

25-6253

No. \_\_\_\_\_

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***IN THE SUPREME COURT OF THE UNITED STATES***

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SHARON JOHNSON,  
*Petitioner*

v.

DAVID DANON,  
*Respondent*

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***ON APPEAL FROM THE CALIFORNIA  
2ND DISTRICT COURT OF APPEAL, DIVISION P***

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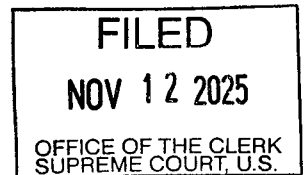
**PETITION FOR A WRIT OF CERTIORARI**

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Sharon Johnson  
#4300 PO Box 1679  
Sacramento, CA 95812  
(323) 432-0751

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**ORIGINAL**



## **QUESTIONS PRESENTED**

The U.S. Constitution has as its First Amendment the right to “petition the government for a redress of grievances.” Vexatious statutes enacted in the states and used in both state and federal courts are used to deprive victims of that right, including to review. The question presented is:

Whether vexatious statutory schemes used in state and federal courts overreach and violate First Amendment rights of victims to petition the courts and for review.

**PARTIES TO THE PROCEEDING**

All parties appear in the caption of the case on the cover page.

**RELATED CASES**

Supreme Court of the State of California

CASE NO. S291799

California 2<sup>nd</sup> District Court of Appeal, Division P

CASE NO. B344965

Superior Court of California, County of Los Angeles

CASE NO. 18STCV09829

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**PETITION FOR A WRIT OF CERTIORARI**

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Petitioner Sharon Johnson respectfully petitions for a writ of certiorari after appeal from the California 2<sup>nd</sup> District Court of Appeal, Division P.

**OPINIONS BELOW**

The opinion of the California 2<sup>nd</sup> District Court of Appeal, Division P appears at **Appendix A** to the petition and is unpublished.

The opinion of the Superior Court of California, County of Los Angeles appears at **Appendix B** to the petition and is unpublished.

**JURISDICTION**

The Supreme Court of California decided this case on August 13, 2024. A copy of that decision appears at Appendix C. The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1) or 28 U. S. C. § 1257(a).

**CONSTITUTIONAL PROVISIONS INVOLVED**

The First Amendment to the Constitution provides in pertinent part: “Congress shall make no law \* \* \*abridging \* \* \* the right\* \* \* to petition the Government for a redress of grievances.” U.S. Const. Amend. I.

## STATEMENT

### A. Vexatious statutory schemes

State courts are foreclosing federal law. Petitioner was accused of violating the California statutory requirement under Cal. Civ. Proc. Code 391(b)(3) [for filing a motion to disqualify a judge] in August 2019. The order of vexatious – as it is termed – is an injunctive order that has severely hampered Petitioner in defending her rights as a victim against the victimizer. Petitioner is deprived of filing cases and in federal bankruptcy court where she tried to defend two state court judgments (\$9,999 small claims; \$120,000 civil unlimited) of intentional torts she miraculously won as a pro per while struggling to litigate against the victimizer and his lawyers, they used the vexatious order to claim Petitioner was not allowed to file anything to protect and assert her right as a creditor in the bankruptcy court. Even in an existing DVRO case (May 2019) that pre-dated the vexatious order (August 2019), when Petitioner filed for a Renewal, the victimizer and his lawyers alleged Petitioner could not file for a simple Renewal – leaving her vulnerable to further attacks which had already sent her to the hospital and crippled her, and leaving her unable to physically protect herself against the victimizer and to provide for herself.

The vexatious scheme is a never-ending abyss of perpetual First Amendment violations. The rights of victims are being infringed and victimizers are using vexatious schemes to prevent victims from litigating to protect themselves and assert their rights. This scheme has proceeded for six years against Petitioner, creating an endless tsunami of litigation abuse against her. Not only has Petitioner faced the daunting burden of trying to learn how to defend herself against false claims of the victimizer and his repeated cases against her, Petitioner has the added burden of being perceived in each successive court as a violator, being required to prelitigate the entire case to obtain a prefiling order before filing and without any benefit of discovery. While the vexatious scheme may hold validity against certain litigants who willfully and flagrantly disregard litigation statutes, for victims such as Petitioner who are frivolously and repeatedly sued by victimizers, and who are indigent with no legal experience while facing the discombobulated experience of learning how to litigate while litigating, any perceived errors are inadvertent and do not warrant an order of vexatious that effectively allows victimizers with lawyers to foreclose the First Amendment rights of victims by ensuring only one-sided litigation in order to win without facing any defense.

This foreclosure of Petitioner's U.S. Constitution First Amendment right to petition the court for redress of grievances by labeling her as vexatious – for her simply filing a motion to disqualify a 94-year-old single-judge court where Petitioner was a pro per indigent defendant being frivolously sued in a civil unlimited case by the victimizer and his lawyer who had already lost with their same allegations two months earlier where they lacked any evidence in their failed DVRO case – shows the extreme collateral damage that the scheme can inflict on a victim.

Petitioner succeeded in disqualifying that judge, and under the new judge, she succeeded in having the frivolous case dismissed. Now as Petitioner seeks to vacate that order of vexatious, she is being foreclosed from appellate review of the injunctive order, based on the contents of the injunctive order itself. That nonsensical circular argument further violates Petitioner's First

Amendment right to review. The 94-year-old judge is deceased, yet even he violated his own vexatious order when he failed to file the order with the California Judicial Council (the keeper of the vexatious list for the State) for more than a year after his order (i.e., September 2020 for his August 2019 order – and only after the urging of the victimizer) – so Petitioner was unaware of the vexatious order altogether – and when Petitioner filed her compulsory cross-complaint on or around June 2020 against the frivolous civil unlimited case of the victimizer, that judge failed to require a statutory prefiling order before Petitioner filed it. Petitioner succeeded in having that judge disqualified for bias, further showing that her motion to disqualify him was meritorious all along.

The collateral punitive measures inflicted against Petitioner due to the vexatious order are unsurpassed. It is a modern day judicial scarlet letter A that precedes her in every court, instantly prejudicing her as having willfully committed a wrong. Never have the victimizer and his lawyer admitted the code of civil procedure for the type of vexatious that was ordered [CCP 391(b)(3) – for filing a motion], rather, they willfully declare that it is the other type of vexatious [CCP 391(b)(1) – for commencing, prosecuting, or maintaining at least five cases adversely decided in the previous seven years].

Further, the punitive burden for both types of vexatious are identical. This is akin to being cited for an alleged parking ticket versus being charged with murder – and having both allegations result in the identical length of sentence. Both types of vexatious result in the litigant being required to obtain a prefiling order before filing new litigation – even for Petitioner who merely filed a motion to disqualify a judge who she succeeded in disqualifying, in a case where she was a defendant being repeatedly, frivolously sued by the victimizer (and even though Petitioner won all cases against the victimizer as both plaintiff and defendant). Yet, even murder convictions have a stated length of time required to fulfill the punitive obligation of the convicted person. However, the statutory vexatious scheme is an endless perpetual burden without any stated end.

In this case, since the judge making the vexatious order was disqualified (now deceased), a motion to vacate the order falls to the administrative judge. In Los Angeles, that is Department 1 at the Stanley Mosk Courthouse downtown. A Judicial Council form is available to move to vacate the order, but it is very brief and filed to the faceless Department 1 judge where there is no hearing in which to explain or argue – which would be especially helpful for both the judge and litigant to ensure clarity, considering the litigant is a pro per. Petitioner, immediately upon learning of the vexatious order more than a year later, moved to vacate it. The administrative judge denied it, stating that Petitioner had not used a case [*Luckett v. Panos* 161 Cal.App.4th 77, 93-94 (Cal. Ct. App. 2008)] that lists requirements to vacate a vexatious order. This year of 2025, Petitioner again moved to vacate it – using the *Luckett* case, yet it was denied by a different administrative judge who claimed that because Petitioner was ever a plaintiff (even though she was forced to file a compulsory cross-complaint or forever lose the right to recover for serious and significant injuries by the victimizer), and even though she won all her cases, she was still vexatious.

The vexatious order is an injunctive order, and there is no statutory opportunity or remedy in Superior Court – no motion for reconsideration is even possible, so that it must be appealed to the Appellate Court for review and relief. Yet, here, the Appellate Court denied the filing of the appeal of the injunctive vexatious order – stating that it required a prefiling order and refusing to grant one, even though the California Supreme Court found that defendants even who are called vexatious have a right to appeal without obtaining a prefiling order (*John v. Superior Court*, Case No. S222726 (*John v. Superior Court* (2016) 63 cal.4th 91, 93)). Petitioner cited this case precedent, yet the Appellate Court continued to refuse to allow Petitioner to appeal the injunctive vexatious order.

### **B. Infringement of U.S. Constitution First Amendment rights**

Petitioner asserts that state vexatious statutory schemes infringe on constitutional First Amendment rights to petition the court and for review. For pro per victims that are frivolously and maliciously sued by victimizers with lawyers, forcing victims to endure extreme legal complexities of civil unlimited litigation, even inadvertent error due to honestly lacking legal knowledge and skills thrusts victims into a morass of endless years of perpetual additional burdens of having to prelitigate prior to litigating, and without any benefit of discovery – requiring proof that the litigant will win before ever filing. This is true even for compulsory cross-complaints, which are still deemed “new litigation” and subject to prefiling orders. The process of applying for and obtaining a prefiling order, prior to filing a case, can take an extra year and then also causes statute of limitation problems.

Petitioner asserts more broadly that there should be no state statutory vexatious scheme, which is also used in federal courts, that infringes on the First Amendment right to petition the courts and seek review – where the “vexatious” litigant is actually a victim being maliciously subjected to a suit and lacking the legal expertise to properly litigate. This Court can reasonably ascertain that the fact Petitioner won every case against the victimizer, shows Petitioner diligently works to understand and apply the laws in order to defend, assert, and uphold her rights. To be subjected to the vexatious scheme for simply attempting to understand and properly litigate, abusively disregards and deprives Petitioner of her First Amendment rights. More narrowly, Petitioner asserts that *at least* vexatious schemes must not perpetually burden a victim, without any end date, and without even a right to review of the injunctive order.

At what point is a constitutional Amendment infringed? Similarly, at what point is infringement on First Amendment rights constitutionally intolerable? Petitioner respectfully asserts that state courts and federal courts’ use of vexatious statutes to contravene a person’s First Amendment rights is a violation of one of the most basic and sacred rights bestowed in the Constitution on we the people by our Founding Fathers — petitioning our government for redress of grievances, including review. States’ vexatious schemes are a subjective punishment that unfairly injures victims who are unable to hire lawyers to defend against victimizers with lawyers. Deprivations of the First Amendment is an unequal application of the law, and State courts must not be permitted to circumvent the Constitution. While states have legislative rights to enact statutes, when incompatible with the Constitution it calls for this Supreme Court’s opinion on such a widely used and unequally applied statutory scheme appearing regularly in

(5)

state and federal courts. Vexatious schemes are a discriminatory rewriting of the Constitution to preclude victims from petitioning the courts. Where a statute forecloses even the right to review of an injunctive order, the statute cannot stand.

This evidence solidly shows the extreme deprivation of Petitioner's First Amendment rights based on vexatious statutory schemes that are permitted to erase the constitutional right to petition and for review.

### **Reasons for granting the petition**

#### **I. The question presented warrants this Court's review**

State legislatures continue to adopt more and broader vexatious legislation resulting in a greater number of victims being caught up in the net of vexatious schemes, despite it further victimizing them after they are maliciously or frivolously sued in state and federal courts, and regardless of their inadvertent lack of legal experience or inability to hire a lawyer due to indigence.

The Supreme Court has not yet weighed in on the matter.

This matter of first impression by this Court will allow guidance across the states on realities of incompatibility of vexatious statutes and the First Amendment. While the vexatious schemes are the focus of the statutes, Petitioner's First Amendment rights are also being contravened by the application of the scheme to deprive her of review of the injunctive order itself – foreclosing her right to petition the courts. *Even if* this Court found vexatious statutes compatible with federal law, there must be a carve out, a valve to protect victims from falling prey to the scheme for perpetuity – endlessly without even a right to review. The inherent First Amendment rights that are infringed by vexatious schemes create constitutional concerns for the rights of all parties.

#### **II. The decision below is wrong**

##### **A. A vexatious order is injunctive and must provide for review**

The instant case hinges on the incompatibility of the states' statutory vexatious schemes with the First Amendment right to petition for redress of grievances and review. California vexatious statutes interfere with the federal Constitution. The right to seek relief through review of the injunctive order must be protected across the nation. Yet here, Petitioner's right to even petition the courts for review of the vexatious order has been foreclosed by the vexatious order itself. That endless litigation pit of deprivation is a violation of the most fundamental aspects of the Constitution – the First Amendment.

Petitioner seeks to unburden herself of the injunctive vexatious order of 2019, which she has endured continuously for six years, and which she reasonably believes was improperly

ordered. This burden is further evidenced in the fact that the Appellate Court refuses to allow Petitioner to even appeal the injunctive order. The order has been used as a weapon by the victimizer and his lawyer to further injure Petitioner and prevent her from defending herself, and from asserting any of her rights to protect herself pursuant to the First Amendment.

#### **B. These statutes and case law violate Petitioner's First Amendment rights**

Petitioner appealed to the Supreme Court of California, considering that that Court set a precedent in *John v. Superior Court* [Case No. S222726 (*John v. Superior Court* (2016) 63 cal.4th 91, 93)], which allows defendants to file appeals, even if called vexatious. Petitioner now looks to this Supreme Court of the United States to intervene and protect First Amendment rights in state and federal courts. Petitioner was also deprived of her rights to litigate in federal bankruptcy court as a creditor of two state court judgments (where the victimizer resorted to try to defeat fully-litigated state court judgments of intentional torts), due to the vexatious label in state court. Again, Petitioner respectfully and urgently requests granting of this Petition for Writ of Certiorari to address this nationwide unfairness – in both state and federal courts – of vexatious schemes that deprive victims such as Petitioner from defending herself in litigation commenced by the victimizer. Such disparity – a victimizer who affords five private lawyers versus a pro per indigent victim who must rely on her own abilities to learn and understand the complexities of state and federal courts where she has been repeatedly sued by the victimizer – is further compounded with the untenable burden of vexatious schemes. All a victimizer must do is repeatedly sue a victim until it results in any inadvertent error by the victim, and then have the victim deemed vexatious to deprive her of litigating at all, and from any review. That is a perfect plan for a victimizer that seeks control over and to further injure the victim. The vexatious schemes in both state and federal courts must not interfere with or deprive victims from their attempts at litigating to defend against victimizers.

#### **III. The Court should grant certiorari in this case**

Nationwide state and federal courts are applying vexatious schemes indiscriminately, injuring victims in the process of foreclosing their U.S. Constitution right to petition the courts. Petitioner seeks granting of her Petition for a Writ of Certiorari to address these state and federal vexatious schemes, defeating U.S. Constitution First Amendment rights to petition the courts for redress of grievances and for review. Courts of review are not addressing their own state's vexatious statutes incompatibilities with the Constitution. It is incumbent upon this Court to provide guidance on this widespread practice in state and federal courts where vexatious schemes are unfairly and unduly burdening victims who are already burdened by legal complexities. Even indigent victims must be protected by the First Amendment.

#### **CONCLUSION**


Petitioner respectfully requests the Petition for Writ of Certiorari be granted to address the vexatious schemes used in state and federal courts nationwide that defeat, deprive, or violate

inherent U.S. Constitution First Amendment rights of victims who must face victimizers and who need to exercise the right to petition the courts and for review.

Respectfully submitted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 10, 2025

  
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Sharon Johnson #4300 PO Box 1679  
Sacramento, CA 95812  
(323) 432-0751