

No. 24-890

IN THE SUPREME COURT OF UNITED STATES

RICHARD RYNN
Petitioner/Appellant,

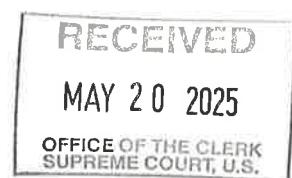
v.

AVONDALE COURT CRAIG
JENNINGS, STATE OF ARIZONA,
CITY OF AVONDALE, SHAYLEY
MATHEWS, PATRICK CAMUNEZ,
FIRST TRANSIT

Respondents/Appellees.

PETITION FOR REHEARING WRIT OF
CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE ARIZONA SUPREME COURT

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Appellant/Plaintiff
Pro Se



QUESTIONS PRESENTED

1. Whether a state court's refusal to consider credible allegations of fraud on the court under Federal Rule of Civil Procedure 60(d)(3)—relying instead on state procedural rules—violates the Fourteenth Amendment's guarantee of due process?
2. Whether a workplace injunction issued without employer participation, legal standing, or notice violates constitutional due process and is void as a matter of law?
3. Whether denial of an evidentiary hearing on contested material facts, despite timely objections and new exculpatory evidence, violates procedural due process under the Fourteenth Amendment?
4. Whether enforcement of an injunction procured through materially false or misleading representations—omitting critical jurisdictional facts—constitutes fraud on the court warranting vacatur?
5. Whether prolonged state court inaction on a motion to vacate a constitutionally infirm judgment constitutes a due process violation and justifies federal intervention?
6. Whether the denial of union representation, lack of notice, and undisclosed ex parte communications violated Petitioner's labor and due process rights?

PARTIES TO PROCEEDING

AVONDALE COURT CRAIG JENNINGS, STATE OF
ARIZONA, CITY OF AVONDALE, SHAYLEY
MATHEWS, PATRICK CAMUNEZ, FIRST TRANSIT
Rynn V Craig Jennings, First Transit, Et Al
Avondale City Court Case No. P02019000235
Superior Court Case No. LC2022-000265
Superior Court Case No.CV-2022-011208
Arizona Court of Appeals Case No. 1 CA-CV 23-0092
ARIZONA SUPREME COURT Case No. CV-24-0032

DIRECTLY RELATED CASES

Ninth Circuit Case No. 25-1951, Rynn v Craig
Jennings, First Transit Et Al

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.2, Petitioner respectfully request rehearing of the Court's April 21, 2025 denial of their petition for a writ of certiorari and requests immediate injunctive relief to prevent ongoing and irreparable harm arising from an unconstitutional and procedurally defective injunction. Rehearing is warranted where intervening circumstances of substantial or controlling effect have arisen, or where substantial grounds not previously presented warrant reconsideration and due to newly discovered evidence of the workplace, material misrepresentations in the record, and manifest errors of law that fundamentally undermine the legitimacy of the injunction and related state court proceedings. Petitioner further requests transfer or coordination of this matter with *Rynn v. First Transit*, Ninth Circuit Case No. 25-1951, in light of overlapping legal and factual issues.

STATEMENT OF THE CASE

This Petition arises from the Arizona Supreme Court's denial of review in Case No. CV-24-0032-SA, following the Arizona Court of Appeals' summary denial on January 18, 2024, of post-judgment motions including: **A motion for new trial under Rule 60; A motion for order to show cause based on newly discovered evidence of fraud; and A motion for clarification and to dismiss the appeal for lack of jurisdiction.** (ID 89 p.1-20)

Petitioner's motions raised substantial constitutional and jurisdictional issues grounded in **Federal Rule of Civil Procedure 60(d)(3)**, which authorizes relief from judgments obtained through fraud on the court. Despite presenting documentary evidence and sworn statements revealing material misconduct by litigants and judicial actors, Arizona courts denied relief without holding evidentiary hearings or making findings of fact.

No ruling was issued on the merits of Petitioner's motion to vacate the judgment as void for fraud, nor was the federal rule acknowledged or applied.

REASONS FOR GRANTING REHEARING

Relief Under Rule 60(d)(3) Is Independent of State Procedural Bars

Federal Rule of Civil Procedure 60(d)(3) permits courts to set aside a judgment for "fraud on the court" without regard to time limitations or jurisdictional defenses. This Court has affirmed the imperative to protect judicial integrity where fraud undermines proceedings. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). The Arizona courts' failure to consider or even acknowledge this rule when presented with a colorable claim of fraud was a constitutional and legal error. (Ninth Cir. Case 25-1951, Dkt. 32.1, p.1-20)

Due Process Was Violated by Summary Denial of Colorable Fraud Allegations

Petitioner submitted sworn testimony, corroborating documents, and evidence of misrepresentations by Respondents and omissions by the courts—none of which received a hearing or substantive review. The Arizona Court of Appeals' one-line denial fails to satisfy due process requirements for a full and fair opportunity to challenge a judgment allegedly obtained by fraud.

See *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260 (2010); *Marshall v. Board of Ed.*, 575 F.2d 417 (3d Cir. 1978). (ID 88-102) (ID 89 p.1-20)

Res Judicata Does Not Apply to Judgments Procured by Fraud

The Arizona Supreme Court cited prior decisions involving Petitioner, including: *Rynn v. First Transit*, 21-16836, 2022 WL 17176487 (9th Cir. 2022) *Rynn v. First Transit*, 2:20-cv-01309, 2021 WL 3209665 (D. Ariz. 2021) *Rynn v. First Transit*, 2:21-cv-01755, 2021 WL 60503122 (D. Ariz. 2021) *Rynn v. Avondale Court*,

2023 WL 8596484 (Ariz. Ct. App. Dec. 12, 2023)

However, these cases rest on materially false or incomplete facts and were themselves tainted by fraud and judicial bias. This Court has long held that res judicata cannot shield judgments obtained through fraud. *United States v. Throckmorton*, 98 U.S. 61 (1878). (Dist Ct. Case No. 24-CV-00294, Dkt. 182 #2)

The Injunction Was Issued Without Employer Involvement and Is Legally Void

The Avondale Municipal Court issued a workplace injunction without naming the employer, First Transit, as a party. The company's own attorney confirmed no harassment occurred during work hours. (See Ninth Cir. Case 25-1951, Dkt. 32.1, 33.1 p.1-7, 33.2, 33.3; D. Ariz. Dist. Ct. Case No. 24-CV-00294, Dkt. 178-12 at 2-4). In issuing an employment-related order without employer participation, the court exceeded its jurisdiction and violated procedural norms.

Petitioner Was Denied a Hearing on Contested Issues of Material Fact

Despite raising legitimate disputes supported by testimony and records, Petitioner was denied an evidentiary hearing—an essential safeguard where material facts are in dispute. The absence of such a hearing contravenes well-established constitutional standards for due process. (ID 89 p.1-20)(ID 89-102)

Fraud, Ongoing Harm, and Misrepresentation Render Continued Enforcement Unconstitutional

Subsequent disclosures confirm the original injunction was based on materially false allegations. Craig Jennings, acting individually and not on behalf of the employer, recharacterized a personal injunction as a workplace order in 2023. The factual basis for that characterization was refuted by sworn statements and is unsupported by any legal standard. This constitutes ongoing fraud and causes irreparable harm to

Petitioner, including reputational injury, employment barriers, and due process violations.

Procedural Due Process Violations and Extraordinary Delay

As of 2025, Petitioner's Motion to Vacate and motion for new trial remains pending before the Avondale court for over five years with no response from the opposing party and no ruling issued by the court. see Arizona District court Case No.:24-CV-00294 Dkt. 178-10 p. 6-8 and Ninth Circuit Case No. 25-1951. This inaction constitutes a clear violation of Petitioner's due process rights and directly contravenes state procedural rules governing judicial decision-making.

Arizona Rule of Civil Procedure 91(b) mandates that “[a] judge must rule on a matter submitted for decision within 60 days after the matter is deemed submitted.” Despite the passage of many months since submission,

the trial court has failed to act, leaving Petitioner without a resolution or redress for ongoing constitutional and procedural violations stemming from a facially defective injunction.

This unreasonable delay undermines the fairness and efficiency of judicial proceedings, prejudices Petitioner's ability to seek relief from an unlawful judgment, and exacerbates the irreparable harm arising from continued enforcement of a void order. Such inaction not only violates state law but also rises to the level of a due process violation under the Fourteenth Amendment, as it effectively denies Petitioner meaningful access to the courts.

Given the manifest injustice and the lack of compliance with fundamental procedural safeguards, Petitioner respectfully requests that this Court intervene to ensure enforcement of both state and federal due

process guarantees. Respondents continue to withhold discovery, refuse to respond, and fail to correct the false record. This ongoing misconduct, grounded in fraud and perpetuated by silence, continues to cause irreparable harm. (ID 89 p.1-20)

Respondents' Admissions by Failure to Deny Under Rule 8(b)(6)

Federal Rule of Civil Procedure 8(b)(6) provides that allegations not denied are deemed admitted. Respondents have failed to deny the allegations set forth in Petitioner's pleadings and supporting exhibits throughout the record. These include: Defendants' sworn admissions, Failure to produce corroborating evidence, Appellant's personal knowledge of the events, False statements submitted under oath, Participation in undisclosed ex parte proceedings. As such, the material allegations are deemed admitted, and the injunction lacks a valid legal foundation. Prior court

rulings based on these tainted findings must be vacated. (ID 89 p.1-20)

Respondent Jennings Lacks Standing to Seek Workplace Injunctions

Respondent Jennings, lacks standing to seek an injunction with an employee concerning workplace matters. Only the employer is authorized to pursue such relief. See: *Breitling v. LNV Corp.*, 86 F. Supp. 3d 564 (N.D. Tex. 2015), *EEOC v. Arabian American Oil Co.*, 499 U.S. 244 (1991), *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992), *Baker v. Weyerhaeuser Co.*, 903 F.2d 1342 (10th Cir. 1990).

By circumventing employer involvement, Jennings improperly invoked state authority to seek a workplace injunction—violating procedural law, labor statutes, and Petitioner's rights.

Violation of *Weingarten* Rights & Abuse of Process

Petitioner Rynn is a member of a protected class as a union-represented employee. Under *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251 (1975), employees in unionized workplaces are entitled to union representation during investigatory interviews that the employee reasonably believes may result in disciplinary action. These rights extend to situations where adverse actions may arise from allegations initiated by co-workers or their legal representatives.

In January 2024, the Union's legal counsel documented that Respondents failed to disclose allegations of workplace harassment to Petitioner and deprived him of an opportunity to respond. This lack of notice and denial of representation constituted a clear violation of *Weingarten* rights and evidences an abuse of process. Such procedural irregularities undermine

the integrity of the underlying injunction and reinforce the need for immediate judicial review. (Case: 25-1951, 04/28/2025, Dkt. 33.3, p. 9) Federal precedent is clear: fraud on the court is not subject to procedural default. Courts must adjudicate such claims to preserve judicial integrity. See *Gonzalez v. Crosby*, 545 U.S. 524 (2005); *Valerio v. Boise Cascade Corp.*, 80 F.R.D. 626 (N.D. Cal. 1978), aff'd, 645 F.2d 699 (9th Cir. 1981).

ARGUMENT IN SUPPORT OF CERTIORARI

The lower court's decision reflects a fundamental failure to address serious constitutional violations and misapplies principles of due process, jurisdiction, and judicial immunity. The denial of post-judgment relief, without substantive analysis of credible allegations of fraud on the court and due process violations, raises significant federal questions warranting this Court's review.

First, the state courts failed to address whether the underlying injunction was void for lack of jurisdiction and due process violations. The record shows no notice, no employer involvement, and no opportunity for Petitioner to meaningfully defend against unsubstantiated claims—circumstances that render the judgment constitutionally infirm. The lower courts dismissed these concerns as untimely or procedurally barred, ignoring the exception under Rule 60(d)(3) for fraud on the court and relief from void judgments, which are not time-limited.

Second, judicial immunity was invoked without examining whether the actions at issue were judicial in nature or taken in clear absence of jurisdiction. The state court's mechanical reliance on immunity doctrine contradicts established federal precedent holding that immunity does not apply when a judge acts without

any subject-matter jurisdiction or in a non-judicial capacity.

Third, the court's refusal to consider newly discovered exculpatory evidence, together with its failure to clarify material facts or respond to a motion for clarification, compounded the due process violations. The record reveals unresolved factual disputes, including undisclosed ex parte communications and denial of union representation, all of which call into question the integrity of the proceedings.

Finally, the finding that Petitioner's claims were frivolous and not in good faith—despite being grounded in constitutional arguments and supported by evidence—chills access to appellate review and undermines the principle that litigants must be afforded a fair opportunity to be heard, particularly when fraud and jurisdictional defects are at issue.

Certiorari is warranted to ensure uniformity in the application of constitutional due process protections, to clarify the limits of judicial immunity in cases of fraud and jurisdictional overreach, and to reaffirm that void judgments cannot be insulated from review by procedural default or delay. Denial of review would allow a constitutionally defective injunction—obtained without jurisdiction and maintained through procedural evasion—to remain in force, causing ongoing harm. (ID 88-102) (ID 88 p. 1-20, 102 p.1-11)

Conclusion

Petitioner respectfully requests that the Court grant rehearing of the petition for a writ of certiorari; vacate the state court injunction as void for lack of jurisdiction, due process violations, and fraud on the court; or, in the alternative, issue a stay or preliminary injunction to bar enforcement pending resolution.

Petitioner further requests remand with instructions to

hold a full evidentiary hearing with proper notice, disclosure, and adherence to constitutional and federal labor protections. Rehearing is warranted to correct grave constitutional and procedural defects, ensure proper application of Rule 60(d)(3), and prevent ongoing harm from defamation and enforcement of a void judgment. In the alternative, Petitioner respectfully requests that this matter be transferred for coordination with *Rynn v. First Transit*, Ninth Cir. No. 25-1951, or that such other relief be granted as this Court deems just and proper.

RESPECTFULLY SUBMITTED
this 16th day of May 2025

By: 
RICHARD RYNN

CERTIFICATE PURSUANT TO RULE 44.2

Pursuant to Rule 44.2 of the Rules of the Supreme Court of the United States, I hereby certify that the petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Rule 44.1.

this 16th day of May 2025

By 
Richard Rynn

Case No. 24-890

CERTIFICATE OF COMPLIANCE

SUPREME COURT OF THE UNITED STATES

RICHARD RYNN

Petitioner/Appellant,

v.

**AVONDALE COURT CRAIG
JENNINGS, STATE OF ARIZONA,
CITY OF AVONDALE, SHAYLEY
MATHEWS, PATRICK CAMUNEZ,
FIRST TRANSIT**

Respondents/Appellees.

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 1937 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 16, 2025

By: 
RICHARD RYNN

CERTIFICATE OF SERVICE

A copy of this application was served by U.S. mail to Defendants listed below in accordance with Supreme Court Rule 22.2 and 29.3 or 33.2.
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this 16th day of May 2025


RICHARD RYNN