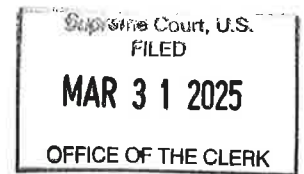


24A961



Dr. Aparna Vashisht Rota  
12396 Dormouse Road,  
San Diego, California 92129  
(858) 348-7068

**IN THE SUPREME COURT OF THE UNITED STATES**

APARNA VASHISHT-ROTA,

Petitioner,

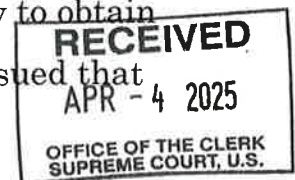
v.

HOWELL MANAGEMENT SERVICES, LLC,

Respondent.

**EMERGENCY MOTION TO STAY PROCEEDINGS IN THE  
TRIAL COURT PENDING RESOLUTION OF PETITION FOR  
WRIT OF CERTIORARI**

Pursuant to Rule 23 of the Rules of the Supreme Court of the United States and the All Writs Act, 28 U.S.C. § 1651, Petitioner Aparna Vashisht-Rota ("Petitioner"), proceeding pro se, respectfully moves this Court for an emergency stay of all proceedings in the Superior Court of San Diego County, California, Case No. 37-2024-00005370-CU-EN-CTL, pending this Court's consideration of Petitioner's forthcoming Petition for Writ of Certiorari. The Superior Court has already denied Petitioner's motion to stay on March 7, 2025. This emergency relief is necessary to preserve Petitioner's ability to obtain meaningful review by this Court of the Utah Final Order issued that



Rota is unable to appeal. The jurisdiction is contested, the Utah trial Court did not let her address jurisdiction that can be raised at any time. Moreover, HMS admitted in the final order that it had a policy that there is no agreement without a fully signed copy. No signed copy was provided to Appellant prior to revocation of both agreements or either agreement. HMS did not send her a fully signed copy. (Exhibit 1) notes that there was a dispute on the contracts at the inception of the dispute so the Court of Appeals in D084575 gets it wrong.

## **INTRODUCTION**

This case presents significant and unsettled questions of federal law regarding the enforcement of state court judgments under the Full Faith and Credit Clause when those judgments may have been obtained in violation of due process. Petitioner seeks review of the California Court of Appeal's decision affirming the denial of her motion to vacate a California judgment that was based on a Utah judgment. Petitioner contends that the Utah judgment was obtained through proceedings that violated her constitutional rights to due process. Without a stay of the trial court proceedings, Petitioner will suffer irreparable harm as enforcement actions may proceed before this Court has an opportunity to consider her forthcoming petition.

## **BACKGROUND**

1. On October 18, 2023, the First Judicial District Court of the State of Utah entered a judgment against Petitioner in the amount of \$8,859,175 in favor of Respondent Howell Management Services, LLC. This judgment was entered after the Utah court struck Petitioner's pleadings as a discovery sanction, that is erroneous as she is the producing party of the documents. HMS had to file an SODI first and did not. The Court defaulted Rota for privileged statements. Despite Petitioner's contention that she was unable to appear in person and was denied the opportunity to appear remotely for critical hearings. There was a standing order for her to appear by phone.

2. In February 2024, Respondent obtained a California judgment based on the Utah judgment pursuant to the Sister State Money Judgments Act (Cal. Code Civ. Proc., § 1710.10 et seq.) in the amount of \$9,034,805.27, which included accrued interest.

3. Petitioner moved to vacate the California judgment on several grounds, including that the Utah court had denied her due process of law and a fair trial, that the Utah court lacked jurisdiction under California Labor Code § 925, and that the Utah judgment was not entitled to full faith and credit.

4. On July 12, 2024, the Superior Court of San Diego County denied Petitioner's motion to vacate, indicating that it would only consider the first 15 pages of Petitioner's 49-page memorandum due to page limit violations, despite the complex constitutional issues involved.

5. On February 5, 2025, the California Court of Appeal, Fourth Appellate District, affirmed the trial court's order denying Petitioner's motion to vacate.
6. On February 7, 2025, the Court of Appeal denied Petitioner's petition for rehearing.
7. On March 7, 2025, the Superior Court denied Petitioner's motion to stay enforcement proceedings pending appeal, as evidenced by the attached Notice of Ruling.
8. Petitioner has a Motion for Satisfaction of Judgment scheduled for May 9, 2025, and enforcement actions are imminent.
9. Petitioner is preparing to file a Petition for Writ of Certiorari with this Court within the time allowed by Rule 13.

## **ARGUMENT**

### **I. A Stay Is Necessary to Preserve This Court's Jurisdiction and Prevent Irreparable Harm**

This Court has authority to issue a stay under the All Writs Act, 28 U.S.C. § 1651(a), which provides that federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." This power extends to the authority to issue stays of lower court proceedings to

preserve this Court's jurisdiction to review cases properly before it. See *Nken v. Holder*, 556 U.S. 418, 426 (2009).

Without a stay, Respondent may proceed with enforcement actions against Petitioner's assets, causing her irreparable harm before this Court has an opportunity to review her petition. The execution of an \$9 million judgment would result in the immediate loss of Petitioner's property and livelihood. Once such enforcement actions commence, they would be difficult, if not impossible, to undo, even if this Court were ultimately to rule in Petitioner's favor.

## **II. The Traditional Stay Factors Strongly Favor Petitioner**

In determining whether to grant a stay pending review, this Court considers: "(1) whether the stay applicant has made a strong showing that she is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Nken*, 556 U.S. at 434.

The Superior Court's March 7, 2025 ruling denying Petitioner's motion to stay relied primarily on four grounds: (i) Utah has not stayed the underlying judgment; (ii) the Court of Appeals has twice rejected Petitioner's stay request; (iii) there are no extraordinary circumstances present; and (iv) a stay risks Plaintiff's ability to collect on the judgment. As this motion will demonstrate, each of

these grounds is insufficient when balanced against the irreparable harm Petitioner faces and the serious constitutional questions presented.

### **A. Likelihood of Success on the Merits**

Petitioner has a strong likelihood of success on the merits because her petition presents substantial questions of federal law that warrant this Court's review. Specifically, Petitioner's petition will present important questions regarding:

1. The scope of a state court's obligation to examine possible due process violations in a sister state's proceedings before enforcing its judgment under the Full Faith and Credit Clause;
2. Whether a judgment obtained in proceedings that limited a party's ability to present evidence, appear remotely, or obtain counsel is entitled to full faith and credit;
3. Whether California's enforcement of the Utah judgment violates Petitioner's rights under California Labor Code § 925, which prohibits employers from requiring California employees to litigate claims outside of California, particularly when Petitioner specifically requested to revert to California jurisdiction during a deposition on July 23, 2019;

4. Whether striking a defendant's pleadings as a discovery sanction without ensuring adequate procedural protections violates due process when it results in an \$8.8 million judgment, including \$5 million in punitive damages.

These questions are of exceptional importance to the consistent application of constitutional law across state lines and present issues that have not been definitively settled by this Court's precedents. While this Court applies a higher standard in cases seeking certiorari from state court decisions, the constitutional questions presented here involve significant federal interests in the proper application of the Full Faith and Credit Clause and due process requirements.

### **B. Irreparable Harm to Petitioner**

Absent a stay, Petitioner faces imminent and irreparable harm. The Utah judgment, now enforceable in California, amounts to over \$9 million, including \$5 million in punitive damages. Enforcement actions are imminent, with a Motion for Satisfaction of Judgment already scheduled for May 9, 2025. These enforcement actions would:

1. Destroy Petitioner's business and professional reputation in the specialized field of international recruitment;
2. Deplete her assets and personal property;

3. Potentially force her into bankruptcy;

4. Render her petition to this Court effectively moot, as the judgment would be substantially executed before this Court could review her constitutional claims.

Such harm cannot be adequately remedied by monetary damages if Petitioner ultimately prevails. Once Petitioner's assets are seized and her reputation in the industry is destroyed, no subsequent court order can fully restore what she will have lost.

Furthermore, the judgment includes punitive damages of \$5 million, which would subject Petitioner to disproportionate punishment without this Court's review of the constitutional questions raised. This Court has recognized that the enforcement of punitive damages awards without adequate review raises special due process concerns. *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 416-17 (2003).

### **C. Harm to Respondent**

A temporary stay pending this Court's consideration of the petition would not substantially harm Respondent. Respondent has already secured a judgment in California, and a brief delay in enforcement to allow for proper judicial review would not cause significant prejudice, especially given the size of the judgment and the important constitutional questions at stake.



Respondent may argue, as it did in the Superior Court, that a stay risks its ability to collect on the judgment. However, this concern is speculative and does not outweigh the concrete and immediate irreparable harm Petitioner faces. The judgment has been secured in California since February 2024, and there has been no showing that Petitioner is actively dissipating assets or that a brief additional delay while this Court considers the petition would materially affect Respondent's ability to collect.

Additionally, Respondent's judgment is based on alleged defamation claims, not on any debt for goods or services provided. Any delay in collection would merely postpone a windfall rather than deprive Respondent of compensation for actual out-of-pocket losses. Any potential harm to Respondent from a temporary delay is far outweighed by the irreparable harm that Petitioner would suffer if enforcement proceeds.

#### **D. The Public Interest**

The public interest strongly favors a stay in this case for several compelling reasons:

1. **Protection of Due Process:** The public has a vital interest in ensuring that the constitutional right to due process is protected, particularly when substantial punitive damages are at stake. This Court has recognized that "elementary notions of fairness enshrined

in our constitutional jurisprudence dictate that a person receive fair notice... of the conduct that will subject him to punishment." *BMW of N. Am., Inc. v. Gore*, 517 U.S. 559, 574 (1996).

2. Proper Application of Full Faith and Credit: The public interest is served by ensuring the correct interpretation of the Full Faith and Credit Clause, particularly when serious questions exist about the procedures in the rendering state. As this Court has noted, "there are some limitations upon the extent to which a state may be required by the full faith and credit clause to enforce even the judgment of another state, in contravention of its own statutes or policy." *Pacific Employers Ins. Co. v. Industrial Accident Comm'n*, 306 U.S. 493, 502 (1939).

3. Protection of California's Public Policy: There is a strong public interest in California's ability to enforce its own labor laws, including Labor Code § 925, which embodies California's public policy against forcing employees to litigate employment disputes outside the state.

4. Judicial Efficiency: It would not serve the public interest to allow enforcement to proceed, potentially causing Petitioner's bankruptcy and disrupting her life, only to have this Court later determine that the underlying judgment violated constitutional norms.

Appellant was unable to file a first response in Utah. Given that the window to report harassment is short while HMS' ability to enforce the judgment is for years, Appellant seeks a stay till she is able to

appeal the final order in this Court. She has the right to present her arguments as a self represented party or the Court can order \$250,000/year and she can also spend \$3 million in court fees. HMS conceded 416 students in 2019 so it knew it owed \$728,000 under the third agreement. It refused to pay seeking mediation, default, and then the trial Court is seeking millions while HMS has lost no business, it failed to plead special damages in the complaint, the complaint does not meet 12 (B)(6) and the matter is privileged. Rota is telling the truth, she has witnesses. Utah did not allow a trial to occur. Utah did not let Rota file even a first response to most motions.

## CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Issue an emergency stay of all proceedings in the Superior Court of San Diego County, California, Case No. 37-2024-00005370-CU-EN-CTL, pending this Court's consideration of Petitioner's forthcoming Petition for Writ of Certiorari;
2. Specifically stay any enforcement actions related to the judgment,
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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Aparna Vashisht-Rota


Pro Se Petitioner

12396 Dormouse Rd.

San Diego, CA 92129

Email: aps.rota@gmail.com

Dated: March 28, 2025 Thanks,

A handwritten signature in black ink, appearing to read 'Aparna Vashisht-Rota', with a horizontal line drawn underneath the name.

Aparna

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL**

**MINUTE ORDER**

DATE: 03/07/2025

TIME: 10:30 AM

DEPT: C-70

JUDICIAL OFFICER: CAROLYN M. CAIETTI

CLERK: Anthony Shirley

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2024-00005370-CU-EN-CTL** CASE INIT.DATE: 02/02/2024

CASE TITLE: **Howell Management Services LLC vs Vashisht-Rota [IMAGED]**

CASE CATEGORY: Civil CASE TYPE: (U)Enforcement of Judgment

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**HEARING TYPE:** Motion Hearing

**MOVING PARTY:**

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**APPEARANCES**

Aparna Vashisht-Rota, self-represented Defendant and Appellant, present via remote audio appearance.

TIMOTHY A HORTON, Attorney for Plaintiff and Respondent on Appeal Howell Management Services LLC, present in person.

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The Court hears argument of counsel / parties.

The Court CONFIRMS the tentative ruling as follows:

Defendant Aparna Vashisht-Rota's Motion to Stay is **DENIED**.

This motion first came on calendar on February 21, 2025. On the Court's own motion, the Court continued the motion to this hearing date. (ROA 142.)

Plaintiff's request for judicial notice is granted. Notice will be taken to the extent permitted.

The Court did not consider Defendant's reply brief past page 11. (ROA 138; CRC 3.113(d).)

Defendant moves "for the issuance of stay pending appeal and a stay pending Motion for Satisfaction of Judgment scheduled for May 9<sup>th</sup>, 2025 at 10:30 a.m." because "the Court in its ruling for the Motion to Vacate issued the ruling that the brief was too long, didn't make sense, that there wasn't enough time for the notice of an MSJ, and §925B." (ROA 11 – Notice of Motion, at p. 1:17-19.)

This motion – to the extent it can be understood – is another attempt to stay enforcement of the sister-state judgment. The Court of Appeal recently affirmed this Court's order denying Defendant's motion to

vacate the judgment, rendering moot the primary basis for this motion. While the Court could grant a stay of enforcement under C.C.P. section 1710.50(b), it declines to do so. Defendant has not met her burden. In addition, the Court is persuaded by Plaintiff's arguments that a discretionary state is not warranted, minimally as: (i) Utah has not stayed the underlying judgment; (ii) the Court of Appeals has twice rejected Defendant's stay request; (iii) there are no extraordinary circumstances present; and (iv) a stay risks Plaintiff's ability to collect on the judgment.

For these reasons, the motion is **DENIED**.

If the tentative ruling is confirmed without modification, the minute order will be the Court's final ruling on the motion. Plaintiff is ordered to serve written notice of the Court's final ruling on all appearing parties by March 11, 2025.

*Carolyn M. Caietti*

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Judge Carolyn M. Caietti

MAR 26 2025

Jorge Navarrete Clerk

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Deputy

Court of Appeal, Fourth Appellate District, Division One - No. D084575

S289204

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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HOWELL MANAGEMENT SERVICES, LLC, Plaintiff and Respondent,

v.

APARNA VASHISHT-ROTA, Defendant and Appellant.

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The petition for review and applications for stay are denied.

GUERRERO

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*Chief Justice*

## KEY DATES IN THE CASE

1. **July 1, 2019 Deposition** IN PERSON Order to appear by July 31, 2019.  
Rota appeared on July 23, 2019 to revert to second agreement.
2. **March 31, 2020: Mediation:** Rota wrote the mediator to meet online. She was told that there needs to be an Order for that so Rota had to file a motion in which contrary to ADR rules, HMS got material added related to this email scheduling to offer \$250,000 and an onerous agreement unsolicited.
3. **HMS Costs Motion February 14, 2023:** No response from Rota filed by the Clerk of the Court.
4. **HMS VL Motion February 17, 2023:** No response from Rota filed by the Clerk of the Court.
5. **CMC March 30<sup>th</sup>, 2023** Set up.
6. **CMC March 30<sup>th</sup>, 2023** Canceled. No Cancellation Notice Received. The Clerk of the Court did not file any of Rota's motions or responses to HMS' motions.
7. **June 8<sup>th</sup>, 2023: Status Conference:** Clearly notes that it will be held remotely on July 6<sup>th</sup>, 2023 but Rota is now vexatious so she can't attend without counsel.
8. **June 9<sup>th</sup>, 2023:** HMS got Rota as vexatious without a response from Rota so Rota can't appear pro se.
9. **June 13<sup>th</sup>, 2023:** Due to June 9<sup>th</sup>, 2023, Rota could not file her response.
10. **July 6<sup>th</sup>, 2023 CMC:** Evidentiary hearing is set up for September 21, 2023 at the CMC and does not denote how it will be held, IN PERSON, remotely or phone.



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