No. 25-1172

In The

Supreme Court of the United States

JULIE A. WEIMAN,

Petitioner,

v.

ALYN D. WINE;
WINE PROPERTIES, LLC,

Respondents.

On Petition for Writ of Certiorari
to the Colorado Court of Appeals

REPLY BRIEF FOR PETITIONER

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INTRODUCTION

Respondents' Brief in Opposition is a masterclass in deflection. Unable to defend a $442,000 attorney's fee award that violates the express terms of the parties' contract and lacks the required statutory findings under Colorado law, Respondents retreat to procedural smoke and mirrors. They falsely claim this Petition is untimely by misstating the date of the Colorado Supreme Court's final order and ignoring this Court's rules regarding corrected filings.

While Respondents correctly note that Petitioner did not previously seek review in the lower federal courts, this fact does not defeat this Court's jurisdiction; it confirms it. Because this case proceeded exclusively through the state courts, Petitioner formally withdraws the Rooker-Feldman Question Presented (Question 1) from her Petition. However, the absence of lower federal court proceedings squarely vests this Court with direct appellate jurisdiction under 28 U.S.C. § 1257(a).

The remaining constitutional questions whether the state court's enforcement of a fabricated evidentiary record and its imposition of an arbitrary, statutorily baseless $442,000 fee award violate the Due Process Clause of the Fourteenth Amendment are properly before this Court. Certiorari should be granted.

ARGUMENT

I. THE PETITION IS TIMELY UNDER SUPREME COURT RULE 14.5, RENDERING RESPONDENTS' JURISDICTIONAL ATTACK MERITLESS.

Respondents urge this Court to deny the Petition on the threshold ground that it is "six weeks late." **(BIO at 7).** This argument is factually false and legally frivolous, relying on an incorrect docket date and a willful blindness to this Court's filing rules.

First: Respondents misstate the date of the final state court order. The Colorado Supreme Court denied Petitioner's writ of certiorari on September 8, 2025, not September 24. **(*See* Supp. App. SA-1)** Petitioner's subsequent, unauthorized attempt to seek rehearing in the state supreme court was stricken on September 24, but that stricken motion did not toll the 90-day window.

Second: under Supreme Court Rule 13.1, Petitioner's 90-day deadline to file with this Court expired on *Sunday, December 7, 2025.* Pursuant to Supreme Court Rule 30.1, the deadline automatically extended to Monday, December 8, 2025.

Petitioner timely submitted her original Petition to this Court on *December 8, 2025*, a fact explicitly confirmed by the Clerk of the Court's *February 12, 2026, deficiency letter.* **(*See* Reply App. A-1)** The Clerk subsequently returned the Petition

due to formatting deficiencies regarding the booklet preparation. Supreme Court Rule 14.5 expressly governs this exact scenario: "If the Clerk determines that a petition submitted timely and in good faith is in a form that does not comply with this Rule... the Clerk will return it with a letter indicating the deficiency. A corrected petition submitted in accordance with Rule 29.2 no more than 60 days after the date of the Clerk's letter will be deemed timely."

Petitioner cured the formatting deficiencies and resubmitted the Petition well within the 60-day window provided by the Clerk. Therefore, the Petition is "deemed timely" as a matter of law. Respondents' attempt to manufacture a jurisdictional defect where none exists should be summarily rejected.

II. JURISDICTION RESTS SQUARELY ON 28 U.S.C. § 1257(a), AND PETITIONER'S FEDERAL CONSTITUTIONAL CLAIMS WERE PRESERVED.

Respondents aggressively attack Petitioner for allegedly "hallucinating" federal proceedings in the U.S. District Court and Tenth Circuit. **(BIO at 1, 8, 12).** Petitioner concedes that the prior inclusion of the Rooker-Feldman argument was a drafting error, as her appeals exhausted the Colorado state court system directly. Consequently, Petitioner withdraws the first Question Presented regarding the Rooker-Feldman doctrine.

However, Respondents' attempt to use this correction as a shield against all review fundamentally misapprehends this Court's jurisdiction. The fact that Petitioner did not detour into the lower federal courts is precisely why 28 U.S.C. § 1257(a) applies. This Court possesses the ultimate authority to review "[f]inal judgments or decrees rendered by the highest court of a State" when federal constitutional rights are implicated.

Respondents next argue that Petitioner failed to preserve her federal claims because she did not explicitly cite the U.S. Constitution in the state trial court. **(BIO at 8).** This elevates form over substance. This Court has long held that "[n]o particular form of words or phrases is essential" to preserve a federal claim, so long as the substantive right was brought to the state court's attention with "fair precision." *Street v. New York, 394 U.S. 576, 584 (1969).* The core jurisdictional requirement is simply that the state courts were afforded "a fair opportunity to address the federal question that is sought to be presented here." *Webb v. Webb, 451 U.S. 493, 501 (1981).*

Throughout the state court proceedings, Petitioner relentlessly challenged the deprivation of her property **by means of a fraud upon the court specifically, the introduction of fabricated evidence (backdated checks) and the suppression of exculpatory audio recordings** alongside the imposition of a massive fee award that defied both the parties' contract and state law. These arguments provided the Colorado courts with a full and fair opportunity to address the arbitrary

deprivation of Petitioner's property. By refusing to remedy these structural defects, **turning a blind eye to the fraudulent record,** and finalizing the arbitrary fee award, the state courts cemented the Due Process violations now properly before this Court.

III. RESPONDENTS' PROCEDURAL DEFENSES CANNOT SHIELD AN UNCONSTITUTIONAL $442,000 FEE AWARD THAT LACKS ANY CONTRACTUAL OR STATUTORY BASIS.

Stripped of their procedural deflections, Respondents are left attempting to justify a $442,000 attorney's fee award and the resulting encumbrance of Petitioner's assets that functions as a punitive, unconstitutional taking.

Respondents cannot deny that the parties' Settlement Agreement explicitly forbade the awarding of attorney fees. (BIO at 19; Pet. App. 96a). The trial court itself previously acknowledged this absolute legal barrier, ruling in this very case that, "[i]n the absence of a specific statute, court rule, or contract provision to the contrary, attorney fees are not recoverable by a prevailing party..." (Pet. App. 89a).

Because the contract strictly forbade this $442,000 extraction, Respondents are forced to invent an excuse. They attempt to claim the trial court used a statutory loophole **(C.R.S. § 13-17-101)** to bypass

the contract and penalize Petitioner for a "frivolous" defense. But this claim is a blatant fabrication, completely destroyed by the court's own appellate record.

When Respondents demanded these exact same "frivolous" fees from the Colorado Court of Appeals, the appellate court explicitly rejected them, ruling: "[W]e do not agree that her appeal was frivolous or lacking in substantial justification." (Pet. App. 21a). Respondents are asking this Court to uphold a $442,000 trial penalty for a "frivolous" defense that the appellate court has already definitively ruled was *not* frivolous.

In a telling pivot, Respondents intentionally attempt to conflate the Trial Court's $45,510.02 award for contractual damages with the staggering $442,000 statutory attorney's fee penalty. (BIO at 20-21). *These are two entirely distinct legal mechanisms.*

Respondents argue that the Court should ignore the blank November 12 Fee Order and look instead to the rhetoric in the March 1, 2024 Amended Findings on liability to justify the fee sanction. This sophistry fails. Colorado law strictly requires explicit, particularized findings under the mandatory factors of C.R.S. § 13-17-103 to trigger fee-shifting. *Munoz v. Measner, 247 P.3d 1031 (Colo. 2011).* The trial court's generalized rhetoric regarding liability does not substitute for the strict statutory predicate required to strip a citizen of nearly half a million dollars. Neither the March 1 liability order nor the November

12 fee order contain these mandatory statutory findings. **(Pet. App. 23a–37a; 64a).**

Furthermore, Respondents 'brief is conspicuously silent regarding the fatal legal paradox in the record. The Colorado Court of Appeals specifically found that Petitioner's appeal was not frivolous when it denied Respondents 'request for appellate fees. **(Pet. App. 21a).** It is a legal impossibility under Colorado law to sanction a litigant $442,000 for maintaining a "frivolous" defense at trial, while simultaneously ruling that her appeal of those exact same issues is "not frivolous."

Respondents attempt to shield this paradox by arguing that the state appellate court dismissed the direct fee appeal on procedural grounds. (BIO at 18). **But this lack of appellate scrutiny is the very heart of the constitutional injury.**

When a state court imposes a half-million-dollar financial penalty that expressly violates the parties' contract ("American Rule"), lacks the mandatory statutory predicate under state law, and is estopped by its own appellate record, it ceases to be a mere legal error. It becomes an arbitrary deprivation of property in violation of the Due Process Clause—exacerbated by the state's failure to provide meaningful appellate review (*Honda Motor Co. v. Oberg*, 512 U.S. 415 (1994)), a Judicial Taking (*Stop the Beach Renourishment, Inc. v. Florida Dept. of Envtl. Prot.*, 560 U.S. 702 (2010)), and a punitive

sanction that violates the Excessive Fines Clause (*Timbs v. Indiana*, 139 S. Ct. 682 (2019)).

When a state court imposes a half-million-dollar financial penalty that expressly violates the parties 'contract ("American Rule"), lacks the mandatory statutory predicate under state law, and is estopped by its own appellate record, it ceases to be a mere legal error. It becomes an arbitrary deprivation of property in violation of the Due Process Clause *(Honda Motor Co. v. Oberg, 512 U.S. 415 (1994))*, a Judicial Taking *(Stop the Beach Renourishment, Inc. v. Florida Dept. of Envtl. Prot., 560 U.S. 702 (2010))*, and a punitive sanction that violates the Excessive Fines Clause *(Timbs v. Indiana, 139 S. Ct. 682 (2019))*.

IV. RESPONDENTS' RELIANCE ON PERSONAL ATTACK AS A SUBSTANTIVE DEFENSE

Throughout their Brief in Opposition, Respondents abandon the requirement of rigorous legal argument in favor of pervasive red herrings, *ad hominem* attacks, and character assassination. This is a telling tactical choice. Respondents offer no substantive defense for how a $442,000 fee award can survive the clear dictates of the parties' contract, the mandatory statutory findings required by Colorado law, or the appellate court's own findings that Petitioner's appeal was not frivolous. By focusing on the character of the Petitioner, attacking non-parties, and relitigating conduct wholly irrelevant to the questions before this Court, Respondents confirm

that their fee award is not an exercise of law, but an act of punitive, extra-legal extraction. This Court should focus on the law, which demands this attorney fees award be vacated.

CONCLUSION

Respondents ask this Court to look away from a structurally compromised state court proceeding by pointing to a jurisdictional clock that has not expired. The Petition was timely filed. On the merits, Respondents' Brief in Opposition relies on a three-part sleight of hand to obscure a severe constitutional violation:

First, they blur the lines of law to excuse a void penalty. Respondents intentionally conflate the trial court's $45,510.02 damages award for contractual liability with the staggering $442,000 statutory attorney's fee penalty two entirely distinct legal mechanisms. By pointing to generalized rhetoric about liability in the damages phase, they hope this Court will overlook the completely blank fee order. But angry trial rhetoric cannot substitute for the strict, particularized statutory findings required by Colorado law to justify fee-shifting, nor can it excuse the court's arbitrary decision to override the express "American Rule" clause in the parties' own Settlement Agreement.

Second, they blatantly misrepresent the record. The trial court never actually ruled that Petitioner's defenses were frivolous, groundless, or vexatious. Making those specific statutory findings

was the *only* legal way the court could bypass the "*American Rule*" expressly written into the parties' contract. Because those findings simply do not exist, *the trial court had absolutely no authority* to grant the requested attorney fees.

Furthermore, the appellate court later looked at the exact same record and explicitly ruled Petitioner's arguments *were not frivolous.* Imposing a $442,000 penalty without the required contractual or statutory foundation is an arbitrary deprivation of property that squarely violates the Due Process Clause of the Fourteenth Amendment.

Third, they mischaracterize the constitutional harm. Respondents bizarrely argue that because Petitioner's property has not yet been physically seized, no taking has occurred. But a $442,000 unconstitutional judgment is not a harmless piece of paper it is an immediate, catastrophic deprivation of property. It is a state-authorized encumbrance that freezes assets and binds Petitioner to an unlawful debt. Furthermore, simply labeling this extraction a "civil fee" does not immunize it from the Excessive Fines Clause. It is a nakedly punitive sanction levied by a state actor.

Stripped of its procedural deflections, the lower court judgment represents an unmoored transfer of wealth orchestrated by the judiciary without lawful justification, without a valid statutory foundation, and without meaningful appellate review.

The federal constitutional questions regarding the Due Process Clause of the Fourteenth Amendment are cleanly presented and ripe for review. For the foregoing reasons, and those in the Petition, the writ of certiorari should be granted.

Respectfully submitted,

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APPENDIX A

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

February 12, 2026

Julie A. Weiman
191 University Blvd
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Denver, CO 80206

RE: Julie A. Weiman v. Alyn D. Wine, et al.
CO SC No. 25SC346

Dear Mr. Weiman:

Returned are all copies of the petition for a writ of certiorari in the above-entitled case originally postmarked on December 8, 2025 and received again on February 11, 2026, which fails to comply with the Rules of this Court.

The order(s) of the Colorado Supreme Court dated September 8, 2025 in case no. 25SC346 must be included in the appendix. Rule 14.1(i). Each order must be reproduced so that it complies with Rule 33.1.

Kindly correct the appendix so that it complies in all respects with the Rules of this Court and return it to this Office promptly so that it may be docketed. Unless the petition is submitted to this Office in

corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

You may choose to submit 40 copies of a separate booklet titled as a "supplemental appendix" to include the aforementioned lower court order(s).

Your petitions and check in the amount of $300.00 are herewith returned.

When making the required corrections to a petition, no change to the substance of the petition may be made.

* * *

The federal constitutional questions regarding the Due Process Clause of the Fourteenth Amendment are cleanly presented and ripe for review. For the foregoing reasons, and those in the Petition, the writ of certiorari should be granted.

Respectfully submitted,

/s/ Julie A. Weiman
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