3/10/23

No. 22-889

In the Supreme Court of the United States

RYAN WOLLNER,

Petitioner,

v.

PEARPOP INC.,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Delaware

PETITION FOR A WRIT OF CERTIORARI

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March 10, 2023
SUPREME COURT PRESS ♦ (888) 958-5705 ♦ BOSTON, MASSACHUSETTS

QUESTIONS PRESENTED

1. Under the U.S. Const. Amendment 14 § 1, can a state court fundamentally & substantially alter their well-established legal procedural processes on a citizen of the United States of America ("Petitioner") in the middle of a civil action, without any notice to the Petitioner, in which, those changed processes were only applied to the petitioner's action and no other of the previous or proceeding same type of actions in that state—Can those alterations then be used to deprive the Petitioner of his protected liberties and permanently deprive him of his property without a trial as required in that state's constitution?

2. Under the U.S. Const. Amendment 6 and 14, can a state court interfere and deprive a person of their right to counsel during a civil proceeding?

3. Under U.S. Const. Amendment 5 and 14 can the Petitioner be compelled by a court to be a witness against himself, when It had been clearly established that the counter-party was in contact with a federal district attorney's office, and were using the information gained in an attempt to have him arrested so they could take his property?

4. Under the U.S. Const. Amendment 6 and 14, can a state's Supreme Court deprive a person of their right to counsel in a civil appellate proceeding?

5. Under the U.S. Const. Amendment 14 § 1, can a state court deprive access to the Petitioner's digital document records via the state's digital online record keeping platform while the Petitioner is appealing the trial court's decision with that state's Supreme Court?

PARTIES TO THE PROCEEDINGS

Petitioner

- Ryan Wollner is the Petitioner here, was the Appellant below and the Plaintiff below.

Respondent

- Pearpop Inc. is the Respondent here, Appellee below, and the Defendant below.

LIST OF PROCEEDINGS

Supreme Court of the State of Delaware
No. 257, 2022
Ryan Wollner, *Plaintiff Below, Appellant*, v.
Pearpop Inc., *Defendant Below, Appellee*
Date of Final Order: December 13, 2022

Court of Chancery of the State of Delaware
No. 2021-0157-KSJM
Ryan Wollner, *Plaintiff*, v. Pearpop Inc., *Defendant*
Date of Final Order and Judgment: July 21, 2022

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JUDICIAL RULES

PETITION FOR A WRIT OF CERTIORARI

Petitioner, Appellant, Plaintiff-below Ryan S. Wollner—who has been representing himself due to circumstances not within his control—was deprived of his protected liberties and then of his property without a trial as required in Delaware State's Constitution.

Petitioner Ryan Wollner respectfully petitions for a writ of certiorari to review the judgment of the Delaware Supreme Court and Delaware Court of Chancery.

OPINIONS BELOW

The decision of the Delaware Supreme Court was reported No. 257,2022 at the Supreme Court of Delaware on Fileandservexpress.com and is reprinted in the Appendix to the Petition at App.1a. The Final order and Judgement, and Opinion of the trial court of the Delaware court of Chancery was reported at FileandServexpress.com C.A. No. 2021-0157-KSJM, and is reprinted at App.8a-29a. The opinions were not designated for publication by the Delaware courts.

JURISDICTION

The Delaware Supreme Court issued its decision on December 13th, 2022, App.1a, Rule 30.1 makes the petition due on March 13th, 2022. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

The Delaware Court's denial of access to online files and filing is a subject of this petition (See Question 5 on page i). The Delaware Supreme Court dismissed the appeal for failing to file his opening brief. Petitioner was in the process of assembling the documentation for his briefing when he was closed out of the Delaware on-line filing system and lost access to case records. He requested the trial court to unrestrict his account, the court declined to do so, saying it was out of their control. The Petitioner proceeded to call the technology company that runs the digital platform and confirmed with 2 people, one being the manager, and both confirmed with 100% assurance what the Petitioner was being told was not true, and that the court could easily unrestricted the access with a few clicks of the mouse, and the trial court 100% knows this, and that they could also modify or change any document on the system.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

All relevant Constitutional Statutory Provisions and Judicial Rules are added in appendix. (App.30a-44a).

- U.S. Const. amend. IV (App.30a)
- U.S. Const. amend. XIV, § 1 (App.30a)
- The Delaware Constitution of 1897 Article I. Bill of Rights (App.30a)
- 8 Del. C. § 220 (App.31a)
- Del. Ct. Ch. Rule 7 (App.41a)
- Del. Ct. Ch. Rule 26(c) (App.36a)
- Del. Ct. Ch. Rule 55 (App.38a)
- Del. Ct. Ch. Rule 56 (App.39a)
- Del. Ct. Ch. Rule 60 (App.40a)
- Del. Ct. Ch. Rule 65 (App.42a)
- Del. Sup. Ct. Rule 7 (App.43a)

STATEMENT OF THE CASE

A. Factual Background

Ryan S. Wollner, is a stakeholder/shareholder and the President, Founder, Initial Member, Member, Manager and controls at least 1/3rd of the voting rights of Pearpop LLC ("Respondent Company"). Respondent Company is a social media platform for social media personalities and brands to collaborate with each other and exchange payment. Respondent Company has over 200,000 users, and many A-list celebrities and fortune 500 companies subscribe to use the platform. The Petitioner and 2 other parties, at the idea stage, form Pearpop LLC and enter into an extensive and negotiated operating agreement governing the company.

In that the operating agreement Pearpop LLC cannot be converted and the operating agreement cannot be modified whatsoever without a number of formal notices, meetings, and the Petitioner's express written authority. The Petitioner also has a right to have his litigation costs advanced to him for any dispute arises out of the agreement, and cannot be expelled without cause and without evidence of the cause, a warning with a chance to cure, proper notices, meetings, and formal votes which require all the Members, which he is then also allowed to challenge.

Mr. Wollner introduced and the hired a 3rd party ("Consultant") to help raise capital, amongst other things, for Pearpop LLC. This Consultant held himself out as an attorney that's worked with a well-known publicly traded megacap company, Meta Platforms,

Inc. formally known as Facebook, Inc, and he could help with legal advice as one of his roles. The Petitioner subsequently fired the Consultant for misconduct. Additionally, it turned out this 3rd party's license to practice law was suspended, and looks like it was suspended at the time he was hired.

Pearpop LLC was converted to Pearpop Inc., the Respondent herein referred to as "Respondent," "Appellee" or "Defendant" Company, which they admit in their verified responses to the complaint without consulting the Petitioner, or notice, or obtaining his vote as required in the operating agreement of Pearpop LLC.

A few days prior to the conversion there was a failed *coup d'etat* by one of the other 2 Initial Members of Pearpop LLC and the Consultant, to try to remove the Petitioner, in which they sent him a signed letter, which was provided in the complaint, which they accused him of felonious crimes, notably without any evidence (though they said they had evidence) and a number of other legal claims they alleged to have had. It failed, because the 3rd Initial member explicitly told the Petitioner that he did nothing wrong and told the 2nd Member that he was not allowed to attempt the coup, but the 2nd Member and Consultant attempted anyways, going directly against the rules in the operating agreement, which required the 3rd Member's approval (*See* App.61a), amongst a number other steps that needed to precede that, *i.e.* there was no evidence, no required notices issued, warnings, time to correct, calling of vote, and time to challenge.

The Petitioner was then frozen out from the Respondent Company by the 2nd Member and Consultant, through a number of lies and misdirection.

This was possible because it was during covid lock-downs and they were on different coasts.

The Petitioner, through his attorney, issued a demand letter requesting the books and records in accordance with Delaware General Corporation Law Title 8 § 220 (*See* App.31a-35a) to the Respondent Company, which provided a number of proper purposes including information regarding the attempted expulsion and why it took place, value of his shares, suspected embezzlement and theft of the IP by the 2nd Member and Consultant, and why the company was converted, all proper purposes recognized by the trial court. "Once a stockholder has identified a proper purpose, the burden shifts to the corporation to prove that the stockholder's avowed purpose is not their actual purpose and that their actual purpose for conducting the investigation is improper." *See Woods v. Sahara Enters., Inc.*, C.A. No. 2020-0153-JTL, 2020 WL 4200131 (Del. Ch. July 22, 2020).

Respondent Company hires the Consultant's previous employer Law Firm, along with his previous partners, to respond to the demand letter, without notice to the Petitioner or his required approvals as required in the operating agreement/bylaws, and also in breach of at least 2 non-disclosure and non-circumvent agreement the Petitioner had with the Consultant and Respondent Company. Respondent Company did not issue a response for 8 days, and it was clear from the outset they were not going to voluntarily provide the documents. the Respondent did work with them for almost 2 months to gain access to the documents.

After about 3 weeks, the Defendant's started sending some documents. The Defendant sent 4 batches of documents between then and filing the complaint,

which included a total of 12 documents, that were either unsigned, undated, never before seen, altered original documents, or original documents already in the Petitioner's possession. One of the batches included a new set of unsigned bylaws that would have made the Consultant the President, CEO, and Chairman of the Board of Directors, and a redacted stockholder list and capitalization table, which displayed that Shortly after the consultant threatened him with arrest, that he some how obtained around 25% of the Respondent Company, which would have required the Petitioner written approvals, and would have rightfully belonged to the Petitioner. The last of the of 4 batches provided by the Defendant included never before seen expulsion resolutions of the Petitioner, which had a signatory that looked like the 3rd Initial members, but 3rd Member confirmed shortly after it was sent that he did not sign it. The delays and lack/ questionable authenticity of the documents caused the Petitioner and his attorney to file a complaint.

B. Trial

On February 22nd 2021, the Petitioner, filed his complaint for a summary judgement with the trial court in the Delaware Court of Chancery, in Delaware state in accordance with DGCL Title 8 § 220 (*see id.*).

Defendant's in their verified answers to the complaint, admit that the Petitioner is a shareholder and that the operating agreement was a legitimate contract, and did not file any compulsory counterclaims. They did deny a number of important facts that Petitioner later provided direct evidence to the court that they knew their denials were perjurious when they made them. They also proceeded to make knowingly false claims about the Petitioner which the Petitioner also

later provided direct evidence that they knew they were false when they made them, statements which upset the Petitioner counsel.

Defendant proceeded to send the Petitioner an unsolicited letter which they called a "settlement communication," which was really an unfiled compulsory counterclaim and extortion letter, which included proof they had the evidence they were seeking in the discovery, and in which they basically fabricated an entirely fiction narrative, and said that if the Petitioner did not accept the offer, which was penny's on the dollar to the real value, that they would pursue fabricated felonious crimes, the Petitioner declined to engage.

An expedited trial was agreed to by the parties and the discovery deadlines and trial date were issued. The Defendant lawyer's propounding discovery on the Petitioner's lawyers. "Defendant corporations face an uphill battle to prove that a stockholder's demand is based on false pretenses. Vice Chancellor Fioravanti recently remarked that "discovery into determining whether a stockholder has a proper purpose or whether the purpose is entirely lawyer driven should begin by asking questions of the Section 220 plaintiffs regarding the purpose of his or her demand at deposition rather than propounding broad discovery on the plaintiffs' attorneys, either directly or through subpoena." Tr. of Oral Argument at 67, *Randolph v. GrubHub, Inc.*, C.A. No. 2020-0066-PAF (Del. Ch. May 28, 2020).

Petitioner scheduled his deposition as required, and the Defendant's lawyers—4 high profile partners and one associate from the Law Firm DLA Piper, one whom was a former Deputy Attorney General from

Delaware—threatened Petitioner's counsel via email, one after another, almost as like it was some kind of "blood pact" to get all their hands dirty, that they would use the deposition to attempt to gain access to attorney-client privileged information. Petitioner attorney advised the Petitioner against the deposition after it happened. They then proceeded to make false and misleading statements and demanded that the Petitioner respond to all their document discovery requests and interrogatories and proceeded to provide irrelevant case law regarding plenary lawsuits in support of their demands.

After reading the case law, the Petitioner's lead counsel wanted the Petitioner to provide the documents, which included every document in the universe regarding the Respondent Company, including information regarding his IP and designs for the company, and interrogatories irrelevant to test if the Petitioner's reason for seeking the books and records were proper. The Petitioner thought it was an obvious attempt to test their own allegations against the Petitioner, and possibly fabricate more evidence. Petitioner's associate counsel disagreed with providing the documents requested to the Defendant, Petitioner agreed with that assessment after reviewing the case laws and declined to provide those documents. But Petitioner did once again offer to sit for the deposition as long as the questions remained within the scope of what was permitted, or if they preferred, they could provide an affidavit, or he could answer all their questions at trial, Defendant refused all offers. "A defendant in a Section 220 Action is generally entitled to take a deposition of the plaintiff regarding his purpose for seeking books and records." *See,*

e.g., *Dedde v. Orrox Corp.*, 1981 Del. Ch. LEXIS 466 (Del. Ch. April 8, 1981) (giving defendant in a Section 220 proceeding the opportunity to take plaintiff's deposition on limited scope, but denying requests for production of documents except for trial evidence).

The Petitioner's attorney originally propounded about 85 interrogatories and document requests, though quickly realizing this might be out of the scope of what is permitted, they significantly reduced the burden to the Defendants by about 90% in the form of a consolidated request. The Defendant's refused to provide anything requested, which was need for trial, or schedule their deposition, and proceeded provided what they had already provided during the demand. Though instead they filed unsworn affidavits that the Petitioner was expelled from the company, with no required supporting evidence of such, and which the Petitioner later provided direct evidence, in the form of audio recordings that the affidavits were intentionally fraudulent to deceive the court.

C. Pre-Trial Motion Practice & Withdrawal of Petitioner's Counsel

A few days before the document discovery deadline the Defendant applied for an Order of Protection, and one day after the "document discovery deadline" they filed a motion to compel discovery requests while almost simultaneously Petitioner's counsel notified them he was withdrawing. In the Motion to Compel the defendants provided irrelevant case laws, included one that a defendant in a plenary action was denied his privilege because he failed to respond for over a year, after, multiple warnings, let me remind you, this was 1 day after a deadline that was

not even a legitimate deadline, and they demanded all documents in the universe regarding the Respondent Company that the Petitioner had in his possession, which were 95% completely irrelevant to the narrow issues at hand, and all privileged information, for failing to meet the document discovery deadline, but notably without providing evidence of either of the two improper purposes the court recognizes as a requirement to gain access to the Petitioner's in accordance with DGCL Title 8 section 220(c)(3), (d) (*see* App.34a-35a), though still not in default of the Deposition deadline. "If the stockholder's purpose is proper, "secondary motivations for seeking inspection, even if improper, will not be examined by the court." *Sutherland v. Dardanelle Timber Co.*, No. Civ. A. 671-N, 2006 WL 1451531, at *8 (Del. Ch. May 16, 2006).

The Petitioner's counsel refused to respond to the Defendant's motion practice the way the Petitioner wanted and requested to withdraw for the reason that the Petitioner would not provide all the documents requested by the Defendants and would not take his advise, though he provided everything that was required by law in the complaint, including proof of his ownership stake in the Respondent Company, and evidence that went far beyond the lowest burden of proof to form a credible basis. *Seinfeld v. Verizon Commc'ns, Inc.*, 909 A.2d 117, 123 (Del. 2006) held that a plaintiff in an action under 8 Del. C. § 220 need only allege a "'credible basis' from which a court can infer that mismanagement waste or wrongdoing may have occurred."

Petitioner requested the judge deny his counsel's request to withdraw, but the judge did not, and gave

the Petitioner 10 days to find new counsel. The Petitioner requested more time, the judge denied that request. After 10 days The Petitioner explained to the judge that he was not able to find adequate counsel due to the increased expense caused by this unnecessary motion practice which he was being quoted $100,000 just to finish the action, the judge refused to give him additional time and suggested he proceed by representing himself—knowing full well that he was being accused of felonious crimes—The judge tried to calm his nerves by explaining that court's clerk would provide him procedural help (which in the end they basically refused to provide any procedural information he requested after the clerk who was helping retired), and then directed the Petitioner to confer with Defendant counsel regarding their motions.

The Petitioner conferred with Defendant counsel and explained that they are only allowed a deposition on a narrow scope and offered to sit for deposition again, which they declined. They then demanded all the documents they requested in their motion to compel, the Petitioner declined. Defendant then proceeded to demand that the Petitioner agree to a hearing date for their motions, not having counsel and not really understanding what was going on he agreed to a hearing, but then retracted a few days later, he felt the judge was leading him to do that during one of the hearing, which he found out later on that he was never required to and it forced an unrequired hearing regarding their motions.

Defendant files for relief from the court requesting a hearing date for their motions, the request is granted and a briefing schedule is ordered. Petitioner

requests multiple times the Defendant advance his legal costs in accordance with the operating agreement/ bylaws, the Defendant declines and refuses to provide a reason. Petitioner also suggests to reschedule the trial, they refused.

D. Trial Court Alters the Court's Rules and Grants the Defendant's Motion to Compel

During the hearing, the judge denies the Defendant's Order for Protection request, and grants their Motion to Compel (*see* App.56a-57a) not because the laws allow for it, but because she resolved the other issues in the Petitioner's favor (*see* App.55a), though the issues were artificially manufactured by the Defendant, thus the Judge fundamentally and substantially altered the court's procedural processes that have been well-established and longstanding regarding a DGCL Title 8 § 220 summary proceeding, directly violating the Petitioner's right to a fair and evenhanded application of the procedural processes of the court under the 14th Amendment of the United States. *KT4 Partners LLC v. Palantir Techs. Inc.*, 203 A.3d 738, 754-55 (Del. 2019) (stating that "books and records actions are not supposed to be sprawling, oxymoronic lawsuits with extensive discovery.").

During this time, one of the Consultant's associates began showing up around the petitioner's residence regularly, and on one of the days after he was seen, the Petitioner caught people breaking into his apartment complex, who he believed were associated with the Consultant's associate. The Consultant had previously made general threats in the presence of the Petitioner that he knew dangerous people and would have people killed if they messed with him. The Petitioner felt unsafe and left the residence, which caused a

very burdensome experience for the petitioner for quite some time.

Petitioner notifies the trial court that this had happened, and also provides the trial court with an audio recording and other documentation that the Consultant had been threating to have him arrested by his "friend" in the Southern District of New York's Attorney General's office, and that he provided evidence to them of the crimes the Petitioner committed, and that he would have the Petitioner arrested if he pursued any of his contractual, legal, or civil rights. (*see.* App.62a-63a)

Trial court and Defendant continue to pressure the Petitioner into responding to the discovery, though during the oral argument the judge ordered that privilege was not waived regarding both attorney-client information and objections to discovery requests "I'm not deeming privilege waived, despite the fact that Mr. Wollner did forward communications with counsel to persons outside of the scope of those entitled to privileged communication, and despite the fact that Mr. Wollner did not respond timely with objections pending discovery. I'm exercising some leniency there and not deeming privilege waived" hearing argument (*see* App.54a).

E. Petitioner's Response's to the Defendant's Discovery Requests

Petitioner responds to the interrogatories that are geared to testing the Petitioner's purpose and some other questions just to clarify any concerns they might still have and objects to the rest for being irrelevant or outside the scope of what of what is permissible, or invoking his 5th, 6th, 14th amendment

rights. "The scope of permitted discovery in this type of action is restricted . . . not because Rule 26(c) does not apply, but because the issues themselves are so narrow and specific." *Fink v. R.P. Scherer Corp.*, 1988 WL 69812, at *1 (Del. Ch. July 1, 1988); Vice Chancellor Laster denied access to books and records where the stockholder admitted at deposition that the demand was lawyer driven, that his involvement was minor and non-substantive, and that the purpose stated in the demand was not his own. *Wilkinson v. A. Schulman, Inc.*, No. 2017-0138-VCL, 2017 WL 5289553 (Del. Ch. Nov. 13, 2017); in contrast, Chancellor McCormick recently found a stockholder "to be sincere in his pursuit of books and records" when he "admitted that his counsel helped articulate his demand purposes, but demonstrated a clear of the facts and goals relevant to each purpose." *Kosinski v. GGP Inc.*, 214 A.3d 944, 951 (Del. Ch. 2019).

Additionally, being that the requirement to establish wrongdoing is the "lowest burden of proof possible" to support a credible basis, which could be as low as hearsay if reliable, In *NVIDIA v. Westmoreland*, Del. Supr., No. 259, 2021 (July 19, 2022), the Delaware Supreme Court upheld the Court of Chancery's ruling that hearsay evidence (if reliable) can be used by stockholders in a Section 220 proceeding to show the requisite "credible basis".

The Petitioner objected to any further document requests because he felt that he had provided far more then what was necessary to infer a credible basis for wrongdoing in his complaint and throughout the proceedings and invoked his 5th, 6th, and 14th amendment rights because thought it was a clear attempt by the Defendant's lawyers to get their hands

on his information for any number of nefarious reasons including providing information to the Southern Districts attorney general's office to have him arrested. Though to be clear, the Petitioner adamantly and vehemently denies any wrongdoing or criminal behavior. In *Pettry v. Gilead Sciences, Inc.*, C.A. No. 2020-0132-KSJM (Del. Ch. Nov. 24, 2020) the Court awarded attorney fees nearing $1.8 million to stockholders, citing the company's "glaringly egregious litigation conduct," for their "overly aggressive defense strategy."

Defendant files for a Default Judgement which included a request to dismiss the summary proceeding with prejudice, *i.e.* permanently denying access to any books and records of his company, for not responding completely to their discovery requests, most specifically they pointed to ones that have felonious implications, and which he objected to. They then request a briefing schedule for the Default Judgement and is immediately granted it by the court, even though the Defendant still has not responded to any of the Petitioner's discovery, and failed to provide a corporate designee for deposition as required in accordance with the law, despite their protection order being denied.

F. Petitioner's Motion Practice

The Defendant counsel continued to demand everything they requested and claimed the Petitioner was deficient in his responses, though he was not according to the law. After about a year of grueling of being displaced from his residence and learning how to write legal documents and work with the court with virtually no help or previous experience, the Petitioner responded to their Default Judgement request with a request to Deny their Default Judgement along with a Motion for a Protective Order in accord-

ance with Del. Ct. Ch. Rule 26(c) (*see.* App.37a-38a) and a Motion to Vacate the Order to Compel under Del. Ct. Ch. Rule 60 (*see* App.40a-41a) on the basis of fraud and misconduct, in which he provided direct evidence that expulsion affidavits were fraudulent, *i.e.* the audio recording the judge describes as illegal in the Final Opinion though the judge actually has no basis for that, she hadn't even inquired if the other participants agreed to being recorded. (*see* App.11a).

The Petitioner began to file a number of other motions as well, including an emergency injunction to remove the counsel representing the Respondent Company in accordance with Del. Ct. Ch. Rule 65(b) (*see* App.42a-43a), a Motion to Compel litigation expenses, a leave of court to find new legal counsel, summary judgement, a request to amend the complaint. Defendants refused to engage, and the Petitioner requested for a briefing schedule in accordance with Del. Ct. Ch. Rule 7(b)(1)(4) (*see* App.41a-42a). The trial court ignored all requests from the Petitioner, some requests had been on the docket for over 7 months, though Judge would give immediate attention to anything the Defendant's counsel requested.

The Petitioner introduces his reasonable suspicions to why the attempted coup happened, though he was not required too, in which he believed that the Consultant and the law firm were actually working as a proxy for Meta Platforms, Inc. and Mark Zuckerberg (whom is there client), for any number of nefarious reasons. "A stockholder is not required to state the objectives of his investigation" because "corporate wrongdoing is, as the Court of Chancery noted, in and of itself 'a legitimate matter of concern

that is reasonably related to [a stockholder's] interest as [a] stockholder.'" *Lebanon County Employees' Retirement Fund v. AmerisourceBergen Corporation*, 2020 WL 132752, 243 A.3d at 427-28 (Del. Ch. Jan. 13, 2020).

G. Hearing for the Defendant's Request for Default Judgement, and the Petitioner's Response Along with His Motion to Vacate and Request for a Protective Order

Hearing for these motions are heard on the 25th of March 2022. On the 21st of June 2022, nearly 16 months after the case was filed (which the Petitioner has recently come to realize that this delay caused certain statutory limitations to expire), the Judge issues the Final Opinion (*see* App.11a-29a) granting the Defendant's default judgment dismisses the action with prejudice for failing to comply with his discovery obligations notably without notice or warning from the court that the Petitioner's responses were deficient and why they were deficient and awarded the Defendant's $100,000 in attorney's fees. Simultaneously Petitioner's Motion to Vacate and Protective Order were denied.

In that decision the Judge unnecessarily uses the word "purportedly" when describing Petitioner as 5% equity holder, "Initial Member," and "Manager" of the pre-conversion LLC (*see* App.12a), though this was admitted to true by the Defendant multiple times throughout the proceeding, including in their verified responses to the complaint and oral arguments, the evidence was provided in the complaint which was filed under seal by his original attorney, the Defendants also provided the operating agreement. Though just to be clear the petitioner is probably the

majority shareholder and the majority if not all the IP' belongs to him, and the title is in his name, which the judge was well aware of. The Judge also denies the legality of the audio recordings, though she does not have jurisdictional discretion on them due to the fact they were acquired legally in accordance with both the State he was a living in at the time, and federal laws.

Additionally the judge states in the opinion that "Wollner does not dispute that he has provided virtually no document discovery to PearPop, nor does he meaningfully address whether his interrogatory responses were sufficient to satisfy his discovery obligations. He effectively concedes that he has been in continuing violation of the Discovery Ruling," (*see* App.20a). Along with many other false or misleading statements in the Opinion, this is an entirely false statement, the Petitioner has adamantly and vehemently disputed this the entire proceeding, not only did he provide what was required he was fraudulently induced into provided far more then was required. The Defendant refusing to take his deposition surely cannot be construed as failing to meet his discovery requirements, especially when the Defendant provided absolutely 0 discovery requested by the Petitioner.

H. Notice of Appeal to the Supreme Court of Delaware

Petitioner, not understanding the rules, and it appearing like there had been intentional delays, prematurely files a Notice of Appeal with the Supreme Court of Delaware (*see* App.XX) which was denied on that basis that the Final Order and Judgement had

not been made yet. Petitioner refiles his Notice of Appeal with the Supreme Court, and it is accepted.

Under Delaware Supreme Court Rule 7(g), the Petitioner files his disclosures as required, though the defendant's do not file any disclosures, so the Petitioner filed a motion to compel the disclosures, which was denied by Chief Justice Collin Seitz (*see.* App.49a-51a) though they did not make one single disclosure, and it was known and publicly released that there were other equity investors and advisers maybe involved. Indirectly making it impossible to hire an attorney because they could not do adequate conflict checks. The Defendant's also withheld all information need to determine the value of his shares.

As the Petitioner is in the process of attempting to draft his appeal brief when he realizes he's been blocked out of his confidentially filed complaint and exhibits from the trial courts digital document records keeping platform FileandSerxePress.com. He proceeded to request that clerk unlock the documents, they refused to do so. The exhibits that they blocked him out of contained all the evidence required to meet the standards for a summary judgement, including the operating agreement, proof of ownership, proof of title, proof that they had in their possession already the documents they were demanding in discovery, proof of wrongdoing which show written and signed documents by the Initial Member threating to have the Petitioner arrested if he didn't accept his buyout, which was fractions of penny's to their fair market value.

The Petitioner proceeded to file another Motion to Compel the Defendant's to advance his legal expenses and a stay of court to find counsel, which was denied

within minutes by the judge (*see* App.45a-48a). Petitioners appeal was dismissed on the grounds of not filing an opening brief. (*see* App.1a).

REASONS FOR GRANTING THE PETITION

The Decisions and actions from the trial court and Supreme court conflicts with the well-established rules, procedures, and precedents of their courts and erroneously leaves the Petitioner deprived of his property and liberties protected under 14th Amendment guaranteed by of the Constitution for the United States. Only this Court can rectify the incongruities and reiterate the long standing precedents of the 14th Amendment to the Delaware Courts.

The Decision from the trial court and supreme court contravenes clear dictates of the state's pre-existing statutes and precedents as shown in the Statement of Case, and clear dictates of the 14th Amendment of the United States Constitution and it's precedents going back well over 100 years.

The Delaware Court of Chancery and Supreme Court of Delaware, interfered in Petitioners right to contract, directly and indirectly deprived him of his right to counsel, tried to force him to be a witness against himself in criminal allegations even after raising his objections and being deprived of counsel, did not properly notify him, substantially altered their courts' processes only for his case and no other of the proceeding same type of actions, and arbitrarily exercised their powers to permanently deprive the

Petitioner his property and liberties guaranteed to him in the United States Constitution.

The Delaware Court of Chancery is a court of significant importance, in the United States and, as it has jurisdiction over about 68% the Fortune 500 companies, and millions of other companies, it would be extremely unfair to all citizens or protected entities of the United States who rely on this court to be fair and evenhanded, and would jeopardizes all persons constitutional rights if this type of conduct does not go corrected.

This case is ripe to be heard from the Supreme Court of the United States, and has consequences that far extend beyond personal interest and far into the interest of the public. This is the exact type of conduct our Founding Fathers and many, many generations of Citizens fought and died to protect against.

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

U.S. Const. Preamble.

Where therefore, this petition should be granted.

CONCLUSION

The Petitioner is a stockholder, he is still the President, Founder, a Managing Director and Director, of the Respondent Company though he has been frozen out. He has both a legal right by law, and a contractual right to all the books and records of the company including all privileged information—which hold substantial monetary value—and adequate legal counsel. Additionally, the title of the documents belong to Petitioner based on a contract entered into by the Respondent Company, and provided to the court. The Petitioner was not sure what was going with his Company and wasn't sure if he wanted to file a lawsuit against the Defendant nor did he even understand he was being extorted until he hired an attorney, that's part of the reason why he was using the tools at hand to make a determination on what he should do. The trial court's decision basically forces the Petitioner to have to become further adversarial and litigious with his company. The trial court violated the Petitioner's 14th Amendment rights in multiple different ways, they altered their well-established procedural processes and allowed the Defendant to continue to harass the Petitioner and investigate their own allegations, including numerous felonious allegations, which to this day almost 3 years later, still have not provided one single piece of evidence of their allegations. The trial court did not provide notice to the Petitioner's that his responses to discovery were deficient and that he was at risk of being permanently denied his property, and being that this has never happened before in the history of this sum-

mary proceeding, there was no way of knowing this was possible or how to even correct it. The Petitioner had far exceeded his requirements prior to the discovery and proceeding the court granting the motion to compel, and yet still complied with his erroneous discovery obligations the defendant's refusal to take a deposition surely cannot be seen as failing to meet discovery requirements. The Petitioner filed for a summary judgement in accordance with Del. Ct. Ch. Rule 56(a)(c) (*see* App.39a-40a), which does not require discovery to be completed as it does in the FRCP, and as there was no genuine issue as to any material fact that would prevent the Petitioner from legally obtaining the documents, and he was entitled to the judgment as a matter of law. The trial court's judge had the jurisdiction to step in and end this at any point by applying the rules without request from the Petitioner, instead the judge interfered and deprived in the Petitioner right to legal counsel and tried to force the Petitioner to be a witness against himself in felonious allegations which he felt was a pretty obvious attempt to entrap him. Oddly, just prior to the outset of the Petitioner's complaint this same judge aggressively sanctioned lawyers for similar type of misconduct. This was not just err, these were intentional, completely partial, one-sided and biased decisions, to say the least, by the trial court, Supreme court, in an coordinated effort to find a way to deprive the Petitioner of his rights and property, permanently, without trial as required in by the Delaware State's Constitution (*see* App.30a) by altering the well-established and long standing procedures to arbitrarily exercise their power, thus depriving the Petitioner of his 14th Amendment (*see id.*) rights,

guaranteed to him in the Constitution of United States of America.

For these reasons the trial court and Supreme Court of Delaware and the both judges should be sanctioned for their egregious misconduct, but at the least, the final decision from the trial court should be reversed and rendered.

Respectfully submitted,

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