

Case No. 25-5143

In The Supreme Court of the United States

Mary Lynn Taylor, Petitioner

11519 Lapeer Road

Davison, MI 48423

(810) 964-0943

v.

State of Michigan, Respondents

Michigan Department of Education, and

Michigan Unemployment Insurance Agency

Eric Resttuccia,

Michigan Department of Attorney General

Post Office Box 30212

Lansing, MI 48909

(517) 335-7628

On Petition for a Writ of Certiorari

To the United States Supreme Court for the 6th Circuit

MOTION FOR SPECIAL LEAVE TO FILE PETITION FOR REHEARING, AND  
PETITION FOR REHEARING

Counsel for Petitioner

Mary Lynn Taylor, Pro Se Litigant

(Cont. from the cover)

Counsel for Respondents

State of Michigan, Attn: Neil Giovanatti, Assistant Attorney General, P.O. Box 30758 Lansing, MI 48909, ph. (517) 335-7603.

Michigan Department of Education, Attn: Amanda Zack, Assistant Attorney General, PO Box 30758, Lansing, MI 48909, ph. (517) 335-7603.

Michigan Unemployment Insurance Agency, Attn: Jessica Smith, Assistant Attorney General, Labor Division, 3030 West Grand Blvd., Ste. 9-600 Detroit, MI 48202, ph. (313) 456-2200.

Eric Restuccia, Solicitor General, Michigan Department of Attorney General, PO Box 30212, Lansing, MI 48909, ph. (517) 335-7628.

## TABLE OF CONTENTS

	Page
TABLE OF CONTENTS.....	1
TABLE OF AUTHORITIES.....	2
PETITION FOR REHEARING.....	3
REASONS FOR GRANTING REHEARING.....	4-12
CONCLUSION.....	12
CERTIFICATE OF COUNSEL.....	13
WORD COUNT STATEMENT.....	14
PROOF OF SERVICE.....	15
TABLE OF CONTENTS FOR APPENDIX.....	16
APPENDIX.....	17

## TABLE OF AUTHORITIES

Cases	Page
<p>Barr v. City of Columbia, 378 U.S. 146, 149 (1964). (App. p.1)</p>	10
<p>First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, 482 U.S. 304, 316 (1987). (App. p1)</p>	10
<p>Michigan v. Long, 463 U.S. 1032 (1983). (App. p.1)</p>	9
<p>Constitutional Amendments</p>	
<p>14th Amendment Takings Clause. "U.S. Const. amend. XIV, § 2". – “Nor shall any State deprive any person of life, liberty, or property, without due process of law.” (App. p.1)</p>	7, 10
<p>Fifth Amendment of the United States Constitution - "Nor shall private property be taken for public use without just compensation". (App. p.1)</p>	7, 9, 10
<p>14th Amendment Due Process Clause. "U.S. Const. amend. XIV, § 2". - “Nor shall any State deprive any person of life, liberty, or property, without due process of law.” (App. p.1)</p>	8, 9, 12

## PETITION FOR REHEARING

Petitioner Mary Lynn Taylor respectfully petitions for rehearing of this Court's October 6, 2025 Order denying her petition for a writ of certiorari.

## REASONS FOR GRANTING REHEARING

The petitioner respectfully moves for special leave to file this Petition for rehearing, as required by Rule 44.2, on the substantially different ground that the Michigan Supreme Court's decision rests upon a structurally inadequate state procedural ground, thereby violating the Due Process Clause of the Fourteenth Amendment and effectively denying any remedy for a federal right." The denial of the writ of certiorari should be vacated because the Michigan Supreme Court's (MSC) jurisdictional ruling has created a procedural conflict that nullifies the petitioner's ability to vindicate core federal constitutional rights.

The structural inadequacy of the Michigan judicial system is a constitutional crisis that demands correction. The damage began when the state entity implemented a massive change (the balanced calendar) in direct contravention of established collective bargaining procedures, including bypassing the MEA, but the *coup de grace* was the state's court system, which shattered the Petitioner's remedy into two separate, non-overlapping jurisdictional domains, thereby assuring that the arbitrary action could never be fully corrected or compensated. The absence of

MEA representation is powerful proof that the state's conduct, from start to finish, has exhibited a cavalier disregard for fundamental fairness and Due Process.

1. The Jurisdictional Flaw: Procedural Nullification of the Remedy

The State of Michigan correctly asserts the Court of Claims has exclusive jurisdiction over claims against the State (challenging the statute), and its agencies. The state court correctly notes the Local School District (LSD) is generally not a state agency for jurisdictional purposes, leading to its dismissal and reassignment to the Circuit Court.

2. The Substantial Ground for GVR:

This jurisdictional split creates a procedural impossibility that denies the Petitioner a complete remedy against a unified governmental action, thereby effectively insulating the State's unconstitutional statute from effective judicial review.

- The Problem of Two Judgments: The core injury—the indirect control and effective “taking” of summer earnings—is the result of the State's statute as implemented by Davison Community Schools.

A. if the Court of Claims rules the State's statute is unconstitutional, Davison Community School's policy immediately falls.

B. If the Circuit Court is forced to rule on Davison Community Schools action, it must first decide the constitutionality of the State's underlying statute, a claim over which the Court of Claims has exclusive jurisdiction.

- Preventing Evasion: The current state court posture allows the State to legislate an optional, unconstitutional policy, then hide behind its local agent’s jurisdictional status to prevent a unified challenge. The GVR is necessary to ask the MSC to reconsider whether its own jurisdictional rules prevent a “whack-a-mole” litigation that risks rendering the entire constitutional remedy toothless.

3. The Constitutional implication: Federal Rights on Fragile State Grounds.

The Court’s denial of Certiorari should be reconsidered because the State Court’s refusal to unify jurisdiction implicates the very enforceability of the Petitioner’s Federal Constitutional Rights (14<sup>th</sup> Amendment Due Process/Economic Liberty, and Takings Clause) (App. p.1).

- Due Process/Economic Liberty:

The State is legislating an optional employment term that indirectly takes earnings—earnings over which neither entity has control or dominion over (a “non-school” period). This action—which effectively destroys a portion of the public employee’s vested economic benefit—presents a serious federal question regarding the State’s power to indirectly regulate private economic liberty.

- Need for State Clarification:

A GVR is a mechanism of comity. It requests the MSC, as the final arbiter of its own state procedural rules, to determine if it can use its ancillary jurisdiction to solve the structural problem it created, thereby providing a clear state-law

basis for a federal remedy. Without this clarification, the jurisdictional fragmentation remains an insurmountable, outcome-determinative hurdle for the federal claims.

The “substantial ground” is the MSC’s creation of a fragmented, non-exclusive jurisdictional scheme for a single, unified governmental action, resulting in a denial of a meaningful remedy for the Petitioner’s Fourteenth Amendment and Takings Clause claims.

1. **Effective Evisceration of Federal Remedy:** The State of Michigan created an optional statute implemented by Davison Community Schools (DCS). Davison Community School’s implementation indirectly—but demonstrably—controls a public-school employee’s summer earnings (a quarter of their annual income), which are fundamentally separate from the school district’s direct compensation. The MSC’s ruling compels the Petitioner to pursue two concurrent, mutually antagonistic lawsuits:
  - **Court of Claims (COC):** Exclusive jurisdiction over the State (challenging the statute).
  - **Circuit Court:** Jurisdiction over Davison Community Schools (challenging the implementation).
2. **The Procedural Impossibility:** The Circuit Court cannot rule on Davison Community School’s implementation without first adjudicating the constitutionality of the State’s underlying statute—a claim that is exclusively reserved for the COC. This forces a judicial body (the Circuit



Court) to invade the exclusive jurisdiction of another (the COC) to achieve a remedy. The fragmentation insulates the State's unconstitutional legislation from effective, unitary judicial review, denying the Petitioner procedural due process in the vindication of her economic liberty and property rights (Takings Clause) (App. p1).

3. Judicial Comity and State Law Clarification: A GVR is the appropriate mechanism of comity, requesting the MSC to clarify its own state-law jurisdictional statutes in light of the profound procedural burden and futility placed upon the federal constitutional claimant. The GVR asks the MSC to confirm that Michigan law does not permit the State to evade constitutional scrutiny by delegating the final act of implementation to a local non-state agency, thereby creating an unreviewable policy.

The concept that a state court's procedural rules cannot create an arbitrary or irrational obstacle that prevents a litigant from asserting a federal right is a deeply rooted precedent set by the Court, falling under the Due Process Clause of the Fourteenth Amendment and the doctrine of the Adequate and Independent State Ground. This underlying legal principle is well established.

The Relevant U.S. Supreme Court Precedents:

The procedural absurdity where a state's court system fragments jurisdiction such that a litigant cannot get a complete remedy for a federal claim (like a Takings Claim under the Fifth and Fourteenth Amendments)—violates the following precedents:

## 1. The Due Process Clause (Fourteenth Amendment)

The Fourteenth Amendment guarantees that no State shall “deprive any person of life, liberty, or property, without due process of law.” (App. p1)

- **Meaningful Opportunity to be Heard:** The Court has long held that Due Process requires that a state provide a fair and meaningful opportunity for a litigant to present their claims. A system that grants a federal right (like the right to just compensation) but then creates a jurisdictional maze where no single court can grant the full remedy, can violate this basic requirement.
- **Arbitrary Procedure:** A court structure that creates arbitrary, unpredictable, and ultimately futile procedural requirements for litigating a federal right can be deemed a violation of Due Process.

## 2. The Adequate and Independent State Ground Doctrine

This doctrine is the primary mechanism by which the Court reviews state court decisions. It states that SCOTUS will not review a state court judgment if that judgment rests on an “adequate and independent” state law ground. The Court has developed exceptions to prevent states from using state procedure to nullify federal rights:

- **Inadequate State Ground:** A state procedural rule is inadequate if it is an arbitrary, unexpected, or unworkable trap. The Court will intervene

if the state court's application of its own rules is "so arbitrary or unreasonable as to constitute an impediment to the assertion of a federal right."

- **Failing to Provide a Remedy:** For certain federal claims, particularly those involving the Takings Clause (which requires a "just compensation" remedy), the Court has made clear that states must provide a "reasonable, certain and adequate provision for obtaining compensation." A fragmented jurisdictional scheme that forces a claimant to win on liability in one court only to be denied jurisdiction for a monetary award in another is precisely the type of procedural inadequacy that violates this requirement. The GVR is an implied recognition that the Court sees a potential federal problem with the state court procedure and is giving the state court the first chance to fix it.

This is not a mere error it is a structural defect in the state's judicial system that directly implicates the Fourteenth Amendment Due Process Clause and the Court's authority to review federal questions arising from state courts. See: *Michigan v. Long*, 463 U.S. 1032 (1983). (App. p.1). The Michigan Supreme Court and lower Court's Decision rests on an Inadequate and Unconstitutional State Procedural Ground.

- **The State-Created Procedural Barrier Denies Due Process and invites further Federal Supreme Court review.**

- The entitlement to just compensation is a right secured by the Due Process and Takings clause of the Fifth and Fourteenth Amendments.
- The Michigan Supreme Court’s prior judgment, however, rests on a state-law jurisdictional fragmentation that creates an arbitrary and unworkable barrier to the enforcement of this federal right.

The procedural labyrinth created by the state court system, which requires the Petitioner to obtain a finding of “wrong” in one court (the Michigan Court or other appellate courts) but then remits them to a separate, non-unified court (the Court of Claims or similar) for the remedy where ancillary jurisdiction/just compensation, does not constitute an “adequate” state ground precluding this Court’s review. As this Court has long held, a state’s procedural rule is inadequate if it is “so arbitrary or unreasonable as to constitute an impediment to the assertion of a federal right.” See e.g., *Barr v. City of Columbia*, 378 U.S. 146, 149 (1964) (App. p.1). Here the Petitioner is left in a perpetual state of procedural limbo:

- The Michigan Supreme Court refuses to exercise its inherent power to consolidate claims or assert ancillary jurisdiction to provide the ultimate remedy.
- The Petitioner is denied “reasonable, certain and adequate provision for obtaining compensation” that the constitution requires for a federal Takings claim. See: *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304, 316 (1987) (App. p.1).

In effect, the State of Michigan's highest court has established a procedure that allows the recognition of a right without providing a means to enforce it. This is a functional denial of due process and a systematic failure to provide a plain and certain state remedy for a federal constitutional wrong. A GVR is warranted to grant certiorari, vacate the Michigan Supreme Court's judgement, and remand the case for reconsideration in light of the federal requirement that states provide an adequate and certain remedy for federal constitutional violations. GVR is necessary to avoid the risk of repeated, futile litigation.

If this Court merely lets the denial stand, the Michigan Supreme Court will be emboldened to perpetuate a system where federal rights are effectively nullified by state procedural fragmentation. The Petitioner will be forced to begin a new, costly, and potentially futile round of litigation in a separate state court, only to likely appeal back up through the Michigan court system to receive the same result.

By issuing a GVR, this Court will:

1. Signal to the Michigan Supreme Court that its fragmented jurisdictional scheme, as applied to a federal constitutional right, is a procedurally inadequate ground.
2. Provide the state court the opportunity to cure this structural defect by clarifying that it (or a single designated court) possesses the necessary ancillary jurisdiction to award compensation.

This is a request not to correct a simple error, but to ensure the State of Michigan's judicial structure provides the fundamental fairness required by the Due Process Clause when adjudicating federal rights. The failure to issue a GVR will allow a procedural absurdity to stand as an insuperable obstacle to a federal claim, a result this Court has consistently sought to avoid.

### CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant rehearing of its October 6, 2025 Order denying the Petition for a Writ of Certiorari in this matter.

Respectfully Submitted,



10/20/2025

Mary Lynn Taylor, Pro Se Litigant

11519 Lapeer Road

Davison, MI 48423

(810) 964-094

## CERTIFICATE OF COUNSEL

I hereby certify that the foregoing Petition for Rehearing of the Court's Order denying the Petition for a Writ of Certiorari in this case is presented in good faith and not for delay, and that the Petition is based on: (1) intervening circumstances of a substantial or controlling effect, and /or (2) other substantial grounds not previously presented, as required by Rule 44.2 of the Rules of this Court.

Mary L. Taylor

Mary Lynn Taylor, Pro Se Litigant

10/21/25

Date

11519 Lapeer Rd. Davison, MI. 48423

810 964-0943

Petitioner, Pro Se

## WORD COUNT STATEMENT

I do hereby certify that this Petition for Rehearing contains 1994 words.

Mary L. Taylor

10/21/25

Mary Lynn Taylor

Date

11519 Lapeer Road

Davison, MI 48423

(810)964-0943



TABLE OF CONTENTS  
FOR APPENDIX

	PAGE
CASES.....	1
CONSTITUTIONAL PROVISIONS.....	1

## APPENDIX FOR REHEARING

### CASES

Barr v. City of Columbia, 378 U.S. 146, 149 (1964).

First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, 482 U.S. 304, 316 (1987).

Michigan v. Long, 463 U.S. 1032 (1983).

### CONSTITUTIONAL PROVISIONS

14th Amendment Takings Clause. "U.S. Const. amend. XIV, § 2". –

“Nor shall any State deprive any person of life, liberty, or property, without due process of law.”

Fifth Amendment of the United States Constitution -

"Nor shall private property be taken for public use without just compensation".

14th Amendment Due Process Clause. "U.S. Const. amend. XIV, § 2". -

“Nor shall any State deprive any person of life, liberty, or property, without due process of law.”



UNITED STATES SUPREME COURT  
PROOF OF SERVICE

United States Supreme Court

Case No. 25-5143

MARY LYNN TAYLOR

Michigan Supreme Court

Plaintiff-Appellant,

Case No. 167738

v

Court of Appeals

Case No. 369726

STATE OF MICHIGAN,

Court of Claims

MICHIGAN DEPARTMENT OF EDUCATION,

Case No.23-000103MM

MICHIGAN UNEMPLOYMENT INSURANCE AGENCY

Defendant-Appellees,

---

I certify that this Proof of Service is guarantee that a copy of Appellants Request for Rehearing has been sent to the United States Supreme Court and to all three Defendants listed below, including the Office of Solicitor General.

Supreme Court of the United States, Attn: Office of the Clerk, One First Street,  
N.E. Washington, D.C. 20543, Ph. (202) 479-3025.

State of Michigan, Attn: Neil Giovanatti, Assistant Attorney General, P.O. Box  
30758 Lansing, MI 48909, Ph. (517) 335-7603.

Michigan Department of Education, Attn: Amanda Zack, Assistant Attorney  
General, PO Box 30758, Lansing, MI 48909, Ph. (517) 335-7603.

Michigan Unemployment Insurance Agency, Attn: Jessica Smith, Assistant  
Attorney General, Labor Division, 3030 West Grand Blvd., Ste. 9-600 Detroit, MI  
48202, Ph. (313) 456-2200.

Eric Restuccia, Solicitor General, Michigan Department of Attorney General, PO  
Box 30212, Lansing, MI 48909, Ph. (517) 335-7628.

Signature Mary L. Taylor Date 10/21/25