

No. 22-1072

Supreme Court, U.S.  
FILED

FEB 24 2023

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In The  
**Supreme Court of the United States**

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LORI A. SAXON,

*Petitioner,*

v.

AMERITAS LIFE INSURANCE CORPORATION,

*Respondent.*

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**On Petition For Writ Of Certiorari  
To The District Of Columbia Court Of Appeals**

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**PETITION FOR WRIT OF CERTIORARI**

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**RECEIVED**

**MAY - 4 2023**

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SUPREME COURT, U.S.**

## QUESTIONS PRESENTED

- (1) Were Lori Saxon's fundamental guaranteed rights to Due Process and 42 U.S.C. § 1983 and 1st, 4th, 5th, 7th, 8th, 9th, and 14th amendments violated?
- (2) Can The Lower Courts claim Res Judicata when judgments entered against petitioner were obtained by fraud on the court? Did the court violate Lori Saxon's legal and constitutional rights by allowing false orders and claims of res judicata cited by the lower court?
- (3) Were homestead Laws and Bankruptcy Laws in the District of Columbia violated by the lower court's failure to require respondents and agents to produce in open court under 15 U.S.C. § 1692 et seq. and 15 U.S.C. § 1692(g) specifically, proof of chain of title as petitioner has been denied a jury trial and fair and honest services and the False Claims Act, 31 U.S.C. § 3729?

Lori Saxon had a chapter 7 Bankruptcy discharged in 2008. Numerous foreclosure mills and debt collectors have tried to foreclose on Lori Saxon's home since 2010, violating the FDCPA, Homestead Laws in the District of Columbia, and Lori Saxon's right to Due Process. In 2013, The DC and US Government officials, DC Superior Court Judges, Attorneys, and Court Insiders set up The Judicial Foreclosure Working Group to

**QUESTIONS PRESENTED – Continued**

Take Saxon's home through Judicial Foreclosure. Lori Saxon's home was auctioned off on November 2, 2017. A settlement occurred in February, 2019 while cases were still under appeal and in DC Superior Court. The accounting of the sale was not reported and ratified by the Judge in DC Superior Court until 2 years after the alleged settlement, in 2019. No loans were paid off, nor was Ameritas Life Insurance Corporation even mentioned in the accounting. Lori Saxon's homeowners insurance is being paid by another debt collector through September, 2023, as were the taxes, until the courts were made aware of the taxes and then the alleged buyer started paying the taxes in around 2020 and the records were altered. The Insurance is still current through September 2023. Lori Saxon's home is valued at over \$2.2 million. In Ameritas Accounting, they received a little over \$1 million for the home. The title is spoiled with so many debt collectors re-recording the deed.

Judicial Foreclosures do not occur in The District of Columbia since The Supreme Court's unanimous Opinion – *Obdusky v McCarthy & Holthus, LLP*, 586 US 2019.

In 2019, before the court's ratification of the accounting, another case was created in DC Superior Court – Landlord Tenant Court. Lori Saxon Appealed. The Landlord Tenant Court, Denizen Development, LLC, as the alleged purchaser who has had the LLC revoked since September 1, 2022 and just obtained a

**QUESTIONS PRESENTED – Continued**

writ of possession and is having Lori Saxon removed from her home of 23 years, on March 15, 2023 by United States Marshals. Lori Saxon was never served the filing. The questions presented are:

Lori Saxon's due process rights were knowingly violated with malicious intent and purpose by agents of the alleged Debt collectors – respondents agents and officers in all courts within the District of Columbia.

## **PARTIES TO THE PROCEEDING BELOW**

Petitioner, Lori Saxon was the Appellant in the DC Court of Appeals and The Defendant, cross Plaintiff in the Trial Court – DC Court of Appeals.

Respondents, Ameritas Life Insurance Corporation was the Appellee in the DC Court of Appeals and the Plaintiff, Cross Defendant in the DC Court of Appeals.

## **STATEMENT OF RELATED PROCEEDINGS**

*Lori Saxon v Ameritas Life Insurance Corporation*, 20-cv-0127, DC Court of Appeals Judgment entered Aug. 24, 2022

*Lori Saxon v Ameritas Life Insurance Corporation*, 20-cv-0127, DC Court of Appeals Judgment entered Sep. 27, 2022

*Ameritas Life Insurance Corporation v Lori Saxon*, 2013-CA 006610 R(RP) DC Superior Court Judgment entered Jan. 6, 2020

*Ameritas Life Insurance Corporation v Lori Saxon*, 2013-CA 006610 R(RP) DC Superior Court Judgment entered Feb. 12, 2020

Supreme Court of The United States Application (22A560) granted by The Chief Judge extending time to file until Feb. 24, 2023 entered Dec. 22, 2022

Other related cases will be entered on Petitioner's Appendix.

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## **PETITION FOR WRIT OF CERTIORARI**

Petitioner Lori A. Saxon respectfully petitions for a writ of certiorari to review the judgment of the District of Columbia Court of Appeals.

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## **OPINIONS BELOW**

The decision of the District of Columbia Court of Appeals (App. 1a) is unpublished and denies petitioners appeal under res judicata on August 24, 2022 and denied petitioners motion for reconsideration and en banc on September 27, 2022. (App. 9a) The DC Superior Court's trial court's order granting respondents' motions for ratifying the accounting and closing the case was granted on January 6, 2020 (App. 5a) and denying petitioner's motion for reconsideration on February 12, 2020. (App. 7a) is unpublished.

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## **JURISDICTION**

The judgment of the District of Columbia Court of Appeals was entered on August 24, 2022. Saxon moved for rehearing, which was denied on September 27, 2022. On December 22, 2022, this Court extended the deadline to file a petition for writ of certiorari to February 24, 2023. On July 29, 2022. This Court has jurisdiction under 28 U.S.C. § 1257.

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## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The First Amendment to the U.S. Constitution provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

The Fourth Amendment (Amendment IV) to the United States Constitution is part of the Bill of Rights. It prohibits unreasonable searches and seizures. In addition, it sets requirements for issuing warrants: warrants must be issued by a judge or magistrate, justified by probable cause, supported by oath or affirmation, and must particularly describe the place to be searched and the persons or things to be seized.

The Fifth Amendment to the U.S. Constitution provides, “nor shall private property be taken for public use, without just compensation.”

The Eighth Amendment to the U.S. Constitution provides, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

The Sixth Amendment (Amendment VI) to the United States Constitution sets forth rights related to criminal prosecutions. It was ratified in 1791 as part of the United States Bill of Rights. The Supreme Court has applied the protections of this amendment to the

states through the Due Process Clause of the Fourteenth Amendment. The Sixth Amendment grants criminal defendants the right to a speedy and public trial by an impartial jury

The Seventh Amendment (Amendment VII) to the United States Constitution is part of the Bill of Rights. This amendment codifies the right to a jury trial in certain civil cases and inhibits courts from overturning a jury's findings of fact.

The Eighth Amendment to the United States Constitution protects against imposing excessive bail, excessive fines, or cruel and unusual punishments. This amendment was adopted on December 15, 1791, along with the rest of the United States Bill of Rights

The Ninth Amendment to the United States Constitution addresses rights, retained by the people, that are not specifically enumerated in the Constitution. It is part of the Bill of Rights

Section 1 of the Fourteenth Amendment to the U.S. Constitution provides in pertinent part, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

42 U.S.C. § 1983 provides: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State, . . . subjects, or causes to be

subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

The relevant provisions of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692-1692p, are reproduced in the appendix to this petition (App. 11a).



## INTRODUCTION

Petitioner, Lori Saxon is a pro se litigant who has been defending her property for 13 years against these numerous foreclosure mills, and debt collectors who have failed to produce discovery, chain of title or proof of notes, holdings or liens to her home of 23 years under 15 U.S.C. § 1692 and her constitutional rights.

The Supreme Court 6/28/18, *Sause v Bauer*, 585 U.S. \_\_\_\_ (2018) protects Pro Se Litigants such as Pro Se Appellant under the 1st & 4th Amendments.

The DC Court of Appeals Judgment of August 24, 2022 cites Res Judicata (App. 9a) as a reason for dismissing Lori Saxon's Appeal. Saxon's home was auctioned off in a Judicial Foreclosure sale through an In Rem Seizure ref *Timbs v Indiana*, 586 U.S. \_\_\_\_ (2019)

Lori Saxon had her Chapter 7 Bankruptcy at US Bankruptcy Court for DC No. 08-00339 discharged (App. 35a, 36a #5) September 2008. *Lawlor v National Screen Service Corp.*, 349 U.S. 322 (1955) clearly states that res judicata does not bar a suit, even if it involves the same course of wrongful conduct as alleged earlier, so long as the suit alleges new facts or a worsening of earlier conditions. There is no wider exception to the judgment than judgment obtained by fraud of a party. The DC Court of appeals erred with Their Judgment of August 24, 2022. As the Supreme Court explained more than 50 years ago in *Lawlor v. National Screen Service Corp.*, 349 U.S. 322 (1955), res judicata does not bar a suit, even if it involves the same course of wrongful conduct as alleged earlier, so long as the suit alleges new facts or a worsening of the earlier conditions. That is precisely the case here, with (1) expanded runways, including one 2000 feet closer to Plaintiffs' home; (2) new water pollution from the expansion; and (3) the revelation that the City has denoted Plaintiffs' property for acquisition because it is in runway areas where residential use is forbidden.

Any argument that res judicata bars new claims about the expanded runways simply because the expansion was "planned" back in 2002 ignores that any purported claims in 2002 about the nonexistent runways were not even ripe for judicial review. As this Court has held, unripe claims cannot later serve as a basis for res judicata. *Rawe v Liberty Mut. Fire Ins. Co.*, 462 F.3d 521, 529-30 (6th Cir. 2006).

The City falls far short of its burden to establish *res judicata* here. These are new claims, and this case was improperly cut short. Plaintiffs, like any other plaintiffs, should be allowed to substantiate their well-pleaded claims in the district court.

Petitioner's 2008 chapter 7 Bankruptcy under District of Columbia Code, specifically DC Code The "Homestead Exemption" provides that a DC Residents home is "free and exempt" from "attachment, levy or seizure and sale on execution or decree from any court in the District of Columbia . . ." in its entirety. The DC Courts have been trying to seize Saxon's home for over 13 years with no jurisdiction and authority.

On November 2, 2017, there was not an allegedly ratified accounting until October 18, 2019. The accounting was ratified by Jason Kutcher with the Law Firm Claiming to represent Ameritas Life Insurance Corporation. Ameritas Life Insurance Corporation was not listed as receiving any payment on the Accounting nor on the HUD 1 settlement sheet.

Kutcher entered an appearance to ratify the accounting. Troutman Sanders (App. 17a, 23a) had been a debt collector in Lori Saxon's 2008 Chapter 7 Bankruptcy. Even after the chapter 7 Bankruptcy had been discharged, the Law Firm was still coming after my ex husband and I for the debt. Troutman Sanders was now involved in the seizure of Saxon's home of 23 years. The ratified accounting was just a money laundering operation with no mortgage company getting paid- just attorney Kevin Hidebeidel stealing the over

\$1 million proceeds for himself. Even Judge Neal Kravitz who ordered the foreclosure In Rem seizure of Lori Saxon's home was listed on the Surety Bond (App. 23a).

*Lawlor v National Screen Service Corp.*, 349 U.S. 322 (1955) clearly states that res judicata does not bar a suit, even if it involves the same course of wrongful conduct as alleged earlier, so long as the suit alleges new facts or a worsening of earlier conditions. There is no wider exception to the judgment than judgment obtained by fraud of a party.

Petitioner's 2008 chapter 7 Bankruptcy under District of Columbia Code? Specifically DC Code The "Homestead Exemption" provides that a DC Residents home is "free and exempt" from "attachment, levy or seizure and sale on execution or decree from any court in the District of Columbia . . ." in its entirety.

The Trial Court Ruled on January 6, 2020 That the Accounting seemed "Reasonable" (App. 5a).

Lori Saxon Should never have had to go through this Judicial Foreclosure process with Corrupt Government officials and government insiders violating her Due Process Rights, Not to mention all the stress and suffering these corrupt agents have caused petitioner.

Petitioner was deprived of a jury trial, discovery, and mediation. Petitioners counter claims were never dismissed.

Denizen Development LLC who allegedly bid on Lori Saxon's home and did an alleged settlement on



Petitioners home in February 2019, obtained a writ of possession to seize Saxon's home on March 15, 2023 with the help of United States Marshals. Saxon was never served any documents (App. 33a) Letter from the DC Tax Office stating that Denizen Development is not the owner of record. Denizen Development LLC also had their LLC revoked on September 1, 2022 and all Orders Judgments and decrees from the Landlord Tenant court should be nullified also for this continued fraud against petitioner Only this Court can ensure that Lori Saxon and other property owners obtain a constitutional remedy for the confiscation of their home and equity.

This Court should grant the petition.

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## STATEMENT

1. a. Congress enacted the FDCPA in response to “abundant evidence of the use of abusive, deceptive, and unfair debt collection practices.” 15 U.S.C. § 1692(a). It recognized this abuse as “a widespread and serious national problem,” and it declared that a “primary” cause of the trouble was “the lack of meaningful legislation on the State level.”

Congress never enacted Judicial Foreclosures in the District of Columbia and this court's opinion on *Obdusky v McCarthy & Holthus L.L.P.*, 586 U.S. \_\_\_\_ (2019) ruled that Judicial foreclosures should not be done in the District of the Columbia but this has not stopped the Courts from stealing Petitioner's

approximately \$2.3 million dollar home in the District of Columbia. Congress sought to impose baseline, comprehensive protections against debt-collector misconduct. 15 U.S.C. § 1692(e). The FDCPA also mandated a process for debt collectors to provide consumers notice of their alleged debts; this process granted consumers a specific right to dispute those debts, and required debt collectors to “cease collection of the debt” pending validation. 15 U.S.C. § 1692g.

b. The FDPCA regulates solely the conduct of professional “debt collectors.” The Act broadly defines “debt collector” as “any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.” 15 U.S.C. § 1692a(6). Any person meeting that definition is subject to the full panoply of the FDCPA’s restrictions. The Act further expands its coverage with an additional definition: “For purposes of section 1692f(6) of this title,” the “term [‘debt collector’] also includes any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the enforcement of security interests.” 15 U.S.C. § 1692a(6) (emphasis added). Section 1692f(6), in turn, regulates conduct typical of repossession agents (i.e., the classic “repo men”): Taking or threatening to take any action to effect dispossession or disablement of property if – (A) there is no present right to possession of the property claimed as collateral

through an enforceable security interest; (B) there is no present intention to take possession of the property; or (C) the property is exempt by law from such dispossession or disablement. 15 U.S.C. § 1692f(6). The Act does not textually exclude those qualifying under both definitions (the general and the additional) from the Act's general prohibitions. This two-part definition of "debt collector" is followed by a list exempting six groups from the Act's coverage See 15 U.S.C. § 1692a(6)(A)-(F). That list does not include those pursuing foreclosures or enforcing other security interests.

Petitioner had all her due process rights violated and under 42 U.S.C. § 1983.

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### **REASONS FOR GRANTING THE PETITION**

The Fifth Amendment requires the government to pay just compensation when it takes private property.

"Every mortgage foreclosure, judicial or otherwise, is undertaken for the very purpose of obtaining payment on the underlying debt, either by persuasion (i.e., forcing a settlement) or compulsion (i.e., obtaining a judgment of foreclosure, selling the home at auction, and applying the proceeds from the sale to pay down the outstanding debt)." In short, "[t]here can be no serious doubt that the ultimate purpose of foreclosure is the payment of money." In petitioners case, the money went to line government insiders pockets on the accounting,

The DC Government violated Bankruptcy Laws, DC Homestead Laws.

Lori Saxon's fundamental guaranteed rights to Due Process and 42 U.S.C. § 1983 and 1st, 4th, 5th, 7th, 8th, 9th, and 14th amendments were violated.

The court's ruling on res judicata does not hold Res Judicata as According, however, to *Rule 41(b)* of the Federal Rules of Civil Procedure, the following are not claim preclusive and are not considered an adjudication "on the merits": a lack of jurisdiction

1. improper *venue*
2. failure to *join a party* when required to do so under *Federal Rule of Civil Procedure 19* (aka "*Mandatory Joinder*")
3. voluntary *dismissals*
4. if the dismissal order does not state otherwise (i.e. a decision made "without *prejudice*" would not be claim preclusive"), Particularly in cases involving RICO and/or significant fraud claims, the defaulting plaintiff may get his day in court and an opportunity to prove that his adversary is a fraudster. Petitioner's counter claim was never decided from 2014.

The lower Court's decision is so far outside the norm of judicial decision making that it requires further review from this court. Petitioner has suffered irreparable harm and the Order/Judgment violates petitioner's

constitutional rights. Petitioner has suffered a miscarriage of justice and a denial of her due process rights. Pro Se petitioner has had her 1st, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 14th Amendment Constitutional rights violated by all courts. 42 U.S.C. § 1983.

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### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Originally Submitted: February 24, 2023

Resubmitted: May 2, 2023

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