

No.: 25-24A1105

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IN THE  
**Supreme Court of the United States**

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BRAD GREENSPAN,

*Petitioner,*

v.

GOOGLE, LLC, et al.

*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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**PETITION FOR WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

1. Whether the D.C. Circuit erred in dismissing petitioner's Crime Victims' Rights Act petition as "moot" rather than adjudicating it on the merits as required by 18 U.S.C. § 3771(d)(3), which mandates that courts "take up and decide such application forthwith within 72 hours" (App. 001a–002a).

2. Whether a crime victim's petition for mandamus relief under the Crime Victims' Rights Act, 18 U.S.C. § 3771, requires independent consideration separate from other pending motions, particularly when the petition alleges violations of the right to confer in ongoing parallel antitrust proceedings and protections under 15 U.S.C. § 7a-3 (App. 010a–044a).

**PARTIES TO THE PROCEEDING**

Petitioner Brad Greenspan was appellant below, and Respondents include the United States and several States, and Google LLC, as reflected in the captions reproduced in the Appendix (App. 001a; App. 010a–014a).

## **RELATED PROCEEDINGS**

- United States v. Google LLC, No. 1:20-cv-03010 (D.D.C.) (referenced throughout) (App. 005a–008a).
- United States, et al. v. Google LLC, No. 24-5006 (D.C. Cir.) (orders and CVRA petition reproduced) (App. 001a–009a; App. 010a–044a).
- In re Brad Greenspan, No. 24-5007 (D.C. Cir.) (companion references in filings) (App. 013a; App. 024a–025a).

**RULE 29.6 STATEMENT**

The parent company for Google, LLC is Alphabet, Inc., a publicly traded corporation. No other publicly traded corporation owns more than 10 percent of Alphabet, Inc., as reflected in reproduced filings (App. 010a–012a).

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## **OPINIONS BELOW**

The D.C. Circuit’s order denying judicial notice and reconsideration/recall and dismissing the CVRA petition as moot, while directing the Clerk to accept no further submissions, is reproduced at App. 001a–002a, with prior orders at App. 003a–009a.

## **JURISDICTION**

The D.C. Circuit entered its order on February 21, 2025; jurisdiction lies under 28 U.S.C. § 1254(1) (App. 001a–002a).

## **STATUTORY PROVISIONS INVOLVED**

18 U.S.C. § 3771(d)(3) (CVRA “forthwith” and written-reasons requirements), as invoked in the CVRA petition excerpt reproduced at App. 010a–044a:

“The rights described in subsection (a) shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred. The district court shall take up and decide any motion asserting a victim’s right forthwith. If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus. The court of appeals shall take up and decide such application forthwith within 72 hours after the petition has been filed. If the court of appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.”

15 U.S.C. § 7a-3(a)(1)(A)(i) (Clayton Act whistleblower/conferral framework), as cited in the CVRA filing at App. 010a–020a within the reproduced excerpt:

“No employer may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against a covered individual in the terms and conditions of employment of the covered individual because of any lawful act done by the covered individual to provide or cause to be provided to the Federal Government or a person with supervisory authority over the covered individual information relating to any violation of, or any act or omission the covered individual reasonably believes to be a violation of, the antitrust laws.”

This petition’s organization and preparation follow Supreme Court Rules 14 and 33 for content and format, respectively.

## INTRODUCTION

This petition asks whether a court of appeals may dismiss a CVRA mandamus as “moot” without reaching the merits or issuing written reasons, contrary to § 3771(d)(3)’s directive to decide such petitions forthwith, where the order under review denied judicial notice, rejected reconsideration/recall,

dismissed the CVRA petition as moot, and barred any further submissions (App. 001a–002a).

It further asks whether a CVRA petition—seeking conferral and record-restoration remedies in an ongoing federal antitrust enforcement action—must be adjudicated independently of collateral motions or deadlines, rather than treated as derivative or mooted by unrelated process issues, as shown in the reproduced CVRA filing (App. 010a–044a).

## **STATEMENT OF THE CASE**

### **I. Factual Background**

The matter arises from *United States v. Google LLC*, where petitioner sought to participate as a crime victim with a right to confer and to provide evidence under the CVRA and 15 U.S.C. § 7a-3, as set out in the CVRA mandamus filing reproduced at App. 010a–044a.

Record-handling anomalies are supported by mailed/stamped intake pages and docket sequencing in the Appendix and by judicial-notice materials, which are cited as RJN with App. pins beginning at

App. 085a (intake context at App. 003a–006a; RJN at App. 085a+).

## **II. Procedural History**

Feb. 28, 2024: deadlines and Rule 38 warning (App. 003a–004a).

June 17, 2024: certain motions dismissed as moot, responses ordered, disqualification deferred (App. 005a–006a).

Sept. 16, 2024: reconsideration denied; appeal dismissed under Rule 38; Rule 36 notice; FRAP 41(b) timing (App. 007a–008a).[2]

Dec. 10, 2024: motion to reopen denied (App. 009a).[2]

Dec. 30, 2024: Motion to Reconsider, Modify Disposition, or Correct the Record filed (App. 045a–084a; title at App. 046a).[2]

Feb. 21, 2025: judicial notice and reconsideration/recall denied; CVRA petition dismissed as moot; Clerk directed to accept no further submissions (App. 001a–002a).[2]

## **REASONS FOR GRANTING THE PETITION**

### **I. Dismissal as “Moot” Contravenes § 3771(d)(3)**

Section 3771(d)(3) requires the court of appeals to take up and decide CVRA mandamus petitions forthwith within 72 hours and to state reasons in writing upon denial, which did not occur here (App. 001a–002a), with the reproduced CVRA petition underscoring the statute’s command (App. 010a–044a).

### **II. CVRA Petition Requires Independent Consideration**

A CVRA petition is an independent vehicle to be adjudicated on its own timetable and merits, not subsumed by collateral docket events or schedules, as shown in the CVRA filing (App. 010a–044a) and prior orders (App. 003a–008a; App. 009a).

### **III. Misclassification Avoided Merits and Written Reasons**

Treating the CVRA filing as ordinary mandamus avoided merits review and the statute’s written-reasons obligation, warranting this Court’s guidance (App. 001a–002a).

#### **IV. Procedural Irregularity Denied Due Process and Access**

Disposing of key filings while declining to consider record evidence and statutory timetables—paired with the directive to accept no further submissions—denied due process and access consistent with § 3771(d)(3) (App. 001a–002a; App. 003a–006a; RJN at App. 085a+).

#### **V. Ideal Vehicle for CVRA in Antitrust Context**

This case presents a significant enforcement setting with a clear record to enforce § 3771(d)(3) and preserve real-time victim participation (App. 001a–008a; App. 010a–044a).

#### **VI. Evidence of Intake/Misclassification and Conflicts**

Judicial-notice materials document intake/misclassification and conflict context; they are cited as RJN with App. pins beginning at App. 085a (financial-disclosure pages appear at App. 279a–280a) (RJN at App. 085a+).

## **VII. Guidance Is Needed to Prevent Summary Mootness**

The order under review lacks CVRA merits analysis and written reasons, diverging from the statute's command and decisions requiring merits adjudication with reasons, warranting this Court's intervention (App. 001a–002a; App. 010a–044a).

## **VIII. FRCP 5(b)(2)(E) Issue**

Court-enabled email acceptance should not be converted into grounds for immediate pre-filing restrictions where intake records show receipt and later irregularities, a first-impression issue appropriately presented with record support (App. 003a–006a; RJN at App. 085a+).

## **CONCLUSION**

The petition should be granted to enforce § 3771(d)(3)'s “forthwith” merits-decision and written-reasons requirements, to clarify that a CVRA petition is an independent vehicle not subject to summary mootness, and to address the FRCP 5(b)(2)(E) issue presented by a court-enabled pro se entry followed by pre-filing restrictions (App. 001a–009a; App. 010a–044a; RJN at App. 085a+).

Respectfully Submitted,

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