

21-1069

NO: ~~21-885~~

In The
Supreme Court of the United States

MERRILEE STEWART,
PETITIONER

V.

RRL HOLDING COMPANY OF
OHIO LLC, ET AL., RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF OHIO

PETITION FOR WRIT OF CERTIORARI

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FILED

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QUESTION PRESENTED

Does the Ohio Vexatious Litigator statute, as applied, violate the United States Constitution and/or Federal Whistleblower Laws and shall these "Ohio" officers of the court abide by orders of the higher court, their oath of office to "preserve, protect and defend the Constitution of the United States" and shall they be compelled to lift the more than six-year-old prolonged stay of this case?

LIST OF PARTIES

The caption contains the names of all the parties to the proceedings.

However, this Petition for Writ of Certiorari, involves a law in the State of Ohio that violates the Constitution of these United States of America.

This Ohio law is repugnant to the Constitution and as applied is used for the deprivation of the Petitioners Constitutional rights and is in violation of Whistleblower Laws.

Now therefore, pursuant to Rule 29.4(b) the petition is also served on the Attorney General of the State of Ohio, Dave Yost, by regular United States mail to the forgoing address and as is Certified by the separately submitted Proof of Service.

RULE 29.6 STATEMENT

Petitioner is not a corporate entity.

LIST OF PROCEEDINGS

- The Supreme Court of Ohio, Judgment entry August 17, 2021, Motion to leave to proceed under R.C. 2323.52(F)(2) to file the motion for reconsideration denied. *RRL Holding Company of Ohio LLC, et al v. Merrilee Stewart, et al*, Case No. 2021-0385, on Appeal from Tenth District Court of Appeals Case 20AP674, from lower court C.P.C. Case 15CV1842, Judge Kim J. Brown, Decision was on June 21, 2021 Motion to leave to proceed under R.C. 2323.52(F)(2) to file the accompanying Motion for Reconsideration.

- The Supreme Court of Ohio, decided June 8, 2021, Supreme Court of Ohio's Jurisdiction Decline using Ohio S.Ct.Prac.R. 7.08(B)(4) as the reason. Decision was on the March 26, 2021, Memorandum in support of jurisdiction, lower court decision, notice of appeal. *RRL Holding Company of Ohio LLC, et al v. Merrilee Stewart, et al*, Case No. 2021-0385, on Appeal from Tenth District Court of Appeals Case 20AP674.
- The Ohio Tenth District Court of Appeals decided: February 9, 2021 Motion for reconsideration denied after sitting for over a year. This decision was on the February 3, 2020 Motion to leave to file the accompanying Motion for reconsideration and exhibits, on appeal from C.P.C. 15CV1842, Judge Kim J. Brown. *RRL Holding Company of Ohio LLC, et al v. Merrilee Stewart, et al*, 20AP674.
- The Tenth District Court of Appeals decision of January 21, 2020, Dismissal for failure to comply with R.C. 2323.52 despite the fully-briefed appeal predated (emphasis) the "Vexatious Litigator" judgment. Decision was on the October 4, 2019 Notice of Appeal and Docketing Statement, On appeal from C.P.C. 15CV1842, Judge Kim J. Brown. *RRL Holding Company of Ohio LLC, et al v. Merrilee Stewart, et al*, 20AP674.
- The Tenth District Court of Appeals decision January 23, 2020, "On remand, the court shall hold a hearing" "On remand, the trial court shall vacate that finding and any award of sanctions or attorney fees pertaining thereto." *RRL Holding Company of Ohio LLC, et al v. Merrilee Stewart, et al.*, Case 19AP202 On appeal from Franklin County Ohio C.P.C. 15CV1842, Judge Kim J. Brown. *Note:* The Opinion, to vacate and remand for hearing of the Tenth District

Court of Appeals 19AP202 entered on January 23, 2020 from the Appeal of Franklin County Ohio C.P.C. 15CV1842 special proceedings are being ignored (emphasis) by Judge Kim J Brown. This Judge refuses to comply with the order of the higher court and refuses to afford the Petitioner a hearing on the Crime Reports involving Respondents.

•The Franklin County Ohio Common Pleas Court Civil Division decision of November 10, 2015 to Stay the Case pending arbitration. D. This Case was stayed on November 10, 2015 pending Arbitration. However, Arbitration ended December 8, 2017 and yet Judge Kim J. Brown refuses to lift the stay. See *Appendix P*. Also see *Appendix O*, following ¶40, footnote 13, Tenth District Court of Appeals 19AP202 quoted:

“The exact wording of this order refers to a stay of claims and defenses involving TRG, [...]. However, the parties and the court all seem to understand it to also refer to a stay of the claims and defenses between the parties while the arbitration was pending. Such understanding is consistent with R.C. 2711.02(B).”

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PETITION FOR A WRIT OF CERTIORARI

Now comes Petitioner Merrilee Stewart, Pro Se on behalf of Merrilee Stewart with this Petition for Writ of Certiorari and forgoing precursory declaration.

Petitioner is a Federal Whistleblower who initially reported White-Collar Criminal Activity ("the Crime Reports") to local authorities in the State of Ohio.

The Franklin County Ohio lower court Judge defied the higher court by refusing to hold the ordered hearing on the Crime Reports and failed to open this six-year-old stayed case for finalization of claims.

In further noncompliance of the higher court, this same Judge conspired with respondent's attorney to obstruct justice and retaliate via a sham masquerade that fraudulently labeled these Crime Reports as Vexatious Litigation and inflicted a lifetime sentence upon Petitioner for fulfilling her duty to report.

This utilization of the Ohio's Vexatious litigation statute, in concert of effort by these officers of the court, violates the protections guaranteed to all people under the Constitution of these United States, Federal Whistleblower Laws and, in this case, is Misprision of felonies, wrongful performance of official duty and neglect by unclean hands of officers of the court.

I pray you will be moved to examine the details of this case, which will reveal the prevalence of injustice and warrant granting a review of this petition.

OPINIONS

Justice Douglas, speaking for the United States Supreme Court, said that federal relief could be granted where state remedies were inadequate or available only in theory, but not in practice. *Monroe v. Pape*, 365 U.S. 167 (1961).

JURISDICTION

This Court's jurisdiction is drawn from 28 U.S.C. § 1257(a).

CONSTITUTION AND LEGAL PRINCIPLES

A. Constitution and Whistleblower Laws

i. Ohio's Vexatious Litigator Statute

Ohio's Vexatious Litigator Statute strips Petitioner of Constitutional rights including Free Speech, Equal Access and Due Process of Law (e.g., First, Seventh and Fourteenth Amendments). In addition, the statute, as applied, violates Federal Whistleblower Laws. *See* Ohio Rev. Code § 2323.52.

As aptly explained in *Timson*, supra, 132 Ohio App.3d at 50, 724 N.E.2d at 463-464: "The purpose of the vexatious litigator statute is clear. It seeks to prevent abuse of the system by those persons who persistently and habitually file lawsuits without reasonable grounds"

The facts show Petitioner filed one and only one (emphasis) lawsuit that named Respondents and not in the State Court System as it was an ERISA case.

ii. The Taxpayer First Act

The Taxpayer First Act and the United States Department of Treasury is apropos in this case.

Petitioner Stewart is an IRS Whistleblower. *See* S. 928 (116th): Taxpayer First Act of 2019 and the United States Department of Treasury, *See also*: Taxpayer First Act (TFA) 26 U.S.C. § 7623 (d). Civil Action to Protect against retaliation Cases, Anti-retaliation whistleblower protection for employees. “No employer, or any officer, employee, contractor, subcontractor, or agent of such employer, may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee...]”

iii. Dodd Frank § V, Federal Insurance Office duty to our underserved communities

A key focus of the Federal Insurance Office is the affordability and accessibility of Auto and Home Insurance to the underserved communities. This case and the White-Collar Crime reports are apropos because the evidence reveals the withholding of these products to entire communities by way of the “Affluent Middle-Class Rules”, involving Respondents and implicating national insurance carriers.

Title V of the Dodd-Frank Act establishes a Federal Insurance Office (“FIO”) within the Department of the Treasury to promote national coordination in the insurance industry. *See* 31 U.S. Code § 313 - Federal Insurance Office, *See also* Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 124 Stat. 1376 (2010).

iv. Identity Theft and the associated Mail Fraud and Tax Fraud

Identity Theft and Assumption Deterrence Act makes it a federal crime when someone knowingly

transfers or uses, without authority, a person's identification of which Respondents did.

The federal mail and wire fraud statutes outlaw schemes to defraud that involve the use of mail or wire communications. Both condemn fraudulent conduct that may also come within the reach of other federal criminal statutes. *See* 26 U.S. Code § 7201 - Any person who willfully attempts to evade or defeat any tax imposed or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony.

B. The Unclean hands of Officers of the court

Our justice system relies upon officers of the court, judges and attorneys, who have an obligation to promote justice and effective operation of the judicial system. When officers of the court engage in Contempt of Court, Perjury, Conspiracy, Cover-up and Fraud, ignoring the authority and orders of the higher court, and failing to enforce Federal Law (as prevails in this case) this seriously affects the integrity of the normal process of adjudication.

i. Violation of oath of office

Officers of the courts, including the lawyers and judges in Ohio, take an oath which includes the duty to defend the constitution and laws of the United States of America. These same officers are grasping power as if they were the King, judge, jury and executioner, and usurping those constitutional powers that belong to the people. The unclean hand of officers of the court, is a violation of the protections guaranteed all people (emphasis) under the

Constitution of these United States of America and Federal Whistleblower Laws.

ii. Contempt of Court, Perjury and conspiracy

This case documents distain and blatant disregard of the higher court orders by the lower court Judge and Respondent's counsel. The Judge and attorney conspired in concert of effort, to cover-up, conceal, interfere with investigations and obstruct justice. This is evidenced by Franklin County Ohio Common Pleas Court Judge Kim J. Browns refusal to hold the ordered hearing (emphasis) on the White-Collar Crime Reports.

a. The Ohio State Lower Court Judge conspired with respondent's attorney in failing to abide by the higher courts ordered hearing (emphasis) on the White-Collar crime reports made by Petitioner to Ohio Department of Insurance, Columbus Ohio Police, Ohio Civil Rights Commission and the insurance companies Hartford and Liberty Mutual.

See Appendix P, Tenth District Court of Appeals Decision of January 23, 2020, 19AP202, RRL Holding Company of Ohio LLC, et al v. Merrilee Stewart, et al., on appeal from Franklin County Ohio C.P.C. 15CV1842, Judge Kim J. Brown

¶10 Appellees claimed appellant violated the Agreed Entry by claiming to be an owner and authorized agent of IHT and RRL to: (1) the Ohio Civil Rights Commission ("civil rights commission"); (2) the Columbus Police Department ("police"); (3) Hartford Insurance ("Hartford"); and (4) Liberty Mutual Insurance ("Liberty") (collectively "insurance companies").

¶71 Quoted, in Part: “On remand, the court shall hold a hearing” “On remand, the trial court shall vacate that finding and any award of sanctions or attorney fees pertaining thereto.”

b. The refusal to abide by the higher court’s order on Petitioners certified award. Instead, the lower court Judge and Respondent’s counsel worked in concert of effort to craft fraudulent documents.

c. The crafting of a perjured affidavit by Respondent’s counsel used to halt two insurance company investigations and the Columbus Ohio police investigation.

d. The disregard for law, contract or court order in making respondent RRL Holding Company of Ohio, LLC (“RRL”) a Dead Entity on December 31, 2018.

iii. Fraud upon the court by officers of the court

These officers of the courts egregiously perverted the justice system, utilizing Fraud Upon the Court, and are blocking a citizen’s constitution rights to procedural due process.

The Ohio Supreme Court and Tenth District court of appeals failed to consider the documented malfeasance and fraud upon the court committed by officers of the court Shumaker, Loop & Kendrick (“Shumaker”) of sufficient gravity to warrant reversal. “[s]ince attorneys are officers of the court, their conduct, if dishonest, would constitute fraud on the court.” *H.K. Porter Co. v. Goodyear Tire & Rubber Co.*, 536 F.2d 1115, 1119 (6th Cir. 1976).

All attorneys and judges are officers of the court. Under Federal law, when any officer of the court has committed "fraud upon the court", the orders and judgment of that court are void, of no legal force or effect. See *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

The Officers of this Franklin County Ohio common pleas court in a sham masquerade fraudulently labeled the Crime Reports made by Petitioner to authorities as "vexatious litigation".

iv. Misprision of a felony

The unclean hands of these Officers of the court are Misprision of multiple felonies and constitute neglect and wrong performance of official duty.

The perjured affidavit crafted by Shumaker used to halt White-Collar crime investigations is one example. See 18 U.S. Code § 4 - Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned.

v. Denial of court access, due process rights

The refusal to lift the stay so that all claims can be brought to conclusion is a blatant denial of the due process rights of the Petitioner.

Not only is Petitioner/Defendant Ms. Stewart denied due process by the State Court systems

application of the Vexatious Litigator statute, the same Judge Kim J. Brown is using the judgment to deny the others parties in this case access to the court.

Respondent/Defendant TRG United Insurance LLC was not a party to the separate Vexatious Litigator case and/or the judgment. The State Court Judge Kim J Brown's refusal to lift the stay is a violation of due process rights of both Petitioner and Respondent TRG United Insurance LLC.

Arbitration ended December 8, 2017 and yet Judge Kim J. Brown refuses to lift the stay. *See Appendix P. Also see Appendix O, 71a-72a, ¶40, footnote 13, Tenth District Court of Appeals 19AP202* quoted:

“The exact wording of this order refers to a stay of claims and defenses involving TRG, [...]. However, the parties and the court all seem to understand it to also refer to a stay of the claims and defenses between the parties while the arbitration was pending. Such understanding is consistent with R.C. 2711.02(B).”

STATEMENT OF THE CASE

A. Preliminary Statement

Federal Whistleblower Laws and the guarantee of Constitutional protection for this Petitioner are violated by the unclean hands of Officers of the court in this case which unjustly has remained stayed for over six years.

This case illustrates the deliberately planned and carefully executed scheme to defraud, directed to the judicial machinery itself, with fabrication of evidence by Respondents in which the attorney and judge are

implicated. Coupled with defiance of the higher court, ignoring Federal law, this case (15CV1842) is now over six-years-old, has been afforded no discovery, no opportunity to defend, remains in a stayed status and has Petitioner Merrilee Stewart under a crippling preliminary entry.

B. Great Public Interest

This case raises substantial constitutional questions, is one of public and great general interest and involves multiple felonies harming our citizens, predominately located in underserved communities, facilitated in part by the culpable legal professionals acting in concert of effort to cover up, conceal and aid and abet the criminal enterprise.

The redress of grievances is enshrined within the First Amendment to the United States constitution and the ability to seek redress in the courts is a fundamental right, guaranteed by the due process provision of the Fourteenth Amendment to the United States Constitution, and restrictions on such a right require 'close scrutiny' by the judiciary." *Krause v. State* (1972), 31 Ohio St.2d 132, 150, 60 O.O.2d 100, 285 N.E.2d 736.

C. Historical

Petitioner is a Federal Whistleblower and Informant working with the Federal Bureau of Investigation, the Department of Treasury - Internal Revenue Service ("IRS"), the Federal Trade Commission and the Federal Insurance Office.

The White-Collar Crimes involve over 17 million dollars with victims in multiple states at the hands of the perpetrators' business headquartered in Ohio. The White-Collar Criminal investigations are

currently in the appropriate hands of the Federal Authorities. Violations of Federal Whistleblower laws are on-going and continuously inflicted upon this Petitioner by the Respondents, their legal counsel and the Franklin County Ohio Common Pleas Court Judge Kim J. Brown.

However, until Judge Kim J. Brown lifts the stay and abides by higher court decisions, Petitioner is denied due process or Whistleblower Protection. (Emphasis)

D. Constitution and Whistleblower Laws

“Federal law & Supreme Court cases apply to state court cases.” *Howlett v. Rose*, 496 U.S. 356 (1990).

i. Ohio’s Vexatious Litigator Statute

In this specific final appealable issue, the State of Ohio Tenth District Court of appeals kicked off the docket a fully briefed appeal which only lacked an optional response to the Brief of Appellees (Respondents). When petitioner filed the optional response to the appellees brief on December 23, 2019 the entire fully briefed appeal was removed from the docket. This was done by purporting Petitioner failure to file the leave required by the Vexatious Litigator judgment that was postmarked on December 24, 2019 and mailed to Petitioner after the response to the brief was already filed.

▶ Whereas, the notice of the Vexatious Litigator judgment was not even postmarked to the respondent until December 24, 2019;

▶ Whereas, the response to the Appellees Brief predated any notice of judgment;

▶ Whereas, only the optional response should have been rejected not the entire appeal;

▶ Whereas, Appellate Merrilee Stewart was not even granted the requested opportunity to have counsel take over the appeal on the request for reconsideration;

▶ Whereas, The Supreme Court of Ohio declined jurisdiction and upon reconsideration request, declined;

▶ Now therefore, this application of the Vexatious litigator statute to deny access to the Appeals Court and subsequently the Supreme Court of Ohio was unjust, without merit and directly violates Petitioner's Due Process rights as are guaranteed by the United States Constitution.

This utilization of the State of Ohio's Vexatious ("Meritless") litigation statute, in concert of effort by the unclean hand of officers of the court, is a violation of the protections guaranteed all people (emphasis) under the Constitution of these United States of America, Federal Whistleblower Laws and is Misprision of multiple felonies constituting neglect and wrong performance of official duty.

The Franklin County Ohio Common Pleas Court Judge conspired with Respondent's attorney, to cover-up, conceal, halt investigations, obstruct justice and refuse hearings on respondents documented White-Collar Crimes, by usage of a sham masquerade that fraudulently labeled reports to authorities as "vexatious litigation" which, as applied, inflicts a lifetime sentence upon Petitioner, the primary whistleblower, for fulfilling her duty to report.

This Common Pleas Court Judge and Respondents attorney's implementation of the Ohio Vexatious Litigator Statute results in an unremovable derogatory branding of a citizen, forever and permanently. This is in direct conflict with the rights granted to all people by the Constitution of the United States. The guaranteed access to justice and the inalienable right to a hearing of the facts applies in all cases of law, civil and criminal.

The statute, as manipulated and applied by these officers of the court, strips Petitioner of Free Speech, Equal Access and Due Process of Law (First, Seventh and Fourteenth Amendments).

ii. The Taxpayer First Act and the United States Department of Treasury

Petitioner is a United States Department of Treasury Whistleblower who documented \$5 to \$7 million in Tax Fraud committed by the Respondents via form 211 and has an assigned whistleblower claim Report No. As a Whistleblower, Petitioner is protected from retaliation by Respondents as is outlined in the Taxpayer First Act.

Although documented retaliation continues to occur and is contained in the common pleas court docket 15CV1842 and in testimony, Judge Kim J. Brown refuses to remove the stay, hold the hearing on the Crime Reports or enforce Federal Law.

iii. Dodd Frank § V and the Federal Insurance Office

The Crime Reports included the reporting of overt discrimination in the affordability and accessibility of Auto and Home Insurance in violation of the Fair Housing Act, Civil Rights Act, Sherman and Clayton

Act. The suppliers on behalf of Respondents (doing business in 24 states) are being forced to abide by "Affluent Middle-Class Rules", or their ability to sell is shut off completely.

iv. Identity Theft, Mail Fraud, Tax Evasion and the Federal Trade Commission

The recent incident of retaliatory harm inflicted upon Petitioner Merrilee Stewart for fulfilling her duty to report White Collar Criminal Activity ongoing at respondents' business is another piece of the pattern of documented, collaborated, and systemic organized crime schemes perpetrated by Respondents for more than a decade which includes over \$8 to \$10 million in embezzlement, mail fraud, tax evasion of \$5 to \$7 million, civil right violations and anti-trust violations in the withholding of access to products and services from our underserved communities.

These recent events involve Identity Theft, tax fraud and retaliation. Specifically, Respondents mailed to Petitioner a fraudulent 1099 purporting a payment of \$19,009.44 was paid to her in 2019. This fraudulent IRS 1099-misc form was mailed to Ms. Stewart postmarked January 24, 2020.

On May 19, 2020 Petitioner filed the Federal Trade Commission Report No. 118680619 and the Identity Theft Report No. 1545-2139.

On April 26, 2021, the Department of the Treasury - Internal Revenue Service provided verification of this Identity Theft. (Notice no. CP01C, ID 792774 quoted: ("We verified your identity theft documents"). This document effectively confirms Respondents additional Federal Felonies of Mail Fraud, Whistleblower Retaliation, Identity Theft and the

associated Tax Evasion to the City, State and Federal governments with the transmittal and filing of the fraudulent tax reporting document.

On May 14, 2021 Ms. Stewart filed a Dublin, Ohio Police Report No. 211340350 and on May 31, 2021 Ms. Stewart filed a US Department of Labor Occupational Safety and Health Administration Notice of Whistleblower Complaint Report OMB # 1218-0236. Also, on June 6, 2021 Ms. Stewart reported to Ohio Civil Rights Commission a formal complaint of retaliation.

Subsequently, another incident of Identity Theft was discovered May 13, 2021 with two separate 2020 1099's purporting monies was paid to Petitioner in 2020 representing more retaliation, Tax Fraud, Identity Theft and Mail Fraud.

v. Violation of Constitutional due process

This stayed case by C.P.C. Judge over six years ago on November 10, 2015 and the refusal to lift the stay, so that all claims can be brought to conclusion, is a blatant denial of the due process rights. *See Appendix P, 91a.*

E. The Unclean hands of Officers of the court

The Unclean hands of Officers of the court including but not limited to: 1) Violation of oath of office, 2) Contempt of Court, 3) Perjury and conspiracy, 4) fraud upon the court by officers of the court and 5) Misprision of a felony.

Officers of the court, Judge Kim J. Brown working in concert of effort with attorney James R. Carnes of Shumaker, Loop & Kendrick ("Shumaker"), deprived Petitioner Merrilee Stewart of her constitutional due

process rights, halted the police and insurance investigations that were underway and inflicted punishment, all resulting from fulfilling her duty to report White Collar Crimes (the "Crime Reports") that were witnessed firsthand while in the position of president of Respondent IHT Insurance Agency Group ("IHT").

See 18 U.S.C.A. § 241 (1964) reads: "If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same...]"

See also 42 U.S. Code § 1983 - Civil action for deprivation of rights

These officers of the court, working in concert of effort, have been able to inflict unlawful punishment and the fraudulent label of Vexatious Litigator on this Petitioner for fulfilling her duty to report White-Collar Criminal Activity ongoing in Respondent's business and harmful to the public.

These officers of the court conspired in concert of effort to interfere with investigations by way of perjury and the failure to abide by the higher courts ordered hearing on respondent's White-Collar crime reports made to Ohio Department of Insurance, Columbus Ohio Police, Ohio Civil Rights Commission, and the insurance companies (Hartford and Liberty Mutual).

The Ohio common pleas court ("C.P.C.") judge Kim J. Brown applied sanctions and attorney fees for the

fulfillment of Petitioner's duty of reporting the White-Collar Crimes.

The higher Appellate court disagreed with the CPC judge, and stated Judge Kim J Brown abused her discretion, "acted unreasonably, arbitrarily, or unconscionably", remanded for a hearing and vacated the finding and any award of sanctions and attorney fees associated with Petitioner and ordered a hearing on the Crime Reports. However, when the higher court reversed the attorney fees and sanctions, Judge Kim J. Brown refused to hold the ordered hearings.

See Appendix O, 70a, Appeals Court quote:

Id. ¶37. "An abuse of discretion connotes more than an error of law or judgment; it implies the trial court's attitude is unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983). Claims of error by the trial court must be based on the trial court's actions, rather than on the magistrate's findings. "Therefore, we may reverse the trial court's adoption of the magistrate's decision only if the trial court acted unreasonably, arbitrarily, or unconscionably."

These officers used the same crime reports made to levy sanctions and attorney fees in case 15CV1842, in violation of case splitting, and in case 18CV1994 on December 20, 2019 declared the crime reports as vexatious litigation.

The reporting of White-Collar Crimes is not litigation and the judgment occurred without discovery via a Motion for Summary Judgment.

In an additional defiance of the higher court, Shumaker created material alterations, a new set of documents and fraudulently presented them by affidavit to the lower Common Pleas Court as authentic. Then Shumaker repeated their perjury and fraud with their March 16, 2021 fraudulent statements made to the Tenth District Court of Appeals: "The reality is that the Closing Documents were form documents contained in the parties' Buy-Sell Agreement." *Id.* page 20 filed by Shumaker on 3/16/21 in 20AP493.

This statement not only directly contradicts the "Shumaker" documents previously (prior to killing RRL) provided in the lower Common Pleas Court, it is also in direct defiance and disregard of higher courts determination.

Tenth District Court of Appeals 18AP118, quoted order:

"Therefore, it is ORDERED, ADJUDGED AND DECREED as follows: This Court hereby confirms the December 11, 2017 Final Award in American Arbitration Association Case No. 01-16-0003-9163 in all respects, pursuant to Ohio Rev. Code § 2711.09. The terms of the Final Award (filed with the Motion as Exhibit C) are specifically incorporated by reference into this Judgment Entry. The terms of the Final Award shall be binding on the parties." EMPHASIS.

Aside from the direct defiance of the higher court, denial of the principles of preclusion and Res Judicata, Shumaker fraudulently seeks a do-over and re-writing of an already certified award and contract. Shumaker is aided and abetted by the lower court

Common Pleas Court Judge in this fraudulent endeavor.

Furthermore, in utter disregard and defiance to the order of the court and Petitioner rights, Shumaker, Loop & Kendrick facilitated the merger of Respondent RRL out of existence. *See* State of Ohio Certificate, Ohio Secretary of State, Jon Husted, 1658734, Doc: 201836501222, effective 12/31/2018 RRL Dead. *See also* Dissenters' rights statutes. 15 W. FLETCHER, *supra* note 1, §§ 7157 (suit allowed), 7158 (injunctive remedy), & 7162.1 (damage remedy) (rev. vol. 1973). 106. *Id* § 7160. *See also*, fiduciaries with adverse interests, such as personal contracts with the corporation, their business judgment on that matter is presumed invalid. 3 W. FLETCHER, *supra* note I, § 921 (rev. vol. 1975). Such conflicts render the transaction voidable by the corporation. *See id* § 913.

Shumaker disregarded the law, contract or court order in making RRL Holding Company of Ohio, LLC a Dead Entity on December 31, 2018. Then hid the event from the courts and all creditors under the guise of a name change only. The Ohio Secretary of State did not receive proper disclosure otherwise this merger of RRL out of existence would not have been authorized. Shumaker, in facilitating the merger of RRL out of existence, facilitated the seizure and movement of all assets of Respondent RRL Holding Company of Ohio, moving those assets to a new entity, Firefly, to avoid known creditors, including Petitioners' Certified Award. This is a criminal act and violates the Law of the State of Ohio.

In response to a question from James R. Carnes of Shumaker about Respondent, former RRL member Fritz W. Griffioen testified on July 9, 2019 (C.P.C.

15CV182) that Firefly was a renaming only and a name change only for re-branding and marketing.

The undisclosed change of control was done in violation of the RRL Buy/Sell Agreement and the Laws of the State of Ohio that serve to protect the known and anticipated creditors and was hidden from dissenting member Petitioner Ms. Stewart. *See* Ohio Rev. C. § 1705.36, Ohio Rev. C. § 1705.41 (A). *See also West v. Household Life Ins. Co.*, 170 Ohio App.3d 463,469, 2007-Ohio-845 (10th Dist.). Unless a third-party's enforcement of an agreement was "contemplated by the parties and sufficiently identified" in the agreement, a third-party may not enforce an arbitration agreement between two other entities.

REASONS FOR GRANTING THE WRIT

These very words "EQUAL JUSTICE UNDER LAW" are written above the main entrance to the Supreme Court Building.

As the final Arbitrators of the Law and guardians and interpreters of the constitution, the Supreme Court of these United States has the duty and honor to step in and ensure the American people this promise of "equal justice under law".

The Ohio Vexatious Litigator statute, as applied, violates the United States Constitution and Federal Whistleblower Laws.

The preceding named "Ohio" officers of the court must abide by orders of the higher court and their oath of office to "preserve, protect and defend the Constitution of the United States".

These "Ohio" officers of the court also have a duty to the law, including protection for whistleblowers and a referral of the multiple documented felonies to the proper authorities and/or appropriate tribunals.

In addition, of utmost importance is the duty to tell the truth, whether these officers are bound by "Rule 11" or the same perjury laws of our great land, they have the duty to be truthful.

Finally, to leave a case which has not even had one day of discovery stayed for more than six years is a gross injustice and violates due process rights for all four parties, not just Petitioner Merrilee Stewart.

As a citizen of these United States of America and a resident of the State of Ohio I pray this honorable court will provide Petitioner with a chance at justice and reverse and remand, with order to lift the more than six-year-old prolonged stay of this case so that the issues can be brought to finality.

CONCLUSION

The question is, does the Ohio Vexatious Litigator statute, as applied, violate the United States Constitution and/or Federal Whistleblower Laws and shall these "Ohio" officers of the court abide by orders of the higher court, their oath of office to "preserve, protect and defend the Constitution of the United States"-and shall they be compelled to lift the more than six-year-old prolonged stay of this case?

For the preceding reasons, Petitioner Merrilee Stewart prays the petition for a writ of certiorari will be granted.

Respectfully Submitted,

/s/ Merrilee Stewart

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