CV-22-435

IN THE ARKANSAS COURT OF APPEALS

RURAL REVIVAL LIVING TRUST; AND LAURA LYNN	**DEFENDANTS/ APPELLANTS**
v.	
MICHEAL PIETRCZAK	**PLAINTIFF/ APPELLEE**
And	
LAURA LYNN HAMMETT	**COUNTER-PLAINTFF APPELLANT**
v.	
MICHEAL PIETRCZAK	**COUNTER-DEFENDANT APPELLEE**

On Appeal from the Circuit Court of Searcy County

The Honorable Susan Kaye Weaver, Circuit Judge

INDIVIDUAL APPELLANT'S BRIEF

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Defendant and Counterclaimant, pro se

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2. *Matter of Est. of Edens*, 2018 Ark. App. 226, 19, 548 S.W.3d 179, 190–91 (2018)

B. The Court erred by relying on transcripts that were not substantially verbatim which denied appellant due process.

1. United States Constitution Fourteenth Amendment, Due Process Clause and Arkansas Constitution Section 13.

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C. The Court erred by failing to follow the Common-Defense-Doctrine resulting in adverse orders against a dismissed defendant.

1. Constitutional right to due process

2. Constitutional right against seizure of property without due process

D. **The Court erred by denying Appellant a continuance before the August 4, 2021 trial.** This was a denial of due process.

1. *Pietrczak v. Rural Revival Living Trust*, et al, 65CV-18-8, motion filed march 13, 2018, granted March 28, 2018.

2. *Joseph Miller v. FL Davis Center Inc, et al*, 71CV-19-28, motion September 19, 2019, hearing of September 24, 2019 continued and order of continuance issued on September 26, 2019.

E. **The Court erred by granting Appellee a continuance before the August 4, 2021 trial.** It showed a bias against the Appellant whose written motion for continuance was not granted, who was prepared for trial and who specifically withdrew her motion for continuance on the day she filed her exhibits with the trial court administrator.

1. ARCP 1

F. **The Court erred by Granting Appellee's Motion to Declare Contract Void Ab Initio.** It was against the preponderance of the evidence and clearly erroneous. The Court relied on its own misstatement that Appellant "agreed and consented to the Court finding the contract void ab initio."

1. *Kearney v. Shelter Ins. Co*., 71 Ark. App. 302, 29 S.W.3d 747 (2000)
2. *Douglass v. Nationwide Mut. Ins. Co., 323 Ark. 105 (1996), 913 S.W.2d 277*

G. **The Court erred by amending Appellant's name Sua Sponte**. An amendment made by motion would not relate back and any claims against appellant would be outside the statute of limitations.

1. Ark. R. Civ. P. 15(a,c)
2. *Bryant v. Hendrix*, 375 Ark. 200, 289 S.W.3d 402 (2008)

H. **The Court erred by denying Appellant's Default Motion**. The Appellee failed to provide any citation to authorities in his response to the motion, thereby accepting as true all of Appellant's arguments.

1. ARCP 15
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I. **The Court erred by dismissing Appellant's Counterclaim *sua sponte* on August 20, 2021**. She gave a vague reason why and no opportunity for Appellant to respond. The Court further erred by denying Appellant's request to amend the counterclaim in the motion for reconsideration filed August 31, 2021.

1. Due process clause of the United States and Arkansas Constitutions.
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J. The Court erred by granting an oral motion for extension of time to serve summons prior to a summons being issued and one day after the motion was filed in writing.

1. Ark. R. Civ. P. 4(i)(2)
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III.

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Jurisdictional Statement

The Arkansas Court of Appeals has jurisdiction pursuant to *Rules of the Supreme Court and Court of Appeals of the State of Arkansas* Rule 1-2 and should hear and decide this case because the Circuit Court issued a final judgment that disposes of all the parties' claims as demonstrated below.

The case would be appropriate for transfer to the Supreme Court of the State of Arkansas, because some of the findings arise under the power of the Supreme Court to regulate the practice of law (Id. 1-2(a)(5)) and interpretation and application of the due process clause of the Arkansas Constitution that mandates an impartial judge and a substantially accurate record.

This appeal is from final orders adjudicating all claims against all parties in a title, contract and tort case, entered April 7, 2022 (RP1073-1078) and includes intermediate orders involving the merits and necessarily affecting the judgment. ARAP 2(a)(1) and (b)

A timely Notice of Appeal was filed by Laura Lynn Hammett on April 20, 2022. (RP1114-1121)

A timely Notice of Appeal was filed by Attorney Dustin Duke on behalf of Rural Revival Living Trust on May 6, 2022. (RP1122-1123)

The record was lodged with the clerk of this Court on July 19, 2022.

The proceedings were presided over by Judge Susan Kaye Weaver.

V.

Statement of the Case

The facts when told by Appellant and Appellee separately sound like they lived in a parallel universe.

To find undisputed facts, Appellant looked through the complaint and Appellee's discovery responses and copied parts of the statements with which she agrees. These statements may be followed with "Appellant contends" and "Appellee contends" to describe disagreements. Because of word count limitations and the voluminous record, Appellant can't be thorough, but she will be fair.

Appellee's attorney signed Appellee's responses to interrogatories in violation of ARCP 33(b)(2), but are adopted as Appellee's own for this statement (RP952-955)

There were contradictory statements and hedging about whether Walter Pietrczak had a power of attorney when the Complaint was filed. Interrogatory 17 and 18 are uncertain. (RP972,954) Admission 4, "Admit that Mr. Walter Pietrczak was the duly authorized agent of Pietrczak on April 23, 2021, at 11:43:48" was denied. (RP396-397) The Complaint states Walter Pietrczak is the POA. (RP16,33)

There was a dispute about the Appellant's requests for admission propounded to the Appellee and served by mail on June 22, 2021. (RP177) The Appellee's

response was filed August 20, 2021 at 14:42 (using military time to correspond to file stamps) (RP396). This was 3 days for mail plus 56 days after service. Appellant filed a motion to deem requests admitted on July 27, 2021. (RP179) The Court denied Appellant's motion on August 20, 2021 at 16:25, two hours after Appellee's responses were filed. (RP419-420) Appellee's responses are used for this statement only.

"Pietrczak is about nine years younger than Lynn who was 54 years old in May 2016." (RP414)

Title to 9985 Lick Fork Road, Witts Spring, Arkansas, 72686, (here after referred to as "the Property") transferred to Pietrczak on January 6, 2015. (RP36)

There was a transfer tax paid shown on that deed of $478.50. (RP399)

Appellant contends that the money used to buy the property belonged to her either in half or in whole. (RT59-62) beginning at bottom of 59.. No cross examination or rebuttal testimony was offered.

On the record, Appellant never said how he had $145,000 cash to buy the Property. Some of the evidence Appellee was impermissibly forbidden from entering shows that Pietrczak's contention is that the entire remainder of assets from the joint lawsuit the couple prevailed on pro se, the business they built

together and about $360,000 in Appellant's separate passive income belonged to Pietrczak.

Appellant showed some of her passive income receipts and talked about collecting $290,000 late 2014 from the lawsuit in which she and Pietrczak were co-plaintiffs. (RP120,278-293,1097)

Appellant attached an exhibit of a transcript from the lawsuit with Pietrczak sworn under penalty of perjury saying Appellant contributed large sums of cash, time and that he considered her either full owner or half owner of their business. (RP122-125,89,90)

"Pietrczak and Lynn were never married." (RP17)

On February 23, 2015, there was a document with signatures of Pietrczak and Lynn notarized and filed by Searcy County Clerk Deborah L. Loggins. ("the Contract") (RP40,228,568) It said in full:

"We, Laura Lynn and Micheal Pietrczak, consider ourselves to be husband and wife in the eyes of God, but do not believe the state has authority to control marriage.

"We each agree, that should we separate, we are each entitled to half the property we accumulated since December 2009, excluding any interest in Silver Strand Plaza, LLC or property inherited from Sandra and Norman Kramer, Laura's

parents, that has not been comingled. Property includes 9985 Lick Fork Road in Witts Spring, Arkansas, The Estate Sale, the proceeds of litigation against Vicki Kahia, et al, and property bought with income from Silver Strand Plaza, LLC or other inherited income.

"We make these statements of our own free will, and swear them to be true and correct under the laws of the State of Arkansas and in Jesus' name."

Appellee denies Pietrczak signed the Contract in response to request for admission 16. (RP400) According to notary and county clerk Loggins, he signed. (RP40)

Appellee contends "Lynn drafted [the] document" and "Pietrczak was incapacitated when he executed the notice after Lynn presented the same to Pietrczak." (RP18) But Appellee offered no evidence of his "incapacitation". Th Contract was signed a year before Pietrczak's "brain injury" accident.

Evidence on the face is that Searcy County Clerk Deborah Loggins notarized the document and didn't mention that Pietrczak seemed incapacitated.

"On or about March 13, 2015, Lynn filed an Affidavit declaring the following (See Attached Exhibit 4 - Affidavit of Lynn): a. Lynn considers herself entitled to possession of the Lick Fork Property. b. Lynn purportedly gave actual notice to the wor[ld] that her possession is as a 50% undivided interest, until such a time as the

formal settlement of joint assets is made and she agrees to move as part of that settlement, should herself and Michael Pietrczak stop living together as 'husband and wife'." (RP18,41)

"On or about March 22, 2016, Lynn either in her individual capacity and/or as trustee of the Rural Revival Living Trust prepared a Warranty Deed purportedly transferring the Lick Fork Property from Pietrczak to the Rural Revival Living Trust." (RP19,52) The deed mentions "consideration of $1.00, and other good and valuable consideration".

Appellant contends the consideration was continuing to live with Pietrczak, not breaking up and splitting the Property 50/50, instead of leaving then and filing a lawsuit to get back about $360,000. One piece of evidence Appellee brought to the trial on March 17, 2022, is a note from the appellee's production of documents that said Appellant "slipped up and wrote the contract as executor of Rual (sic) Revival Trust". Appellant was prohibited from making any offer of proof on March 17, 2022.

Appellee contends the entirety of the property they accumulated together belonged to him and Appellant should have paid him $150,000 for the Property if they broke up.

There was a mortgage made from a template online with significant cross outs signed by Micheal Pietrczak and Laura Lynn as Trustee of the Rural Revival Living Trust. Appellee, Appellant and the Court all agree the mortgage is void. Appellee's counsel: "We think the mortgage is void." (RT110) Counterclaim and Judgment (RP147,1075)

Appellee contends in the Complaint Pietrczak sold the property to the Trust for $150,000. (RP18) He averred that the mortgage memorialized the purchase. (RP20) But there was no purchase agreement offered into evidence.

Appellant contends the property was gifted. Deborah Loggins asked if it was an inter family transfer, Pietrczak said yes, and there was no sales tax paid. (RP52)

Interrogatory 19 asked: "Regarding Complaint paragraph 15, does the "repayment of ONE HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 ($150,000.00) from the Rural RP 0972 First Set of Interrogatories Propounded by Defendant to Plaintiff Page 16 of 18 Revival Living Trust to Pietrczak" imply that Micheal Pietrczak loaned $150,000 to the Rural Revival Living Trust?" (RP972)

Appellee's response: "No." (RP954)

Interrogatory 20 asked: "Did Micheal Pietrczak loan $150,000 to the Trust?" (RP973)

Appellee's response: "I did not loan the trust money." (RP954)

Interrogatory 21 asked: “Did Micheal Pietrczak loan $150,000 to the Trustee?” (RP973)

Appellee’s Response: “I did not loan the trust money.” (RP954)

Interrogatory 22 asked: “Did Micheal Pietrczak loan $150,000 to Hammett?” (RP973)

Appellee’s response: “I did not loan Laura $150,000.” (RP954)

Appellant contends it was Appellant’s intent that the mortgage represented a way to show that the Trustee would pay $1,316.36 to Pietrczak and Lynn combined, which went into Pietrczak’s account like the hundreds of thousands of dollars before it, unless they broke up. At that time, the mortgage payment from Trustee of the Trust would go half to Pietrczak and half to Lynn.

“Pietrczak advertised on Craigslist about May 27, 2016, for a companion who wanted to travel around with him who was female between the ages of 18 to 21, with blonde hair, blue eyes and petite.” (RP414)

Lynn broke up with Pietrczak in June 2016.

Appellee contends that “Lynn and/or Rural Revival Living Trust have failed without reason to timely pay the property taxes relevant to the Lick Fork Property.” (RP22)

The tax statement was addressed to "PIETRCZAK MICHEAL & LYNN LAURA 903 LINCOLN ST MALVERN AR 72104", appellee's home address. (RP56)

Appellee admitted Lynn did not receive mail at that address in RFA 36. (RP405)

Appellant contends Pietrczak changed the address for the property bill as part of his plan to defraud the Appellant and the Court.

Pietrczak put that plan succinctly within a suicide note he wrote and signed that was in Appellee's production of documents. (RP942-945) Snippets were put into Appellant's motion to Find Attorney William Z. White and Micheal Pietrczak in Criminal Contempt filed March 13, 2022. (RP978):

"[Laura Lynn] will be sending you money. Use that to get her out and gone."

"Dad call the lawyer we went to see about the foreclosure Zack White in Heber Springs, AR He will help you with the foreclosure + make Laura Lynn out + off my land."

""Don't tell Laura Lynn about this or she may stop sending money. She is supposed to send me $75,000 in well November, 2016, this month."

Attorney White expressed his intent to dismiss Hammett as an individual four days after he realized that the suicide note was in the shuffled box of papers that

looked to have urine and feces on them that he sent to Appellant in the late produced production of documents.

The Court denied the motion for contempt without any response from Appellee, within her sweeping one sentence order entered April 14, 2022. (RP1110)

About June 16, 2016, Pietrczak sent a letter to Lynn demanding the full amount of $1,316.36 per month for a mortgage payment on behalf of the Rural Revival Living Trust. (RP414-415)

About June 23, 2016 Lynn deposited about $658.00 into Pietrczak's bank account in Marshall, Arkansas." (RP173,414)

Appellant contends Pietrczak agreed to the half payment by telephone. The Court would not allow Appellant to present any evidence at the trial for damages, which the Court emphasized was only about default damages. (RT93-94) Appellant has recordings of Pietrczak agreeing to accept $75,000 for full payment, but he demanded Appellant bring cash to Malvern and give it to him outside escrow, which she would not do.

Proceedings:

Appellee filed a Complaint on April 23, 2021 against two defendants, Laura Lynn ("Appellant" except where the nomenclature is material), presumably an individual, and Rural Revival Living Trust ("the Trust"). (RP 0016)

There are seven “counts” listed but “VII” is identified as “XII”. Several of the “counts” are not causes of action. They are requests for relief.

“The present lawsuit involves the following issues: (1) Breach of Contract; (2) Slander of Title; (3) Removal of Cloud on Title; (4) Ejectment/Trespass; (5) Forcible Entry/Detainer; (6) Declaratory Judgment; and (7) Injunctive relief.” (RP17)

Appellant filed a counterclaim on June 10, 2021, using her legal name, “Laura Lynn Hammett”. (RP105)

“Micheal Pietrczak” was named as defendant because that is how the complaint caption was styled and Attorney White certified that Walter Pietrczak was authorized agent to his son, Micheal.

The Counterclaim consists of two causes of action, breach of contract and deceit. (RP127-129)

Appellee did not respond within 30 days.

Appellant filed Motion for Default on July 13, 2021. (RP144)

Appellee responded to the motion for default on July 30, 2021. (RP216) He did not answer the counterclaim or explain why he did not answer.

Appellant replied on August 3, 2021. (RP323) She pointed out that Appellee's response was devoid of citations to authorities, and was bare denials of each paragraph of the motion.

The Court denied the Motion for Default and dismissed the Counterclaim sua sponte on August 20, 2021. (RP419) The court's entire reasoning for this drastic measure: "In review of Defendant/Counter-Plaintiff's Counter-Claim, it is evident is it not in compliance with *Arkansas Rules of Civil Procedure Rule 8*. Therefore, said motion [for default] is denied and Counter-Claim is dismissed without prejudice."

The Court granted default judgment against the Trust on March 2, 2022. (RP887)

The Court granted Appellee's Non-suit Motion (RP1005) dismissing Appellee with prejudice on March 28, 2022. (RP1010) The Dismissal Order was amended on April 4, 2022 ("Dismissal"). (RP1049)

Appellee petitioned the Court for approval of a special needs trust to hold the proceeds of selling the real property and a proposed order on default damages on March 30, 2022. (RP1012)

Appellant filed Laura Lynn Hammett's Objection to Plaintiff's Proposed Order Granting Default Damages That Includes Findings Against the Dismissed

Defendant also March 30, 2022. (RP1033-1040) Appellant objected to the Special Needs trust as it was a shell for a fraudulent transfer. (RP1037-1038,1102)

Appellant filed a motion to intervene on April 5, 2022 (RP 1058) Appellant specified the motion was by special appearance only. (RP1059)

Before ruling on the Intervention, the Court inexplicably made findings against Appellant in the Order Granting Default Damages, April 7, 2022. (RP1073-1078)

The Court adopted these specific claims from the Complaint, in contradiction to the Dismissal:

1. "Hammett prepared a purported 'Marriage Contract'";

2. The Contract was void ab initio "based on Hammett's announced agreement and consent", a finding that was overruled by the dismissal;

3. "Hammett's purported claims to the Lick Fork Property [recorded Notice] [] are therefore deemed to have no legal effect as if it never existed;

4. "Hammett prepared a Mortgage Agreement [] on behalf of [the Trust]", which the Appellee and Court alleged was criminal;

5. "Hammett prepared a Warranty Deed [] on behalf of [the Trust]" and "is not a licensed attorney", which the Appellee and Court alleged was criminal;

6. "The purported 'Marriage Contract', Affidavit of Laura Lynn [] are canceled, held null, and void and of no legal effect as if they had never existed";

7. “Any and all clouds on the title of Pietrczak’s Lick Fork Property is removed.”

8. “This Court permanently enjoins the Rule Reviving Living Trust [sic] from further [] entering upon Pietrczak’s Lick Fork Property” which prevents Appellant from entering the property, if we put aside the misnomer of the Trust to mean the Trustee, as the Court and Appellee have done consistently; and

9. “The Court Orders title to the Lick Fork Property be placed into the Micheal A. Pietrczak Special Needs Trust as previously considered and ruled upon by the Court.”

VI.

Arguments

A. **The Court erred by refusing to recuse herself**. The Court's Refusal to Recuse violated the cornerstone of our legal system, the right to an impartial adjudication.

The appellate court "review[s] a circuit judge's denial of a motion to recuse under an abuse-of-discretion standard. *Irvin v. State*, 345 Ark. 541, 49 S.W.3d 635 (2001). A clearly erroneous interpretation or application of a law or rule will constitute a manifest abuse of discretion. *Little Rock Wastewater Util. v. Larry Moyer Trucking, Inc*., 321 Ark. 303, 902 S.W.2d 760 (1995)." *Ferguson v. State*, 2016 Ark. 319, at 6–8, 498 S.W.3d 733, 737–38.

While the facts are discretionary, the construction of the controlling statute is not. "We review issues of statutory construction de novo, as it is for this court to decide what a statute means. *Middleton v. Lockhart*, 344 Ark. 572, 43 S.W.3d 113 (2001)." Daimlerchrysler Corporation v. Smelser, No. 07-1006 Sup. Ct. Ark. December 11, 2008

The plain wording of *Arkansas Code of Judicial Conduct Rule 2.11* required Judge Weaver to recuse because her "impartiality might reasonably be questioned." *Ark. Code Jud. Conduct* R. 2.11(A).

The Court applied stale law, *Irvin*, to support her decision to base recusal on her "conscience" rather than the appearance of impropriety and the damage it would cause in the public's perception and confidence in the judiciary. (RP0598-0599)

The Court "repeated the outdated rule that 'a judge's recusal is discretionary' and that a 'substantial burden' is on the movant to prove the judge was not impartial. [citing *Ferguson* at 4, 479 S.W.3d at 27.]" *Elizabeth James, Judicial Disqualification—Confusion, Clarification and Continued Considerations: A Closer Look at Arkansas's Judicial Disqualification Rules in Light of Ferguson v. State*, 40 U. ARK. LITTLE ROCK L. REV. 283 (2017).

Appellant's arguments for the proper substantive standard to apply was completely disregarded. (RP561) ("*Canon 2 of the Arkansas Code of Judicial Conduct* provides that a 'judge shall perform the duties of judicial office impartially, competently, and diligently.' Rule 2.11(A)(1) of the Code provides that a judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including when the judge has a personal bias or prejudice concerning a party or a party's lawyer." *Matter of Est. of Edens*, 2018 Ark. App. 226, 19, 548 S.W.3d 179, 190–91 (2018); "The proper administration of the law requires not only that judges refrain from actual bias but also that they avoid all appearance of unfairness. Id. When a judge exhibits bias or

the appearance of bias, the appellate court will reverse." Id 191.; "A clearly erroneous interpretation or application of a law or rule will constitute a manifest abuse of discretion. Id." Id.)(RP561)

The sheer volume of errors gives the appearance of bias. The character of the errors, such as adopting inaccurate transcripts, is also telling.

A plethora of the most prejudicial errors is enumerated in section II and VI.

Some iniquitous rulings that did not make the cut to stay within the word count are discussed here.

When faced with judicial misconduct like found here, most people would give up.

In fact, appellant had numerous attorneys refuse to get involved in the case for fear of harming their careers. (RP557-560,650-651,1064-1066,1100)

The vast majority of Appellee's motion practice, which he called "pleadings", was devoid of citations to authorities in violation of ARCP 7(b)(2). Each response it a boilerplate list denying each paragraph, ie, "Plaintiff denies the allegations contained within paragraph twenty (20) of Defendants Motion." (RP218)

This did not deter the Court from granting almost every Appellee motion and denying almost every Appellant's motion.

The Court appeared to know ahead of the final hearing that it would grant a continuance for Appellee, as evidenced by its failure to call a jury pool. (RP 558) But, Appellant was instructed by telephone to bring her exhibits to the Courthouse 48 hours in advance, 24 hours before the time given in the letter.

The Court filed a letter on August 20, 2021, at 4:25 PM. (RP 0418) Appellant received electronic notification at 4:32 PM. There is a lag time in the system. The letter was dated August 19, 2021. It was filed simultaneously with two orders.

The Court wrote, in part, "[t]he banter and complaining, on both sides, ends today." The Court ended with an admonishment. "Consider this letter a friendly but stern warning that this court fully expects all parties to comply with the Arkansas Rules of Civil Procedure and the Arkansas Rules of Evidence during this case."

Appellee Attorney White filed a responsive letter, file stamped August 20, 2021 at 5:08 PM. (RP 425-426) The speed of the usually tardy attorney's response gives the appearance of collusion: Unless the Court gave Mr. White a copy in advance, Mr. White saw the notification, wrote his response attaching an exhibit, input it to eFlex, the court staff worked late that Friday and accepted it, all within 36 minutes.

The letter was a motion in disguise. “I feel the Court should be aware of Ms. Hammett's threats against you personally and the Court so that the Court may take whatever action it sees fit in proceeding.”

Appellee filed three documents that were untimely earlier in the day. Appellant was writing an email asking Mr. White to withdraw the documents, and sent it at 5:12 PM, before she saw Mr. White’s filed letter.

Mr. White filed another letter to the Court, including Appellant’s email as an “exhibit” on August 23, 2021. (RP 432-433) Mr. White made a Freudian slip. “Attached is Exhibit 2 to the letter the Court I filed on August 20, 2021.”

Appellant responded and asked the Court to strike Appellee’s two letters and exhibits from the record. (RP 520-524) The Court did not express an opinion and did not strike the appellee’s exhibits. She did strike <u>all</u> exhibits filed by Appellant before August 20, 2021, *sua sponte,* while leaving Appellee’s exhibits intact. (RP 423-424)

Appellee served no interrogatories, requests for production of documents or requests for admissions pursuant to ARCP 26-36. He did issue a subpoena to “Laura Lynn (Hammett)”. (RP626-629)

The subpoena commanded Hammett to make her response within three business days.

Appellee commanded Hammett to produce:

the following beginning on January 1, 2009:

1. Any and all tangible and/or intangible financial documents and/or other

items pertaining to:

a. Laura Lynn (Hammett) and/or any other alias names utilized by Laura Lynn (Hammett).

b. Laura Lynn Living Trust Dated December 25, 2014.

c. Rural Revival Trust.

d. Hammett Family Living Trust.

2. Any and all tangible and/or intangible business documents and/or other items pertaining to:

a. Laura Lynn (Hammett) and/or any other alias names utilized by Laura Lynn (Hammett).

b. Laura Lynn Living Trust Dated December 25, 2014.

c. Rural Revival Trust.

d. Hammett Family Living Trust.

3. Any and all tangible and/or intangible organizational documents

(including but not limited to copies of the trusts, amendments, addendums,

minutes, resolutions, and EINs) and/or other items pertaining to:

a. Laura Lynn (Hammett) and/or any other alias names utilized by Laura Lynn (Hammett).

b. Laura Lynn Living Trust Dated December 25, 2014.

c. Rural Revival Trust.

d. Hammett Family Living Trust.

4. Any and all tangible and/or intangible documents and/or other items pertaining to the evaluation of the above referenced cause of action.

5. Any and all recordings that involve and/or pertain to Michael Pietrczak.

Micheal Pietrczak was the trustee of the Laura Lynn Living Trust Dated December 25, 2014 until Appellant revoked it.

Appellant made a motion to quash the burdensome subpoena. (RP639)

The Court denied the motion to quash on February 25, 2022. She did ive Hammett 10 days to comply. (RP883)

Appellant had no idea how to produce intangibles. She would need to hire an attorney to represent the trusts, before complying with this subpoena. He complained that Hammett was forwarding emails from 2009 responsive to 1(a)

tangible other items pertaining to Laura Lynn (Hammett). When Hammett provided access to some recordings to Appellee's counsel, he refused to open the files because he said he was afraid of virus'.

Appellant, now 60 years old, was having a myriad of health issues. There was a hearing coming up in Searcy County, an hour-forty-five minute drive each way. Appellant filed a motion for stay and submitted her blood test that showed her neutrophils were high and lymphocytes were low. (RP893) The Court denied the stay and made Appellant travel and represent herself while ill.

After that hearing a Searcy County Deputy Sheriff brought Hammett into a room and served the faulty summons on her.

These are a small sampling of bias by the Court. Here are more…

B. The Court erred by relying on transcripts that were not substantially verbatim which denied appellant due process.

The standard of review for whether the record is accurate is de novo because it determines a violation of the due process clause of the Constitution. "The Supreme Court reviews a Circuit Court's interpretation of the state constitution de novo and, though the Supreme Court is not bound by the Circuit Court's decision, its interpretation will be accepted as correct on appeal in the absence

of a showing that the Circuit Court erred." *Clark v. Johnson Regional Medical Center*, 2010 Ark. 115 (2010), 362 S.W.3d 311

Petitioner made two motions to have the record settled at the trial court. (RP503,1085-1086)

The Court denied both motions. (RP881), denying motion of August 28, 2021 on February 25, 2022, almost six months later, and (RP1110), filed April 14, 2022 which has a single finding, "[a]ny and all other motions filed herein, shall be denied." This all-encompassing order that put an end to any hope of prevailing on any post-judgment motion in the future, also denied the motion to settle the record filed April 11, 2022 (RP1088).

Appellant filed a Petition for Writ of Mandamus in the Supreme Court and a motion to settle the record in the Court of Appeals. Both were denied summarily, with no opinion or reasoning.

Throughout this brief, errors in the transcripts will be detailed. Examples include:

As detailed at (RP 468), the Court said the AOC told her she must follow Ark. R. Civ. Pro 4(i) strictly. That dialogue was changed. Another section in which the Court grants the oral motion for extension of time, though she wouldn't "normally", was added. (RT23-26)

The court reporter left out numerous words. Sometimes she indicated that she did not hear the words. Other times the record is void. All the missing words were bad for the appellee. Many times Appellant said “objection” were removed. When Mr. White leaned toward Appellant and said “bitch” loudly, it was cut from the transcript. There was no indication these omitted words were spoken off the record.

During the March 17, 2022 hearing the Court said to Appellant, “I told you time and time again, you are not to say anything." That quote was not transcribed. It was noted by Hammett, a trained journalist, in quotation marks.

Numerous times Pietrczak , White and the Court said “Laura Lynn [described bad conduct]”. In the transcript the phrase “as trustee of the [Trust]” was added. (RT92,110,113) Hammett remembers thinking “they keep saying ‘Laura did this and Laura did that’. I am sure to win on appeal because I am not allowed to deny the allegations about me. I am standing right here and they are lying and lying about me.”

The transcript of the default damages hearing was edited to downplay the Court’s refusal to allow Laura Lynn Hammett to present any evidence, argument or make objections.

"To suggest that the trial judge, in carrying out this court's directive to 'settle the record,' should be permitted to do so in the privacy of his office without notice to or the presence of others interested in the matter is foreign to any notion of due process, especially where the dispute over the content of the record relates to what the judge himself said or did not say." *Craig v. State*, 64 Ark. App. 281 (1998), 983 S.W.2d 440

The Court's full order regarding settling the record: "On August 28, 2021, the Defendant filed a Motion to Settle the Record. The Court finds that the transcript from the hearing held on August 4, 2021, is accurate and that the Defendant's allegations are meritless. Therefore, the motion is denied." (RP882)

Appellant quoted the entire *ARAP 6(e)* in two different motions to settle the record at the trial court. (RP505,1085) Excerpted: "[] If any difference arises as to whether the record truly discloses what occurred in the circuit court, the difference shall be submitted by motion to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, [] the omission or misstatement shall be corrected, []. All other questions as to form

and content of the record shall be presented to the appellate court. No correction or modification of the record shall be made without prior notice to all parties."

The proper way to preserve the argument that the transcript is inaccurate for appeal is to move the court for a hearing where the tapes can be played. In the case of Craig v. State, the Appellate Court said "[a]lthough there are undoubtedly cases where a hearing would be helpful, and perhaps necessary, to determine whether the transcription of the record contains a misstatement of what transpired below, appellant in the case at bar never requested a hearing in his initial motion." *Craig v. State, 64 Ark. App. 281, 282, 983 S.W.2d 440, 441–42 (1998*) (RP506,813,854,1086)

The Appellate Court continued "in the absence of any allegation of bias or wrongdoing on the part of the trial judge, we see no significance in the fact that on remand the transcript was reviewed by the trial judge rather than the court reporter." Id.

Here, Hammett moved the Court to play the recordings in open court because Hammett alleged bias and wrongdoing on the part of both Judge Susan K. Weaver and the Court Reporter.

The best-evidence rule, which is *Arkansas Rule of Evidence 1002,* requires that "to prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required."

Certified Court Reporter transcripts are acceptable as evidence of what was said in a hearing, but the recording is still the best evidence.

"This court held the transcript was admissible, stating admission was the 'better policy where as here **the transcription is shown to be accurate** and it would be necessary to replay the recording for the jurors several times unless the transcription is used.' *Id.* at 613, 550 S.W.2d at 450. We have continued to follow the policy of allowing accurate transcripts to be used alongside recordings that may be difficult to understand. *See, e.g., Leavy v. State,* 314 Ark. 231, 862 S.W.2d 832 (1993)." *Bell v. State,* 371 Ark. 375, 388, 266 S.W.3d 696, 706–07 (2007) Bold added.

Certified transcripts are more convenient than recordings, but an inaccurate transcript is worse than useless. Judge Weaver said she listened to the recordings. She knew or should have known the transcripts were significantly inaccurate and based her erroneous decisions on the falsified record anyhow.

C. The Court erred by failing to follow the Common-Defense-Doctrine resulting in adverse orders against a dismissed defendant.

The Standard of Review when the Common-Defense-Doctrine is alleged is de novo. "Rule 55(c) [which is reviewed for an abuse of discretion] does not govern when the trial court improperly enters a default judgment by failing to recognize clear authority in an area. In this case, the area of clear authority is that of the common defense doctrine." *Richardson v. Rodgers*, 334 Ark. 606 (1998) 976 S.W.2d 941

"Where a party argues errors of law, the court of appeals reviews the issues de novo, recognizing that an error of law in and of itself can also constitute an abuse of discretion." *Marks v. Saville*, 2017 Ark. App. 668 (2017), 550 S.W.3d 1

The Court dismissed the Appellant as an individual with prejudice on March 28, 2022 but failed to dismiss the unrepresented Common-Defense-Doctrine Defendant. Arkansas has long recognized the common-defense doctrine, which provides that an answer that is timely filed by a co-defendant inures to the benefit of a defaulting co-defendant and dismissal of the appearing co-defendant should have ended the case. (*Sutter v. Payne*, 337 Ark. 330, 989 S.W.2d 887 (1999))

"The test for determining whether the Common-Defense-Doctrine applies is whether the answer of the non-defaulting defendant states a defense that is common to both defendants, because then a successful plea operates as a discharge to all the defendants, but it is otherwise where the plea goes to the personal discharge of the party interposing it." Id.

Appellee used the confusing character chain "and/or" in all the claims directed at the Rural Revival Living Trust. He refused to give a more definite statement, even when requested by formal motion. (RP 0678) He did not respond to the motion. The Court did not grant the motion.

Nowhere in the record did Appellee clarify the meaning of "and/or".

A slash usually means to choose one option, such as "he/she". "And" and "or" usually yield different answers.

By dismissing Appellant a second time, the presumption is that the dismissal is on the merits. Appellant's meritorious defense inures to Appellant and the Rural Revival Living Trust. As argued elsewhere, the Trust is not a proper defendant. The Court should have struck the "Rural Revival Living Trust", and ordered an amendment to name the Trustee, a necessary party. Instead, the Court allowed Appellee to skip that step and made findings against the Trustee and plundered the trust's sole asset.

In the Court's judgement against the defaulting defendant, the Court specifically made adverse rulings against the appearing Appellant and seized her property rights without having allowed her to defend herself. The Court created law of the case adverse to the appearing Appellant that harms her ability to prevail on her dismissed counterclaim when the order to dismiss it is reversed on appeal. The findings are adverse to the dismissed with prejudice Appellant when she files a case for malicious prosecution, due to claim preclusion.

During the hearing of March 17, 2022 from which the adverse order arose, the appearing Appellant was restrained from making objections, cross examining the witness, presenting evidence and testifying. It is shocking that Appellant must inform this Court that those were a violation of her Constitutional right to due process.

D. The Court erred by denying Appellant a continuance before the August 4, 2021 trial.

"A lower court's grant or denial of a motion for continuance is reviewed under an abuse-of-discretion standard." *Hill v. State*, 2015 Ark. App. 700 (2015), 478 S.W.3d 225

By refusing to grant a continuance until the day of the final hearing, the Court forced appellant to disclose her evidence, showing her hand before

required, denying her due process. Appellee did not file his exhibits. It appears Attorney White knew his motion for continuance would be granted two days before he made the motion.

The denial contradicted the orders on motions for continuance on significantly similar cases. The Court abused its discretion by delaying leave for a continuance until the day of the trial and after Appellant already withdrew her request, because the reasons given for the continuance normally result in leave granted.

The Court granted a continuance requested by Appellant's attorney the first time Pietrczak filed the almost identical case, 65CV-18-8. There, two summonses were issued and improperly served before the continuance was requested. Here only one summons issued and none served. (The Court may take judicial notice.)

Appellee in this case made an oral motion on the day of the hearing and was granted a continuance based on a lie, that Appellee was "running and hiding" from the process server. This quote was left out of the transcript, but the gist is there. (RT15-22). (RP2-4) for lack of summons and proof of service

Judge Susan Weaver granted Attorney White a continuance of a hearing in *Joseph Miller v. FL Davis Center Inc, et al*, 71CV-19-28. White appeared six

months into the proceedings, filed the motion for continuance five days before the hearing, was granted the continuance with no hearing held, and by written order two days after the hearing was scheduled to convene. (The Court may take judicial notice of the docket.)

The harm to Appellant is that because the Court refused to rule on the motion for continuance filed June 10, 2021 (RP135) and Trial Court Administrator Tammy Weaver gave Appellant personalized verbal directions on how and when to bring her exhibits to the Faulkner County Courthouse, Appellant disclosed her evidence without proper discovery.

Appellant filed her exhibits she intended to use for evidence because the Court already appeared to be biased and Appellant feared that the Court and Appellee would say they did not receive the exhibits. (RP224-316,299)

Appellee still opposed the continuance with a mislabeled response, untimely served and lacking citations to authority on July 30, 2021. (RP220-222) It was not served on Appellant until August 2, 2021. (RP298)

Appellant withdrew her motion on August 2, 2021 (RP319). She ended her brief: “Defendant was perplexed as to why the Court did not continue the hearing until at least the defendants were served summons. Maybe the Court

had wisdom and experience to know the case was going nowhere." Appellant was in for a rude awakening.

E. The Court erred by granting Appellee a continuance before the August 4, 2021 trial.

"A lower court's grant or denial of a motion for continuance is reviewed under an abuse-of-discretion standard." *Hill v. State*, 2015 Ark. App. 700 (2015), 478 S.W.3d 225

"The denial of a motion for continuance will not be overturned unless the appellant demonstrates that the trial court abused its discretion and proves prejudice that amounts to a denial of justice." Id

"When a motion for continuance is based on a lack of time to prepare, the appellate court considers the totality of the circumstances." id

The trial court has wide latitude to control proceedings and manage its docket. But the Court must appear to be impartial.

This case was dismissed previously for a lack of prosecution. (RP145)

Appellant pled laches as an affirmative defense. (RP119)

Appellee was adamant that the final hearing should commence on August 4, 2021 as late as July 30, 2021. (RP220-222)

After the Court and Appellee learned that Appellant had enough clear and convincing evidence to win the case already, they decided to continue the trial. (RP224-316)

Appellee had not even issued a summons on the Trust. Arkansas makes service of the summons simple, by allowing service by certified mail. Appellee showed no evidence that he made an attempt to mail summons, such as a returned item.

The prejudice to Appellant is that with the 24 exhibits she lodged, the holes in Pietrczak's complaint, appellant's testimony and cross-examination of Pietrczak, she could easily convince a jury of her peers to find in her favor.

F. The Court erred by Granting Appellee's Motion to Declare Contract Void Ab Initio.

The standard of review on appeal from a bench trial is whether the trial court's findings were clearly erroneous or clearly against the preponderance of the evidence. *Hall v. Bias*, 2011 Ark. App. 93, 381 S.W.3d 152.

On October 14, 2021, the Court said, "Hammett agreed and consented to the Court finding the contract void ab initio" and found "said contract is void ab

initio and, therefore, is deemed to have no legal effect as if it never existed." (RP691)

Hammett agreed the Contract was voidable and agreed to void it, as a rescission. But the contract was created and showed the intent of Pietrczak and Lynn to divide the assets they retained 50/50. If Pietrczak agreed to the recission, (he was not present at the hearing), he would need to restore consideration paid by Appellant, the forgiveness of hundreds of thousands of dollars in debt Pietrczak owed Appellant.

"Consideration is any benefit conferred or agreed to be conferred upon the promisor to which he is not lawfully entitled, or any prejudice suffered or agreed to be suffered by promisor, other than such as he is lawfully bound to suffer." *Kearney v. Shelter Insurance Company*, 71 Ark. App. 302, (Ark. Ct. App. 2000)

This Court should read the transcript of the October 7, 2021 hearing. (RT33-79) Appellant did not agree the contract was "void ab initio". She agreed that the contract could be "voided". (RT79)

Hammett objected to the words "ab initio" on October 13, 2021. (RP689)

The Court erred by keeping part of Hammett's rescission agreement, that the contract could be voided, but not recognizing that Pietrczak must return more

than the Property is worth that he held in bailment, constructive trust, borrowed or stole. That may be accomplished through reinstatement of the counterclaim or by consent. Once restitution is made, the 50/50 contract can be voided.

"Rescission of contract at law is accomplished by rescinding party's tendering the benefits received to contracting party." *Douglass v. Nationwide Mut. Ins. Co*., 323 Ark. 105 (1996), 913 S.W.2d 277

The Court renegotiated the contract between Pietrczak and Hammett, then left the consideration to Hammett off when reduced to writing.

G. **The Court erred by amending Appellant's name Sua Sponte**.

The standard of review on misnaming a defendant is de novo. It is a facial error, without cause to judge a party's credibility. "Where a party argues errors of law, the court of appeals reviews the issues de novo, recognizing that an error of law in and of itself can also constitute an abuse of discretion." *Marks v. Saville*, 2017 Ark. App. 668 (2017), 550 S.W.3d 1

Appellee misnamed "Laura Hammett" "Laura Lynn". Appellant admonished Appellee countless times of her legal name change. (RP105,119,991-0995) (RT5) etc. Appellant made her caption cumbersome by using the incorrect

name for the complaint and the correct name as counterclaimant. (See the cover of each document filed by Appellant.)

Amending the defendants after August 21, 2021, leaves all claims outside the statute of limitations.

"Amendment of complaint in action for trespass and encroachment brought against adjoining landowner, to add son as a plaintiff as owner of part of the land, and to substitute plaintiffs' husband and wife in their capacity as trustees of the family trust holding the land, replacing their original status as individuals bringing the suit, did not relate back to their original complaint, which had been filed within Laura Lynn Hammett and Individual's Response to Motion to Deem Service Upon Defendant Rural Revival Living Trust Perfected - Searcy County Case No. 65CV-21-20 19 the three-year limitations period of the alleged trespass. Rules Civ. Proc., Rule 15(c)." *Bryant v. Hendrix*, 375 Ark. 200, 289 S.W.3d 402 (2008)

"An amendment of a pleading relates back to the date of the original pleading when: the amendment changes the party or the naming of the party against whom a claim is asserted if the foregoing provision (1) is satisfied and, within the period provided by Rule 4(i) for service of the summons and complaint…" id.

Rule 4(i) limits the time allowed to amend the name of the defendant to 120 days.

Appellee refused to use Appellant's name which she applied to change on the day her marriage license was issued. On March 14, 2022, after 276 days of litigation, the Court made the change sua sponte. (RP993)

Had the Court dismissed the defaulting Common-Defense-Doctrine Defendant on March 28, 2022, it would be no harm, no foul. Instead, the Court made a litany of findings against "Laura Lynn Hammett" within the order granting default damages, some of them potentially criminal after "Laura Lynn Hammett" was dismissed with prejudice. (RP1010,1073-1078)

H. The Court erred by denying Appellant's Default Motion.

The standard of review for a court's decision to grant default judgment is abuse of discretion. In this case the Court abused her discretion blatantly and caused a manifest injustice.

"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, judgment by default may be entered by the court." Rule 55 - Default, Ark. R. Civ. P. 55 (bold added)

"A default judgment should only be granted when strictly authorized and when the party affected should know he is subject to default if he does not act in the required manner." See *Brooks v. Farmers Bank & Trust Co*., 101 Ark. App. 359, 276 S.W.3d 727 (2008).

In determining whether to grant a default judgment, courts take into account multiple factors, including: whether the default is largely technical and the [counter-defendant] is now ready to defend; whether the [counterclaimant] has been prejudiced by the [counter-defendant's] delay in responding; and whether the court would later set aside the default judgment under Rule 55(c). See Addition to Reporter's Notes, 1990 Amendment to Ark. R. Civ. P. 55.

The counterclaim was filed June 10th. The motion for default was filed July 13th, more than 30 days later. (RP144) No answer was filed, ever. Appellee filed a response that was devoid of citations to authority on July 30th. Appellant filed a reply on August 3rd and cited the violation of ARCP Rule 7(b)(2). (RP216,325)

Appellee did not offer any reason for his tardiness and did not move for leave to file a late pleading.

Instead of entering default against Appellee, the Court dismissed Appellant's counterclaim sua sponte, without giving reasoning or an opportunity to amend.

I. The Court erred by dismissing Appellant's Counterclaim *sua sponte* on August 20, 2021

A motion to dismiss is reviewed for an abuse of discretion, even if it is on the Court's own motion. The violation of the rules of Court that the Court made to come to that decision are reviewed de novo. *Richardson*, 334 Ark. 606. "However, a trial court's conclusion on a question of law is reviewed de novo and is given no deference on appeal." *Caldwell v. Columbia Mutual Insurance Company*, 2015 Ark. App. 719, citing *Hall v. Bias*, 2011 Ark. App. 93, 381 S.W.3d 152

"Where the circuit court acts sua sponte and enters an order ruling on a party's issue, that issue is preserved for appeal even if the appellant failed to raise the specific arguments before the trial court." *Leeka v. State*, 2015 Ark. 183, 461 S.W.3d 331 (2015) Therefore Hammett's right to appeal the dismissal of the counterclaim on any and all issues was preserved. (RP517)

But no facts to law were given for the dismissal, and so Appellant says there was no reason to dismiss.

J. The Court erred by granting an oral motion for extension of time to serve summons prior to a summons being issued and one day after the motion was filed in writing.

"Where a party argues errors of law, the court of appeals reviews the issues de novo, recognizing that an error of law in and of itself can also constitute an abuse of discretion." *Marks v. Saville*, 2017 Ark. App. 668 (2017), 550 S.W.3d 1

"[The Reviewing Court] review[s] issues of statutory construction de novo, as it is for this court to decide what a statute means." *Middleton*

""The court, on written motion and a showing of good cause, may extend the time for service if the motion is made within 120 days of the filing of the suit or within the time period established by a previous extension." ARCP Rule 4(i)(2)

Appellant filed a written motion on August 18, 2021 at 13:38. The Court granted the extension on August 19, 2021 at 8:04, less than 19 hours later. (RP375,379)

The Court did not afford Appellant due process when it deviated from the mandatory rule that is "normally" follows. (RT26)

Looking past the violation of time, it was an abuse of discretion to allow for an extension when the movant failed to issue a summons for 117 days, and still did not issue the summons for almost two more months.

Further, in the Order issued August 20, 2021, the Court wrote: "If Separate Defendant/Counter-Plaintiff Laura Lynn, is not served under Rule 4 of the Arkansas Rules of Civil Procedure within the 120 day extension, this case will be dismissed." There was no service of summons on Separate Defendant/Counter-Plaintiff Laura Lynn ever. The summons served was directed to Rural Revival Living Trust. The Appellant's case should have been dismissed. (RP421)

VII.

Request for Relief

Appellant respectfully asks this Court to declare a mistrial and set aside the final judgment, to dismiss the complaint with prejudice, forbidding any amendment of the complaint.

Hammett asks that her individual rights to unimpeded use of 9985 Lick Fork Road, Witts Spring, Arkansas be restored to her, or a fair value of $100,000 be paid within three business days. (The property rights were seized with no notice.)

The Appellant asks that the dismissal of the counterclaim be reversed, that the Trial Court give a reasoned decision why the counterclaim is deficient and give leave to amend.

Appellant asks this Court to order Judge Susan Kaye Weaver to recuse from this case and any other case in which Laura Lynn Hammett is a litigant; and should Laura Lynn Hammett go to law school and pass the bar, automatically disqualify Judge Weaver from presiding over any case Laura Lynn Hammett files on behalf of a client.

Appellant asks this Court for a letter of recommendation to the Bowen School of Law, lest the exercise Judge Weaver created for Appellant not be for naught.

Appellant asks this Court to find the transfer of assets collected by Pietrczak to an irrevocable trust was a fraudulent transfer, revoke the trust and deem it null and void.

Appellant asks this Court to compel the court reporter Jana Perry to give Appellant copies of the audio recordings of the hearings. Appellant may be able to file a successful 42 USC 1983 case against Ms. Perry, if Appellant can't collect from Pietrczak and Ms. Perry or her employer does not voluntarily make restitution. The recordings are good evidence in another case Appellant has pending and will protect Appellant (somewhat) from the libel suit Attorney White has threatened to file.

Appellant asks this Court to make a referral to the appropriate prosecuting attorneys and ethics committees concerning the alleged honest services fraud, obstruction of justice and falsification of the record by Judge Susan Kaye Weaver, Court Reporter Jana Perry and Attorney William Zac White.

Appellant asks this Court to make a referral of Judge Weaver's conduct to the Judicial Disciplinary and Disability Commission.

Appellant asks this Court to make a referral of Attorney William Z. White's conduct to the Committee on Professional Conduct.

Appellant asks this Court to make a referral to the appropriate prosecuting attorney concerning the alleged fraud by Micheal and Walter Pietrczak.

Appellant asks that the dismissal of Appellant's motion for contempt against Attorney Zac White be reversed and that the fresh judge or this Court preside over the contempt proceedings.

Appellant asks the learned Court to provide any other relief it deems just.

VIII.

Certificate of Service

I, Laura Lynn Hammett, certify that on this 23rd day of November, 2022, I electronically filed the foregoing with the Clerk of the Court using the AOC eFlex electronic filing system, which will send notification of such filing to all counsel of record and partie pro se. A copy was sent by United States mail to:

Judge Susan Kaye Weaver
801 Locust Street,
Conway, Arkansas
72034

/s/ Laura Lynn Hammett
Laura Lynn Hammett

IX.

Certificate of Compliance with Administrative Order Nos. 19 & 21 and with Word Count Limitation

This brief complies with Administrative Order No. 19's requirements concerning confidential information; with Administrative Order No. 21, § 9 in that it does not contain hyperlinks to external papers or websites; and with the word count limitations identified in Rule 4-2(d) in that it contains 8,451 words within the jurisdictional statement, the statement of the case and the facts, the argument, and the request for relief.

November 23, 2022 /s/ Laura Lynn Hammett

Laura Lynn Hammett