No. 26-5835

FILED
SEP 21 2026
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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

TAWANA JEAN COOPER, PETITIONER

vs.

OPTUMRX, INC., ET AL., RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI TO

THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT, DIVISION THREE

PETITION FOR WRIT OF CERTIORARI

TAWANA JEAN COOPER

12263 LA MIRADA BLVD, #183

LA MIRADA, CALIFORNIA 90638

(562) 217-2760

QUESTIONS PRESENTED

Question 1: Enforcing Void Orders vs. *Daly* Injunction Stays

Whether a state appellate court violates the Due Process Clause of the Fourteenth Amendment by applying *Daly v. San Bernardino County Bd. of Supervisors* (2021) 11 Cal.5th 1030 to enforce an unstayed prefiling order against a litigant in a separate proceeding, where the underlying prefiling order was rendered completely void for lack of personal jurisdiction due to constitutionally defective service.

Question 2: Access to Courts and Due Process

Whether the Fourteenth Amendment's guarantees of Due Process and Access to Courts permit a state appellate court to summarily dismiss a timely appeal for failure to seek prefiling permission under California Code of Civil Procedure § 391.7, without providing a forum or stay to determine whether the out-of-county prefiling order was issued without personal jurisdiction.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

OPTUMRX, INC., NYSE:UNH
OPTUM SERVICES, INC., a DELAWARE CORPORATION, NYSE:UNH
OPTUMRX, INC., a CALIFORNIA CORPORATION, NYSE:UNH
UNITED HEALTHCARE SERVICES, INC., a MINNESOTA CORPORATION, NYSE:UNH
DOES 1 through 50 Inclusive

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TABLE OF AUTHORITIES CITED

CASES — PAGE NUMBER

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444 U.S. 286, 291 (1980)

STATUES AND RULES

9 U.S.C. §§ 1, *et seq.* 4, 6, 10

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

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

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[X] unpublished

The opinion of the trial court appears at Appendix C to the petition and is
[X] unpublished

JURISDICTION

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

The date on which the highest state court decided my case was 01/22/2026. A copy of that decision appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including September 21, 2026, on September 3, 2026, in Application No. 26A283.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONST. amend. XIV, Section 1

STATEMENT OF THE CASE

I. COURSE OF PROCEEDINGS AND RELEVANT FACTS

Petitioner Tawana Jean Cooper ("Petitioner"), proceeding pro se, initiated this employment discrimination action on December 20, 2021, by filing a Complaint for Damages against Respondent OptumRX, Inc. in the Superior Court of the State of California, County of Orange (Case No. 30-2021-01237008). The complaint alleged age and disability discrimination under California Government Code § 12940 et seq., wrongful termination, and related claims. The case was assigned to the Hon. Gregory Lewis for all purposes in department C26.

On January 10, 2022, Petitioner filed a First Amended Complaint, adding Respondents Optum Services, Inc., a Delaware Corporation, OptumRX, Inc., a California Corporation, United Healthcare Services, Inc., a Minnesota Corporation (collectively, "Respondents") and DOES 1 through 50 Inclusive. On February 16, 2022, counsel for Respondents inquired whether Petitioner would stipulate to arbitration under an alleged pre-employment arbitration agreement. Petitioner explicitly declined.

On May 4, 2022, Respondents filed a Motion to Compel Arbitration pursuant to the California Arbitration Act (Cal. Civ. Proc. Code §§ 1280, *et seq.*) ("CAA") and the Federal Arbitration Act (9 U.S.C. §§ 1 *et seq.*) ("FAA"). In support, Respondents submitted declarations claiming Petitioner electronically executed an "Employment Arbitration Policy" via an electronic Offer Letter with a link to the alleged "Employment Arbitration Policy" during her onboarding process on November 20, 2019 that allegedly occurred online. Respondents did not include the alleged electronic Offer Letter with the electronic link. Petitioner had to send two email

requests before receiving the electronic Offer Letter. However, Respondents neglected to send an email that would have transported the alleged electronic Offer Letter. Petitioner sent an email requesting such email. To date, Respondents have not responded.

In her opposing declarations, Petitioner denied ever receiving, viewing, or signing the alleged Arbitration Agreement. Petitioner introduced evidence establishing that during her hiring process, Respondents' representatives established a consistent pattern of communicating by telephone and sending immediate instructional follow-up emails. Petitioner preserved every email received during the hiring process; none contained or referenced an arbitration agreement or electronic link thereto. Petitioner further demonstrated that online onboarding occurred on-site during training on December 2, 2019, where trainees reviewed the employee handbook. Respondents did not refute this evidentiary record.

Around or about July 15, 2022, Petitioner's case was reassigned to the Hon. Nathan Nhan Vu in department N15.

Following a hearing on August 1, 2022, Temporary Judge Michael Galvan confirmed a tentative ruling denying Respondents' Motion to Compel Arbitration on the merits pursuant to CAA § 1281.2. (APPENDIX C).

Despite this ruling on the merits, on August 29, 2022, in a case management conference, Petitioner was blindsided when Respondents requested leave to file a renewed motion. Judge Vu said that because Temporary Judge Galvan granted Respondents' motion without prejudice, Respondents could file another motion from scratch as if Respondents had never filed their first Motion to Compel Arbitration. On October 12, 2022, Respondents filed a Renewed Motion to Compel Arbitration, introducing modified declarations and an excel spreadsheet as "data screenshots"

without showing new facts or law that could not have been produced in their original motion. Once again, Respondents did not include any emails that would have transported the alleged electronic Offer Letter. The excel spreadsheet "data screenshots" shows that Petitioner was sent a "Welcomed Email". However, when Petitioner requested a copy of said email she did not get a response from Respondents. To date, Petitioner has not received any emails regarding the Arbitration Agreement during the hiring process or any other time from Respondents. In her Opposition, Petitioner did not argue on the merits as Judge Vu and Respondents willfully and knowingly demonstrated that they wanted her to. Instead, Petitioner argued on the law that Judge Vu lacked jurisdiction to grant, hear and decide Respondents' second Motion to Compel Arbitration.

On April 5, 2023, Judge Vu granted Respondents' second Motion to Compel Arbitration under the FAA. Judge Vu stated that "... Temporary Judge Galvin's denial of the Prior Motion without prejudice was an implied invitation for Defendants to renew the motion, particularly where Defendants had failed to provide evidence whether the Arbitration Policy had been received, reviewed, or signed by Plaintiff."

II. POST-ARBITRATION PROCEEDINGS AND UNJUSTIFIED DENIAL OF APPELLATE REVIEW

On May 13, 2024, Petitioner filed a Motion to Vacate the April 5, 2023 Order as void for lack of jurisdiction. On August 15, 2024, prior to ruling on the Motion to Vacate, the trial court instructed Respondents to initiate arbitration proceedings. On August 23, 2024, Respondents filed for arbitration with the American Arbitration Association. Petitioner did not participate in the unauthorized arbitration proceedings and Respondents prevailed. On September 3, 2024, the trial court denied Petitioner's Motion to Vacate.

On January 12, 2026, Petitioner filed a timely Notice of Appeal in the Superior Court of California, County of Orange, appealing all of Judge Vu's arbitration orders dated 04/05/2023; 07/01/2024; 08/15/2024; 09/03/2024; 11/24/2025; and 12/17/2025 to the Court of Appeal of the State of California, Fourth Appellate District, Division Three. However, the Court of Appeal stayed (APPENDIX B) and rejected (APPENDIX A) Petitioner's Notice of Appeal on the ground that a prefiling vexatious litigant order had been entered against Petitioner in a separate action in Los Angeles County Superior Court. As Petitioner demonstrated, that Los Angeles order was issued completely without personal jurisdiction due to improper service of the underlying ex parte application and vexatious litigant motion, in direct violation of an express service agreement between those parties and elemental Due Process.

Because an order entered without personal jurisdiction or constitutional notice is void *ab initio*, Petitioner was under no lawful obligation to seek prefiling permission under a void order to exercise her statutory right to appeal in this matter. At a minimum, fundamental procedural due process required the Fourth Appellate District to stay her Orange County appeal pending appellate review of the constitutionally defective Los Angeles order, rather than summarily refusing to process her appeal, transmit the record, or allow her to submit her Civil Case Information Statement.

By enforcing an unconstitutional, void order from a separate jurisdiction to categorically block review of the trial court's arbitration rulings, the California Court of Appeal deprived Petitioner of her rights to due process of law, equal protection, and access to the courts under the Fourteenth Amendment to the United States Constitution.

On April 22, 2026, the California Supreme Court denied discretionary review of Petitioner's Petition for Review. (APPENDIX D). The order says "En Banc" but

this is incorrect due to the Court of Appeal prohibiting Petitioner from listing any of her Respondents on the Civil Case Information Statement. As a result, the Respondents listed in the caption of Petitioner's Petition for Review are different from the Respondents that the Court of Appeal listed. This is an automatic denial in the California Supreme Court.

REASONS FOR GRANTING THE WRIT

I. THE STATE COURT DEPRIVED PETITIONER OF PROCEDURAL DUE PROCESS BY ENFORCING A VOID PREFILING ORDER TO BLOCK APPELLATE REVIEW OF A VOID FAA ARBITRATION ORDER.

Under the Fourteenth Amendment to the United States Constitution, due process of law requires adequate notice and a meaningful opportunity to be heard before a court may exercise jurisdiction or strip a litigant of fundamental rights. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). A judgment or order issued without personal jurisdiction due to constitutionally defective service is void *ab initio* and unenforceable. *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 291 (1980).

Prefiling restrictions limit a litigant's ability to access the courts—a right long recognized as fundamental. Courts therefore require strict adherence to procedural safeguards before such restrictions may be imposed. As the Ninth Circuit has explained, restrictions on filing are an "extraordinary remedy" that must be used only sparingly and in compliance with due process protections. *Ringgold-Lockhart v. County of Los Angeles* (9th Cir. 2014) 761 F.3d 1057, 1061–1062, quoting *Delew v. Wagner* (9th Cir. 1998) 143 F.3d 1219, 1222 and *De Long v. Hennessey* (9th Cir. 1990) 912 F.2d 1144, 1147.

A vexatious litigant order may be entered only after the litigant receives proper notice and a meaningful opportunity to respond. (Code Civ. Proc., § 391.1, subd. (a).) These procedural protections are particularly critical because a prefiling order restricts a litigant's ability to access the courts. Federal courts have emphasized that such restrictions must be imposed only in strict compliance with procedural safeguards. *Ringgold-Lockhart v. County of Los Angeles*, supra, 761 F.3d at pp. 1061–1062, quoting *De Long v. Hennessey*, supra, 912 F.2d at p. 1147. Among those safeguards is adequate notice and an opportunity to oppose the proposed restrictions.

Here, the state appellate court refused to process or transmit Petitioner's timely Notice of Appeal from an order compelling arbitration, relying entirely on a prefiling vexatious litigant order issued by a separate trial court in Los Angeles County. However, that Los Angeles order was rendered without personal jurisdiction because the moving party failed to serve Petitioner in accordance with constitutional due process and an explicit email-service only agreement between the parties. (Code Civ. Proc., §§ 1010.6 and 1013, subd. (e).)

By treating a void order from an unrelated jurisdiction as an absolute bar to appellate review—and by refusing even to stay the Orange County appeal while the validity of the Los Angeles order was tested on appeal—the Fourth Appellate District constructed an impermissible procedural obstacle. A state cannot, consistent with the Fourteenth Amendment, enforce an unconstitutionally obtained, void order to systematically deny a litigant access to its appellate courts. *World-Wide Volkswagen*, 444 U.S. at 291. The state appellate court based its decision on *Daly v. San Bernardino County Bd. of Supervisors* (2021) 11 Cal.5th 1030, 1040-1046). However, *Daly* governs valid, enforceable prohibitory injunctions pending appeal. It does **not** authorize courts to enforce orders that are void *ab initio* for lack of personal jurisdiction.

II. THE DECISION BELOW SANCTIONS A STATE APPELLATE PREFILING SCHEME THAT CONFLICTS WITH FEDERAL DUE PROCESS STANDARDS AND DISRUPTS THE UNIFORM ENFORCEMENT OF THE FEDERAL ARBITRATION ACT.

This Court has repeatedly emphasized that state court procedural rules cannot be deployed to frustrate federal statutory rights or bypass constitutional protections. Under the Federal Arbitration Act ("FAA"), 9 U.S.C. §§ 1 et seq., parties are entitled to fair judicial determination of threshold arbitrability issues, including whether an agreement to arbitrate was ever formed. *First Options of Chicago, Inc. v. Kaplan*, 514 U.S. 938, 943 (1995).

Petitioner presented unrefuted evidence in the trial court establishing that she never signed, received, or assented to an arbitration agreement. Although a temporary judge initially denied Respondents' Motion to Compel Arbitration on the merits, a subsequent judge granted a renewed motion without any showing of new material facts or change in law.

When Petitioner sought appellate review of this questionable arbitration mandate, the state court mechanism effectively shut the courthouse doors by invoking an invalid prefiling restraint. The interaction between state prefiling statutes (Code Civ. Proc. § 391.7) and appellate clerk procedures created an unconstitutional trap: an invalid trial court order in one county operated to completely insulate a disputed arbitration order in another county from federal constitutional and FAA scrutiny.

This Court should grant certiorari to clarify that state courts may not enforce void prefiling orders to extinguish an individual's constitutional right to appellate access, nor may they use administrative prefiling barriers to insulate FAA arbitrability orders from judicial review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Tawana Jean Cooper

Date: 09.21.2026

APPENDIX A – Decision of State Court of Appeal