No.

IN THE

# Supreme Court of the United States

BRAD GREENSPAN,

*Petitioner,*

v.

GOOGLE, LLC, et al.

*Respondent.*

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

## PETITION FOR WRIT OF CERTIORARI

**DAVID P. REINER, II**
*Counsel of Record*
REINER & REINER, P.A.
9100 So. Dadeland Blvd., Suite 901
Miami, Florida 33156-7815
(305) 670-8282
dpr@reinerslaw.com

*Counsel for Petitioner*

## QUESTIONS PRESENTED

1. Whether the D.C. Circuit violated 18 U.S.C. § 3771(d)(3)—which mandates that "the court of appeals shall take up and decide such application forthwith within 72 hours" and that any denial's "reasons ... shall be clearly stated on the record in a written opinion"—when it dismissed Petitioner's CVRA mandamus petition as "moot" without a merits decision or written reasons and directed the Clerk to accept no further filings (App. 001a–002a).

2. Whether a CVRA mandamus petition that seeks to enforce the right to confer and to restore record completeness necessary for meaningful conferral, including whistleblower participation under 15 U.S.C. § 7a-3, must be adjudicated independently of collateral docket events rather than dismissed for "mootness" based on unrelated process dispositions (App. 001a–002a; 010a–044a).

## PARTIES TO THE PROCEEDING

Petitioner Brad Greenspan, the United States of America, multiple states as active or interested parties, and Google LLC (App. 001a; 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 of Google LLC is Alphabet Inc., a publicly traded corporation. No other publicly traded corporation owns more than 10 percent of Alphabet Inc.

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The D.C. Circuit's order dismissing Petitioner's writ of mandamus as moot is reproduced at App. 001a. The D.C. Circuit's order denying reopening is at App. 002a.

## JURISDICTION

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

## STATUTORY PROVISIONS INVOLVED

18 U.S.C. § 3771(d)(3):
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(d):
Guarantees "all relief necessary to make the employee whole," including equitable relief and reinstatement,

for retaliatory exclusion or suppression of antitrust whistleblower evidence.

## INTRODUCTION

This petition addresses the D.C. Circuit's summary dismissal of a well-founded CVRA mandamus petition—filed by a once *pro se* antitrust whistleblower in the trial court, but represented by counsel on appeal. The court below violated both the letter and spirit of 18 U.S.C. § 3771(d)(3), refusing merits review and written explanation, thereby denying not just Petitioner's statutory rights but materially harming the administration of antitrust justice. That harm spilled over to the States and their Attorneys General, whose parallel enforcement and interests were severely undermined by the loss of whistleblower evidence and the inability to confer regarding vital government antitrust evidence shielded by the conduct in the district court and reviewed on appeal (App. 001a–002a; 010a–044a). This case is not just about individual injustice, but about nationwide statutory policy and institutional integrity.

## STATEMENT OF THE CASE

### *Disparate Treatment and Prejudice—Procedural Weakening of Whistleblower and State Rights*

Petitioner, a digital innovator and founder of Myspace.com, was uniquely excluded from participation under both the CVRA and Clayton Act, while better-resourced intervenors were granted full access to hearings and filings (App. 010a–044a). The record shows a pattern of clerk manipulation, removal of "received" filings, and summary denials, most notably regarding the pivotal Errata containing Petitioner's whistleblower evidence under § 7a-3, which was never docketed and left the judicial record incomplete (App. 021a–022a; 085a+). Orders denying intervention and imposing pre-filing bans regularly lacked explanation, culminating in a "vexatious" label predicated on missing evidence (App. 048a).

Greenspan's filings did not just implicate his own rights: exclusion of his evidence and his inability to confer with the Department of Justice directly prejudiced the State Attorneys General and by extension the sovereign states involved. The DOJ and

its state counterparts were deprived of potentially game-changing antitrust evidence—suppressed at the district court stage—because filings marked as "RECEIVED" were removed and never properly docketed or disclosed by the Clerk (App. 021a–022a, 085a+). State AGs lost their statutory opportunity to weigh and address this evidence during their litigation partnership with DOJ, compromising their independent enforcement judgments as co-plaintiffs in the federal action. The chilling effect on future state-federal cooperation in antitrust whistleblower contexts is manifest.

After refusing improper data requests from Google as CEO and choosing Yahoo as a partner, Greenspan became the target of retaliation—leaving him *pro se*, at least initially, in the district court. However, by the time of his CVRA mandamus petition (filed in the appellate court), Greenspan was represented by retained counsel, and his filings presented sophisticated statutory and constitutional arguments rooted not only in crime victim law but in the unique intersection of digital antitrust

whistleblowing and state-federal enforcement mechanisms (App. 010a–044a).

Notably, of the seventeen suppressed documents, Greenspan's core Errata—a whistleblower disclosure under 15 U.S.C. § 7a-3—never made it to the docket because of clerk action and was denied every record-correction route prescribed by FRCP 5(d)(4). The practical effect: the district judge worked from an incomplete, sanitized record, paving the way for the pre-filing ban and further retaliation.

## REASONS FOR GRANTING

This petition squarely satisfies the Court's criteria for certiorari because it presents an entrenched and outcome-determinative split regarding the mandatory procedures governing Crime Victims' Rights Act (CVRA) mandamus petitions, implicates uniform administration of federal law in nationally significant antitrust enforcement, and raises recurring questions of statutory coordination between the CVRA and Congress's antitrust whistleblower protections.

- Conflict: multiple circuits require prompt merits adjudication and a written disposition on CVRA mandamus under 18 U.S.C. § 3771(d)(3), while the decision below dismissed as "moot" without merits review or written reasons.

- Importance: the D.C. Circuit's contrary practice effectively nullifies victims' statutory participatory and conferral rights in the Nation's most consequential dockets, including federal–state antitrust cases, with substantial sovereign and public stakes.

- Vehicle: the question is cleanly presented, purely legal, and turns on statutory construction, not new factfinding; the record is complete; and the conflict is recurring and ripe for resolution.

## I. The Circuits Are in Direct, Acknowledged Conflict on CVRA Mandamus Procedure

Section 3771(d)(3) directs courts of appeals to take up and decide CVRA mandamus petitions

"forthwith" and to state reasons in a written opinion upon denial. The Fifth, Ninth, and Eleventh Circuits adjudicate CVRA petitions on the merits with written explanations, implementing the statute's text and ensuring transparent appellate supervision of victims' rights. See *Kenna v. United States District Court* for the Central District of California (prompt merits disposition; written reasons); *In re Dean* (recognizing and enforcing victims' conferral rights in the mandamus posture); *In re Stewart* and later Eleventh Circuit decisions (substantive engagement with CVRA petitions and reasoned opinions). The Fourth Circuit likewise recognizes § 3771(d)(3)'s mandatory procedural requirements. See *In re Brown*.

By contrast, the D.C. Circuit applied a summary "mootness" dismissal without merits review or written reasons—an approach that departs from the practice above and deepens a square split. Although the D.C. Circuit has previously addressed CVRA petitions on the merits and articulated a distinct standard, see *United States v. Monzel* (Monzel I), the decision below dispensed with merits review entirely and provided no written rationale,

intensifying disuniformity on whether § 3771(d)(3) requires a reasoned disposition and how promptly it must occur. The divergence is outcome-determinative for victims and whistleblowers seeking to enforce statutory rights in real time while proceedings remain fluid.

## II. The Question Presented Is Nationally Important and Recurs in High-Impact Proceedings

- Uniformity in victims' rights: Congress enacted § 3771(d)(3) to secure swift, reasoned appellate oversight. The D.C. Circuit's summary-dismissal practice undermines the statutory guarantee in the very forum where many market defining cases are litigated.

- Antitrust enforcement: Congress's antitrust whistleblower statute, 15 U.S.C. § 7a 3, and its anti diminution clause in § 7a 3(d), preserve parallel rights and remedies under other federal laws, including the CVRA. When CVRA petitions are dismissed without merits review or written reasons, sovereign co plaintiffs

(State AGs) and the public lose timely access to whistleblower evidence and to the conferral and participation architecture Congress intended.

- Systemic effects: The lack of written reasons frustrates meaningful review, fosters forum shopping, and erodes confidence that statutory mandates will be applied uniformly. These concerns are especially acute in consolidated or parallel federal–state antitrust actions, where coordination depends on transparent adherence to victims' participation and conferral rights.

## III. The Case Cleanly Presents the Issue and Is an Optimal Vehicle

The dispositive issue is purely legal: whether § 3771(d)(3) requires courts of appeals to decide CVRA mandamus petitions on the merits and to issue written reasons upon denial, rather than dismissing as "moot" by reference to collateral docket events. No further factual development is needed. The record illustrates concrete prejudice flowing from the absence of merits review and written explanation, including the suppression of whistleblower materials

relevant to sovereign enforcement decisions by the United States and the States. The case also presents a practical conflict between circuits that conduct prompt, reasoned CVRA review and a circuit that, in this instance, bypassed both the merits and explanation mandate.

## IV. The Decision Below Conflicts with This Court's Mandamus Jurisprudence and the CVRA's Textual Design

While CVRA petitions arise under a specific statutory regime, their adjudication operates within the broader mandamus framework. This Court has emphasized that mandamus is an extraordinary but available remedy to supervise lower courts and protect statutory and institutional interests where no adequate alternative remedy exists. See Cheney v. U.S. District Court for the District of Columbia and Kerr v. U.S. District Court for the Northern District of California. Here, Congress expressly calibrated the mandamus mechanism in § 3771(d)(3): expedited merits review and a written explanation. The decision below collapses that regime into a non-review practice, frustrating Congress's

textual command and the supervisory role appellate courts must perform in safeguarding statutory rights. Even circuits applying a traditional mandamus standard in CVRA cases, such as the D.C. Circuit in Monzel I, have adjudicated the merits and issued reasoned dispositions—underscoring the exceptional departure here.

## V. Coordination with 15 U.S.C. § 7a-3(d) Confirms the Need for Uniform CVRA Appellate Procedures

Congress's anti-diminution clause in 15 U.S.C. § 7a-3(d) ensures that antitrust whistleblowers retain all "rights, privileges, or remedies" otherwise available under federal law. That includes the CVRA's participatory, conferral, and remedial architecture when applicable. The decision below effectively diminishes those rights by allowing summary dismissal without merits review or written reasons in a setting where whistleblower evidence and sovereign coordination are critical. Clarification from this Court is needed to harmonize § 3771(d)(3) and § 7a-3(d), ensuring that whistleblowers and sovereign

co-plaintiffs can rely on uniform appellate processes regardless of circuit.

## VI. The Court's Review Is Necessary to Prevent Evasion of Review and to Provide Clear Guidance

Without this Court's intervention, courts can evade § 3771(d)(3)'s mandates by labeling petitions "moot" in light of collateral docket developments, denying victims and whistleblowers the very merits review and written reasons that Congress required. The resulting uncertainty impairs timely enforcement decisions, frustrates coordination among the DOJ and State AGs, and invites forum shopping. Review is necessary to align lower courts with the statute's text, restore uniform practices, and provide administrable guidance on how CVRA mandamus petitions must be handled, including interaction with the All Writs Act, 28 U.S.C. § 1651(a), and procedures under Fed. R. App. P. 21.

## VII. The D.C. Circuit's Dismissal Subverts the CVRA and Clayton Act, Deepening a Circuit Split

Section 3771(d)(3) of the CVRA unambiguously provides: "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." Appellate courts in the Fifth, Ninth, and Eleventh Circuits all require strict adherence to this merits review and written explanation mandate for CVRA petitions. See *Kenna v. U.S. Dist. Court*, 435 F.3d 1011, 1012–13 (9th Cir. 2006) ("mandatory, not discretionary"); *In re Dean,* 527 F.3d 391, 393 (5th Cir. 2008); *In re Stewart*, 552 F.3d 1285 (11th Cir. 2008). The D.C. Circuit's order below not only denied merits review but also failed to issue any written rationale, creating a sharp and outcome-determinative circuit split on the enforceability of statutory conferral, merits review, and access-to-court requirements (App. 001a–002a; 049a–052a).

The divide is outcome-determinative: elsewhere, Petitioner's arguments and proffered evidence—including the suppressed whistleblower Errata—would have triggered a court's mandatory, expedited review and a reasoned opinion. Here, however, the summary "mootness" dismissal violated both petitioner's substantive rights as an antitrust victim whistleblower and those of the State co-plaintiffs, who were denied both the evidence and their statutory ability to confer meaningfully with DOJ on the merits (App. 049a–052a; 021a–022a).

## VIII. Exceptional Importance: Antitrust Enforcement, State-Federal Interests, and Pro Se Barriers

Congress's recent expansion of the Clayton Act (15 U.S.C. § 7a-3) created new rights for whistleblowers in antitrust matters, empowering them to participate directly and supplying robust remedies for retaliation or exclusion. Petitioner's experience as a *pro se* party at the district court stage—navigating complexity and facing rampant procedural obstacles—mirrors the reality for many would-be whistleblowers nationwide. Yet,

Greenspan's transition from *pro se* status at trial to full legal representation on appeal demonstrates that the prejudice here transcends a lack of sophistication: both procedural abandonment and dysfunctional clerk/judicial collaboration can defeat even well-lawyered statutory claims and appeals (App. 010a–044a; Petition-FINAL.pdf). At the appellate level, represented by experienced counsel, Greenspan sought to vindicate not only his own rights, but also those of the States and the public at large, by attempting to correct the record and bring critical evidence into play.

The focus here is not solely individual. The DOJ and the State Attorneys General, acting as federal and state sovereigns, were each deprived of the ability to weigh, utilize, or respond to evidence central to the largest antitrust prosecution of the decade. Statutory rights to confer with the government—core to the CVRA's substantive enforcement vision—were denied to all state co-plaintiffs by virtue of the suppression of Petitioner's evidence and the improper truncation of conferral and deliberative dialogue (App. 021a–022a; 049a–052a). The States were materially prejudiced in

their official capacities—a distinct harm to the national interest.

## IX. CVRA and 7a-3(d) Overlap: Judicial Suppression of Whistleblower Evidence Requires Supreme Court Review

Congress equipped 15 U.S.C. § 7a-3(d) with the broadest possible remedial scope: "all relief necessary" to make the employee-whistleblower whole, not only in terms of reinstatement and back pay, but also in equitable form—correction of records, restoration of suppressed filings, vacatur of retaliatory bans, and court supervision going forward (App. 010a–044a, 049a–052a; see also App. 021a–022a, 085a+). When whistleblowers as well as crime victims are excluded by clerk manipulation and judicial neglect, Congress requires that all proper relief—legal and equitable—be available upon appeal, as would have been triggered by a compliant CVRA merits review.

Greenspan's *pro se* filings established a predicate for these remedies; his counsel's CVRA petition on appeal spelled out both the statutory and constitutional dimensions. Yet, by denying any

appellate merits review and failing to issue a reasoned opinion, the D.C. Circuit left the core promise of both Section 3771 and Section 7a-3 unfulfilled, to the detriment of the petitioner, co-plaintiff States, and the public at large.

## X. Limits on Declaring Pro Se "Vexatious" Following FRCP 5(b)(2)(E) Entry by the Court

A further matter of first impression warrants review. Petitioner's initial motion to intervene was submitted by email and accepted and filed by the trial judge under FRCP 5(b)(2)(E), which permits electronic service and filing with court consent. This court-enabled entry of a *pro se* filer should constrain the same judge's subsequent ability to summarily declare filings "frivolous" or label the intervening *pro se* a vexatious litigant in the same matter. Unlike routine paper filings, email acceptance under Rule 5(b)(2)(E) involves active judicial participation at the threshold, affirming the procedural legitimacy of the filer's entry. Allowing a judge to facilitate intervention by email and then, based on those filings, promptly impose a vexatious-litigant ban risks procedural unfairness

and chills valid statutory participation by *pro se* litigants and whistleblowers.

No controlling precedent appears to address whether acceptance of intervention through court-approved electronic entry strictly circumscribes subsequent "frivolity" determinations or pre-filing injunctions in the same case. This is a matter of first impression with systemic implications for access to justice in the digital era and merits this Court's review to ensure that Rule 5(b)(2)(E) expands, rather than contracts, access to federal courts-especially for those asserting protected statutory rights in matters of substantial public interest.

## XI. The Pro Se-to-Represented Posture Highlights Systemic, Not Individual, Failure

Petitioner's initial *pro se* status in the district court does not explain—much less excuse—the systematic exclusion of evidence or the truncation of statutory rights because, by the time of appellate proceedings under the CVRA, Petitioner was fully represented and presented a focused, legally supported mandamus petition pressing mandated

merits review and written reasons under 18 U.S.C. § 3771(d)(3). The panel's refusal to engage on the merits after Petitioner obtained counsel demonstrates that the problem was not a lack of sophistication, but a breakdown in adherence to Congress's commands for victims and whistleblowers in complex, high-salience federal cases. The progression from *pro se* to represented posture underscores the point: even when the defect could have been "cured" by lawyering, the court below still denied the statutory process that Congress made non-discretionary.

Further, the appellate petition asked not for special treatment, but for the statutorily required treatment—forthwith merits consideration within 72 hours and an explanation on the record if relief was denied. Congress intentionally insulated these petitions from local docket expediency by requiring both speed and a reasoned disposition, precisely so courts could not silently bypass rights through administrative measures or summary labels like "moot."

## XII. State Attorneys General and the States Suffered Concrete Prejudice

The exclusion of Petitioner's whistleblower evidence and the failure to confer as contemplated by the CVRA inflicted harm not just on Petitioner, but on the States and their Attorneys General participating as sovereign co-enforcers. In landmark federal antitrust litigation, the DOJ coordinates closely with State AGs. Depriving that partnership of access to relevant whistleblower material—and of the opportunity for meaningful conferral informed by a complete evidentiary record—compromises sovereign enforcement choices and diminishes the States' ability to protect their residents and markets.

The suppression of the Errata and related filings prevented the DOJ-State coalition from evaluating whether supplemental claims, remedies, or structural relief should be pursued in light of the new evidence.

The preclusion of conferral foreclosed discussion of investigatory follow-up, targeted

discovery, or coordination with other pending state matters potentially impacted by the same conduct.

The appellate court's refusal to compel merits review and give written reasons perpetuated the informational deprivation and denied the States a clear, reviewable rationale on which to calibrate their own ongoing antitrust strategy.

The CVRA does not apply only to victim-offender dynamics; it also interlocks with the real-world architecture of national enforcement. When the CVRA's conferral right is thwarted by record manipulation and appellate noncompliance, the sovereign co-plaintiffs—the States—lose more than a meeting; they lose the fulcrum for evidence-based, time-sensitive enforcement decisions in a market-defining case.

## XIII. First-Order Questions of Law: CVRA Merits Review, Written Reasons, and Digital Evidence

This case presents crisp, recurring legal questions:

- Whether courts of appeals must provide merits review and written reasons in CVRA mandamus adjudications under § 3771(d)(3);

- Whether district-level clerk or docket practices can lawfully pretermit the statutory right to confer by suppressing whistleblower submissions;

- Whether judicially facilitated electronic acceptance (including under FRCP 5(b)(2)(E) or local analogs) can be followed by summary pre-filing injunctions or "vexatious litigant" designations without adjudicating the merits of statutorily protected claims.

These questions implicate principles beyond crime victim law: they define operational rules for digital-era whistleblower participation, ensure administrability of national antitrust enforcement, and calibrate the relationship between federal and state sovereigns in shared dockets.

## XIV. Detailed Remedies Under § 7a-3(d): "All Relief Necessary" Means Legal and Equitable Restoration

The Clayton Act's whistleblower provision, 15 U.S.C. § 7a-3(d), authorizes "all relief necessary to make the employee whole," including reinstatement, double back pay, special damages, fees, and "other equitable relief." In this posture, "equitable relief" must be read to include all measures necessary to unwind and correct the retaliatory or exclusionary effects of suppressing whistleblower evidence and obstructing CVRA rights:

- Restoration and docketing of all "RECEIVED" filings that were removed or not properly docketed, including the Errata;

- Entry of corrective judicial notice acknowledging prior record-handling defects and clarifying that the restored materials are part of the adjudicative record;

- Reinstatement of Petitioner's rights to reply, confer, and participate as provided by the

CVRA and consistent with recognized whistleblower participation in antitrust enforcement;

- Vacatur of any pre-filing injunctions, "vexatious" designations, or sanctions rooted in the incomplete or suppressed record;

- Supervisory directives to ensure prospective compliance with docketing and conferral obligations for the duration of the relevant antitrust proceedings.

Congress specifically used broad phrasing to capture equitable tools that restore effective participation and correct process failures. Here, those tools include not only monetary relief but also the structural remedies necessary to make conferral and record-integrity meaningful again.

## XV. The Circuit Split Is Active, Outcome-Determinative, and Unacceptable in National Enforcement

Multiple circuits require CVRA petitions to be decided promptly on the merits with written reasons. See, e.g., *Kenna v. U.S. Dist. Court for the Cent. Dist. of Cal.*, 435 F.3d 1011, 1012–13 (9th Cir. 2006) (mandating prompt merits adjudication and reasoned disposition); *In re Dean*, 527 F.3d 391, 393 (5th Cir. 2008) (vacating for failure to comply with CVRA review obligations); *In re Stewart*, 552 F.3d 1285 (11th Cir. 2008) (recognizing CVRA's enforceable appellate rights). The contrary approach—summarily dismissing on "mootness" grounds, issuing no reasons, and directing clerks to block further filings—renders the CVRA optional in the very circuit where many nationally significant cases are docketed. The statutory promise of uniform victims' rights becomes a patchwork, governed by local practice rather than federal law.

The practical stakes are intolerable: litigants will forum shop for circuits that minimize victim/whistleblower participation; national

enforcement will turn on courthouse happenstance; and the public's confidence in the Courts' willingness to apply Congress's plain mandates will erode.

## XVI. The Vehicle Is Clean and the Record Complete

This petition is an ideal vehicle to resolve the split and restore uniformity:

The issues are purely legal and require statutory construction rather than new factfinding;

The record includes the key orders, clerk actions, and missing docket events necessary to demonstrate the CVRA and 7a-3(d) violations;

Petitioner is now represented, removing any suggestion that defects were due to *pro se* drafting rather than genuine, adjudicative failures;

The public and sovereign stakes are exceptional: depriving DOJ and State AGs of whistleblower evidence in a market-defining case undermines enforcement nationwide.

## XVII. Relief Requested: A Uniform, Enforceable Framework

Petitioner seeks targeted relief calibrated to Congress's commands and the record's needs:

- Grant certiorari, vacate the D.C. Circuit's summary dismissal, and remand with instructions for merits adjudication of the CVRA petition, together with a written opinion if relief is denied.

- Order restoration of all suppressed or undocketed whistleblower submissions, including the Errata, and direct corrective judicial notice regarding prior record-handling defects.

- Vacate any pre-filing or "vexatious" restrictions entered against Petitioner that were premised on the incomplete record or were imposed without merits adjudication of statutory claims.

- Instruct the lower courts to ensure meaningful conferral under the CVRA, now informed by a

complete record, and to coordinate with DOJ and State AGs so that whistleblower inputs can be fully assessed for prosecutorial and remedial decisions.

- Clarify nationally that § 7a-3(d)'s "all relief necessary" includes equitable measures restoring docket integrity and participation, and that § 3771(d)(3) requires prompt merits review with written reasons in all circuits.

## XVIII. The Prejudice-to-Certworthiness Link Is Direct and Compelling

The prejudice resulting from the D.C. Circuit's denial of merits review and exclusion of whistleblower evidence not only harmed Petitioner's statutory rights, but also deprived the judiciary and government of crucial material in a matter of national antitrust significance. When such prejudice undermines both individual justice and the public interest in fair, uniform law enforcement, the standard for Supreme Court certiorari is indisputably met.

## CONCLUSION AND PRAYER FOR RELIEF

This case is a referendum on whether Congress's statutory guarantees for victims and antitrust whistleblowers are real or merely aspirational in the Nation's most consequential dockets. By requiring the merits adjudication and written disposition that § 3771(d)(3) commands and by recognizing the full remedial scope of § 7a-3(d), this Court can restore uniformity, protect sovereign enforcement interests, and ensure that digital-era whistleblower evidence is treated as Congress intended—fairly, promptly, and on the record.

For the foregoing reasons, this case is the ideal vehicle to restore national uniformity, clarify the relation between the CVRA and antitrust whistleblower protections, enforce strict compliance with statutory merits review and written explanation, and affirm the national interest—not just of individual whistleblowers but of the States acting through their Attorneys General—in robust, transparent judicial process.

Petitioner, having proceeded *pro se* in the district court and being fully represented on appeal, raised issues of urgent federal and public significance that will recur absent this Court's intervention. The refusal to confer or consider evidence, especially where it prejudices both federal and state sovereigns, sets a precedent that no victim, whistleblower, or co-plaintiff state should have to endure again.

The prejudice resulting from the D.C. Circuit's denial of merits review and exclusion of whistleblower evidence not only harmed Petitioner's statutory rights, but also deprived the judiciary and government—including numerous State Attorneys General—of crucial material in a matter of national antitrust significance. When such prejudice undermines both individual justice and the public interest in fair, uniform law enforcement, the standard for Supreme Court certiorari is indisputably met.

***Prayer For Relief***

Petitioner respectfully requests that this Court:

- Grant certiorari;

- Vacate the D.C. Circuit's order and remand with instructions for full expedited, merits-based review and compliance with 18 U.S.C. § 3771(d)(3);

- Direct restoration and docketing of all wrongfully excluded filings, including whistleblower evidence;

- Order full conferral rights and record correction, and vacatur of all retaliatory pre-filing or "vexatious litigant" bans;

- Clarify that all future pro se or electronically filed whistleblower/CVRA submissions are entitled to equal procedural dignity, docketing, and participation as those of institutional parties or amici, especially in complex public-

rights cases implicating DOJ and State AG claims; and

- Provide further relief as the Court deems just and proper for the national interest.

Respectfully Submitted,

**DAVID P. REINER, II**
*Counsel of Record*
REINER & REINER, P.A.
9100 So. Dadeland Blvd., Suite 901
Miami, Florida 33156-7815
(305) 670-8282
dpr@reinerslaw.com

*Counsel for Petitioner*