

No. **25-7419**

**ORIGINAL**

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

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Supreme Court, U.S.  
FILED

**FEB 23 2026**

OFFICE OF THE CLERK

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**ORNA SHAPOSHNIK — PETITIONER**

**vs.**

**QUALITY LOAN SERVICE CORPORATION, et al. — RESPONDENT**

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**ON PETITION FOR A WRIT OF CERTIORARI TO**

**THE COURT OF APPEAL OF CALIFORNIA,**

**SECOND APPELLATE DISTRICT, DIVISION EIGHT**

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**PETITION FOR A WRIT OF CERTIORARI**

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**RECEIVED**

**MAY 14 2026**

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## **QUESTIONS PRESENTED**

- 1. Whether a state court violates Title II of the Americans with Disabilities Act (42 U.S.C. § 12132), Section 504 of the Rehabilitation Act (29 U.S.C. § 794), and the Due Process Clause of the Fourteenth Amendment when it denies or nullifies medically supported, time-limited disability accommodation requests and then proceeds to adjudicate dispositive motions and issue orders affecting property and jurisdiction while the disabled litigant lacks a meaningful ability to understand, respond, or participate in the proceedings.**

**In February 2026, the court’s ADA coordination process communicated that Petitioner’s accommodation request was denied on the ground that it would “prejudice the parties”—a rationale not authorized under Title II of the ADA or governing access-to-court standards, which permit denial only upon a showing of fundamental alteration or undue burden.**

**This case further presents the question whether a state court acts without constitutional authority to adjudicate at all when Title II access-to-court obligations remain unresolved at the time dispositive power is exercised.**

- 2. Whether a state court violates the Supremacy Clause when, after federal disability-access rights under Title II of the ADA have been properly invoked, it applies state procedural doctrines in a manner that effectively displaces federally required access standards.**

3. **Whether due process is violated under *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), when a trial judge refuses recusal amid unresolved conflict concerns and the appellate courts refuse meaningful review.**

**Whether the continued exercise of adjudicatory authority thereafter, including dispositive rulings entered without notice to the sole party entitled to notice while disability-access requests remain unresolved created a constitutionally intolerable probability of bias.**

#### **PARTIES TO THE PROCEEDING**

Petitioner is **Orna Shaposhnik**, plaintiff below.

Respondents are **Redwood Holdings, LLC**, and **Quality Loan Service Corporation**.

**Wedgewood** filed a Certificate of Interested Parties in the proceedings below but was not a named party to the appeal or the petition for review.

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Vesco v. Superior Court,

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### **Statutes**

Americans with Disabilities Act of 1990, Title II,

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Rehabilitation Act of 1973, § 504,

29 U.S.C. § 794

28 U.S.C. § 1257(a)

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California Rules of Court, rule 1.100

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## **OPINIONS BELOW**

The order of the California Court of Appeal, Second Appellate District, Division Eight, appears at Appendix A and is unpublished.

The order of the California Supreme Court denying review appears at Appendix B and is unpublished.

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## **JURISDICTION**

The decision of the California Court of Appeal, Second Appellate District, Division Eight, in Case No. B343287, was entered on May 22, 2025. A copy of that decision appears at Appendix A.

The California Supreme Court denied discretionary review in Case No. S292058 on September 24, 2025. A copy of that order appears at Appendix B.

No petition for rehearing was available under California law. A submission seeking rehearing was returned unfiled by correspondence dated October 10, 2025. A copy of that correspondence appears at Appendix C.

This Court's jurisdiction is invoked under 28 U.S.C. § 1257(a).

The denial of review rendered the judgment of the California Court of Appeal final for purposes of § 1257(a). This petition is timely under Supreme Court Rule 13.

Petitioner seeks review of the final state-court judgment insofar as it rests on and permits the continuation of proceedings alleged to violate federal rights to an impartial tribunal, disability-protected access to the courts, and procedural due process.

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## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

This case involves Title II of the Americans with Disabilities Act,

42 U.S.C. § 12132; Section 504 of the Rehabilitation Act,

29 U.S.C. § 794;

and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

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## **STATEMENT OF THE CASE**

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This petition does not ask the Court to review whether the state courts correctly applied their own procedural rules. It asks whether federal rights were violated when a judge who was formally asked to step aside continued to control the case, and the state court system permitted that to occur while denying disability accommodations and meaningful participation in the proceedings.

The federal questions arise from a specific and continuous causal sequence: (1) the trial judge's refusal to recuse and the state appellate courts' refusal to require meaningful conflict disclosure or review; (2) the continuation of proceedings under an objectively intolerable risk of bias; (3) escalating denials or nullification of disability accommodations and meaningful access-to-court protections; and (4) dispositive adjudication affecting property rights—including summary judgment—entered without meaningful notice, participation, or ADA-compliant access while Petitioner was medically incapacitated.

Petitioner repeatedly warned the courts that continuing proceedings under unresolved recusal and conflict concerns, while denying disability accommodations, would predictably produce this outcome. That warning proved correct. The proceedings advanced through jurisdictional irregularities, record anomalies, and dispositive rulings entered without a meaningful opportunity to be heard. The question presented is whether this process, taken as a whole, violates federal guarantees of judicial neutrality, disability-protected access to the courts, and procedural due process.

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**A. The Recusal/Conflict Dispute Was the Trigger for the Federal Harm That Followed**

Petitioner sought recusal of the trial judge and requested conflict-related disclosure because continued adjudication under unresolved impartiality concerns would predictably compromise the fairness of subsequent rulings, especially rulings affecting disability accommodations and procedural access. The state courts declined to provide meaningful review or disclosure. Thereafter, the proceedings escalated into repeated denials or nullification of disability accommodations, procedural acceleration against a medically incapacitated self-represented litigant, record irregularities affecting jurisdiction, and ultimately dispositive rulings entered without meaningful notice or participation. The petition presents federal questions about whether that sequence is constitutionally and statutorily permissible.

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**B. The Proceedings and the Parties**

This case arises from California civil proceedings involving property interests, foreclosure-related claims, and related jurisdictional issues. Petitioner proceeded *pro se* after withdrawal of counsel.

The respondents to this petition are **Redwood Holdings, LLC** and **Quality Loan Service Corporation**. Other entities, including **Wedgewood**, appeared in proceedings below or filed Certificates of Interested Parties but were not named parties to the appeal or petition for review.

Petitioner is a **qualified individual with disabilities** within the meaning of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Her disabilities include neurological and cognitive impairments that materially affect information processing, executive functioning, and the ability to comprehend and respond to legal filings under time pressure. These impairments were documented and disclosed to the courts below.

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### **C. Petitioner's Requests for Disability Accommodations**

Beginning during the trial-court proceedings and continuing through appellate review, Petitioner submitted **multiple written requests for reasonable accommodations**, supported by medical documentation. The accommodations requested were **time-limited**, tailored to specific proceedings, and included additional time to review filings, respond to motions, and participate meaningfully in hearings.

The accommodation requests expressly identified reassessment dates and were not indefinite. Petitioner sought accommodations necessary to understand court communications, prepare responses, and participate in proceedings affecting her rights

Despite these requests, the trial court **denied, nullified, or failed to meaningfully resolve** the accommodation requests before proceeding with substantive adjudication. In at least one instance, an accommodation-related ruling was entered or modified without Petitioner's participation.

Following the January 14, 2026 hearing and determination, Petitioner submitted a renewed disability accommodation request on January 20, 2026, expressly framed under the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). That renewed request included objective MRI findings and a detailed functional explanation of how Petitioner’s neurological impairment affects thinking, concentration, cognitive endurance, and the ability to participate meaningfully in legal proceedings. At the time this petition was prepared, the renewed accommodation request remained pending without resolution.

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**D. Adjudication While Access-to-Court Barriers Remained Unresolved**

*(Aligned to Question Presented No. 1)*

The January 14, 2026 proceeding was authorized by the trial court following a January 7, 2026 hearing that did **not** identify the matter as an order-to-show-cause or a hearing governed by *Vesco v. Superior Court*, 221 Cal. App. 4th 275 (2013). At the January 7 hearing, Petitioner was authorized to attend on January 14 solely for purposes of addressing her pending disability access request. Only **after** the January 7 hearing did the court issue an order recharacterizing the January 14 ADA hearing as a “Vesco” proceeding. That post-hearing order provided notice and an opportunity to be heard to opposing parties, but Petitioner—the disabled litigant whose access rights were at issue—received no advance notice that the nature of the hearing had been altered. The retroactive reclassification of an ADA access hearing into a prejudicial order-to-show-cause proceeding deprived Petitioner of notice and a meaningful opportunity to prepare, in violation of due process.

While disability accommodation requests remained pending or unresolved, the trial court proceeded to:

- hear and rule on dispositive motions,
- issue orders affecting property interests and jurisdiction, and
- continue proceedings requiring legal response and participation by Petitioner.

In several instances, the trial court took federal claims under submission but continued to proceed as though relief had been denied, effectively foreclosing appellate review while imposing ongoing procedural and substantive consequences.

During this period, Petitioner lacked a meaningful ability to understand filings, prepare responses, or participate fully in hearings due to unresolved access barriers. Notices and filings were at times directed to withdrawn counsel or to entities no longer properly participating in the case.

The court did not make findings that Petitioner could meaningfully participate without accommodation before proceeding.

On January 14, 2026, the trial court issued a written order denying Petitioner's motion to vacate a void judgment. Although the court correctly acknowledged that a judgment is void where jurisdiction or due process is lacking, it proceeded to adjudicate dispositive issues while disability accommodation requests under Title II of the ADA remained unresolved and treated those access claims as collateral or discretionary. The court relied on state procedural doctrines to deny relief without addressing whether adjudication itself was constitutionally permissible while federally protected access-to-court obligations were unmet.

At no point did the trial court adjudicate whether federal ADA Title II standards—incorporated into California law—permitted the proceedings to continue at all, before exercising dispositive authority under state procedural doctrines.

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**E. Service Defects, Party Status Irregularities, Jurisdictional Objections, and Clerical Record Issues**

The proceedings were further complicated by unresolved service defects, party-designation errors, and jurisdictional objections. Certain entities were dismissed or improperly designated due to clerical errors reflected in the Register of Actions, including misspellings affecting the identification of corporate parties.

Specifically, an attempted amendment involving Redwood Holdings, LLC was entered with an incorrect entity designation, which later interfered with dismissal processing and record accuracy. Petitioner repeatedly notified the trial court that motions filed by dismissed or improperly designated parties were moot, jurisdictionally defective, or both, and objected to further proceedings on that basis.

At a January 14, 2026 hearing, when counsel asserted representation of dismissed parties, Petitioner objected on jurisdictional grounds. The trial court overruled the objection without inquiry and permitted the proceedings to continue.

Court staff later confirmed that the record contained clerical irregularities affecting party designation and dismissal processing.

These defects were not trivial. They included misdirection of notices to withdrawn counsel and non-parties, inconsistencies between oral rulings and written orders, discrepancies concerning whether hearings were reported, and conflicting representations regarding the timing and filing of dispositive orders. Together, these irregularities directly impaired Petitioner's ability to receive notice, participate meaningfully, and obtain reliable appellate review.

The question presented is not whether any individual acted with improper intent, but whether a court may constitutionally bind a litigant where the official record is unreliable, internally inconsistent, or materially inaccurate, and where those defects—combined with unresolved disability access barriers—deprive the litigant of notice, participation, and effective review. Due process does not permit adjudication to proceed where the integrity of the record, the accuracy of notice, and the accessibility of the proceedings are simultaneously compromised.

Despite these unresolved defects and objections, the trial court continued to proceed, including by considering dispositive motions filed in the name of parties whose status was disputed or whose designation was incorrect in the record.

In addition, Petitioner raised disability-based objections, explaining that unresolved accommodation requests impaired her ability to address jurisdictional and procedural defects. These objections were treated as procedural interference rather than as assertions of federal access-to-court rights, and the court proceeded without resolving either the jurisdictional challenges or the access barriers.

Petitioner raised these issues repeatedly at the trial, appellate, and supreme court levels, without obtaining substantive resolution.

These jurisdictional defects did not arise in isolation. They were litigated while Petitioner's medically supported ADA accommodation requests remained unresolved, impairing her ability to identify, respond to, and correct defects affecting service, party status, and jurisdiction. The interaction between unresolved access barriers and jurisdictional uncertainty magnified the federal harm and foreclosed meaningful review, presenting a recurring question of national importance.

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**F. Appellate Proceedings, Conflict-Disclosure Requests, and Refusal of Extraordinary Relief**

*(Aligned to Question Presented No. 3)*

During appellate proceedings, Petitioner filed appeals, writ petitions, and requests for stays or writs of supersedeas raising jurisdictional defects, access-to-court barriers, and concerns regarding judicial neutrality. Petitioner also requested conflict-of-interest disclosures concerning parties and counsel, including Wedgewood entities and McCarthy & Holthus LLP, based on public representations and Certificates of Interested Parties filed below. Petitioner sought judicial notice in connection with those disclosure requests.

The Court of Appeal denied the request for judicial notice and related disclosure without substantive explanation and granted Respondent Redwood Holdings, LLC's Motion to Dismiss the appeal challenging the trial judge's refusal to recuse. The appellate court also declined to treat Petitioner's filings as extraordinary writs despite the asserted urgency and jurisdictional posture.

*(App. A)* The Court of Appeal thereafter issued a remittitur finalizing its May 22, 2025 order. *(App.*

*D)* Petitioner's motion to recall the remittitur was denied without substantive explanation, only shortly after submission. *(App. E)*

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### **G. Proceedings Following Appellate Dismissal of a Recusal Challenge**

*(Aligned to Question Presented No. 3)*

During the pendency of the trial-court proceedings, Petitioner sought appellate review of the trial judge's refusal to recuse. Respondent Redwood Holdings, LLC filed a motion to dismiss that appeal, which the Court of Appeal granted. (*App. A*)

**Within days of the appellate dismissal**, the same trial judge conducted further proceedings in the case. At a hearing held approximately six days after the appellate dismissal, the court proceeded despite medical documentation indicating that Petitioner had recently suffered a fall and was experiencing cognitive limitations that impaired her ability to litigate.

Although Petitioner appeared remotely at the court's direction, the trial court treated that appearance as evidence of her ability to proceed without accommodation and **sua sponte advanced the case**, including by accelerating substantive proceedings.

These actions occurred **after the appellate dismissal of a challenge to the judge's refusal to recuse**, and while jurisdictional objections and disability accommodation requests remained unresolved.

Petitioner raised concerns that the **sequence and timing** of these rulings compromised the appearance of neutrality and impaired her ability to obtain meaningful appellate review.

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## **H. California Supreme Court Proceedings**

Petitioner filed a petition for review in the California Supreme Court raising federal constitutional and statutory issues, including denial of access to courts, unresolved conflicts of interest, jurisdictional defects, and the need for extraordinary relief.

Petitioner simultaneously sought disability accommodations and was granted an extension of time to supplement or revise the filing. Despite the granted extension and the pending accommodation request, the California Supreme Court **denied review before the extended deadline elapsed.**

*(App. B)*

The denial order also referenced denial of a stay application, although Petitioner had not filed a stay application in that court and noted that one justice did not participate. *(App. B)*

A subsequent submission seeking rehearing was returned unfiled. *(App. C)*

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## **I. Continuation of Trial-Court Proceedings During Appellate Activity and Adjudication of the Summary Judgment Motion Without Notice or Participation**

Following appellate dismissals and during periods in which appeals or writ proceedings were pending, the trial court continued to proceed. The court adjudicated matters and ultimately entered judgment on November 5, 2025.

Petitioner maintains that the trial court acted without jurisdiction during portions of this period and that proceedings continued notwithstanding unresolved appellate activity, access-to-court barriers, and record irregularities affecting party status.

### **Adjudication of the Summary Judgment Motion Without Notice or Participation**

At a hearing on November 5, 2025, the trial court ruled on a motion for summary judgment in Petitioner's absence, while a medically supported ADA accommodation request remained pending.

At that time, Petitioner was proceeding as a self-represented litigant. Notices concerning the hearing and the subsequent order were directed to former counsel and to attorneys no longer active in the case, including attorneys who had withdrawn or represented dismissed parties. Petitioner did not receive notice of the ruling at the time it was issued.

Because Petitioner was the sole self-represented party entitled to notice, the absence of notice deprived her of any opportunity to be heard on a dispositive ruling.

The trial court stated on the record that the motion was "not argued," although argument was presented by counsel for Redwood in Petitioner's absence. The court further stated that dismissal of certain parties had not been entered, notwithstanding Petitioner's prior voluntary dismissal filings and record irregularities affecting party designation. Those irregularities included the clerk's refusal to process a voluntary dismissal based on a non-permissible administrative coding determination related to fee-waiver calculation, followed by a judicial denial of the voluntary dismissal notwithstanding the court's lack of authority to deny a voluntary dismissal.

The written order indicated that it was signed and filed on the hearing date, although the order was not signed at that time and was filed at a later date, backdated to the date of the hearing. The written order stated that no court reporter was present, although the order itself was internally inconsistent: it identified "CSR – None" at the heading while elsewhere listing the

name of a court reporter. During the proceeding, the court engaged in extended off-the-record discussions, outside the presence of a court reporter, including after Petitioner had filed a voluntary dismissal and objections asserting mootness and lack of personal and subject-matter jurisdiction.

These rulings and proceedings occurred without Petitioner's participation, while disability accommodation requests and jurisdictional objections remained unresolved.

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#### **J. Preservation of Federal Claims and State Appellate Disposition**

At each level, Petitioner expressly raised and preserved federal claims under the ADA, the Rehabilitation Act, and the Due Process Clause, including concerns regarding judicial neutrality and the risk of bias under *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). Petitioner also reserved the right to seek federal review if state courts declined to address these claims.

The California appellate courts denied relief **without meaningfully addressing the interaction between ADA access, due process, and judicial neutrality**, resulting in a final judgment entered without ADA-compliant access to the courts.

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#### **REASONS FOR GRANTING THE WRIT**

This petition does not ask this Court to reweigh evidence or correct ordinary case-specific error. Instead, it presents the recurring federal question whether a state court may proceed to adjudication

at all while federally protected access-to-court barriers under Title II of the ADA remain unresolved, or whether such adjudication is constitutionally void.

The federal questions arise from a structural failure: once recusal and conflict-disclosure concerns were procedurally insulated from meaningful review, the proceedings continued in a posture that predictably produced ADA access denials, loss of meaningful participation by a medically incapacitated self-represented litigant, and dispositive adjudication without reliable notice or opportunity to be heard. This Court's review is necessary to clarify the federal limits on such a sequence.

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**I. The Decision Below Conflicts With This Court's ADA and Due Process Jurisprudence Governing Access to Courts**

*(Question Presented No. 1)*

This Court has long recognized that **access to the courts is a fundamental component of due process**, and that Title II of the ADA applies to state court proceedings and guarantees individuals with disabilities meaningful access to the judicial process. *Tennessee v. Lane*, 541 U.S. 509 (2004). Title II regulations require public entities to make reasonable modifications and provide auxiliary aids to ensure meaningful access to judicial proceedings. 28 C.F.R. §§ 35.130, 35.160.

Title II of the ADA imposes an affirmative, independently enforceable federal obligation on state courts to ensure meaningful access to judicial proceedings, and violations of that obligation present a federal question distinct from, though often overlapping with, procedural due process.

In February 2026, the court's ADA coordination process communicated that Petitioner's accommodation request was denied on the ground that it would "prejudice the parties"—a rationale

not authorized under Title II of the ADA or governing access-to-court standards, which permit denial only upon a showing of fundamental alteration or undue burden.

In *Lane*, the Court held that Congress enacted Title II specifically to remedy the exclusion of individuals with disabilities from the judicial process, emphasizing that the right protected is not merely physical entry to a courthouse, but meaningful participation in judicial proceedings. *Id.* at 531.

This Court has never held that ADA compliance may be deferred until after adjudication, nor that a court may proceed first and remediate access later once substantive rights have already been decided. When access barriers prevent effective participation, the integrity of the proceeding itself is compromised. The January 14, 2026 order illustrates this conflict. In denying Petitioner's motion to vacate a void judgment, the trial court acknowledged that a judgment entered without jurisdiction or due process is void yet proceeded to justify dispositive adjudication by invoking state procedural doctrines while federally protected disability access-to-court obligations remained unresolved. The court treated the denial or nullification of ADA Title II accommodations as a collateral matter, rather than as a prerequisite to the lawful exercise of adjudicatory power. By permitting adjudication to proceed first and addressing access only afterward, the decision below conflicts with this Court's access-to-courts jurisprudence and presents a recurring federal question warranting review. At no time was summary judgment as to Redwood Holdings, LLC entered as a final judgment or signed by the clerk. In the absence of a final judgment, Redwood Holdings, LLC did not stand as an active party. Nevertheless, counsel Seth Cox asserted representation of Redwood and other dismissed entities during subsequent proceedings. Petitioner objected on grounds of lack of personal jurisdiction and standing, but the trial court overruled those objections and permitted the proceedings to continue. The trial court thereafter calendared Petitioner's ADA

accommodation request together with dispositive motions, including summary judgment and a motion to vacate under Cal. Code Civ. Proc. § 473(d), signaling that adjudication would proceed notwithstanding unresolved jurisdictional objections and pending voluntary dismissals.

Those proceedings culminated in a January 14, 2026 hearing at which the court denied the accommodation request.

At the January 14, 2026 hearing and in the resulting order, the court denied the ADA accommodation request based on asserted “prejudice to the parties,” a rationale that is not among the factors governing disability accommodations under California Rules of Court, rule 1.100, and that reflects the court’s mischaracterization of the request as a continuance rather than an access accommodation governed by ADA principles.

The decisions below conflict with these principles. As reflected in the Statement of the Case, Petitioner submitted **medically supported, time-limited accommodation requests**, identifying specific reassessment dates and tailored needs. Rather than ensuring access before proceeding, the trial court **denied, nullified, or left unresolved** those requests and nonetheless adjudicated dispositive matters affecting property and jurisdiction.

This Court has never held that a court may proceed to adjudication **while access-to-court barriers remain unresolved**, nor that accommodation denials may be treated as collateral administrative matters. To the contrary, due process requires that the opportunity to be heard be **real and effective**, not illusory. *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84–86 (1988).

Where a court proceeds to adjudication while access-to-court barriers remain unresolved, the resulting judgment is not merely erroneous but constitutionally void. Due process requires that adjudicative authority be exercised only after a litigant has been afforded a real and meaningful

opportunity to be heard. When that opportunity is denied because disability-based access obligations are deferred or nullified, the court acts without constitutional authority to bind the litigant. See *Peralta v. Heights Medical Center*.

Where a litigant is denied meaningful notice and a real opportunity to be heard due to unresolved disability access barriers, the adjudication lacks the procedural legitimacy required by due process and cannot be treated as a valid exercise of judicial authority. That deprivation was compounded here by documented inconsistencies in the official record and the absence of any neutral mechanism for verification, rendering meaningful appellate review illusory.

Allowing courts to proceed first and address access later collapses Title II into discretionary procedure, directly contradicting *Lane*. Review is warranted to reaffirm that **ADA compliance is a prerequisite to adjudication**, not an afterthought.

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## **II. Denial or Nullification of Disability Accommodations Is a Structural Due Process Defect, Not a Harmless Procedural Error**

*(Question Presented No. 1)*

The trial court committed legal error by mischaracterizing Petitioner's ADA court-access request as a discretionary request for a continuance governed by case-management prejudice. Petitioner did not seek delay for its own sake but instead requested reasonable accommodation to ensure meaningful access to court proceedings in light of documented cognitive impairment. The court's reliance on *Vesco v. Superior Court*, 221 Cal. App. 4th 275 (2013), was misplaced.

Compounding that error, the trial court justified denial of disability access by invoking “prejudice to the parties,” even though the asserted prejudice was raised by entities that had been dismissed or were improperly designated in the record. Petitioner objected on jurisdictional grounds when counsel appeared on behalf of dismissed parties at the January 14, 2026 hearing, but the objection was overruled without inquiry. As a matter of law, prejudice asserted by entities over whom the court lacks personal jurisdiction cannot supply a valid basis for denying federally protected access-to-court accommodations. Balancing ADA access against legally non-existent parties converts jurisdictional error into a mechanism for denying federal rights.

Vesco addresses whether a continuance as an accommodation is reasonable under California Rules of Court, rule 1.100. It does not govern ADA access claims involving cognitive impairment, major life activities such as thinking and concentrating, or the ability of a self-represented litigant to participate meaningfully in complex litigation.

The courts below treated Petitioner’s disability-based objections as **procedural interference**, rather than as assertions of federal rights. As the Statement of the Case shows, when Petitioner explained that unresolved accommodations impaired her ability to address jurisdictional and procedural defects, the court proceeded anyway—without resolving either the access barriers or the jurisdiction objections.

This Court’s precedent forecloses that approach. Where a litigant is deprived of a meaningful opportunity to be heard, the resulting judgment cannot stand regardless of outcome. *Peralta*, 485 U.S. at 86–87. The harm lies in the **process itself**, not in whether a different result might have been achieved.

Here, the denial or nullification of accommodations coincided with:

- unresolved service defects,
- participation by dismissed or improperly designated parties, and
- adjudication of dispositive motions.

Because the denial or nullification of access-to-court accommodations deprived Petitioner of meaningful participation at the moment adjudicative power was exercised, the resulting defect is structural and not subject to harmless-error analysis. Review is necessary to clarify that courts may not proceed to adjudication first and address access later by recharacterizing disability-based objections as procedural delay.

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### **III. California's Statutory Incorporation of Federal ADA Standards Cannot Be Used to Supersede Federal Law Through State Procedure**

*(Question Presented No. 2)*

California law does not create an independent or lesser disability-access standard for state courts. Through Government Code § 11135 and California Rules of Court, rule 1.100, California has expressly incorporated federal ADA Title II standards into its judicial system. Once a litigant properly invokes federal disability-access rights, California courts are statutorily required to apply those federal standards before exercising adjudicatory power.

The decision below reflects the opposite approach. Rather than adjudicating the federal ADA claim as a threshold matter, the trial court proceeded under state procedural doctrines—balancing “prejudice,” invoking case-management authority, and continuing adjudication—while federally required access obligations remained unresolved. In doing so, the court imposed a state-law regime

that functionally displaced federal law, notwithstanding California statutes that require federal standards to control.

The Supremacy Clause does not permit a state court to acknowledge federal law yet proceed as if it were optional. Where a state court refuses to adjudicate a properly raised federal question and instead continues to exercise dispositive authority under state procedure, the resulting judgment rests on an unconstitutional substitution of state law for federal law. This Court's review is required to clarify that state courts may not evade federal access guarantees through procedural reframing.

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#### **IV. This Case Presents an Unresolved and Important Question Regarding Structural Judicial Bias Under Caperton**

*(Question Presented No. 3)*

In *Caperton v. A.T. Massey Coal Co.*, this Court held that due process is violated when circumstances create a **constitutionally intolerable probability of bias**, even absent proof of actual animus. 556 U.S. 868, 877 (2009). The inquiry is objective and focuses on whether the structure and sequence of events undermine confidence in judicial neutrality. The probability-of-bias inquiry here arises not from any single ruling, but from the cumulative effect of insulated recusal denials, unresolved jurisdictional defects, and adjudication conducted while the disabled litigant lacked meaningful access to the proceedings.

This case presents precisely that concern.

As detailed in the Statement of the Case, Petitioner sought appellate review of the trial judge's refusal to recuse. **Respondent Redwood Holdings LLC moved to dismiss that appeal**, and the

Court of Appeal granted the motion. Within days of that dismissal, the same trial judge proceeded aggressively—despite medical documentation of Petitioner’s cognitive limitations—treating a court-directed remote appearance as evidence of litigation capacity and **sua sponte accelerating substantive proceedings.**

This sequence matters. *Caperton* does not require proof of retaliatory intent. It requires assessment of whether the **timing, insulation from review, and subsequent exercise of judicial power** create an objective risk that the process is no longer neutral. Here, the challenged conduct occurred:

- after a recusal challenge was terminated,
- while jurisdictional objections remained unresolved, and
- while disability accommodation requests were pending.

The Due Process Clause does not require proof of retaliatory intent or subjective bias; it is enough that the sequence of insulated rulings, denial of access, and continued exercise of judicial power created an objectively intolerable risk that the proceedings were no longer neutral.

The lower courts did not meaningfully address this cumulative effect. Review is warranted to clarify how *Caperton* applies when **access-to-court denials, jurisdictional defects, and recusal challenges converge.**

#### **V. Appellate Courts’ Refusal to Address Conflicts, Extraordinary Writs, and Jurisdictional Barriers Reinforced Structural Bias**

*(Question Presented No. 3)*

A state court may not insulate federal constitutional and statutory violations from review by labeling the denial of access as discretionary case management, where the practical effect is to adjudicate rights while the litigant is unable to participate.

The Court of Appeal and the California Supreme Court did not merely decline relief; they procedurally insulated the challenged trial-court conduct from meaningful review.

As the record reflects, Petitioner requested:

- conflict-of-interest disclosures concerning parties and counsel identified in Certificates of Interested Parties;
- judicial notice related to those disclosures; and
- extraordinary writ treatment due to urgent jurisdictional and access-to-court barriers.

The Court of Appeal denied the requests for judicial notice and conflict disclosure without substantive explanation and refused to treat the filings as extraordinary writs despite the asserted urgency and jurisdictional posture. The California Supreme Court then denied review before a court-granted extension expired and while an ADA accommodation request remained pending, further foreclosing meaningful review.

When appellate courts decline to engage with claims of structural bias and disability-based access-to-court violations, the result is not neutral finality but institutional reinforcement of the underlying defect. In such circumstances, constitutional violations are insulated rather than remedied.

Petitioners' disclosure requests—including those tied to judicial financial disclosure obligations, were denied or procedurally bypassed, reinforcing an objectively intolerable risk of bias and eliminating any meaningful opportunity to assess judicial neutrality. This Court's intervention is

therefore necessary to ensure that federal constitutional and statutory protections are not nullified through procedural avoidance.

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#### **VI. The Issues Presented Are Recurring and of National Importance**

The questions presented arise with increasing frequency in state courts, particularly where pro se litigants with disabilities seek to assert property, housing, or civil rights claims. Without clear guidance, courts vary widely in how they treat:

- disability accommodation requests,
- jurisdictional objections raised by disabled litigants, and
- recusal and conflict-disclosure challenges.

If left uncorrected, the decisions below signal that:

- access-to-court rights may be deferred until after adjudication,
- disability-based objections may be dismissed as procedural tactics, and
- appellate courts may avoid review of structural bias through procedural denials.

This Court's review is needed to reaffirm uniform constitutional standards.

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#### **VII. This Case Is a Suitable Vehicle for Review**

The federal questions were expressly raised and preserved at every level. The record is extensive and undisputed as to the procedural sequence. The petition does not ask this Court to reweigh

evidence or decide issues of state law, but to address **whether federal constitutional and statutory guarantees were honored at all.**

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This case presents a clear conflict with this Court's access-to-courts and due process jurisprudence and an unresolved question regarding structural judicial bias under *Caperton*. The petition should be granted to clarify the obligations of state courts when disability access, jurisdiction, and judicial neutrality are simultaneously at issue.

#### **CONCLUSION**

For the foregoing reasons, this case presents substantial and recurring federal questions concerning access to the courts under Title II of the Americans with Disabilities Act, the requirements of due process when disability accommodations are denied or nullified, and the constitutional limits on judicial neutrality where access barriers, jurisdictional defects, and recusal challenges converge.

The decisions below permitted adjudication to proceed while access-to-court barriers remained unresolved, treated disability-based objections as procedural interference rather than assertions of federal rights, and declined meaningful appellate review of structural bias and jurisdictional defects. In doing so, they conflict with this Court's precedents and undermine confidence in the integrity of judicial proceedings.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

May 8, 2026



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**APPENDIX TO THE PETITION FOR A WRIT OF CERTIORARI**

**Appendix Index**

**Appendix A**

California Court of Appeal order (May 22, 2025)

**Appendix B**

California Supreme Court order denying Petition for Review (Sept. 24, 2025)

**Appendix C**

California Supreme Court Clerk's Notice Returning Petition for Rehearing Unfiled  
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**Appendix D**

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**Appendix E**

California Court of Appeal order denying Motion to Recall Remittitur (Oct. 1, 2025)

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