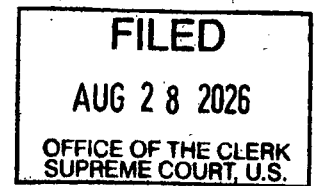


ORIGINAL

26-288



No. 25A1395

In The
Supreme Court of the United States

Thomas Lamont Dyno & Julia Dyno
Petitioners

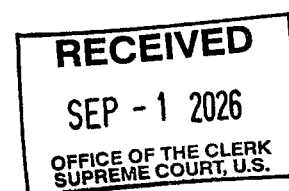
v.

Albert Dyno Jr.
Respondent

On Petition for Writ of Certiorari
To the U.S. Court of Appeals for the 3rd Circuit

PETITION FOR WRIT OF CERTIORARI

Thomas Lamont Dyno & Julia Dyno
46 Academy Street
Johnson City, New York 13790-1519
607-319-2831



Questions

1. Because the decedent died *debitum gratis* will this court make recognition under the Trust Exception that the executor having assented to our Specific Legacies is Trustee to us that we are entitled to take in Specie and as we are not debtors to our benefactor who is not the executor that under the doctrine of *stare decisis* the executor is under fiduciary duty and obligation to transfer and deliver to us for our immediate enjoyment our Specific Legacies in full, immediately without delay?
2. Does the Princess Lida Doctrine bar Specific Legatees from bringing action for Declaratory and Injunctive relief to prevent a state judge from taking the Legatees irrevocably vested property without their consent for the private use of the executor ?
3. Does FRCP 60 abolish the Trust Exception and Equitable tolling relegating Equitable relief from Fraud on the Court to a 1 year rule of limitation when documentary evidence presented to us after the judgment to be impugned establishes that the "conscious and deliberately dishonest", statement that "The administration of the estate continues in earnest" "was the operative cause of the Court's decision" to dismiss *with prejudice* under color of Princess Lida and that a three year delay was no fault of the Specific Legatees creates no inequity to the executor ?
4. Do the May 24, 2016 proposed "Letter Agreements" constitute attempted U.S. Mail Fraud 18 USC §§ 1341, 1349?

Contents

Questions	i
Contents	ii - v
Authorities	vi - x
Parties to the Proceedings	
A List of All Proceedings	1-2
Statements of Jurisdiction	2
Provisions of Law Relied on	3
Statement of the Case	4--9
Law of the Case	6
Fraud on the Court	7
Post Judgment	
Documentary Evidence	7
Origin of the Three Year Delay	8
Why the Writ Ought to be Granted	
Nemo Dat Quod Non Habet	9-
Disagreement Among the Circuits	
Inre Quasi In rem inapposite Byers v McAuley	10-11
Conflict with taking Decisions of this Court	
Remedies at the state are level neglected	11-14
Dishonestly treating Specific Legatees	
<i>Like</i> Residuary Legatees and the law neglected	14-15
Joint Breach of Trust unnecessary interference	16
FRCP 60	17-26
History Shown in English & US case Law	17-19
Test Employed. Additional Facts.	21
Rules of Construction and Laches	21-
False material Representations & Omissions	21-25
No Waier of Fundamental Rights without consent	25-26
Impact of Documentary Evidence	27-32

APPENDIX

1. Dyno v Dyno No. 25-1338 U.S. Court of Appeals for the Third Circuit. Judgment entered February 26, 2026. WL 540778, not reported. **A1-2**

Opinion 25-1338 U.S. 3rd Circuit Court of Appeals, entered February 26, 2026 **A3 - 6-**

En Banc rehearing Denied 25-1338 U.S. 3rd Circuit Court of Appeals, entered April 9, 2026 **A7**

2. Dyno v Dyno No. 3:19-cv-1966 U.S. District Court for the Middle District of Pennsylvania. Order entered January 28, 2026. WL 637446 not reported. **A8 - 10**

Report and Recommendation 3:19-cv-1966 entered October 1, 2024. WL 543916 **A12 - 31**

Rehearing Denied, entered February 7, 2026. **A11**

3. Dyno v Dyno No. 20-3302 U.S. Court of Appeals for the Third Circuit. Judgment entered August 10, 2021. WL 3508252. **A32**

Dyno v Dyno No. 20-3302 U.S. Court of Appeals for the Third Circuit. Opinion August 10, 2021. WL 3508252. **A33 - 39**

4. Dyno v Dyno No. 3:19-cv-1966 U.S. District Court for the Middle District of Pennsylvania. Order entered October 13, 2020. WL 6043957 **A40 - 42**

Rehearing Denied, entered November 30, 2020 **A43 -46**

Report and Recommendation 3:19-cv-1966 entered April 16, 2020. WL 7075601. Reversed in part. **A47 - 56**

5. In re the Estate of Rosemarie Sterchak, dec'd. Susquehanna Co., Pa., Court of Common Pleas, O.C. Div. No. 2016-68 order entered August 9, 2021. **A57 - 60**

6. Dyno v Dyno No. 3:19-cv-1966 U.S. District Court for the Middle District of Pennsylvania. Denial of FRCP 62.1 motion order entered March 16, 2022. **A61 - 65**
7. Dyno v Dyno No. 3:19-cv-1966 U.S. District Court for the Middle District of Pennsylvania. Motion to vacate denied order entered November 7, 2022. **A66 - 67**
8. In re the Estate of Rosemarie Sterchak, dec'd. 4. No 1194 MDA 2021, Pa. Superior Court order entered November 29, 2022. **A68 - 76**
9. In re the Estate of Rosemarie Sterchak, dec'd. No. 107 MAL 2023 Pa. S. Ct. Allocatur DENIED order entered August 22, 2023. **A77**

Provisions of Law Relied on

§1 of the 14th Amdt. of the U.S. Constitution :

The Due Process clause of the **5th Amdt.** of the U.S. Constitution. **A78**

FRCP 60(d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a court's power to:

- (1) entertain an independent action to relieve a party from a judgment, order, or proceeding;
- (3) set aside a judgment for fraud on the court". **A78**

28 USC § 2072 **A78**

28 USC § 1331 Federal Question **A79**

28 USC § 2201 Creation of the Remedy **A79**

28 USC §2202 Further Relief **A79**

42 U.S. Code § 1983 **A79**

U.S. Constitution ¶ VI paragraph 2 **A80**

20 Pa. C.S. "§ 3163. Submission to jurisdiction. **A80**

20 Pa. C.S. § 3532. At risk of personal representative

(a) Rights of claimants against personal representatives.	A80
20 Pa. C.S. "§ 3542. Contribution	A81
72 P.S. Taxation and Fiscal Affairs § 9144.	A81
1 Pa. C.S. § 1928 Rule of strict and liberal construction. <i>et seq.</i>	A81- 82
20 Pa. C.S. § 2514 (1.1) Construction that will passes all property	A82
20 Pa. C.S. § 2514 (17) Change in Securities :	A82
42 Pa. C.S. § 1722 (a)	
A83A	
ASSENT Confirmation	A84
BRIECHLE LETTERS of May 24, 2016	A85 - 94
INHERITANCE TAX Payment Official Receipt	A95
CONTRIVED SUMS Mathematical Proof	A96 - 98
Hearing Transcript Excerpts	A99 - 106
Extended Case Law Quotations	A107 - 119
DOMAT In Re The Falcidian Portion	A120 - 121
MOTIONS	
FRCP 62.1 Supp Aff (August 2, 2021)	A122 124
FRCP 62.1 Memorandum	A125-129
To VACATE	A130-137
Blake v Blake	A138-139

Authorities

U.S. Constitution

¶III, §2, cl. 1	2
§1 of the 14 th Amdt.	3, 4, 17, 25, A78
The 5 th Amdt	3, A78
¶VI, paragraph 2	3, 11, 13, 25, 26-28, A80

Federal Statutes

28 USC §1331	5, A79
28 USC § 2403 (b)	7
28 US § 2072	A78
42 USC § 1983	3, 6, A79

Federal Rules

FRCP 5.1 (b)	2, 7
FRCP 60	17-18, 21-22, 23, 26
FRCP 62.1	2, 7-8, 22, A61, 122, 125, 131-133

Pa. Statutes

1 Pa. C.S. § 1928	3, 5, A81
20 Pa. C.S. § 2514 (1.1)	3, A82
20 Pa. C.S. § 2514 (17)	3, A82
20 Pa. C.S. § <u>3163</u>	3, 9-10, A80
20 Pa. C.S. §3532	3, A80
20 Pa. C.S. §3542	3, 4, A81
42 Pa. C.S. § 1722	3, A83
72 P.S. § 9144(a)	3, 4 - 6, 13, A81

Pa. Rules

Pa RAP <u>311</u> (a)	6
Pa. RAP <u>313</u>	6

Pa RAP 342 5, 22

Pa. RAP 1925 (b) 8, 25

US Supreme Court

Byers v McAuley, 149 US 608, 614-15, 13 S. Ct. 906, 908, 37 L. Ed 867 [1893] *cf.* [id.] 616-17 discussing *Payne v Hook* 7 Wallace 425 . 11, 26, A109

Elliott v. Peirsol, 26 U.S. 328, 1 Pet. 328, 340 (1828). 25

Fuentes v Shevin, 407 US 67 (1972) @ 94-95, and fn. 31. *Aetna Ins, Co. v. Kennedy* @US 395-396. 26

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Loan Asso. v. Topeka, 87 U.S. 655, 662 (1874) 14

Missouri Pac. Ry. Co. v Nebraska, 164 US 403, 417, 17 S Ct 130, 135 [1896] 11

Mitchell v Hawley 63 U.S. 544, 550; A113

New Orleans v. Warner, 175 U.S. 120, 130 (1899) 8, A118

Pritchard v Norton, 106 US 124, 132, 1 S. Ct. 102, 27 L. ed. 104 [1882] 24

Sheetz v. Cnty. Of El Dorado, 601 US 267, 276-77; 144 S. Ct. 893, 900; 218 L. Ed 2d 224, (2024). *Cedar Point Nursery v Hassid* 594 US 139, 149, 141 S Ct 2063, 2072, 210 L Ed 2d 369 [2021] 11, A119

St. Louis S.W. Ry. v. Arkansas, 235 U.S. 350, 362-63 (1914) 13

West v. Louisiana, 194 U.S. 258, 263 (1904) qtd in *Twining v. New Jersey*, 211 U.S. 78, 101-102 (1908).

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Swarb v. Lennox, 405 U.S. 191, 195-96 (1972) A106

Wilkinson v Leland 2 Pet. 627, 658. 11, A107

Federal Circuits

Bessemer Inv. Co. v. City of Chester, 113 F.2d 571,
577 (3d Cir. 1940) 8, A118

Dyno v Dyno, 25-1338, 2026 WL 540778 1, 9, A1-7

Glassie v Doucette, 55 F 4th 58, 68-69 [1st Cir 2022]
(circuit split) 10, A110-111

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220, 228 (3d Cir. 2008). 11, A108-109

Pa. Supreme Court

Allison's Appeal 77 Pa. 221, 227-228 [1874]. 12

Beatty v. Hottenstein, 380 Pa. 607 (1955)
8, 24, 26, A37, 104, 134-135

Canon's Estate 32, A108

In re Estate of McAleer 665 Pa. 275 6 -7

Johnson v Price 172 Pa. S.Ct. 427 ff., 435. 12

KEM Res., LP v. Deer Park Lumber, Inc., 310 A.3d
142, 151-52 (Pa. 2024) 31

Miller v Ege 8 Pa. 352, 356 (1848). 16, 27

Minichello's Estate, 368 Pa. 639 644-645 (1951). 13, 23

Noble's Estate (1896) 178 Pa. 460, 463, 464. 12, 32

Sprissler's Estate 345 Pa. 117 8

Walworth v. Abel 52 Pa. 370, 372 (1866). 16

Pa. Superior Court

In re Estate of Henderson, 311 A3d 582, (Pa.Super.
December 13, 2023), 28, 30, A117

England and Wales

Armitage v. Nurse [1997] Ch 241, Millet, LJ. 16

<i>Attenborough v. Solomon</i> [1913] AC 76, 82-83, 85 [HL], Haldane [LC].	15
<i>Blake v Blake</i> (1804) Sch. & Lef. 26 5, 29, A138-139	
<i>Doe v Guy</i> (1802) 3 East <u>120</u> ff., <u>123-124</u> ; 102 ER <u>543</u> ff., <u>544</u> Ellenborough, Ch. J	15, 24
<i>Duke of Rutland v Duchess of Rutland</i> (1723) 2 P. Wms. 210	25
<i>Foskett v McKeown</i> [2001] 1 AC <u>102</u> , HL(E)109(c)	15, 28
<i>General & Finance Facilities Ltd. v. Cooks Cars</i> [1963] 1 WLR <u>644</u> , 648, Diplock JJS	13
<i>Graysbrook v Fox</i> (1564) 1 Plowden <u>275</u> , 280; 75 ER 419 <i>appl.</i> , <i>Ellis v Ellis</i> [1905] 1 Ch <u>613</u> .	10
<i>Grosvenor Property Developers Ltd v Portner Law Ltd</i> (Rev1) [2025] EWHC <u>2362</u> (Ch)	18
<i>Hovenden v. Lord Annesley</i> (1806) 2 Sch. & Lef. 607	9, 24
<i>In re Amirteymour, dec'd.</i> [1979] 1 W.L.R. <u>63</u> , <u>66</u> ¶¶ G-H. <i>appl.</i> , <i>Kanabar v Kanabar</i> [2026] EWCA <u>582</u> CA.,	10, A117
<i>In re K</i> [1986] Ch. <u>180</u> , 188.	14
<i>IRC v. Hawley</i> [1928] 1 KB 578, 58	15, 29
<i>Lindsay et al v. Outlook Finance Ltd et al.</i> [2025] EWHC <u>3100</u> KB. In re Laches ¶¶ 124 176.	26
<i>Mead v. Orrey</i> (1745) 3 Atk. <u>235</u> , <u>238</u> ; 26 ER <u>939</u> . Hardwicke LC.	10
<i>Nicholas v Nicholas</i> (1720) Prec. Ch. 546, <u>547</u> 24 ER <u>246</u> Macclesfield, LC. And argued by Strahan.	10
<i>Royal Bank of Scotland plc v Highland Financial Partners LP</i> [2013] EWCA Civ <u>328</u> CA	20
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19

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(SC(E)) Sumption J., *fol.*, *Flower v Lloyd* [1877] 6 Ch
D 297, 299 - 300, Jessel, MR *viz.*, : 17, 20

Target Holding Ltd. v. Redferns [1996] AC 421, 434-
435. 12, A113-116

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of London Borough of Islington* 22 May 1996 [1996]
AC 669, 692 HL(E), Lord Goff. 30

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Chancery, by English Bill*". Lord Redesdale, 5th
Edition.[NB Story "Equity Pleadings § 426]. 17

Domat, Strahan *trans.* (c. 1722), Vol. II, Bk IV, Tit. III ,
p. 199. No 25% Falcidian Portion for Albert, the 3rd
largest Specific Legatee. 10, A120-121

Parties to the Proceedings

The parties to the proceeding in this court are Thomas Lamont Dyno and Julia Dyno petitioners pro se and Albert Dyno Jr. respondent who is the executor of the simple self-proven Will of Rosemarie Sterchak dec'd.

A List of All Proceedings and Related Cases

1. Dyno v Dyno No. 25-1338 U.S. Court of Appeals for the Third Circuit. Judgment entered February 26, 2026. WL 540778, not reported.

Opinion 25-1338 U.S. 3rd Circuit Court of Appeals, entered February 26, 2026

En Banc rehearing Denied 25-1338 U.S. 3rd Circuit Court of Appeals, entered April 9, 2026

2. Dyno v Dyno No. 3:19-cv-1966 U.S. District Court for the Middle District of Pennsylvania. Order entered January 28, 2026. WL 637446 not reported.

Report and Recommendation 3:19-cv-1966 entered October 1, 2024. WL 543916

Rehearing Denied, order entered February 7, 2026.

3. Dyno v Dyno No. 20-3302 U.S. Court of Appeals for the Third Circuit. Judgment entered August 10, 2021. WL 3508252.

Dyno v Dyno No. 20-3302 U.S. Court of Appeals for the Third Circuit. Opinion August 10, 2021. WL 3508252.

4. Dyno v Dyno No. 3:19-cv-1966 U.S. District Court for the Middle District of Pennsylvania. Order entered October 13, 2020. WL 6043957

Report and Recommendation 3:19-cv-1966 entered April 16, 2020. WL 7075601. Reversed in part.

Rehearing Denied, order entered November 30, 2020

5. In re the Estate of Rosemarie Sterchak, dec'd. Susquehanna Co., Pa., Court of Common Pleas, Orphans Court Division No. 2016-68 order entered August 9, 2021.
6. Dyno v Dyno No. 3:19-cv-1966 U.S. District Court for the Middle District of Pennsylvania. Denial of FRCP 62.1 motion order entered March 16, 2023.
7. Dyno v Dyno No. 3:19-cv-1966 U.S. District Court for the Middle District of Pennsylvania. Motion to vacate denied order entered November 7, 2022.
8. In re the Estate of Rosemarie Sterchak, dec'd. 4. No 1194 MDA 2021, Pa. Superior Court order entered November 29, 2022.
9. In re the Estate of Rosemarie Sterchak, dec'd. No. 107 MAL 2023 Pa. S. Ct. Allocatur DENIED order entered August 22, 2023.

Statement of Jurisdiction

Pursuant to ¶ U. S. Constitution, ¶ III, § 2, cl. 1., we bring this petition for Writ of Certiorari to U.S. Third Circuit Court of Appeals for review of their judgment entered February 26, 2026 affirming District Court judgment in *Dyno et al, v, Dyno* 3:19-cv-1966 entered January 28, 2025, and the order denying rehearing entered February 7, 2025. U.S. Third Circuit order denying rehearing en banc was entered on April 9, 2026. On June 16, 2026. Justice Alito consonant with 28 USC § 2101(c) granted Rule 13.5 extension of time to September 6, 2016. 28 USC § 1254(1) confers jurisdiction on this Court to review said judgments and orders in question on a writ of certiorari for a determination authorized under 28 USC § 2106.

Constitutionality of statutes and rules in state and federal court were raised but not certified *cf.* FRCP 5.1 (b) and (d).

Provisions of Law Relied on

§1 of the 14th Amdt. of the U.S. Constitution :

The Due Process clause of the 5th Amdt. of the U.S. Constitution.

FRCP 60(d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a court's power to:

- (1) entertain an independent action to relieve a party from a judgment, order, or proceeding;
- (3) set aside a judgment for fraud on the court".

28 USC § 2072

28 USC § 1331 Federal Question

28 USC § 2201 Creation of the Remedy

28 USC §2202 Further Relief

42 U.S. Code § 1983

U.S. Constitution ¶ VI paragraph 2

20 Pa. C.S. "§ 3163. Submission to jurisdiction.

**20 Pa. C.S. §3532. At risk of personal representative
(a) Rights of claimants against personal
representatives.**

20 Pa. C.S. "§ 3542. Contribution

72 P.S. Taxation and Fiscal Affairs § 9144.

**1 Pa. C.S. § 1928 Rule of strict and liberal
construction. *et seq.***

**20 Pa. C.S. § 2514 (1.1) Construction that will pass
all property**

20 Pa. C.S. § 2514 (17) Change in Securities :

42 Pa. C.S. § 1722 (a)

Statement of the Case

Pa. judge Jason J. Legg by order entered August 9, 2021 appropriated 20% of our Specific Legacy stock shares *without our consent* for the private use of Albert Dyno Jr., executor of decedent's simple will, as valuable consideration for Albert, to pay his Atty., Michael Briechle.

We cannot litigate our 14th Amdt claim unless it is before Legg J., sitting in judgment of himself. Federal court barred our right of action under color of Princess Lida and under color of **FRCP 60** by ignoring the Trust Exception.

Albert Assented to our Specific Legacies and paid the Inheritance Tax in 2016. Albert's fiduciary duty pursuant to **72 Pa. P.S. § 9144 (a)** was/is to use the Residuary Estate to pay the Inheritance Tax, not to use it to pay Briechle.

Unrefuted **Documentary Evidence** concealed for Five years, and disclosed in June 2021 establishes *i.a.*, that

The maximum possible Inheritance Tax, is	\$ 212,285.91.
The June 21, 2016 Residuary Estate, was	<u>\$ 156,079.07.</u>
The Residuary Estate Shortfall, was	\$ 56,206.84.

97% of all Legacies pass to Five surviving Specific Legatees
 $\$56,206.84 \div 5 = \$11,241.37$. **\$156,079.07** was concealed.

Briechle by **U.S. Mail** demanded we mail him **\$53,055.48** as our purported "obligation" to the estate. And **\$41,814.11** of said sum under concealment are set % fees. **A85-97.**

We declined and sued for attempted fraud. The onus was on Briechle. Had Legg J. compelled full disclosure **\$11,241.37** cash, pursuant to **20 Pa. C.S. §3542 [A81]** is all the law required, on our Right, to take in Specie.

Legg J., dishonestly assisted in concealing self-dealing by fraudulent embezzlement. No one's shares had to be sold.

Decedent died *debitum gratis*. Albert assented to our Specific Legacies they are irrevocably vested to us. And Briechele induced Albert to Retain our Specific Legacies and we Petitioned for account and injunction. Legg J., issued a Decree for quod computet and enjoined all stock sales but failed to schedule a mandatory Due Process hearing.

Between service and Legg J.'s return date, Albert paid **\$211,000.00** as the Inheritance Tax [A.95] we moved for an order to transfer and release our Specific Legacies to us.

Briechele appeared for the 1st time as Albert's Atty by filing an incomplete answer, without rebuttal, counterclaim, nor evidence. Legg J., ignored our motion and declared Briechele is entitled to Atty and accountant fees, [A100] and ordered a final account, this kept our Legacies in Albert's hands and stolen assets in Briechele's hands *viz.*,

Albert's "partial account" reported his collection of **\$212,006.91** in stock sales while Briechele kept decedents **\$125,111.73** bank fund Albert sold entrusted shares to pay **\$211,000.00** as the Inheritance Tax. We began oral argument citing 1 Pa. C.S. § 1928 rules of statutory construction 72 P.S. § 9144 (a) must be strictly construed. Legg J., argued *at us* dissolved the injunction and denied reconsideration.

Pa RAP 342 (a) failure to appeal in 30 days any interlocutory order listed bars the objection from merger. Super Ct retained jurisdiction and Legg J., vacated dissolution of the injunction but declared our shares would be sold on his confirmation of a final account. "Discovery" was denied, *without prejudice*; a bogus creditor was identified " and Briechele was left holding **\$125,111.73** we were trapped and being set up, to be robbed *cf. Blake v Blake* Redesdale LC, A.138-139.

Law of the case. Super Ct. upheld 72 P.S. § 9144 (a). Albert's statutory duty is to use the Residuary Estate to pay the Inheritance Tax. Otherwise, we purportedly "flouted the rules", failed to present evidence, our demand for Full Disclosure was ignored. With no judgment against us and no process we were deprived of our property without Due Process of Law and purportedly failed to fully brief it. The "clean hands doctrine" is "patently frivolous" because Albert, in Joint Breach of Trust with Briechele, is the defendant, and it purportedly doesn't apply to judges.

2018 our **\$12,500.00** settlement offer on our guestimate of the concealed Residuary Estate was immediately denied. Briechele demanded Legg J. dismiss our Bill of Peace for the **\$125,111.73** to be used as a Restitution Fund for victims of Briechele's Mail Fraud. We're in NY, Tuccillo is in NJ and, her brother is near Philadelphia. Bill of Peace, was derived from Writ of Peace to avoid essoins. Legg J., denied settlement on pretense that said Legatees weren't present. Legg J., conceded that we are not bound to Briechele's "Letter Agreement" but Equity purportedly authorizes Legg to make us pay Briechele more. than he intends to charge those whose properties were already plundered. Our Due Process claim was ignored., Legg J. ruled that our petition is not permitted under law and "discovery" is denied. **Tr. A101-103.**

Our Appeal was quashed on failure to declare jurisdictional authority; and that "discovery" orders are unappealable *cf.*, *In re Estate of McAleer* 665 Pa. 275, 285-289 *ff.*, 288-289, 248 A. 3d 416 (2021) in re **Pa. RAP 313**. *See R 311(a)2.*

2019, our **28 USC §1331 42 USC § 1983** joint action case was brought to compel full disclosure, declare our rights to immediate possession of our Specific Legacies and compel delivery of our Specific Legacies to us.

Fraud on the Court. The Fair Attribution Test was ignored, Briechle's statement in "conscious and deliberate dishonesty", viz., that **"The administration of the estate continues in earnest"** "was the operative cause of the Court's decision" to dismiss *with prejudice* under color of Princess Lida. See *infra* **FRCP 60.**, ff., p. 20

2020, we appealed from said judgment. **FRCP 5.1 (b)** and **28 USC § 2403 (b)** notification was made. Both Courts failed to certify. And we brought a Legatee Action in Legg's court, citing *McAleer op sit sup.* Legg J., allowed discovery resulting in **The Cetera Report** documentary evidence of all transactions from the "estate designated account", that Legg J., dishonesty assisted in concealing for Five years. Dime Bank VP of Security also presented documentation to us, regarding the **\$125,111.73** bank fund.

We asked Mannion J. to indicate if he would allow us to add Legg J., as a party and include **Cetera** documentation *via* **FRCP 62.1** . [A122-129], Mannion J, deferred.

2021 The Cetera Report before Legg J. was unrefuted. At the end of our presentation Legg J., asked Briechle how much more money he wants in addition to the **\$125,111.73** Legg J allowed Briechle to keep. Briechle said **\$100,000.00** Legg J. said ok. Preserved on Tr. [A103-106] we notified Legg J. that he is depriving us of our property without due process of law Tr. [A106], and filed an express Objection. Legg J's appropriation order was entered August 9, 2021 directing Albert to take 20% of any stock shares of ours he'd like to keep : but not to sell until Legg *confirms* a final account. [A105].

On August 10, 2021 the 3rd Circuit *affirmed* District Court judgment but modified to be *without prejudice*; [A32-39] our **FRCP 62.1** motion remained, undecided.

Origin of the Three Year Delay

Legg J, issued a Pa. RAP 1925 (b) demand as his vehicle to 'rule' that our assignment of error is not clear and concise [id.] (b)(4) and ordered the Pa. Super Ct. to waive our appeal and instead answer Legg J's question : Is **"partial distribution" in His discretion**

Legg J., cited **Sprissler's Estate** 345 Pa. 117, 27 A 2d 51 (1942) the ratio decidendi is *consent* for partial distribution of a *residuary* bequest by stipulation, *while a codicil was pending in Probate*.

We're Specific Legatees there is no stipulation nor codicil.

"The legatee of a specific legacy is entitled to the possession immediately upon the death of the testator unless it may be needed to satisfy the debts. [611-12]"

Beatty v. Hottenstein, 380 Pa. 607 (Pa. 1955)

On March 16 2022 Mannion J., denied our **FRCP 62.1** motion one day after we filed our Pa. Appellants' Brief, and denied our motion to vacate on November 7, 2022. [A230-137] Super Ct, *aff'd* Legg, and the S. Ct., let it stand [A77].

August 5, 2024 we filed our proposed amendment with **Cetera and Dime Bank** Documentary Evidence. Legg J. had help conceal behind a façade of estate administration for Five Years. His order appropriating 20% of our irrevocably vested property *without our consent* for the private use of Albert to pay Briechele [A57-60] p 32 *inf.*, is his Overt Act, in Conspiracy, with Briechele and Albert.

The Trust Exception **New Orleans v. Warner**, 175 U.S. 120, 130 (1899) and **Bessemer Inv. Co. v. City of Chester**, 113 F.2d 571, 577 (3d Cir. 1940) was ignored.:

"if a trustee is in possession and does not execute his trust, the possession of the trustee is the possession of the cestui que trust; and if the only circumstance is that he does not perform his trust his possession operates nothing as a bar"

Hovenden v. Lord Annesley (1806) 2 Sch. & Lef. 607 at pp. 633-4. Redesdale, LC.

Why the Writ Ought to be Granted

Nemo Dat Quod Non Habet is the Governing Rule.

Legg's ploy. Had we taken 80% of our irrevocably vested property leaving Albert with 20% we would be *giving* Albert, Briechele or Legg J., a property interest in our irrevocably vested property, which none of them have :

"[N]either executor nor administrator have any legal interest in the personal estate, but are vested only with a legal power over it, just as every trustee has a legal power over his trust-estate ... it is plain they cannot devise it."

Duke of Rutland v Duchess of Rutland (1723) 2 P. Wms. 210, 212-213; 24 ER 703, 704, Macclesfield. LC.

O.C. jurisdiction is *in personam* see 20 Pa. C.S. § 3163 The Inheritance Tax is paid. O.C. judges *do not have* a property interest in entrusted property neither does Briechele. Carlson MJ's following statement from his R n R [A16] is contrived and repeated by the 3rd Circuit :

"[Legg J.,] directed the defendant to release eighty percent of the stock bequeathed to the Appellants, while retaining twenty percent for the payment of outstanding tax obligations".

Dyno v Dyno, 25-1338, 2026 WL 540778, at *1 [3d Cir Feb. 26, 2026]". For the truth see p. 32 *infra*

Had Albert followed the law \$11,241.37 not \$100,000.00.

Disagreement Among the Circuits

Glassie v Doucette, 55 F 4th 58, 68-69 [1st Cir 2022] provides circuit split cases in re Breach of Trust. A110-111

The general problem is the *in rem*, *quasi in rem*, "probate" platitude, which has no historical basis :

"Probate is but a confirmation and allowance of that which the testator has done".

Graysbrook v Fox (1564) 1 Plowden 275, 280; 75 ER 419 *appl.*, *Ellis v Ellis* [1905] 1 Ch 613.

Letters Testamentary is evidence enabling the executor to collect decedents assets. O.C. Jurisdiction is expressly *in personam*, see declaratory statute **20 Pa. C.S. § 3163** .

"[C]reditors have a demand against an executor for the whole assets of the testator, after the account is made up, but not by way of specific lien on the assets ... [S]pecific legatees ... have a specific lien upon the assets for that specific part, after the executor has assented, and differs from a residuary legatee, who has no demand upon any particular part".

Mead v. Orrey (1745) 3 Atk. 235, 238; 26 ER 939. Hardwicke LC.

Under Anglo law, actions *in rem* are relegated to admiralty jurisdiction *In re Amirteymour, dec'd.* [1979] 1 W.L.R. 63, 66 ¶¶ G-H. *appl.*, *Kanabar v Kanabar* [2026] EWCA 582 CA.,

Descent under Anglo law is "upon the foot" of Roman military Testaments. Domat, Strahan *trans.* (c. 1722), Vol. II, Bk IV, Tit. III , p. 199 [A.120-121]. No 25% for Albert, the 3rd largest Specific Legatee.

Our case was denied on ground of "preventive jurisdiction" *Nicholas v Nicholas* (1720) Prec. Ch. 546, 547 24 ER 246 Macclesfield, LC. And argued by Strahan.

But the 3rd Cir. ignores the U.S. exception :

“[T]he same principle protects the possession of the property while thus held, by process issuing from state courts, against any disturbance under process of the courts of the United States,*615 excepting, of course, those cases wherein the latter exercise jurisdiction for the purpose of enforcing the supremacy of the constitution and laws of the United States”.

Byers v McAuley, 149 US 608, 614-15, 13 S. Ct. 906, 908, 37 L. Ed 867 [1893] *cf.* [id.] 616-17 discussing **Payne v Hook** 7 Wallace 425 . Byers is relied on in **Three Keys Ltd. v. SR Util. Holding Co**, 540 F.3d 220, 228 (3d Cir. 2008). [A108-110].

Instead of preventing Legg J. from taking our irrevocably vested property *without our consent* for the private use of Albert the court prevents US from interfering with Legg J. in his defiance of Byers and other decisions of this Court ,

Conflict with the decisions of this Court

“The taking by a state of the private property of one person or corporation, without the owner's consent, for the private use of another, is not due process of law, and is a violation of the fourteenth article of amendment of the constitution of the United States”. (string cite omitted)

Missouri Pac. Ry. Co. v Nebraska, 164 US 403, 417, 17 S Ct 130, 135 [1896] **Wilkinson v Leland** 2 Pet. 627, 658.

Sheetz v. Cnty. Of El Dorado, 601 US 267, 276-77; 144 S. Ct. 893, 900; 218 L. Ed 2d 224, (2024). **Cedar Point Nursery v Hassid** 594 US 139, 149, 141 S Ct 2063, 2072, 210 L Ed 2d 369 [2021] **Horne v. Dep't of Agric.**, 576 U.S. 350, 358 ; 135 S. Ct. 2419, 2426, 182 L ed. 2d 388; 83 USLW 4503 (2015) . [A119].

"The practice of retention of funds ought, on account of the temptation to use them as an instrument of coercion, to be discouraged if not prohibited. There have been cases in which dependent and helpless relatives have been forced by their necessities to acquiesce in rank injustice. In most cases the fraudulent purpose is incapable of direct proof; and the obvious remedy is to take away the temptation".

Noble's Estate (1896) 178 Pa. 460, 463, 464.

The "most convenient remedy" is Specific Performance by mandatory Injunction and Restitution *Target Holding Ltd. v. Redferns* [1996] AC 421, 434-435. A113-116 not detain &c :

"equitable jurisdiction does not depend on the want of a common law remedy but may be sustained on the ground that it is the most convenient remedy , Electric Co.'s Appeal 114 Pa. 574 ; or that the extension of the remedy at law to cases originally within the jurisdiction of a court of equity is no bar to a chancery proceeding for the same cause, Wesley Church v. Moore, 10 Pa . 273 [279-282].; or that equity seeks to prevent unnecessary litigation by disposing in any one proceeding of all the questions which arise affecting many persons , Bierbower's Appeal, 107 Pa. 14; [17-18]. Harper's Appeal, 109 Pa. 9, [16]. ; or that there must not only be a remedy at law but it must be adequate and reasonably convenient , Warner v. McMullin , 131 Pa. 370 [381-382]. See also Drake v. Lacoe, 157 Pa. 17. There are plenty of other reasons why this bill should be sustained , and none why it should be dismissed"

Johnson v Price 172 Pa. S.Ct. 427 ff., 435. *Allison's Appeal* 77 Pa. 221, 227-228 [1874].

"[Detinue is] a continuing cause of action which accrues at the date of the wrongful refusal to deliver up the goods and continues until delivery up of the goods or judgment, [it gave the] defendant an option whether to return the chattel or to pay its value and if the plaintiff wished to insist on specific restitution of the chattel he had to have recourse to Chancery. (See *In re Scarth*, [1874] 10 Ch. App. 234, 235...) [id.] which 'drove into equity all who wanted to recover the actual goods'".

General & Finance Facilities Ltd. v. Cooks Cars [1963] 1 WLR 644, 648, Diplock JJS.

"The request of legatees to take in kind must be honored if a conversion of the property into cash is not reasonably necessary to pay debts or to make distribution".

Minichello's Estate, 368 Pa. 639 644-645 (Pa. 1951).

State Taxation : when unconstitutional as applied.

"Upon the mere question of construction we are of course concluded by the decision of the state court of last resort. But when the question is whether a tax imposed by a State deprives a party of rights secured by the Federal Constitution, the decision is not dependent upon the form in which the taxing scheme is cast, nor upon the characterization of that scheme as adopted by the state court. We must regard the substance, rather than the form, and the controlling test is to be found in the operation and effect of the law as applied and enforced by the State".

St. Louis S.W. Ry. v. Arkansas, 235 U.S. 350, 362-63 (1914)

72 P.S. § 9144(a) as applied and enforced by State Action

"[W]here the purpose for which the tax was to be issued could no longer be justly claimed to have this public character, but was purely in aid of private or personal objects, the law authorizing it was beyond the legislative power, and was an unauthorized invasion of private right".

Loan Association v. Topeka, 87 U.S. 655, 662 (1874)

Applies to the Courts Cedar Point and Sheetz, *op sit sup*.

Dishonestly Treating Specific Legatees Like Residuary Legatees

"[T]he general rule is that no beneficiary can assert that he has any legal or equitable interest in any of the assets which are still unadministered, for the whole right of property in them is vested in the personal representatives. He drew our attention to the *Commissioner of Stamp Duties (Queensland) v. Livingston* [1965]. A.C. 694, and in particular to, p. 712. The beneficiary has merely a right to require the deceased's estate to be duly administered, though this is a chose in action transmissible by his will.

Mr. Henderson also drew our attention to *Snell's Principles of Equity*, 28th ed. (1982), in particular to pp. 337-338 and to the limits of the rule to which I have just referred:

"This rule is clearly established in the case of a person entitled to residue or a share of residue under a will, or to some or all of the estate of the intestate. But it does not apply to a specific bequest or devise. In this case the property is vested in law in the personal representatives, and they can resort to it for the payment of debts; but subject to this, in equity the property is in the legatee as soon as the testator dies."

In re K [1986] Ch. 180, 188.

"The shares were left to [us] as a specific legacy[s], and from the date of death and before assent they were [our] property[s] ..."

IRC v. Hawley [1928] 1 KB 578, 58

"If it should afterwards appear that there is a deficiency of assets to pay creditors, the Court of Chancery will interfere and make the legatee refund in the proportion required. It makes no difference whether the bequest be of a personal or real chattel : but [124] according to the doctrine laid down in the cases cited of *Paramour v. Yardley*, and *Young v. Holmes*, and the passage from 4 Rep. 28, the assent of the executor once given to a specific legacy, vests the interest at law irrevocably; and this is not broken in upon by any subsequent case".

Doe v Guy (1802) 3 East 120 ff., 123-124; 102 ER 543 ff., 544 Ellenborough, Ch. J.

"The transfer is made not by the mere force of the assent of the executor, but by virtue of the dispositions of the will which have become operative because of this assent."

Attenborough v. Solomon [1913] AC 76, 82-83, 85 [HL], Haldane [LC].

"The rules establishing equitable proprietary interests and their enforceability against certain parties have been developed over the centuries and are an integral part of the property law of England. It is a fundamental error to think that, because certain property rights are equitable rather than legal, such rights are in some way discretionary".

Foskett v McKeown [2001] 1 AC 102, HL(E)109(c)

"No doubt the personal estate of a decedent vests in the administrator, but in trust for creditors and heirs or legatees. The mere legal estate passes to the administrator, the equitable descends upon the parties entitled to distribution. If there be no creditors the [Legatees] have a complete equity in the property"

***Walworth v. Abel* 52 Pa. 370, 372 (1866).**

"If there were no debts at the time the letters were granted, and no question of distribution requiring the intervention of an administrator, the expense of administering, the result of unnecessary interference, would not be a debt which would justify the proceedings".

***Walworth v. Abel* 52 Pa. 370 . 373.**

Decedent died debitum gratis Briechele is not a creditor. Albert in his official capacity is not liable to Briechele.

"[T]he law is now clearly settled, that an administrator, executor, or trustee can make no valid sale or pledge of the assets of his testator, intestate, or cestui que trusts, for the payment of his own or debts of a third person. And if one deals with another standing in this fiduciary character, he is affected with notice, and is consequently participant in the breach of trust."

***Miller v Ege* 8 Pa. 352, 356 (1848).**

"[T]here is an irreducible core of obligations owed by the trustees to the beneficiaries and enforceable by them which is fundamental to the concept of a trust. If the beneficiaries have no rights enforceable against the trustees there are no trusts".

***Armitage v. Nurse* [1997] Ch 241, Millet, LJ.**

FRCP 60

We are not allowed to litigate our 14th Amdt claim against Legg J. bent on taking our property without our consent to unjustly enrich Briechle, lest we waive our Due Process Rights and allow Legg J. to sit in judgment of himself.

"Equity has always exercised a special jurisdiction to reverse transactions procured by fraud. A party to earlier litigation was entitled to bring an original bill in equity to set aside the judgment given in that litigation on the ground that it was obtained by fraud. Such a bill could be brought without leave, because it was brought in support of a substantive right. If the fact and materiality of the fraud were established, the party bringing the bill was absolutely entitled to have the earlier judgment set aside After the fusion of law and equity in the 1870[s], the procedure by way of original bill was superseded by a procedure by action on the same juridical basis".

Takhar v Gracefield Devel., Ltd [2020] AC 450, 477 (SC(E)) Sumption J., *fol.*, *Flower v Lloyd* [1877] 6 Ch D 297, 299 - 300, Jessel, MR *viz.*, :

"If a decree has been obtained by fraud, it may be impeached by original bill," and he goes on to say, "without the leave of the Court [T]he fraud used in obtaining the decree being the principal point in issue, and necessary to be established by proof before the propriety of the decree can be investigated. And where a decree has been so obtained the Court will restore the parties to their former situation, whatever their rights may be".

Jessel, MR quot.. "*A Treatise on the Pleadings in Suits in the Court of Chancery, by English Bill*". Lord Redesdale, 5th Edition. [NB Story "Equity Pleadings § 426].

The foregoing quotation by Jessel MR, appertains to **FRCP 60(d)(3)** Fraud on the Court. Jessell MR, continues :

“There was another totally different class of cases where you discovered subsequent matter which shewed that the decree was wrong, although there had been no fraud in obtaining it. That was called a supplemental bill in the nature of a bill of review, which brought the new matter forward, and again enabled the Court to do justice and get rid. of the original decree. That always required leave”.

This foregoing quotation, by Jessel MR appertains to **FRCP 60 (d)(1)**.

FRCP 60 (d)(3) appertains to extrinsic fraud : which obfuscates our purpose i.e., preventing the expropriation of our irrevocably vested property and Three years isn't Laches, whereas **FRCP 60 (b)(3)** appertains to Briechle's U.S. Mail Fraud, fraudulent embezzlement., perjury &c., in Joint Breach of Trust with Albert.

The Onus was and is always on Briechle

“He who alleges himself to be the creditor of another, is obliged to prove the fact or agreement upon which, his claim is founded”.

“A Treatise on the Law of Obligations or Contracts” by Robert Joseph Pothier, William David Evans Edition (1806), London. Part IV, p. 474, “Of the Proof of Obligations and their payment”. *See also* [A111-113].

Joint Action is Legg J. in Dishonest Assistance of Briechle

“If a person knowingly appropriates another's property, he will not escape a finding of dishonesty simply because he sees nothing wrong in such behaviour”.

Grosvenor Property Developers Ltd v Portner Law Ltd (Rev1) [2025] EWHC 2362 (Ch). ¶ 8 *follows*.

"Honest people do not intentionally deceive others to their detriment. Honest people do not knowingly take others' property. Unless there is a very good and compelling reason, an honest person does not participate in a transaction if he knows it involves a misapplication of trust assets to the detriment of the beneficiaries. Nor does an honest person in such a case deliberately close his eyes and ears, or deliberately not ask questions, lest he learn something he would rather not know, and then proceed regardless".

Royal Brunei Airlines v Tan [1995] 2 A.C. 378, 389.

"The rule requiring a judgment was a product, not just of the procedural requirement that remedies at law had to be exhausted before equitable remedies could be pursued, but also of the substantive rule that a general creditor (one without a judgment) had no cognizable interest, either *320 at law or in equity, in the property of his debtor, and therefore could not interfere with the debtor's use of that property. As stated by Chancellor Kent: "The reason of the rule seems to be, that until the creditor has established his title, he **1969 has no right to interfere, and it would lead to an unnecessary, and, perhaps, a fruitless and oppressive interruption of the exercise of the debtor's rights." *Wiggins v. Armstrong*, 2 Johns. Ch. 144, 145-146 (N.Y.1816). See also, e.g., *Guaranty Trust Co.*, *supra*, at 106-107, n. 3, 65 S.Ct. 1464; *Pusey & Jones Co.*, *supra*, at 497, 43 S.Ct. 454; *Cates*, *supra*, at 457, 13 S.Ct. 883; *Adler*, *supra*, at 411-413; *Shufeldt v. Boehm*, 96 Ill. 560, 564 (1880)"

Grupo Mexicano de Desarrollo S.A. v. All. Bond Fund, Inc., 527 U.S. 308, 319-20, 119 S.Ct. 1961, 1968-69, 144 L.Ed.2d 319 (1999), Scalia J.

See Nemo Dat Quod non Habet [A113-116].

The Test to ascertain whether a judgment is impugned, Takhar *op sit supra* and recent cases follow *Royal Bank of Scotland plc v Highland Financial Partners LP* [2013] EWCA Civ 328 CA, summarised by Aikens LJ :

"first, there has to be a 'conscious and deliberate dishonesty' in relation to the relevant evidence given, or action taken, statement made or matter concealed, which is relevant to the judgment now sought to be impugned. Secondly, the relevant evidence, action, statement or concealment (performed with conscious and deliberate dishonesty) must be 'material'. 'Material' means that the fresh evidence that is adduced after the first judgment has been given is such that it demonstrates that the previous relevant evidence, action, statement or concealment was an operative cause of the court's decision to give judgment in the way it did. Put another way, it must be shown that the fresh evidence would have entirely changed the way in which the first court approached and came to its decision. Thus the relevant conscious and deliberate dishonesty must be causative of the impugned judgment being obtained in the terms it was".

Briechle induced Albert into concealing the Residuary Estate to facilitate Briechle's U.S. Mail Fraud scheme. Legg J., as a non-recipient accessory after the fact dishonestly assisted in the concealment of Documentary Evidence to create a façade of estate administration to disguise self-dealing by fraudulent embezzlement

NB Briechle's "conscious and deliberate false statement" that "the administration of the estate continues in earnest" is the "operative cause of the court's decision to give judgment in the way it did" *viz.*, The Princess Lida Doctrine.

The Cetera Report with evidence, *of record* establishes self-dealing by fraudulent embezzlement. Briechle's May 24, 2016 "Letter Agreement" **A85-94** omits the existence of the Residuary Estate. The maximum possible Inheritance tax *without* deductions is ascertained by the will.

The maximum possible Inheritance Tax, is **\$ 212,285.91.**
The June 21, 2016 Residuary Estate, was **\$156,079.07.**
The Residuary Estate Shortfall, was **\$ 56,206.84.**

On June 21, 2016 Albert sold Specific Legacy shares for **\$185,882.71** and on July 25, 2016 he withdrew by check **\$215,313.37** and then on July 28, 2016, Albert paid **\$211,000.00** as the Inheritance Tax. On August 2, 2016 **\$125,111.73** was in Briechle's hands as confessed in open court, the 1st day he appeared as Albert's Attorney. **A99.**

"[H]e who undertakes to act for another in any matter, shall not in the same matter act for himself".

Whichcote v Lawrence (1798) 3 Ves. Jun. 740, 750 ; 30 ER 1248, 1253., Loughborough, LC.

Rules of Construction, Laches and Fraud.

The **FRCP 60** rule must be construed to give every part meaning and purpose. But confusing and confounding **FRCP 60 (d)** with **FRCP 60 (b)(3)** to impose the one year period would render The Trust Exception and Equitable Tolling meaningless. See note 2, 3rd Circuit Opinion **A5.**

1st The following is a false material representation contrived by Carlson MJ **[A16]** and repeated in the Third Circuit Opinion **[A4]** :

" [O]n August 9, 2021, the Orphans' Court entered an Order directing the release of 80% of the stock bequeathed to the plaintiffs while retaining 20% for payment of outstanding tax obligations".

Which we deny. And allege under penalty of perjury on page 21 of our 3rd Circuit Brief :

“20% of our stock shares that Legg J. intends to expropriate is for Albert’s private use. The maximum possible joint sum i.e., “our share” of the Inheritance Tax which Specific Legatees don’t pay is **\$11,241.37** : contrary to Carlson MJ’s false material statement more than **\$100,000.00** of our irrevocably vested property is not for taxes [Doc 58, p. 6]. It’s purportedly to pay Albert’s lawyer fees to Briechele or more likely for Albert to keep as Legg J’s new twist on allowing executors to buy entrusted assets” .

See Legg’s order note 1 [A58] and p 32 *infra* Carlson MJ then enhances his false material representation further

“In this litigation, the plaintiffs asked the state courts to reject this 80% solution, insisting that they were entitled to be exempted from any offset for estate taxes”.

Which we also deny under penalty of perjury. Cf. A102.

The English cases above show that The Remedy under **FRCP 60(d)** is Equitable. Laches isn’t even mentioned by Carlson. Altho he does mention **FRCP 60(b)(5)** :

“applying [an earlier judgment] prospectively is no longer equitable”.

Our timely motion to vacate invokes the foregoing ground [A 131]. Also ignored by Carlson and the recent panel : our **FRCP 62.1** motion to add Legg J and the evidence Legg assisted in concealing for five years through two **Pa. RAP 342** appeals and the 2021 3rd Circuit appeal to make it look like : O so you decide to do this now after 3 years isn’t “diligent” while we were collating 9 volumes of documentary evidence for three courts in addition to our proposed amendment, all ‘overlooked’, reeks of dishonesty.

“The District Court did not consider any other potential amendments As modified, the judgment no longer adopts the portions of the Magistrate Judge's report and recommendation concerning futility. Under the circumstances of this case, it was unnecessary to consider whether amendment was futile”.

3rd Cir., Opinion, August 10, 2021 Notes 5 & 6 A38-39.

Mannion J., defies the foregoing modified judgment in his November 7, 2022 order denying our March 22, 2022 motion to vacate [A130-137] ignores FRCP 60(b)(5) and criminal activity expressly addressed in our motion A134.

NB There are at least two false material representations repeated in the August 10, 2021 3rd Cir. Opinion [A 37]

1. We never alleged nor suggested that there was no Residuary Estate deficit. Had Full Disclosure been compelled on August 2, 2016 the matter would have been *of record*. Decedent died debitum gratis and no one's shares had to be sold on our right to take in Specie [see p. 4 *supra*].

“The request of legatees to take in kind must be honored if a conversion of the property into cash is not reasonably necessary to pay debts or to make distribution”.

Minichello's Estate, 368 Pa. 639 644-645 (Pa. 1951).

Our claim is based on the irrefutable fact that the decedent died debitum gratis and as a matter of law we are entitled to the immediate right to possess to take in Specie and enjoy our irrevocably vested property.

The concealed evidence shows that Albert lawfully took his late father's Specific Legacy by stirpes but denied ours and others right to take. As Executor he had no right to take from others Specific Legacies, but did, in Breach of Trust.

Under the guiding hands of Brieche He then foolishly sold 934 shares of UNP stock from his late father's Specific Legacy when it was trading at (x) \$89.00 a share. Combining those proceeds with the Residuary Estate, he could have paid the Inheritance Tax petitioned for compensation and bought back his shares before UNP went ex. dividend.

(a) Our claim against Albert is self-dealing by fraudulent embezzlement in Joint Breach of Trust with Brieche who facilitated it with his U.S. Mail Fraud scheme. However,

(b) Our Property Right of Action, is to prevent the expropriation of our irrevocably vested Specific Legacy properties i.e., there is no reason to Retain our properties unless Albert plans to keep or trade our shares. There are no judgments against the decedent, hence Albert, has no Right to take property from us, as executor.

2. Under "III" of the August 10, 2021 3rd Circuit Opinion *Beatty v Hottenstein supra* is a Pa. High Court case that recognizes Centuries of Anglo Law not a singular county court case. A 37. The Law of Assent goes back to reports by Plowden and Coke and was unequivocally recognized by King's Bench in *Doe v Guy* [pp 15, 24 *supra*].

Under The Law of Trust possession is ours Hovenden [p. 9 *supra*] and thus, the foundation of Chancery jurisdiction of our *in personam* Property Right of Action *Pritchard v Norton*, 106 US 124, 132, 1 S. Ct. 102, 27 L. ed. 104 [1882] *aequitas agit in personam* whether the culprit be a state actor or private individual.

"If an executor or administrator had any legal or beneficial interest in the personal estate, they would by consequence have a power of devising it by will; but it is plain they cannot devise it.

Nay, it is demonstrable, that an executor has no legal interest; because when an executor dies intestate, whatever is his will go to his administrator; whereas all the personal estate of his testator will belong to the administrator *de bonis non*, &c., and not to the administrator of the executor".

Duke of Rutland v Duchess of Rutland (1723) 2 P. Wms. 210, 212; 24 ER, 704, Macclesfield. LC.

If Legg dies our property goes to his wife and children? ¹

No Waiver Without Consent

We Demand Protection under the Doctrine of Stare Decisis
No Waiver of Fundamental Rights without our Consent.

Our 14th Amdt claim was never litigated. Pa. Super Ct., have no authority to waive our 14th Amdt claim under color of **Pa. RAP 1925** or otherwise, without our consent. and we did not and do not consent and in that regard the November 29 2022 Pa. Super Ct "judgment" is void. *Elliott v. Peirsol*, 26 U.S. 328, 1 Pet. 328, 340 (1828). Obj p 10

"The limit of the full control which the State has in the proceedings of its courts, both in civil and criminal cases, is subject only to the qualifications that such procedure must not work a denial of fundamental rights or conflict with specific and applicable provisions of the Federal Constitution *West v. Louisiana*, 194 U.S. 258, 263".

West v. Louisiana, 194 U.S. 258, 263 (1904) qtd in *Twining v. New Jersey*, 211 U.S. 78, 101-102 (1908). *Brown v State of New Jersey*, 175 US 172, 175-76, 20 S Ct 77, 78-79, 44 L Ed 119 [1899].

¹ <https://insideclimatenews.org/news/13022023/dimock-pennsylvania-fracking-judge/>. Not his 1st controversy with the Commonwealth and the High Court

And in further accord with this Court :

"We do not presume acquiescence in the loss of fundamental rights, *Ohio Bell Tel. Co. v. Public Utilities Comm'n*, 301 U. S. 292, 307. Indeed, in the civil no less than the criminal area, "courts indulge every reasonable presumption against waiver.' *Aetna Ins. Co. v. Kennedy*, 301 U. S. 389, 393"

Fuentes v Shevin, 407 US 67 (1972) @ 94-95, and fn. 31. In the circumstances of Our case see *Aetna Ins, Co. v. Kennedy* @US 395-396.

Our Claim is Fraud *on the District Court*, Carlson MJ closed his eyes to it. Princess Lida is inapposite so is the "prior exclusive jurisdiction doctrine" see 3rd Cir. Opinion 2021 note 3. Our property is irrevocably vested to us, it is not part of 'the estate' see *Beatty v Hottenstein* op sit supra under the Law of Trust, it is in our possession US. Const ¶ III "law and equity"; the "supreme law of the land" *Byers v McAuley* op sit supra 28 USC § 1331.

We request that you adopt and follow the foregoing English precedents under **The FRCP 60 Head** and the following :

"There was no undue delay on the part of the Lindsay family. They did all they could through years of litigious strife to arm themselves with the evidence needed for the present claim. There was nothing close to any waiver of rights by passage of time. No evidence of specific prejudice to Mr. Butcher is pleaded or evidenced, beyond dissatisfaction with having to defend himself against claim some 13 years after the material events.... which documents are not new and have been in the Claimants' possession for many years".

Lindsay et al v. Outlook Finance Ltd et al. [2025] EWHC 3100 KB. In re Laches ¶¶ 124 176.

"Thirdly, the question of materiality of the fresh evidence is to be assessed by reference to its impact on the evidence supporting the original decision, not by reference to its impact on what decision might be made if the claim were to be retried on honest evidence."

[id.] ¶¶ 16-17. Citing and quoting Highland [p. 20, *sup.*]

The Cetera Report has considerable impact on any Honest Jurist. Legg J. comparing the November 15, 2016 Tr, with the August 6th 2021 Tr., [A104, 105] Legg J. with Briechele following , both concede that we own all shares, dividends and interest [A105].

Unfortunately, their new position, is they don't care they're just going to take up to 20% and maybe more *without our consent* [A. 105] Legg J.'s order [A58] last para.

Albert in his official capacity is not liable to Briechele; but might be *de bonis propriis* : but Albert cannot use his Trust to take others shares *Miller v Ege* [p. 16 *sup.*] we are not Trustees to Albert is Trustee to us and we owe Briechele nothing.

What We Want

Is for you to order Albert to transfer and release our property to us in full Grant our Appeal, and Vacate the District Court and 3rd Circuit judgments; or else Remand on the Record we used at the 3rd Circuit with our proposed Complaint, to a judge that knows Law and Equity and Honors the Supreme Law of the Land over Princess Lida so that we may have a fair hearing in the furtherance of substantial justice; and this is what that would actually entail :

(a) Ruling that Equity acts in personam, that Specific Legacies are set aside, do not become a part of others legacies nor part of a residuary estate and once assented to are irrevocably vested to us. That we have and always have the Right to take in Specie and enjoy in full .

(b) Property cannot be taken for private use under color of a tax. Briechele concealed the Residuary Estate to "pro rate" \$210,143.55 as the Inheritance Tax and Briechele kept 80 % of the Residuary Estate and Albert kept the other 20%. Briechele then launched his U.S. Mail Fraud scheme A85-94] designed and intended to defraud the beneficiaries.

The Full Disclosure Rule was created to prevent Fraud see [pp. 4, 12, 21 *sup.*]see *In re Estate of Henderson*, 311 A3d 582, (Pa. Super.2023), Stephens, PJE. [A117].

Empty words, when rendered, 'discretionary' with no adverse consequences : because of this lawless and dishonest inapposite application of Princess Lida Doctrine in willful disregard of our property rights : courts are riding roughshod over Equity.

(c) The Pa Super Ct. 'judgment' is null and void i.e., no court may waive our Fundamental Rights without our consent and we did not and do not consent. [pp 25-26 *sup.*]

Help us prevent the expropriation of our property protected under the Supreme Law of the Land *enforce* that the judges in every state *are* so bound. US Const ¶VI, para. 2. [A80].

"Property rights are determined by fixed rules and settled principles. They are not discretionary. They do not depend upon ideas of what is 'fair, just and reasonable'. Such concepts, which in reality mask decisions of legal policy, have no place in the law of property".

Foskett v McKeown [2001] 1 AC 102, HL(E), 127F, Millett [LJ]

“The shares were left to the respondent as a specific legacy, and from the date of the death and before assent they were his property, subject to the right of the executors to keep control of them for the purpose, if necessary, of paying the testator's debts, and for this purpose they had the legal title”.

IRC v. Hawley [1928] 1 KB 578, 583 Rowlatt, J.

Stock Shares and Dividends are intangible property : title to a share of hypothecated profit, the price of each share determined by market trading the quarterly dividend ascertained by account and then declared.

Cetera is the “custodian” Albert the “control” of the “estate designated account” (EDA) by “Letters Testamentary”. As of June 2021 Legg J. never contacted Cetera. We, told Cetera that they can’t sell our shares.

Legg J. told Albert not to sell our shares only until he could contrive a bill for Briechele. What would it have been on August 2, 2016 had full disclosure been compelled.

Even if Legg J. contacted Cetera to assign temporary receivership another person assumes “control”, like Chancery did with the Bank of England *see* *Blake v Blake* A138-139. Humans can change where electric 1s and 0s go. The idea that Legg J. or the 3rd Circuit has to wrest Letters Testamentary from Albert to say incidentally you can’t take their shares, is absurd. Legg J. has Power over, Albert to do justice, theft is not discretionary.

A court can issue an OSC to Legg J. but we know his cause is His will to take our shares without our consent for the private use of Albert and federal courts don’t want to intervene because they don’t want to deal with the people that Pa. courts allow lawyers to rob. Easily remedied in nearly no time at all.

Compare the removal procedure once available to Plaintiffs further whittled away now as 28 USC § 1450. It was inevitable that Princess Lida would be used to plunder. There needs to be adverse consequences see the Henderson cite [A117] "Human weakness'. Without adverse consequences, admonitions are empty words.

In the following quotation Replace "English" with USA

"[E]verything depends on the scope of the equitable jurisdiction. It also follows, in my opinion, that if that jurisdiction does not extend to apply in a case such as the present. English law will be revealed as incapable of doing full justice....

[W]here the jurisdiction of the court derives from common law or equity. And is designed to do justice in cases which come before the courts, it is startling to be faced by an argument that the jurisdiction is so restricted as to prevent the courts from doing justice. Jurisdiction of that kind should as a matter of principle be as broad as possible, to enable justice to be done wherever necessary: and the relevant limits should be found not in the scope of the jurisdiction but in the manner of its exercise as the principles are worked out from case to case"

Westdeutsche Landesbank Girozentrale v. Council of London Borough of Islington 22 May 1996 [1996] AC 669, 692 HL(E), Lord Goff.

We would be eternally grateful if the Actual Justices are allowed to consider what Briechle-Legg and Albert have taken 10 years of our lives and want us to pay them a minimum of \$100,000.00 of our specific legacy stock shares for no other purpose than their own unjust enrichment. The credits roll : Pa. Super Ct., Pa. S. Ct., the U.S. Third Circuit Court of Appeals ...

In Tender Consideration we respectfully request that our foregoing petition for a Writ of Certiorari to call up for Review, the Full Record from the 3rd Circuit Court of Appeals including all of our supporting evidence

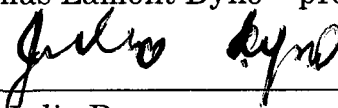
That Petitioners may have such further or other relief as the nature of our case may require.

We the undersigned hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on August 24, 2026



Thomas Lamont Dyno – pro se



Julia Dyno – pro se

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“it is not necessary to allege a violation of the statute, but, of course, the statement must set forth sufficient facts to bring the case within the statutes.”

KEM Res., LP v. Deer Park Lumber, Inc., 310 A.3d 142, 151-52
(Pa. 2024)

NOTE on Legg's August 9, 2021 Order

"The Estate Attorney suggests that an additional \$100,000 would be more than sufficient to cover the unanticipated and, as the Estate contends, unnecessary expenses incurred in connection with the serial *pro se* litigation. The court finds that estimate to be reasonable and that no other reason exists to withhold the partial distribution of the remaining assets to Thomas Lamont Dyno and Julia Dyno. The proposed partial distribution of 80% of the held stocks still provides an adequate asset reserve to cover the *pro se* litigation costs incurred by the Estate in the event that the Estate seeks reimbursement for those costs and the court finds sufficient grounds to make such an award".

[A57-60,58]. See confirmation of Assent [A84]. Inheritance Tax paid on July 28, 2016 [A95]. Cf., p. 4 *supra* \$11,241.37 Tr. 2016 [A99] "they were all administrative costs ... the Executor's commission and the attorney's fees". Tr. 2018 on our guestimate of the concealed residuary estate we offered \$12,500.00 as a settlement all Legg had to do is compel Full Disclosure or just the Residuary Estate NB 100% of our Specific Legacies [A 84; 103, 122], were withheld from us without cause for Five years. This additional \$100,000.00 of stock shares is to unjustly enrich Briechle and Albert. Legg J's order is his Overt Act in conspiracy with Briechle : concealment of the Cetera and Dime Bank Documentary Evidence, deprived of our Specific Legacies In Full for Five years, which Albert went along with are liable for taking 10 years from us see Noble Estate with intent to steal our assets and with Canon's Estate A108 sweep it all under the family settlement rug.