It is also of significance to mention that Opposing Counsel added May 28, 2024 as the hearing date instead of the October 8, 2024 assigned hearing date on each of his RFO pleadings filed, and page two (2) of both Opposing Counsel's Memorandum of Points & Authorities and Petitioner's Declaration were missing from service on Respondent. (App. C)
23. **SDSC** - The clerk accepted Petitioner's vexatious RFO on May 3, 2024 related to matters on appeal from April 16, 2024. This could have been the result of the fact the Register of Action was not changed to read "Certified to Appellate" after the Notice of Appeal was filed. (App. C)
24. **COA** - On April 16, 2024, Petitioner filed a notice of appeal with the California Court of Appeal, Fourth Appellate District, Division One (Case No. D084322) of the order entered March 5, 2024. (App. B, exhibit 15, pg. 215)

25. **SDSC** - On January 24, 2022, a default judgment was entered against Petitioner in the Superior Court of California, County of San Diego (Case No. 19FL010852N). This judgment stripped Petitioner of all parental rights and significant financial assets, including his retirement account, shortly after Petitioner suffered a near-fatal heart attack.
26. **SDSC** - On July 20, 2022, within the six-month period prescribed by California Code of Civil Procedure § 473(b), Petitioner filed a motion to vacate the default judgment. An amended motion was filed on August 15, 2022. The Superior Court initially claimed it lacked jurisdiction to hear the motion to vacate, then reversed this position, only to ultimately deny the motion.

- 1. FRAUD UPON THE COURT & ORCHESTRATED COLLUSION BETWEEN OPPOSING COUNSEL, THE TRIAL COURT, APPELLATE COURT, & CALIFORNIA SUPREME COURT**

As demonstrated within Petitioner's Writ of Mandate that requested an immediate stay filed with the California Supreme Court on September 22nd, denied on October 2nd, this sequence of events demonstrates a troubling pattern of coordinated actions across all levels of the California court system that included, but was not limited to:

1. The Trial Court scheduled a vexatious litigant hearing for October 8th while it lacked jurisdiction due to an entwined pending appeal;
2. The Appellate Court set the Remittitur Due Date at October 7th that was only 60 days, not 61, from the date of the dismissal;
3. This erroneous remittitur date would allow the vexatious litigant hearing to proceed on October 8th;
4. The Appellate Court mischaracterized Appellant's Motion for Reconsideration (MFR) as a "Motion to Vacate Dismissal," and in turn refused to toll the remittitur dated based on the impact of the MFR and final order date to give Appellant an opportunity to file a Petition for Review;
5. The MFR order was issued exactly 40 days after the Appellate Court initially dismissed the appeal on September 17th, thus denying Appellant the opportunity to file a Petition for Review with the California Supreme Court;

6. Appellant's Motion for Clarification & Status Update and Motion for Clarification & Request to Amend Record were omitted from the Appellate Court case docket, and were both REJECTED without reason, respectively on September 17th & 18th;
7. Also on September 17th, the Trial Court denied Respondent's ex parte request on the pleadings, ignored Respondent's request to stay two related motion hearings set for October 8th, which forced Respondent to file his opposing pleadings and objections under protest to protect his due process rights;
8. The California Supreme Court then held onto Appellant's request for an immediate stay and denied relief electronically requested on September 22nd, refused to correct these clear errors, despite being presented with evidence of the lower courts' violations of procedural rules, statute, and case law;
9. Instead of e-filing the denial order to give Petitioner an opportunity to formulate a strategy for the October 8th the trial court, who lacked jurisdiction and refused to take off calendar, the California Supreme Court mailed the order via USPS regular mail, thus Petitioner did not open until October 6th;
10. The Trial Court scheduled the vexatious litigant hearing for the same day as Respondent's long-pending motion for collateral attack, effectively conflating two separate issues;
11. Without reprimand, Opposing Counsel manipulated hearing dates on filed documents, adding confusion to the proceedings;
12. The Appellate Court removed a scheduled order from its docket without explanation, further obscuring the procedural history;
13. The Trial Court forced Respondent to file multiple documents under protest, in a court lacking jurisdiction, to preserve his rights;

In summary, the pattern of actions described above reveals a deeply troubling level of coordination across all levels of the California judicial system, and a clear showing of FRAUD UPON THE COURT. From the trial court's improper scheduling of a vexatious litigant hearing despite lacking jurisdiction, to the appellate court's manipulation of remittitur dates and mischaracterization of motions, to the supreme court's refusal to correct clear procedural errors, every level of the state's judiciary appears to have played a role in obstructing Petitioner's due process rights. This orchestrated series of actions strongly suggests a concerted effort to expedite an improper vexatious litigant designation while simultaneously preventing Petitioner from challenging the underlying default judgment.

The cumulative effect of these actions goes far beyond mere procedural irregularities or coincidental errors. Instead, they paint a picture of systemic abuse of judicial power, aimed at silencing a litigant through improper means. This coordinated effort to deny Petitioner his constitutional rights to due process and equal protection under the law raises profound concerns about the integrity of the California judicial system. The gravity of these issues, which strike at the heart of fundamental constitutional protections, demands immediate attention and intervention from this Court to prevent a gross miscarriage of justice and to preserve the public's faith in the fairness and impartiality of our legal institutions. The cumulative effect of these actions has been to systematically deny Petitioner due process and equal protection under the law, raising significant constitutional concerns that warrant this Court's immediate attention and intervention.

IX. REASONS FOR GRANTING THE PETITION

These actions, viewed collectively, suggest a concerted effort to expedite the vexatious litigant hearing and prevent Petitioner from fully exercising his appellate rights. This apparent abuse of the vexatious litigant statute threatens to deny Petitioner due process and equal protection under the law, raising significant constitutional concerns that warrant this Court's review. It is important to note that in the approximately four years of these proceedings has there ever been a Judge to even mention that any of my pleadings or motions have been of a vexatious nature as can be easily verified by the minute orders.

1. This Case Presents an Important Question About Systemic Abuse of Vexatious Litigant Statutes

This case raises a critical issue of national importance: whether state courts at multiple levels are colluding to abuse vexatious litigant statutes in a manner that systematically denies self-represented litigants their constitutional rights. The pattern of conduct observed in California courts could set a dangerous precedent if left unchecked, potentially eroding fundamental due process protections across the nation.

2. The Actions of California Courts Reveal a Troubling Pattern of Coordinated Due Process Violations

The timeline of events in this case suggests a coordinated effort across all levels of the California court system to expedite a vexatious litigant hearing while simultaneously denying Petitioner the opportunity to challenge the underlying default judgment:

- a) The trial court scheduled a vexatious litigant hearing while lacking jurisdiction due to a pending appeal, in clear violation of California Code of Civil Procedure § 916(a).

b) The appellate court refused to correct an erroneous remittitur date, contrary to California Rules of Court, Rules 8.264(b) and 8.272(b), which would have prevented the premature vexatious litigant hearing.

c) The California Supreme Court denied relief despite clear procedural irregularities in the lower courts, effectively rubber-stamping these due process violations.

This pattern raises serious questions about the potential for systemic abuse of vexatious litigant statutes to deny access to courts, an issue of growing concern nationwide as more states adopt similar statutes.

3. This Case Presents an Opportunity to Address Systemic Bias Against Self-Represented Litigants

The treatment of Petitioner throughout these proceedings raises concerns about potential systemic bias against self-represented litigants in state court systems. By granting this petition, this Court can provide much-needed guidance on the obligations of state courts to ensure fair treatment and access to justice for self-represented litigants, an issue of growing importance as the number of such litigants increases nationwide.

4. The Case Highlights the Need for Clarification on the Limits of State Court Procedural Discretion

This case presents an opportunity for the Court to clarify the extent to which state courts can disregard their own procedural rules before violating federal due process protections. The apparent coordination between different levels of the California court system to sidestep established procedural safeguards raises important questions about the boundaries of state court discretion in procedural matters.

5. Review is Necessary to Prevent Erosion of Constitutional Protections in State Court Proceedings

If left unchecked, the procedural irregularities and apparent coordination between different levels of the California court system in this case could set a dangerous precedent, potentially eroding constitutional protections for litigants in state courts across the nation. This Court's review is necessary to reaffirm the importance of procedural fairness and due process in state court proceedings, particularly when fundamental rights such as parental rights are at stake.

6. The Case Presents an Opportunity to Address the Intersection of Disability Accommodations and Due Process

Petitioner's medical emergency (a heart attack) played a significant role in the initial default judgment. This case provides an opportunity for the Court to address how state courts should

balance strict adherence to procedural rules against the fundamental fairness required by due process, particularly when extraordinary circumstances like severe medical emergencies are involved.

7. This Case Raises Important Questions About the Proper Use of Vexatious Litigant Statutes

While vexatious litigant statutes serve a legitimate purpose in preventing abuse of the court system, this case highlights the potential for these statutes to be weaponized against litigants who are legitimately seeking to exhaust their legal remedies. This Court's guidance is needed to ensure that these statutes are not used in a manner that infringes upon constitutionally protected rights of access to the courts and due process.

For these reasons, this case presents questions of exceptional importance that warrant this Court's review. The petition for a writ of certiorari should be granted to address these critical issues and provide necessary guidance to lower courts across the nation.

X. CONCLUSION

This case presents critical constitutional questions arising from an alarming pattern of coordinated judicial conduct across multiple levels of the California court system. The systematic manipulation of procedural rules, arbitrary denial of due process, and apparent collusion between trial, appellate, and supreme courts to expedite an improper vexatious litigant designation raise profound concerns about the integrity of state judicial proceedings and the protection of fundamental rights for self-represented litigants.

The issues presented extend far beyond this individual case:

1. They highlight the potential for abuse of vexatious litigant statutes nationwide to silence legitimate claims and deny access to justice.
2. They demonstrate how coordinated procedural irregularities can effectively nullify constitutional protections, particularly for vulnerable litigants.
3. They reveal an urgent need for clarity on the limits of state court discretion in bypassing established procedural safeguards.
4. They underscore the challenges faced by self-represented litigants in navigating complex legal systems, especially when confronted with coordinated opposition from the courts themselves.
5. They illustrate the intersection of disability accommodations and due process rights, raising questions about balancing strict procedural adherence with fundamental fairness.

Left unaddressed, the conduct observed here threatens to erode public confidence in the impartiality of state courts and the constitutional guarantees of due process and equal protection. This Court's intervention is necessary not only to rectify the injustice in this case but to reaffirm the paramount importance of procedural fairness, particularly when fundamental rights like parental custody are at stake.

By granting this petition, the Court has an opportunity to:

- - Provide essential guidance on the proper application of vexatious litigant statutes
- - Clarify the constitutional limits on state court procedural discretion
- - Reinforce due process protections for self-represented litigants
- - Address the interplay between disability accommodations and procedural rights
- - Safeguard the integrity of state court proceedings nationwide

The questions presented are of exceptional importance, with far-reaching implications for the administration of justice across the United States. This Court's review is not only warranted but essential to protect the constitutional rights of all litigants and preserve faith in our judicial institutions.

For these reasons, Petitioner respectfully urges this Court to grant the writ of certiorari and address these critical issues of national significance.

XI. RELIEF SOUGHT

Petitioner respectfully requests that this Court:

1. Grant this petition for a writ of certiorari to review the judgment of the California Supreme Court.
2. Reverse the decisions of the lower courts and remand the case for further proceedings consistent with due process and equal protection principles.
3. Provide guidance on the proper application of vexatious litigant statutes to ensure they are not used to deny constitutional rights.
4. Strike the vexatious litigant request pleadings filed May 3rd and thereafter;
5. Issue any other relief that the Court deems just and proper.

Respectfully,

Rob Emert
10/07/24