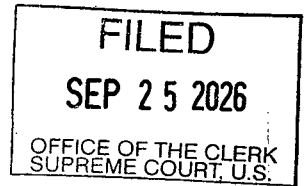


26-5845
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



ROBERT F. MANSUETO,

Petitioner,

v.

**SUSAN J. BROWN, AS TRUSTEE OF THE EDMUND AND HELEN
MANSUETO JOINT LIVING TRUST,**

Respondent.

On Petition for a Writ of Certiorari to the
California Court of Appeal, Fourth Appellate District, Division Three

PETITION FOR A WRIT OF CERTIORARI

ROBERT F. MANSUETO
Petitioner, In Propria Persona
P.O. Box 3338
Rancho Santa Fe, CA 92067
619-805-0940
robertfmansueto@gmail.com

QUESTION PRESENTED

Whether the Fourteenth Amendment permits a state court to remove a trustee by treating his objections as waived when he filed substantive opposition to an ex parte application, did not meet a later deadline to object to the removal petition, and the deciding judge acknowledged that she had not received and did not have the earlier filing.

PARTIES TO THE PROCEEDING

Petitioner Robert F. Mansueto was the appellant in the California Court of Appeal. Respondent Susan J. Brown, as Trustee of the Edmund and Helen Mansueto Joint Living Trust, was the respondent below.

CORPORATE DISCLOSURE STATEMENT

No nongovernmental corporation is a party to this proceeding, and no corporate disclosure is required.

RELATED PROCEEDINGS

In re the Edmund Mansueto and Helen Mansueto Joint Living Trust, San Diego County Superior Court No. 37-2008-00152252-PR-TR-CTL; Brown v. Mansueto, California Court of Appeal, Fourth Appellate District, Division Three, No. G066603; and Brown v. Mansueto, Supreme Court of California, No. S296952.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Robert F. Mansueto respectfully petitions for a writ of certiorari to review the judgment of the California Court of Appeal, Fourth Appellate District, Division Three.

OPINIONS AND ORDERS BELOW

The California Court of Appeal's unpublished opinion in No. G066603, filed May 7, 2026, is reproduced at Appendix A. The Superior Court's August 13, 2024, trustee-removal order is reproduced at Appendix B. The Supreme Court of California's August 19, 2026, disposition denying review in No. S296952 is reproduced at Appendix C. The Court of Appeal's order denying rehearing is reproduced at Appendix D.

JURISDICTION

The California Court of Appeal, Fourth Appellate District, Division Three, filed its opinion on May 7, 2026 (Appendix A). It later denied Petitioner's timely petition for rehearing on May 20, 2026 (Appendix D). The Supreme Court of California denied discretionary review on August 19, 2026 (Appendix C).

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a). Under Supreme Court Rule 13.1, this Petition for a Writ of Certiorari is timely as it is filed with the Clerk of this Court within 90 days after the entry of the California Supreme Court's order denying discretionary review.

The federal question presented arises from a severe and structural deprivation of the Appellant's right to procedural Due Process under the Fourteenth Amendment to the United States Constitution. The state court unconstitutionally extinguished a vested property interest—a senior, recorded Life Estate and named Co-Trustee title—in a complete clerical vacuum, without an evidentiary hearing, and without the judicial officer ever reviewing or considering the Appellant's timely file-stamped Opposition officially submitted on March 19, 2024.

CONSTITUTIONAL PROVISION INVOLVED

The Fourteenth Amendment to the United States Constitution provides in relevant part: "No State shall ... deprive any person of life, liberty, or property, without due process of law."

STATEMENT OF THE CASE

This petition concerns the procedure used to remove Petitioner as co-trustee. The Trust names him First Successor Trustee. On March 19, 2024, Petitioner filed an opposition to an ex parte application that substantively addressed removal. The Court of Appeal held that this filing did not constitute the later written objection required to oppose the underlying removal petition. It also relied on a subsequent warning and an August 1 deadline that Petitioner did not meet. The question is whether the process afforded a meaningful opportunity to be heard when the deciding judge acknowledged that she had not received and did not have the earlier filed opposition. The petition does not seek review of the underlying trust-law and title disputes.

I. THE TRUST EXPRESSLY DESIGNATED PETITIONER AS FIRST SUCCESSOR TRUSTEE.

Edmund and Helen Mansueto established the Edmund and Helen Mansueto Joint Living Trust. The governing Trust instrument expressly designated Petitioner Robert F. Mansueto as "First Successor Trustee" and Respondent Susan J. Brown as "Second Successor Trustee." That designation is significant to the consequences of the removal

order, although Petitioner does not ask this Court to decide the ultimate state-law effect of the designation in light of later instruments and orders. (Appendix I.)

II. THE TRUST ALSO ADDRESSED THE SUPPORT OF DISABLED BENEFICIARY JOYCE MANSUETO.

The Trust documents contain provisions addressing the support of the settlors' disabled daughter, Joyce Mansueto, including provisions connecting her support with the family residence. A later Second Amendment also provided that Robert Mansueto and Susan Brown would receive life estates in the residence and that either or both could reside there during life. These provisions are offered as context for the substantial interests affected by Petitioner's removal, not as independent questions for this Court to adjudicate. (Appendices I-J.)

The parties later entered a 2010 Settlement Agreement. Joyce is not identified as a party to that agreement. Petitioner maintains that Joyce had no independent attorney or guardian ad litem participating on her behalf and that Respondent, who was herself a settling party, was serving as Joyce's conservator. Petitioner does not ask this Court to determine the Settlement's validity or Joyce's independent rights. The point is narrower: Petitioner's removal affected a fiduciary structure with consequences extending beyond an ordinary private dispute.

III. PETITIONER FILED SUBSTANTIVE WRITTEN OPPOSITION ON MARCH 19, 2024.

Respondent sought Petitioner's removal as trustee. On March 19, 2024, Petitioner filed an opposition to Respondent's ex parte application. The file-stamped opposition also

addressed the proposed removal and included Trust materials on which Petitioner relied. Pertinent portions are reproduced at Appendix E. Petitioner does not contend that this filing satisfied every later procedural requirement imposed by the Superior Court; the issue is the effect of treating his position as waived without the deciding judge having the earlier submission before her.

Court-generated materials associated with the proceedings reflected an April 26, 2024 setting in Department 502 before Judge John B. Scherling. Those materials are reproduced at Appendix F.

IV. THE APRIL 26 WRITTEN RECORD DOES NOT SHOW AN ADJUDICATION OF PETITIONER'S REMOVAL OPPOSITION.

On April 26, 2024, Petitioner appeared before Judge Scherling in a separate but related proceeding concerning Joyce Mansueto's Special Needs Trust. The official minute order reflects that Judge Scherling consolidated the Special Needs Trust proceeding with Joyce's conservatorship, designated the conservatorship as the lead case, and continued that matter before Judge Olga Alvarez. The minute order does not adjudicate Petitioner's opposition in the trustee-removal matter. Appendix G.

Petitioner recalls additional oral statements concerning why the related matters were before Judge Scherling and their return to Judge Alvarez. Because no reporter's transcript or minute order presently documents those statements, this petition does not rely on them. The petition relies on the written sequence shown by the record.

V. THE DECIDING JUDGE EXPRESSLY ACKNOWLEDGED THAT SHE DID NOT HAVE THE FILED OBJECTION.

When the removal matter came before Judge Alvarez on August 13, 2024, the reporter's transcript records the court stating, 'I did not receive that objection' and 'I don't have it.' The pertinent excerpt is reproduced at Appendix H. The court then treated Petitioner's objections as waived and entered the removal order reproduced at Appendix B.

VI. THE STATE COURTS RELIED ON PETITIONER'S FAILURE TO FILE ANOTHER OBJECTION AFTER THE MARCH 19 FILING.

The Court of Appeal affirmed. It characterized the March 19 filing as opposition to an ex parte application, rather than a written objection to the underlying removal petition. It further explained that Petitioner had been told to file a proper written objection by August 1, 2024, and did not do so. On that basis, it upheld the probate court's treatment of his objections as waived. Appendix A.

The Court of Appeal expressly addressed and rejected Petitioner's federal due-process argument. Appendix A. Petitioner raised that argument in his appellate briefing. The question presented accounts for the later opportunity identified by the Court of Appeal and asks whether the procedure as a whole was constitutionally adequate.

REASONS FOR GRANTING THE PETITION

I. THE DECISION BELOW PRESENTS A FEDERAL DUE-PROCESS QUESTION CONCERNING A MEANINGFUL OPPORTUNITY TO BE HEARD.

The Due Process Clause requires notice and an opportunity to be heard appropriate to the nature of the case. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313-315 (1950). The opportunity must be meaningful, not merely formal. *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). And a State may not avoid due-process scrutiny merely because

the deprivation results from operation of its own procedural machinery. See *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 429-437 (1982).

The Court of Appeal found more than a missed deadline: it identified a March 19 filing opposing the ex parte application and a later opportunity to object to the removal petition. The deciding judge's acknowledgment that she did not have the earlier filing raises the due-process question. Petitioner accepts for purposes of this petition that he did not meet the later August 1 deadline. He asks whether the State nevertheless had to account for the filed substantive submission before making waiver dispositive.

The issue is whether the process as a whole afforded a meaningful opportunity to be heard in these circumstances. Petitioner does not assert that filing opposition to an ex parte application automatically excused compliance with a separate deadline for objecting to removal.

II. THE LATER OPPORTUNITY TO FILE ANOTHER OBJECTION DOES NOT NECESSARILY ANSWER THE FEDERAL QUESTION.

The Court of Appeal emphasized that Petitioner was warned in May 2024 and given until August 1 to file a written objection. That fact is important and Petitioner does not minimize it. But it does not fully answer the federal question presented.

The relevant inquiry is whether the procedure, viewed as a whole, afforded a meaningful opportunity to present Petitioner's position before removal. The March 19 opposition substantively addressed removal, but the Court of Appeal found that it did not satisfy the later objection requirement. The assigned judge's statements that she had not

received and did not have that filing are relevant to whether the opportunity remained meaningful in practice. Appendix H.

Armstrong illustrates that due process concerns the meaningfulness of the hearing in context, including whether later procedure can realistically cure an earlier denial. 380 U.S. at 551-552. Logan likewise confirms that a State's procedural system cannot itself be the mechanism by which a protected interest is extinguished without constitutionally adequate process. 455 U.S. at 433-437. The petition therefore asks a limited question about the constitutional boundary between legitimate procedural default and a default materially produced by the court system's failure to place an already-filed opposition before the decisionmaker.

III. THE CONSEQUENCES OF THE PROCEDURAL WAIVER WERE SUBSTANTIAL.

The waiver was not used to resolve a minor scheduling matter. It preceded Petitioner's removal from a fiduciary office expressly identified in the settlors' Trust instrument as First Successor Trustee. The underlying Trust also contained provisions concerning disabled beneficiary Joyce Mansueto and the family residence. These circumstances do not themselves decide the federal question, but they underscore why the opportunity to be heard before removal mattered.

Petitioner does not ask this Court to decide who ultimately should serve as trustee, whether the 2010 Settlement is enforceable, whether the Second Amendment controls occupancy, or what rights Joyce independently possesses. Those are matters of state law

and separate proceedings. The requested review concerns only the constitutional adequacy of the procedure used to make waiver dispositive.

**IV. THE CASE IS A SUITABLE VEHICLE BECAUSE THE FEDERAL
QUESTION WAS EXPRESSLY DECIDED AND THE CRITICAL
PROCEDURAL FACT IS IN THE TRANSCRIPT.**

The Court of Appeal expressly addressed the Fourteenth Amendment argument in its opinion. Appendix A. The August 13 transcript records the deciding judge's acknowledgment that she did not receive and did not have the earlier objection. Appendix H. These documents provide the core written record for the question presented.

This petition does not ask the Court to determine which clerk, department, or judge handled the March filing. The record shows that Petitioner filed opposition to the ex parte application (Appendix E); the April 26 minute order does not decide his removal opposition (Appendix G); and Judge Alvarez later stated that she did not have the objection (Appendix H). The Court of Appeal's separate-deadline rationale appears in Appendix A. The Court can assess the federal question on that account without adopting Petitioner's recollection of untranscribed statements.

**V. REVIEW WOULD CLARIFY THE DISTINCTION BETWEEN ORDINARY
PROCEDURAL DEFAULT AND DEFAULT CAUSED IN MATERIAL PART BY
THE COURT'S OWN PROCESS.**

States have authority to enforce filing rules. The question here is how due process applies where a filing that substantively addresses removal was in the court system, the

litigant later missed a separate objection deadline, and the deciding judge said she did not have the earlier filing. The petition seeks review of the procedure as a whole.

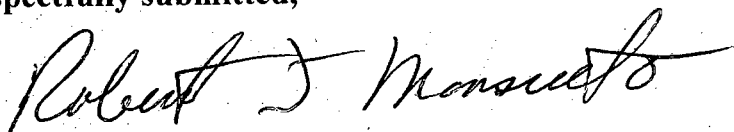
The distinction matters beyond trust litigation. State courts routinely depend on centralized filing systems, departmental routing, consolidation, reassignment, and electronic or paper docketing. A clear constitutional boundary is warranted where a court treats a matter as unopposed even though substantive opposition was filed and the deciding judge expressly confirms that it never reached her.

Review would clarify how Mullane, Armstrong, and Logan apply to a filed submission that was unavailable to the decisionmaker when a later procedural default became dispositive. The Court of Appeal's opinion provides its rationale, including the separate August 1 deadline; Petitioner asks the Court to assess that rationale under the Fourteenth Amendment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



ROBERT F. MANSUETO
Petitioner, In Propria Persona
P.O. Box 3338
Rancho Santa Fe, CA 92067
619-805-0940
robertfmansueto@gmail.com
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