

18-8105

Supreme Court, U.S.
FILED

JAN 31 2019

OFFICE OF THE CLERK

No.

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

ALICJA HERRIOTT

Petitioner

V.

PAUL B. HERRIOTT

Respondent

On Petition For Writ Of Certiorari To The
Supreme Court Of The State Of California

PETITION FOR WRIT OF CERTIORARI

ALICJA HERRIOTT

Petitioner

123-24th St

Hermosa Beach, CA 90254

(310) 254-5202

ORIGINAL

QUESTIONS PRESENTED

In *Be & K Constr. Co. v. NLRB* (2002) 536 U.S. 516, 53, this Court held, that “The First Amendment provides, in relevant part, that “Congress shall make no law . . . abridging . . . the right of the people . . . to petition the Government for a redress of grievances.” We have recognized this right to petition as one of “the most precious of the liberties safeguarded by the Bill of Rights,” *Mine Workers v. Illinois Bar Assn.*, 389 U. S. 217, 222 (1967), and have explained that the right is implied by “the very idea of a government, republican in form,” *United States v. Cruikshank*, 92 U. S. 542, 552 (1876). ...We based our interpretation in part on the principle that we would not “lightly impute to Congress an intent to invade . . . freedoms” protected by the Bill of Rights, such as the right to petition. *Id.*, at 138.”

Is the statutory law prohibiting the arbitrary selected litigants petition to court discriminatory under *Be & K Constr. Co. v. NLRB* (2002) 536 U.S. 516, 53 and constitutionally overbroad under *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 105 S. Ct. 2794, 86 L. Ed. 2d 394 (1985)?

United States Courts entered incompatible decisions on application of California Vexatious Litigant Statue and prefilling order under California Code of Civil Procedure - CCP § 391.7 to the same defendant who is proclaimed as Vexatious Litigant by Superior Court in the family law case. It has decided an important federal question in a way that conflicts with Court of Appeal and

Superior Court decisions on the same matter; as to call for an exercise of this Court's supervisory power to settle: is application of Vexatious Litigant Statue under CCP391 proper: to represented by an attorney Plaintiff, who is proclaimed as vexatious litigant? to In Pro Per Defendant the family law case?, if any sanctions against poor in pro per litigant under CCP391.7 is proper in the light of this court decisions in *Bill Johnson's Restaurants, Inc. v. NLRB*, 461 U.S. 731 (1983)?

This Court recognizes that the access to court is a fundamental right to liberty within the meaning of the Privileges and Immunities Clause, but it is declined to arbitrary chosen In Pro Per litigants in California courts by application of the controversial, broadly defined and unrestrained Statutory Law of Vexatious Litigant; In this Court supervisory powers is to review and protect this essential rights to all individuals, including Petitioner to this Court.



PARTIES TO THE PROCEEDING

Petitioner Alicja Herriott, who is Appellant to Court of Appeal, Second Appellate District, Defendant in family law case and Plaintiff in the civil case in Los Angeles Superior Court, District Central.

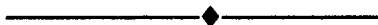
Respondent Paul Herriott, who is Respondent to Court of Appeal
Second Appellate Court, Plaintiff in family law case and Defendant in the
civil case in Los Angeles Superior Court, District Central.



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The United States Supreme Court of the State of California Case
No S252025, Denying Petition for Review on December 12, 2018

OPINIONS BELOW

The decision of the Supreme Court of the State of California
Case No S252025, filed on December 12,2019 is appended to this Petition
(Appendix A)



STATEMENT OF JURISDICTION

This appeal originates from decision of the Supreme Court of The State of California, Case No S252025 denying Petition for Review of the Court of Appeal, Second District decision denying prefilling order of Vexatious Litigant under Code Of Civil Procedure - CCP § 391, filed on December 12,2018. The United States Supreme Court has jurisdiction over this matter pursuant to 28 U.S.C. 1257(a). The questions raised by Petitioner to this Court are separate from and anterior to the merits, so as to be susceptibility after ultimate judgments provided, that the Petitioner, who is seeking review of separate court orders from respective courts has a substantial claim of

right, the denial of which threatens irreparable injury.



CONSTITUTIONAL AND STATUTORY **PROVISIONS INVOLVED**

The First Amendment To The Constitution

Guaranties the right to petition their government.

The Eight Amendments To The Constitution

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The Fourteenth Amendment To The Constitution

Clause says that 'No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.' " No State shall "deny to any person within its jurisdiction the equal protection of the laws, and the right of access to the courts.

Bill Of Rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to the full and equal benefit of all laws and proceedings for the security of persons and property.

Code Of Civil Procedure - CCP § 391

Vexatious Litigant is plaintiff who maintained in propria persona files at least five litigations other than in a small claims court. A vexatious litigant is also a person who repeatedly relitigates or attempts to relitigate the same issue or controversy against the same defendant, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.

A vexatious litigant is subjected to a pre-filing order under Section 391.7. Also, a defendant may move the court, upon notice and hearing, for an order requiring the plaintiff to furnish security or for an order dismissing the litigation under Section 391.1. (Full text of CCP391 in **Appendix**.)

STATEMENT OF THE CASE

For the purpose of this petition Petitioner to this Court, Appellant and Defendant in lower courts Alicja Herriott is called Alicja. Respondent to this

Court Plaintiff/ Respondent in lower courts Paul Herriott is called Paul. Los Angeles County Superior Court of California is called Superior Court. Court of Appeal, Second Appellate Court is called Court of Appeal. Vexatious Litigant –VL.

On October 23.2015 Alicja slips and fall on fresh-painted stairs intentionally left unmarked by Paul's employee outside her residency. Because the injury is severe, she retains an attorney¹ to file the claim with Farmers Insurance against her ex-husband Paul Herriott, the owner of the property. Unfortunately, Mr. David Gonor withdraws from employment; therefore, to preserve the statute limitation to file Alicja files a complaint for the damages, medical bills and lost of passible wages to the Los Angles Superior Court. Case No BC679103. Soon after fillings Alicja retains a new attorney Mr. Antonio Castillo² and he actively negotiates a proper compensation for Alicja with Farmers Insurance. This time, Alicja for the first time is a Plaintiff in a civil case against her formal husband Paul Herriott. Even though, Paul takes responsibility for the accident and Farmers Insurance Company offers Alicja to pay \$14,466.57, Paul files a "Motion to Dismiss" the civil case under CCP391.7. **Appendix D.** Alicja' s attorney re-files the complaint and he pleads with the Court that "THE PLAINTIFF HAS A RIGHT TO AMEND HER COMPLAINT WITHOUT

¹ David Gonor of Law Offices of Shaffer & Gonor, 16255 Ventura Blvd.Suite 1010, Encino, CA 91436

² The Barns Firm, Los Angeles Office, 633 West Fifth St, Suite 1750 Los Angeles, CA 90071

LEAVE. THE APPLICATION TO SEEK LEAVE OF THE COURT TO FILE A COMPLAINT AS A VEXATIOUS LITIGANT APPLIES SHOULD SHE FILE A COMPLAINT IN PRO PER.” **Appendix E.** During the hearing for dismissal of the case on April 19, 2018 Court makes an order. *The lawsuit will be automatically dismissed Nun Pro Tunc as of this date, unless Plaintiff obtains an order from the Presiding Judge of this Court permitting the filing of the litigation within ten (10) days of the filing of this notice* **Appendix C.**

On April 30, 2018 the order dismissing claim for personal injury of represented by attorney Alicja is filed **Appendix C.**

Alicja files Notice on Appeal with the Request to file New Litigation of Vexatious Litigant to Court of Appeal on September 24, 2018. Court of Appeal denies the prefilling order under CCP391.7 on September 27, 2018 **Appendix B**

Alicja petitions to The Supreme Court of California for review of Court of Appeal decision. The Petition is denied on December 12, 2018. **Appendix A**

VLS protects for represented by an attorney Plaintiff to prevail on each case by simply denying Alicja to file any motion in her defense.

Background Facts

On November 1, 2004, Plaintiff Paul Herriott files for divorce from Alicja Defendant and Petitioner to this Court, at the Superior Court of Los Angeles, Central District, Department 65. As a result of the Obligatory Settlement Cause Hearing on April 22, 2005, the case is settled. The Judgment is entered on November 28, 2007. Alicja, a staying home mother of four children, at first, is represented by the attorney Sharon Bryan³, but the counsel for 6 months of her legal services charges Alicja \$120,000.00. Ex-husband, Paul Herriott, pays only \$35,000.00 of \$120,000.00. Alicja is bankrupted with a big depth on her credit cards; therefore, she has no other choice than represent herself in California Courts when represented by one or two attorneys Plaintiff files several motion against her. When Paul stops making support payments Alicja seeks help in the Los Angeles County Child Services Department in November 2009. Thereafter, CSSD (Los Angeles County Child Services Department) enforces the support payments and provides a legal advise to Alicja how to obtain a court orders to enforce delinquent payment of minor children's medical bills and medical insurance payments. Also, after Adam, still minor child, relocates to Minnesota School District in year 2013, CSSD advises Alicja to seek emergency court order for child support when father stops making support payments again. After the child's support is allocated and two of four children reached the age of emancipation Alicja files OSC to modify child and spousal

³ Moore, Bryan, Schroff & Inoue LLP. 21515 Hawthorne Boulevard, Suite 490 California Bank & Trust Tower, Torrance, CA 90503-6511

support. On November 9, 2010 the Court grants defendant with \$3,000 spousal support and \$2,087 child support. Paul Herriott unhappy with the court decisions files several motions to change the outcome of the court orders with intend to terminate child and spousal support. On January 24, 2011 a new judge in Department 65 of the Superior Court in Los Angeles grants Paul's request and modifies spousal support to \$1000 and a child support for one a minor child to \$794 retroactively 6 months from July 2009. In consequence of discrepancy between the amount of the supports in each order the overpayment of the child and spousal support payments is \$22,472.23.

On May 9, 2011 Court on its motion orders Alicja Herriott to reimburse overpaid child support of \$22,472.23 to Plaintiff by offsetting the full amount of spousal support of \$1000, leaving Alicja, custodial parent, without any source of income till the child support overpayment is paid off. Alicja files "Notice on Appeal" to California Court of Appeal Second District to review January 24, 2011 and May 9, 2011 order⁴. Consequently, Court of Appeal reverses January 24, 2011 and May 9, 2011 Superior Court orders and remands the issue of child and spousal support recalculation back to Superior Court on October 30, 2012. The Settlement Order enters on August 8, 2014.

⁴ **No. B234240.** Alicja challenges the January 24, 2011 order-decreasing child and spousal support without any change of circumstances. On October 30, 2012 Court of Appeal agree with Alicja and the order is reversed. **No. 233061.** Alicja contends the May 9, 2011, that court abused its discretion in finding husband had overpaid child support in the amount of \$22,472.23 from November 2009 through July 15, 2010, without considering husband's failure to pay support after July 2010. On October 30, 2012 Court of Appeal agree with Alicja and the order is reversed.

On January 25, 2012 Superior Court grants Paul's request and terminates spousal support without any evidence of change material situation in both parties and Alicja is a full time student with one minor child at home.

Appendix P. Alicja files a motion for reconsideration of January 25, 2012 court order that she is absent during the hearing on January 25, 2012. The motion is denied on March 13, 2012 **Appendix P.** Meantime, Court learns that Defendant petitions to the Court of Appeal to review January 24, 2011 and May 9, 2011 orders; therefore, on May 1, 2012, Court grants represented by an attorney Plaintiff with a request to proclaim Alicja to be a Vexatious Litigant under California Code of Civil Procedure - CCP § 391.7 **Appendix S;** Thereafter, Court terminates a fee waiver for defendant, sanctions Alicja with of \$1200 payable to Paul, and Defendant is subjected to the prefilling order of Vexatious Litigant to file any motion against Plaintiff. The grounds for the Court to proclaim Defendant in the family law case as Vexatious Litigant are: the undefined *7 OSC and motions, two matters in wrong court, Respondent also has appealed 2 orders.* These two pending cases on appeal: No.B234240 and No.B233061 are reviewed on its merits, and Alicja prevails on both cases. Court sanctions Alicja under CCP391.7 second time on May 5, 2014, for petitioning to the US Supreme Court.

On August 24, 2012 Alicja files "Notice on Appeal" to review January 25, 2012, after a motion to vacate an appealable order is denied on March 13, 2012. Case No B243517. The ground for the timely filed appeal is

termination of spousal support without any evidence of change of circumstances and no means of support for Alicja. A long-term marriage and Judgment secures Alicja alimony till she remarries or die. Moreover, Alicja is a full time college student with one minor child at home and she has no other income than spousal support. On February 11, 2013 Alicja files a Request for Pre-Filing Order of Vexatious Litigant to file Notice on Appeal of the January 25, 2012 order. With no response to defendant request, on March 4, 2013 Court of Appeal issue a letter that *"plaintiff" has previously been found to be a vexatious litigant within the meaning of Code of Civil Procedure section 391.7 (a). Pursuant to CCP 391.7(c), all proceedings are hereby stayed.*

Appendix R. In spite of Court err in calling Alicja as Plaintiff, Defendant complies with a confusing court decision and files a second declaration, dated March 15, 2013. **Appendix R.** Additionally, on March 27, 2013 Alicja responds to the Paul's opposition with Supplemental Declaration on the issue of the merits of the case. On March 18, 2013 Appellant's Opening Brief is accepted by the clerk office and placed on the Docket of the case.

Nevertheless, 62 days later, on May 28, 2013 Court of Appeal on its motion denies the request for a pre-filing order and the case on appeal is hereby dismissed **Appendix O.** Alicja files motion to vacate dismissal of appeal. On September 13, 2013 Court of Appeal issue Remittitur and the case is dismissed **Appendix O.** Alicja disagrees with court decision and seeks a review in California Supreme Court, but Supreme Court denies petition or

application for leave to file new litigation of VL under CCP391.7. Alicja petitions to US Supreme Court, Case No.13-9516.

On May 9, 2012 Alicja is advised by CSSD to ask Superior Court to enforce the Judgment with an order to be reimbursed of ½ medical bills and medical insurance premium Alicja pays for minor children. Court denies the motion and Paul is dismissed from reimbursing Alicja almost \$30,000.00 of delinquent payments; therefore, on July 9, 2012 Alicja files a “Writ of Mandate” with the request for pre-filling order of Vexatious Litigant. Presiding Judge of the Court denies the request and the case is dismissed. Case No B242384.

After Court of Appeal reverses January 24.2011 and May 9.2011 orders on October 30, 2012, Superior Court hold fourteen hearings ⁵ for represented by two attorneys Paul asks for all of the extensions to provide all the evidence of support payments made to Alicja and sanctions under CCP391. The Settlement Order enters on August 8.2014. On November 19.2013, during Post-Remand Proceedings the Trial Court without any proper notification to Alicja, retroactively till July 2013, terminates child support for Adam. **Appendix M.** Adam, the last minor child is a transfer a high school student to Minnesota State School District where he plays junior ice hockey on the national level. Because Court terminates child support

⁵ The hearings took place on: 06/25/2013, 08/23/2013, 10/01/2013, 11/19/2013, 11/25/2013, 12/16/2013, 12/19/2013, 01/03/2014, 02/24/2014, 03/10/2014, 04/14/2014, 05/05/2014, 06/03/2014, 06/17/2014

without any evidence supporting Paul's claim that Adam is not a full time student, Alicja files a "Notice on Appeal" for review of November 19.2013 court order terminating support for a high school student before his 19th birthday, and court was prejudice against Alicja by denying the extension time to provide a certified school transcript. Moreover, Alicja files a Request for Prefilling Order of Vexatious Litigant with the Notice on Appeal, but document is returned back to her, with a note *Returned document for non-conformance. Request to file new litigation by defendant and appellant Alicja Herriott. Defendants are not subject to this requirement* **Appendix L.** On August 6, 2014, Alicja submits Appellant Opening Brief. On September 23.2014 Court grants Paul with an extension of time to file Respondent's Brief by 62 days on November 26.2014. On November 13, 2014 Paul files motion for sanctions under CCP391.7 with a judicial notice that Appellant is Vexatious Litigant. On December 01.2013 Paul files another judicial notice with attached US Supreme Court, that Alicja is Vexatious Litigant; therefore, Division 8 of Court Appeal issue an order dated December 9.2014, that *Respondent's motion to dismiss, request for stay of briefing schedule and request for sanctions for a frivolous appeal are all denied.* On December 18,2014 Court grants Paul again with the second extension time to file Respondent's Brief till January 20.2015 by 34 days. Alicja files Appellant Reply Brief on February 6.2015. On April 27.2015 the case is fully briefed and scheduled for the argument on May 27.2015, but on April 28.2015 Court

of Appeal took the case off the calendar stating that Appellant is VL within the meaning of CCP391.7 and has 10 days to present the merits of the case (*Andrisani v. Hoodack* (1992) 9 Cal.App.4th 279, 281.) *On the court own motion, oral argument set for May 27, 2015 is ordered off calendar.*

Appendix L. Very confused Alicja submits her declaration on the merits of the case and asks again for permission to file a “Notice on Appeal” on May 27,2015. Thereafter, the oral argument is rescheduled on July 28,2015 with a new justice on the panel. The new justice is a Judge Ohta of the Los Angeles Superior Court, which the order is appealed from. Three justices⁶ on the panel affirm Superior Court decision to terminate support for Adam. The Opinion is filed on August 11,2015 Appellant finds factual errors in the Opinion; therefore, she petitions for rehearing **Appendix N.** Because the petition is denied, **Appendix K,** Alicja petitions to California Supreme Court and to US Supreme Court Case No.15-8534.

Alicja files motion for Order to Show Cause re: Contempt of Court Order, Judgment filed on November 28,2017 that Paul doesn’t comply with any court orders; therefore, on January 08,2018, during the first hearing, Court asks Alicja to obtain prefilling order of Vexatious Litigant under Civil Code Procedure 391.7. On January 17,2018 Alicja files the request for prefilling order of Vexatious Litigant, but the order is not issued by Presiding

⁶ The fourth Justice during the Oral argument, Presiding Justice Tricia A. Bigelow P.J, makes the opening statement with disagreement with a Panel decision. Justice Bigelow name is not on this Opinion.

Judge before the hearing on February 1, 2018. Initially, Court intent to dismiss the case under CCP391.7 but the motion for Order to Show Cause re: Contempt of Court Order is dismissed without reviewing all of the orders Alicja sought to be enforced. On February 16, 2018 Alicja files "Request to file new litigation by Vexatious Litigant" to file "Notice on Appeal of February 1, 2018 court order in the Superior Court. On March 7, 2018 Presiding Judge of the Superior Court states in his order that, *If Ms. Herriott is seeking permission to file the Notice of Appeal in the family law cases, no prefilling order is required because the document is not "a petition, application, or motion" for an order, CCP391.7 (d). Accordingly, the court shall take no further action on Ms. Herriott's request for prefilling order.* **Appendix I.** Thereafter, Alicja files a request for prefilling order of VL to the Court of Appeal. The request is denied by on April 3, 2018, Case No. B288782 **Appendix H.**

ARGUMENT

California's original vexatious-litigant law was enacted in 1963 in response to concern by the bench and bar about litigants, acting as their own

attorneys, who repeatedly filed groundless actions and, when they lost, relitigated the same issues over and over again. The 1963 VLS was modeled after statutes allowing courts to require the posting of security in certain derivative shareholder suits. See *Muller v. Tanner*, 82 Cal. Rptr. 738, 741 n.2 (Ct. App. 1970). See also CAL. CORP. CODE § 834 (providing for defendant corporations to request that plaintiffs in derivative shareholder actions be required to post security for costs and fees.) Alicja, defendant in the family law case, doesn't choose to be in the court when her estrange husband files for divorce in the Los Angeles Superior Court. When Alicja's \$950 per month alimony is not enough income to pay \$350 per hour lawyer she has no other choice but represents herself; as a result of it, Alicja becomes In Pro Per Litigant; therefore, Superior Court proclaims Defendant as Vexatious Litigant and subjects Alicja to the prefilling order under *California Code of Civil Procedure - CCP § 391*

Application of the Vexatious Litigant Statue under CCP391 differ in each case of the Petitioner to this Court

Alicja files a civil case for personal injury No BC679103 as In Pro Per, but during active negotiations to settle the case outside the court represented by an attorney Alicja is still asked for prefilling order of VL. Consequently, the case is dismissed under CCP 391.7. No Paul or Court addresses issues of the merits of the case. Alicja in the case on appeal No: B292886, B288782, B242384,

B243517 is subjected to the prefilling order of Vexatious Litigant under CCP391.7, and all of the requests for prefilling order to file "Notice on Appeal are denied. Alicja is not subjected to this law by Court of Appeal in the case No B255032 on the ground that "defendants are not subjected to the prefilling order requirement"; nonetheless, the same Court of Appeal applies the prefilling order request of VL to dismiss and reinstate the same case two times during the process on appeal. The same time, the Superior Court view Notice on Appeal case in the family law cases as not "a petition, application, or motion" for an Order; therefore, Alicja doesn't require seeking a permission from the Presiding Judge to file. To contrary, the Court of Appeal doesn't see a Notice on Appeal the same way as the Superior Court and denies the prefilling order of VL under CCP391.7 and the appeal is dismissed. Case No B288782

Given a determination as to the governing jurisdiction, a court is "bound" to follow a precedent of that jurisdiction. If the question of the vexatious litigant prefilling order resolved in the precedent case is the same as it to be resolved in other case of the same defendant. *Auto Equity Sales, Inc. v. Superior Court (1962) 57 Cal.2d 450*, where a State Supreme Court case instructing lower courts to follow previous decisions and respect precedence, so that consistent principles applied to similar facts yield similar outcomes. Under *California Court rules, Rule 5.440* "court should identify cases related to a pending family law case to avoid issuing conflicting orders..." The decisions of

the lower courts are in conflict with the principles governing court orders: If defendant are not subjected to the prefilling order under *Code of Civil Procedure section 391.7* in one case on appeal, therefore Alicja is not subjected to the prefilling order in other cases on appeal. If Presiding Judge in Superior Court states that VL is not subjected to the prefilling order, because a notice on appeal is not a new litigation under *CCP391.7 (d)*; therefore Court of Appeal errs by requesting prefilling order of VL from Defendant before or after she files Notice on Appeal?

If Alicja is defendant and not a subject to the prefilling order and a notice on appeal is not a litigation under *CCP391.7 (d)*; therefore, Court of Appeal err by requesting and denying prefilling order of VL, or Superior Court is wrong in assessment that the notice on appeal is not “a petition, application, or motion” for an order under *CCP391.7 (d)*? Court of Appeal misapprehension of the prefilling order of Vexatious litigant under *CCP391.7* is contrary in application of the law by Superior Court. Court of Appeal and Superior Court, to ensure certainty and consistency in the application of law, are bind to existing precedent and it ought to apply the same principle of Vexatious Litigant Statue to all cases of the same appellant. These incompatible orders of Superior Court and Court of Appeal on application of VL prefilling order should to be resolved.

In one case alone, Case No.B243517, Court of Appeal accepts Alicja’s declaration on the merits of the case but after Opening Brief is filed Court

denies a prefilling order of VL and stops the process on the appeal. This decision is in the conflict with this particular law of VL under *CCP391.3*, *that after hearing the evidence upon the motion, the court determines that the plaintiff is a vexatious litigant and that there is no reasonable probability that the plaintiff will prevail in the litigation against the moving defendant.*

Superior Court, in the case BC679103 for personal injury, doesn't review the merits of the case at all, and it is requesting prefilling order of VL from represented by attorney Alicja. In this instance, Alicja is not In Pro Per and her motion for personal injury is winnable case; therefore, requesting prefilling order is not in accordance with requirements of VL under CCP391 itself. The contradictory decisions on application of Vexatious Litigant Statue are ambiguous and arbitrary. Regardless, if the litigation has merits, it is not for purpose of harassment or delay, litigant has an attorney, ones the litigant is proclaimed vexatious she or he can't seek justice or ever prevail in any case in California courts.

Consequently VLS closes doors for Alicja to all California courts to seek protection from Paul's prosecution or to seek compensation for damages for personal injury caused by her ex-husband. This Court *in Be&K Constr. Co. v. NLRB (2002) 536 U.S. 516, 53*, held, that The *First Amendment* speak in terms of successful petitioning—it speaks simply of “the right of the people . . . to petition the Government for a redress of grievances.” The broad

Vexatious Litigant Statutory law takes away Alicja's right to petition for redress or act in her own defense.

Court of Appeal and Superior Court decisions are conflicting with application of Vexatious Litigant Statue under *CCP391*. It must be considered, then, that foreclosure of all access to the courts for Pro Se litigant, through statutory law of Vexatious litigant under *CCP391* can't be justified by reference to a state interest of suitable importance. If an appeal is afforded, the State must not so structure it as to arbitrarily deny to some persons the right or privilege available to others in *Cf. Bankers Life & Casualty Co. v. Crenshaw 486 U.S. (1988)*.

The Vexatious Litigant Statue and prefilling order requirement under CCP391 is only a reason why Superior Court dismisses the civil case for personal injury. This decision itself is not in accordance with the rule of the *CCP391.1* that the motion to dismiss the case must be based upon the ground, and supported by any evidence showing that there is not a reasonable probability that Plaintiff will prevail in the litigation against the moving defendant. There is not the case here. Court doesn't look at the merits of the case or Alicja probability to win or lose the lawsuit. Court gives Alicja's attorney 10 day to obtain the prefilling order of Pro Se litigant who is proclaimed VL under CCP391.7. There is no rules under CCP391.7 for attorney makes such petition to presiding Judge, that represented by attorney Alicja no longer can file anything on her behalf. Moreover, the law

is design to make VL to fail that to obtain such an order from Presiding Judge in LA Superior Court takes more than two weeks. In Alicja case for personal injury the trial court evoked confusing for the litigants very broad Statue of Vexatious Litigant and dismiss an action that doesn't show to be sham, fictitious or without merit.

Is the case B255032, where the prefiling order request document is returned back to Alicja because "defendants are not subjected to prefiling order", Court of Appeal applies the same law to dismiss or delay the case during the process on the same appeal. Meantime one justice on the panel is replaced with Superior Court judge⁷. By "*Court of Appeal "Second Appellate District Internal Operating Practices and Procedures" The three-justice, panels are selected at random in order to vary their composition, so that over a period of time each justice will participate with all other members of the court in the multiple combinations possible. There are 32 Justices in the Second District, but in Alicja case the Los Angeles Superior Court judge⁸ is reassigned to review of the same Superior Court order, under Article VI, section 6 of the California Constitution⁹. There is a conflict of interest when Superior Court judge is reviewing the order, which is issued by the same*

⁷ Docket on 08/11/2015. Opinion filed. (Signed Unpublished) Affirmed/11 pages/Ohta*-F-G

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

⁸ Sam Ohta is a judge for the Superior Court of Los Angeles County in California. He was appointed to the Los Angeles Municipal Court in 1998 by former governor Pete Wilson and in 2000,

⁹ The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Superior Court. Moreover, the same judge writes opinion with a note¹⁰ that:
In May 2012, wife was declared a vexatious litigant. Her request to file a fourth appeal, case No. B242384 was denied in July 2012. This detrimental irrelevant to the case statement places Alicja in adverse light for anyone who reads the Opinion. Is vexatious litigant a distinctive name or “a red flag” to prevent certain litigants from prevailing on the case by denying the right to petition under CCP391.7?

In Alicja case, it must to be considered, that foreclosure of all access to the courts for Pro Se litigants through prejudicial Statutory Law of Vexatious litigant under *CCP391* is fundamentally wrong and for this Court to decide if it is unconstitutional?

1. Is California Statutory Law Of Vexatious Litigant under CCP391 Constitutional?

California in *Taliaferro v. Hoogs* 46 Cal. Rptr. 147 (Ct. App. 1965), at[5] relies on *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 [69 S. Ct. 1221, 93 L. Ed. 1528] uphold constitutionality of VLS under CCP391 that it is without violation of the equal protection clause of the federal *Constitution* (Amend. XIV, § 1) and the provisions of the *state Constitution* against special laws (Art.I, § 21) California State may set the terms on which it will permit

¹⁰ Docket, Case No B255032, 08/11/2015. Opinion filed. (Signed Unpublished) Affirmed/11 Pages/Ohta*-F-G * Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

litigation in its courts, that the restriction of section 391, subdivisions (b)(1)(2), to persons proceeding in propria persona is not arbitrary or unreasonable. A California court considered whether the *First Amendment* right to petition invalidated the California “vexatious litigant” statute under which a litigant with a specified history of frivolous (baseless) litigation could be limited in his ability to file future suits. It upheld the statute. See *Wolfgram v. Wells Fargo Bank*, 61 Cal. Rptr. 2d 694, 704 (Cal. App. 1997)

The statute which applies to all of a single class of persons equally is not a grant of special privilege or immunity in violation of section 21 of article I of the state Constitution¹¹, if the classification is not arbitrary, and is based on some difference in the classes having substantial relation to the purpose of the legislation *Professional Fire Fighters, Inc. v. City of Los Angeles*, 60 Cal. 2d 276 [32 Cal. Rptr. 830, 384 P.2d 158]. The Summary of the definition: the Vexatious litigant is a plaintiff who has a history of baseless litigations filed against the same defendant. Vexatious Litigant is limited, but not forbidden, to file future suits, as long the case is winnable on its merits. The restriction for VL shouldn’t be arbitrary or unreasonable.

Nevertheless, the California classification of the group of vexatious litigants and application of the law is vary broad and inconsistence with *Bill Johnson’s Restaurants, Inc. v. NLRB*, 461 U.S. 731, 743 (1983) where

¹¹ In *Taliaferro v. Hoogs* 46 Cal. Rptr. 147 (Ct. App. 1965), at[5]

"Baseless litigation is not immunized by the *First Amendment* right to petition".

The statute is too broad to define who is a vexatious litigant and which case is classified as a frivolous without merits. *Robert G. Bone, "Modeling Frivolous Suits," 145 U. PA. L. REV. 519, 520 (1997)*. The language of section 391.1 *et seq. of the Code of Civil Procedure* is so vague that it fails to meet the constitutional requirements of certainty. Section 391.3 that provides "there is no reasonable probability that she will prevail", arguing that the words "reasonable probability" are fatally uncertain. California relies on the language of section 834 of the *Corporations Code* approved by the State Supreme Court in *Beyerbach v. Juno Oil Co., supra*. This high generalization of the rule that, each "notice on appeal" to review an order in family law case or claim for personal injury needs a guaranty to win, and it is perquisite to file "a winnable case" is beyond the limits of acceptability; specially, when defendant in family law case acts in own defense or plaintiff seeks redress for the damages. This vague rule of *CCP 391* is open to a wide interpretation by the courts, and it is arbitrary applied to any litigant in California courts, as we see in *Alicja* case.

The classification of the group of litigant under section 391 is too broad and open to a judiciary discretion to proclaim any Pro Se litigant to be vexatious based on reasonable believe that his or hers action is for purpose of harassment.

California VLS is NOT based on the constitutional requirement of uniform treatment of all persons under the rule of a reasonable basis for each classification *Bilyeu v. State Employees' Retirement System*, 58 Cal. 2d 618 [24 Cal. Rptr. 562, 375 P.2d 442]). The great proportions of the In Pro Per litigants in California courts are too poor to afford an attorney. California VLS doesn't recognize these group litigants and their rights to access to courts. Under *Beyerbach, supra, it* [236 Cal. App. 2d 528] State based their believes on; if VLS is unconstitutional therefore any statute, which required the payment of a fee or the furnishing of security as a prerequisite to the filing of a complaint, the issuance or levying of a writ, or the procurement of a record on appeal, etc., would be unconstitutional. This vague approach to the issue of the cost in court omits a right to fee waiver given by the State to poor litigants to protect their rights to "equal justice under the law" under Government Code, § 68633 and *Cal. Rules of Court, rules 3.51, 8.26, and 8.818*¹²; where VLS undermines this particular State laws, which are protecting poor litigants. California VLS gives a Right to file only winnable claims. Given these governmental interests, whether restrictions aimed at deterring frivolous suits pass strict scrutiny will depend, not on the compelling interest prong, but instead on the actual burden the restrictions place on the filing of winning claims the implicated interests and burdens on right of access. In 1972, this

¹² **§ 68630. Legislative findings and declarations** (a) That our legal system cannot provide "equal justice under law" unless all persons have access to the courts without regard to their economic means. California law and court procedures should ensure that court fees are not a barrier to court access for those with insufficient economic means to pay those fees

Court proclaimed in *California Motor Transport v. Trucking Unlimited*, “the right of access to the courts is indeed but one aspect of the right of petition”. 404 U.S. 508, 612 (1972). See *Los Angeles County Bar Ass’n v. Eu*, 979 F.2d 697, 705-06 (9th Cir. 1992) (noting that the *First Amendment* right of petition is one of three sources of the right of court access) *Jacobs*, “*Cornell Law Review*” *supra* note 96, at 293 n.52 (1973) “It may seem surprising to equate the right of petition with resort to the judiciary, but the right had its origins in appeals to Parliament sitting as a court to redress private grievances.” 461 U.S. at 743, in *Bill Johnson's Restaurants*, the Court said that the *First Amendment* interests in private litigation were “compensation for violated rights... psychological benefits of vindication, and public airing have disputed facts”.

In the *Taliaferro*, California doesn’t find the VLS, “on its face”. Only those citizens who decline to hire lawyers, lose five suits in seven years, and then undertake a sixth suit which lacks merit, will be labeled vexatious. Parties, who employ attorneys to act as “mere puppets” do not escape the scope of the VLS. *Wolfgram*, 61 Cal. Rptr. 2d at 705. The VLS is expanded to parties represented by counsel. See *Camerado Ins. Agency, Inc. v. Superior Court (Stolz)*, 16 Cal. Rptr. 2d 42 (Ct. App.1993) Moreover, litigant currently represented by counsel, who otherwise meets VLS criteria regarding their prior frivolous judicial behavior while acting in propria persona, may be subject to sanctions under the VLS in the instant proceeding. This “witch hunt” on any a

person who is In Pro Per in California court places any litigant into a “legal limbo”.

Consequently, once a litigant is called a vexatious he or she loses any the right to petition and any protection under the law, regardless if the matter is a winnable case.

The very broad and unambiguous definition of VLS is open to arbitrary and unreasonable application of this law. California State courts hold the uncontrollable power over who has a right to seek a justice and petition to court.

Under VLS the right to access under the Petition Clause in California is a right to file only winnable claims within the jurisdiction of the courts. This rule doesn't guaranty the access to court. In *Bill Johnson's Restaurants*, Court adopted a win-lose test as the ultimate standard for imposition of damages under the labor laws. This court in 1972 in *California Motor Transport v. Trucking Unlimited* said, “the right of access to the courts is indeed but one aspect of the right of petition.” 404 U.S. 508, 612 (1972), and the *First Amendment* right to petition prohibits punishing persons who pursue legitimate litigation for an apparently improper purpose. When a suit presents genuine factual issues, the plaintiff's *First Amendment* interest in petitioning the state court for redress of his grievance is secure, but when a

person is placed on the Vexatious Litigant list loses the *First Amendment* protection.

If Government actions or laws impact a person's ability to gain access to court to prevent a person from filing civil suit, that this action or law is fundamentally wrong. The nature and purpose behind the restriction of VLS is its impact on the right of access to court for arbitrary selected litigants. The question is. Is VLS unconstitutional when it lacks accuracy and targets in pro per litigants who are too poor to retain attorney and discriminates between citizens based on suspect and wealth classifications?

a) Vexatious Litigant Statute Is Impermissibly Vague And Overbroad

The definition of VL under *CCP391* is so poorly phrased that it does not put a person on notice of what behavior is permissible and what is outlawed. In *NAACP v. Button*, 371 U.S. 415, 432-33 (1963); see discussion *supra* notes 61-63 "The danger is tolerating, in the area of *First Amendment* freedoms, the existence of a penal statute susceptible of sweeping and improper application. The threat of sanctions may deter their exercise almost as potently as the actual application of sanctions. Because *First Amendment*, government may regulate in the area only with narrow specificity" if the statute turns on a subjective interpretation, it is more likely to be declared impermissibly vague. See *Coates v. City of Cincinnati*, 402 U.S. 611, 616 (1971) finding as unconstitutionally vague a statute that turned on a

subjective standard of “annoyance”. California VLS is challenged, that it is specifically the prefilling order violates *Due Process*, and it is overbroad. California focus on the *First Amendment* and, specifically, “the general rights of persons to file lawsuits as long doesn’t clog the court system and impair everyone else’s right to seek justice.” in *Wolfgram v. Wells Fargo Bank* 61 Cal. Rptr. 2d 694 (Ct. App. 1997). This impermissibly vague law that State has a right to deprive one group litigants of their right to petition so other group of litigants can have the same right preserved under the same *First Amendment* is without doubt on “its face” and it is fundamentally wrong.

b) The discriminatory rule of who has access to the court under CCP391 is in violation of the *First Amendment* right of petition and *Due Process*.

In *Crandall v. Nevada*, 73 U.S. (6 Wall.) 35 (1867) Court hinted that the right of access to court was tied to the right to petition. In 1823, Justice Bushrod Washington, sitting as circuit justice, set forth an oft-quoted statement of these basic rights, which included the right to file civil suits in court: “We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, fundamental”; *U.S. Const. Amend XIV, § 1*

The California court hold, that the VLS “does not impermissibly ‘chill’ the right to petition and does not ‘penalize’ the filing of unsuccessful, colorable suits”. The VLS doesn’t define frivolous lawsuits clearly, that it is difficult to

determine the extent of the problem. Judge William W. Schwarzer stated, *the total amount of behavior that would be sanctionable [as frivolous] . . . is not determinable by ordinary quantitative measure.* T. E. Willging, *The Rule, 11 Sanctioning Process* 67 N.130 (Federal Judicial Ctr. 1988). If Judge William W. Schwarzer is right, that VLS is in violation of US Constitution because the vagueness of regulations are discriminatory and not clear how are affecting litigants' access to court, specially by the poor ones, who can't afford a legal representation; therefore, this law in question should not sustain.

As the Court explained in *Button*, the Petitioner to this Court may challenge the statute and court may invalidate it to avoid chilling the exercise of protected activity by others: In *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 105 S. Ct. 2794, 86 L. Ed. 2d 394(1985). The Supreme Court in *Brockett* ruled that the Washington statue was overbroad because it prohibited lust-inciting materials lust-inciting materials The Supreme Court in *Brockett* ruled that the, and it is constitutionally overbroad. Under the overbreadth rule the statutes that substantially restrict both non-protecting undertakings and activity secured under the *First Amendment* must be invalidated.

Within the Right of Access to Court under the *Petition Clause of the First Amendment*: defining the Right, 60 *Ohio St. L. J.* 557, 656 (1999), the overbroad Statue of Vexatious Litigant prohibiting to petition to court, secured by *First Amendment*, to arbitrary selected litigants is

unconstitutional in accordance with *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 105 S. Ct. 2794, 86 L. Ed. 2d 394 (1985)

REASONS FOR GRANTING THE PETITION

California Code of Civil Procedure - CCP § 391 has no procedure by which a defendant, a party not seeking a claim for affirmative relief, can be declared a vexatious litigant. *California Code 391.7* is directed at plaintiffs and by implication In Pro Per Alicja is merely defending claims asserted against her (including asserting affirmative defenses or verified denials), shouldn't be proclaimed as vexatious litigant. In *Shalant v. Girardi (2011) 51 Cal.4th 1164*, in which it held that the Vexatious Litigant Statute is applied only to actions filed by Pro Se plaintiffs, but it limits a judicial access reserved to all citizens allowing them to publicly air their disputes, seek compensation for violated rights and interests, and ultimately gain a sense of vindication. To contrary, in Carl Tobias, *Civil Rights Conundrum*, 26 GA. L. REV. 901, 934 (1992) the Supreme Court has long held that the *First Amendment* right to petition prohibits punishing persons who pursue legitimate litigation for an apparently improper purpose. *Waldman, supra note 4, at 968* (noting, "the right to obtain a remedy and to access the courts for assistance has its genesis

in the *First Amendment*". Note, *First Amendment Right of Access, supra, note 38, at 1059*. Limitation applied to In Pro Per litigants by VLS under CCP 391 violates *Due Process Clause of the Fourteenth Amendment*.

Alicja petitions to higher courts for review of bias orders are not meritless causes of action for purpose of delay and prosecution of Plaintiff. Even though, this Court has declared, that a baseless litigation is not immunized by the *First Amendment a right to petition in Bill Johnson's Rests.461 U.S. at 743. Also in Be&K Constr. Co. v. NLRB (2002) 536 U.S. 516* this court held: "Indeed, this is reflected by our prior cases which have protected petitioning whenever it is genuine, not simply when it triumphs. See, e. g., *Professional Real Estate Investors, 508 U. S., at 58–61. ...* Moreover, the ability to lawfully prosecute even unsuccessful suits adds legitimacy to the court system as a designated alternative to force. See *Andrews, A Right of Access to Court Under the Petition Clause of the First Amendment: Defining the Right, 60 Ohio St. L. J. 557, 656 (1999)*.¹³ In this instance, when court's discretion, under *CCP391*, conditions litigant's ability to present claims and by proclaiming In Pro Per defendant as a Vexatious Litigant becomes a remedy to eliminate In Pro Per litigant form further action in own defense or seeking justice in the higher courts *Parish v.Parish, 412 N.J. Super. 39, 54 (App. Div. 2010)*.

Such limitation on access to the court might be appropriate where

¹³ This nation has long viewed a person's ability to gain access to court as a fundamental element of our democracy. Chief Justice Marshall in *Marbury v. Madison* described the ability to obtain civil redress as the "very essence of civil liberty".

a judge has found past pleading to be frivolous or abusive, and has previously tried to abate the abuse by employing sanctions such as those contained in *Rule 1:10-3 or Rule 5:3-7. Id. at 54-55.* Additionally, any restraints entered must be circumscribed, not global, and narrowly focus on the issues shown to warrant restraint.” *Shari Lynn Pollak F/K/A Sharon Lynn Pollak Kalen V. David Kalen, App. Div., A-4185-09t3, July 5, 2012.*

In this instance Vexatious Litigant Statue is the key to deny the right to petition, reverse or change decision, delay or dismiss the case. In Pro Per litigant proclaimed VL does not withstand attorney’s intimidations and prosecutions and inevitably is deprived the protection under the law. The represented by attorney party who is not called vexatious can file unlimited amount of motions, pleadings in purpose of harassment and prosecution of In Pro Per litigant and impose sanctions for filing any motions in her own defense. Moreover, lawyers are notoriously clever at overstating their cases in their complaints *Gray v. Zurich Insurance Co. (1966) 65 Cal. 2d 263, 276 [54 Cal.Rptr. 104, 419 P.2d 168]*); therefore, the vexatious litigants can be maliciously prosecuted in the course of a proceeding, and they can’t file a separate and independent action in own defense or seek compensation for damages.

In this case, Superior Court, without sufficient evidence to support the claim for malicious prosecution, proclaims Defendant as a Vexatious Litigant and place sanctions beyond her ability to pay. Further, *section 4370.6*

provides that no sanction shall impose “an unreasonable financial burden against a party *Civ. Code, § 4370.6, subd. (a)*, After spousal support is terminated Superior Court place sanction against Alicja with the amount of \$1,200.00, and with \$12,500.00 after Alicja seeks justice in the higher courts. Under *US Constitution Amendment VIII* there is: “no excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted”. Superior Court, under CCP391, denies Alicja’s right to petition for a redress of grievances and sanction her beyond her ability to pay.

“The words “*due process of law*” in the *Fourteenth Amendment* of the Constitution of the United States do not necessarily require an indictment by a grand jury in a prosecution by a State for murder”. In *Twining v. New Jersey, 211 U.S. 78, 101 (1908)* “The words *due process of law* were intended to secure the individuals like Alicja from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributive justice”; in *Anderson Nat’l Bank v. Lockett, 321 U.S. 233, 244 (1944)*.

A State “is free to regulate procedure of its courts in accordance with its own conception of policy and fairness unless in so doing it offends a principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental.” *Snyder v. Massachusetts, 291 U.S. 97, 105 (1934)*; *West v. Louisiana, 194 U.S. 258, 263 (1904)*; *Chicago, B. & Q. R.R. v. Chicago, 166 U.S. 226 (1897)*; *Jordan v. Massachusetts, 225 U.S.*

167, 176 (1912) . See *Boddie v. Connecticut*, 401 U.S. 371 (1971). But, at least in those situations in which the State has monopolized the avenues of settlement of disputes between persons by prescribing judicial resolution, and where the dispute involves such a fundamental interest as marriage and its dissolution, no State may deny to those persons unable to pay its fees access to those judicial avenues by proclaiming that person as a Vexatious Litigant. *Boddie v. Connecticut*, 401 U.S. 371 (1971) denying this rights to self represented litigant by broad and very vague Vexatious Litigant Statue enforced by *California Code of Civil Procedure - CCP § 391* is surely fundamentally wrong.

In 1983, the Court applied *California Motor Transport* in a labor case, *Bill Johnson's Restaurants v. NLRB*,⁷⁴ recognized a right of access under *the Petition Clause*, and under *Noerr-Pennington* extended broad, though not absolute, *First Amendment* protection to court access in civil suits. This Court in *Bounds v. Smith*, 430 U.S. 817 (1977), held that the right of court access as applied to prisoners extended beyond mere filing to include a governmental duty to assist the prisoner in preparation of his complaint by providing law libraries or legal advisers. In Pro Per litigant in the family or civil court, who is most of the time too poor to retain an attorney, can only dream to have such protection and a legal help as an individual in the criminal court system.

There's a second privileges and immunities clause found in the *Fourteenth Amendment to the Constitution*. This clause says, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Definitely, California Vexatious Litigant Statutory Law is one of these laws. Under *42 U.S.C. § 1983 (1994)* "Every person who under color of any statute... of any state... subjects or causes to be subjected any citizen... the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured...". Because, the rights of life, liberty and property (which include all civil rights that men have) are protected by the *Fourteenth Amendment* can't be denied by the State to any persons by statutory laws. As we see in this case is clear, that VLS is the law in question and it cannot be sustained by any grant of legislative power made to Congress. *United States v. Harris, 106 U.S. 629.*

VLS under CCP391 brings purposeful discrimination, that discriminate between citizens based on "suspect classifications" involving fundamental rights.

VLS is harmful and it is too vague for the average citizen to understand it. No In Pro Per litigant in California courts can generally determine when their conduct is prohibited or what punishment may be imposed on them when they don't have a legal representation in the California court.

Therefore, the law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal protection under the law and it supersedes and displaces State legislation on the same subject.



CONCLUSION

Vexatious Litigant Statute under California Code of Civil Procedure - CCP § 391 deprives Alicja her right to petition for redress in civil case for personal injury and protection from Plaintiff's prosecution in family law case. The Constitution protects the rights of every citizen against discriminative and unjust laws of the State by prohibiting such laws. The State must not so structure it as to arbitrarily deny to one person or group of litigants the rights or privileges available to others. This denial of rights for which the State alone is responsible is the great seminal and fundamental wrong. The coercive remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for the evil or wrong actually committed rests upon State law or State authority for its excuse and perpetration. The prefilling order requirement of Vexatious Litigant creates of absolute immunity for represented by attorney wealthy litigants and

elevates Vexatious Litigant Statuary Law above Petition Clause of the First Amendment.

Based on the additional development of filling of the petition for Writ of Certiorari in the civil and divorce case of the person too poor to have a legal representation along with the reasons expressed in the instant, Petitioner respectfully urge this Court to grant Certiorari to ensure certainty and consistency in the application of law by California State under US Constitution.



For the foregoing reasons, Petitioner respectfully requests Supreme Court to grant Petition for Writ Of Certiorari.

Date: January 28,2019

Respectfully submitted,

Alicja Herriott
Pro Se