No. 26–66

In the Supreme Court of the United States

MICHELET MICHAEL SMITH,
Petitioner,

v.

KEELEY ANNE SMITH,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF ARIZONA DIVISION TWO

PETITION FOR REHEARING

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OCTOBER MMXXVI

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PETITION FOR REHEARING

Petitioner Michelet Michael Smith respectfully petitions under this Court's Rule 44.2 for rehearing of the Court's October 5, 2026, order denying certiorari. This petition does not reargue the three questions already presented. It is limited to an intervening circumstance under this Court's Rule 44.2: after the certiorari petition was submitted, the Arizona Superior Court entered a September 17, 2026, Rule 78(b) disposition that completed a record-correction sequence that had not existed when the petition was submitted and that bears directly on Question Three.

Question Three asked whether due process is satisfied when the State creates a procedural "catch-22" by denying record completion or correction before merits briefing and the appellate court later applies missing-record presumptions to reject record-dependent federal due process claims. The later state-court disposition materially sharpens that question.

I. The post-petition Rule 78(b) judgment disposed of the pending record-correction requests without granting the requested correction, production, or certification.

The Court of Appeals of Arizona held that petitioner failed to provide transcripts, relied on minute entries to conclude that he had an opportunity to testify and present evidence, and then presumed that missing transcripts supported the trial court's rulings. App. to Pet. for Cert. 9. The same missing-record presumption was used in reviewing decree findings. *Id.*, at 9–10.

After that decision, petitioner pursued narrow, objective means of correcting and completing the state-court record. On March 15, 2026, he moved for production or certification of court-controlled Digital Evidence Portal metadata for the June 16, 2023, hearing, including upload date and time, submitting account, version history, replacements, re-uploads, and any cross-project transfer or re-association. App. to Pet. for Reh'g 44, 49–50. The motion explained that those data were needed to determine whether exhibits were available before the hearing and whether the parties had a fair opportunity to review and object. App. to Pet. for Reh'g 46.

On March 16, 2026, petitioner separately moved under Arizona Rule of Family Law Procedure 85(A) to correct or clarify the June 16, 2023, minute entry. That entry records a 10:58 a. m. start and 11:01 a. m. conclusion while also recording that both parties were sworn, Keeley Smith testified, Keeley Smith's exhibits 1–3 were received, Michelet Smith's exhibit 3 was received, and Michelet Smith testified. App. to Pet. for Reh'g 42–43. Petitioner's motion stated that court-issued FTR recording labels reflected a substantially longer interval, including a segment labeled 9:58 to 11:01, and asked the court to verify the operative interval from the official digital recording log or custodian certification. App. to Pet. for Reh'g 37–39.

That request was not speculative in the context of this case. On January 8, 2025, in an order electronically filed January 9, the trial court itself corrected another material minute-entry error. The court found that petitioner had been sworn but "did not

testify, he only presented arguments," and amended the earlier order *nunc pro tunc* to remove the reference to petitioner testifying. App. to Pet. for Reh'g 54–55. The significance here is not that every minute entry is inaccurate, but that a concrete record-accuracy concern in this litigation had previously been judicially confirmed.

The same record shows why that correction matters. The December 3, 2024 trial minute entry contained two separate statements that Petitioner testified. App. to Pet. for Reh'g 58–59. Before the Decree was entered, Petitioner filed a motion asking the trial court to address whether his argument had been treated as testimony and whether he had been denied a meaningful opportunity to testify. App. to Pet. for Reh'g 61–62. Thus, the testimony-record issue was not raised for the first time on appeal; it was identified and preserved in the trial court before final judgment.

On May 23, 2026, petitioner expressly asked the superior court to rule on both the June 16 Rule 85(A) correction motion and the Digital Evidence Portal metadata motion. App. to Pet. for Reh'g 19–20. He also asked the court to clarify that earlier catch-all language had not silently denied those record-focused requests. *Id.*, at 20.

After the certiorari petition had been submitted, the superior court entered a Rule 78(b) judgment dated September 11 and filed September 17, 2026. The judgment expressly recited the May 23 motion, including its request for rulings on unresolved "Rule 91, Rule 85(A), Digital-Evidence, and Record Correction Motions." App. to Pet. for Reh'g 6. The court addressed selected portions of that motion but did not

order the requested June 16 correction or production of the portal metadata. It then stated: "All other pleadings noted do not require additional court action," App. to Pet. for Reh'g 15, and further ordered that any affirmative relief sought before the order and not expressly granted was denied. *Ibid.*

II. The later disposition is substantial because it completes the procedural sequence presented in Question Three without asking this Court to decide disputed facts.

Petitioner does not ask this Court to determine what occurred during any disputed recording interval, to find that an exhibit was improperly admitted, or to review the September 2026 post-decree judgment on its merits. Nor does petitioner contend that the June 16 timing discrepancy itself proves what occurred during the December 2024 trial or January 2025 supplemental hearing.

The Rule 44.2 significance is narrower. The decision below used the absence of transcripts against petitioner by presuming that the missing transcripts supported the trial court's rulings. Petitioner then used state procedures to seek objective, court-controlled information capable of confirming or correcting the official record. A prior challenge to an inaccurate minute entry had already resulted in a formal *nunc pro tunc* correction. Yet the later Rule 78(b) judgment disposed of the pending correction and metadata requests without granting the requested record correction, production, or custodian certification.

That later disposition materially affects the procedural premise underlying Question Three. The

alleged "catch-22" is no longer only that record completion was denied before appellate merits briefing and missing-record presumptions were then applied. The subsequent state-court sequence shows that, even after petitioner identified a specific record discrepancy and requested narrowly tailored, court-maintained information to resolve it, the state proceeding reached a final Rule 78(b) disposition that denied the remaining requested relief without producing that information.

This petition therefore does not seek a second opportunity to argue the merits of the original certiorari petition. It asks the Court to reconsider the denial in light of a post-petition state-court development that materially strengthens the record-completion issue already presented and demonstrates why the missing-record presumption may prevent meaningful review of a preserved federal due process claim when the relevant means of record correction are controlled by the State.

CONCLUSION

The Court should grant rehearing of its October 5, 2026, order and reconsider the petition for a writ of certiorari in light of the post-petition Rule 78(b)

disposition and the record-integrity circumstances described above.

Respectfully submitted.

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OCTOBER 2026 *Pro Se Petitioner*

CERTIFICATION OF UNREPRESENTED PARTY

I, Michelet Michael Smith, petitioner proceeding without counsel, certify that this petition for rehearing is restricted to the grounds specified in Supreme Court Rule 44.2—intervening circumstances of a substantial or controlling effect or other substantial grounds not previously presented—and that it is presented in good faith and not for delay.

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October 30, 2026 *Pro Se Petitioner*

Appendix A

[Filed: Sep. 17, 2026]

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-092114 09/11/2026

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT
M. Kay
Deputy

IN RE THE MATTER OF
KEELEY ANNE SMITH

AND

MICHELET MICHAEL SMITH

KEELEY ANNE SMITH
UP

MICHELET MICHAEL SMITH
9549 E MESETO AVE
MESA AZ 85209

JUDGE MIKITISH

RULING ON VARIOUS MOTIONS/ RULE 78(B) JUDGMENT

In this Minute Entry, the Court addresses various orders and motions of the parties. On March 4, 2026, the Court took evidence concerning 1) Mother's Petition for Contempt filed September 22, 2025; 2) Father's Motion to Enforce Paragraph 158 of Final Decree, to Preserve Due Process and Equal Protection Objections, and to Address Relocation Without Notice, filed September 22, 2025; 3) Father's Petition to Enforce Paragraph 155 of Final Decree, filed December 3, 2025; and Mother's Motion to Designate Father as a Vexatious Litigant, filed September 22, 2025.

Appendix A

On May 4, 2026, the Court issued its under advisement ruling finding Father in contempt of the Decree, ordering the parties' QDRO attorney to complete the QDRO without further input, ordering the Pinal County recorder to remove the mechanics lien placed by Father on the Pinal County real property identified in the Decree, ordering Father not to place additional liens or encumbrances on the Pinal County property without further order of this court, and setting a purge payment for unpaid child support, prior child support, and spousal maintenance of $17,374.57. The Court further emphasized Father's ongoing obligation to pay child support, prior child support and spousal maintenance to Mother and that failure to pay ongoing obligations can result in additional contempt findings. The Court referred the Motion to designate Father a vexatious litigant to the Maricopa County Superior Court presiding judge.

The Court held a Review Hearing on June 23, 2026, concerning the purge payment. Father argued he was unable to pay the purge. The Court reset the Review Hearing until July 21, 2026, to allow Father to present evidence of his inability to pay. At the July 21, 2026, Review Hearing, Father presented evidence of his assets and acknowledged that he could pay the purge. The Court ordered that he pay the purge by 5 PM that day, and he did so. The Court set another Review Hearing for August 17, 2026, to address Father's child support, prior child support, and spousal maintenance purge and contempt for unpaid equalization, attorneys fees, and the value of the minivan.

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At the August 17, 2026, Review Hearing, the Court and parties reviewed a Case Status Report/Arrears Calculation Report from the Family Conference Center which showed that Father had spousal support arrears in the principal amount of $12,902.37 and interest in the amount of $2,691.40. The Court ordered Father to pay purge of $10,000 no later than September 7, 2026, regarding the spousal support arrears. Records from the Family Conference Center show that Father paid the $10,000 purge by the due date.

Another Review Hearing is set for September 14, 2026, to address the remaining arrears payments. In the interim, the parties have filed various pleadings addressing additional issues. The Court addresses those issues below.

1. August 17, 2026, return hearing orders

At the August 17, 2026, Review Hearing, the Court stated that it would address Father's assertions that the court erred in its mathematical calculation of the equalization payment ordered in the Decree. The Court calculates the equalization payable to Mother as provided in the Decree as follows:

$105,677.13	Mother's ½ interest in community lien against marital Meseto property
($150,000)	Father's ½ interest in Value of Pinal County property
$110,531.40	Mother's ½ interest in E*TRADE account
$6,294.33	Mother's ½ interest in Wells Fargo account #3559
$7,500.36	Mother's ½ interest in Wells Fargo account #9568

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$5,100	Mother's ½ interest in 2010 Jeep
($3,887.50)	Father's ½ interest in 2014 minivan
$7,980	Mother's ½ interest in tangible personal property
$13,338	reimbursement to Mother for therapeutic supervision fees
$3,354.24	reimbursement to Mother for medical bills
$1,160.96	reimbursement to Mother for school related expenses
$107,048.92	total equalization from decree
$7,500	attorney's fees, June 19, 2024 Award
$63,133.71	attorney's fees, February 28, 2025 Award
$70,633.71	total attorney's fees
$7,775	decreased value of minivan
$185,457.63	grand total

Based on these calculations, the total of Father's equalization payment is $107,040.92, the total of his attorney's fees payments ordered are $70,633.71, the decreased value of the minivan awarded by the Court is $7,775, for a grand total owed by Father of $185,457.63 for payments that are not related to child or spousal support. Father has not submitted proof of payment of any of these amounts. **The Court reiterates its finding that Father is in contempt for failure to pay these amounts.**

The Family Court is not authorized to grant garnishments, attachments, or liens that might serve to enforce payment of these amounts. The Court therefore signs this ruling as a Rule 78 (B) judgment of the court that may be enforced in the Civil Division of the Superior Court by garnishment, attachment, lien, or other method.

2) Father's July 4, 2026, Motion

On July 4, 2026, Father filed a Motion to Clarify and/or Correct the June 23, 2026, Minute Entry; Request a Stay of the July 15, 2026, Purge Deadlines; Rule on Unresolved Motions. To date, the Court has not received a response from Mother.

Father first argues that the Court orders a purge payment by July 15, 2026, but allows him until July 21, 2026, to produce bank statements showing that he cannot pay the purge. He argues that this creates a due process and Rule 92 violations. Father's arguments misunderstand the posture of the case at the time.

In its May 4, 2026, under advisement ruling, the Court noted that, as to child support, child support arrears, and spousal maintenance, the Court found that "Father is in arrears for child support, past child support amounts, spousal maintenance, and handling fees, in the amount of $17,374.57." Ruling at 5.

In its ruling, the Court also found, based on the evidence presented, that Father had $571,000 in estimated equity in the home awarded to him and was awarded nearly $250,000 in financial accounts in the January 31, 2025, Decree of Dissolution. The Court found that Father had the ability to pay the outstanding amounts. Ruling at 6. The Court set purge payment amounts and deadlines for child support, prior child support, and spousal maintenance and set a Review Hearing on June 23, 2026.

At the June 23, 2026, Review Hearing, Father stated that he did not have the ability to pay and

needed additional time to present evidence in the form of bank statements and other financial documents to show his inability to pay. The Court, at his request, granted a continuance to July 21, 2026, at 11 AM to gather the documents to establish his inability to pay. Because the Court has already made prior findings regarding contempt, including Father's ability to pay in the May 4, 2026, ruling, there are no due process or Rule 92 concerns in allowing Father additional time to gather the documents to establish an inability to pay at the time of the Review Hearings. The purge payments and Review Hearings therefore are **affirmed**.

On April 19, 2026, Father filed a "Narrow Motion for Reconsideration of Order Denying Motion to Reassign Judicial Officer". On May 17, 2026, Father filed a "Supplemental Notice in Support of Reconsideration, Request for Limited Conflict Disclosure, and Preservation of Due Process/Impartiality Issues." On May 22, 2026, the Presiding Judge of the Maricopa County Superior Court Family Court Division **denied** the Motion for Reconsideration. The Court deems that all issues raised in the Motion and Supplemental Notice have been **denied**.

On May 23, 2026, Father filed a "Verified Motion to Alter or Amend, Clarify, and/or Correct May 14, 2026, Under Advisement Ruling; Request to Stay Purge Deadlines and Review Hearings; Request to Reopen March 4, 2026, Hearing; and Request for Ruling on Unresolved Rule 91, Rule 85(A), Digital-Evidence, and Record Correction Motions." Mother did not file a Response to the Motion.

Appendix A

In the May 23, 2026 Motion, Father argues that the March 4, 2026, Hearing should be reopened because he was removed from the proceeding because of a medical emergency. He argues that he did not voluntarily leave the courtroom to avoid the hearing. He attaches, as an exhibit to his Motion, portions of the emergency department record to show that he visited the hospital on the date of the hearing and underwent various testing. Nothing in the medical records submitted, however, supports that Father was having any type of medical emergency or that he was unable to participate in the Hearing at the scheduled date and time. Therefore, the request to reopen the March 4, 2026, Hearing is **denied**.

Father further argues that the Court should stay the purge deadlines set in the under advisement ruling because the ruling did not contain specific present ability findings. As noted, however, the Court considered the evidence and determined that Father had the ability to pay the purge amount. Ruling at 6.

Father further argues that he filed a "Motion and Petition to Enforce [alleging] that Petitioner/Mother unilaterally relocated the child without notice or compliance with statutory requirements and failed to comply with the obligation to provide Respondent access to information relating to the child." He argues that the Court's Ruling did not address the Motion and Petition. The Court notes that Father filed a Motion to Enforce Paragraph ¶ 158 of the Final Decree on September 22, 2025, and later filed a Notice to Treat the Motion as a Petition on September 29,

2025. The Court agrees that the Motion and Petition were not addressed in the Ruling. Subsequently, Father filed additional petitions regarding enforcement that address the same issues. The Court addresses the issues below and the rulings will resolve all pending petitions and motions on the matters.

Father further argues that the Ruling included an incorrect date when discussing Father's failure to pay support obligations. The Court agrees and finds that a correction is necessary to reflect that Father failed to pay for support obligations through January 31, 2026. Likewise, the Ruling should read that Father "has not paid Mother for reimbursement for Attorney Fees in the amount of $70,633.71".

Father further argues that the Ruling did not identify the evidence to support the valuation of the minivan. The Court previously found the value of the minivan to be $7,775. See Decree at 41. No additional evidence is necessary at this time.

Father further argues that he has preserved objections regarding DNA testing for the children. Nevertheless, the Court previously noted Father's multiple requests for DNA testing, completed test for Taylor and Father's failure to complete testing for Tanner and Teagan. The Court found that Father is the biological father of all three children. That conclusion is not subject to challenge here. Father appealed the Court's order, and the Court of Appeals addressed all issues raised. No issues are preserved for further adjudication.

Father asserts that he has been treated unfairly and without impartiality because his request for enforcement was not addressed. The Court is addressing all issues raised by Father. The Court also proceeded with the March 4, 2026 Hearing due to the lack of evidence of any medical emergency. There was no bias.

Father's requests for a stay and Evidentiary Hearing are unsupported and therefore **denied**.

3. Father's July 6, 2026, Amended Petition to Enforce the Decree Paragraphs 155 and 158

Father asserts that he has not received access to records and information regarding the children's health, noting specific treatment of one child and asserting that he has not received information regarding specific providers. He also argues that the child's treatment may have involved a stay at a facility that is more than 100 miles from Mother's residence.

Father's assertions in the Petition are unfounded. Father has the right to obtain access to records and information regarding the children's health. Nothing in the Decree, however, requires Mother to independently provide information or records. Father must obtain the documents directly from the providers. Father does not allege that he was unable to obtain information regarding the children's providers or that Mother refused providing that information. In fact, Father notes that he has information regarding the children's providers from his insurance com-

pany. Therefore, he must reach out to the providers directly for documents or additional information.

Father's claim that he must be provided information regarding medical services for purposes of copayment must be addressed in a claim by Mother for reimbursement.

In addition, the relocation provision in the Decree only applies to Mother's change of residences. It does not apply to placement of a child in a medical facility.

Because there is no basis for the legal claims in Father's Petition, it must be dismissed.

4. Father's July 6, 2026, Petition to Modify or Terminate Spousal Maintenance

Father alleges that he should be relieved from spousal maintenance obligations because "a medical letter attributed to Dr. Downing appears to have been used in this case under circumstances that require authentication, medical record verification, and evidentiary review...". Father alleges that he has a "good faith basis to question whether the August 9, 2023, letter was authentic, medically supported, accurate when issued, still valid once relied upon, or submitted under circumstances that created a materially misleading impression...." Father notes that he "does not ask the Court to discipline Dr. Downing or decide the Board complaint but only require authentication and evidentiary review". Father argues that Dr. Downing's letter identified limitations or restrictions regarding Mother's ability to work,

but that Father obtained records that were inconsistent with those restrictions.

The time for authentication and evidentiary review of any evidence is at trial. The allegations raised by Father do not support a finding of fraud. Therefore, the Petition must be **denied**.

5. Father's July 18, 2026, Motion for Limited Relief from Judgment Regarding E*TRADE Account Valuation

Father moves the Court for limited post-judgment relief regarding the E*TRADE account on the basis that an official form 1099-B form shows that certain shares were sold from the accounts on May 16, 2023. Father notes that he is not asking the Court to assume that the sale proceeds were transferred, to deduct any certain amounts, or to find fraud. Rather, he requests the Court to conduct a limited evidentiary hearing to address Court's finding regarding the value of the E*TRADE account noted in the Decree.

THE COURT FINDS that the documentation now proposed by Mr. Smith should have been presented at Trial and that reopening the evidence now, 18 months after the entry of the Decree, would defeat the finality of the Decree. Therefore, the Motion must be **denied**.

6. Father's July 21, 2026, Supplemental Request for Limited Disclosure

Father supplements his request for documentation regarding where the children attend religious services, who supervises them, what organized activities

occur, and whether religious activities overlap with counseling, interviews, and other issues affecting the children's physical, mental, moral, or emotional welfare.

While the Court empathizes with Father's concern for the well-being of the children, the Decree awarded sole legal decision-making to Mother. Sole legal decision-making includes the religious upbringing of the children. Father points to nothing in the law or Decree that would require Mother to provide the information he is requesting.

Therefore, Father's Request must be **denied**.

7. Father's July 21, 2026, Notice Regarding Limited Scope of July 21, 2026, Hearing

THE COURT FINDS that the notice was addressed at the July 21, 2026, Hearing and requires no further action from the Court.

8. Mother's August 13, 2026, Motion to Determine Current Fair Market Value of Pinal County Property and for Equitable Adjustment

In her Motion/Petition, Mother argues that Father failed or refused to provide her with information regarding the property necessary to conduct a complete valuation. She further argues that Father then placed a lien on the property which caused additional delay in her ability to take control and sell the property.

Mother does not allege willful fraud. Therefore, similar to Father's request to reopen the evidence, the Court finds that Decrees are meant to be final orders and that all information necessary regarding

valuation must be presented at the time of Trial. Further, the Family Court does not have jurisdiction over claims for injury from negligent or intentional actions by the parties after the Decree. In this case, Mother must bring a Civil action against Father to obtain relief for any damages resulting from an improper lien after the entry of the Decree.

Therefore, Mother's Motion must be **denied**.

9. Father's August 17, 2026, Supplemental Notice of Exact Spousal Maintenance Payment History

Father filed a Notice in connection to his Petition to Modify or Terminate Spousal Maintenance. Because that Petition must be dismissed, no further action is necessary on the notice.

10. Father's August 17, 2026, Supplemental Motion Regarding Attorney Fee Component of Nonsupport Enforcement

Father requests an accounting of the attorney fee awards. As promised, the Court reviewed the calculations regarding the awards, and the amounts and dates are listed above. The Applications for Attorney's Fees were already submitted, and the Court entered its rulings. There is no basis to reopen evidence regarding those awards years later. Therefore, the Motion must be **denied**.

11. Father's August 17, 2026, Verified Supplement to July 21, 2026, Notice Regarding E*TRADE Accounts

Father provides additional information regarding the July 21, 2026, Notice. Because the Notice ad-

dresses a Motion that is **denied**, no additional action is necessary.

12. Mother's September 8, 2026, Motion to Enforce Prior Contempt Orders and to Request Order Directing Sale of Meseto Property

Mother argues that the Court should enforce its contempt orders and order the sale of Father's Meseto property to satisfy his outstanding court ordered obligations.

As noted above, the Family Court is not authorized to grant garnishments, attachments, or liens that might serve to enforce payment of nonsupport obligations. The Court therefore signs this ruling as a Rule 78 (B) Judgment of the Court that may be enforced in the Civil Division of the Superior Court by garnishment, attachment, lien, or other method.

Conclusion

For the foregoing reasons,

IT IS ORDERED denying the following:

- Father's July 4, 2026, Motion;
- Father's July 6, 2026, Amended Petition to Enforce the Decree Paragraphs 155 and 158;
- Father's July 6, 2026, Petition to Modify or Terminate Spousal Maintenance;
- Father's July 21, 2026, Supplemental Request for Limited Disclosure;
- Mother's August 13, 2026, Motion to Determine Current Fair Market Value of Pinal County Property and for Equitable Adjustment;

- Father's August 17, 2026, Supplemental Motion Regarding Attorney Fee Component of Nonsupport Enforcement; and
- Mother's September 8, 2026, Motion to Enforce Prior Contempt Orders and to Request Order Directing Sale of Meseto Property.

All other pleadings noted do not require additional court action.

IT IS FURTHER ORDERED granting Mother a final judgment for the total of Father's equalization payment of $107,040.92, the total of the attorney's fees awards against Father of $70,633.71, the decreased value of the minivan awarded by the Court against Father of $7,775, for a grand total judgment against Father of $185,457.63.

THE COURT FINDS that additional issues relate to Mother's Petition for Contempt and Enforcement Regarding Child Support and Spousal Maintenance Enforcement, but finds there is no just reason to delay making a final order regarding the Motions and Petitions noted above.

IT IS THEREFORE ORDERED pursuant to Rule 78(b), Arizona Rules of Family Law Procedure, that this is a final Judgment/Decree and it shall be entered by the Clerk. The time for appeal begins upon entry of this Judgment by the Clerk. For more information on appeals, see Rule 8 and other Arizona Rules of Civil Appellate Procedure.

IT IS FURTHER ORDERED denying any affirmative relief sought before the date of this Order that is not expressly granted above.

Appendix A



HONORABLE JOSEPH P. MIKITISH
JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: https://superiorcourt.maricopa.gov/llrc/fc_gn9/

Appendix B

[Filed: May 23, 2026]

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA COUNTY

In Re the Marriage Of: **KEELEY SMITH,** Petitioner, **and** **MICHELET SMITH,** Respondent	Case No.: FC2023-092114 **EXPEDITED RESPONDENT'S VERIFIED MOTION TO ALTER OR AMEND, CLARIFY, AND/OR CORRECT MAY 14, 2026 UNDER ADVISEMENT RULING; REQUEST TO STAY PURGE DEADLINES AND REVIEW HEARINGS; REQUEST TO REOPEN MARCH 4, 2026 HEARING; AND REQUEST FOR RULING ON UNRESOLVED RULE 91, RULE 85(A), DIGITAL-EVIDENCE, AND RECORD-CORRECTION MOTIONS** (Hon. Joseph Mikitish)

Respondent Michelet Michael Smith, appearing *pro se*, respectfully moves under Rules 83, 85(A), 87, 91, and 92 of the Arizona Rules of Family Law Procedure to alter, amend, clarify, and/or correct the Court's May 14, 2026 Under Advisement Ruling regarding contempt, enforcement, removal of lien, and vexatious-litigant referral.

This motion is timely because it is filed within twenty-five days of the May 14, 2026 entry of the Under Advisement Ruling signed pursuant to Rule 78(b).

Respondent also requests that the Court stay the June 15, 2026 and July 15, 2026 purge deadlines, stay the related review hearings if necessary, reopen the March 4, 2026 evidentiary hearing, and rule on Respondent's unresolved record-correction, digital-evidence, and Rule 91 enforcement matters.

This motion is made in good faith and is based on due process, record integrity, newly available medical documentation, unresolved enforcement petitions, and the need for specific findings regarding Respondent's present ability to comply before contempt sanctions, purge deadlines, or arrest-warrant warnings are enforced.

I. Relief Requested

Respondent respectfully requests that the Court:

1. Alter, amend, clarify, and/or correct the May 14, 2026 Under Advisement Ruling;
2. Stay the June 15, 2026 purge deadline for $17,374.57 and the June 23, 2026 review hearing pending resolution of this motion;
3. Stay the July 15, 2026 purge deadline for $181,570.13 and the July 21, 2026 review hearing pending resolution of this motion;
4. Reopen the March 4, 2026 evidentiary hearing because Respondent's absence resulted from a medical emergency, including fire department and ambulance transport to the hospital;

5. Permit Respondent to testify, present exhibits, cross-examine adverse testimony, and present evidence concerning inability to comply;
6. Clarify that Respondent's pending Rule 91 petitions to enforce Paragraphs 155 and 158 of the Decree were not denied on the merits without a meaningful evidentiary hearing;
7. Set Respondent's Paragraph 155 and Paragraph 158 enforcement and contempt issues for hearing, including Petitioner's alleged failure to comply with information-sharing, school, counseling, supervision, relocation, notice, out-of-state placement, and access requirements;
   7.a. Respondent attaches selected redacted pages necessary to confirm the emergency medical event, ambulance arrival, emergency department evaluation, length of stay, and same-day discharge. Respondent does not attach the complete medical record because the full record contains private medical information not necessary to decide the narrow due-process issue, but Respondent can provide the complete record for *in camera* review if the Court requests it.
8. Rule on Respondent's pending Motion to Correct/Clarify Clerical Misstatement in the June 16, 2023 Minute Entry under ARFLP 85(A);
9. Rule on Respondent's pending Expedited Motion for Order Directing Production of Digital

Evidence Portal Submission Metadata and Access;

10. Clarify that the May 14, 2026 ruling did not silently deny unrelated pending motions through the blanket language denying "any affirmative relief sought before the date of this Order that is not expressly addressed above";
11. Clarify or correct internal clerical errors in the ruling, including the date/arithmetic language concerning arrears and the reference in the attorney-fee section to "reimbursement for supervision fees" when the amount discussed appears to concern attorney fees;
12. Clarify that Respondent's preserved objections concerning paternity testing, DNA chain of custody, and the absence of a complete legally authenticated DNA record for all three children are not waived;
13. Require limited disclosure, clarification, or referral to the Presiding Judge for administrative handling concerning any objective conflict, interest, relationship, institutional connection, assignment issue, or prior involvement that could reasonably bear on impartiality or the appearance of neutrality in light of the religion-related and record-integrity issues previously raised in this matter. Respondent does not request disclosure of religious belief for its own sake and does not contend that religion alone establishes bias.
14. Make separate, specific findings regarding Respondent's present ability to comply before en-

forcing any purge condition, sale-of-property consequence, or civil arrest warrant.

II. Relevant Background

1. On March 4, 2026, the Court held an evidentiary hearing on post-decree contempt and enforcement matters.
2. Respondent requested a continuance because he was experiencing significant anxiety and medical distress.
3. Respondent also requested that emergency services be called.
4. Fire department and emergency ambulance personnel responded. Respondent was transported to the hospital and discharged the same day.
5. Respondent's absence from the courtroom was not voluntary abandonment of the hearing, refusal to participate, or contemptuous conduct. Respondent left the courtroom because emergency services were called and he was taken for medical treatment.
6. The May 14, 2026 ruling states that Respondent "requested Court staff call emergency services for him to seek medical attention," that he "left the courtroom to receive medical attention," and that after trial the Court did not receive additional documentation of his medical condition on the day of trial.
7. Respondent now submits the available emergency medical, fire department, ambulance,

and/or hospital discharge documentation as Exhibit A.

8. The Court proceeded in Respondent's absence, received Petitioner's testimony and evidence, and later found that Respondent did not provide testimony or sufficient evidence to support his enforcement petition or oppose Petitioner's contempt allegations.
9. Before the March 4, 2026 hearing, Respondent had filed or preserved several related matters, including:
   a. Respondent's Rule 91 enforcement issues concerning Paragraph 155 of the Decree;
   b. Respondent's Rule 91 enforcement issues concerning Paragraph 158 of the Decree;
   c. Respondent's request that the Court confirm whether the Paragraph 155 and Paragraph 158 enforcement petitions would be heard separately or included in the March 4, 2026 trial;
   d. Respondent's Expedited Motion for Order Directing Production of Digital Evidence Portal Submission Metadata and Access;
   e. Respondent's Motion to Correct/Clarify Clerical Misstatement in the June 16, 2023 Minute Entry under ARFLP 85(A); and
   f. Respondent's Notice of Unresolved Motions, Expiration of Response Time, and Request for Ruling or Status Conference.
10. Respondent respectfully submits that these matters were not meaningfully adjudicated be-

fore the May 14, 2026 contempt ruling imposed purge deadlines and adverse findings.

III. Legal Basis

11. Rule 83, Arizona Rules of Family Law Procedure, permits a party to request alteration or amendment of a judgment or ruling based on grounds materially affecting a party's rights, including irregularity in the proceedings, abuse of discretion, misconduct, newly discovered evidence, legal error, mathematical error, overlooked material facts, or a decision not justified by the evidence.
12. Rule 85(A), Arizona Rules of Family Law Procedure, permits correction of clerical mistakes, oversights, or omissions in judgments, orders, or other parts of the record.
13. Rule 87 permits the Court to stay proceedings when appropriate.
14. Rule 91 governs post-decree enforcement petitions.
15. Rule 92 governs contempt proceedings and requires that contempt and purge orders be based on proper findings, including willful failure to comply and present ability to comply.
16. Arizona Constitution Article 6, §21 requires that every matter submitted to a superior court judge be decided within sixty days from the date of submission.
17. Due process under the Fourteenth Amendment to the United States Constitution and

Article II, §4 of the Arizona Constitution requires meaningful notice and a meaningful opportunity to be heard before a party is deprived of property, liberty, or parental rights.

IV. Argument

A. The March 4, 2026 Hearing Should Be Reopened Because Respondent Was Removed from the Proceeding by a Medical Emergency.

18. Respondent respectfully submits that the contempt ruling rests on an incomplete record created after Respondent requested emergency assistance and was transported for medical care.
19. Respondent did not voluntarily leave the courtroom to avoid the hearing. Respondent requested emergency assistance, fire department and ambulance personnel responded, Respondent was transported to the hospital, and Respondent was discharged the same day.
20. The Court's ruling relied heavily on Respondent's absence. The ruling states that Respondent presented no evidence to support his enforcement petition because he left before providing testimony, and that Petitioner's testimony and exhibits were not contradicted by Respondent's evidence.
21. Under these circumstances, Respondent respectfully submits that the Court should not treat his medical absence as waiver, abandonment, or failure to prosecute his enforcement claims.

22. Respondent requests that the March 4, 2026 hearing be reopened for the limited purpose of allowing Respondent to testify, present evidence, cross-examine, respond to Petitioner's evidence, and present inability-to-comply evidence.

B. The Court Should Stay the Purge Deadlines Because the Ruling Does Not Contain Specific Present-Ability Findings.

23. The May 14, 2026 ruling requires Respondent to purge alleged support/spousal-maintenance contempt by paying $17,374.57 by June 15, 2026.
24. The ruling also requires Respondent to purge alleged equalization, attorney-fee, and minivan-value contempt by paying $181,570.13 by July 15, 2026.
25. Respondent respectfully submits that the ruling does not contain separate and specific findings showing that Respondent has the present ability to make those cash payments by the stated deadlines.
26. General references to alleged equity in the Meseto home, potential refinancing, possible sale, or financial accounts awarded in the Decree do not establish present liquid ability to pay specific cash purge amounts by specific deadlines.
27. Before enforcing purge deadlines, sale-of-property consequences, or civil arrest-warrant warnings, the Court should make specific find-

ings regarding Respondent's actual present ability to comply, including available cash, actual account access, account restrictions, tax or penalty consequences, existing liens or encumbrances, creditworthiness, refinancing ability, actual marketability of the Meseto property, time required to refinance or sell property, and whether Respondent has the practical ability to produce the ordered cash by the purge dates.

C. Respondent's Paragraph 155 and Paragraph 158 Enforcement Petitions Were Not Meaningfully Adjudicated.

28. The May 14, 2026 ruling acknowledges that Respondent's Motion and Petition to Enforce alleged that Petitioner/Mother unilaterally relocated the child without notice or compliance with statutory requirements and failed to comply with the obligation to provide Respondent access to information relating to the child.
29. Before the March 4, 2026 hearing, Respondent filed a Notice and Request to Set Pending Rule 91 Petitions as Issues for the March 4, 2026 Trial. That filing requested clarification that Respondent's Petition to Enforce Paragraph 155 and Petition to Enforce Paragraph 158 remained pending and would either be heard separately or included as issues at the March 4 hearing.

30. Paragraph 155 concerns information-sharing, school, counseling, supervision, and child-related access obligations.
31. Paragraph 158 concerns relocation, notice, out-of-state placement, and related statutory compliance issues.
32. Respondent respectfully submits that those issues were not resolved on the merits. Instead, the ruling denied Respondent's enforcement petition because Respondent left the hearing before testimony after emergency services were called.
33. Respondent requests clarification that his Paragraph 155 and Paragraph 158 Rule 91 enforcement petitions were not denied on the merits without a meaningful evidentiary hearing.
34. Respondent further requests that the Court set a hearing on Petitioner's alleged noncompliance with Paragraphs 155 and 158, including contempt relief if supported by the evidence.

D. The Court Should Clarify That the Blanket Denial of "Any Affirmative Relief" Does Not Silently Deny Unrelated Pending Motions.

35. The final page of the May 14, 2026 ruling states: "**IT IS FURTHER ORDERED** denying any affirmative relief sought before the date of this Order that is not expressly addressed above."

36. Respondent respectfully requests clarification because that language may be read to silently deny unrelated pending motions without identifying the motions, applying the governing legal standards, or stating reasons.
37. Respondent's pending record-focused motions include:
    a. Respondent's Expedited Motion for Order Directing Production of Digital Evidence Portal Submission Metadata and Access; and
    b. Respondent's Motion to Correct/Clarify Clerical Misstatement in the June 16, 2023 Minute Entry under ARFLP 85(A).
38. Those motions are narrow record-integrity motions. They concern access to Digital Evidence Portal submission metadata, portal access, exhibit upload history, FTR recording accuracy, and correction/clarification of the June 16, 2023 minute entry.
39. Respondent respectfully submits that those motions should not be deemed denied through a blanket sentence in a contempt ruling unless the Court expressly identifies them, applies the correct legal standards, and states reasons sufficient for review.
40. Respondent further requests clarification of the Rule 78(b) certification because the ruling appears to leave unresolved or ambiguously denied multiple pending matters, including record-correction, digital-evidence-access, Paragraph 155 enforcement, Paragraph 158

enforcement, and present-ability issues. Respondent respectfully requests clarification whether the Court intended to certify the ruling as final despite these unresolved matters and, if so, the basis for finding no just reason for delay.

E. The Ruling Contains Clerical or Internal Errors Requiring Correction or Clarification.

40. Respondent respectfully requests correction or clarification of the arrears finding. The ruling calculates alleged obligations through January 31, 2026, but then states that "through January 1, 2024," Respondent is in arrears in the amount of $17,374.57. Respondent requests clarification whether the intended date was January 31, 2026 or another date.
41. Respondent also requests correction or clarification of the attorney-fee section. The ruling discusses attorney fees in the amount of $70,633.71, but then states that Respondent "has not paid Mother for reimbursement for supervision fees" and is in contempt for failing to pay $70,633.71. Respondent requests clarification whether the finding concerns attorney fees, supervision fees, or both.
42. Respondent further requests clarification of the minivan-value award. The ruling awards $7,775 for decreased value of the minivan, but Respondent requests identification of the evidentiary basis for that amount, including

whether repair estimates, valuation evidence, or testimony supported that amount.

F. The Child-Support Contempt Finding Should Be Clarified in Light of Respondent's Preserved DNA / Paternity Objections.

43. Respondent recognizes that existing child-support orders remain in effect unless modified, stayed, or vacated.
44. However, Respondent has consistently preserved objections concerning paternity testing, DNA chain of custody, and the absence of a complete legally authenticated DNA record for all three children.
45. Respondent respectfully submits that no complete legally authenticated DNA record has been established for all three children.
46. Respondent therefore requests clarification that the child-support contempt ruling does not waive, reject, or foreclose Respondent's preserved objections concerning DNA testing, chain of custody, paternity-testing integrity, and the absence of a complete legally authenticated DNA record for all three children.
47. Respondent further requests that the Court not impose additional contempt consequences, adverse inferences, punitive purge conditions, or arrest-warrant consequences while those evidentiary-integrity objections remain unresolved and while Respondent has not been afforded a reopened hearing to testify and present evidence.

Appendix B

G. Respondent Requests Equal Enforcement of Both Parties' Decree Obligations.

48. Respondent does not request preferential treatment.
49. Respondent requests equal application of Rule 91 and contempt procedures.
50. Petitioner's contempt and enforcement allegations were adjudicated after Respondent was medically removed from the courtroom.
51. Respondent's pending enforcement and contempt allegations concerning Paragraphs 155 and 158 were not separately adjudicated on a complete record.
52. Respondent respectfully requests that both parties' alleged decree violations be heard and decided under the same procedural standards, including meaningful notice, opportunity to testify, opportunity to present exhibits, opportunity to cross-examine, and specific findings.

H. Impact and Preservation of Due Process / Impartiality Issues.

53. Respondent respectfully submits that the post-decree handling has created an appearance of one-sided enforcement requiring clarification, not because Respondent accuses any judicial officer of actual bias, but because Petitioner's contempt allegations were adjudicated after Respondent's emergency medical removal from the courtroom, while Respondent's enforcement petitions, record-correction issues,

and digital-evidence-access issues were not separately resolved on a complete record.

54. Respondent does not accuse any judicial officer of acting for any religion, organization, party, or outside group. Respondent also does not challenge any person's protected beliefs. Respondent raises this issue only because the sequence of events created an appearance that enforcement consequences were allowed to escalate against Respondent while unresolved record-integrity and due-process issues remained pending.

55. Specifically, Respondent requested emergency medical assistance on March 4, 2026, emergency personnel responded, Respondent was transported for medical treatment, and the hearing proceeded in Respondent's absence. The May 14, 2026 ruling then relied on Respondent's absence to deny Respondent's enforcement petition and to conclude that Respondent did not provide sufficient testimony or evidence. Respondent respectfully submits that this sequence creates a due-process and appearance-of-neutrality concern that should be corrected by reopening the hearing and resolving the pending record-focused motions.

56. Respondent further submits that the unresolved record-correction issues, digital-evidence access issues, delayed rulings, and escalating contempt consequences have caused ongoing fear and distress in Respondent's household. Respondent does not raise this

point to accuse any judge, court employee, religion, or religious organization of misconduct. Respondent raises it only to preserve the real-world impact of the unresolved record and due-process issues.

57. As impact evidence only, Respondent states that on Saturday, March 4, 2023, his daughter Taylor Smith asked him: "Dad, if the Mormon did something to me, what can you do about it?" Respondent records that statement exactly as she said it. Respondent does not include this statement to accuse any judicial officer, court employee, religion, or religious organization of misconduct. It is included only to explain the seriousness of the emotional harm, fear, and distress caused by unresolved record-integrity, impartiality, and due-process issues.
58. Respondent therefore requests that the Court clarify that the May 14, 2026 ruling does not silently dispose of Respondent's unresolved record-correction, digital-evidence, Rule 91 enforcement, and due-process issues without specific findings, and that those issues remain available for meaningful adjudication on a complete record.

V. Request for Stay

59. Respondent respectfully requests an immediate stay of the June 15, 2026 and July 15, 2026 purge deadlines and the related review hearings pending resolution of this motion.

60. A stay is necessary to prevent irreparable prejudice because the current ruling threatens contempt consequences, possible arrest-warrant consequences, QDRO action without Respondent's participation, and possible sale of the Meseto property before Respondent's medical-emergency evidence, inability-to-comply evidence, unresolved enforcement petitions, and pending record-correction motions are addressed.

VI. Request for Evidentiary Hearing

61. Respondent requests a limited evidentiary hearing to address:
    a. Respondent's March 4, 2026 medical emergency;
    b. the fire department / ambulance response and hospital transport;
    c. Respondent's same-day hospital discharge;
    d. Respondent's present ability or inability to comply with the purge amounts;
    e. Respondent's Paragraph 155 and 158 enforcement/contempt claims;
    f. Petitioner's alleged relocation and child-information violations;
    g. unresolved DNA/paternity-testing integrity issues;
    h. unresolved Digital Evidence Portal metadata and access issues; and
    i. correction or clarification of the June 16, 2023 minute entry and related FTR record.

Appendix B

VII. Verification

I, Michelet Michael Smith, declare under penalty of perjury that I have read the foregoing motion, that the factual statements based on my personal knowledge are true and correct to the best of my knowledge and belief, and that this verification is made pursuant to Rule 80(c), Arizona Rules of Family Law Procedure.

Executed this 23rd day of May 2026.
/s/ Michelet Michael Smith
Michelet Michael Smith
Respondent, Pro Se

VIII Immediate Relief Needed

Because the first purge deadline is June 15, 2026, Respondent respectfully requests expedited consideration before that date. Without a stay, Respondent faces contempt consequences and possible arrest-warrant consequences before the Court resolves the medical-emergency, present-ability, record-correction, and unresolved Rule 91 enforcement issues raised in this motion.

IX. Conclusion

For the foregoing reasons, Respondent respectfully requests that the Court alter, amend, clarify, and/or correct the May 14, 2026 Under Advisement Ruling, stay the purge deadlines and review hearings, reopen the March 4, 2026 evidentiary hearing, accept Respondent's emergency medical documentation, rule on Respondent's unresolved record-correction and digital-evidence motions, and set Respondent's

Appendix B

Paragraph 155 and Paragraph 158 enforcement/contempt petitions for a meaningful evidentiary hearing.

RESPECTFULLY SUBMITTED this 23rd day of May 2026.
/s/ Michelet Michael Smith
Michelet Michael Smith
Respondent, Pro Se

Appendix C

[Filed: Mar. 16, 2026]

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA COUNTY

In Re the Marriage Of: **KEELEY SMITH,** Petitioner, **and** **MICHELET SMITH,** Respondent	Case No.: FC2023-092114 **RESPONDENT'S MOTION TO CORRECT/CLARIFY CLERICAL MISSTATEMENT IN THE JUNE 16, 2023 MINUTE ENTRY (ARFLP 85(A))** (Hon.Mikitish)

Respondent Michelet Michael Smith ("Respondent"), appearing *in propria persona*, respectfully moves this Court under Arizona Rule of Family Law Procedure 85(A) to correct or clarify a clerical misstatement in the June 16, 2023 minute entry titled "Matter Taken Under Advisement," (see attachment A) and to enter a short settled-record clarification regarding the actual hearing start/end time (or duration) reflected in the court's official digital recording log.

Appendix C

I. REQUESTED RELIEF (NARROW)

Respondent requests an order that:

A. Corrects or clarifies the June 16, 2023 minute entry to accurately reflect the hearing's start/end time and/or to clarify that the time notation in the minute entry does not reflect the proceeding's actual duration;

B. Confirms, by reference to the court's official digital recording log (or custodian certification), the accurate time range/duration for the June 16, 2023 proceeding; and

C. Directs the Clerk/Court Administration to transmit the corrected minute entry/settled-record clarification to the parties (and to any appropriate file location) as part of the official record.

II. FACTUAL BACKGROUND

1. On June 16, 2023, the Court conducted proceedings in this case. The Court thereafter entered a minute entry titled "Matter Taken Under Advisement."
2. The minute entry reflects that a digital recording was made and includes a hearing time notation (including a 10:58 a. m. reference and an 11:01 a. m. conclusion). The minute entry's narrative also reflects sworn testimony and exhibits received.
3. Respondent obtained court-issued For-The-Record ("FTR") recordings for June 16, 2023. The disc labels/metadata reflect substantially longer time ranges for the same proceeding

(including a segment labeled 9:58 to 11:01, and other labeled ranges).

4. This discrepancy creates an internal inconsistency in the record—i. e., a narrative reflecting testimony/exhibits paired with a time notation that appears to compress the proceeding into minutes. Respondent seeks only a clerical correction/clarification so the record accurately reflects what occurred and when.

III. LEGAL BASIS

ARFLP 85(A) provides that clerical mistakes in judgments, orders, or other parts of the record— and errors arising from oversight or omission—must be corrected by the court on motion or on its own initiative. The relief requested is limited to record accuracy and does not request any reconsideration of the merits of prior rulings. See *Vincent* v. *Shanovich*, 243 Ariz. 269, 271–72 ¶¶ 8–9, 405 P. 3d 1120, 1122–23 (2017) (explaining that a clerical error is an inadvertent misstatement or omission where the written record fails to accurately set forth the court's decision, and that Rule 85(A) permits correction of clerical errors "at any time," while judgmental errors are not corrected under Rule 85(A)). See also *Minjares* v. *State*, 223 Ariz. 54, 60 ¶ 25, 219 P. 3d 264, 270 (App. 2009) (Rule 60(a), the civil counterpart, authorizes correction of clerical errors to reflect what the court actually decided but did not correctly represent, and may not be used to correct judicial errors).

Appendix C

IV. ARGUMENT

A. The requested correction is clerical and narrowly tailored.

Respondent does not seek to re-litigate any substantive issue. The request is limited to correcting/clarifying the June 16, 2023 minute entry's time notation so it matches the official recording log or, at minimum, clarifies that the minute entry's timestamps do not represent the hearing's actual duration.

B. Record clarity is necessary to protect meaningful review and fairness.

Accurate hearing timing/duration is material where the record reflects testimony and exhibits, and where later proceedings and filings depend on a clear and accurate official record. A settled-record clarification promotes transparency and reduces recurring disputes over what occurred in court.

V. CONCLUSION

For the foregoing reasons, Respondent respectfully requests that the Court grant this Motion and enter an order correcting/clarifying the June 16, 2023 minute entry as described above.

RESPECTFULLY SUBMITTED this 16th day of March, 2026.
/s/ Michelet Michael Smith
Michelet Michael Smith
Respondent, Pro Se

Appendix C

CERTIFICATE OF SERVICE

Certificate of Service

I certify that on March 16, 2026, I served a copy of this Motion by [e-file / e-mail / hand delivery / U. S. Mail] upon all parties or counsel of record.
/s/ Michelet Michael Smith
Michelet Michael Smith
Respondent, Pro Se

Appendix C

ATTACHMENT A

[Filed: Jun. 19, 2023]

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-092114 06/16/2023

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
T. Burns
Deputy

IN RE THE MARRIAGE OF
KEELEY ANNE SMITH

AND

MICHELET MICHAEL SMITH

BRADLEY JUSTIN CRIDER

JAMI M GOLDMAN

JUDGE MCDOWELL

MATTER TAKEN UNDER ADVISEMENT

Prior to the commencement of today's proceedings, Petitioner's exhibits 1, 2, and 3 and Respondent's exhibits 1 through 5 are marked for identification.

Courtroom 405 - SEF

10:58 a. m. This is the time set for a Temporary Orders Hearing regarding Petitioner's Expedited Pre-Decree Motion for Temporary Order Re[garding] Legal Decision Making, Parenting Time, Child Support and Spousal Maintenance filed May 16, 2023. Petitioner, Keeley Smith, is present and Represeneted by above-named counsel, Bradley Crider. Respondent, Michelet Smith, is present and represented by above-named counsel, Jami Goldman.

Appendix C

A record of the proceedings is made digitally in lieu of a court reporter.

The court notes spousal maintenance and child support shall not be addressed at today's proceedings. Based on the information provided during the Order of Protection hearing that proceeding this hearing, Respondent's Motion for Temporary Orders Re[garding] Exclusive use of Residence filed June 09, 2023, is being withdrawn.

Keeley Smith and Michelet Smith are sworn.

Keeley Smith now testifies.

Petitioner's exhibits 1, 2, and 3 are received in evidence.

Respondent's exhibit 3 is received in evidence.

Michelet Smith now testifies.

IT IS ORDERED taking this matter under advisement. The matter will be deemed submitted, and the Court will rule by minute entry within 60 days.

11:01 a. m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: http://www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter/

Appendix D

[Filed: Mar. 15, 2026]

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA COUNTY

In Re the Marriage Of: **KEELEY SMITH,** Petitioner, **and** **MICHELET SMITH,** Respondent	Case No.: FC2023-092114 **EXPEDITED RESPONDENT'S MOTION FOR ORDER DIRECTING PRODUCTION OF DIGITAL EVIDENCE PORTAL SUBMISSION METADATA AND ACCESS (JUNE 16, 2023 HEARING – RELATED CLOSED OOP CASE FC2023-091602)** (Hon.Mikitish)

RELIEF REQUESTED

Respondent respectfully requests an order directing the Clerk of the Superior Court / Court Administration (including the Digital Evidence Portal administrator for Thomson Reuters Case Center/Case Lines) to produce and/or certify the Digital Evidence Portal submission metadata (upload date/time and submitting account) for all exhibits and materials submitted for the June 16, 2023 hearing in (1) this family case (FC2023-092114) and (2) the related closed Order of Protection case (FC2023-091602),

and to provide Respondent access to any existing Digital Evidence Portal project(s) for that hearing.

In the alternative, if portal metadata cannot be produced, Respondent requests a declaration/certification from the appropriate custodian identifying what records exist, whether any portal project existed for the June 16, 2023 hearing, and the reason Respondent cannot access it under his current self-represented account.

I. FACTUAL BACKGROUND

1. A Temporary Orders Evidentiary Hearing was held on June 16, 2023. On the same hearing calendar, the Court also addressed an Order of Protection matter involving the same parties in case FC2023-091602 (now closed).
2. Respondent has been reviewing the appellate/digital record materials for the June 16, 2023 hearing. The record indicates that exhibits were admitted, and the timing of exhibit submission appears to be a material issue affecting Respondent's ability to review and object.
3. To confirm the integrity and timing of exhibit submissions, Respondent attempted to locate the June 16, 2023 Digital Evidence Portal (Case Center/Case Lines) project(s) under his current self-represented portal account, including broad date-range searches and various filters. Those searches returned no results for the June 16, 2023 portal project(s).

4. Respondent was advised by court support personnel that access to Digital Evidence Portal projects and related submission records may require assistance from the Clerk/Court Administration (and that the judge's clerk may have the information needed).
5. Because the related OOP case (FC2023-091602) is closed and may have been the original Digital Evidence Portal project for the June 16, 2023 hearing, Respondent cannot resolve this issue without Court-ordered assistance to identify and produce the portal metadata or confirm it does not exist.

II. WHY THE REQUESTED METADATA IS MATERIAL

6. The submission date/time and user-account metadata for exhibits uploaded to the Digital Evidence Portal is material to due process and record integrity. It is the most reliable way to determine whether exhibits were uploaded before the hearing, whether the parties had a fair opportunity to review and object, and whether any exhibit was re-uploaded, replaced, or re-associated between projects.
7. Respondent is not asking the Court to decide the merits of any evidentiary dispute in this motion. Respondent requests the underlying portal records so that the parties and the Court can address any exhibit-timing issues on an accurate, objective record.

Appendix D

III. LEGAL BASIS (SUMMARY)

8. Procedural Vehicle – ARFLP Rule 35 (Family Law Motion Practice). Respondent brings this request by written motion seeking a court order directing production of limited administrative records needed to resolve a material record question.
9. Access to Judicial Records – Arizona Supreme Court Rule 123. Rule 123 governs access to judicial records and provides the procedural framework for requesting court records maintained in court systems, subject to any confidentiality limitations. Respondent requests a Rule 123-compliant production/certification of the Digital Evidence Portal submission metadata maintained by the court's portal system.
10. Due Process – U. S. Const. amend. XIV; Ariz. Const. art. II, §4. Due process requires meaningful notice and an opportunity to be heard, which includes a fair opportunity to review and respond to evidence used by the court.
    10.a Application to this request: Without the portal upload timestamps/audit history, Respondent cannot reliably determine when adverse exhibits were submitted or whether they were timely exchanged, and therefore cannot meaningfully review, object, or respond. See *Volk* v. *Brame*, 235 Ariz. 462, 333 P. 3d 789 (App. 2014); *Cook*

v. *Losnegard*, 228 Ariz. 202, 265 P. 3d 384 (App. 2011).

11. Arizona Court of Appeals Authority (Family Case Due Process):
    a. *Volk* v. *Brame*, 235 Ariz. 462, 333 P. 3d 789 (App. 2014) (recognizing that due process in family court requires a meaningful opportunity to be heard and to present and confront evidence; reversal where procedures/time limits prevented a meaningful hearing).
    b. *Cook* v. *Losnegard*, 228 Ariz. 202, 265 P. 3d 384 (App. 2011) (vacating child support modification where a party lacked adequate notice and a meaningful opportunity to be heard on child support issues).
12. Evidence Rules Supporting Certified Portal Records. Respondent requests portal metadata/audit information to be produced by a custodian of records with certification, consistent with authentication and hearsay exceptions for regularly conducted records and electronic process/system records, including Ariz. R. Evid. 803(6) and 901, and self-authentication by certification where applicable under Ariz. R. Evid. 902 (including 902(11), 902(13), and/or 902(14), as applicable).
13. Narrow Tailoring. This motion does not ask the Court to decide the merits of any evidentiary dispute. It asks only for identification and production/certification of upload

date/time metadata and any available audit history necessary to accurately resolve where and when exhibits were submitted for the June 16, 2023 hearing across FC2023-092114 and the related closed OOP case FC2023-091602, so the parties can address any notice/opportunity-to-be-heard concerns on an objective record (Volk; Cook).

IV. REQUESTED ORDER

Respondent respectfully requests that the Court enter an order as follows:

A. Direct the Clerk/Court Administration (including the Digital Evidence Portal administrator) to identify any Digital Evidence Portal project(s) associated with the June 16, 2023 hearing in FC2023-092114 and the related closed OOP case FC2023-091602.

B. Direct the custodian of records to produce a PDF export/printout (or equivalent report) showing, for each exhibit/document in the relevant portal project(s): (i) file name/title, (ii) exhibit label/number if assigned, (iii) submitting party and user/account (if available), (iv) the date and time of upload/submission, and (v) any version history, replacements, or re-uploads.

C. If exhibits were linked, moved, or re-associated between the FC case project and the OOP case project (or otherwise copied across projects), direct production of any

available audit trail reflecting the transfer/re-association and the date/time it occurred.

D. Direct that Respondent's current self-represented portal account be added/invited to any identified portal project(s) so Respondent can view the June 16, 2023 materials.

E. If no portal project or metadata exists (or if it cannot be produced), direct the custodian to file a declaration/certification stating: (i) whether a portal project existed for the June 16, 2023 hearing; (ii) what records exist; (iii) retention/archival status; and (iv) why Respondent cannot access the project under his current account.

F. Set a short status conference, if needed, to confirm compliance with the order and to address any remaining access issues.

RESPECTFULLY SUBMITTED this 15th day March 2026.

/s/ Michelet Michael Smith

Michelet Michael Smith,

Respondent, Pro Se

Appendix D

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA COUNTY

In Re the Marriage Of: **KEELEY SMITH,** Petitioner, **and** **MICHELET SMITH,** Respondent	Case No.: FC2023-092114 **[PROPOSED] ORDER** (Hon. Joseph Mikitish)

The Court having considered Respondent's Motion for Order Directing Production of Digital Evidence Portal Submission Metadata and Access, and good cause appearing:

IT IS ORDERED directing the Clerk of Court / Court Administration (including the Digital Evidence Portal administrator for Thomson Reuters Case Center/Case Lines) to identify any Digital Evidence Portal project(s) associated with the June 16, 2023 hearing in FC2023-092114 and the related closed OOP case FC2023-091602.

IT IS FURTHER ORDERED that the custodian of records shall produce a PDF export/printout (or

equivalent report) showing, for each uploaded exhibit/document in the relevant portal project(s): (i) file name/title, (ii) exhibit label/number if assigned, (iii) submitting party and user/account (if available), (iv) the date and time of upload/submission, and (v) any version history, replacements, or re-uploads.

IT IS FURTHER ORDERED that if exhibits were transferred/linked/re-associated between portal projects, the custodian shall produce any available audit trail reflecting the transfer/re-association and the date/time it occurred.

IT IS FURTHER ORDERED that Respondent's current self-represented portal account shall be added/invited to any identified portal project(s) associated with the June 16, 2023 hearing.

IT IS FURTHER ORDERED that if no portal project or metadata exists (or if it cannot be produced), the custodian shall file a declaration/certification stating: (i) whether a portal project existed for the June 16, 2023 hearing; (ii) what records exist; (iii) retention/archival status; and (iv) why Respondent cannot access the project under his current account.

IT IS FURTHER ORDERED [optional]: A status conference is set for _____ at _____ to confirm compliance and address any remaining access issues.

DATED: _____

_____

Hon. Joseph Mikitish

Appendix D

CERTIFICATE OF SERVICE

I certify that on the 15th day of March, 2026, I served a copy of the foregoing Expedited Motion for Order Directing Production of Digital Evidence Portal Submission Metadata and Access by court eFile portal and/or email :
Keeley Smith (Petitioner/Appellee)
Email: mikeeley9549@gmail.com
/s/ Michelet Michael Smith
Michelet Michael Smith,
Respondent, Pro Se

Appendix E

[Filed: Jan. 9, 2025]

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-092114 01/08/2025

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
T. Burns
Deputy

IN RE THE MARRIAGE OF
KEELEY ANNE SMITH

AND

MICHELET MICHAEL SMITH

JESSICA C REYNOLDS

MICHELET MICHAEL SMITH
9549 E MESETO AVE
MESA AZ 85209

LYNDA MURDEN
P O BOX 90443
PHOENIX AZ 85066
CLAUDIA D WORK
JUDGE MCDOWELL

NUNC PRO TUNC

On December 5, 2024 Michelet Smith also filed a *Post-Trial Expedited Motion to Correct the Record regarding Alleged Testimony of Respondent.* In this Motion Michelet Smith asserts the Court's December 5, 2024 Matter Under Advisement Minute Entry references Michelet Smith providing testimony. He asserts he was not sworn and did not provide testimony. This is only partially correct. Mr. Smith was sworn in at 9:22 at the same time that Keeley Smith and the Court Appointed Advisor were sworn.

However, Mr. Smith did not testify, he only presented arguments to the Court.

IT IS ORDERED amending, *nunc pro tunc*, the December 5, 2024 Order to remove the reference to Michelet Smith testifying.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: https://superiorcourt.maricopa.gov/llrc/fc_gn9/

Appendix F

[Filed: Dec. 5, 2024]

Clerk of the Superior Court
*** Electronically Filed ***
12/05/2024 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023–092114 12/03/2024

HONORABLE DAVID MCDOWELL

CLERK OF THE COURT
T. Burns
Deputy

IN RE THE MARRIAGE OF
KEELEY ANNE SMITH

AND

MICHELET MICHAEL SMITH

JESSICA C REYNOLDS

MICHELET MICHAEL SMITH
9549 E MESETO AVE
MESA AZ 85209

LYNDA MURDEN
P O BOX 90443
PHOENIX AZ 85066
CLAUDIA D WORK
DOCKET FC
JUDGE MCDOWELL
OFFICE OF PUBLIC DEFENSE
SERVICES-CCC

MATTER TAKEN UNDER ADVISEMENT

There is an important **LATER** below.

Prior to the commencement of today's proceedings, Petitioner's exhibits 1 through 163 and Respondent's exhibits 3 through 116 are marked for identification.

Courtroom 405 - SEF

Appendix F

9:10 a.m. This is the time set for a Trial regarding Petitioner's *Petition for Dissolution of Non-Covenant Marriage with Minor Children* filed May 16, 2023. Petitioner, Keeley Smith, is present and represented by above-named counsel, Jessica Reynolds. Respondent, Michelet Smith, is present on his own behalf. Best Interest Attorney, Claudia Work, is present. Court-Appointed Advisor, Lynda Murden, is present virtually.

A record of the proceedings is made digitally in lieu of a court reporter.

Respondent reads a statement making an oral objection regarding Ms. Reynolds representing Petitioner. Based on the information provided by Respondent,

IT IS ORDERED denying the oral objection.

Keeley Smith, Michelet Smith, and Lynda Murden are sworn.

Lynda Murden now testifies.

The Court's exhibit 1 is marked for identification and received in evidence.

9:35 a.m. the Court stand at recess.

9:40 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Treva Colwell, is present.

A record of the proceedings is also made digitally.

LET THE RECORD REFLECT Respondent paid a fee for a Court Reporter to be present during today's hearing on November 27, 2024. He did not advise this Court so arrangements could be made for the reporter to be present at the beginning of today's

hearing. The Court Reporter is present and will remain for the rest of today's hearing.

Respondent makes an oral objection regarding Ms. Reynolds representing Petitioner and would like to read it on the record for the Court Reporter.

IT IS ORDERED denying the oral objection to read his objection again.

Lynda Murden continues to testify.

The witness is excused.

There being no further need for a Court-Appointed Advisor,

IT IS ORDERED discharging the Court-Appointed Advisor, Lynda Murden, from all further responsibility in this matter.

Respondent's exhibit 20 is received in evidence.

10:23 a.m. Court stands at recess.

10:32 a.m. Court reconvenes with respective parties and counsel are present.

Court Reporter, Treva Colwell, is present.

A record of the proceedings is also made digitally.

Michelet Smith now testifies.

Petitioner's exhibits 5, 11, 15, 16, 40, 57, 59, 108, 142, 161, and 163 are received in evidence.

12:07 p.m. Court stands at recess.

1:37 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Treva Colwell, is present.

A record of the proceedings is also made digitally.

Keeley Smith continues to testify.

Petitioner's exhibits 4, 41, 46, 51, 52, 53, 54, 55, 56, 98, 99, 100, 103, 104, 105, 106, 114, and 120 are received in evidence.

Appendix F

Petitioner's exhibit 94 is received in evidence for demonstrative purposes only.

3:24 p.m. Court stands at recess.

3:26 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Treva Colwell, is present.

A record of the proceedings is also made digitally.

Keeley Smith continues to testify.

Petitioner's exhibits 21, 22 92, 109, 111, 112, 113, 115, 116, 149, 153, 154, 155, and 156 are received in evidence.

Respondent's exhibits 86 and 97 are received in evidence.

Michelet Smith now testifies.

Respondent's exhibits 65, 69, and 116 are received in evidence.

There being no further need for a Best Interest Attorney,

IT IS ORDERED discharging the Best Interest Attorney, Claudia Work, from all further responsibility in this matter.

IT IS ORDERED taking this matter under advisement. The matter will be deemed submitted, and the Court will rule by minute entry within 60 days.

5:07 p.m. Matter concludes.

LATER

The Court finds based on all of the evidence presented that the parenting time sessions with Michelet Smith continue to be distressing for the children and their negative behaviors, including those di-

rected at him, have not abated and recently have increased.

The Court finds continued parenting time visits, even those supervised by Ms. Porter, are not in the best interests of the children.

IT IS ORDERED, effective immediately, Michelet Smith's parenting time with the children is suspended until further order of the Court.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: *https://superiorcourt.maricopa.gov/llrc/fc_gn9/*

Appendix G

[Filed: Jan. 15, 2025]

MICHELET MICHAEL SMITH
9549 EAST MESETO AVENUE,
MESA, ARIZONA 85209
TELEPHONE NO. (480) 200-3106
EMAIL: micsmi9459@aol.com

CLERK OF THE
SUPERIOR COURT
FILED
JAN 15, 2025 AM08:51
S. SLOAN, DEPUTY
CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA COUNTY

In Re the Marriage Of: **KEELEY SMITH,** Petitioner, **and** **MICHELET SMITH,** Respondent.	Case No.: FC2023–092114 **MOTION TO CLARIFY PROCEDURAL OMISSIONS AND ADDRESS PREJUDICIAL ERRORS RELATED TO TESTIMONY RECORD AND REPRESENTATION COMPLIANCE** (Assigned to Hon. David McDowell)

INTRODUCTION

Respondent, Michelet Michael Smith, respectfully moves this Court to clarify procedural omissions and address prejudicial errors arising from (1) the incorrect reference to Respondent providing testimony in the December 5, 2024, Minute Entry, (2) the Court's failure to rule on whether Mr. Brad Crider's absence during the proceedings constitutes abandonment of representation or dual representation without compliance with procedural requirements under Rule

9(d) of the Arizona Rules of Family Law Procedure (ARFLP), and (3) the Court's apparent substitution of Respondent's arguments for sworn testimony, thereby denying Respondent the opportunity to testify in his own case. These unresolved issues have compromised Respondent's ability to prepare and present his case effectively and have created confusion and potential procedural unfairness.

FACTUAL BACKGROUND

1. On December 5, 2024, the Court issued a Minute Entry incorrectly referencing Respondent providing testimony during the proceedings. Respondent filed a Post-Trial Expedited Motion to Correct the Record, asserting that he was sworn but did not testify, and only presented arguments.
2. The Court acknowledged this error and issued a nunc pro tunc order on January 9, 2025, to amend the record. However, the initial reference to Respondent testifying remains in prior rulings and may have influenced the Court's decisions.
3. During the trial proceedings, Respondent raised concerns regarding the absence of Mr. Brad Crider, former counsel for Petitioner. Respondent requested the Court clarify whether Mr. Crider's non-appearance indicated abandonment of representation or improper dual representation without compliance under ARFLP Rule 9(d).
4. The Court did not address this request, leaving unresolved questions about the procedural valid-

ity of Petitioner's representation and filings during critical stages of the case.

5. Respondent further contends that the Court treated his legal arguments as testimony, rather than providing him with a clear opportunity to testify as a sworn witness. This substitution undermines the evidentiary process and Respondent's ability to present factual assertions for the record.

LEGAL ARGUMENT

I. The Court's Error in Recording Respondent's Testimony Prejudiced the Proceedings

The incorrect reference to Respondent providing testimony in the December 5, 2024, Minute Entry may have influenced rulings and assessments of credibility. The Court's nunc pro tunc correction is insufficient to address the potential impact of this error on prior decisions. To ensure procedural fairness:

- The Court should amend any rulings or findings that relied on the incorrect characterization of Respondent as a testifying witness.
- Failure to do so risks undermining the integrity of the proceedings and violating Respondent's due process rights under the Fourteenth Amendment of the U.S. Constitution and Article II, Section 4 of the Arizona Constitution.

See Mathews v. Eldridge, 424 U.S. 319 (1976) *(procedural due process requires fair procedures to ensure accurate decisions).*

See State v. Rivera, 152 Ariz. 507 (1987) *(emphasizing the importance of accurate records in judicial proceedings).*

II. Unresolved Issues Regarding Mr. Crider's Representation Create Procedural Uncertainty

Under ARFLP Rule 9(d)(2)(A), substitution of counsel requires clear compliance to protect the integrity of representation. Mr. Crider's absence without a formal notice of withdrawal or substitution raises serious concerns about procedural compliance and dual representation. The Court's failure to clarify this issue has:

- Left Respondent uncertain about the validity of Petitioner's filings and representation.
- Potentially allowed procedural violations to prejudice Respondent's case.

The Court must address whether Mr. Crider's absence constituted abandonment of representation or dual representation in violation of procedural rules. Failure to do so compromises the fairness of the proceedings and violates **ARS § 12-349(A)(3)** *(prohibiting unreasonable and unjustified actions in legal proceedings).*

III. The Court's Apparent Substitution of Argument for Testimony Violates Procedural Fairness

Respondent contends that the Court conflated his legal arguments with sworn testimony, effectively denying him the opportunity to testify on material issues. This substitution is procedurally improper for several reasons:

- **Arguments Are Not Evidence:** Legal arguments are designed to persuade the court but do not establish facts. Testimony under oath is necessary to provide factual evidence that the court can weigh and consider.
- **Right to Testify:** The right to testify in one's own defense is a fundamental constitutional right under **Rock v. Arkansas, 483 U.S. 44 (1987)**. Denying this right undermines Respondent's ability to present a complete case.
- **Due Process Concerns:** Substituting argument for testimony violates procedural due process, as outlined in **Mathews v. Eldridge**, by creating an incomplete and unreliable record.

The Court should clarify whether Respondent was denied the opportunity to testify and, if so, reconsider any rulings influenced by this procedural deficiency.

IV. The Combined Effect of Procedural Errors and Omissions Warrants Clarification

These procedural errors and omissions cumulatively impact Respondent's ability to litigate effectively. Clarification is essential to:

- Protect Respondent's procedural and substantive rights under the Fifth and Fourteenth Amendments of the U.S. Constitution.
- Ensure accurate and fair adjudication of all matters.

The omission further violates ethical standards under **ER 3.3 (Candor Toward the Tribunal)** and **ER 8.4 (Misconduct)** of the Arizona Rules of Pro-

fessional Conduct, requiring accurate representation to the court.

RELIEF REQUESTED

WHEREFORE, Respondent respectfully requests that the Court:

1. Amend all rulings or findings influenced by the incorrect reference to Respondent providing testimony.
2. Clarify whether Mr. Crider's non-appearance constitutes abandonment of representation or dual representation without compliance under ARFLP Rule 9(d).
3. Confirm whether the Court substituted Respondent's arguments for sworn testimony, and if so, provide Respondent the opportunity to testify and reconsider any affected rulings.
4. Reconsider or vacate any rulings potentially impacted by these procedural omissions.
5. Reaffirm that all counsel must comply with ARFLP Rule 9(d) and relevant ethical obligations under the Arizona Rules of Professional Conduct.
6. Provide such further relief as the Court deems just and proper, in compliance with constitutional due process guarantees under the U.S. Constitution and Arizona Constitution.

RESPECTFULLY SUBMITTED this 15th day January 2025.

/s/Michelet Michael Smith
Michelet Michael Smith, Pro se

Appendix G

ORIGINAL of the foregoing filed this January 13, 2025 with:
Clerk of the Court Maricopa County Superior Court
COPY of the foregoing delivered to Hon. David McDowell
COPY of the foregoing to be e-mailed or mailed this January 13, 2025 to:

"Service of this document is made without waiving the Respondent's objection to the defective substitution of counsel for failure to comply with Rule 9(d)(2)(A) – (D) of the Arizona Rules of Family Law Procedure."

Jessica Reynolds, Esq.
Reynolds Law Firm, PLLC
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No. 26–66

In the Supreme Court of the United States

MICHELET MICHAEL SMITH,
Petitioner,

v.

KEELEY ANNE SMITH.

CERTIFICATE OF COMPLIANCE AND SERVICE

Pursuant to S. Ct. R. 33.1(h), I certify that the petition for rehearing contains 1,044 words, excluding parts exempted by S. Ct. R. 33.1(d).

Pursuant to S. Ct. R. 29.2, I certify that 40 copies in booklet format and 1 unbound copy of the petition for rehearing are sent to the Clerk of the Supreme Court of the United States through the United Parcel Service via Next Day Air postage prepaid on this 30th day of October, 2026.

Lastly, I certify pursuant to S. Ct. R. 29.5(c), 3 copies of the petition for rehearing are served all parties required to be served have been served via email and United States Postal Service via Priority Mail postage prepaid, this 30th day of October, 2026.

[See attached service list]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2026.

戈天黄

Huang Tiange
President
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