

No. 20-1513

IN THE SUPREME COURT OF THE UNITED STATES

JANE DOE, LUKE LOE, RICHARD ROE, and MARY MOE, individually and on behalf of all
others similarly situated

Plaintiffs,

RAJ K. PATEL

Intervenor-Plaintiff-Appellant-Petitioner,

v.

THE TRUMP CORP., DONALD J. TRUMP, in his personal capacity, DONALD TRUMP JR.,
ERIC TRUMP, and IVANKA TRUMP

Defendants-Appellees-Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the
Second Circuit in No. 20-1706, Circuit Judges Chin and Parker and
then-Chief Judge Stanceu of the United States Court of International Trade.

PETITION FOR RE-HEARING

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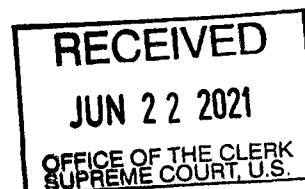


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and MARY MOE, individually and on behalf
of all others similarly situated,

Plaintiffs

RAJ PATEL,
Intervenor-Plaintiff-Appellant-Petitioner

No. 20-1513

v.

THE TRUMP CORPORATION, DONALD
J. TRUMP, in his personal capacity,
DONALD TRUMP JR., ERIC TRUMP, and
IVANKA TRUMP,
Defendants-Appellees-Respondents

**PETITION FOR REHEARING ON THE WRIT OF CERTIORARI TO THE COURT OF
APPEALS FOR THE SECOND CIRCUIT SEEKING TO OVERTURN THE SOUTHERN
DISTRICT COURT OF NEW YORK'S DENIAL OF PETITIONER'S MOTION FOR
PERMISSIVE INTERVENTION (*PRO SE*)**

Petitioner, Raj K. Patel (*pro se*), per Rule 44 of this United States Supreme Court, respectfully moves for a rehearing, without a request for oral argument, before a full, nine (9)-Member Court, on his previously denied petition for writ of certiorari to the Second Circuit Court of Appeals, which seeks to reverse the New York Division of the Southern District Court of New York's decision to deny his motion for permissive intervention, filed under Fed. R. Civ. P. 24(b)(1)(B). Opinion at 1, *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. 202_), Dkt. 48 and Order at 6, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. 2020), Dkt. 272. Beyond the Fed. R. Civ. P. 24(b)(1)(B) commonalities between Doe et al.'s main action and

Petitioner's intervention, Due Process is an underlying issue.¹ Petitions for Re-Hearing, *pro se*, "are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers." *Fed. Exp. Corp. v. Holowecki*, 552 U.S. 389, 402 (2008) (citations omitted). For the reasons discussed herein, Petitioner respectfully requests this Supreme Court to order the New York Division of the Southern District Court to allow his motion for permissive intervention.

ARGUMENT FOR RE-HEARING

On October 29, 2018, Doe and her co-plaintiffs ("Doe et al."), the original plaintiffs, filed a class action lawsuit of eight counts against President Trump, in his personal capacity, Donald Trump, Jr., Ivanka Trump, Eric Trump, and the Trump Corporation, and Petitioner argues that each of the eight counts are common, per the Fed. R. Civ. P. 24(b)(1)(B), with Petitioner's matter. Doe et al.'s main action involves (i) the interpretation of Section 1961 of Title 18 of the United States Code, Racketeer Influenced and Corrupt Organizations ("R.I.C.O.") Act against President Donald J. Trump, in his personal capacity, with wire fraud or honest services fraud, Section 1343 of Title 18 of the United States Code, embedded in the R.I.C.O. claim as its predicate crime, which, Petitioner argues, are the same laws that Donald J. Trump, in his personal capacity, United States Presidential Candidate capacity, and United States current and former Presidential capacities, has violated and is violating, (ii) the interpretation of conspiracy to conduct R.I.C.O. racketeering activities, which, Petitioner argues, is related to the aforementioned R.I.C.O. violations, (iii) the interpretation of common law fraud, which, Petitioner argues, is related to the R.I.C.O.-honest services fraud and honest services fraud claim, and (iv) the interpretation of five total counts of wrongful business practices, including but

1. Pmbl., U.S. const. (Federal Constitution created, after Independence, by Sister States, to "promote the general welfare," "insure domestic Tranquility,"...); U.S. const. amends. V, XIII, and XIV; and *see also* 42 U.S.C. §§ 1981-1983.

limited to fraud, which, Petitioner argues, is related to the wrongful practices of R.I.C.O., honest services fraud, theft of intellectual property, and the unjust use of a stress weapon (i.e. battery with sound).² Doe et al. and Petitioner seek various forms of damages, including equitable relief and compensatory and actual damages.

I. Common Questions of Law or Fact

A decision by this Supreme Court could alter the outcome in Petitioner's case. The Fundamental Fairness and Equality elements of Fifth Amendment Due Process require that the Southern District Court of New York grant a motion for permissive intervention when such a motion is both "timely" and "has a claim...that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b).³ Primary to the interest of the Petitioner is the named Defendant, Donald J. Trump, who has the overarching capacity of a natural-born-United States citizen, i.e. "personal capacity," and the capacities of United States President, United States President-Elect, United States Presidential Campaign Candidate, Founder and Chairman of the Trump Corporation, and other possible district and state citizenship capacities.

More specifically, the Southern District Court of New York's own precedent on Fed. R. Civ. P. 24(b)(1)(B) says that a named defendant constitutes "a common question law or fact."⁴ Further, on study, Petitioner finds that the applicable court decisions are quick to find common question of law or fact.⁵ In addition to Donald Trump's capacities, named defendants Ivanka

2. 18 U.S.C. §§ 1961–1968 and 1343–1346; *see also* Compl. at 131 and 137-160, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 1.

3. *See United States v. Windsor*, 570 U.S. 744, 804 (2013) (discussing Fifth Amendment equal protection) (case argued by Roberta Kaplan, Esq. who is the counsel for the main plaintiffs, Doe et al.).

4. *United States v. Local 638*, 347 F.Supp. 164, 166 (S.D.N.Y. 1972) citing *Nuesse v. Camp*, 385 F.2d 694, 704 (D.C. Cir. 1967) ("legal issues are the same" and "mere presence" of a common question of law or fact).

5. *EEOC v. Nat'l Child. Center*, 146 F.3d 1042, 1047 (D.C. Cir. 1998) (identity of defendants, functions of a space, and patterns of misconduct may constitute common question of facts between the main action and the intervenor's action). *Compare Nationwide Mut. Ins. v. Nat'l Reo Mgmt., Inc.*, 205 F.R.D. 1 (D.D.C. 2000) (internal citations omitted) (single similarity of facts between the original plaintiff's main action and the

Trump, Donald Trump, Jr., and Eric Trump are also material. Ivanka Trump, in addition to her overarching natural-born citizenship, per her Wikipedia page, carries the capacities of Advisors to the President and Director of the Office of Economic Initiatives and Entrepreneurship, in addition to any role she may have with the campaign and The Trump Corporation. Don, Jr., in addition to his overarching natural-born citizenship, per his Wikipedia page; yet, Don Jr.'s Wikipedia page no longer reads that he was a White House Policy Advisor to the President. Nonetheless, Ivanka Trump, Donald Trump, Jr., and Eric Trump each carry the capacities with the Trump Corporation and the campaign. Most interestingly, they are all material witnesses. The Trump Corporation is material because, at its Washington D.C. International Hotel, I was battered through the television while watching CNN. Each named party's Instagram account, especially through the story feature, was weaponized and their likenesses were also used.

A decision from this Supreme Court could clarify that a named defendant satisfies the Fed. R. Civ. P. 24(b)(1)(B) of "common question of law or fact" element which must be shared with between the main action and the intervenor's action. A re-hearing from this Supreme Court could also clarify where the New York Division's sufficiency, inconsistent with previous rulings, was valid. Order at 6, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. 2020), Dkt. 272.

While Donald Trump undisputedly appears in his personal capacity, in Doe et al.'s main action, it is unclear and a possibility for Southern District of New York to find that Donald Trump appeared in his personal capacity, in Intervenor-Petitioner's claim, rather than his other aforementioned capacities. Regardless of whether the capacities are common questions of law or fact, a decision by this Supreme Court could alter the outcome in Petitioner's (*pro se*) case.

intervenor's action satisfies the element of common question of fact; carbon monoxide) *with here* (Donald J. Trump in his individual capacity; television; fraud and influencing).

II. Shared Claims

A decision by this Supreme Court could alter the outcome in Petitioner's case. The Fundamental Fairness and Equality elements of Fifth Amendment Due Process require that the Southern District Court of New York grant a motion for permissive intervention when such a motion is both "timely" and "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b).⁶ The element in the Fed. R. Civ. P. 24(b)(1)(B) that the intervenor shares with the main action a "claim or defense" is interpreted "board[ly]," especially boarder than *res judicata*,⁷ and has been neither interpreted strictly to preclude permissive intervention nor "read in a technical sense."⁸ The primary types of claims which remain in the main case, and which were present at the time of the filing of the Motion for Permissive Intervention in the Southern District Court of New York, include general fraud, influencing, and malpractice claims, which are alike to my honest services fraud claims and Racketeering Influencing Corporation Organizations claims. First, the shared claims are related to fraud and influencing.⁹ Second, the common question of law or fact include, but are not limited to, the named defendants themselves who are within and subject to the claims of laws of fraud and influencing mentioned in Petitioner's Motion for Intervention and the main action.¹⁰ Further, while the laws of fraud are different between the main claim and the petitioner's claim, they are safely common questions of law related to fraud; these claims, Petitioner's claim and

6. *Supra*, p. 3, n. 3.

7. *Brooks v. Flagg Bros., Inc.*, 63 F.R.D. 409, 413-415 (S.D.N.Y. 1974) (discussing four (4) motions of permissive intervention; permissive intervention granted in Fed. R. Civ. P. 23 class action based on shared type of economic recovery); *supra*, p. 3.

8. *Local 638*, 347 F.Supp. at 166 citing *Nuesse*, 385 F.2d at 704 ("legal issues are the same" or "nominate" claim or defense).

9. *Nationwide*, 205 F.R.D. at 1-6 (the presence of the same fact, carbon monoxide, in a main-contracts action and intervenor's not-contracts action constituted both "shared claim" and "a common question of fact" for permissive intervention).

10. *EEOC*, 146 F.3d at 1047 (identity of defendants alone constitute common question of facts between the main action and the intervenor's action).

Doe et al.'s claim, seek overlapping equitable, compensatory, and actual damages.¹¹ The role Donald Trump, in his personal capacity, and the other parties played are common questions of fact which the trial court, the Southern District Court of New York, could further elaborate, along with the facts surrounding the design and scheme of the fraudulent claims, influencing claims, and/or racketeering claims, including for political gains.¹²

A re-hearing from this Supreme Court could also clarify where the New York Division's sufficiency, inconsistent with previous rulings, was valid. Order at 6, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. 2020), Dkt. 272.

Therefore, the Intervenor-Petitioner's claim(s) of fraud, influencing, and racketeering shares with the main action a common question of law or fact of fraud, influencing, racketeering and identity could be altered by a decision of this Supreme Court in Petitioner's (*pro se*) case.

III. Overall

As the Petitioner's lower court documents discuss, the United States was immediately informed when this conspiracy became known to the Petitioner, and, in the same contact, the United States was invited to observe, defend, and preserve, with security clearances, the United States Constitution, as I am a "law-abiding [natural-born] citizen."¹³ As the years go by while victim to the alleged civil crimes, petitioner becomes a leader of common stakes, i.e. Head of the Student Stake, Student Body President, Student Government Association President, within two different chartered¹⁴ corporations, Brownsburg Community School Corporations and Emory

11. *Supra*, p. 5 at n. 9 and n. 8.

12. *See supra*, p. 3, n. 5; *EEOC*, 146 F.3d at 1047 (patterns of misconduct may constitute common question of facts between the main action and the intervenor's action) and *Boone v. Wyman*, 295 F. Supp. 1143, 1148 (S.D.N.Y. 1969) ("substantially the same deprivation of rights," such as fraud).

13. *See generally*, U.S. Const. and *Id.*, amend. IX.

14. Grievance 21, Decl. of Independence (1776) ("For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments").

University, Inc., and this rivalrous force was deemed by Petitioner to be foreign to and unwelcomed into the corporation as a trespass to corporate sovereignty¹⁵. At the University of Notre Dame Law School du Lac, I was elected as a Representative to the Indiana State Bar Association from the Notre Dame Law School Bar Association. From the initial contact, beginning in 2006 or before, my intent was to estop and to live under Constitutional and legal protection. Violent actions, mentioned in the lower court documents, in the Factual Background Section, harm of my Life, my Liberties, my Freedoms, and my pursuit of Happiness.¹⁶ A decision by this Supreme Court could alter the outcome in Petitioner's (*pro se*) case.

15. *See also* Privileges and/or Immunities clauses (especially as a to corporate offices); Full Faith and Credit Clause (especially as to corporate elections). U.S. const., art. IV, § 2 and amend. XIV, § 1; *United Building & Construction Trades Council v. Mayor and Council of Camden*, 465 U.S. 208 (1984); *see also* 18 U.S.C. § 2385 ("political subdivision"); Guarantee Cl., U.S. const. art. IV, § 4.

16. The Definitive Treaty of Peace (Sept. 30, 1783) (*See* Yale Law School's Avalon Project, https://avalon.law.yale.edu/18th_century/paris.asp); Paris Peace Treaty – Congressional Proclamation of Jan. 14, 1784 (*See* Yale Law School's Avalon Project, https://avalon.law.yale.edu/18th_century/parispr2.asp).

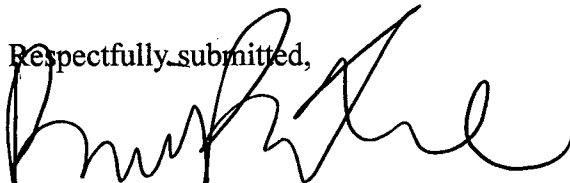
CONCLUSION

For the foregoing reasons, I, Raj K. Patel (*pro se*), respectfully request this Supreme Court (A) to reverse the lower courts and allow my permissive intervention immediately, or (B) issue a rule nisi, 28 U.S.C. § 1651(b), that either Second Circuit Court of Appeals or District Court is to show why a sufficiency inquiry to Fed. R. Civ. P. 24(b), “has a claim...that shares with the main action a common question of law or fact,” is relevant within thirty (30)-days or grant permissive intervention at the expiring of the thirty (30)-days, or (C) writ of *mandamus* to allow permissive intervention, per Due Process pursuant to prevent arbitrary rulings, (D) order another remedy, per 5 U.S.C. § 702 or 28 U.S.C. §§ 1651(a), 2201, 2202, or 5001 or, (E) per 28 U.S.C. § 1631, transfer to the District Court for Federal Claims.

I waive my right to oral argument.

Dated: June 15, 2021

Respectfully submitted,



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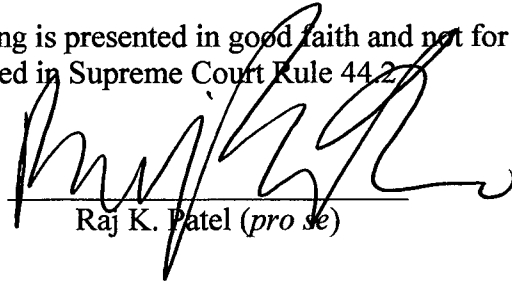
Pro se

J.D. Candidate, Notre Dame L. Sch. 2021 or 2022
President/Student Body President, Student Gov't
Ass'n of Emory U., Inc. 2013-2014

Student Body President, Brownsburg Cmty. Sch.
Corp./President, Brownsburg High Sch. Student
Gov't 2009-2010
Rep. from the Notre Dame L. Sch. Student B. Ass'n
to the Ind. St. B. Ass'n 2017
Deputy Regional Director, Young Democrats of
Am.-High Sch. Caucus 2008-2009
Co-Founder & Vice Chair, Ind. High Sch.
Democrats 2009-2010
Vice President of Fin. (Indep.), Oxford C.
Republicans of Emory U., Inc. 2011-2012

CERTIFICATION OF A PARTY UNREPRESENTED BY COUNSEL

I hereby certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.



Raj K. Patel (*pro se*)