

No. 25-7110

ORIGINAL

FILED
FEB 13 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

JOHN D. KARNA — PETITIONER

vs.

SEAN ROSS et al. — RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF THE STATE OF ARIZONA

ARIZONA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

JOHN D. KARNA

1060 E KNOX DRIVE

TUCSON, ARIZONA 85719

(520) 789-0457

IV. QUESTIONS PRESENTED

- A) Whether the Pima County Superior Court can grant Defendants' motions for summary judgment when a material genuine issue of fact exists for the jury.
- B) Whether diversity, equity, and inclusion (DEI) will continue in the public schools of Arizona.
- C) Whether the Arizona notice of claim statute is unconstitutional in the case at bar.

**V. LIST OF PARTIES
FINAL ORDER OF SUPREME COURT OF ARIZONA
FINAL ORDERS OF ARIZONA COURTS BELOW
RELATED CASES**

LIST

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 1) Arizona State Board of Education
- 2) Sean Ross
- 3) David Spelich
- 4) Tucson Unified School District
- 5) Kathyn Gunnels
- 6) Amphitheater Unified School District
- 7) Wendy Cronk

Arizona Supreme Court

RE: KARNA v SEAN ROSS et al Arizona Supreme Court No. CV-25-0234-PR Court of Appeals, Division Two No. 2 CA-CV 25-0184 Pima County Superior Court No. C20246565 GREETINGS: AARON C. NASH Clerk of the Court The following action was taken by the Arizona Supreme Court on January 2, 2026, regarding the above-referenced cause: ORDERED: Petition for Review = DENIED.

Arizona Court of Appeals Division II

ORDER 2 CA-CV 2025-0184 Department A Pima County Cause No. C20246565 RE: JOHN D KARNA v. AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10; WENDY CRONK, TUCSON UNIFIED SCHOOL DISTRICT NO. 10; AND KATHRYN GUNNELS Pursuant to Motion for Jurisdictional Discovery 2pdf (Treated as a Motion for Reconsideration), ORDERED: Motion for Reconsideration is DENIED.

Arizona Pima County Superior Court

IT IS NOW THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants Amphitheater Unified School District No. 10, Wendy Cronk, Tucson Unified School District No. 1, and Kathryn Gunnels have final judgment in their favor and against Plaintiff John D. Karna in this action, that Mr. Karna take nothing by his second amended complaint, and that said second amended complaint and all causes of action asserted therein be and are hereby dismissed with prejudice and on the merits.

Pima County Consolidated Justice Court, second time

CASE NO. CV23-009972-RC ORDER AND NOTICE OF TRANSFER 701-113 PLAINTIFF (Name/Address/Phone) JOHN KARNA 1060 E KNOX DR TUCSON, AZ 85719 520-789-0457 DEFENDANT (Name/Address/Phone) SEAN ROSS, DAVID SPELICHXtATE ARIZONA BOARD OF EDUCATION CHRISTOPHER P. WHITE 416 W CONGRESS ST 2ND FLR ^ TUCSON, AZ 85701-1315 TEL; 520-638-2805 C 20246565 FAX: 520-628-6050 ORDER The Counterclaim amount exceeds the jurisdiction of this Court; therefore, all further proceedings regarding this matter will be conducted at Pima County Superior Court. The defendant / litigant in the above entitled matter is an employee or relative of an employee of the Pima County Consolidated Justice Court. It appearing that a conflict of interest may exist, all further proceedings will be conducted at the location marked below. A Change of Venue has been granted by the Pima County Consolidated Justice Court. October 25, 2024

Federal District Court Tucson, Arizona, Count VIII not dismissed

Therefore, **IT IS ORDERED** Counts I, II, III, IV, V, VI, VII, IX, X, XI, and XII of the Second Amended Complaint (Doc. 44) are **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk of Court shall remand this case to Pima County Consolidated Justice Court and close its file in this action.

Re: REMAND TO Pima County Consolidated Justice Court

District Court Case Number: CV-23-00401-TUC-JGZ

Superior Court Case Number: CV23-009972

Pima County Consolidated Justice Court, first time

Dismissed without prejudice in 2023, and transferred to federal district court by Assistant Attorney General Christopher White. No case number is available because it was the same case with the same case number CV23-009972-RC.

DIRECTLY RELATED CASES

Hickman v. Taylor, 329 U.S. 495 (1947)

Cohen v. Beneficial Loan Corp., 337 U.S. 541 (1949)

Eisen v. Carlisle Jacquelin, 417 U.S. 156 (1974)

In re Nissan Motor Corp. Antitrust Litigation, 552 F.2d 1088 (5th Cir. 1977)

Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 364 (Jun 19, 1978)

Lowery v. Alabama Power Company, 483 F.3d 1184 (2007) relying on *Williams v. Best Buy Co., Inc.*

Dancel v. Groupon No. 19-1831 (2019) relying on *Myrick v. WellPoint, Inc.*

Lang Van v. VNG Corporation No. 19-56452 (2022)

Grossenbach v. Arizona Board of Regents, CV 25-00477-TUC-JGZ (MAA) November 21, 2025

VI. TABLE OF CONTENTS

Questions Presented.....	2
List of Parties and Final Orders.....	3
Directly Related Cases.....	5
Table of Contents.....	6
Index to Appendices.....	7
Table of Authorities.....	9
Other Authorities.....	13
Opinions Below.....	14
Jurisdiction.....	15
Constitution and Statutory Provisions.....	16
Statement of Case.....	17
Reasons for Granting Petition.....	20
Conclusion.....	21
Appendix of Lower Court Orders.....	22

VII. INDEX TO APPENDICES

Link to PDF shown here and copy in the Appendix

APPENDIX A

“TT IS ORDERED denying the Appellants’ requests filed on January 14, 2026 and thereafter, without prejudice to filing an application to the United States Supreme Court for a writ of certiorari.”

Doc. 10.

APPENDIX B

“O R D E R 2 CA-CV 2025-0184 Department A Pima County Cause No. C20246565 RE: JOHN D KARNA v. AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10; WENDY CRONK, TUCSON UNIFIED SCHOOL DISTRICT NO. 10; AND KATHRYN GUNNELS Pursuant to Motion for Jurisdictional Discovery 2pdf (Treated as a Motion for Reconsideration), ORDERED: Motion for Reconsideration is DENIED.”

Doc. 11.

APPENDIX C

“TT IS NOW THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants Amphitheater Unified School District No. 10, Wendy Cronk, Tucson Unified School District No. 1, and Kathryn Gunnels have final judgment in their favor and against Plaintiff John D. Karna in this action, that Mr. Karna take nothing by his second amended complaint, and that said second amended complaint and all causes of action asserted therein be and are hereby dismissed with prejudice and on the merits.”

Doc. 12.

APPENDIX D (federal screening Order)

Therefore, **IT IS ORDERED** Counts I, II, III, IV, V, VI, VII, IX, X, XI, and XII of the Second Amended Complaint (Doc. 44) are **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk of Court shall remand this case to Pima County Consolidated Justice Court and close its file in this action.

Re: REMAND TO Pima County Consolidated Justice Court

District Court Case Number: CV-23-00401-TUC-JGZ

Superior Court Case Number: CV23-009972

Doc. 13.

APPENDIX E

“PIMA COUNTY CONSOLIDATED JUSTICE COURT 240 N STONE AVENUE TUCSON, AZ
85701-1130 (520)724-3171 CIVIL MINUTE ENTRY PLAINTIFF(S): KARNA, JOHN PLAINTIFF'S
ATTORNEY: CASE NO. CV23-009972-RC VS. DEFENDANT(S): STATE OF AZ BOARD OF
EDUCATION SPELICH, DAVID ROSS, SEAN; DEFENDANT'S ATTORNEY: CHRISTOPHER P
WHITE”

Doc. 14.

APPENDIX F

None

VIII. TABLE OF AUTHORITIES

CASES	PAGE NUMBER
<i>Marbury v. Madison</i> , 5 U.S. (1 Cranch) 137, 180 (1803).....	11 and 19
<i>Oppenheimer Fund, Inc. v. Sanders</i> , 437 U.S. 340, 364 (Jun 19, 1978).....	19
Other important cases are:	
<i>Ex parte Young</i> , 209 U.S. 123 (1908)..	
<i>Hickman v. Taylor</i> , 329 U.S. 495 (1947)	
<i>Cohen v. Beneficial Loan Corp.</i> , 337 U.S. 541 (1949)	
<i>Eisen v. Carlisle Jacquelin</i> , 417 U.S. 156 (1974)	
<i>Anderson v. Liberty Lobby, Inc.</i> , 477 U.S. 242, 243 (1986)	
<i>Erickson v. Pardus</i> , 551 U.S. 89, 94 (2007)	
<i>Bell Atlantic Corp. v. Twombly</i> , 550 U.S. 544, 547 (2007)	
<i>Ashcroft v. Iqbal</i> , 556 U.S. 662, 678 (2009)	
<i>Boschetto v. Hansing</i> 2009 U.S. LEXIS 1601 (U.S. Feb. 23, 2009) Cert. denied.	
<i>Yamashita v. Scholastic-Inc.</i> , ___ U.S. __ (2019).	
<i>Roebuck v. Mayo Clinic</i> (September 12, 2025)	
Supplemental Brief Cases <u>Doc. 9</u>,	
<i>Northern v. Elledge</i> , 72 Ariz. 166 (1951)	
<i>Lujan v. MacMurtrie</i> , 94 Ariz. 273 (1963)	
<i>Haberkorn v. Sears, Roebuck & Co.</i> , 427 P. 2d 378 (1967)	
<i>First National Bank of Arizona v. Cities Service Co.</i> , 391 U. S. 253 (1968)	
<i>Southern Pacific Terminal Co. v. ICC</i> , 219 U. S. 515 (1911)	

Markel v. Transamerica Title Ins. Co., 103 Ariz. 353 (1968)

Roe v. Wade, 410 U. S. 113 (1973)

DeFunis v. Odegaard, 416 U.S. 312 (1974)

Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)

Holt v. Utica Mut. Ins. Co., 157 Ariz. 477 (1988)

State v. Gilbert, 172 Ariz. 402 (App. 1992)

Bishop v. State Dep't of Corr., 172 Ariz. 472 (App. 1992)

State v. Lacy, 187 Ariz. 340 (1996)

Kyles v. Contractors/Engineers Supply, 190 Ariz. 5 (1997)

Nolde v. Frankie, 192 Ariz. 276 (1998)

Conley v. Crabtree, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998)

Wigglesworth v. Mauldin, 195 Ariz. 432 (App. 1999)

Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999)

Cullen v. Auto-Owners Ins. Co., 218 Ariz. 417 (2008)

Lukovsky v. City & Cnty. of San Francisco, 535 F.3d 1044, 1051 (9th Cir. 2008)

Carvalho v. Equifax Info. Servs., LLC, 629 F.3d 876 (9th Cir. 2010)

Pride v. Correa, 719 F.3d 1130, 1133 (9th Cir. 2013)

Ramirez v. County of San Bernardino, No. 13-56602 D.C. (9th Cir. 2015)

State v. Fulton, No. 1 CA-CR 19-0394 (2020)

Worldwide Jet Charter, Inc. v. Toulatos, 254 Ariz. 331 (Ct. App. 2022)

Ute Mountain Ute Tribe v. Arizona Dep't of Revenue, 254 Ariz. 410 (Ct. App. 2023)

Margarita Henke v. Hospital Development of West Phoenix, Inc., et al., No. CV-24-0259-PR (Oct. 22, 2025)

Grossenbach v. Arizona Board of Regents, No. CV 25-00477-TUC-JGZ (MAA) (Nov. 21, 2025)

Canna Provisions, Inc. v. Pam Bondi, U.S. Supreme Court No. 25-518 (pending 2025)

Opening Brief Cases Doc. 3.

Marbury v. Madison, 5 U.S. (1 Cranch) 137, 180 (1803)

Ex parte Young, 209 U.S. 123 (1908).

Kain v. Ariz. Copper Co., 14 Ariz. 566, 567 (1913)

McCarthy v. Pamsetgaff, Inc., 20 Ariz. 460, 461–62 (1919)

Butler v. Rule, 29 Ariz. 405, 407 (1926)

Rice v. Tissaw, 57 Ariz. 230, 237–38 (1941)

Bonanno v. Thomas, 309 F.2d 320, 322 (9th Cir. 1962)

Litchfield Elementary, Etc. v. Babbitt, 125 Ariz. at 224 (1980)

Cook, Perkiss and Liehe, Inc. v. Northern Cal. Collection Serv. 911 F.2d 242, 247 (9th Cir. 1990)

Fain Land & Cattle Co. v. Hassell, 163 Ariz. 587, 596 (1990)

Harris Rutsky & Co. Ins. Servs. v. Bell & Clements Ltd., 328 F. 3d 1122, 1135 (9th Cir. 2003)

Duncan v. Scottsdale Med. Imaging, 205 Ariz. At 313 (2003)

Erickson v. Pardus, 551 U.S. 89, 94 (2007)

Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 547 (2007)

Deer Valley Unified School Dist. No. 97 v. Houser 214 Ariz. 293 (2007)

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)

Boschetto v. Hansing 2009 U.S. LEXIS 1601 (U.S. Feb. 23, 2009) Cert. denied.

Seisinger v. Siebel, 220 Ariz. 85, 94 (2009)

Brewer v. Burns, 222 Ariz. 234, 213 P.3d 671 (2009)

Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010)

Baker v. Univ. Physicians Healthcare, 231 Ariz. 379, 388 (2013)

Caltex Plastics, Inc. v. Lockheed Martin Corp., 824 F.3d 1156, 1159 (9th Cir. 2016)

Arizona Chamber of Commerce and Industry v. Kiley, 242 Ariz. 533 (2017)

Yamashita v. Scholastic Inc., ___ U.S. ___ (2019).

Dabush v. Seacret Direct LLC, 250 Ariz. 226, 267 (2021)

Arizona Sch. Boards Ass'n, Inc. v. State, 252 Ariz. 219, 226, 228 (Ariz. 2022)

Torres v. JAI Dining Servs, Inc., 256 Ariz. 212, 218 (2023)

State v. Anderson, 257 Ariz. 226, 230 (2024)

Francisco v. Affiliated Urologists Ltd., 258 Ariz. 95, 104 (2024)

Smarthealth Incorporated v. Chemotechnique MB Diagnostics AB et al, F.3d (9th Cir. 2025)

Roebuck v. Mayo Clinic (September 12, 2025)

Other Authorities

Wright & A. Miller, *Federal Practice and Procedure* § 1216; pp. 235-236 (3d ed. 2004).

Administrative Office of the Courts Alberto Rodriguez'

notice.

Dan B. Dobbs et al., *The law of Torts* § 31 (2d ed.

2011).

23rd day of the legislative session, Tuesday February 1, 1994, Senate Bill 1284.

129 STAT. 1802 PUBLIC LAW 114-95—DEC. 10, 201

Committee of the Whole (COW).

Codes/Rules

Arizona Administrative Code (A.A.C.), Title 7, Chapter 2, Articles

7 and 13. Super. Ct. R. Civ. App. P. 4(a)

Ariz. R. Civ. P. 56(a).

SB 1284, concurred in House amendments and passed on Final Passage, 18-12-

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.
IX. OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix D to the petition and is

_____] reported at _____ at
<https://www.casemine.com/judgement/us/662dd1068261c30ceced4f41>

_____ ; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Court of Appeals Division II court appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,

[X] is unpublished.

X. JURISDICTION

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was No Federal Court of Appeals. The case retaining Count VIII was transferred by Federal District Court to State Consolidated Justice Court.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was January 23, 2026. A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

XI. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutions

First and Fourteenth Amendment of the United States
Constitution and the Arizona Constitution.

Article 2 Section 4 of the Arizona Constitution.

Article 4 Part 2 Section 13 of the Arizona

Article 6 Section 5(3) of the Arizona
Constitution.

Article 18 Section 6 of the Arizona Constitution.

Article 18 Section 31 of the Arizona
Constitution.

Statutes

A.R.S. § 12-821.01

A.R.S. § 12-821

A.R.S. § 12-516(A)

XII. STATEMENT OF THE CASE

United States Supreme Court has Article III Section I power of the United States Constitution to overrule the cited Arizona State Supreme Court decision of January 24, 2026 and any related Arizona legislative law, specifically Diversity, Equity, and Inclusion (DEI) and the Arizona Notice of Claim Statute addressed by issue B) and C), respectively." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 180 (1803).

This Writ of Certiorari contains the conflicts between the Federal Circuit Court of Appeals decisions stemming from the 1978 United States Supreme Court decision in *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 364 (Jun 19, 1978).

This is also an appeal from the Arizona Supreme Court and Division II of the Arizona Court of Appeals *wherein* the lower Courts rejected Appellant Karna's Motion for Jurisdictional Discovery.

On February 2, 2025, the Court of Appeals rejected apparent Karna's motion for jurisdictional discovery, miss labeled as a motion for reconsideration. Doc. 1.

On September 24, 2025, the Supreme Court rejected Appellant Karna's opening brief that detailed his appeal for jurisdictional discovery. Doc. 2.

On January 2, 2026, the Supreme Court rejected Karna's petition for review. Doc. 3.

On February 2, 2026, the Arizona Supreme Court Clerk Aaron C. Nash Ordered by email the Stay of the adverse decision of the Court of Appeals and "rejecting all other documents submitted to this Court after January 23, 2026. Doc. 4.

On January 31, 2026, Appellant Karna efiled Form Set #12676474 his Updated Opening Brief. Doc. 5. Said Opening Brief was served on Clerk of Supreme Court, Donald Peder-Johnson Attorney for Defendants Amphitheater Unified School District #10 and Wendy Cronk, and Tucson Unified School District #1 and Kathryn Gunnels. dpj@gknet.com, Erin T. Jenkins Attorney for Defendants Amphitheater Unified School District #10 and Wendy Cronk, and Tucson Unified School District #1 and Kathryn Gunnels. erin.jenkins@gknet.com, Christopher P. White Assistant Attorney General Attorney for State of Arizona Board of Education, Sean Ross, and David Spelich. Christopher.White@azag.gov, Rebecca A. Banes Assistant Attorney General Attorney for State of Arizona Board of Education, Sean Ross, and David Spelich. Rebecca.Banes@azag.gov Kristin K. Mayes Attorney General for the State of Arizona Attorney for State of Arizona Board of Education, Sean Ross, and David Spelich. Private email for Attorney General Mayes request was made. AGInfo@azag.gov, and preliminarily accepted on January 26, 2026. The "preliminarily accepted" Opening Brief was "accepted and served" on January 26, 2026.

It should shock the conscience of the Supreme Court of the United States that only three days

passed in order to cover-up the alleged unlawful and unconstitutional act of Defendant Sean Ross when Ross sent the June 2021 notice to Arizona School Districts that John Dennis Karna was under investigation causing four years of unemployment and severe physical disability from two brain stem strokes in 2022!

But the Supreme Court of the United States consciences **MUST** be shocked because Appellant Karna's Supplemental Brief was accepted by the Arizona Supreme Court on January 5, 2026 and then on January 12, 2026, both **BEFORE** Clerk Nash's January 23, 2026 deadline. Doc. 4.

Said Stay should have resulted in **REVERSAL** of the Court of Appeals rejection of the mislabeled, stated unilaterally by the Court, Appellant Karna's motion for Jurisdictional Discovery noted as a "motion for Reconsideration!"

Appellant Karna's Motion for Jurisdictional Discovery mislabeled as a "Motion for Reconsideration" by the Court of Appeals Division II; i.e. a Stay of a Motion for Reconsideration misses the point of the **PRESENT** plea for a **WRIT OF CERTIORARI** for Jurisdictional Discovery that only a jury trial can resolve as pleaded *herein*.

While this case started in June 2001 when the Arizona State Department of Education sent their unconstitutional notice to Arizona School Districts that Karna was under investigation, the case rose to its **PIVOTAL POINT** when "Judge Kuhn refused to open and read Karna's red book, presented to her by her law clerk in open court, said red book outlined that Defendant Gunnels had concealed the risk of continued employment of John Dennis Karna. Attorney Johnson scurried to the bench to obtain the red book and returned it immediately to Karna." Doc. 6. Supplemental Brief p.25.

It is of paramount significance to recognize that the red book was timely preceded by the Supplemental Brief pleadingS on January 5, 2026 and January 12, 2026 of Plaintiff Karna before Judge Kuhn dismissed with prejudice that a material issue of genuine fact existed that should have gone to the jury. Doc. 7.

The Arizona Supreme Court Orders that closed Appellant Karna's lawsuit are highly suspicious because the Arizona Supreme Court accepted Appellant Karna's Supplemental Brief, first eFiled on January 5, 2026, then ultimately accepted on January 12, 2026, eleven days **BEFORE** the January 23, 2026 deadline unconstitutionally imposed by the Arizona Supreme Court Clerk Aaron C. Nash.

"Judge Kuhn committed two reversible errors when she granted Defendants' motions to dismiss. The first error was committed when Plaintiff Karna responded to the January 17, 2025 verbal Order in open court of Judge Kuhn to modify the federal second amended complaint. Judge Kuhn denied Plaintiff Karna's motion to amend. The second error was committed when Plaintiff Karna moved the court for the physical filing his third amended complaint with the clerk in order to serve the seven Defendants. Judge Kuhn denied Plaintiff

Karna's motion to file.

These reversible errors were manifested in the abuse of discretion committed by Judge Kuhn. The process of abuse started in 2023 when Defendants were first properly served with complaint and summons and then were served with complaint and summons again in 2024. The abuse continued when Judge Kuhn proceeded without the State of Arizona Defendants' appearance, prevented the testimonies of Defendant Gunnels and State Investigator III Navarro, comprising a genuine issue of material fact to be determined by jury, and Judge Kuhn did not recognize Plaintiff Karna's motions and granted the Defendants' motions to dismiss. The abuse of discretion was finished when Judge Kuhn dismissed Karna's complaint with prejudice." Doc. 6 page 41.

The acceptance of John Dennis Karna's Supplemental Brief, **BEFORE** the deadline, by the Arizona Supreme Court should have **REVERSED** the Court of Appeals Divison II decision published January 6, 2026.

XIII. REASONS FOR GRANTING THE PETITION

There are three reasons for granting this petition:

- 1) the Pima County Superior Court granted Defendants' motions to dismiss based on the notice of claim statute. However, Appellant Karna timely stated in his Briefs to the State Court of Appeals Division II and the Arizona Supreme Court that a genuine material issue of fact existed for the jury. It was unlawful for the Pima County Superior Court to dismiss Plaintiff Karna's complaint. The Supreme Court of the United States should remand this case to the Superior Court for a jury trial.
- 2) The Arizona Superintendent of Public Instruction Tom Horne intends to remove Diversity, Equity, and Inclusion (DEI) from the public schools. The Supreme Court of the United States should Order an injunction against the Superintendent to prevent his intention to remove DEI.
- 3) In Arizona the Notice of Claim Statute is unconstitutional. The Supreme Court of the United States should Order the statute void.

XIV. CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

February 13, 2026

1/4/ Date: John D. Karnq
