

Supreme Court, U.S.  
FILED

JAN 09 2019

OFFICE OF THE CLERK

No. 18-1228

In The  
SUPREME COURT OF THE UNITED STATES

Dr. Barbara Mrzlak Brundo,  
Petitioner,  
v.

Christ the King Catholic Church of Omaha, and  
All Other Persons and Entities, Real Names  
Known or Unknown Party by statute or precedent  
Respondents.

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On Petition For Writ Of Certiorari To  
The UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Dr. Barbara Brundo, Pro Se  
Doctor of Education  
9827 Bloomfield Drive  
Omaha, NE 68114  
402 393 1310

January 2019

**QUESTIONS PRESENTED FOR REVIEW**

1. Whether the Rule 11 sanctions paid by petitioner for the alleged frivolous complaints from 2001 and yet unresolved, should be returned with interest according to judgment rate as of the date of the judgment for each sanction?
2. Whether the Estate of Suzanne C. Modlin, in her Last Will & Testament including Trust funds (UBS and Bank of the West accounts, death benefits, etc.,) and all real and personal property naming petitioner, denied by Order of the Douglas County Nebraska Probate Court for alleged "breaking the law" was pretext, harassment, i.e. retaliation for the filing of alleged frivolous lawsuits, in the

U. S. District Court – NE, should be returned  
with full transparency?

3. Whether Defendants named in official and or individual capacity and others yet unknown, be accountable for their unprofessional conduct, including unfair hiring, verifying as true, false information, or impeding investigations, causing loss of liberty of petitioner? [Unemployed for over 20 years]  
(Title 92, **Nebraska** Administrative Code, Chapters 27 and 28)
4. Whether Defendants, including Westside Schools, named in the various case files of Nicholas & Theresa Mrzlak, R & T Corporation, dba Country Club Inn Motel, Columbus Nebraska settle the “vintage”

Court Order in favor of N.J. and Theresa Mrzlak R and T Corporation, dba Country Club Inn Motel, by returning land and financing rebuilding to present day standards, the facilities demolished in 2010, allowed by the coercion of vulnerable adults and as retaliation for the litigious behavior of petitioner? and retaliation for consults with Office of Discipline by both Mr. Mrzlak and petitioner.

5. Whether sale of family home of Nicholas and Theresa Mrzlak, 113 South Parkway, Columbus, Nebraska, be declared null and void; first [2008] sold after the Catholic Archdiocese attorney made false statements.

followed by retaliation discrimination by realtor, Home Real Estate, advocating in [2015] for defendants Catholic Archdiocese of Omaha. (165 U.S. 578165 U.S. 578 (17 S.Ct. 427, 41 L.Ed. 832)

6. Whether petitioner should be made “whole again” by various defendants, using jury verdict research findings, with acknowledgment of repeated loss of income opportunity over a twenty plus year period, a constitutional right, by defamation, causing unemployment and real estate investment (including the old Carnegie Library, Columbus, NE ) losses?
7. Whether the U.S. District Court of Nebraska and the Eighth Circuit erred or “covered up”

wrong doing in refusing to recognize the serious nature of complaint [or the series of complaints] which addresses the harassment of Barbara Brundo in retaliation for years of “perceived” abuse of the judicial system which began in the same Court. This time the punishment injured yet another vulnerable adult by negating all of her estate plans under the pretense of Barbara Brundo abusing her fiduciary duties to her aunt. Ineffective counsel allowed it to happen as well as hastened judicial process and questions of conflict of interest, learned after the fact. The home of Suzanne Modlin was allowed to be raided and emptied and then sold in spite of the intent of her Will, which

was never declared invalid and named petitioner Barbara Brundo as Successor Trustee.

8. Whether the U.S. District Court, of Nebraska and the Eighth Circuit Court of Appeals, as a result of Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC, has settled the issue as to how the “ministerial exception” will be determined in the various religious schools and other organizations in their jurisdiction. While the Supreme Court identified some considerations, each case is to be decided on its own merit. One question is, who is covered and who is not covered as a minister?

9. And then if an employee is designated as a minister, how should such a minister who is required by statute to report i.e. "blow the whistle on their employers" file claims? Another institution quickly hires most, but not so for Barbara Brundo: "If you do not file, you can have any job you want." Later, "Whatever you do we will do back."
10. Whether the U.S. District Court, of Nebraska and the Eighth Circuit Court of Appeals, as a result of *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, has settled the issue as to how the right of the religious organizations to decide their own leaders, will not allow that freedom to be used to preclude hiring in

public institutions, thereby being defamatory in nature. Many applications/inquiries were made: Westside Community Schools, Columbus Public Schools, Omaha Public Schools, Bright Horizons @ College of St. Mary, Fremont Public Schools, etc.

**LIST OF PARTIES**

Pursuant to Supreme Court of the U.S. Rule 14(b):

- 1) Barbara Mrzlak Brundo, Ed.D.,  
Petitioner
- 2) Christ the King Church of Omaha,  
Respondent (No. 18-1297) [2017]
- 3) Christ the King Church of Omaha,  
Respondent (No.09-2823) [2008]
- 4) Nebraska Catholic Conference,  
Respondent (No. 09- 3084)[2008]
- 5) Christ the King Church/School,  
Respondent (No. 10-1328)[2010]
- 6) Christ the King Church/School,  
Respondent (No. 10-1712)[2009]
- 7) All Saints Catholic School, Respondent  
(8<sup>th</sup> Cir. No. 13-2205)[2013]  
(US Supreme Court No. 13-1486) [2014]
- 8) Christ the King Church of Omaha,  
Respondent (8<sup>th</sup> Cir. No. 13-2205)[2013]  
(US Supreme Court No. 13-1486) [2014]
- 9) Fremont Public Schools, Respondent  
(8<sup>th</sup> Cir. No. 13-2205)[ [2013]  
(US Supreme Court No. 13-1486) [2014]

- 10) St. Bernard of Benson, Respondent  
(8<sup>th</sup> Cir. No. 13-2205)[ [2013]  
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- 11) St. Patrick of Elkhorn, Respondent  
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- 12) St. Stanislaus School, Respondent  
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- 13) St. Stephen Church Omaha, Respondent  
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- 14) St. Thomas More, Respondent  
(8<sup>th</sup> Cir. No. 13-2205)[ [2013]  
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- 15) St. Wenceslaus Church Omaha,  
Respondent  
(8<sup>th</sup> Cir. No. 13-2205)[ [2013]  
(US Supreme Court No. 13-1486) [2014]
- 16) Creighton Prep of Omaha,  
(Private Religious) Respondent
- 17) Creighton University, (Private Religious)  
Respondent

- 18) Westside District No 66, Respondent;  
Withdrawn *Without Prejudice*,  
July 31, 2003 [#28][2001]
- 19) Westside Foundation, (Public) Respondent;  
Withdrawn *Without Prejudice*,  
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- 20) Duchesne Academy, (Private Religious)  
Respondent;  
Withdrawn *Without Prejudice*  
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- 21) Bright Horizons at College of St. Mary  
(Public traded company) Respondent;  
Withdrawn *Without Prejudice*,  
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- 22) Christ the King Church/Parish, et al.  
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Aug 2009; [Fed. R. App. Rule 4 A(5)A(ii)  
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- 23) St. Margaret Mary, Respondent  
Withdrawn *Without Prejudice*,  
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- 24) All Saints, Catholic School; Respondent  
Withdrawn *Without Prejudice*  
on July 21, 2003 in open court;

Ordered, Adjudged and Decreed:  
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- 25) Archdiocese of Omaha; Respondent  
Withdrawn *Without Prejudice* on July 21, 2003 in open court; Ordered, Adjudged and Decreed: Aug 6, 2003 [#50][2001]
- 26) St. Matthew the Evangelist; Respondent  
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- 28) St. Vincent de Paul; Respondent  
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- 29) Catholic Academy; Respondent  
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- 30) Christ the King; Respondent  
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- 31) Daniel J. Gross high school; Respondent Withdrawn *Without Prejudice* on July 21, 2003 in open court; Ordered Adjudged and Decreed: Aug 4, 2003 [#38] [2001]
- 32) Our Lady of Lourdes; Respondent Withdrawn *Without Prejudice* on July 21, 2003 in open court and Ordered, Adjudged and Decreed: Aug 4, 2003 [#40][2001]
- 33) St. Joan of Arc/St. Gerald; Respondent Withdrawn *Without Prejudice* on July 21, 2003 in open court; Ordered, Adjudged and Decreed: Aug 4, 2003 [#36][2001]
- 34) All Other Persons and Entities, Real Names Known or Unknown, Party by Statute or Precedent

## CORPORATE DISCLOSURE

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Eighth Circuit Local Rule 26.1A, Petitioner Dr. Barbara Brundo, makes the following disclosure:

Barbara Brundo (Petitioner) is an individual, a married woman with three children of legal age, and her spouse is not party to this case.

The Respondents included at various times both individuals and corporations. **Christ the King Church** is a non-profit corporation, a Catholic Church and School, whose corporate leadership includes, **President and Director, ARCHBISHOP GEORGE J LUCAS**, 100 North 62nd Street, Omaha, NE

68132; Secretary and Treasurer, Rev. Damien J Cook, 634 South 86th Street, Omaha, NE 68114; Milton Petersen III, Director, 136 South 93rd Street, Omaha, NE 68114 and William H. Cihal, Director, 16811 Burdette St Apt 125, Omaha, NE 68116.

**Christ the King Church of Omaha** in the *Code of Canon Law* is under the authority of the Catholic Archbishop of Omaha. **The Catholic Archdiocese** is a corporation and an employer separate and distinct from Christ the King Church of Omaha.

The Catholic Archbishop of Omaha is registered with the Nebraska Secretary of State as a Non-Profit Corporation for charitable religious and educational business.

The President and a Director, at this time is  
(ARCHBISHOP ) George J. Lucas, 100 N 62  
St, Omaha NE 68132; Secretary and Director,  
Timothy F. McNeil, 100 N 62 St, Omaha NE  
68132; Treasurer and Director, James J.  
Stolze, 100 N 62 St., Omaha NE 68132;  
Director, Michael W. Grewe, 5008 Angus St.,  
Gretna, NE 68028; Joseph C. Taphorn, 100 N.  
62 St. Omaha, NE 68132.

Regarding All Other Persons and Entities,  
Real Names Known or Unknown Party by  
statute or precedent, corporate disclosures are  
in each previous individual case, Eighth  
Circuit, and U.S. Supreme Court, etc. filing  
per time of incident or yet to be determined.

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- C** Creighton University Contracts & Misc.  
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**OPINIONS BELOW****Federal Courts**

U.S. Eighth Circuit Court of Appeals: An opinion of the United States Court of Appeals does not exist. The Judgment appears at Appendix 23 to the petition .

U.S. District Court for the District of Nebraska: The opinion of the United States district court does not exist. The Order to Return Original Submission appears at Appendix 14 to the petition.

## JURISDICTION

The date on which the United States Court of Appeals decided Petitioner's case was October 11, 2018.

Administrative agencies and court proceedings end documents are provided. [Appendix] [Addendum: NEOC/EEOC Charge copies]

The case is a continuing violation by the Respondent organizations, **ARCHDIOCESE OF OMAHA / CHRIST THE KING CHURCH OF OMAHA, and others**, previously filed in the Courts without resolution (Initial charge: March 1998).

**Nebraska Equal Opportunity Commission Charge of Discrimination NEB**

2-16/17-9-47803-RD; EEOC 32E-2016-00805, was signed **September 8, 2016.**

**Nebraska Equal Opportunity Commission** made Commission Determinations: Bruno vs. Christ the King on **May 19, 2017** for Nebraska Age Discrimination in Employment Act [and Retaliation Discrimination] and Nebraska Fair Employment Practice Act [and Retaliation Discrimination] as No Reasonable Cause. [For the Commission: Eric Drumheller]

**U.S. Equal Employment Opportunity Commission** closed its file with a Dismissal and Notice of Rights on **September 22, 2017** adopting the findings of the state or local fair employment practices agency that investigated this charge.

On December 22, 2017, the U.S. District Court was petitioned via USPS and on January 3, 2018 (No. 8:18CV41) Honorable Richard G. Kopf, [Supervising Pro Se Judge] ruled, as he has done with numerous complaints including nine in 2013, since Case No. 8:08cv477, [Oct 23, 2008] with an ORDER TO RETURN ORIGINAL SUBMISSION:

*The proposed documents lack a legal basis or otherwise violate Rule 11, of the Federal Rules of Civil Procedure, and the individual submitting the materials is barred by prior order from filing such documents with the court in Case No. 8:08CV477.*

On Appeal to Eighth Circuit, **CASE NO. 18-1297** was assigned to the complaint first presented for filing in U.S. District Court for Nebraska: Barbara Mrzlak Bruno, Ed.D. vs. Christ the King Church of Omaha And all Other Persons and Entities, Real Names Known or Unknown Party by statute or precedent.

Respondents were not served the Complaint, pending permission of the Court. They were noticed of activity on **February 9, 2018** and on September 12, 2018 the Motion for Rehearing and Exhibit List with Exhibits [Six Sections] sent.

The Eighth Circuit suggested the Appeal was untimely. Petitioner answered in a letter dated **February 16, 2018**. The Eighth Circuit then permitted a Motion for an Extension on **February**

**21, 2018**, which was filed with exhibits, on **March 2, 2018**. On **March 15, 2018**, a Memorandum and Order by Honorable Richard Kopf granted the Extension.

Eighth Circuit ORDER dated **August 2, 2018**: Petitioner's Motion to Appeal was answered with a Judgment affirming the District Court dismissal. On **August 13, 2018**, Petitioner filed a Motion for Extension of Time to file for rehearing; an **August 16, 2018** ORDER granted Extension of Time.

JUDGMENT in the U.S. Court of Appeals, Eighth Circuit before Circuit Judges Gruender, Kelly and Grasz dated **August 2, 2018**, summarily affirms the district court, i.e.

understood as without hearing further argument based on the merits of the appeal.

Petition for rehearing was filed on September 13, 2018 in the U.S. Court of Appeals, Eighth Circuit; ORDER by the panel is denied, **October 11, 2018.**

In accordance with the judgment of Aug 2, 2018, United States Court of Appeals for the Eighth Circuit issued a formal MANDATE dated **October 18, 2018**, pursuant to the provisions of Federal Rule of Appellate Procedure 41 (a).

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

**CONSTITUTIONAL AND STATUTORY  
PROVISIONS INVOLVED**

20 USC S. 1232g;

34 CFR § 99.31  
Family Educational Rights and Privacy Act  
(FERPA)

28U.S.C. § 1912  
Damages and costs for affirmance

29 USC § 626 Record keeping, investigation and  
enforcement (Equal Employment Opportunity)

NEBR. FAIR HOUSING ACT § 20-318 UNLAWFUL ACT  
ENUMERATED

**FEDERAL RULES OF CIVIL PROCEDURE, RULE 11**

**NEOC SUBPOENA AND FILE REVIEW PROCEDURES**

Rules of Supreme Court of the U.S. 32(1)(3)

U.S. Constitution Amendment 1; Congress shall  
make no law respecting an establishment of  
religion, or prohibiting the free exercise thereof; or  
abridging the freedom of speech, or of the press; or  
the right of the people peaceably to assemble, and

to petition the government for a redress of grievances.

Constitution, Article III  
(Article 3 - Judicial) Sec 2; 2: I

Constitution, Article I Sec. 8  
Intellectual Property Clause

Constitution, Article [IV]  
(Amendment 4 - Search and Seizure)

Constitution, Article [V]  
(Amendment 5 - Rights of Persons)

## STATEMENT OF THE CASE

Petitioner, Barbara Mrzlak Bruno commenced this action against Christ the King Church of Omaha, and All Other Persons and Entities, Real Names Known or Unknown Party by statute or precedent, due to another incident in a long history [twenty years] of unresolved employment discrimination complaints filed in the Nebraska Equal Opportunity Commission, US EEOC and well documented in the Courts, U.S. District, Eighth Circuit and the United States Supreme Court:

Bruno vs. All Saints Catholic School, et al  
US District Court-NE 8:13CV00156-LES  
8<sup>th</sup> Cir Court No. 13-2205 (2013);

Bruno v. All Saints  
US District Court-NE 8:01CV517  
Bruno v. Bright Horizons  
US District Court-NE, Case No. 8:02CV299

Brundo v. Christ the King  
US District Court-NE, Case No. 8:04CV209

Brundo v. Christ the King  
US District Court-NE, Case No. 8:02CV216

Brundo v. Christ the King  
US District Court-NE, Case No. 8:09CV213  
8<sup>th</sup> Cir Court No. 10-1712 (2010)

Brundo v. Christ the King Church, et al.  
US District Court-NE, Case No. 8:10CV00056  
8<sup>th</sup> Cir No. 10-1328 (2010)

Brundo v. Christ the King et al  
US District Court-NE Case No. 8:08CV477  
8<sup>th</sup> Cir No. 09-2823 (2010)

Brundo v. Christ the King Church, et al  
US District Court-NE 8:13CV00156-LES  
8<sup>th</sup> Cir Court No. 13-2205 (2013)

Brundo v. Daniel J. Gross  
US District Court-NE 4:01CV542

Brundo v. Duchesne Academy  
US District Court-NE 8:02CV214

Brundo v. Fremont Public Schools  
Dodge County District No. 001  
US District Court-NE 8:13CV00156-LES  
8<sup>th</sup> Cir Court No. 13-2205 (2013)

Brundo v. Nebraska Catholic Conference  
US District Court-NE, Case No. 8:08CV209  
8<sup>th</sup> Cir Court No. 09-3084 (2010)

Brundo v. Our Lady of Lourdes  
US District Court-NE 4:01CV543

Brundo v. St. Bernard  
US District Court-NE 8:13CV00156-LES  
8<sup>th</sup> Cir Court No. 13-2205 (2013)

Brundo v. St. Joan of Arc  
US District Court-NE 4:01CV585

Brundo v. St. Margaret Mary  
US District Court-NE 8:01CV505

Brundo v. St. Matthew  
US District Court-NE 8:01CV586

Brundo v. St. Patrick, Elkhorn  
US District Court-NE 8:13CV00156-LES  
8<sup>th</sup> Cir Court No. 13-2205 (2013)

Brundo v. St. Robert Bellarmine  
US District Court-NE 8:01CV502

Brundo v. St. Stanislaus Church of Omaha  
US District Court-NE 8:13CV00156-LES  
8<sup>th</sup> Cir Court No. 13-2205 (2013)

Brundo v. St. Stephen Church of Omaha

US District Court-NE 8:13CV00156-LES  
8<sup>th</sup> Cir Court No. 13-2205 (2013)

Brundo v. St. Thomas More Church  
US District Court-NE 8:13CV00156-LES  
8<sup>th</sup> Cir Court No. 13-2205 (2013)

Brundo v. St. Vincent de Paul  
US District Court-NE 8:01CV588.

Brundo v. St. Wenceslaus Church of Omaha  
US District Court-NE 8:13CV00156-LES  
8<sup>th</sup> Cir Court No. 13-2205 (2013)

Brundo v. Westside Community Schools  
US District Court-NE 4:01CV544 [8:01CV544]

Brundo v. Westside Community Sch. Foundation  
US District Court-NE 4:01CV320  
[8:01CV320]

Complaints written but not permitted to be filed in the U.S. District Court, included one public school (Fremont Public) and eight Catholic Schools. Mary Our Queen, Creighton Prep and Creighton University were not written for the court but documented.

Asking questions, challenging the system and finally telling the truth once too often, does not make or define a personality problem, but personality traits of problem solvers: curiosity [why] and persistence. Abuse/harassment by the individuals, agencies or organizations, becomes transparent over time, because a pattern is created. This pattern, if not challenged by an intervention by appropriate authority, becomes a signal to others that the behavior will be tolerated in society, a Catholic Church/School system, public education, state agencies, etc.

Petitioner, having filed charges appropriately and participated in about thirty NEOC investigations, would be in a “protected

class." (CBOCS West, Inc. v. Humphries 2008)  
(NEBR ADEA and FEPA Retaliation Clause)

This hiring incident was over a period of time from **November 2015 to January 2016**, when it was learned that the position applied for was filled at Christ the King Catholic School. This is post *Hosanna-Tabor*. What did the Archdiocese of Omaha, et al. learn? Only to not bother with, or ignore the Petitioner, deeming her a person of no employable worth. After analyzing a pattern of harassment, it is a reasonable conclusion that Nebraska will not allow Petitioner employment in education.

During this same time period, Petitioner was attempting to renew her Nebraska Department of

Education Administrative Certificate, which required either verification of employment experience or "verification of a **recent college credit hours**" within the immediate past five years, completed to the satisfaction of the institution. The position at Christ the King School was an ideal opportunity toward achieving certificate renewal. To that end University of Nebraska at Omaha, College of St. Mary, Nebraska Department of Education and Christ the King were contacted for assistance/guidance. Christ the King denied contact, yet were party to a group email.

At this same time attorney DAVID P. WILSON, formerly of Marks, Clare and Richards, opens probate (Douglas County NEBR PR 16-213 and PR 17-1291) of a living person through

Investigation Of Barbara Brundo In Douglas County Court Nebraska, i.e. prior to the death of Suzanne C. Modlin [d. Dec 6, 2016], an incapacitated person, disabled, and wheelchair bound. She was doing well considering her limitations because of individualized care in a facility, planned by her niece, the petitioner. Her Trust ended at time of death. Petitioner Barbara Brundo is the sole beneficiary of her Will.

Further, when the Court at Mr. Wilson's request, removed petitioner from Suzanne Modlin's bank assets, petitioner used her own funds. Checks copied with process dates were provided by the bank to evidence how personal funds belonging to Barbara Brundo were used for the welfare of

Suzanne Modlin and her real property from March to June 30, 2016.

Regarding the NE Teacher Certificate, it needs to be noted that previous UNO enrollment required higher education transcripts. The university purged their file of the Petitioner from 2006. Re-registration at UNO, usually simple, was very complicated, requiring faculty permissions, *sealed* copies of all transcripts of previous colleges and universities previously attended eleven [11]. This was only possible because Petitioner [2006] ordered extra sealed, and retained as sealed transcripts, to be sent to her, without which, timely enrollment would have been denied. The assigned classes [“Data Driven Decision Making for Educators” and “Culturally Responsive Teaching”]

proved to be an opportunity to grow professionally, enhancing computer skills for sharing resources, issues in education and advocacy for vulnerable adults and children. It also provided an opportunity to humbly and somewhat embarrassingly, admit her lack of paid employment since 1998. Sharing U.S. Supreme Court submissions, which resulted in no favorable directed verdict, summary judgment or Court remand, helped evidence the use of petitioner's time. While the instructor participated in a jury during the semester period, it was explained that petitioner's submissions were decided by "bench" trial. Petitioner should have moved for a "*motion for summary judgment*" each time as any competent, fair jury could only rule in favor of Barbara Brundo each time, prior to

*Hosanna-Tabor*, and then including the lessons of Hosanna. Contracts from Creighton University (1984-1987) as Adjunct Assistant Professor and Christ the King (1986-1992) as principal and 1994-1995 as Coordinator of Religious Education are in an Addendum. The contract provision for an evaluation was not provided for the 1994-1995 academic year, i.e. breach of contract.

It is a fact that the State of California, Commission of Teacher Credentialing, after Petitioner's full disclosure of the Order by Judge Susan Bazis, for an investigation of the allegations made by David P. Wilson in a Petition for Appointment of Guardian/and/or Conservator, pursuant to **Neb. Rev. Stat. §30-2619.01**,

which resulted in removing Barbara Brundo, was issued the following document on August 24, 2017:

Clear Administrative Services Credential  
Document Number: 170185737  
Issuance Date: 08/01/2017  
Expiration Date: 08/01/2022

Before granting your application, the Commission will review, at a minimum:

- Federal Bureau of Investigation criminal history (rap sheet)
- California Department of Justice criminal history (rap sheet)
- International database of teacher misconduct maintained by the National Association of State Directors of Teacher Education and Certification (NASDTEC)
- Previous reviews by the Commission
- Complaints from others
- Notifications from school districts
- Teacher preparation test score violations

Petitioner also holds a valid Standard Elementary Teaching Credential with Life term in the State of California.

It is important to note that Mr. David P. Wilson, stated that Barbara Brundo was not the successor trustee yet the Last Will and Testament clearly states such. Petitioner alleged he created documents with ambiguity for his own interests.

A very detailed letter to the NEOC, EOC Investigator Ms. MJ Sullivan, dated April 3-17, 2017, is included in the ADDENDUM. That document was modified with a notation: *Red font indicates Dec. 2017 editing notes; with clarifications, corrections, changes, verifications, etc.*

## **REASONS FOR GRANTING THE PETITION**

It is a public good to provide guidance through precedent. It is also a public welfare issue to ensure the constitutional right to the judicial system and enforcement of awards. Petitioner is certain her parent's award was never had, in what is recalled as an "inverse condemnation" case many years ago. (Honorable Lyle Strom was his attorney, early 1980s) Property was riverside. Omaha is embarking on more riverside development, so it was not a "colossal business mistake."

Petitioner's remaining issues are good reason for exercise of the Court's supervisory power; Rule 17(6) would be applicable to the Petition No. 13-1486, filed June 2014, wherein respondents did not respond.

The Rule 11 sanctions paid by petitioner for the alleged frivolous complaints from 2001 through 2010 should be returned with interest according to judgment rate as of the date of the judgment for each sanction. The fact that the Supreme Court of the United States heard a case [*Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, 565 U.S. 171 (2012)] gives credibility to the merit of petitioner's case history. There were numerous [21] **Amicus Briefs Supporting Petitioner**; and ten **Amicus Briefs Supporting Respondent**. A question before the court is about a breach of contract, followed by retaliation discrimination for advocating children and vulnerable adults.

Contract violations and alleged criminal behavior by others led to unfair and defamatory comments and inferences about the petitioner, causing enormous monetary and other harm. After all these years, since October 2018, the Catholic Church in Omaha, released abuse allegations that were the result of previous negligence. **Jerome Coyle** of the Diocese of Sioux City admitted in 1986 that he was a pedophile; on Nov 1, 2018 the story broke in the *Omaha World Herald*. On December 1, 2018 “Clergy Accused of Sexual Misdeeds, Acknowledging ‘Ugly Truths of the Past’” was published. On Dec. 17, 2018, Creighton University President, Daniel S. Hendrickson, S.J. announced the USA Midwest Province of the Society of Jesus released a list of names of Jesuits

with credible allegations or sexual abuse of minors since 1955. Terence German, S.J. did report sexual misconduct to the highest level of the Church. [See Index #119296-1993 New York County Clerk] December 9, 2018, *Sunday World Herald*: “Omaha Archdiocese, Disclosure reveals clergy sex abuse hidden for decades.” *Sunday World Herald*, June 4, 2017, “QUEST OF 2 LIFETIMES” is a *genealogy story* played out in “Douglas County District Court on a lawsuit Chafin filed alleging an ‘adoption conspiracy’ separated her from her newborn nearly 50 years ago. A respected Jesuit priest, Thomas A. Halley, SJ, was involved. Summary of an investigation: “*Fairness requires that the conduct of Fr. Halley’s be measured according to the norms of 1968, nearly a half-century ago.*” (pg. 4)

The University of Southern California, Chair of the Board of Trustees, on Oct 19, 2018, announced the university reached agreement in principle on a \$215 million class action settlement that will compensate students who received women's health services from Dr. George Tyndall. USC was at one time well aware of Petitioner's interest in protecting children and vulnerable adults. They hold the credential file [letters of recommendations for job placement] for petitioner in their Rossier School of Education. (Petition to this Court filed June 2014.)

From 1986 to present, Kid-Ability® training for children and adults concerning child self-protection, teacher application forms in 1989 designed with pro bono attorney [William Oakes]

to alert employee applicants of personal safety standards, and Respect Life curriculums, petitioner made every effort to protect children in the school. “Parent and, (i.e. with their) child programs were the presented. (Addendum: Class of 64 Mailing)

Many years ago, Rev. R. J. Gass (now deceased) stated : “Ahead of your time.” Now it is understood the Catholic Church was not ready to settle theory and practices in the Respect Life curriculum, known in public schools as *Human Growth and Development*, minus chastity, purity issues of the Catholic schools, long ago taught through the stories of saints like St Maria Goretti.

A.H. Maslow’s hierarchy of needs, begins with physiological needs of hunger, thirst, etc., then safety needs. The third in his hierarchy

*belongingness and love needs, followed by esteem needs* i.e. achievement and recognition, fifth, *self-actualization needs* and lastly the *need to know and understand.* (Psychological Foundations of Learning and Teaching, pgs. 202-203)

Petitioner clearly understands the right of religious schools to select their own "ministers." However when immoral ministers use children's and adolescent's basic needs of safety and belongingness to meet their own evil need of sexual self-gratification, petitioner believes the "ministerial exception" has to be challenged. The title "*Don't Make Me Go Back Mommy, A child's book about satanic ritual abuse,*" was found on the shelf of the National Shine Shop in Washington DC. (© 1990 Published by Multnomah Press,

Portland Oregon) It is also recalled those years ago, a priest, in presenting a retreat for school administrators, related that Archbishop Daniel Sheehan, talked about satanic religious practice in the local Church. *Veritatis Splendor* (1993, Pope John Paul) is recalled as writing about "harden hearts" the internal forum i.e. conscience fails. Is this an initial response to Terrence German, formerly of the Society of Jesus. (v. Pope John Paul II, NY County Index #119298-1993)

Petitioner accepts that the Roman Catholic Church has in their governance actions for a long well documented history, deemed petitioner unwelcome in their churches and schools with some exceptions. However, they do not have jurisdiction of the public schools. Their First Amendment rights

do not include defaming petitioner; rights have responsibility to not injure others. The latest allegations of abuse of fiduciary duty and theft are outrageous and retaliatory.

The Estate of Suzanne C. Modlin, in her Last Will & Testament including Trust funds (UBS and Bank of the West accounts, death benefits, etc.) and all real and personal property naming petitioner, denied by Order of the Douglas County Nebraska Probate Court for alleged "breaking the law" was pretext, harassment, i.e. retaliation for the filing of alleged frivolous lawsuits. should be returned with full transparency. Petitioner presented to the Court every single check with process dates and a checkbook ledger copy. Every single UBS and Bank of the West statement from

2011 through March 2016 was provided. Every Medicare document was retained.

Defendants named in official and or individual capacity and others yet unknown, should be accountable for their unprofessional conduct including unfair hiring, verifying as true false information, or impeding investigations, causing loss of liberty [employment over 20 years] of petitioner. Respondents should have wanted to know if they were being used for covering up sexual misconduct or unfair hiring while serving on search committees. Instead, attorney Patrick Flood remarked in open court that they would have considered settlement if they had not been named. [Transcript] The fact that NEOC, teachers, administrators, and attorneys were short on

truthfulness in the numerous investigations should be alarming to the education profession as role models for society's future.

Defendants [State, County, & City] including also Westside Schools named in the various case files of Nicholas & Theresa Mrzlak, R & T Corporation, dba Country Club Inn Motel, Columbus Nebraska need to settle the "vintage" Court Order in favor of N.J. Mrzlak, et al., by returning land and financing rebuilding to present day standards, the facilities demolished in 2010, allowed by the coercion of vulnerable adults and as retaliation for the litigious behavior of petitioner including the consult with Nebraska Supreme Court Counsel for Discipline by both Mr. Mrzlak and petitioner. [Documents]

Sale of family home of Nicholas and Theresa Mrzlak, 113 South Parkway, Columbus, Nebraska, should be declared null and void; first [2008] sold after the Catholic Archdiocese attorney made false statements, followed by retaliation discrimination by realtor. Home Real Estate, advocating in [2015] for defendants Catholic Archdiocese of Omaha threatened a lawsuit if any agents were contacted again. (Fair Housing Act.)

Petitioner should be made "whole again" by defendants, using jury verdict research findings, with acknowledgment of repeated loss income opportunity over a twenty plus year period, a constitutional right, by defamation, causing employment and real estate investment (including the old Carnegie Library, Columbus, NE ) losses.

Of concern is the U.S. District Court of Nebraska and the Eighth Circuit, believed to have erred or facilitated "covered up" wrong doing in refusing to recognize the serious nature of complaint [or the series of complaints] which addresses the harassment of Barbara Bruno in retaliation for years of "perceived" abuse of the judicial system. Where does this problem belong if not in the Courts? Respondents failed to conciliate with the NEOC proposals. Charge investigations from the NEOC/EEOC beginning March 1998, while retained by petitioner, are said to have been destroyed by the agency, using retention schedules to cover up untruthfulness. Initially it was a space allocation issue, however, as time went on, it

became apparent, that it was not. Unresolved case files should not be destroyed.

John Schlegel S.J., Dean, College of Arts and Sciences terminated whistleblower Terence German, Assistant Professor of Theology, on October 30, 1986, while both were assigned to Marquette University. This was learned around 2014, after years of subtle harassment and otherwise, of petitioner and family at Creighton University and in the Omaha community, where John Schlegel, now deceased, served as President. The letter from Sally Spencer, previous Certification Officer in the Department of Education serves as an example; the unprofessional conduct of Dr. Tim Cook as a Department advisor

on theology certification requirements is documented.

This time the punishment injured yet another vulnerable adult by negating all of her estate plans under the pretense of Barbara Brundo abusing her fiduciary duties to her aunt. Ineffective counsel allowed it to happen as well as hastened judicial process and questions of conflict of interest, learned after the fact. Her home was allowed to be raided and emptied under the jurisdiction after petitioner objected in open court, and then sold in spite of the intent of her Will, which was never declared invalid and named Barbara Brundo as Successor Trustee. David P. Wilson denied that petitioner was successor trustee. Her [Suzanne C. Modlin's] end of life care was not right.

The probate court activity was perceived as an effort to control petitioner unjustly; she was not an employee of anyone.

It was wrong to try to withhold the Estate funds because petitioner exercised free speech. Creighton University and Creighton Prep should be called to pay costs of intentional harm to Petitioner and her husband and children, as employees or not. Trying to heal from the 2012 heart bypass surgery is difficult when discomfort gives rise to the memory of the disclosure of needle left in the chest of husband, i.e. empty packets and needle count could not be reconciled. It was a very frightening ordeal.

The U.S. District Court - Nebraska and the Eighth Circuit Court of Appeals, as a result of *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, has to settle the issue as to how the "ministerial exception" will be determined in the various religious schools and other organizations in their jurisdiction. The opportunity was lost as Petitioner's complaints were dismissed without opinion. While the Supreme Court identified some considerations, each case is to be decided on its own merit. One question is, who is covered and who is not covered as a minister? Omaha Archdiocesan schools are autonomous. Canon law structured responsibility from Pope, to Bishop to Pastor.

And then if an employee is designated as a minister, how should such a minister who is required by statute to report i.e. "blow the whistle on their employers" file claims? Most are quickly hired by another institution, but not so for Barbara Brundo: "If you do not file, you can have any job you want." Later, "Whatever you do we will do back." Neb. Rev. Stat. § 28-710 to 28-727 Child Protection and Family Safety Act. Teachers are mandatory reports.

Has the U.S. District Court, of Nebraska and the Eighth Circuit Court of Appeals, as a result of *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, settled the issue as to how the right of the religious organizations to decide their own leaders, will not allow that freedom to be used

to preclude hiring in public institutions, thereby being defamatory in nature? No. The lower courts will not consider the cases available for doing so. There is evidence of many applications made: Westside Community Schools, Columbus Public Schools, Omaha Public Schools, Omaha 2000/Bright Horizons, Fremont Public Schools, Millard, etc. No employment, no settlement since filing a complaint. There was forced labor by the Douglas County Probate Court and many related expenses, beginning January 2016, as of this time, incomplete are the health records and household expenses. Attorney did not care about anything but money. The estate has already been given to Creighton University. Petitioner hired attorneys;

they did not represent her best interest and asked [required signature] to withdraw.

Petitioner certifies to the best of her knowledge, information, and belief that these complaints were presented for proper purpose, support existing law and have factual information to support all claims:

Petitioner used a certified copy of the New York County Clerk's Office Complaint of Terence German v. Pope John Paul II, Index No.: 119296/93 that included a document signed by John P. Schlegel, a contract termination of T. German.

## CONCLUSION

Based on the foregoing, Petitioner respectfully submits that this Petition for Writ of Certiorari should be granted.

The Court may wish to consider reversals of decisions of the Eighth Circuit Court of Appeals, No. 9-2823, No. 09-3084, No. 10-1328, No. 10-1712, No. 13-2205, and No. 18-1297, and U.S. District Court – Nebraska No. 8:04cv209 which was not permitted to be appealed; and the series of cases withdrawn “without prejudice” on July 21, 2003. Consideration of Court supervision requested. (Rule 17. Procedure in an Original Action.)

Petitioner is not a lawyer and works independently on research, writing and preparation.

Jan \_\_\_\_ 2019 Respectfully submitted,

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