

1 IN THE SUPREME COURT OF THE UNITED STATES

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3 UNITED STATES OF AMERICA, :

4 Appellant, :

5 v. : No. 09-62

6 UNION OF INCELS, :

7 Appellee. :

8 - - - - - x

9 Washington, D.C.

10 Tuesday, August 11, 2020

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12 The above-entitled matter came on for oral
13 argument before the Supreme Court of the United States at 4:00
14 p.m.

15 APPEARANCES:

16 CONJMAN; on behalf of

17 Petitioners.

18 RANDOMIDIOTONLINE; on behalf of

19 Respondents.

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1 P R O C E E D I N G S

2 (4:00 p.m.)

3 JUSTICE PITNEY: Today we shall hear oral arguments
4 in *US v. Incels*.

5 I invite @Conjboy representative of the US to
6 present his arguments. You will have 30 minutes with up to
7 5 minutes maximum for rebuttal.

8 You may begin.

9 ORAL ARGUMENT OF CONJMAN

10 ON BEHALF OF PETITIONER

11 MR. CONJMAN: JUSTICE PITNEY, and may it please the
12 Court:

13 This matter is a simple open and shut case about whether
14 the District Court erred in striking myself as counsel,
15 whether the preliminary injunction granted by the District
16 Court was legal, and if the District was legal to declare
17 default judgement.

18 In the District Court, I was struck for "frivolous
19 motions," while I contest that I was instead arguing and
20 presenting motions to best represent my client. These claims
21 by the District and the respondents are majorly false.

22 "[T]he courts have not only the supervisory power but
23 also the duty and responsibility to disqualify counsel for

1 unethical conduct prejudicial to his adversaries," *Ceramco,*
2 *Inc. v. Lee Pharmaceuticals*, 510 F.2d 268 (2d Cir. 1975).

3 JUSTICE KAGAN: How does the affidavit submitted by
4 the government in this case fall in the correct timeline
5 based on 28 USC 144?

6 MR. CONJMAN: Which affidavit, Justice? If I recall
7 correctly, we never filed a 144 affidavit.

8 JUSTICE KAGAN: It's in your briefs. It says you
9 submitted a notice. Did the government just not follow
10 through?

11 MR. CONJMAN: Ah, we stated that we were going to,
12 but I was then struck as counsel. We never filed the
13 affidavit.

14 JUSTICE KAGAN: Ah, I see. Please continue.

15 MR. CONJMAN: The Courts have long held that an
16 attorney may only be struck for unethical behavior, my
17 actions were nothing but what you would expect from the
18 representation of any client.

19 "The four prerequisites [of preliminary injunctions]
20 are as follows: (1) a substantial likelihood that plaintiff
21 will prevail on the merits, (2) a substantial threat that
22 plaintiff will suffer irreparable injury if the injunction
23 is not granted, (3) that the threatened injury to plaintiff
outweighs the threatened harm the injunction may do to

1 defendant, and (4) that granting the preliminary injunction
2 will not disserve the public interest," *Florida v. Callaway*,
3 489 F. 2d 567 (5th Cir. 1974) quoting *Allison v. Froehlke*,
4 470 F.2d 1123, 1126 (5th Cir. 1972).

5 JUSTICE KAGAN: Do you think alleged frivolous
6 motions can ever reach the point to where counsel is being
7 unethical?

8 MR. CONJMAN: I think that if attorneys were
9 deliberately presenting motions as to hinder the case or slow
10 the pursuit of justice, then yes. But simply filing
11 dismissals is not frivolous. I believe that in cases of
12 "frivolous motioning," the Court could easily just state that
13 they will not entertain the motion and move on. Striking of
14 counsel is reserved for quite extreme circumstances.

15 JUSTICE KAGAN: If we were to rule in your favor,
16 is there anything we should do besides a V&R?

17 MR. CONJMAN: I believe the Court should give the
18 instruction and elaborate on a) when an individual can be
19 struck, and b) when preliminary injunctions can be granted.

20 JUSTICE STEWART: Is our review precluded by the
21 final judgement rule?

22 MR. CONJMAN: At this point, I don't believe so,
23 our second petition was submitted after Default Judgement

1 was ordered in the District. With our first petition, yes,
2 but as of now, no.

3 With the respondents' preliminary injunction motion in
4 the District Court, they fail to satisfy multiple
5 prerequisites. They failed to have any argument as to how
6 they would succeed on the merits, failed to state how they
7 would receive any injury, failed to state that their harm
8 would supposedly outweigh possible damages, and failed to
9 state how it would serve the public interest. Their motioned
10 lacked and the District Court accepted it without a second
11 glance.

12 Rule 55 of the Federal Rules of Civil Procedure states
13 that "A default judgment may be entered against the United
14 States, its officers, or its agencies only if the claimant
15 establishes a claim or right to relief by evidence that
16 satisfies the court."

17 In the District Court, neither the Court or the
18 respondents stated how the respondents had any right/claim
19 to relief and failed to present any evidence.

20 In United States v. Maxonymous, 9 US ____ (2020), the
21 Supreme Court established that "[s]imply, it enforces
22 courtesy. Rule 55 of the Federal Rules of Civil Procedure
23 (FRCP) orders the circumstances where Default Judgment must
be entered. "When a party against whom a judgment for

1 affirmative relief is sought has failed to plead or otherwise
2 defend, and that failure is shown by affidavit or otherwise,
3 the clerk must enter the party's default." In this matter,
4 the United States not only defended, but voluntarily
5 appeared.

6 JUSTICE BUTLER: Can you provide us with a copy of
7 the transcript of the trial court case chat?

8 MR. CONJMAN: Yes, one second. As the District has
9 not archived it yet, I'll give you a link to the beginning
10 of the chat.

11 Rule 55 (b) further guides us in stating that a
12 party must apply for default judgement, and that the Court
13 may not grant default judgement sua sponte. The District
14 Court transcripts do not show the Respondents even requesting
15 default judgement, just stating that the United States had
16 failed to respond to the Civil Complaint (where it motioned
17 to dismiss in lieu of a response).

18 It is without a doubt that the default judgement of the
19 case was in error and must be remedied.

20 Any questions from the Court before I take 5 minutes
21 for rebuttal?

22 I will assume no, and am reserving 5 minutes of my time,
23 JUSTICE PITNEY.

JUSTICE PITNEY: Ok, duly noted.

1 I now invite Mr. RandomIdiotOnline to present arguments
2 on behalf of the Respondents.

3 You will have 30 minutes. You may begin.

4 ORAL ARGUMENT OF RANDOMIDIOTONLINE

5 ON BEHALF OF RESPONDENTS

6 MR. RANDOMIDIOTONLINE: JUSTICE PITNEY, and may it
7 please the Court: The argument of the Incels Union does not
8 surround the concept of how the District court handled this
9 case, but rather the constitutionality of the Pride Act. The
10 Pride Act of 2020 is unconstitutionally vague.

11 JUSTICE STEWART: But certiorari was granted on the
12 basis of procedural defects, was it not?

13 MR. RANDOMIDIOTONLINE: Fed. R. Civ. P. 55 is
14 facially unconstitutional.

15 JUSTICE PITNEY: The **Federal Rule** that has been
16 upheld continuously by this Court is unconstitutional? Or
17 the application of the rule was unconstitutional?

18 RANDOMIDIOTONLINE: The former, the rule is
19 unconstitutional on its face.

20 JUSTICE PITNEY: How so...?

21 JUSTICE STEWART: Why?

22 RANDOMIDIOTONLINE: Well, I mean, how is it
23 constitutional?

JUSTICE BUTLER: Ok.

1 JUSTICE PITNEY: That's not how this works. We have
2 upheld the Rule countless times so you will have to convince
3 us of its unconstitutionality...

4 RANDOMIDIOTONLINE: Is it possible to move on to
5 the argument of the constitutionality for the law? I don't
6 have anything currently for Rule 55.

7 JUSTICE PITNEY: It's your arguments.

8 RANDOMIDIOTONLINE: Alright. The primary argument
9 in the Brief of *US v. Incels* did not have to do with the
10 violation of Rule 55 of the Federal Rules of Civil Procedure,
11 as the petitioner's argument defeats itself. What we are here
12 to argue is the constitutionality of the law. The Pride Act
13 of 2020 is unconstitutionally vague in the sense that it does
14 not provide a proper definition of sexual orientation, thus
15 meaning the claims of it being unlawful to fire someone based
16 on something that was not defined holds no grounds.

17 JUSTICE BUTLER: What standing did you have in the
18 District to pursue this case?

19 MR. RANDOMIDIOTONLINE: The standing I have in the
20 District to pursue this case were the violation of my First
21 Amendment rights.

22 JUSTICE PITNEY: Ok. With no further arguments I'll
23 reserve 5 minutes for you. Mr. Conjman, do you wish to present
your final five minutes?

1 MR. CONJMAN: I have nothing to say except that none
2 of respondent's arguments are relevant to the matter. I thank
3 you all for your time and wish you a wonderful Tuesday.

4 JUSTICE PITNEY: Alright. With no further comments
5 from any party, I end these proceedings. This case is
6 submitted.

7 (Whereupon, at 4:46 PM, the case was submitted.)

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