

No. **19-5052**

Supreme Court, U.S.
FILED

MAY 06 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

John P. Greiner, Jr — PETITIONER
(Your Name)

VS.

Macomb County "et al." RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Michigan Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John P. Greiner, Jr
(Your Name)

7 2nd Street
(Address)

Mt. Clemens Mich 48043-2540
(City, State, Zip Code)

810-444-9393
(Phone Number)

ORIGINAL

PLAINTIFF'S AFFIDAVIT
SUPPORTING THIS COMPLETE DOCUMENT

I John P. Greiner Jr, hereby state that the following matters are personally known to me, and if I was called upon to testify, I would be able to competently testify thereto: COMES NOW, the Affiant, John P. Greiner Jr, after being first duly sworn, deposes and states as follows:

QUESTIONS PRESENTED

My name is John Greiner. I am a wrongfully terminated employee. I was terminated in violation of the first amendment of the United States Constitution. The pretext that was created to establish that I was insubordinate was created by lies. Those lies were maintained into Administrative Hearings and when they were repeated under Oath they became perjury and fraud on the Court.

The additional violations of the United States Constitution include the fifth, the ninth, and the 14th amendment; as well as other federal and state laws in support of the existing orders.

The Michigan Employment Relations Commission (MERC) ignored the Post Hearing Brief that I wrote after I obtained the Hearing transcript. In the Post Hearing brief I explained again the reasons the charges against the Union and the Employer stated a claim Under PERA. My insistence that the union represent me in scheduling a second date for the Loudermill hearing was both written and

spoken; and was causally related to the decision to discharge me. See C/P #17. The discharge decision was not only in retaliation for my insistence that the union be involved in scheduling a second day of the Loudermill hearing; but also to prevent me from having my witnesses heard, and to prevent me from exposing the overtime fraud, I believe was taking place in the department. If the Union had not conspired with the employer there would have been a post Loudermill hearing or an arbitration and I would not be here today. In either of those arena's I would have exposed the overtime fraud and proven my innocence to the allegations of insubordination. In the post hearing brief I provided probative evidence that was available at the time of the hearing. The post hearing brief is contained on the flash drive that I provided to the Michigan Court of Appeals (C of A) and the Michigan Supreme Court (MSC). I have provided this court with eleven copies of that same Flash Drive that is in evidence, in the other courts. I did not resupply a copy to the Defendants. Each Flash Drive copy, is connected to PLAINTIFF'S MOTION TO EXCEED PAGE LIMIT IN MOTION FOR RECONSIDERATION STATEMENT OF FACT AND AFFIDAVIT (37a) the title of the Post Hearing brief is (MERC) post hearing brief from Mount Clemens library. I also exposed a plethora of material perjury that the AL J dismissed and ruled by an order titled "DECISION AND RECOMMENDED ORDER OF ADMINISTRATIVE LAW JUDGE" that contains many inaccurate statements, leading to the misconstrued and incorrect conclusions that have been carried forward; stating that there was no violation of the Unfair

Labor Charge against the Employer; or, the Failure to Represent Charge against the Union. Establishing res judicata.

I responded by filing JOHN P.GREINER'S JR.EXCEPTIONS AND CORRECTIONS TO THE ADMINISTRATIVE LAW JUDGE'S DECISION AND RECOMMENDED ORDER. I corrected 74 errors in the "DECISION AND RECOMMENDED ORDER OF ADMINISTRATIVE LAW JUDGE". On page 2, I cited MCR regarding grounds for relief and fraud on the court.

MCR 2612.9 Grounds for Relief From Judgment – Generally. Point A. and B.

- A. Reads MCR 2.612.9 (C) "provides broadly for discretionary relief from judgment upon any grounds that would establish the injustice of permitting the judgment to stand."
- B. Reads "unless refusal to take such action would be inconsistent with substantial justice."

MCR 2612.10 Grounds for Relief From Judgment – Mistake, Inadvertence, Surprise, of Excusable Neglect. Points C. and D.

- C. Reads "Relief under this provision is not limited to mistake or inadvertence by the court. The primary source of the subrule, Federal Rule of Civil Procedure 60(b)(1), was clearly intended to permit relief for the mistake or neglect of others, including the moving party, opposing parties, and those of counsel and other agents of the parties."

D. Reads “the reasons shown must be substantial, as relief is normally limited to extraordinary circumstances indicating that the failure to set aside the judgment will result in substantial injustice.”

MCR 2612.12 Grounds for Relief From Judgment – Fraud (intrinsic or Extrinsic), Misrepresentation, or Other Misconduct of the Adverse Party. Points E, F, and G.

E. Reads MCR 2.612(C)(1)(c) “permits the court, on motion made within a reasonable time, not exceeding one year after judgment, to relieve a party from a judgment on the grounds of fraud,”

F. Reads “intrinsic fraud is fraud that occurs within the framework of an actual trial and pertains to and affects the determination of the issues presented therein.”

G. Reads “It may be accomplished by perjury, by the use of false or forged evidence, or by the concealment or misrepresentation of evidence.”

H. MCR 2612. 18 Fraud on the Court. Point H.

H. reads “When fraud on the court is alleged, the court must normally hold an evidentiary hearing to resolve any and disputed factual issues.”

The MCR that I cited above are slightly wrong by my own clerical mistakes. I got them from a law book from another case and included them as if I was correct. I am correcting them here.

MCR 2.612 Relief From Judgment or Order

(A) Clerical mistakes

(1) clerical mistakes in judgment, order, or other parts of the record and errors arising from oversight or omission may be corrected by the court at any time on its own initiative or on motions of a party and after notice if the court orders it.

MCR 2.612 (C) Grounds for Relief from Judgment.

(1) on motion and on just turned, the court may relieve a party or the legal representative of a party from a final judgment, order, or proceeding on the following grounds:

(a) Mistake, inadvertence, surprise, or excusable neglect.

(b) Newly discovered evidence which by due diligence would not have been discovered in time to move for new trial under MCR 2.611(B)

MCR 2.611(B) Misconduct of the jury or of the prevailing party.

MCR 2.612C (c) Fraud (intrinsic or extrinsic) misrepresentation or other misconduct of an adverse party.

(f) Any other reason justifying relief from the operation of the judgment.

In addition, I provided more Probative Evidence and I did comply with (MCR 2.112(B) Fraud, Mistake, or Condition of Mind. (B)(1) in allegations of fraud or mistake, the circumstances constituting fraud or mistake must be stated with particularity.) I did state with particularity the facts of Longs perjury in both of the documents mentioned. The commission also ignored Longs perjury and the rules;

stated in *Palmer v. Palmer*, in their Order supporting the AL J's ruling. In addition, because fraud must be pleaded with particularity (Mich.Ct.R.2.112(B)(1)) and "is not to be lightly presumed, but must be clearly proved," *Palmer v. Palmer*, 194 Mich. 79, 160 N.W. 404, 405 (1916), "by clear, satisfactory and convincing evidence,"

I proceed to file in the (C of A) on October 5, 2016, with more Probative Evidence that was not available at the time of the initial (MERC) hearing that proved the Defendants perjury under the color of law. My (C of A) filing is on the Flash Drive under MERC not in Federal Case. Opening the file takes you to MERC Court of appeals part 1 Appellant's Brief by Right Oral argument Requested part 1, and part 2. I explained the reason that the commission was wrong in their decision, and use the cases, statutes, court rules, and the questions provided below.

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Jurisdictional Statement

The Court of Appeals has jurisdiction over this claim of appeal under MCL 423.216

(E)

Filed a claim of appeal

Statement of Questions Involved

Argument I: Is the Fraud on the Court important to the other parties?

CP/A Yes

Employer No

Union No

Argument II: Did the Commission understand, and correctly interpret the CP/A

Exceptions?

CP/A No

Employer Yes

Union Yes

Argument III: Did both of the parties violate (PERA)

CP/A Yes

Employer No

Union No

Argument IV: Was the CP/A terminated to prevent the CP/A from being able to exercise his Union rights? Thereby cutting off his Concerted Protected Activity?

CP/A Yes

Employer No

Union No

Argument V: Did the Union violate its Duty to Fair Representation?

CP/A Yes

Employer No

Union No

Argument VI: Are the Respondents truly aware of the CP/A information?

CP/A Yes

Employer No

Union No

Argument VII: Can the CP/A prove the fraud on the Court, or Courts?

CP/A Yes

Employer No

Union No

Argument VIII: Recognizing that there were no disciplinary action forms or grievances filed regarding the CP/A in this department before the CP/A filed the April 20, 2011, supports the fact that the first grievance was what stated all of the retaliation and discrimination against the CP/A.

CP/A Yes

Employer No

Union No

Argument IX: Can the CP/A prove that the parties have been dishonest?

CP/A Yes

Employer No

Union No

Argument X: Did the Courts disregard the need for more proceedings?

CP/A Yes

Employer No

Union No

Argument XI: Can the CP/A prove that the Local President was not a party to the Last Chance Agreement?

CP/A Yes

Employer No

Union No

Argument XII: Did the Courts miss the obvious facts that the Union and the Employer were working together long before the CP/A ever got terminated to create what looks liked progressive discipline and ignore the CP/A arbitration award?

CP/A Yes

Employer No

Union No

Argument XIII: Did the Courts miss the fact that the CP/A made the Union aware of the arbitrators award that allowed an arbitrator to determine if the CP/A had in fact violated the last chance agreement?

CP/A Yes

Employer No

Union No

Argument XIV: Did both of the Courts, miss the fact that, none of the alleged, current, discipline against the CP/A had, or has, ever gone to arbitration?

CP/A Yes

Employer No

Union No

Argument XV: Can the Court, see that, the fact that, there was no Loudermill hearing as an additional reason to insure that the CP/A was, or, is considered insubordinate?

CP/A Yes

Employer No

Union No

Argument XVI: Did both parties violate the CP/A ADA rights by not enforce the CP/A restrictions?

CP/A Yes

Employer No

Union No

Argument XVII: If the Employer does not provide Due Process is the Union required to on behalf of the CP/A?

CP/A Yes

Employer No

Union No

Argument XVIII: Did the mis-representations of the parties influence the AL J?

CP/A Yes

Employer No

Union No

Argument XVIII: Should the CP/A have the ability to prove the untrue statements of the Union?

CP/A Yes

Employer No

Union No

Argument XX: Did Long's lack of action, regarding the broken verbal contract, constitute a failure to Fair Representation?

CP/A Yes

Employer No

Union No

Argument XXI: Did the mis-representation of the parties influence the AL J?

CP/A Yes

Employer No

Union No

Argument XXII: Was the Union dishonest?

CP/A Yes

Employer No

Union No

Argument XXIII: Did the Employer violate the CBA?

CP/A Yes

Employer No

Union No

Argument XXIV: Did the CP/A clearly state what Longs perjury involved?

CP/A Yes

Employer No

Union No

Argument XXV: Is it reasonable to question the timing of the CP/A termination?

CP/A Yes

Employer No

Union No

Argument XXVI: Did the CP/A present enough evidence to establish the *prima facie* case against the Employer?

CP/A Yes

Employer No

Union No

Argument XXVII: Is it obvious that the Commission disregarded the CP/A charge of fraud on the Court?

CP/A Yes

Employer No

Union No

During October 11, 2016 and January 9, 2017 there were depositions taken in connection with a Federal Case that is pending in the 6th Circuit Court of Appeals. They were: Karen Bathanti, the employer's Human Resource Labor Relations service partner; and Robin Christafaro one of the assistant to Bathanti; Scott Drwencke former coworker union member (fc/um) previous Union Steward; Eric

Herppich the former personnel director for Macomb County human resource department and Bathanti's boss: Robert Hoepfner the former director of the Department of Roads who signed the termination letter November 7, 2012: Paul Long former American Federation of State, County and Municipal Employees, AFL-CIO Staff Representative: Steve Lorway (fc/um) acting Chief Steward at the time of my termination: Carrie Noteboom the former clerk in the sign shop at the Macomb County Department of Roads: Phil Pulizzi (fc/um) acting steward at the time of my termination: Jim Rogers my former supervisor when I work as a heavy truck driver: and Richard Sabaugh who was the supervisor in the sign shop at the time of my termination. In addition I received a copy of the Unions discovery on a flash drive November 8, 2016. That discovery is on the flash drive as Unions Discovery Rec November 8, 2016.

With this new evidence I filed Appellant's Motion to expand the record Affidavit of John P. Greiner supporting statement of facts Attachments. That document proves my termination grievance was never process by Long or Bathanti: that Long allowed the Loudermill hearing to proceed with no evidence: Hoepfner testified during his deposition that there was no reason to terminate me: Bathanti was questioned during her deposition Q: If the evidence showed that my client moved from the shoulder of the road and continue to flag, would that change your opinion as to the basis of his termination? A: No. Q: If the evidence showed that my client continued to use the walkie-talkie to assist him in order to do the flagging job, would that change the basis for termination? A: It would not. Q: If the evidence

showed that my client did not go to the truck, would that change the basis for termination? A: No.: and the expert witnesses report proves that I was flagging correctly according to the training provided and the national standard: and additional document provided, prove that, Sabaugh had falsified or forged, official Macomb County document.

I also filed Appellant's Motion for stay to these proceedings until I am represented by counsel. I included the legal basis for my request: Since *Bolling v. Sharpe* 347 U.S. 497 (1954), the Court has developed the doctrine that the Due Process Clause of the Fifth Amendment has an equal protection component with equivalent requirements to the Equal Protection Clause of the Fourteenth Amendment. Equal Protection doctrine (if not literally the Equal Protection Clause) has thus become applicable to all governmental action, whether state, local, or federal.

Modern law interprets the Fifth and Fourteenth Amendments to impose the same substantive due process and procedural due process requirements on the federal and state governments.

Both the Fifth Amendment and the Fourteenth Amendment to the United States Constitution prohibit governmental deprivations of "life, liberty, or property, without due process of law." The Due Process Clause of the Fourteenth Amendment serves three distinct functions in modern constitutional doctrine: "First, it incorporates [against the States] specific protections defined in the Bill of Rights....Second, it contains a substantive component, sometimes referred to as

'substantive due process.'...Third, it is a guarantee of fair procedure, sometimes referred to as 'procedural due process.'..." *Daniels v. Williams* 474, U.S. 327 (1986).

The 14th amendment of the constitution provides for the guarantee, of equal protection of the law to any person within its jurisdiction. The Fourteenth Amendment "operates to extend ...the same protection against arbitrary state legislation, affecting life, liberty and property, as is offered by the fifth Amendment, *Hibben v. Smith* 191 U.S. 310, 325 (1903). In *Gideon v. Wainwright, Corrections Director* 372 U.S 335 (1963) *Abe Fortas*, was appointment by the Court, 370 U. S. 932, argued the cause for petitioner. With him on the brief were *Abe Krash* and *Ralph Temple*. The court also stated "In returning to these old precedents, sounder we believe than the new, we but restore constitutional principles established to achieve a fair system of justice." "From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law." "I must conclude here, as in *Kinsella, supra*, that the Constitution makes no distinction between capital and noncapital cases. The Fourteenth Amendment requires due process of law for the deprivation of "liberty" just as for deprivation of "life," and there cannot constitutionally be a difference in the quality of the process based merely upon a supposed difference in the sanction involved. How can the Fourteenth Amendment tolerate a procedure which it condemns in capital cases on the ground that deprivation of liberty may be less onerous than deprivation of life—a value judgment

not universally accepted - or that only the latter deprivation is irrevocable? I can find no acceptable rationalization for such a result, and I therefore concur in the judgment of the Court.” “Yet, happily, all constitutional questions are always open. Erie R. Co. v. Tompkins, 304 U. S. 64. And what we do today does not foreclose the matter.”

The (C of A) denied both of my Motions see Appendix----- (1a)

The (C of A) denied my Appeal by Right----- (2a)

The court of appeals decision (2a) states; I BASIC FACTS as the grounds for my termination. Those allegations are proven to be untrue by Appeal by Right exhibit F. Next there was no post termination hearing. That fact is the existence of the first Constitutional error in the decisions of the (C of A). They relied on an outdated case. The case is Tomiak v. Hamtramck School District 426 Mich. 678 (1986) 397 N.W.2d 770, which has been replaced by Deuel v. Arizona State School for the Deaf and Blind 165 Ariz. 524 (1990) 799 P.2d 865 there the court cites Loudermill saying “In Loudermill, the court held that due process is satisfied if informal pre-termination procedures are followed by a full post-termination hearing. This permits a state entity to utilize minimal procedures in order to expeditiously remove an employee. However, after the employee is removed, the government must fulfill its obligation to provide a meaningful hearing. The record here shows that although ASDB satisfied the minimum pre-termination requirements of Loudermill before discharging Deuel, it failed to give him a post-termination hearing. Under these circumstances, a post-termination hearing was

required. The question, however, remains: What process is due?" The Court states "Procedural requirements are tailored to meet the circumstances of each case. Due process requires a meaningful opportunity to be heard before a person can be deprived of a constitutionally protected interest. Vanelli, supra. We believe the following list of factors found in Serafin v. City of Lexington, Nebraska, 527*527 547 F. Supp. 1118 (D.Neb. 1982), aff'd, 716 F.2d 909 (8th Cir.1983), are required for a valid due-process hearing:

1. "adequate written notice of the specific grounds for termination." Goldberg v. Kelly, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970);
2. "disclosure of the evidence supporting termination," Morrissey v. Brewer, 408 U.S. 471, 92 S.Ct. 2593, 33 L.Ed.2d 484 (1972), including the names and nature of the testimony of adverse witnesses. Stewart v. Bailey, 556 F.2d 281 (5th Cir.1977);
3. the opportunity "to confront and cross-examine available adverse witnesses." Goldberg v. Kelly, supra; Nevels v. Hanlon, 656 F.2d 372 (8th Cir. 1981); see also Vanelli, supra.
4. the "opportunity to be heard in person" and present evidence. Morrissey v. Brewer, supra; Matthews v. Harney County, Oregon, School District No. 4, supra; Stewart v. Bailey, supra.
5. "the opportunity to be represented by counsel." Goldberg v. Kelly, supra; Vanelli, supra.

6. "a fair-minded and impartial decision maker." Vanelli, supra; Stewart v. Bailey, supra.

7. "a written statement by the fact-finders as to the evidence relied upon and the reasons for the determination made. Morrissey v. Brewer, supra.

The order of the trial court is vacated and the case is remanded with directions to require ASDB to provide Deuel a post-termination hearing. Deuel will be awarded reasonable attorney's fees and expenses"

The (C of A) STANDARD OF REVIEW states "We review MERC decision pursuant to Const 1963, art. § 28, and MCL 423.216(e), MERC's factual findings are conclusive if they are supported by competent, material, and substantial evidence on the record considered as a whole, MERCs legal determinations may not be disturbed unless they violate a constitutional or statutory provision or they are based on a substantial and material error of law." Which the factual findings are not supported by competent, material, and substantial evidence on the record; and there are violations of constitutional and statutory provision; and they are based on substantial and material errors of law. Which had been proven to the (C of A) in Appellant's Motion to expand the record Affidavit of John P. Greiner supporting statement of facts.

The (C of A) decision (3a) footnote number 2, cites "multiple disciplinary actions" then it states "It does not appear that any of the above incidents were accepted for arbitration." Which is true. The decision continues "Greiner contends

that each of them were fabricated in order to create the illusion of progressive discipline justifying his discharge from employment.” Which is true. Continuing on page (3a) footnote number three cites the signing of the last chance agreement (LCA) February 2010. It continues to explain that I filed a grievance that was rejected. It neglects to state that the arbitrator modified the (LCA) by using the word notwithstanding. “Notwithstanding the language in paragraph 6 of the last chance agreement, the language in paragraph 3 implies that if the grievant is terminated pursuant to the agreement, an arbitrator may intervene to determine whether the terms of the agreement are violated.” “The parties agree that the arbitrator shall be without authority to hear a discharge case if the terms of this agreement are violated.” “However, I do not interpret that language to mean that arbitrator is barred from determining whether the terms of the agreement have been violated, that is, whether the grievant engaged in those acts.”

Continuing page (5a) II FRAUD ON THE COURT I did provide additional information in my motion to expand the record that proves the fraud on the court.

Continuing page (6a) III UNFAIR LABOR PRACTICE A STANDARD OF REVIEW I have testified to above and proven that the ALJs statement regarding “on the basis that everything that you said is true.” Cannot be a true statement after reading the post hearing brief.

Continuing on page (7a) B. ANALYSIS 1. AFSCME the court states “PERA implicitly imposes on labor organizations representing public-sector employees a duty of fair representation.... Goolsby v Detroit, 419 Mich 651, 661 & n 5; 385

NW2d 856 (1984). “This duty has been described as being fiduciary in nature, and involving a relationship marked by traits of “fidelity, of faith, of trust, and of confidence.” *Taylor Sch Dist v Rhatigan*, 318 Mich App 617, 640-641; 900 NW2d 699 (2016, quoting *Goolsby*, 419 Mich at 662. “[A} union’s duty of fair representation is comprised of three distinct responsibilities: (1) to serve the interests of all members without hostility or **discrimination** towards any, (2) to exercise its discretion with complete good faith and **honesty**, and (3) to avoid **arbitrary** conduct.” *Goolsby*, 419 Mich at 664. The failure of the union to comport its behavior in accordance with these standards is deemed to comprise a breach of the union’s duty to provide fair representation. *Id.* Therefore, in order to establish a breach of a AFSCME’s duty of fair representation. Greiner had to establish that its “conduct toward one of its members of the collective bargaining unit ‘is arbitrary, discriminatory, or in bad faith.’” *Taylor Sch Dist v Rhatigan*, 318 Mich App at 641 (citation omitted). (1) I have proven that the union deliberately discriminated against me by not having an arbitration when I was entitled arbitration. (2) I have proven that there was an ulterior motive, contained in C/P exhibit #15 and they were not honest. (3) Also that they were arbitrary.

Continuing on page (8a) 2. MACOMB COUNTY the court states “Greiner asserts that his knowledge and threat to expose and overtime fraud scheme is the true basis for his discrimination.” Today I realized it’s just one of the components that motivated my termination. “To establish a violation of PERA, MERC has identified the following test: The elements of a prima fascia case unlawful

discrimination under PERA are, in addition to the existence of an adverse employment action, (1) union or other protected activity; (2) employer knowledge of that activity; (3) anti-union animus or hostility toward the employees protected rights; and (4) suspicious timing or other evidence that protected activity was a motivating cause of the alleged discriminatory action. [*Taylor Sch Dist*, 318 Mich App at 636 (citation and quotation marks omitted.)] Addressing (1) the AL J stated on the record that I was protected asking for union representation: (2) the employer received a copy of every grievance I filed: (3) my testimony seen above about the unopened phone bills and my ability to file a grievance was that animus: (4) I was terminated according to the Union by their exhibit #3. That exhibit shows the November 7, 2012 termination letter. Returning to See C/P #17. That letter was written on November 4, 2012. It was sent November 5, 2012. Then I was terminated two days later.

The ultimate conflict are seen as these final questions and the rulings of the; (MSC) addressing the specific legal questions presented to them; and their importance to the public. (36a) and (45a)

1. Did the Judges, in the State of Michigan, forget their Oath of public officers? (70a) Article XI. Swearing or affirming that they would honor the Michigan Constitution and the Constitution of the United States?

2. Did the courts ignore the violations of the First Amendment?
3. Did the courts ignore the violations of the Fifth Amendment?
4. Did the courts ignore the enumerations in the Ninth Amendment?
5. Did I receive the equal protection of the law guaranteed by the 14th Amendment of the Constitution?
6. The fact that the Fourteenth Amendment of the Constitution does not make a distinction between capital and noncapital cases; and, Modern law interprets the Fifth and Fourteenth Amendments to impose the same substantive due process and procedural due process requirements on the federal and state governments. Are Citizens entitle to representation from the actions of the federal and state governments?
7. Did I prove fraud on the Court in my Motion for Reconsideration to the Michigan Supreme Court?

Please see PLAINTIFF'S MOTION TO EXCEED PAGE LIMIT IN MOTION FOR RECONSIDERATION STATEMENT OF FACT AND AFFIDAVIT (37a)

That includes an identical copy of the Flash Drive in evidence.

8. Does unidentified fraud on the court pose a questions of major significance to the state's jurisprudence; as well as the countries jurisprudence; and our entire legal system?

9. Did the Court disregard its own standard for review in the case presented?

MCR 7.302 (B)(3) "the issue involves legal principles of major significance to the state's jurisprudence;"

Please see Issue #1 in the Application for leave; provided as (60a)

10. Did the Court disregard its own standard for review in the case presented?

MCR 7.302 (B)(5) "in an appeal from a decision of the Court of Appeals, the decision is clearly erroneous and will cause material injustice"

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:

1 — Macomb County

2 — AFSCME Council 25, and Its Affiliated Local 893

3 — has been replaced by Road Tech.

TABLE OF AUTHORITIES

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INTRODUCTION

I was born January 7, 1954. I was baptized into the Roman Catholic Church February 14, 1954. I had no choice. I attended Catholic school until 9th grade, when the school closed. During that time I was contaminated with the feelings of shame and guilt. We were shown children in foreign countries who were suffering from malnutrition; and I felt guilty, I had food. We were exposed to the concept of mortal sin before we took Holy Communion at seven years old. I have spent years reforming my thoughts.

I've worship in the synagogue; and I've read enough of the Koran to know that, that faith, like the Jewish faith is monotheistic. I am not Jewish or Muslim; I am a Christian. The one common denominator that these three major religions have is they acknowledge the creator. I spent years listening to Joel Olsten, and I spent years studying Christian science. The majority of the Christian religions are based on the translation of the Hebrew Bible by King James with the addition of the New Testament.

Forming what is considered natural law. "A rule of conduct arising out of the natural relations of human beings, established by the Creator," "The foundation of this law is placed by the best writers in the will of God," "and aided by divine revelation" "with equal obligation to individuals and to nations." Black's Law dictionary free online legal dictionary 2nd Ed. (BLD). It is unclear to me if these natural law are the 10 Commandments. Common law is "distinguished from the Roman law, the modern civil law, the Canon law," "obtained among most of the

states and the people of Anglo Saxon stock” is “distinguished from the law created by the enactment of legislature, “Common law 227 Common Pleas law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usage and customs of immemorial antiquity,” “recognizing, affirming, and enforcing such usages and customs;”(BLD). Though it is clear to me that what is described as positive law is “Legislature that consists of guidelines, statutes and codes which are imposed upon a country.”(BLD). Today I know that the positive law is a direct derivative of the 10 Commandments; found in the King James Version of the Bible, (Bible) in the second book the Bible, Exodus 20: 3-17. and, “Law is a solemn expression of legislative will. It orders and permits and forbids.” (BLD). I also know it is against the law to lie under oath. I know it against everything civil to lie under oath, no exception. I know that the defendants know that it is a crime to lie under oath too.

I know my sister is smarter than I am. I said to her “you can’t lie to someone who knows the truth.” She said “yes you can.” I see she is correct. Anyone can lie. What I meant, when I said you can’t lie to someone who knows the truth, is that, no matter what anyone says, the truth will never change. Lying is not going to change what actually happened. The fact that the technology we have today, has changed our times. The fact that I was there, I am the witness. The fact that I captured what I witnessed, in real time as it took place, because of the technology, it eliminates the he said, she said. That evidence, is all in the record, contained on the Flash Drive

that has been provided to the (C of A) and the (MSC) and now it has been provided to this, the United States Supreme Court (USSC). I provide this evidence to you, direct from the source, it has not been changed, modified, or altered in any way.

I know that this Writ for Certiorari allows this Supreme Court of corrections, the opportunity, to correct a fatal flaw in the legal system that is dominated by the monopoly, that lawyers have on, or, in the system. Because the perception that courts have of the lawyers, as honest, and reputable, that speaks to the court. That influences that the court. Giving the officer of the court, in this case, the ability to be above the law; as well as her client.

I know that I have a right to defend myself and a responsibility to myself, others and our Creator, to provide for myself. Also, I know I am doing the right thing for humanity. Proving that perjury is not acceptable; and proving that an attorney lying to a judges is not acceptable either; and proving that the system in Michigan has protected the system.

I know the foundation of the pretext is based on lies, which were created to cover the stealing that the defendants had committed as well as the other violations of harassment and retaliation. Those actions are direct violations of the eighth, and ninth Commandments. Which is where the crime of stealing and perjury comes from; and these Defendants have been caught red handed.

I know that in the United States District Court, in Detroit Michigan, there is what is described as the million-dollar courtroom. The court room is adorned with

many of the symbols from the Greek mythology or the Bible. There are four original ceiling beams each has its own symbol of law or justice painted on it. The room is filled with ornamentation that represent law and justice in America. There can be no justice if the rules, or commandments, are not enforced.

My quest is not for revenge, or vengeance. It is for justice. Justice “protecting rights and punishing wrongs using fairness.” Justice N, “the constant and perpetual disposition to render every man his due. The conformity of our actions and our will to the law.” Justice V, to do justice; to see justice done; to summon one to do justice” (BLD).

The indictment, prosecution, and conviction of some of the people from Mueller’s investigation is the best thing that has ever happened for the average American citizen. Especially the conviction of Michael Cohen. Proving that no one, including lawyers, are above the law. Also, proving that “At its core, the law is not abstract. It is part of a real world full of people who live and move and do things to other people. Car drivers collide. Plaintiff’s complaint. Judges decide. Defendants pay.” From Plain English for Lawyers Third Edition by Richard C. Wydick page 23. (PE for L)

The defendants have present that I was a rotten employee and that they were justified to terminate me. That I was beyond reconciliation, nothing would correct me. That’s not the truth about me. The truth is that they chose to eliminate me. That choice, they thought, would solve their problem; because I would never get a chance to tell the true story. At least, they thought, I would never get a chance to to

tell the true story to someone who could correct their actions, and recognize their violations of the Constitution.

Returning to the Bible. Genesis is the first book. There is the first recorded lie that I know of in Chapter 4 v 1-9, it is written that “Cain rose up against Abel, his brother, and slew him. And the Lord said unto Cain, where is Abel thy brother? And he said, I know not: the next one is in CHAPTER 12 Now the Lord had said unto Abram, Get thee out of the country, and from the kindred, and from thy father’s house, unto a land that I will shew thee: 2 And I will make of thee a great nation, and I will bless thee, and make thy name great; and thou shalt be a blessing: 3 And I will bless them that bless thee, and curse him that curseth thee: and in thee shall all families of the earth be blessed. 4 So Abram departed, as the Lord had spoken unto him; 11 And it came to pass, when he was come near to enter into Egypt, that he said unto Sar’a i his wife, Behold now, I know that thou art a fair woman to look upon: 12 Therefore it shall come to pass, when the Egyptians shall see thee, that they shall say, This is his wife: and they will kill me, but they will save thee alive. 13 Say, I pray thee, thou art my sister: that it may be well with me for thy sake; and my soul shall live because of thee. The next one that I am aware of is in GENESIS CHAPTER 27: AND it came to pass, that when Isaac was old, and his eyes were dim, so that he could not see, he called Esau his eldest son, and said unto him, My son: and he said unto him, Behold, *here am* I. 2 And he said, Behold now, I am old, I know not the day of my death” 3 Now therefore take, I pray thee, thy weapons, thy quiver and thy bow, and go out to the field, and tale me some venison; 4 And make

me savoury meat, such as I love, and bring it to me, that I may eat: that my soul may bless thee before I die. 5 And Rebekah heard when Isaac spake to Esau his son. And Esau went to the field to hunt *for* venison, *and* to bring *it*. 6 And Rebekah spake unto Jacob her son, saying, Behold, I heard thy father speak unto Esau thy brother, saying, 7 Bring me venison, and make me savoury meat, that I may eat, and bless thee before the LORD before my death. 8 Now therefore, my son, obey my voice according to that which I command thee. 9 Go now to the flock, and fetch me from thence two good kids of the goats; and I will make them savoury meat for thy father, such as he loveth: 10 And thou shalt bring *it* to thy father, that he may eat, and that he may bless thee before his death. 11 And Jacob said to Rebekah his mother, Behold, Esau my brother *is* a hairy man, and I *am* smooth man. 12 My father peradventure will feel me, and I shall seem to him as a deceiver; and I shall bring a curse upon me, and not a blessing. 13 And his mother said unto him, Upon me *be* thy curse, my son: only obey my voice, and go fetch me *them*.

Upon examination, Rebekah and Jacob, knew it was wrong to deceive, or, lie to Isaac, Rebekah, states in the 13th verse, “Upon me *be* thy curse,” but it was for a cause, based on a belief.

The same as the first, when Abram, persuades Sar’ a i his wife, to identify herself as his sister; based on a belief.

And today, I can see, by popular belief, that there are different kinds of lies, there are that type that are called white lies, and there might be a group call innocent, and a group call mercy lies, and God only knows how many other types

there may be based on a belief, because someone thinks they know better than someone else; or God.

Through my study, and communication, it has been communicated to me, that the belief, is, that, if, Rebekah had not directed Jacob, to deceive Isaac, the Jewish religion, and, what is known as that way of life would have been lost; forever, and that thought, promotes the reasoning, that is, that, it is not ones place, to say, whether a lie is good or bad.

Also, I have been told that Christians lied to German soldiers when asked if there were any Jews in their houses. If that is true, then those who were, asked, lied, and they lied at the risk of their own lives. If they were caught, there would have been consequences. The Underground Railroad function against the law; and if the participants had been caught there would have been consequences.

Considering the two individuals that I know of that were interviewed by Muller who were not charged are Hope Hicks former White House outgoing Communications Director for President Trump. Who admitted lying; she choose to tell the truth to congress as opposed to lying under oath. Granted she got berated by Trump, for admitting to, having told, little white lies on the presidents' behalf, and she is reported to have resigned (?) amid the varied reports. So she is out of a job.

Then there is Sarah Sanders who according to an article that I found on the Internet April 24, 2019 from the Washington Post; that appears to have been written April 19. 2019 Titled "Sarah Sanders lied, according to the Mueller report.

She's calling it a "slip of the tongue." "After two years of waiting, special counsel Robert S. Muller III's report was released on Thursday. The document noted 10 times President Trump sought to influence the investigation, often by directing his aides to either lie or mislead. Although Muller concluded that the president's effort were "mostly unsuccessful" because "the persons who surrounded the president declined to carry out his orders or accede to his requests," one individual was singled out by Muller for less honorable conduct: White House press secretary Sarah Sanders, who on at least three occasions perpetrated a false narrative." It appears she was interviewed Friday morning by ABC television host George Stephanopoulos. During the interview "Stephanopoulos press Sanders about two public statements - the first involving the firing of the FBI director - James B. Comey." "She claimed to have heard from countless former and current FBI agents. According to the report, "Sanders told this office that her referent to hearing from "countless members of the FBI" was a slip of the tongue." "The report went on to say: "she also recalled that her statement in a separate press interview that rank-and-file FBI agents had lost confidence in Comey was a comment she made "in the heat of the moment;" that was not founded on anything." Sanders acknowledged to investigators that the comments were baseless. What Sanders called a "slip of the tongue," Stephanopoulos called a "deliberate false statement."

Stated above "The document noted 10 times President Trump sought to influence the investigation, often by directing his aides to either lie or mislead. Although Muller concluded that the president's effort were "mostly unsuccessful"

because “the persons who surrounded the president declined to carry out his orders or accede to his requests,” most probably because of the example set by Muller’s ability to determine that individuals had in fact committed perjury and either pled guilty or where charge and tried and convicted. Or, they may have declined Trumps request out of personal virtue.

Either way they did not create, and then try to perpetrate an untrue accounting.

In this case presented, they have; and it has been under oath.

To date, there are, at least, two stories, (and both cannot be true,) there is only one true story. That true story has been consistently presented and not accepted. The ALJ stated on the record and the Court of Appeals presented that the ALJ stated “No. I mean, as I said, repeatedly, in the thing -- I’m proceeding, in both the interim order in here, on the basis that everything that you said is true, including the fact that Sabaugh bypassed you for overtime in May 2012, and that you told Ms. Bathanti in October that you have been bypassed for overtime, and you told her that there was overtime fraud going on in the department.”(67a) Then I testified “And as I said, these charges are untrue and I sure do hope that my testimony will persuade you, based on this telephone information, because this is the one thing that they didn’t want to have come up -- they didn’t want this to come up. This is what they’re trying to keep under wraps and this would -- this is a concerted activity, because I would have been able to file a grievance for it. And this is what they stop me for.” Stern stated on the record “Well, let me assure you that I

don't take issue with, Mr. Greiner, that if the Union -- if the union made a decision not to go forward with your grievance in order to protect the fraudulent activity of its other members, that would violate its duty of fair representation toward you. I mean, I don't think that's even in dispute, if that were the cause of -- that was the reason why they made the decision that would constitute bad faith." (68a).

Attorney Williams, question Long Q: Okay. And so, based upon obviously the end result, as you indicated a couple of months after the fact, the employer chose to discharge Mr. Greiner as opposed to rescheduling a Loudermill hearing. Is that correct? A: Yes. Q: and ultimately, Mr. Long, whose decision is it -- who decides whether there should be more than one Loudermill hearing? Is that the Union's decision to make or is that the employer's decision? A: Well, it's the employer's decision that -- that is made." That statement would make the union completely helpless; which is not true. The union's recourse was to pursue the evidence that was not provided before the hearing, and insist that the promise to be able to respond before a decision was made was honored. That did not happen. Long continued "We did make the request to have a second hearing once the information was provided to -- but that's the employer's call. Q: Okay. And once we made the request to have a second Loudermill hearing it was already after the fact? And when I say after the fact, after Mr. Greiner's Termination, correct? A: Well, no. When we made the -- in the Loudermill, the first hearing itself, we requested the information." That's prove that Long allowed the Loudermill hearing to proceed with no evidence. Q: Okay. A: "Once we requested the information, we did state to

the Employer that once we got the information we wanted to have another Loudermill in order to basically show our proves to the Employer,” (69a). If that were true there would have been an Arbitration. The Constitutional issues here are that defendants presented to the ALJ that I had been terminated a couple of months after the fact; using the Last chance agreement; the incident of a couple of months resulted in me receiving a 10 day suspension; now they are stating that I was terminated for that issue. Which has then punishing me twice for the discipline that I had received for in August. Effectively violating the 5th Amendment of the Constitution, by making me subject for the same offence twice; and depriving me of property without just compensation. (70a). Additionally Williams committed fraud on the court by telling the ALJ, “Greiner and so a grievance was filed for that. So, there were two files sitting for Mr. Greiner at the same time, and so they made a decision at the same time, based upon both of the files. Because basically, in order to make a decision for the termination, they had to make a decision for the 10 day. It was -- it could have been possible that if the 10 day was not upheld it could go to arbitration, then that would, hopefully, you know, allow the termination to go as a companion case, because the 10 day suspension was incorrect” (71a)

In my filing “Appellant’s Motion to expand the record Affidavit of John P. Greiner supporting statement of facts Attachments.” I proved to the (C of A) that my termination grievance had not been filed. I testified “but that was never -- it was my termination. And as I said earlier, when I called it was communicated to me through Don Gardner that they didn’t have my grievance up there for terminate --

well, first he said they had it, and then he said they didn't have it. And now it looks like there trying to say they (don't) have it, again." (72a) (don't) is a mistake in the transcript. I communicated that they were saying they did have it, again. Although, contrary to Sterns statement about believing me; she didn't, based on her ruling.

In addition to the first amendment retaliation for freedom of speech; another constitutional violation by Stern was stated in the record "I mean, Mr. Greiner was protected in asking for the representation of the union, while he was not protected in—he did not have a right under PERA to a Loudermill hearing. That's a constitutional right. (73a) (70a) contains the Michigan Oath of Public officers and Employees; Sec 1. All officers, legislative, executive's and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following old or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this state, and that I will faithfully discharge the duties of the office of_____ according to the best of my ability. Stern cannot honor that oath, and ignore the due process rights provided by the fifth and 14th amendment of the Constitution. (70a)

The other judges who have been involved in ruling on this case all took the same oath. The late, splendid Sen. Daniel Patrick Moynihan once famously asserted, "Everyone is entitled to their own opinion, but not their own facts." The judges have ignored facts. To me that seems like lying by omission. The oath speaks for itself, as to their obligation; to recognize and enforce all parts of the Constitution.

Due Process according to find law legal dictionary states that "The requirements of due process applies to agencies actions" In *Deuel v. Arizona State School for the Deaf and Blind* 165 Ariz. 524 (1990) 799 P.2d 865, the Arizona, Court of Appeals established the requirements for Due Process. Not all of them need to be repeated hear. The most important elements are 2. "disclosure of the evidence supporting termination," *Morrissey v. Brewer*, 408 U.S. 471, 92 S.Ct. 2593, 33 L.Ed.2d 484 (1972), including the names and nature of the testimony of adverse witnesses. *Stewart v. Bailey*, 556 F.2d 281 (5th Cir.1977); in the Post Hearing Brief I provided a letter dated March 25, 2013, asking for the evidence. Long had testified he gave me the evidence. The letters show I was asking for the evidence, see pages 31-a (to) 31-f proving Long had not given any evidence to me. That showed another example of Longs perjury.

3. the opportunity "to confront and cross-examine available adverse witnesses." *Goldberg v. Kelly*, supra; *Nevels v. Hanlon*, 656 F.2d 372 (8th Cir. 1981); see also *Vanelli*, supra. There were no adverse witness present. The ones who had already committed perjury in the unemployment hearing, to maintain the pretext, of two stories, I felt, were already committed to what they had said; and I was not interested in interrupting what they had already done. I thought that they had given me the power card, if I wanted to use it.

The two story concept is not new. The stories above from the Bible showing that individuals have lied; and what they thought about what they were doing is different than the ones I'm going to point out now. These stories involve the

presentation of two contradicting stories regarding the birth of Jesus. The first one is in Matthew chapter 2: 1-12, verse 1, "Now when Jesus was born in Bethlehem of Judaea in the days of Herod the king, behold, there came wise men from the east to Jerusalem, verse 2, Saying, Where is he that is born King of the Jews? for we have seen his star in the east, and are come to worship him. Verse 3, When Herod the king had heard these things, he was troubled, and all Jerusalem with him. Verse 4, And when he had gathered all the chief priests and scribes of the people together, he demanded of them where Christ should be born. Verse 5, And they said unto him, in Bethlehem of Judaea: for God's it is written by the prophet, Verse 6, And thou Bethlehem, in the land of Juda, are not the least among the princes of Juda: out of thee shall come governor, that shall rule my people Israel. Verse 7, Then Herod, when he had privily called the wise men, inquired of them diligently what time the star appeared. Verse 8, And he sent them to Bethlehem, and said, Go and search diligently for the young child; and when he had found him, bring me word again, that I may come and worship him also. Verse 9, When they had heard the king, they departed; and, lo, the star, which they saw in the east, went before them, till it came and stood over where the young child was. Verse 10, When they saw the star, they rejoiced with exceeding great joy. Verse 11, And when they were come into the house, they saw the young child with Mary his mother, and fell down, and worshiped him: and when they had opened their treasures, they presented unto him gifts; gold, and frankincense, and myrrh. Verse 12, And being warned of God in a

dream that they should not return to Herod, they departed into their own country another way.” From their alleged dream they committed a lie.

The second one is in Luke chapter 2: 1-12, verse 1, “And it came to pass in those days, that there went out a decree from Caesar Augustus, that all the world should be taxed. Verse 2, (And this taxing was first made when Cy-re ni-us was governor of Syria.) Verse 3, And all went be tax, everyone into his own city. Verse 4, And Joseph also went up from Galilee, out of the city of Nazareth, into Judaea, unto the city of David, which is called Bethlehem; (because he was of the house and lineage of David:) Verse 5, To be taxed with Mary his espoused wife, being great with child. Verse 6, And so it was, that, while they were there, the days were accomplished that she should be delivered. Verse 7, And she brought forth her firstborn son, and wrapped him in swaddling clothes, and laid him in a manger; because there was no room for them in the inn. Verse 8, And there were in the same country shepherds abiding in the field, keeping watch over their flock by night. Verse 9, And, lo, the angel of the Lord came upon them, and the glory of the Lord shone around about them: and they were sore afraid. Verse 10, And the angel said unto them, Fear not: for, behold I bring you good tidings of great joy, which shall be to all people. Verse 11, For unto you is born this day in the city of David a Savior, which is Christ the Lord. Verse 12, And this shall be assigned unto you; Ye shall find the babe wrapped in swaddling clothes, lying in a manger.” Both of these stories can’t be true. Based on Albert Einstein’s quote in the May 2007, Reader’s Digest

From the story by Walter Isaacson from "Einstein: His Life and Universe"
The reader's digest article is entitled "Boy Genius".

From his reading of popular science books, which showed him that "much in the Bible could not be true," Einstein developed a resistance, to all forms of dogma. As he wrote in 1901, "A foolish faith in authority is the worst enemy of truth."

Today I don't believe there was any virgin birth. Joseph and Mary were Jewish people who were aware of the stories in the book of Genesis, mentioned above. They made up the story that fit with the Scriptures. Jesus did grow up, and saw the behavior of the elders. He spoke out. It is written in St. John chapter 8 verses 31 and 32. Verse 31, "Then said Jesus to those Jews which believed on him, if ye continue in my word, then are ye my disciples indeed; verse 32, And ye shall know the truth, and the truth shall make you free." It is written In Matthew chapter 23: 13-29, he called them all hypocrites and fools. It is written in Matthew chapter 10: 34-36, verse 34, "Think not that I am come to send peace on earth: I came not to send peace, but a sword. Verse 35, For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter-in-law against her mother-in-law. Verse 36, And a man's foes shall be they of his own household." If, these written statements are true, Jesus said them to destroy the status quo. The hypocrisy that existed in the Jewish tradition, by the lies that were being told and tolerated. It is also written in St. John chapter 8:3-11, verse 3, "And the scribes and Pharisees brought unto him a woman taken in adultery; and when they had set her in the midst, verse 4, They say unto him,

Master, this woman was taken in adultery, in the very act. Verse 5, Now Moses in the law commanded us, that such should be stoned: but what sayest thou? Verse 6, This they said, tempting him, that they might have to accuse him. But Jesus stooped down, and with his finger wrote on the ground, as though he heard them not. Verse 7, So when they continued asking him, he lifted up himself, and said unto them, He that is without sin among you, let him first cast a stone at her. Verse 8, And again he stooped down, and wrote on the ground. Verse 9, And they which heard it, being convicted by their own conscience, went out one by one, beginning at the eldest, even unto the last: and Jesus was left alone, and the woman standing in the midst. Verse 10, When Jesus had lifted up himself, and saw none but the woman, he said unto her, Woman where are those thine accusers? hath no man condemned thee? Verse 11, She said, No man, Lord. And Jesus said unto her, Neither do I condemn thee: go, and sin no more.”

The standard is Justice and Mercy. There can be no Justice if it is all Mercy. If I am willing to allow them to steal from me and be silent; I'm not loving me. The Command written in Matthew chapter 22: 39, “And the second is like unto it, Thou shalt love thy neighbor as thyself.” If I don't stand up for me, for restitution, then I'm rewarding them for their actions. And you will be rewarding them too.

The Defendants could have stopped this charade any time they wanted. They have chosen not to. Their actions have been deliberate; and they continue. The system has protected them. The evidence proves that they have been lying; and they have all gotten paid.

I cannot stop a person from lying. Nor can I make someone tell the truth.

Stated above, anyone can lie. The law dictates that lying under oath is a crime. The threat, of the consequences, of perjury, (or fraud on the court) are, or, were intended, to insure, that people don't lie under oath, or deceive the court. That insurance, is of no consequence, if, when, the act of lying under oath, to deceive the court, is proven by the evidence, and not enforced.

I believe, they would believe, that there lying got them through this, and that, in this case, it was the right thing to do. It's not the law.

The law of gravity, is not discriminatory; it applies to everyone. The laws of our county apply to everyone to. Acknowledging that the evidence in the record does prove the perjury and fraud on the court by the Defendants and the attorney; will allow you the ability to correct a Hugh problem.

The foundation of my political beliefs and persuasions come directly from my interpretation of the Bible and my relationship with the Creator.

"It is to be remembered that in our democracy all men are to receive equal justice regardless of their political beliefs or persuasions." UNITED STATES of America, Plaintiff, v. John SINCLAIR, Lawrence Robert "Pun" Plamondon, John Waterhouse Forrest, 321 F.Supp. 1074 (1971). I have not.

I have had so much empathy for the individuals, now, I may look like a sociopath. That is not the case. Stated above it is for justice.

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 2a 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 Michigan Employment Relations Comm 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 10/30/2018.
A copy of that decision appears at Appendix 36a.

☒ A timely petition for rehearing was thereafter denied on the following date: 2/4/2019, and a copy of the order denying rehearing appears at Appendix 45a.

☐ 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. § 1257(a).

STATEMENT OF THE CASE

This case of retaliation originated because I spoke, then I filed a grievance 4/20/2011 for the misappropriation of the distribution of overtime. The Supervisor first acted alone, retaliating, by using my work related disabilities against me. Disciplinary action forms were created and grievances were filed. There was a meeting on 5/18/2011 where I spoke, I reporting to the Defendants my belief that the Supervisor had been paying people overtime who were not at work; and I submitted the first 20 page Harassment Complaint (20 HC). After speaking to the Defendants, their corruption and collusion became blatantly apparent. They consciously chose to retaliate against me by not representing me for exercising my first Amendment rights. That exposed their systematic deliberate long term corruption. The Defendants had waited until 7/12/12 to have the first (LH) which violated the provisions of the United States Supreme Court. Those requirements for due process for public employees were outlined on 3/19/1985, which supported the provisions of due process contained within the 14th Amendment seen in the Cleveland Board of Education v. Loudermill 470 U.S. 532, 84 L.Ed.2d 494. (CB of E v. L) Those requirements were unknown to me.

Those two actions represent the First, Fifth, and Fourteenth Amendment Constitutional Violation of Free Speech and Due Process. The other Crimes happened to maintain the Pretext of my termination.

I was terminated by a letter on 11/7/12. I filed for unemployment. I also filed a whistleblowers law suit in Macomb County against Macomb County. Searching

for a lawyer to help me; it was explained to me that I had a better retaliation case and was encouraged to file with the EEOC. After filing with the EEOC I realized it was the union that had failed me, by conspiring with the employer to protect the interests of my former coworkers. Then I filed the charges with the Michigan employment relations commission against the union and the employer. The employer provided information to unemployment stating that I was terminated for insubordination. The actions of forging timesheets to steal overtime pay is explained on page (75a). The Employers witnesses committed perjury during the hearing, by maintaining the pretext of my termination. I felt that because the employers' witnesses committed perjury it was to my advantage, because it made there lies perjury. I waited until March 4, 2016 to report their crime of overtime fraud and perjury. I reported to a first lieutenant detective James Grady at the Michigan State Police Department. He informed me that that "I would not take something like this from you unless Macomb County or the local agency made the request. It either have to be that or the prosecutor's office or the Attorney General's office that would have to make that request for MSP to do the investigation." See page (77a). In late August 2017 I did file police reports in the various communities that the crime took place. I received a call September 1, 2017 from Sgt. Cappola of the Clinton Township Police Department. I explained "so eventually I went to the Macomb County Sheriff's Department," (84a). "I actually – okay, so I emailed the report that you have as Exhibit 1 to the Macomb County Sheriff on April 25th. I also emailed it to Eric's, Eric Smith," Cappola acknowledged yeah, the prosecutor. (85a).

Because of their lack of action: Coppola stated "the Sheriff's office or the Macomb County prosecutor needs to be investigated then, and it's, there's an office that does that, that's the Michigan Atty. Gen.'s office." (86a). Having had no results from the email to the Macomb County Sheriff's office or the prosecutor; I resubmitted the complaint with additional information that relied on the flash drive. I was encouraged by Deputy Eugene Miller to retain my documents until I was contacted by someone from the detectives assigned to the case. September 7, 2017 I had a conversation with Detective Lieutenant Abro from the Macomb County Sheriff's Department. He said "I would probably give this to the, Attorney General. The problem is it would be a conflict of interest for us to investigate our own attorney." "You right in your report charging the attorney with obstruction of justice; he's the one who represents us."

November 28, 2017 I mailed four police reports with an explanation accompanying each one consisting of a document 106 pages; to the Detroit and Lansing locations of the Michigan Attorney's Office. December 7, 2017 I received a call from Richard Cunningham who acknowledged "I'm the division chief for the criminal division. I explained "now in each of those documents it indicates that there's more documents to be provided and there's also a flash drive to be provided, so at some point in time I will anticipate hearing back from you when you are in a position to receive the balance of that information, because it is not an allegation. It is prove of the allegations in the balance of the pages. I'll need to probably go through it with you to explain some things." Mr. Cunningham stated: "You can

produce it or anything you want, we will receive it. You're free to present us with anything you want." "You have a flash drive that you think would be helpful you can mail the flash drive here. I stated "what I think I need to do is bring it to you next Tuesday." (87a). I continued: "receiving the information that I have provided so far will, or does include all the police reports that I made at the different agencies." Mr. Cunningham stated: lets see, what do we got, 106 pages on the, 106 pages complaint is what it says here but it looks like there's more than 106 pages." "Okay. Anything else you want to present, you know, make, make (inaudible) to consider. (98a).

January 3, 2018 I called Mr. Cunningham and stated: "I'm calling today to see if it's possible for us to set up an appointment for me to come" Mr. Cunningham stated "No." I said: "Pardon me?" He said: "No, Mr. Greiner, it's not. We've gone over everything you have here and there's no basis for us to become involved. Were just flat out not going to become involved in this at all." I stated: "Well I appreciate your telling me that, Mr. Cunningham. Unfortunately, I have conviction that you made your decision without having all the information." Mr. Cunningham replied: "Greiner I have enough information to see very clearly that were not going to become involved in this." He continued: "You can always submit more; I see no basis here for, for action on our part. We're always open to additional information but from what I see here, Mr. Greiner, I've gone through this, there is just no basis for our involvement." I stated: "Okay. You're basing that on what?" He stated: "On all

the materials that I've read, Mr. Greiner, and I'm not going to debate this with you.
I'm going to tell you, we are not taking any action."

My lost wages for the past 6 ½ years are over 300,000 not counting Social
Security contributions, or, retirement contributions.

Reasons for Granting the Petition

1. To establish the fact that the law applies to everyone.
2. To establish the fact that there are consequences for breaking the law.
3. To show that committed perjury and fraud on the court is the most offensive abuse to the entire concept of our legal system. That will not be tolerated by anyone.
4. To establish the fact that a citizen is entitled to representation when the government is trying to take property or liberty as well as the already established life.
5. To establish that the provisions in the Loudermill were expected to be followed; specifically prove that it is constitutional violation to avoid having a post Loudermill hearing. See below
6. The most obvious reason for me to grant the petition is because I've never had Due Process; #3 Constitutional Law 3875 "Due processes a flexible concept, the essence of which requires fundamental fairness. AL-MALI KI v. LAGRANT cite as 781 N.W.2d 853 (Mich App. 2009)
7. Because it is the right thing to do, to make the words mean what they say.

Cleveland Board of Education v Loudermill 470 U.S. 532, 84 L.Ed.2d 494.

This case, that is before the court today could be the most monumental case in this courts history. It is landmark, in that, it gives the court an opportunity to correct long standing deceitful, deceptive, systemic, corruption seen as error and abuse that has occurred in Macomb County by the Employer and the Union.

This case continues to be land mark and now gives the court an opportunity to send a clear and decisive instructions to Employers, Unions, individuals, and agencies that will correct the flawed perceptions and practices that have occurred with Employers, Unions, and agencies proceedings in the State of Michigan, and the balance of the United States.

To date there has never been any Post-termination hearing. Justice Brennan wrote in Cleveland Board of Education v Loudermill 470 U.S. 532, 84 L.Ed.2d 494. "the Court notes that a full post-termination hearing and decision must be provided at "a meaningful time" and that "[a]t some point, a delay in the post-termination hearing would become a constitutional violation." Ante, at 1496. By setting the standards established in Deuel v. Arizona State School for the Deaf and Blind 165 Ariz. 524 (1990) 799 P.2d 865 that would remove all doubt as to what is required form Employers and Unions.

Brennan also wrote "I previously have stated my view that "[t]o be meaningful, an opportunity for a full hearing and determination must be afforded at least at a time when the potentially irreparable and substantial harm caused be a suspension can still be avoided-*i.e.*, either before or immediately after suspension." Barry v. Barchi, /supra, 433 U.S., at 74, 99 S.Ct., at 2654.

CONCLUSION

The Defendants complicity exposed their systemic, system, of participation for consciously terminating an employee, who was injured at work, who spoke up, reporting, the Supervisor retaliation, and the cause of that retaliation being to cover the overtime fraud, which is the First Amendment Retaliation, by violating the established Due Process laws. As well as, not filing my termination grievance, which is the Breach of Employment Contract, and lying under oath, which is perjury. But together it is Concert of Action and Civil Conspiracy. Creating documents, which is fraud on the court, and the defendants attorneys have lied to the Judge, and that is obstruction of justice. Those decisions were in an effort to maintain the pretext of my termination.

The fact that my termination is based on lies that became perjury. Then my decision to say no; no that's not how it happened. Is what has destroyed my relations with former attorneys representing me. Because I was not willing to accept the Status quo, or, their apathy, regarding that perjury; as if it didn't matter. Because that's all that matters; their lies, that became evidence, that is currently considered competent, material and substantial evidence on the record; is not. I pray that this court will see me as a Patriot fighting for truth, for radical change, over error, who is Appropriately Inappropriate, at this time, regarding these issues presented above.

Further, Affiant saith not.

John P. Greiner Jr., Affiant

Subscribed and sworn to before me

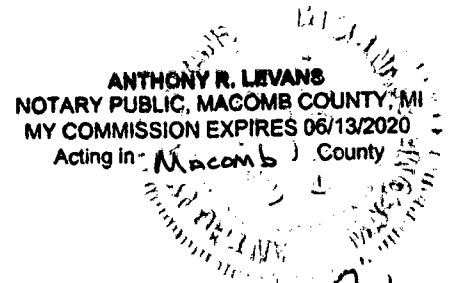
This 6th day of May, 2019 -A.L.

Anthony Levans

Notary Public

Macomb County, Michigan

My Commission Expires: 6/13/2020



Respectfully submitted

By John P. Greiner Jr.
John P. Greiner; Jr.

Date May 6th 2019

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