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Supreme Court, U.S.  
FILED  
APR 15 2026  
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**MOTION FOR EMERGENCY STAY OF DISCHARGE  
PENDING RESOLUTION OF PETITION FOR  
REHEARING IN THE BANKRUPTCY APPELLATE  
PANEL**

**BEFORE THE SUPREME COURT OF THE UNITED  
STATES**

**IN RE: APARNA VASHISHT-ROTA**

Applicant,

v.

HOWELL MANAGEMENT SERVICES, LLC, et al.

Respondents.

Case No. 24-00224-CL11 (U.S. Bankruptcy Court, S.D. Cal.)

Case No. 25-4418 (Ninth Circuit Bankruptcy Appellate  
Panel)

**MOTION FOR EMERGENCY STAY BANKRUPTCY**

"If you are only hearing one side of the story, you are not making an informed decision," Sotomayor said. "The world is a complex place and issues are always difficult."

APARNA VASHISHT-ROTA

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(858) 348-7068 | Email: aps.rota@gmail.com

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SUPREME COURT, U.S.

# FOR WHOM THE BELL TOLLS!

Pursuant to 28 U.S.C. § 2101(f) and the Supreme Court's inherent authority to preserve the status quo pending resolution of appellate proceedings, Applicant DR. APARNA VASHISHT-ROTA respectfully requests that the Court issue an emergency stay of the Ninth Circuit Bankruptcy Appellate Panel in Case No. 25-4418 and allow an appeal of the Utah Order.

## **INTRODUCTION**

Applicant is the debtor in bankruptcy case 24-00224-CL11, filed in the United States Bankruptcy Court for the Southern District of California. A discharge has been entered in her bankruptcy case. An adversary proceeding initiated by Applicant herself remains stayed pending resolution of Case 25-4418 in the Bankruptcy Appellate Panel that is stayed. Exhibit 1.

In that adversary proceeding, Applicant filed a complaint under Federal Rule of Bankruptcy Procedure 7001(6) to determine the dischargeability of the Utah judgment under 11 U.S.C. § 523(a)(6). Applicant is the plaintiff, seeking a declaratory judgment that the alleged defamation debt is dischargeable because the Utah judgment does not establish the subjective intent to injure required by federal bankruptcy law.

The BAP case (25-4418) concerns the validity and enforceability of the underlying Utah judgment. A decision on Applicant's petition for rehearing is imminent. The discharge of Applicant's estate will permanently extinguish her opportunity to obtain a judgment on the merits of her dischargeability claim. This brief stay will preserve Applicant's statutory right to pursue her dischargeability claim and allow SCOTUS to address the Utah 9/25/2023 ruling that she has been unable to do for alleged defamation when she is telling the truth. Utah is refusing to let a trial occur with witnesses.

## **BACKGROUND**

### **I. The Bankruptcy Case and Discharge**

1. Applicant filed bankruptcy case 24-00224-CL11 in January 2024.
2. The bankruptcy case was initially dismissed without prejudice in February 2024, but was reopened by Court Order dated May 28, 2024, pursuant to Federal Rule of Bankruptcy Procedure 5010. 24A961 was filed while the automatic stay is supposed to be in effect. The bankruptcy court failed to file her stay response to HMS' unilateral stay removal to petition date. Appellant appealed this as the court dismissed the case in Feb so she wants the stay annulled to the dismissal date or May 2024 when the case was reopened. Appellant had a 11 USC 558 motion pending for October 2024 as Utah didn't rule on the merits of all contractual dues and can't rule on the first two agreements with AAA and the third as Utah is void as per 925 et seq as of January 1, 2017. Appellant is unable to defend alleged defamation in Utah, the only personal claim she can defend

without counsel but for whom the bell tolls? Certainly not a pro se person of color harassment victim. No court has ruled on the 925 issue in the case even though Appellant has raised it in Utah.

3. A discharge has been entered in the bankruptcy case without prejudice.

4. The case is on appeal with petition for rehearing a state where discharge has been granted, but the case has not yet been closed.

## **II. Applicant's Adversary Proceeding to Establish Dischargeability**

5. In the bankruptcy case, Applicant filed an adversary proceeding (AP 26-90004) as plaintiff, seeking a declaratory judgment that the Utah judgment is dischargeable under 11 U.S.C. § 523(a)(6).

6. Applicant's complaint establishes that the Utah defamation finding does not satisfy the federal standard for nondischargeability because: (a) it rests on presumed malice,

not subjective intent; (b) the Utah court applied a disjunctive punitive-damages standard permitting awards based on recklessness, which is insufficient for § 523(a)(6); (c) liability arose from terminating sanctions and deemed admissions, not actual litigation of mental state; and (d) the Utah court never conducted a hearing at which Applicant could testify about her subjective intent.

7. Applicant's complaint is complete, thorough, and ready for adjudication on the merits.

8. The adversary proceeding is currently stayed pending resolution of Case 25-4418 in the Bankruptcy Appellate Panel.

### **III. The BAP Petition for Rehearing**

9. Applicant filed a petition for rehearing in Case 25-4418, raising issues concerning the validity of the underlying Utah judgment and the applicability of California Labor Code section 925 to void the Utah forum selection clause.

10. The BAP petition for rehearing is currently pending. A decision on the petition is imminent.

## **LEGAL STANDARD AND ARGUMENT**

### **I. APPLICANT IS LIKELY TO SUCCEED ON THE MERITS OF HER DISCHARGEABILITY CLAIM**

11. HMS bears the burden of proving nondischargeability under § 523(a)(6) by a preponderance of the evidence.

Section 523(a)(6) requires proof of willful and malicious injury, which under *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998), requires "a deliberate or intentional injury, not merely a deliberate or intentional act that leads to injury." Under *Carrillo v. Su (In re Su)*, 290 F.3d 1140, 1144 (9th Cir. 2002), the debtor must have harbored "either a subjective intent to harm, or a subjective belief that harm is substantially certain."

12. The Utah defamation finding does not satisfy this standard because: (a) Presumed Malice: the Utah court awarded damages based on "defamation per se," under

which malice is presumed as a matter of law, not actual subjective intent; (b) Recklessness Standard: Utah's punitive-damages statute permits awards based on "knowing and reckless indifference," in the alternative to willful and malicious conduct, which is explicitly insufficient for § 523(a)(6); (c) No Specification of Basis: the Utah court did not specify which of three alternative mental states formed the basis for punitive damages, and under *In re Plyam*, 530 B.R. 456, 465 (9th Cir. BAP 2015), where a judgment may rest on alternative grounds including recklessness, it cannot be given preclusive effect; and (d) Procedural Sanctions: the entire liability determination arose from terminating sanctions and deemed admissions, not actual litigation of mental state.

13. Under controlling Ninth Circuit law, HMS cannot meet its burden of proving nondischargeability. Applicant is likely to prevail in her dischargeability claim.

## **II. APPLICANT HAS MERITORIOUS DEFENSES TO THE DEFAMATION CLAIM**

14. Even setting aside the § 523(a)(6) analysis, Applicant has substantial meritorious defenses to the underlying defamation claim that she can assert pro se.

15. Truth is an absolute and complete defense to defamation.

*Bentley Reserve LP v. Papaliolios* (2013) 218 Cal.App.4th

418, 434. Where the plaintiff is a public figure or the speech involves a matter of public concern, the plaintiff bears

the burden of showing the falsity of the statements. *See*

*Carver v. Bonds*, 37 Cal. Rptr. 3d 480, 493 (Cal. Ct. App.

2005); *Unelko Corp. v. Rooney*, 912 F.2d 1049, 1056 (9th Cir.

1990); *Appel v. Wolf*, 2023 WL 5108962, at \*4 (S.D. Cal. Jan.

31, 2023). “As in other jurisdictions, California law permits

the defense of substantial truth and would absolve a

defendant even if she cannot justify every word of the

alleged defamatory matter; it is sufficient if the substance of

the charge be proved true, irrespective of slight inaccuracy in

the details.” *Masson v. New Yorker Mag., Inc.*, 501 U.S. 496,

517 (1991) (citation and internal quotation marks omitted);

*see Reed*, 204 Cal. Rptr. 3d at 192. HMS stole from Rota.

Applicant's statements concerning HMS's conduct are true.

HMS recruited 416 students in 2019 through Applicant's recruitment efforts, which HMS's own documents acknowledge. As seen in

[https://www.supremecourt.gov/DocketPDF/22/22-](https://www.supremecourt.gov/DocketPDF/22/22-758/259978/20230327153347931_20230327-153118-06832160-00000206.pdf)

[758/259978/20230327153347931\\_20230327-153118-](https://www.supremecourt.gov/DocketPDF/22/22-758/259978/20230327153347931_20230327-153118-06832160-00000206.pdf)

[06832160-00000206.pdf](https://www.supremecourt.gov/DocketPDF/22/22-758/259978/20230327153347931_20230327-153118-06832160-00000206.pdf) , that court has due process issues

and procedural issues

[https://www.supremecourt.gov/DocketPDF/22/22-](https://www.supremecourt.gov/DocketPDF/22/22-276/238627/20220923115826821_20220923-115349-95757654-00000908.pdf)

[276/238627/20220923115826821\\_20220923-115349-](https://www.supremecourt.gov/DocketPDF/22/22-276/238627/20220923115826821_20220923-115349-95757654-00000908.pdf)

[95757654-00000908.pdf](https://www.supremecourt.gov/DocketPDF/22/22-276/238627/20220923115826821_20220923-115349-95757654-00000908.pdf)

16. California law recognizes several privileges that render defamatory statements non-actionable: (a) the litigation privilege, Cal. Civ. Code § 47(b), which applies to communications made in judicial or quasi-judicial proceedings; (b) the fair report privilege, Cal. Civ. Code § 47(d); and (c) the privilege for statements by victims regarding sexual assault, harassment, or discrimination, Cal. Civ. Code § 47.1. The litigation privilege is an absolute

privilege designed to "afford litigants and witnesses free access to the courts without fear of being harassed subsequently by derivative tort actions." *Jacob B. v. County of Shasta*, 154 P.3d 1003, 1008 (Cal. 2007). Utah is missing a context analysis or recipients of the emails as they are non-actionable opinion under the First Amendment. (*Graham v. UMG Recordings, Inc.*, S.D.N.Y. Oct. 9, 2025; *Blake Lively v. Wayfarer Studios LLC*, S.D.N.Y. 2025; *Torain v. Liu*, 279 F. App'x 46 (2d Cir. 2008); *Rapaport v. Barstool Sports, Inc.*, 2021 WL 1178240 (S.D.N.Y.).)

Here, the challenged statements—such as “Chris Howell is a pump” and “Chris stole from me”—were made in an ongoing contractual and harassment dispute where adversarial rhetoric was expected. The “pump” statement referenced a witness’s observation and related to harassment-based Right-to-Sue communications. The “stole from me” statement was factually grounded: HMS owes approximately \$334,200 under the Second Agreement at the time it filed its 2017 Utah case. Ottawa University

originated from Debtor's AAA-confirmed client list and owed \$728,000 under the third agreement under the third agreement for 416 students it conceded. These communications are (1) true or substantially true, (2) privileged, and (3) non-actionable opinion. No third party took adverse action against HMS, and HMS emailed Mr. Ravi Lothumalla that called it a pump that Debtor had to report to the university. that is. HMS paid him without a contract and did not pay Debtor with a contract money due in 10 days.

17. Additionally, even if a defamation finding were to stand, a defaulting party retains the right to challenge a damages award as disproportionate under California law. *Siry Investment, L.P. v. Farkhondehpour* (2022) 13 Cal.5th 333 permits challenging damages that are "so disproportionate to the evidence as to suggest passion, prejudice or corruption." The Utah damages award of \$9.8 million is vastly disproportionate to any defamation damages.

18. These defenses—truth, privilege, and disproportionality—are straightforward, well-established defenses under California law that Applicant can assert without counsel.

### **III. THE DUE PROCESS VIOLATIONS ARE CONTINUING AND ONGOING**

19. Applicant's due process claims are strengthened by the continuing violation doctrine. Under *Wawrzenski v. United Airlines, Inc.* (2024) 106 Cal.App.5th 663, the continuing violation doctrine applies when actions are: (1) sufficiently similar in kind; (2) occurred with sufficient frequency; and (3) have not acquired permanence.

20. Here, due process violations are ongoing: (a) The Utah proceedings denied Applicant adequate notice and opportunity to be heard—the phone appearance order permitted remote appearance for pretrial hearings only, not trial; (b) Utah has refused to process Applicant's post-judgment motions filed in December 2025, totaling over 150 pages with exhibits; and (c) The denial of post-trial relief is a

continuation of the original due process violation—Applicant has never had "one fair adversary hearing" on the claims against her.

21. The continuing violation doctrine applies because the actions are similar in kind (denial of meaningful opportunity to be heard), occurred with frequency (initial proceedings through ongoing refusal to process motions), and have not acquired permanence (Applicant continues to seek relief).

These continuing due process violations strengthen Applicant's position that discharge would be irreparably harmful.

#### **IV. LABOR CODE SECTION 925 WAS NEVER PROPERLY APPLIED TO THIS CASE**

22. California Labor Code section 925 voids forum selection clauses in employment agreements. Section 925 applies to "a contract entered into, modified, or extended on or after January 1, 2017." Cal. Labor Code § 925(f). A modification to compensation has been held to be sufficient to bring an employment contract within section 925. *LGCY Power, LLC*

*v. Superior Court*, 75 Cal. App. 5th 844, 291 Cal. Rptr. 3d 50 (2022). *Depuy* held that section 925, “which grants employees the option to void a forum-selection clause under a limited set of circumstances, determines the threshold question of whether [the employee’s] contract contains a valid forum-selection clause.” (*Depuy*, at p. 964.) *Depuy* rejected the claim that a federal law on change of venue (28 U.S.C. § 1404(a)) preempted section 925, stating that nothing in high court decisions “creates a federal rule of contract law that preempts a state law like § 925 from addressing the upstream question of whether the contract sought to be enforced includes a viable forum-selection clause.” (*Depuy*, at p. 964.)

23. The Utah court did not consider or apply section 925 to Applicant's case. The lower federal courts in California have similarly failed to properly analyze section 925's<sup>1</sup>

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<sup>1</sup> HJ Schopler doesn't seem to understand 925. Case 3:22-cv-00978-AGS-KSC Document 103 Filed 08/23/24 PageID.6773 Page 4 of 8 “As per §925B [sic], [p]laintiff can void an out of state forum . . . .”). Critically, this Code section applies to “a

application. This is a first-impression issue that has not been decided by the Ninth Circuit or SCOTUS: whether section 925 voids a forum selection clause and thereby renders a Utah default judgment void ab initio or at minimum subject to collateral attack.

24. Because section 925 has never been properly applied to Applicant's employment contracts, the Utah judgment may be void as obtained in violation of California public policy protecting employees from forum selection clauses. This adds

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contract entered into, modified, or extended on or after January 1, 2017.” Cal. Labor Code § 925(f).

Vashisht-Rota believes that her contract falls within this legal framework because she was an “employee” under the Labor Code and her contract was “modified” after the statute’s 2017 effective date, thanks to a 2019 agreement with opposing counsel. (ECF 78, at 11.) Thus, she reasons, “by July 23, 2019,” her suit was no longer governed by Utah law, but by “California [Labor Code section] 925.” (ECF 76, at 8, 9.) But he did not consider or apply *LGCY* “a modification to compensation has already been held to be sufficient to bring an employment contract within the purview of section 925. (*Midwest Motor Supply, supra*, 56 Cal.App.5th at 32 -pp. 715—716.) *LGCY Power, LLC v. Superior Court*, 75 Cal. App. 5th 844, 291 Cal. Rptr. 3d 50, 2022 Cal. App. LEXIS 168, 75 Cal. App. 5th 844, 291 Cal. Rptr. 3d 50, 2022 Cal. App. LEXIS 168

another layer to the federal questions underlying Applicant's dischargeability claim and demonstrates the inadequacy of allowing discharge to proceed before these issues are resolved.

## **V. APPLICANT FACES IRREPARABLE HARM ABSENT THE STAY**

25. Appellant has not been able to present her defenses in Utah at all. She filed bankruptcy when two Utah orders were on appeal at SCOTUS. Rooker-Feldman does not apply to the situation where a state case is pending on appeal

when the federal suit is filed. Case: 20-11054 Document: 00516342313 Page: 2 Date Filed: 06/02/2022

<https://law.justia.com/cases/federal/appellate-courts/ca5/20-11054/20-11054-2022-06-02.html>

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/23-487.html> and

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/23-448.html> 6 And the district

court did not lose jurisdiction after the Texas Supreme

Court denied Miller's petitions. See *Exxon Mobil*, 544 U.S. at 292 (“[N]either *Rooker* nor *Feldman* supports the notion that properly invoked concurrent jurisdiction vanishes if a state court reaches judgment on the same or related question while the case remains sub judice in a federal court.”); *id.* at 294 (noting *Rooker-Feldman* “did not emerge to vanquish jurisdiction after ExxonMobil prevailed in the Delaware courts”).

Case: 20-11054  
Document: 00516342313 Page: 11 Date Filed: 06/02/2022.

Discharge will permanently extinguish Applicant's opportunity to obtain a judgment on the merits of her dischargeability claim and to have SCOTUS allow an appeal from the Utah 9/25/2023 Order. Once the discharge is final and the bankruptcy case is closed, the adversary proceeding will become moot and so will be the perfect timing of the filing to beat *Rooker*. This deprivation of the right to prosecute a claim for judicial relief that Applicant can win is irreparable harm. No monetary damages can

restore the lost opportunity to obtain a dischargeability declaration in the only forum available to a pro se litigant.

26. The harm is especially acute because: (a) Applicant is proceeding pro se and cannot afford counsel; (b) The dischargeability claim is one Applicant can meaningfully pursue pro se, as she has already drafted a detailed, well-researched complaint; (c) The complaint is complete and ready for adjudication; and (d) A brief stay will not prejudice HMS, which has already recovered a \$9 million judgment.

## **VI. THE BALANCE OF EQUITIES FAVORS APPLICANT**

27. A stay of discharge pending resolution of the BAP petition will cause minimal delay. The BAP petition is imminent, and a decision is expected within weeks or months. HMS will not be prejudiced by a brief delay. By contrast, Applicant faces the permanent loss of her right to prosecute a dischargeability claim that satisfies all elements under controlling Ninth Circuit law.

## VII. THE PUBLIC INTEREST SUPPORTS THE STAY

28. The public interest is served by ensuring that debtors have a meaningful opportunity to contest creditors' nondischargeability claims under federal bankruptcy law. The public interest is also served by requiring creditors like HMS to prove nondischargeability according to the federal standard, not merely pursuant to state-law judgments that may rest on alternative mental states insufficient for § 523(a)(6). The public interest is further served by ensuring that California Labor Code protections are honored by federal courts. Finally, the public interest supports the orderly resolution of appellate proceedings. Utah did not let Appellant directly appeal or present her witnesses at trial to enter a unilateral judgment against her when she had no counsel to negotiate the out of state forum as per 925 (e).

## CONCLUSION

29. For the foregoing reasons, Applicant respectfully requests that the Supreme Court issue an emergency stay of

the discharge order in bankruptcy case 24-00224-CL11, pending resolution of the petition for rehearing in Case 25-4418 before the Bankruptcy Appellate Panel.

30. This brief stay will preserve Applicant's statutory right to pursue her adversary proceeding to obtain a declaratory judgment that the Utah judgment is dischargeable and does not constitute an exception to discharge under 11 U.S.C. § 523(a)(6). Men and women have equal rights to compete

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/22-758.html> Appellant is unable to access the court. She won costs on appeal, Utah didn't file the order. [https://www.supremecourt.gov/DocketPDF/22/22-758/259978/20230327153347931\\_20230327-153118-](https://www.supremecourt.gov/DocketPDF/22/22-758/259978/20230327153347931_20230327-153118-06832160-00000206.pdf)

[06832160-00000206.pdf](https://www.supremecourt.gov/DocketPDF/22/22-758/259978/20230327153347931_20230327-153118-06832160-00000206.pdf) page 13 of 24, HMS stole from

Appellant. She is telling the truth as to one of her

allegations. There was no protective or gag order in the

Hernandez trial and Ottawa is from that trial. HMS used

her privileged, true, and private emails to obtain a massive

unilateral judgment against her.

RESPECTFULLY SUBMITTED

Dated: April 16, 2026

A handwritten signature in black ink, appearing to read 'Aparna Vashisht-Rota', with a horizontal line underneath.

DR. APARNA VASHISHT-ROTA

## CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of April, 2026, I served a true and correct copy of the foregoing MOTION FOR EMERGENCY STAY OF DISCHARGE upon: Counsel for Howell Management Services, LLC upon Aaron Malo "amalo\_sheppardmullin.com" [amalo@sheppardmullin.com](mailto:amalo@sheppardmullin.com) by email.

Executed on April 16, 2026, in San Diego, California.



DR. APARNA VASHISHT-ROTA



Aparna Vashisht <aps.rota@gmail.com>

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## 25-4418: SCOTUS APPLICATION

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Aparna Vashisht <aps.rota@gmail.com>

Thu, Apr 16, 2026 at 9:29 AM

To: "amalo\_sheppardmullin.com" <amalo@sheppardmullin.com>

slight update. the exhibits remain the same.

On Wed, Apr 15, 2026 at 11:57 PM Aparna Vashisht <aps.rota@gmail.com> wrote:

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 **SCOTUS\_Emergency\_Stay\_Motion\_EXPANDED.pdf**  
153K

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**25-4418: SCOTUS APPLICATION**

1 message

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Aparna Vashisht <aps.rota@gmail.com>

Wed, Apr 15, 2026 at 11:57 PM

To: "amalo\_sheppardmullin.com" <amalo@sheppardmullin.com>

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**3 attachments**

 APP SCOTUS\_Emergency\_Stay\_Motion\_EXPANDED.pdf  
71K

 AP2FTF SCOTUS.pdf  
9301K

 SCOTUS\_Emergency\_Stay\_Motion\_EXPANDED.pdf  
161K

## CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April, 2026, I served a true and correct copy of the foregoing MOTION FOR EMERGENCY STAY OF DISCHARGE EXHIBITS upon: Counsel for Howell Management Services, LLC upon Aaron Malo "amalo\_sheppardmullin.com" [amalo@sheppardmullin.com](mailto:amalo@sheppardmullin.com) by email.

Executed on April 15, 2026, in San Diego, California.



DR. APARNA VASHISHT-ROTA

**MOTION FOR EMERGENCY STAY OF DISCHARGE  
PENDING RESOLUTION OF PETITION FOR  
REHEARING IN THE BANKRUPTCY APPELLATE  
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**BEFORE THE SUPREME COURT OF THE UNITED  
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**MOTION FOR EMERGENCY STAY BANKRUPTCY  
EXHIBITS**

APARNA VASHISHT-ROTA

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**FOR WHOM THE BELL TOLLS!**

1. AP-26-9004 AVR001-12; UT Ruling AVR00014-103  
AND STATEMENTS AVR00028-37
2. Contempt Order: AVR000108-129 enormously  
disproportional virtually no harm AVR000125. This is  
appellant's first ever litigation.
3. SODI Response that Appellant is unable to file at Utah  
trial court AVR000130-194
4. Order Bankruptcy trial court closed inadvertently  
AVR000195-197

RESPECTFULLY SUBMITTED

Dated: April 15, 2026



DR. APARNA VASHISHT-ROTA

**Additional material  
from this filing is  
available in the  
Clerk's Office.**