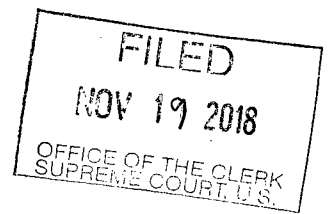


No. 18-6874

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTINE CORNELIUS — PETITIONER
(Your Name)

vs.

TOWN OF ATKINSON, NH — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE STATE OF NEW HAMPSHIRE SUPREME COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CHRISTINE CORNELIUS
(Your Name)

52 ISLAND POND ROAD
(Address)

ATKINSON, NH 03811
(City, State, Zip Code)

(603) 489-9071
(Phone Number)

QUESTION(S) PRESENTED

- 1. Whether the Court unconstitutionally denied the Petitioner, disabled with bipolar disorder, her rights to reasonable accommodations during judicial proceedings.**
- 2. Whether opposing counsels' misrepresentations of facts during these legal proceedings--as the result of incompetence, carelessness and/or corruption--constitutes 'legal abuse.'**
- 3. Whether disallowed disability accommodations by the Court and/or opposing counsels' 'legal abuse' constitute reversible error.**

LIST OF PARTIES

- ☐ All parties appear in the caption of the case on the cover page.
- ☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was May 15, 2018.
A copy of that decision appears at Appendix A _____.

☐ A timely petition for rehearing was thereafter denied on the following date: June 20, 2018, and a copy of the order denying rehearing appears at Appendix B _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including November 17, 2018 (date) on September 26, 2018 (date) in Application No. 18 A 309 _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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STATEMENT OF CASE

Discrimination cases such as this are supposed to be heard in courts, not created in them. This case is before this Court due to ADA Title II violations and legal abuse the Petitioner endured in lower court proceedings, some of which were sanctioned by the NH Supreme Court. The Petitioner suffers from bipolar 2 disorder. Stress exacerbates cognitive impairments (comprehension, processing speed and memory issues); and physical harm (migraines, tremors and chest pains).

This started as a land-use case. The Petitioner's residential property, App. 79-80, has been devalued twice by the town assessor due to the lack of the required year-round sound and visual barriers of two neighboring businesses. App.13-15 This is despite an agreement signed by the Petitioner and town in 1994 to prevent these very violations from occurring. App.16-17

After years of requesting the lacking screening be supplemented, and sending another detailed letter on 09/6/2016, App.18-22, followed up with a phone call in November, App. 43-46, a new code enforcement officer looked at the problem from the Petitioner's property on 11/04/2016. They discussed how adding some trees might fill in the gaps and provide the required screening. The officer attempted to but was unsuccessful in getting the business owner to look at it.

Twelve days later the Petitioner received a letter from the officer informing her that he now found the commercial property with all the gaps in the screening, to be *in compliance with the town's regulations*. As the Petitioner knew it certainly was not, she now had thirty days to appeal the decision to the Zoning Board or accept having

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her property permanently devalued along with the loss of her sense of safety, privacy and quality of life. Soon after that, the new code enforcement officer quit.

Perfectly aware this was the worst kind of stress for her disability (verified by her psychiatrist) App. 23, the Petitioner requested, as a disability accommodation, the Selectmen resolve this issue within the town as it had been in the past--with a zone-line agreement. App. 24, 16-17. They responded 11 weeks later with no accommodation. This was after the Petitioner had already revisited 2 decades of land-use abuse preparing files for the costly and counterproductive *Zoning Board of Adjustment* hearings.¹

The State Board of Adjustment recommends an on-site visit in matters such as this; but without even looking at the issue from the Petitioner's property the ZBA chairman found the commercial property to be in compliance.

In the minutes of one hearing the chairman is quoted: *"No pictures have been presented showing summertime growth to see if there is enough screening and the ZBA could not have made a different decision given the evidence presented."*

The ordinance calls for year-round screening. App. 15. Wherefore, needing to see if with the summertime growth there is enough screening, the ZBA chairman proved the commercial property's lack of compliance with the ordinances--and proved the Petitioner's case. App. 81.

The ZBA chairman would not allow a rehearing. Thus, having exhausted all

¹ There are two types of emotional distress lawsuits: negligent infliction of emotional distress, and intentional infliction of emotional distress:

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avenues of resolving the matter in town, the case went to Superior Court.²

Bipolar disorder is a very serious condition and the Petitioner's health was suffering. App. 29. She sought relief, contacting the state agencies that the Department of Justice listed as offering assistance in matters of this kind. But all they could offer was use of a law-line (the second Wednesday of every month from 6-8 pm), or hire a lawyer through the *NH Bar Association Lawyer Referral Service*. They couldn't even suggest an advocate to follow the case. So, due to financial constraints, the Petitioner filed the case with Superior Court, pro se. App. 82-84.

The Petitioner's suffers cognitive chaos when under stress so filed a motion that was granted for a disability accommodation to replace oral argument. App. 25. Having taught pre-school through graduate school the Petitioner is proficient at preparing comprehensible presentations. So she meticulously prepared binders of files and photos to prove her case—one for the judge, opposing counsel and herself. Her oral argument was on the left pages facing the corresponding proof on the right; all carefully coordinated with an audio tape. It presented her case in the clearest, most concise, and complete way possible.

On June 5, 2017, at the hearing, the Petitioner found herself, without warning, having to *orally argue* justification for the use of her binders to replace *oral argument*;

2 *Monroe v. Pape*, 365 U.S. 167 (1961), was a United States Supreme Court case that considered the application of federal civil rights law to constitutional violations by city employees. The case was significant because it held that 42 U.S.C. § 1983, a statutory provision from 1871, could be used to sue state officers who violated a plaintiff's constitutional rights.

This decision not only provided for compensation to injured citizens, but greatly deterred arbitrary actions by state officers. The scope of *Monroe v. Pape* covers much more than police brutality or racial bias; it has been invoked in cases ranging from improper land use decisions to inappropriate school allocations to wrongful denials of liquor licenses.

a disability accommodation already allowed through a motion. This was comparable to having a crippled person's kneecaps smashed who is on crutches and struggling to walk. Bipolar disorder, though considered an 'invisible' disability, causes great suffering in its victims.

Judge Schulman did not accept the binder prepared for him, so the Petitioner's planned accommodation to assist with her communication at the hearing was destroyed. App. 26-29. Had this occurred outside of the courtroom--it would warrant filing a case with Superior Court.

Opposing counsel had been ordered by the court to provide a Complete Certified Record of all the town's proceedings regarding this case. A number of files that should have been included--were not. One in particular was the most important file the Petitioner presented at the Zoning Board hearing. It was the previous owner's *Site Plan Amendment Sheet* that noted: The plans should demonstrate compliance with Section 6180 (Minimum Landscaping Requirements), or request a waiver from this portion of the regulations.³ App. 29-30.

The minutes of that ZBA meeting listed this *Amendment Sheet* as having been there. But rather than consider this proof the Respondent failed to include it in the Record... Judge Schulman considered the file being *listed* in the minutes an acceptable alternative to the file being included in the Complete Certified Record that the Respondent was ordered to provide. App. 26-27.

3. This ordinance required a 15-foot wide strip of landscaping along the perimeters of commercial property to be maintained and/or replaced as necessary (in this case the zone-line sound and visual barrier). App.15. Thus, in addition to the signed agreement with the town, App.16-17, this ordinance proved the responsibility of maintaining the treed sound and visual barrier was carried over from property owner to property owner.

Whether these 'errors' are due to carelessness, incompetence or corruption, they constitute legal abuse.⁴

In his Objection to the Petitioner's Hearing Memorandum, App. 31-32, the Respondent objects to the Petitioner referencing the *Amendment Sheet* that he neglected to include in the Record, along with other files that were a part of the Certified Record. When the Respondent continues to misrepresent facts⁵, the Petitioner must continue to file motions to correct them.

"fraud on the court" occurs when it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense.⁶

This is especially offensive when opposing counsels later accuse the Petitioner of filing excess *requests for reconsideration* that have actually been *motions correcting their misrepresentations of the facts* that they should have corrected.

...when an officer of the court fails to correct a misrepresentation or retract false evidence, submitted to the court, it may also constitute fraud on the court. THE MATTER OF McCARTHY 623 N.E.2d 473 Mass. 423, 477 (Mass.1993)

The court's ORDER dated and 07/27/2017, signed by a different Judge (Anderson), contained many inaccuracies. Had the Petitioner's disability communication accommodation binder been allowed, and taken into evidence at the

4 Legal abuse refers to abuses associated with both civil and criminal legal action. Abuse can originate from nearly any part of the legal system, including frivolous and vexatious litigants, abuses by law enforcement, incompetent, careless or corrupt attorneys and misconduct from the judiciary itself. Wikipedia

5 These are violations of the Rules of Professional Conduct Rule 8.4(c).

6 16 Nev.L.J.707, Hague – Final.docx Fraud on the Court and Abusive Discovery by David R. Hague. App. 85-86

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hearing. Judge Anderson would have seen better organized files and much clearer photos than the copies in the Certified Record. No one can *honestly* say those pine tree trunks suffice as a sound and visual barrier. But the order stated:

...given that both the Officer [resigned] and the Chair of the ZBA [who needs to see if with summertime growth there is enough screening] physically inspected the row of white pines and determined that they satisfied the density requirements of the ordinance, the Court is not persuaded that the ZBA acted unreasonably or unlawfully based on the evidence Plaintiff presented.

The matter was also remanded back to the ZBA for further findings regarding the timing and process with which the site plan received final approval.

So the Petitioner filed a Motion for Reconsideration on 08/19/2017 and attached the binder to it as an exhibit.

Soon after, Justice Anderson scheduled another hearing for 10/13/2017 to address the 1994 zone-line screening agreement that he noticed while looking through the disability accommodation binder--rejected by Judge Schulman at the first hearing. App. 26-29.

In the meantime Atkinson's ZBA held their public hearing on 09/13/2017. The Petitioner and her former husband, the only actual *witnesses* of the events being discussed, testified first explaining in detail what occurred. Then when *public* participation was no longer allowed, the repressed Petitioner sat through some very convoluted discourse (fraught with inaccuracies) regarding the timeliness of the Petitioner's filing of her complaint of the illegally non-publicly altered site plan. App. 33-38b.

In accordance with the New Hampshire Municipal Association:

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The conditional approval directives decided upon at the last public planning board meeting on 05/20/2015, regarding completing the screening, are not drafted on the site plan and still have not been met. *Simpson Development Corp. v. Lebanon*, 153 N.H. 506 (2006).

When the Petitioner observed discrepancies as they were being installed by the business owner she contacted the land-use office. The site plan had been altered after that last public hearing.

Final approval is contingent upon the conditional approval directives being met. A site plan cannot be recorded at the Registry of Deeds until final approval has been granted. App. 42.

Despite being informed by the Petitioner that the conditional approval directives had not been met, the Planning Board Chair signed the site plan (whereby granting it final approval) and recorded it at the *Registry of Deeds*.

If the 09/6/2016 letter and diagrams, App.18-22, the Petitioner sent to the land-use office had been included in the Complete Certified Record as it should have been, it would have proven the only people responsible for any delays were the landuse officials. Even the Court noted that letter missing in a footnote on the first page of the 07/31/2017 order.⁷

At the second Superior Court hearing, on 10/13/2017, fully aware that the binders were a disability accommodation, despite the Petitioner's expressed need to use them; and despite the fact that he had scheduled this hearing based on the screening agreement he happened to see when he looked through the first binder; App. 39-40, Judge Anderson denied their use. As the minutes, App. 33-38b, of the ZBA's remand hearing had just come out, the hearing became more about the ZBA's timeliness findings than about honoring the 1994 screening agreement that the Petitioner had prepared for. App.16-17.

7. This email referenced a letter allegedly sent to Atkinson's Planning Board and the Officer on September 6, 2016, which reportedly "detailed" Plaintiff's complaints, however no such letter was made available to the Court.

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The Petitioner filed an Answer To The Atkinson Zoning Board Of Adjustment Remand Hearing. App. 41-48.

More than two months later, on December 19th (six days before the Holidays) Judge Anderson's order dated 12/18/2017 was emailed to the Petitioner. On 12/22/2017, the Petitioner received mail from the town assessor stating the lack of screening of the abutting business had devalued her property once again. App. 49. Unable to deal with the added stress of the email from the Court at that point, the Petitioner had a friend open and comprehend it for her after the holidays.

The Court ruled against her because, in Judge Anderson's words. "the Plaintiff's arguments did not squarely address *this* issue." App. 7-12. That issue, the 1994 contract broken by the town, App. 16-17, was squarely addressed on pages 5 and 6 of the disability accommodation binder he rejected at the hearing.

The Judge's order not only proved the Petitioner's need for her disallowed disability accommodation to assist with communication, but also showed how the judge's disregard of ADA Title II affected his order. App. 10.

Once able to formulate and draft her own opinion, the Petitioner filed a Motion for Late Entry, App. 50-51 (citing her disability), for her Motion for Clarification of Court's Order, App. 52-58, to address all the ADA Title II issues within the lower court. She also attached the updated assessor's report of her property--devalued again, due to the abutting businesses' lack of screening. App. 49. It verified that all the photos and files she had entered showing the violations of the zone-line screening ordinances, were true. This was absolute proof of damages that no one could deny.

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The Respondant then filed Objections to the Petitioner's Motion for Late Entry and Motion for Clarification of the Court's Order in which he claimed *nothing in the court's opinion is unclear*. App. 59-60. What needed to be clarified was: if Judge Anderson had looked at the Petitioner's very organized binder during the hearing and read her meticulously planned argument, that included case law and the screening history in Planning Board minutes, App. 87, his orders likely would have been different. By misrepresenting the facts in his Objections to the Petitioner's Motions, opposing counsel misled the judge into dismissing an opportunity to address his ADA Title II violations, and become aware of how they undermined his order. App. 5-12.

In an effort to still resolve matters in the lower court the Petitioner filed a Motion For Federal ADA Title II Laws to be Followed, App. 61, to which she attached the ADA Title II Technical Assistance Manual, App. 62-63, and an additional page, App. 64, with the rules that applied to these issues.

Another attorney representing the town, filed an Objection To Plaintiff's Motion For Federal ADA Title II Laws to be Followed, in which she accused the Petitioner of filing excess *motions for reconsideration*. App. 65-68. The facts are the Petitioner had to file extra motions to correct the defense's continual misrepresentation of facts.

Due to being unaware that there had been a second hearing and a second disability accommodation binder, in her objection to the Plaintiff's Motion For Federal ADA Title II Laws to be Followed the opposing counsel misrepresented so many facts she confused the Judge into thinking the ADA Title II violations the Petitioner was referring to were of the town, when they were actually his. App. 65-68.

The Petitioner made one last effort to resolve the ADA Title II matters in the lower court by filing a Motion to Correct, Clarify and Educate. It addressed opposing counsel's errors regarding the events of the case and included resources for information on 'legal abuse,' ADA Title II and ADAA—to no avail. App. 69-70.

Both opposing counsels' misrepresentations of the facts succeeded in confusing the judge into thinking the Petitioner was pursuing an ADA Title II claim against the town, when nothing could be farther from the truth. The only ADA violations concerning the Petitioner during the court proceedings were having her meticulously prepared disability accommodation binders disallowed without warning by judges at both hearings; and her Motion for Late Entry (citing SSDI) denied.

It was devastating. Like having crutches kicked out from under someone struggling to walk. Discrimination cases such as this are supposed to be heard in courts, not created in them.

Because the legal abuse of both opposing counsels' in their misrepresentation of the facts resulted in a decision in their favor; 'fraud on the court' was realised. It began with the incompetence, carelessness, and fraud of town officials, and was guided through Superior Court by their deceptive attorneys' constant misrepresentation of the facts. Had they truly *counseled* the town, they would have helped them correct their mistakes rather than fraudulantly place blame elsewhere.

[16 Nev. L.J.707, Hague-Final docx] David R. Hague's Article, Fraud on the Court and Abusive Discovery p. 711:

Part III also utilizes the four step process to demonstrate that advancing falsehoods during the discovery process is a form of fraud on the court and that courts have equitable power to entertain a party's action that seeks to set aside a judgement based on fraud during the discovery process.

Advancing falsehoods during the discovery process is a form of fraud on the court; and these issues are not going away. There are still two businesses violating town ordinances with non-compliant site-plans at the Registry of Deeds. There are still residents whose property values and quality of life have been diminished. And Atkinson's residents are paying tax money to counsel to defend the town for violating its citizens. The Petitioner has been a resident of Atkinson for more than 26 years and town officials still haven't managed to get it right.

Judge Anderson's final order received on 03/23/2018 shows he had truly been confused (by opposing counsels' continual misrepresentation of the facts) into thinking the ADA Title II violations the Petitioner was addressing were of the town, when in fact they were his. App. 71-73

Having exhausted all possibilities of resolving matters in the lower court, the Petitioner filed a Motion for Extension of Time to File an Appeal with New Hampshire's Supreme Court. This was to give the town an opportunity to resolve the treed screening issues during the spring planting season should they choose to--rather than spend the money on further litigation. App. 74.

New Hampshire's Supreme Court denied the Petitioner's Motion for Extension of Time to File an Appeal. App. 75-76. According to their time table the Petitioner's deadline to file for an extension was 01/19/2018, at which time she was still struggling with her disability and had filed her Motion for Late Entry (a disability accommodation) of the Motion for Clarification. App. 52-58. They entirely disregarded her attempts to

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resolve ADA Title II issues in the lower court. They then denied her Request for Reconsideration stating: 'no points of law or fact were overlooked or misapprehended in the decision denying her motion...' App.77-78. It appears they have sanctioned the lower court's denial of the Petitioner's disability accommodatiing Motion for Late Entry ADA violation. Or do they need specific 'case' law for guidance; not 'federal' law?

REASONS FOR GRANTING PETITION

We can't have state Supreme Courts sanctioning lower courts' violations of ADA Tittle II--cases that they should be hearing; nor municipalities counting on the inconvenience and high cost of litigation to clear them of their errors.

The Petitioner contends her Constitutional Rights were violated when she was not allowed reasonable accommodations for her 'invisible' disability of bipolar 2 disorder during litigation proceedings.

In the Petitioner's case, stress exacerbates cognitive problems that affect her memory, processing speed, verbalization, attention, concentration, organization and decision making ability. This disorder is not easily understood. One cannot see it or put their finger on it. It affects each individual differently. There is quite a stigma against people who suffer from it.⁸

The Petitioner's meticulously prepared binders to replace oral argument (the use of which the Court granted in advance) were shockingly disallowed once in the

⁸ Under the Americans with Disabilities Act, the term "disability" means:

- (a) A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- (b) a record of such an impairment; or
- (c) being regarded as having such an impairment." App. 79-80.

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courtroom. App. 26-29 and 30-40. This was a very serious assault.⁹

677:10 Evidence; How Considered.--All evidence transferred by the zoning board of adjustment or the local legislative body shall be, and all additional evidence received may be, considered by the court regardless of any technical rule which might have rendered the evidence inadmissible if originally offered in the trial of an action at law.

Then a motion the Petitioner filed for Late Entry, App. 50-51, due to her illness, was denied.

How can blatant violations of ADA Title II such as these be happening in our judicial system? Those binders were the Petitioner's voice; her way to communicate clearly.

All state and local governments... must ensure effective communication for people who are deaf or hard-of-hearing, are blind or have low vision, or have speech or other communication disabilities.

Public entities... are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided. 42 USC §§ 12131-12134 28 CFR Part 35

Exactly how fundamentally altered would the nature of the service, program, or activity being provided be, by allowing, a disabled person who is experiencing difficulties, 19 extra days to file a motion (over the holidays no less)? Is some extra time an unreasonable accommodation?

Exactly how fundamentally altered would the nature of the service, program, or activity being provided be, for a judge to hear a voice recording of the Petitioner's oral argument while reading it in a binder with the corresponding files and photos

⁹ Most of the files in the binders were in the Complete Certified Record or had been otherwise carelessly, incompetently, or fraudulently excluded.

attached?¹⁰ Some thought needs to go into how the courts rules of procedures may be adjusted.

Because of the importance of effective communication in State and local court proceedings, special attention must be given to the communications needs of individuals with disabilities involved in such proceedings.
28 CFR 35.

II-7.1100 Primary consideration. When an auxiliary aid or service is required, the public entity must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individual.

"Primary consideration" means that the public entity must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

It is important to consult with the individual to determine the most appropriate auxiliary aid or service, because the individual with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective.

This Petitioner's case needs to be in this Court and out of New Hampshire because her attempts for assistance and avenues for reform within the State have been exhausted.

For the New Hampshire Supreme Court to sanction the lower court denying the Petitioner's disability accommodation in her Motion for Late Entry is very concerning.

Title II of the Americans with Disabilities Act covers all programs, services, and activities of state and local governments regardless of the government entity's size or receipt of Federal funding.

Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs,

¹⁰ Most of the files in the binders were in the Complete Certified Record or had been otherwise carelessly, incompetently, or fraudulently excluded.

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services, and activities (e.g. emergency programs, public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

The New Hampshire Judicial Branch recently posted a 'Notice under the Americans with Disabilities Act' to answer people's questions regarding accommodations. In speaking with the ADA Coordinator for the Courts about policy on judges; she said whatever accommodations they choose to allow, if any, are entirely up to them.

The Petitioner pointed out that the American's with Disability Act is a federal law. Disregard for it is a violation of civil rights. *Who might be able to talk with a judge who is violating ADA?* The answer was, *the ADA Coordinator has no say in the matter.*

The Civil Rights Act of 1871 is a federal statute, numbered 42 U.S.C. § 1983, that allows people to sue the government for civil rights violations. It applies when someone acting "under color of" state-level or local law has deprived a person of rights created by the U.S. Constitution or federal statutes.

The Rehabilitation Act is applicable to State governments.
29 U.S.C. §§ 794(b) (1) (A) (B).

Section 504 of the 1973 Rehabilitation Act was the first disability civil rights law to be enacted in the United States. It prohibits discrimination against people with disabilities in programs that receive federal financial assistance, and set the stage for enactment of the Americans with Disabilities Act.

Section 504 works together with the ADA and IDEA to protect children and adults with disabilities from exclusion, and unequal treatment in schools, jobs and the community.

Wherefore, having to advocate for herself, the Petitioner attaches files of relevant laws and disability accommodation information to her motions.

These issues are widespread. The Petitioner has dealt with them in the past

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and is presently dealing with them in another case.

Now to address 'legal abuse'. The Petitioner has experienced 26 years of it within the town of Atkinson. It started when a noisy outdoor tractor trailer repair business was illegally allowed to operate abutting the Petitioner's property.

It took more than 7 years and a lawsuit against the town before that was resolved. The lack of screening of both adjacent businesses has been an issue ever since. The taxpayers of Atkinson are unaware they are financing town counsel's attempts to get around the problem rather than resolve it.

Until the screening is put in, people's rights will continue to be violated; their property will continue to be devalued; and the non-compliant businesses' site-plans will remain filed at the Registry of Deeds. These are the violations that keep on violating.

So at the municipal level the legal abuse was fueled by town officials errors, incompetence and sometimes fraud. Town officials know what happened. Then the case advanced to the Superior Court level for more of the same, with missing files and misrepresentations of facts to cloud the issues. And once the Respondent prevailed it became 'fraud on the court.'

It is the Petitioner's observation and experience that sometimes small towns do not deal with the mistakes they make that harm their citizens. They rely on the high cost, stress and inconvenience of litigation to deter them from seeking justice. Thus when a citizen *does* challenge a municipality they are very likely motivated by a strong sense of injustice. In this case, rather than resolve the injustice and get the town back

on track town counsel chose to try to get around it by misrepresenting the facts in Superior Court.

Courts are over burdened with such cases. If town counsels were sanctioned for misrepresenting facts in court, they might be more inclined to help towns make an effort to responsibly correct the injustices they are responsible for. And town officials will be more careful and/or less inclined to commit the costly errors in the first place.

Being disabled and pro se, the Petitioner is an easy target for legal abuse. It is burdensome to constantly be correcting mistatements and proving opposing counsels' dishonesty through motions after motion. Judges have the power to address these abuses; but the Petitioner has found, even when the violations are proven through motions with files and regulations attached, for some reason they do not use that power. In this case, the Petitioner now has a *record* of the abuses to prove fraud on the court.

The Petitioner has a very serious disabling illness where legal abuse and discrimination can have severe consequences for her.¹¹ If ADA Title II is supposed to protect disabled citizens, might a good place to begin enforcing this federal law be in the the process of litigation?¹² It may be that counsel should be assigned to such

11 The ADA rule defines "mental impairment" to include "any mental or psychological disorder, such as... emotional or mental illness.

Examples of "emotional or mental illness" include major depression, bipolar disorder, anxiety disorders (which include panic disorder, obsessive compulsive disorder, and post-traumatic stress disorder), schizophrenia, and personality disorders.

12 42 U.S.C. § 1983, popularly known as "Section 1983," is a federal law that allows lawsuits for violations of constitutional rights. Jul 12, 2016

The Civil Rights Act of 1871 is a federal statute, numbered 42 U.S.C. § 1983, that allows people to sue the government for civil rights violations. It applies when someone acting "under color of" state-level or local law has deprived a person of rights created by the U.S. Constitution or federal statutes.

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disability cases. In this case there wasn't even an advocate to be had.

CONCLUSION

Had the Americans with Disabilities Act guidelines been adhered to, the Petitioner's carefully prepared disability accommodation binders to replace oral argument, would have *clearly* shown the truth of this matter--that the Respondants were clearly trying to deny.

Had this discrimination occurred *outside* the Justice System, it would be a violation that could be brought before a Superior Court. But this injustice happened *in* the Justice System so must be brought before this United States Supreme Court.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 11/19/2018