No. 17-1431

In The

SUPREME COURT OF THE UNITED STATES

MARY GRACE and TAMIO SAITO
Petitioners,

vs.

SECURITIES AND EXCHANGE COMMISSION
Respondent,

On Petition for Certiorari to the
United States Supreme Court

PETITION FOR REHEARING

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July 3, 2018

PARTIES

1) Mary Grace *pro se* Co- Petitioner.

2) Tamio Saito *pro se,* Co-Petitioner.

3) Mary Grace *pro se* as CEO of e-Smart Technologies, Inc., Defaulted-Co-Defendant.

4) Tamio Saito *pro se* as CTO of e-Smart Technologies, Inc. Defaulted-Co-Defendant.

5) Mary Grace *pro se* as CEO of Intermarket Ventures, Inc., Defaulted-Co-Defendant.

6) Tamio Saito *pro se,* as CTO of Intermarket Ventures, Inc., Defaulted-Co-Defendant.

7) Mary Grace pro se, CEO IVI Smart Technologies,Inc. Defaulted-Co-Defendant.

8) Tamio Saito pro se, as CTO of IVI Smart Technologies, Inc. Defaulted-Co-Defendant.

9) Securities and Exchange Commission, Respondent

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13. See e.g., Jacobsen v. Filler, 790 F.2d 1362, 1366-67 (9th Cir. 1986); Hudson v. Hardy, 412 F.2d 1091, 1093 & n.l (D.C. Cir. 1968).....22

16. See e.g., Moore v. Florida, 703 F.2d 516, 520-21 (11th Cir. 1983); Lewis v. Faulkner, 689 F.2d 100, 101-02 (7th Cir. 1982); Ham v. Smith, 653 F.2d 628, 630-31 (D.C. Cir. 1981) (per curiam); Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975) (per curiam); cf Borzeka v. Heckler, 739 F.2d 444, 447-48 (9th Cir. 1984) (failure to meet personal service requirement does not mandate dismissal of pro se complaint); Garaux v. Pulley, 739 F.2d 437, 439-40 (9th Cir. 1984) (requiring explicit notice to pro se prisoner of court's intent to treat motion to dismiss as one for summary judgment); Mitchell v. Inman, 682 F.2d 886, 887 (1Ith Cir. 1982) (local court rule requiring timely response to motion to dismiss may not be used to dismiss pro se complaint where pro se litigant is not apprised of rule.....20;24

32. See Jacobsen v. Filler, 790 F.2d 1362, 1368-69 (9th Cir. 1986) (Reinhardt, J., dissenting); Ross v. Franzen, 777 F.2d 1216, 1219 (7th Cir. 1985); Curry v. Brown, 440 F.2d 259, 261 (D.C. Cir. 1971).....21

33. See, e.g., Ross v. Franzen, 777 F.2d 1216, 1219-20 (7th Cir. 1985); Moore v. Florida, 703 F.2d 516, 520-21 (11th Cir. 1983); Ham v. Smith, 653 F.2d 628, 630-31 (D.C. Cir. 1981) (per curiam); Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975) (per curiam).....22

38. See Bonner v. City of Prichard, 661 F.2d 1206, 1212 (11 th Cir. 1981); Madyun v. Thompson, 657 F.2d 868, 877-78 (7th Cir. 1981); Mitchum v. Purvis, 650 F.2d 647, 648 (5th Cir. 1981). Two courts specifically raised a due process issue only to avoid the "thorny question" of inconsistency of failing to notify with due process. See Lewis v. Faulkner, 689 F.2d 100, 101-02 (7th Cir. 1982); Camps v. C & P Tel. Co., 692 F.2d 120, 124 (D.C. Cir. 1981). See also Ross v. Franzen, 777 F.2d 1216, 1219 (7th Cir. 1985) (suggesting pro se litigant is deprived of opportunity to be heard when trial court declines to advise him of summary judgment obligations). One commentator has submitted that no judicial effort is too great if it tends toward just resolution of all pro se claims. See Flannery & Robbins, The Misunderstood Pro Se Litigant: More than a Pawn in the Game, 41 Bklyn. L. Rev. 769, 772 (1975). Another commentator noted that judges are permitted to react impromptu to promote adequate access to the courts at the pre-trial stage.....22

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56. See Jacobsen v. Filler, 790 F.2d 1362, 1368 (9th Cir. 1986) (Reinhardt, J., dissenting); Lewis v. Faulkner, 689 F.2d 100, 102 (7th Cir. 1982)...23

57. See Jacobsen, 790 F.2d at 1368; Lewis, 689 F.2d at 102.....23

58. See Moore v. Florida, 703 F.2d 516, 520-21 (11th Cir. 1983); Lewis v. Faulkner, 689 F.2d 100, 101-02 (7th Cir. 1982); Ham v. Smith, 653 F.2d 628, 630-31 (D.C. Cir. 1981) (per curiam); Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975) (per curiam). The majority in Jacobsen v. Filler, 790 F.2d 1362, 1364 (9th Cir. 1986), draws the opposite con[c]lusion, claiming that Rule 56 is explicit. The force of this argument, however, is undercut by the presence of a local court rule that explicitly defined the requirements to oppose a motion for summary judgment. See id. Thus, Jacobsen's rationale is inapposite in districts without such a local rule.....23

59. See Jacobsen, 790 F.2d at 1368 (Reinhardt, J., dissenting). The Civil Rights Committee adds that "it must also be realized that prisoners proceeding pro se cannot be expected to know, understand, and follow the rules as required of attorneys. Therefore, it is important for the magistrate or judge to acquaint the prisoner with the relevant rules ." 1980 Aldisert Report, supra note 12, at 64. 24

60. See Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983) (district court erred in allowing forfeiture ofpro se litigant's claim caused by litigant's lack of legal skills); Parisie v. Greer, 705 F.2d 882, 898 (7th Cir.) (Swygert, J., concurring) (advocating duty on trial court to enlighten pro se litigants of procedural requirements when litigant is in state of "natural confusion"), cert. denied, 464 U.S. 918

(1983); Flannery & Robbins, supra note 38, at 778 (most pro se litigants are unable to properly construe procedural rules).....24

61. See Hooks v. Wainwright, 536 F. Supp. 1330, 1337-38 (M.D. Fla 1982), rev'd on other grounds, 775 F.2d 1433 (11th Cir. 1985), cert. denied, 107 S. Ct. 313 (1986); Zeigler & Hermann, supra note 4, at 181-82.....24

70. *This appears to be the view of several courts that require notification of summaryjudgment obligations to pro se litigants. See Moore v. Florida, 703 F.2d 516, 520-21(11th Cir. 1983); Lewis v. Faulkner, 689 F.2d 100, 101-02 (7th Cir. 1982).....*24

74. See Estelle v. Gamble, 429 U.S. 97, 112 (1976) (Stevens, J., dissenting); 1980 Aldisert Report, supra note 12, at 12, 46. But see Turner, When Prisoners Sue: A Study of Prisoner Section 1983 Suits in the FederalCourts,92 Harv. L. Rev. 610, 617 n.46 (1979) (noting that most pro se complaints Turner encountered were typed, legible, and concise). 25

75. See Estelle v. Gamble, 429 U.S. 97, 112 (1976) (Stevens, J., dissenting). 25

76. See Zeigler & Hermann, supranote 4, at 202. This rationale seems to underlie the Fourth Circuit cases requiring that judges apprise pro se litigants of summary judgment obligations. In Roseboro v.

Garrison, 528 F.2d 309 (4th Cir. 1975) (per curiam), the Fourth Circuit Court of Appeals established the broad rule that "a pro se plaintiff" must be apprised of his obligations under the summary judgment rule before summary judgment may be entered against him. See id. at 310. The court cites Hudson v. Hardy, 412 F.2d 1091 (D.C. Cir. 1968), as a precursor of its decision, yet does not refer to that case's reliance on the handicaps

imposed on a litigant by detention in formulating a similar rule. See Roseboro, 528 F.2d at 310. Instead, the Roseboro court justifies its procedural leniency on the ground that a litigant is unrepresented. See id.; accord Jacobsen, 790 F.2d at 1368 (Reinhardt, J., dissenting); see also Wright v. Collins, 766 F.2d 841, 846 (4th Cir. 1985) (to protect pro se litigant from forfeiture of rights because of ignorance); Davis v. Zahradnick, 600 F.2d 458, 460 (4th Cir. 1979) (same).....25

185. *Thus, it is doubtful whether laymen, prisoners and nonprisoners alike are able to perceive their responsive obligations when served with a "Motion To Dismiss, Or, In The Alternative, Motion For Summary Judgment."' See Lewis v. Faulkner, 689 F.2d 100, 102 (7th Cir. 1982); see also Jacobsen v.Filler, 790 F.2d 1362, 1368 (9th Cir. 1986) (Reinhardt, J., dissenting) (laymen lack skills of statutory construction); Zeigler & Hermann, supra note 4, at 202-03 (same).....26*

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REFERENCES:

1.) *Fordham International Law Journal – Volume 55 | Issue 6 | Article 10 1987 Joseph M. McLaughlin: 'An Extension of the Right of Access: The Pro Se Litigants Right to Notification of the Requirements of the Summary Judgment Rule.....17-27*

PETITION FOR REHEARING

Petitioners, Mary Grace, *pro se* and Tamio Saito, *pro se*, respectively CEO and CTO of Post-Answer-Defaulted corporate-co-defendants: e-Smart Technologies, Inc., Intermarket Ventures, Inc., IVI Smart Technologies, Inc., respectfully petition for rehearing of this Court's Order-05/21/2018-(No.16-5156;16-5157-consolidated);(1:11-cv-0895), on the grounds of intervening circumstances of substantial effect and other substantial grounds not previously presented that should affect the Court's consideration of this case. Though scholars who have studied the Court's plenary docket have noted the almost total absence of pro se civil litigants among those litigants whose paid

petitions are granted[1], if ever there was an civil-case exception, this case should be the *exception*.

The precedent set in this case threatens the national security of our country, as it opens the door to allow foreign enemies and adversaries to

easily steal advanced high security US technology, important for the national security of the US, especially from small firms, as easily as it was stolen from Petitioners/Defendant companies(see:Dkt.90).

But for this lawsuit, this technology could have been provided to the US Government to prevent the cyber-hacking attacks and interference in the 2016 elections that has wreaked havoc, consumed congress in division and investigations, and plunged the court in never

ending legal battles, costing the government and the courts millions of dollars in money and time.

But for this lawsuit, this technology could have been provided to the US government when biometric ID cards and technology was first proposed to Congress in a bipartisan effort by Senators Chuck Shumer and Lindsey Graham in 2008, in order to prevent the problems that now overwhelmingly burden to US government and courts.

Since filing the Petition for Certiorari, Congress has introduced a bill (H.R.4760₂-(Ex.A) to use biometric ID technology in the US. This technology is of national importance for national security to provide solutions and to prevent further attacks, expected to be worse, in the 2018 and 2020 elections.

This technology has provided national security solutions in S.Korea, to protect it from physical, financial, cyber & hacking attacks from N.Korea, and can provide these solutions to the US, but only if this case is granted a rehearing, and is remanded back to the lower court to be tried on its merits. This case has prevented this (Ex.A-1). A reasonable jury will certainly find for Petitioners because of the indisputable material evidence that proves Petitioners case/defense on the merits, which evidence was withheld from and/or misrepresented to the Court, and much was not understood, or read, as the Court stated-(Ex.1). Though an evidentiary hearing was

requested by Petitioner-Defendants to present the evidence, and confront the witnesses whose false testimony was relied upon as the basis for the

Court's ruling, no evidentiary hearing was held. Petitioners never even appeared in Court in this case. Had there been an evidentiary hearing, it would have resulted in a different verdict in this case, and will result in a different verdict if the case is remanded to be heard by an impartial tribunal or jury on the merits-(Ex.6). The evidence proves that the basis, cited by the Court, for granting summary judgment on each count was based on demonstrably false information and perjurious testimony of convicted felons (one a disbarred lawyer), and their associates, who stole Petitioners technology, and then made false reports to the SEC (thru their lawyer) claiming that the technology did not work, and that the company was in violation of SEC rules and regulations. This report, and testimony of the

thieves, initiatied this case, which facilitated-with-ease the theft of Petitioner-Defendant's advanced technology, and protected the thieves while they attempted to sell the stolen technology in the Middle East and Indonesia, which could, and may, have been used against the security and interests of the US. A reasonable jury would agree that the SEC and Courts should not be used as a weapon to get away with such theft, especially of advanced technology important to the national security of the US. It is in the Public Interest to grant a Rehearing in this case in order to prevent such theft of advanced US technology and weaponization of the SEC and Courts now and in the future.

The technology at issue in this case was developed for the Government of China-(www.e-

smart.com/companyhistory.html) by Petitioner Tamio Saito, who had developed some of the first biometrics on the market (Dkt. 667:7) in the 1980's, as lead inventor of over 500 patents for

Toshiba, Honeywell, and other, including Defendant's, companies, where he continually invented new and more advanced biometrics and technologies. A Chinese Government Ministry of Construction company signed a $650 million dollar contract with Defendant company, Intermarket Ventures, Inc. to form a jointly owned US public company, which was named e-Smart Technologies, Inc.in 1999/2000. This joint venture company was to deliver this technology to China. Upon establishment, the new public

company was noticed by a member of the US Embassy/Consulate (which had assisted the company with negotiations with the Chinese government) that advanced crime detection technologies were prohibited from export to China by the Tiananmen Sanctions. As a result, the contract Force Majuere clause went into effect. The US public company then became a marketing

company, without the Chinese government-company as partner.

Shortly thereafter, the technology was brought to Washington, DC to demonstrate for TSA and it was seized by a Postal Inspector, and in the end, could not be found – which was reported in a cover story in the Washington Times-Insight Magazine – entitled 'Anti-Terror Technology (Dkt.800-1).

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Fortunately for the companies 700+ shareholders, additional copies of different models of the companies biometric smart cards were in the company's labs. The company was then approached to establish marketing headquarters in Korea-which it did, as Korea was the most advanced country in the production and use of contact and wireless smart cards in the world at that time. Upon the establishment of headquarters in Korea in 2003, the company entered into joint marketing agreements with Daewoo International and Samsung as marketing

partners, and delivered various customized contact and wireless biometric smart cards to pilots and customers, while the technology was tested and certified by government regulatory agencies in South Korea and by International

agencies. After the theft of the technology in 2006, the companies relocated the labs and manufacturing of the cards to Korea. The technology was selected to be installed for the S.Korean government in their new digital, high security city, Sejong City (Dkt.348,465) where Government ministries, agencies and their employees were relocated from Seoul, and the technology was installed to protect them from physical, cyber-hacking and financial attacks from N.Korea.

Experts in Korea, China and the US Engineering firm Exponent, Inc.(Dkt.303-12) and others have deemed the technology an 'advanced technological device' and 'advanced technological achievement'. This technology developed for the

national security of China, installed for the

national security of S.Korea is important for the national security of the US. A rehearing of this case is of substantial significance to the national public interest and the national security of the US, and rehearing should be granted for the reasons set forth herein.

The Rehearing is Important for this Court to Establish Uniformity of the Federal Law on the Issues of Law in this Case that Facilitated and Enabled the Theft of this Advanced Technology, and Weaponization of the SEC and Courts to get away with a crime.

The strategy of stealing advanced technologies from small, undercapitalized

companies, then using a lawyer to make a false report of regulatory violations to a government agency, (the SEC) and providing false

information, affidavits and testimony to weaponize the SEC and the Courts and win the case by summary judgment, was easy. A small undercapitalized company does not have the money to defend a case against the government, and at some point they run out of money and can no longer continue to pay lawyers[as in this case]. Even though and Answer and all discovery requests for do-corporate-defendants had been complied with, because Defendant/Petitioners no longer had lawyers a Post Answer Default was issued. The officers had to proceed to defend pro se, with no knowledge of or experience in law,

and with a CTO, who had to be relied upon to prove the technology works, who is not literate in written and spoken English. The next step was filing Summary Judgment loaded- with false testimony and affidavits from the thieves, that were the bullets to win by summary judgment - enough amunition to prevent the felons, and their associate thieves, from having to appear in Court

at an evidentiary hearing or before a jury, where evidence could be presented that proved their perjury; where their testimony and affidavits could be impeached; where the felons background and convictions and guilty plea to fraud would be disclosed, and a jury would find them not to be credible witnesses. The battle plan of the thieves, in weaponizing the SEC and the Court, worked

like a charm, and enabled them to get away with their crime. The email between the felons and their lawyer, after their first call, making the false report to the SEC, demonstrates how easy it is to get away with the theft of advanced technology, by making such false report to the SEC to initiate this case's investigation:

From: pdouglas@cox.net;

To: wayne.drizin@gmail.com;

michaelgardiner1@aol.com;

Sent: Fri, 6 Oct 2006

Subject: Fwd:Re: e-Smart Technologies, Inc

It has begun...Pat

To: pdouglass@cox.net;

wayne.drizin@gmail.com;

Subject: Re: e-Smart Technologies,

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Date: Fri.6, Oct 2006

From: michaelgardiner1@aol.com

Fantastic, This was like givin candy to a baby. Oh so sweet. Talk soon.

Michael

With small corporations, which cannot afford litigation with the government, this happens -perhaps constantly. It is a shame of this nation that should be resolved by establishing uniformity of the laws used against Defendant-Petitioners in this case to enable this theft, that are issues of Circuit Splits, and are in Conflict with this Court. The lack of uniformity of the conflicting Circuit and Court decisions, ruled as a matter of law[as in this case], is extremely confusing to, and prejudiced pro se litigants,

when the basis for a Court's decision -as a matter of law- is interpreted differently- by different Judges -in different courts, with no uniformity. The laws at issue in this case that provided a fast-pass to the theft of such advanced technology are:

i.) Rule 55: Post-Answer Default-Default Judgment:

ii.) Rule 56: Summary Judgment Rule

iii.) Rule 58: Final Judgment Rule

iv.) The only across-the-board special treatment which the Supreme Court has guaranteed pro se litigants, apart from the due process rights accorded all litigants in civil cases, which is the right to have courts liberally construe their pleadings.

i.) **First, there was a Rule-55-Post-Answer Default issued against Corporate Defendants when they ran out of money to pay lawyers.**

However, there was never a Default Judgment

issued. Circuits are split on post-answer defaults, which is more fully detailed in the Petition for Certiorari.-(Ex.8).

ii.) **3 Motions for Summary Judgment Followed**. Due to lack of notification of summary judgment-obligations, they were not understood by Petitioner/Defendant's (not literate in the law, one not literate in English), resulting in the filings were not in the right form, or understood, or many not even read by the Court.-(Ex.2);

2.) *pro se plaintiffs assumed that they could contest the* [government's] *assertions at oral argument.*[57](On a Telephonic Status Conference

Petitioners expressed not understanding, and requested an evidentiary hearing to present evidence to prove their case, & that the technology worked.(04/13/2015-Telephonic-Conferences-Transcripts & Dkt.179) (Note: The SEC and their Experts admitted they never tested the technology to prove if it worked or not.(Dkt.628-7).

iii.) **No Final Judgment was issued or entered in compliance with Rule 58** - No Final Judgment or Order stating that it was a Final Judgment was issued. Due to lack of notification regarding Summary Judgment Petitioner-Defendants assumed the Order (Dkt 839) for the Summary Judgment Motions. No pro se litigant could know an Order, that did not say Final or Judgment, was a Final Judgment. *'It is precisely*

this kind of uncertainty about whether the District Court intended to enter a final order that warrants the mechanical application of Rule 58.[3] The Appeals Court ruling is in conflict with this Court's decision. (Ex.9)

iv.) **Lack of notification of the Summary Judgment Rule** resulted in Petitioner-Defendant briefs not being understood or even read by the Court, and certainly not being liberally construed, in a light most favorable to

non-movants-(Ex.4)- and over 70 Evidentiary Exhibits were Stricken (Dkt.505-506-508-513-516-517-Order 560)-all which severely prejudiced Petitioner/Defendants, as the Court Granted all three of the Government's summary judgment motions. (Note: However, the Court disclosed

it had to make determinations weighing evidence for the government's pleadings.-(Ex.5)).

Summary Judgment Rule 56: Circuit Splits and Conflict between Courts. *Fordham Law Review | Vol. 55 | Issue 6 | Article 10:4* (see Table of Authorities for cases referenced by number below).

> *There are conflicts between the Courts and splits between the Circuits regarding Summary Judgment and the Summary Judgment Rule 56. Several courts of appeals recognize that a pro se litigant is entitled to notice of the consequences of failure to submit proper materials in*

response to a motion for summary judgment.[16] *Other courts expressly reject*

the contention that pro se status confers incidental rights upon a litigant and hold that pro se litigants must comply with all applicable rules without any assistance from the judiciary.[17] *....In light of the confusion in the courts, a need exists for a uniform rule to promote consistent procedural fairness to pro se litigants*[19]. *Strict application of Rule 56 without the court's advising of the Rule's requirements, however, usually imposes an insuperable hardship on the pro se litigant.*[32] *....When presented with a motion for summary judgment,*[11]. *many pro se litigants are unaware of their obligation to submit a reply affidavit.*[12] *.....Consequently, summary judgment is entered frequently against pro*

se litigants before they are able to present

their claim adequately in the trial court.[13]

[as in this case]... *When failure to inform the pro se litigant results in entry of judgment against him, several appellate courts require reversal*[33]*....other courts, without any detailed analysis, note that dismissal of pro se complaints absent a meaningful opportunity to be heard is inconsistent with due process.*[38]

The summary judgment rule,[9] *may frustrate the pro se litigant's access to the trial court.*[10] *Pro se litigants labor under the disadvantage of being unable to read procedural rules effectively.*[55] *Most pro se litigants think that a lawsuit proceeds*

neatly from complaint to answer to trial.[56] *Thus when served with a motion for summary judgment supported by affidavits or other supplementary materials, pro se plaintiffs assume that they can contest the*

assertions at oral argument.[57] [as Defendant-Petitioners thought in this case] *Several courts recognize that service of a motion for summary judgment does not adequately advise a pro se litigant of the duty to submit affidavits or other evidentiary materials in opposition to the motion because the requirement is not explicitly stated in Rule 56(e).*[58] *Although courts assume that attorneys are able to discern the proper construction of the Rule, it is unreasonable to presume that pro se*

litigants possess comparable skills of statutory or rule construction.[59] *Even the most intelligent, educated layman is unlikely to be able to properly construe procedural rules.*[60] *(Most pro se litigants are uneducated.*[61] *augmenting the futility of expecting them to recognize complex procedural requirements without at least notification of those requirements.)*

Advising pro se litigants of summary judgment obligations is a logical extension of the liberality accorded pro se litigants in the federal courts.[70]

The murky, often conclusory allegations [responses] *of a pro se complaint* [brief] *are inappropriate bases.*[16] *for disposition of*

case on the merits.[74] [as in this case].

Affidavits and other evidentiary materials usually are needed to furnish sufficient facts to decide a pro se litigant's case.[75] *Without guidance regarding summary judgment motion practice, the underlying rationale for liberal treatment of pro se pleadings is thwarted...and fosters a tenuous access to the courts.*[76]

By failing to notify the pro se litigant that a motion for summary judgment supported by affidavits must be responded to, attorneys

expedite the swift dismissal of many pro se suits. [as in this case]. *Failure to inform pro se litigants of a potentially fatal procedural requirement such as the reply affidavit*

requirement of the summary judgment rule dissipates the right of access... It is doubtful whether laymen...are able to perceive their obligations when served with...a Motion For Summary Judgment."'*185.*

The reaction from the Court to Defendant-Petitioners filings, due to their lack of knowledge regarding Summary Judgment form and obligations-(Ex.3), and lack of time Petitioner/Defendant's were allowed to respond (the CEO 4 days and the illiterate CTO 11 days), (Ex.3)-may best convince this Honorable Court of the necessity of resolving the conflicts of law regarding Summary Judgment Rule 56 and any conflicts regarding the Supreme Court's guarantee to pro se litigants of their right for courts to liberally construe their pleadings.

Without a rehearing and remanding of this case, pro se Petitioners and corporate-co-defendant's-(& 700+shareholders), will suffer irreparable damage and likely bankruptcy from Post-Answer-Default ($20+million-disgorgement-fines & Petitioners held joint-severally liable, though Petitioners deferred salaries, sold no stock, are owed $10+million by corporate-co-defendants.(Ex.7)

The Public's Interest in Providing an Adequate Hearing on Circuit Splits and Conflicts with this Court in this case, regarding Rule 55 Post Answer Defaults, Final Judgment Rule 58, Summary Judgment Rule 56 significant constitutional issues requiring trial judges to advise pro se litigants of summary judgment

obligations, and liberally construe their pleadings, *advances the public's interest in according public law issues a complete hearing.*[108]

Only this Court can resolve the conflicts and confusion between the Courts and establish uniformity of the law on the significant constitutional issues that enabled the theft of advanced technology important to national security, and the weaponization of the SEC and the Court to get away with such crime in this case, and prevent this in future cases.

For these important substantial reasons, we respectfully request this *pro se* Petition for Rehearing to be an exception and be Granted.

Respectfully submitted,





Mary Grace, pro se *Tamio Saito, pro se*

APPENDIX

EXHIBITS INDEX

Note: *Excerpts from Documents listed below, All of the documents referenced are on the Courts Docket (except for Exhibit A and A-1 - the Congressional Bill and from Proposal to DHS) – **FOR THE CONVENIENCE OF THE COURT***

Exhibit A. Since filing the Petition for Certiorari, Congress has introduced a bill H.R.4760[2] to mandate the use of biometric ID cards in the US.(pg.3).

Exhibit A-1. A Rehearing and Remanding of this case is of importance to the national security and national interest, so the biometric ID card technology, at issue in this case, can be provided to the US government.(pg.4).

Exhibit 1 - A reasonable jury will certainly find for Petitioners because of the indisputable material evidence that proves Petitioners case/defense on the merits (see Ex.8), which evidence was withheld from and/or misrepresented to the Court, and because of lack of notification of Summary Judgment Rule obligations, much was not understood by **A.)** the Court, or even read by the Court, **B.)** or understood by Petitioners.(pg. 4).

Exhibit 2 Due to lack of notification of summary judgment-obligations, they were not understood by Petitioner/Defendant's (not literate in the law, one not literate in English), resulting in the filings were not in the right form.(pg.17)

Exhibit 3 **A.)** The lack of time Petitioner-Defendant's were allowed to respond (the CEO-4 days and the illiterate CTO 11 days (pg.26) severely prejudiced Petitioner/Defendants and **B.)** resulted in over 70 Evidentiary Exhibits were Stricken (Dkt.505-506-508-513-516-517-Order 560.(pg.19).

Exhibit 4 Legal Standard in the Court's Orders (Dkt. 587:9; 654:4). Lack of notification of the Summary Judgment Rule resulted in Petitioner-Defendant briefs [form] not being understood and certainly not being liberally construed.(pg.19)

Exhibit 5 The Court disclosed that it made credibility determinations and weighed evidence for the government's pleadings.(pg.19-20).

Exhibit 6 Had there been an evidentiary hearing, it would have resulted in a different verdict in this case, and will result in a different verdict if the case is remanded to be heard by an impartial tribunal or jury on the Merits [material evidence overlooked or not read which proves the merits of the case.]((pg.5).

Exhibit 7 Petitioner's Deferred their Salaries & Petitioner's never sold any shares of stock.(pg.27).

A. Court's Statement on the same.

B. Audited Financials.

Exhibit 8 Rule 55- Post-Answer-Default. The decision in this case conflicts with decisions of one or more federal courts of appeals on an important issue of federal law.(pg.17).

Exhibit 9 Final Judgment Rule 58. The court below decided an important federal question in a way that conflicts with rulings of the Supreme Court.(pg.19).

No. 17-1431

In The

SUPREME COURT OF THE UNITED STATES

MARY GRACE and TAMIO SAITO
Petitioners,

vs.

SECURITIES AND EXCHANGE COMMISSION
Respondent,

On Petition for Certiorari to the
United States Supreme Court

PETITION FOR REHEARING

CERTIFICATE OF PRO SE PETITIONERS

We, pro se petitioners, Mary Grace, pro se, and Tamio Saito, pro se, hereby certify this Petition for Rehearing is presented in good faith and not for delay, and that it is limited to the grounds specified namely intervening circumstances of substantial or controlling effect, and other substantial grounds not previously presented.

Dated this 3rd day of July 2018

Respectfully submitted,

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PETITION FOR REHEARING

DECLARATION OF AUTHENTICITY OF PRO SE PETITIONERS

We, the undersignd pro se co-Petitioners, submit this Declaration to the Court to certify the authenticity of the excerpts in the Petition for Rehearing and the Exhibits, which are reproduced from sources in the Table of Authorities, and from documents identified by docket numbers on the Court's Record; from the intervening bill recently passed by Congress, and from a Proposal for the technology at issue in this case made to the US Government.

We declare under penalty of perjury, that to the best of our knowledge and ability all are true and correct .

Dated this 3rd day of July 2018

Respectfully submitted,





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