

No. _____

In the Supreme Court of the United States

Keith Roderick Broadnax and Rodney Ryan Graves
Petitioners,

v.

Ida Williams in her official capacity as Recorder of
Deeds of the Government of the District of Columbia
Ex Relatone Government of the District of Columbia
Respondents,

*On Petition for a Writ of Certiorari to the
District of Columbia Court of Appeals*

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

- I. Whether a record entitled Minnesota Rules of Court, Rule 220 "Birth Certificates" ("Rule 220") in *due form* have full faith and credit in the District of Columbia as prescribed in Article IV. Section 1. of the Constitution for the United States of America ("Const. U. S. art. 4, § 1").
- II. Whether Respondent Ida Williams as Recorder of Deeds have a duty and obligation to record Keith Roderick Broadnax's and Rodney Ryan Graves's Certificates in the public record of the Recorder of Deeds, pursuant to Statutes at Large 66 Stat. 129, June 9, 1952; Section 1.
- III. Whether Keith and Rodney have standing under Super. Ct. R. Civ. P. 57 to seek clarification and a declaration of their substantive rights and status under their Certificates.

II

PARTIES TO THE PROCEEDING

The parties to the proceeding are Petitioners Keith Roderick Broadnax and Rodney Ryan Graves ("Petitioners" or "Keith and Rodney"), and Respondent Ida Williams in her official capacity as Recorder of Deeds of the Government of the District of Columbia ("Ida Williams" or "Respondent Ida Williams") *Ex Relazione* Government of the District of Columbia. As required by SUP. CT. R. 29.6, there is no corporation, and no parent or publicly held company owning 10% or more of the corporation's stock.

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PRAYER

Petitioners Keith Roderick Broadnax and Rodney Ryan Graves pray and respectfully demand that a writ of certiorari be granted to review the judgment of the District of Columbia Court of Appeals issued on August 17, 2017.

OPINIONS BELOW

The judgment of the District of Columbia Court of Appeals (App. A) is reported at Appeal Nos. 16-CV-1213 and 16-CV-1214. The order of the Superior Court of the District of Columbia (App. C) is reported at Civil Case Nos. 2016 CA2 5893 and 2016 CA2 5892.

JURISDICTION

The judgment of the District of Columbia Court of Appeals was entered on August 17, 2017. A petition for rehearing was denied on October 17, 2017 (App. E). This petition has been timely filed within 90 days of the rehearing order. SUP. CT. R. 13.1. This petition has been timely refiled within 60 days of the Order dated January 23, 2018 issued by

the Clerk. The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a) and (b).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Issue one – the ability of Petitioners to invoke the Full Faith and Credit Clause for the execution of Minnesota Rules of Court, Rule 220 “Birth Certificates” (“Rule 220”), to be used by Keith and Rodney in the District of Columbia based solely on, Const. U. S. art. 4, § 1 which states, “*Full faith and credit shall be given in each state to the ... records ... of every other state. And the Congress may by general laws prescribe the manner in which such ... records shall be proved, and the effect thereof.*” The Full Faith and Credit Clause states “*records*” in each state shall have full faith and credit in every other state so long as a record meet the requirements prescribed by Congress proving it to be a *record*.

Issue two – Petitioners assert they have standing to seek a declaration under D.C. Super. Ct. R. Civ. P. 57 – providing that Rule 220 a record in due form is guaranteed full faith and credit in the District of Columbia. Following Rule 220, Petitioners declare to have the right to record their

Certificates¹ in the public record of the Recorder of Deeds, pursuant to Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. which authorizes Respondent Ida Williams to record Keith and Rodney's Certificates in the public record of the Recorder of Deeds.

PRELIMINARY STATEMENT

This is a case of first impression which presents two issues of exceptional importance that the lower courts repeatedly opted not to brief. The first issue is whether a record of Rule 220 in due form have full faith and credit in the District of Columbia², as prescribed in the Const. U. S. art. 4, § 1. This question is important because Rule 220 establishes personal property interest in the birth certificate a.k.a. certificate of live birth and the District of Columbia does not have a similar rule or law which establishes such an interest. This issue affects Petitioners who were born in the District of Columbia but most importantly at least 93% of all

¹ Keith and Rodney's "Certificates" or "Certificates of Title" are comprised of their certificate of live birth attached to their affidavit, in accordance with Rule 220.

² District of Columbia is a "state" pursuant to 28 U.S.C. 3002 (14).

Americans³ including public and judicial officials who possess a certificate of live birth either from the District of Columbia or a sister state. No legal precedent exists interpreting Rule 220 or whether a *record* of Rule 220 (a rule of court) has full faith and credit in a sister state such as the District of Columbia. Existing legal precedent concerning full faith and credit of a record from a sister state deals with *judicial proceedings*, rather than a *record* of a rule of court such as Rule 220. Rules and / or laws of a state create and define property interest. It is fundamental to our jurisprudence that property interest be protected and observed, thus this case presents the right opportunity for this Court to establish precedent by interpreting Rule 220 and whether in *record* form it has full faith and credit in a sister state.

The second issue is whether Petitioners have standing to seek a declaration providing that a *record* of Rule 220 in due form is guaranteed full

³ According to the Brennan Center for Justice at NYU School of Law, “[a]s many as 7% of United States citizens – 13 million individuals – do not have ready access to citizenship documents” such as a certificate of live birth. That means approximately 93% of Americans have ready access to a citizenship document such as a certificate of live birth. It is in the public interest for all Americans including Petitioners, to invoke their right to perfect their property interest, if they so choose, in their certificate of live birth under Rule 220.

faith and credit in the District of Columbia. If Rule 220 is guaranteed full faith and credit in the District of Columbia, Petitioners have standing because they were injured by Respondent Ida Williams's failure to act and record their Certificates in the public record of the Recorder of Deeds, pursuant to Statutes at Large 66 Stat. 129, June 9, 1952; Section 1, and observe Rule 220. Statutes at Large 66 Stat. 129, June 9, 1952; Section 1 authorizes Respondent Ida Williams to record certificates of title in the public record of the Recorder of Deeds.

Granting certiorari in this case would give this Court the opportunity to interpret whether Petitioners and all Americans with certificates of live birth have the right to perfect their property interest in their respective Certificates by bringing Rule 220 in their state under the Full Faith and Credit Clause and following the procedures in Rule 220. This is an important issue because all Americans have the right to own and protect property interest in their certificates.

STATEMENT OF THE CASE

A. Background

On March 30, 2016, Petitioners contacted Respondent Ida Williams via email in an attempt to

record their respective Certificates of Title in the public record of the Recorder of Deeds and comply with Rule 220. Respondent Ida Williams did not respond to Petitioners' email. On April 4, 2016, Petitioners visited Respondent Ida Williams's office where they presented her with Rule 220 and she refused to record their Certificates of Title telling them that she will only do so upon court order. Then, Petitioners mailed their Certificates to Respondent Ida Williams of which she refused again. On August 10, 2016, Petitioners filed separate petitions for declaratory judgment against Respondents in the Superior Court of the District of Columbia ("trial court").

B. Hearings

A Show Cause Hearing was scheduled for August 30, 2016. At the hearing, Senior Judge von Kann assigned the case to Associate Judge Motley and then stated in his Order that Petitioners⁴ "*seek clarification and compensation from the District of Columbia on several issues*" (App. B).

A Status Hearing was scheduled and held on September 21, 2016 before Judge Motley where he asked several questions regarding Petitioners' issues. Judge Motley ordered Respondents by and through

⁴ Petitioners' cases were heard concurrently at all hearings.

the Office of Attorney General of the District of Columbia, to file a motion to dismiss by October 7, 2016, and for Petitioners to file an opposition to Respondents' motion to dismiss by October 24, 2016. Judge Motley scheduled a Motion Hearing for November 3, 2016.

At the Motion Hearing, Judge Motley heard from counsel for Respondents who summarized their argument for dismissal of Petitioners' petition with prejudice under Super. Ct. R. Civ. P. 12 (b) (6), then allowed Petitioners to summarize their claims.

On November 4, 2016, Judge Motley issued a final order dismissing Petitioners' petition for declaratory judgment with prejudice under Super. Ct. R. Civ. P. 12 (b) (6), stating Petitioners failed to state a facially plausible claim of action, failed to meet the standing "case or controversy" requirements, failed to demonstrate that Respondent Ida Williams have a duty to record their Certificates of Title in the public record of the Recorder of Deeds, and that Petitioners did not allege facts that show Respondents are liable to them for declaratory relief. Petitioners did not receive clarification or a declaration of their rights, along with duties and obligations owed to them by Respondents.

Petitioners disagreed with Judge Motley's order and on November 14, 2016, they filed a motion for reconsideration under Super. Ct. R. Civ. P. 60(b) (1). Their motion for reconsideration was denied

(App. D). Petitioners timely filed their notice of appeal of Judge Motley's final order on December 2, 2016.

C. Appeal

The District of Columbia Court of Appeals ("court of appeals") granted Petitioners an appeal. On January 17, 2017, Petitioners filed a motion consolidating their cases on appeal. Petitioners' motion to consolidate was granted. Petitioners timely filed their appellate brief on June 5, 2017. Counsel for Respondents filed a summary affirmance in response to Petitioners' appellate brief in July 2017. On August 17, 2017, the court of appeals granted Respondents summary affirmance. On August 31, 2017, Petitioners timely filed a petition for rehearing *en banc* respectfully demanding a briefing of the issues presented before this Court. On October 12, 2017, Petitioners' petition for rehearing *en banc* was denied and Respondents' summary affirmance affirmed.

D. Opinion

The District of Columbia Court of Appeals ruled against Petitioners by stating Petitioners did not have standing to sue Respondent Ida Williams and that she did not have a duty and obligation to record Petitioners' Certificates under Rule 220 and

Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. Petitioners disagree with the court of appeals for the following reasons.

REASONS FOR GRANTING THE PETITION

A. "Records" have full faith and credit under Const. U. S. art. 4, § 1

On its face, the Full Faith and Credit Clause (Const. U. S. art. 4, § 1) states, "*Full faith and credit shall be given in each state to the ... records ... of every other state. And the Congress may by general laws prescribe the manner in which such ... records shall be proved, and the effect thereof.*"⁵ The Full Faith and Credit Clause states "*records*" in general meaning all "*records*" in each state have full faith and credit in every other state so long as it meets the requirements prescribed by Congress proving it to be a *record*. Properly authenticated *records* of the Library of Congress shall be admitted in evidence equally with the originals thereof. Under the Full Faith and Credit Clause, a *record* properly authenticated and issued by its legal custodian, is entitled to the same degree of recognition in a sister state as would be afforded by the state of original

⁵ The general law passed by Congress to prescribe the manner in which records shall be proven and the effect thereof is the Act of May 26, 1790.

rendition. “*The Full Faith and Credit clause requires state and federal courts to give “acts, records and judicial proceedings” the same full faith and credit which they are given in the jurisdiction from which they are taken. U.S. CONST., art. IV, § 1; 28 U.S.C. § 1738.” See *Ringgold v. DC Dept. of Employ. Serv.*, 531 A. 2d 241 (D.C. 1987).*

A *record* that is a judicial proceeding has full faith and credit under Const. U. S. art. 4, § 1, however, a *record* does not need to be a *judicial proceeding* to have full faith and credit under The Full Faith and Credit Clause. A *record* can be a rule of court from a sister state and still have such full faith and credit afforded to it under The Full Faith and Credit Clause. “*For judicial proceedings and records of the state are both required to have “such faith and credit given to them in every court within the United States as they have by law or usage in the courts of the State from which they are taken.”*” See *Magnolia Petroleum Co. v. Hunt*, 320 U.S. 430 (1943). (Emphasis added).

B. Petitioners’ Rule 220 is a record under Const. U. S. art. 4, § 1

Petitioners are the holders of Rule 220 a *record* in due form which has a legal certification from its custodian being the Library of Congress. Properly authenticated records must have the

attestation of the proper officer appointed by the custodian of such records, and the seal of his/her office annexed. Petitioners' Rule 220 has the attestation of proper officer, Gregory T. Cooper of Duplication Services of the Office of Business Enterprises in the Library of Congress, appointed by the Library of Congress and the seal of his office annexed, therefore, Rule 220 is a *record* under Const. U. S. art. 4, § 1.

Petitioners' Rule 220 is not only a *record* under The Full Faith and Credit Clause, but under D.C. Code Ann. § 14-501. Under D.C. Code Ann. § 14-501,

“[a]n exemplification of a record [Rule 220] under the hand of the keeper of the record [Gregory T. Cooper of Duplication Services of the Office of Business Enterprises in the Library of Congress], and the seal of the ... office [Library of Congress] where the record is made, is good and sufficient evidence to prove a record made or entered in any State [Minnesota], territory, commonwealth or possession of the United States. The certificate of the person purporting to be the keeper of the record, accompanied by the seal, is prima facie evidence of that fact.”

Petitioners assert their record of Rule 220 has full faith and credit in the District of Columbia under The Full Faith and Credit Clause. The court of appeals failed to cite any authority (law or legal precedent) stating that a rule of court from a sister state such as Rule 220, does not have full faith and credit in the District of Columbia, nor did the District of Columbia Court of Appeals acknowledge Rule 220 in its judgment. See (App. A and App. C). *"This clause[,] [the Full Faith and Credit Clause,] renders compulsory as between the States the common law doctrine of res judicata."* See *Semler v. Psychiatric Institute of Washington, D.C.*, 575 F. 2d 922 (D.C. Cir. 1978) (Footnote omitted).

C. Rule 220 does not violate District of Columbia law or public policy

The procedures in Rule 220 do not violate or infringe upon District of Columbia law, public policy or federal law. According to the procedures in Rule 220, Petitioners must attach to their certificate of live birth an affidavit stating that they are *"familiar with the facts recited, stating that the party named in said birth certificate is the same party as one of the owners named in said certificate of title"*, thus, converting their certificate of live birth into a certificate of title. Then, Petitioners are to take their Certificates of Title to the Recorder of Deeds

Respondent Ida Williams for recordation in the public record of the Recorder of Deeds, and thereafter the Recorder of Deeds shall treat Petitioners and / or all Americans *“as having attained the age of the majority at a date 18 years after the date of birth shown by said certificate.”*

Rule 220 reads: *“The Registrar of Titles^[6] is authorized to receive for registration^[7] of memorials upon any outstanding certificate of title an official birth certificate pertaining to a registered owner named in said certificate of title showing the date of birth of said registered owner, providing there is attached to said birth certificate an affidavit of an affiant who states that he/she is familiar with the facts recited, stating that the party named in said*

⁶ Minnesota Statute defines the “Registrar of Titles” as the “[c]ounty recorders” “in their respective counties”, and is equivalent to the Recorder of Deeds in the District of Columbia. See Minnesota Statute 508.30 (2017).

⁷ According to Black’s Law Dictionary 4th Edition, “registration” means “recording; inserting in an official register; enrollment, as registration of voters.” “Recording” means “[t]he act of entering documents affecting interests in real estate [or personal property] in the recorder’s office established in each county. Until it is recorded, a deed or mortgage [or certificate of title] ordinarily is not effective against subsequent purchasers.”

birth certificate is the same party as one of the owners named in said certificate of title; and that thereafter the Registrar of Titles shall treat said registered owner as having attained the age of the majority at a date 18 years after the date of birth shown by said certificate."

The procedures in Rule 220 are in harmony with District of Columbia law, public policy and federal law. Under Statutes at Large 66 Stat. 129, June 9, 1952; Section 1., the Recorder of Deeds is authorized to record "*duly acknowledged and certified*" instruments "*in writing affecting the title or ownership of ... personal property in the District*".

66 Stat. 129, June 9, 1952; Section 1. reads: "*There shall be a Recorder of Deeds of the District, ... who shall^[8] record all deeds, contracts, and other instruments in writing affecting the title or ownership of any real estate or personal property in the District which*

⁸ According to Merriam-Webster Dictionary, "*shall*" is "*used in laws, regulations [which are rules], or directives to express what is mandatory.*" The word "*shall*" means "*mandatory*" in [66 Stat. 129, June 9, 1952; Section 1.] because the word "*shall*" is a command and applies to duties Respondent Ida Williams is bound to perform as the Recorder of Deeds.

shall have been duly acknowledged and certified, ...”.

Petitioners’ Certificates of Title are “*duly acknowledged and certified*” instrument “*in writing affecting the title or ownership of ... personal property in the District*”. Rule 220 name Petitioners the “*registered owner*” of their Certificates of Title upon recordation in the public record of the Recorder of Deeds. Petitioners must complete the procedures in Rule 220 which gives constructive notice to the public of the ownership interest they possess in their Certificates. Petitioners assert their Certificates of Title fall within the class of instruments the Recorder of Deeds is authorized to record under Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. The court of appeals failed to cite an authority to demonstrate Rule 220 violates or infringes upon District of Columbia law, public policy or federal law. “*Where suits to enforce the laws [or rules] of one state are entertained in the courts of another on the principle of comity, the [Superior Court] may^[9] entertain them and should if they do not infringe [District of Columbia] law or policy.*” See *Milwaukee*

⁹ According to John Bouvier Law Dictionary 1856, “*whenever a statute directs the doing of a thing for the sake of justice or the public good [or one is interpreting judicial intent of a ruling], the word may is the same as shall.*”

County v. M.E. White Co., 296 U.S. 268 (1935)
(Citations omitted). (Emphasis added).

**D. Rule 220 creates property interest in
certificate of live birth**

The official name of Rule 220 is Minnesota Rules of Court, Rule 220 "Birth Certificates". Rule 220 creates property interest in the birth certificate a.k.a. certificate of live birth. According to Rule 220, Petitioners' certificate of live birth is their personal property (not *de minimis*) once the affidavit is attached converting it into a certificate of title. Then, the Certificate of Title must be recorded in the public record of the Recorder of Deeds to perfect¹⁰ Petitioners' ownership and / or property interest in their Certificate of Title. The "*Recorder's office is more than a repository. It is designed not so much to store deeds [or certificates of title] for posterity as to give them some legal effect.*" See *Mayers v. Ridley*, 465 F. 2d 630 (D.C. Cir. 1972). (Emphasis added). Upon recordation, the Recorder of Deeds Ida Williams shall treat Petitioners as having attained the age of the majority as registered owners of their Certificates. Petitioners would not be named

¹⁰ According to John Bouvier Law Dictionary 1856, "*perfect*" means "[s]omething complete." "*This term is applied to obligations in order to distinguish those which may be enforced by law, which are called perfect, from those which cannot be so enforced, which are said to be imperfect.*"

"registered owner" in Rule 220 if their Certificates of Title were not considered personal property. Rule 220 plainly creates property interest in Petitioners' Certificates by naming Petitioners "registered owner".

"Property interests, of course, are not created by the Constitution. Rather, they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law—rules or understandings that secure certain benefits and that support claims of entitlement to those benefits." See Board of Regents v. Roth, 408 U.S. 564 (1972). (Emphasis added).

E. Rule 220 procedures provide public notice of ownership of certificate of title

In *Mayers v. Ridley*, *supra*, the District of Columbia Circuit stated, "*the statutes and actual practice demonstrate that the primary function of the Recorder is not to preserve records but to provide public notice of them. ... [t]he purpose of this, and that this function is the primary role of the Recorder[.]*" (Emphasis added). Rule 220 require Petitioners to record their Certificates of Title in the

public record of the Recorder of Deeds to give public notice of it. *"The purpose and effect of recording the deed [or certificate of title] in the Recorder's office, ... [is to] give notice to the world, [it is] published."* See *Mayers v. Ridley, supra*. In principle, Petitioners' certificate of live birth takes effect from the date of delivery or "Date Issued" as indicated on the certificate of live birth. Thus, the unrecorded certificate of live birth passes title, the attachment of the affidavit and subsequent recording of the certificate of title establishes ownership interest in property and notice to the world of interest in said property.

"It is obviously the duty to provide public notice and to make copies of deeds [and Petitioners' Certificate of Title] available on demand, not the mere safe-deposit-vault preservation of the deeds [and Petitioners' Certificate of Title], which is the most important function of the Recorder." See *Mayers v. Ridley, supra*. (Emphasis added).

Petitioners' Certificates must be recorded in the public record of the Recorder of Deeds to perfect their ownership and / or property interest in it while providing constructive notice to the public.

F. Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. controls D.C. Code § 1-15-11 (III)(1) (2012 Repl.)

The procedures in Rule 220 are in harmony with Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. which prevail over D.C. Code § 1-15-11 (III)(1) (2012 Repl.) or any other District of Columbia code pertaining to the Recorder of Deeds Ida Williams's official duties.

"Because "the Statutes at Large prevail over the [D.C.] Code whenever the two are inconsistent," American Bank & Trust Co. v. Dallas County, 463 U.S. 855, 864 n. 8, 103 S.Ct. 3369, 3376 n. 8, 77 L.Ed.2d 1072 (1983) (citing Stephan v. United States, 319 U.S. 423, 426, 63 S.Ct. 1135, 1136, 87 L.Ed. 1490 (1943)), the Statute at Large governs; ... This is so because the Code of the District of Columbia is only "prima facie" evidence of the law in force in the District of Columbia. See 1 U.S.C.A. § 204(b). See also Royer's Inc. v. United States, 265 F.2d 615, 618 (3d Cir.1959) ("[N]o one denies that the official source to find United States laws is the Statutes at Large and that the Code is only prima facie evidence of such laws"); Abell v.

United States, 518 F.2d 1369, 1376 (U.S. Ct. Claims 1975) ("[E]rrors do occur in codification and where there is a conflict between the codification and the Statutes at Large, the Statute at Large must prevail"); Price, *Effective Legal Research* 24 (4th ed. 1979) ("If the form of the law found in the Code is a variance with that in the Statutes at Large, the Statutes at Large version governs."). See *Watson v. United States*, 524 A. 2d 736 (D.C. 1987). (Emphasis added).

G. Respondent Ida Williams must obey Rule 220 and Statutes at Large 66 Stat. 129, June 9, 1952; Section 1.

Respondent Ida Williams have a constitutional duty to obey Rule 220 under The Full Faith and Credit Clause and Statutes at Large 66 Stat. 129, June 9, 1952; Section 1.

The District of Columbia Circuit in *Mayers v. Ridley*, *supra*, citing 66 Stat. 129, June 9, 1952; Section 1., "Congress has provided that the Recorder of Deeds shall . . . record all deeds, contracts, and other instruments in writing affecting the title or ownership of real

estate or personal property which have been duly acknowledged and certified;" D.C.Code § 45-701 (1967). He [or she] is further required to "perform all requisite services connected with the duties prescribed" in regard to the filing of instruments and to "have charge and custody of all records, papers, and property appertaining to his [or her] office." D.C. Code § 45-701 (a) (3), (4) (1967)."

The Recorder of Deeds is a ministerial officer who has no jurisdiction to pass upon the validity of instruments of writing presented to him/her for record. *See Dancy v. Clark*, 24 App. D.C. 487 (1905). (Emphasis added).

According to *Mayers v. Ridley, supra*, "the Recorder is not empowered by the statute to determine the legality, validity or enforceability of a document to be filed." "In many respects the Recorder's function is similar to that of the clerk of a court. The clerk of a court, like the Recorder is required to accept documents filed. It is not incumbent upon him to judicially determine the legal significance of the tendered documents. In *re Halladjian*, 174 F. 834

(C.C.Mass.1909); *United States, to Use of Kinney v. Bell*, 127 F. 1002 (C.C.E.D.Pa.1904); *State ex rel. Kaufman v. Sutton*, 231 So.2d 874 (Fla.App.1970); *Malinou v. McElroy*, 99 R.I. 277, 207 A.2d 44 (1965). In *State ex rel. Wanamaker v. Miller*, 164 Ohio St. 176, 177, 128 N.E.2d 110 (1955), the court commented upon the function of its clerk in the following manner:

It is the duty of the clerk of this court, in the absence of instructions from the court to the contrary, to accept for filing any paper presented to him, provided such paper is not scurrilous or obscene, is properly prepared and is accompanied by the requisite filing fee. The power to make any decision as to the propriety of any paper submitted or as to the right of a person to file such paper is vested in the court, not the clerk.

*The Recorder is a neutral conservator of records. The entire purpose and value of his office is that he preserves the precise documents presented to him.” See *Mayers v. Ridley*, supra. (Emphasis added).*

Respondent Ida Williams is not an arbiter, one empowered to decide whether or not she may record Petitioners' Certificates of Title in the public record of the Recorder of Deeds but rather a ministerial officer bound by Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. and Rule 220 under The Full Faith and Credit Clause. See *Mayers v. Ridley, supra*. The fact Rule 220 is in harmony with the Recorder of Deeds official duties under Statutes at Large 66 Stat. 129, June 9, 1952; Section 1., Respondent Ida Williams have a fiduciary duty and constitutional obligation to obey Rule 220 procedures by recording Petitioners' Certificates in the public record of the Recorder of Deeds.

H. Petitioners have standing for a declaration

Petitioners' declaratory judgment sought a declaration of their rights and status. Petitioners' declaratory judgment also sought clarification of Respondent Ida Williams's duties and obligations owed to them under Rule 220 and Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. Petitioners gave the District of Columbia Superior court jurisdiction to hear their cases under a cause of action declaratory judgment under D.C. Super. Ct. R. Civ. P. 57 which states in part it is, "[t]he procedure

for obtaining a declaratory judgment pursuant to Title 28 U.S.C. § 2201...

Rule 57. Declaratory Judgments – *“The procedure for obtaining a declaratory judgment pursuant to Title 28 U.S.C. § 2201 or otherwise shall be in accordance with these rules, and the right to trial by jury may be demanded under the circumstances and in the manner provided in Rules 38 and 39. The existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. The court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar.”*

28 U.S.C. 2201 is the governing law of D.C. Super. Ct. R. Civ. P. 57. *“A suit arises under the law that creates the cause of action.”* See *American Well Works Co. v. Layne & Bowler Co.*, 241 U.S. 257 (1916). (Emphasis added).

In Petitioners’ declaratory judgment, Petitioners stated definite and concrete facts touching legal relations between Respondent Ida Williams and Keith and Rodney who have adverse legal interests in this controversy. Petitioners’ claim that Respondent Ida Williams infringed upon their

right to record their Certificates in the public record of the Recorder of Deeds is justiciable because Respondent Ida Williams trespassed upon Petitioners' "*procedural due process*" by refusing her official duties and obligations under Statutes at Large 66 Stat. 129, June 9, 1952; Section 1., and failed to obey Rule 220 which is guaranteed full faith and credit under Const. U. S. art. 4, § 1. Petitioners were denied "*procedural due process*" by Respondent Ida Williams.

"[D]eclaratory judgment authority does not supersede the rules of justiciability"; See Smith v. Smith, 310 A. 2d 229, 231 (D.C. 1973). "To be a justiciable controversy the dispute must not be hypothetical, abstract, or academic." The controversy must be definite and concrete, touching the legal relations of parties having adverse legal interests...." See *United States v. Cummings*, 301 A.2d 229, 231 (D.C. 1973) (Citations omitted).

Petitioners met the standing requirements under *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992) by suing Respondent Ida Williams in her official capacity as the Recorder of Deeds who injured Petitioners by refusing her official duty and

obligation¹¹ to record Petitioners' Certificates of Title in the public record of the Recorder of Deeds under Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. Respondent Ida Williams repeatedly refused to obey Rule 220 which is guaranteed full faith and credit under Const. U. S. art. 4, § 1. Respondent Ida Williams caused Keith and Rodney injury because she had a duty and obligation to obey Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. and Rule 220 by recording Petitioners' Certificates in the public record of the Recorder of Deeds ("*causation*"). Petitioners are entitled to record their Certificates in the Recorder of Deeds under Rule 220. Rule 220 is guaranteed full faith and credit under Const. U. S. art. 4, § 1 and Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. authorizes the recording of certificates of titles as "*personal property*". Petitioners are injured because Respondent Ida Williams violated their procedural due process by denying their perfect right to record their Certificates of Title. As a result, Petitioners' Certificates remain unperfected until their ownership interest in said Certificates of Title are recorded in the public record of the Recorder of Deeds ("*injury-in-fact*"). In their Petition, Petitioners

¹¹ Respondent Ida Williams's refusal to discharge her ministerial duty and obligation to record Petitioners' Certificates of Title causally connects her to the injury-in-fact sustained by Petitioners.

prayed and respectfully demanded for the trial court to grant them a declaration of their rights and status with respect to their Certificates of Title and to determine if Respondent Ida Williams have a duty to record Keith and Rodney's Certificates in the public record of the Recorder of Deeds ("redressability").

"[S]tanding requirements are met when a party demonstrates (1) an injury in fact, (2) a causal connection between the injury and the conduct of which the party complains, and (3) redressability, i.e., that it is likely that a favorable decision will redress the injury." Riverside Hosp. v. District of Columbia Dep't of Health, 944 A.2d 1098, 1104 (D.C.2008) (quoting Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992)) (internal quotation marks omitted)." See Lewis v. DISTRICT OF COLUMBIA DMV, 987 A.2d 1134 (D.C. 2010) (Footnote omitted). (Emphasis added).

I. The Court of Appeal's decision conflicts with controlling precedent

Controlling precedent strongly suggest that Rule 220 is guaranteed full faith and credit under the Full Faith and Credit Clause. *See Magnolia*

Petroleum Co. v. Hunt, supra and *Ringgold v. DC Dept. of Employ. Serv., supra*. Controlling precedent strongly suggest the judgment of the court of appeals have deprived Petitioners' of their protected right to own personal property under Rule 220. Rule 220 is a rule of court in due form which created an entitlement of personal property rights in Keith and Rodney's Certificates. *See Board of Regents v. Roth, supra*. Controlling precedent strongly suggest Keith and Rodney have standing to sue Ida Williams for a declaration under D.C. Super. Ct. R. Civ. P. 57 for refusing her constitutional / statutory duty and obligation to record their Certificates in the public record of the Recorder of Deeds. Keith and Rodney are entitled to such declaration and for Ida Williams to record their Certificates of Title. *See Lujan v. Defenders of Wildlife, supra*.

Keith and Rodney assert the court of appeals erred in judgment by stating "*the trial court did not err in denying appellants' request to compel the Recorder of Deeds to accept appellants' birth certificates for recordation ... D.C. Code § 1-15-11 (III)(1) (2012 Repl.)*". Petitioners did not request the Recorder of Deeds to record their certificate of live birth, but rather, their Certificate of Title (certificate of live birth attached to their affidavit) in accordance with Rule 220. Petitioners' certificate of live birth is no longer a certificate of live birth once the affidavit

is attached; it now becomes a certificate of title under Rule 220. The Recorder of Deeds Respondent Ida Williams is authorized to record certificates of title under Statutes at Large 66 Stat. 129, June 9, 1952; Section 1. Petitioners cited the Recorder of Deeds official duties under Statutes at Large 66 Stat. 129, June 9, 1952; Section 1., not under D.C. Code § 1-15-11 (III)(1) (2012 Repl.) or any other District of Columbia code.

J. The Court of Appeal's decision is incorrect

The District of Columbia Court of Appeals in stating Petitioners' have no right to personal property interest in their Certificates under Rule 220, is contrary to the fact Rule 220 entitles Keith and Rodney to have their Certificates of Title recorded in the public record of the Recorder of Deeds by Respondent Ida Williams.

"Certain attributes of "property" interests protected by procedural due process emerge from these decisions. To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it. It is a purpose

of the ancient institution of property to protect those claims upon which people rely in their daily lives, reliance that must not be arbitrarily undermined. It is a purpose of the constitutional [protected] right to a hearing to provide an opportunity for a person to vindicate those claims." See Board of Regents v. Roth, supra. (Emphasis added).

The court of appeals failed to cite any authority to demonstrate Rule 220 does not have full faith and credit in the District of Columbia, or that Rule 220 violates or infringes upon District of Columbia law, public policy or federal law.

Certificates of live birth issued by states in the Union are uniform in procedure and affects. The District of Columbia does not have a rule of court or law establishing ownership interest in personal property for certificates of live birth like Rule 220. As a result, Petitioners assert it is necessary for them and other Americans who elect to execute the procedures in Rule 220 under The Full Faith and Credit Clause as a matter of right. The right to perfect their property interest in their certificate of title in their home state ought not to be impaired. Surely, Rule 220 must have full faith and credit under Const. U. S. art. 4, § 1 to maintain uniformity amongst the states.

CONCLUSION

For the sake of justice, in equity and good consciousness, and based upon the foregoing reasons, Petitioners' petition for a writ of certiorari should be granted.

Respectfully Submitted,

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