

No. 19-5748

19-5748

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
AUG 26 2019
OFFICE OF THE CLERK

SETH MITCHELL — PETITIONER
(Your Name)

vs.

MACY'S, INC., ET AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SETH MITCHELL
(Your Name)

clo ASHEM LLC, 1 PENN PLAZA #6119
(Address)

Ny, Ny, 10119
(City, State, Zip Code)

646-801-2045
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SETH@ASHEM LLC.CO
(EMAIL)

QUESTIONS PRESENTED

1. When, if ever, can a magistrate judge assigned to handle non-dispositive matters in a Federal lawsuit intentionally violate Federal Rule of Civil Procedure 15(a)(1)(B) in the unjust denial of a good faith and timely - filed Motion to amend a meritorious complaint?
2. When, if ever, can a magistrate judge assigned to handle non-dispositive matters in a Federal lawsuit intentionally violate Federal Rule of Civil Procedure 56(b) by illegally denying a Motion for partial summary judgment, when that good faith and timely – filed Rule 56(b) Motion was addressed to the District Judge assigned to the Case and not to that wrongdoing magistrate judge?
3. When, if ever, can a District Judge assigned to a Federal lawsuit dismiss clearly-articulated meritorious Claims for grievous sexual harassment and institutionalized hostile work environment as per Title VII of the Civil Rights Act of 1964 (“Title VII”) and New York State Human Rights Law (“NYSHRL”) [New York State Executive Law Article 15], concluding callously that such Claims “.....*merely amount to petty, slight, or trivial inconveniences....*”?
4. When, if ever, can a District Judge assigned to a Federal lawsuit dismiss a clearly-articulated meritorious Claim for failure to provide for disability accommodation under The Americans with Disabilities

Act of 1990 / Americans with Disabilities Act Amendment Act of 2008, when such a clearly – articulated Claim includes formal doctor attestation that said reasonable accommodation is medically necessary?

5. When, if ever, can a employee's employer – sponsored health insurer intentionally violate HIPAA and 45 CFR §164.530(c) by transmitting the worker's detailed and private medical information to his employer with the goal of tortuously interfering with said employee's employment contract to induce illegal employment separation?
6. When, if ever, can a District Judge assigned to a Federal lawsuit completely ignore a meritorious and clearly – articulated Claim for Breach of [employer/union employment] Contract, when that [employer/union] Contract is submitted as evidence to the Court?
7. When if ever, can an employer and its fiduciaries violate ERISA 502(a) regarding illicit denials of well-pled emergency hardship withdrawal requests from a worker's 401k account with that employer for issues relating to *financial emergency*, resulting in an employee's forced eviction from his current residence due entirely to such illegal denials? How does the law define *financial emergency* within the context of ERISA?
8. When, if ever, can an employer engage in retaliatory discharge against an employee for asserting his rights under ERISA 502(a) regarding a

good faith emergency hardship withdrawal request for reasons of *financial emergency*?

9. Does a union breach duties of fair representation to a union member under the National Labor Relations Act when it “*steps into the shoes of the employee*” and settles an employment controversy with the employer, where any settlement benefit does not get passed on to the aggrieved worker?
10. When an employee submits to Court irrefutable evidence that he has fully - exhausted his administrative remedies with regards to an ERISA 502(a) Claim pursuant to c, when, if ever, can a District Judge assigned to the case dismiss said meritorious Claim by erroneously concluding that Plaintiff failed to exhaust his administrative remedies?
11. When, if ever, can a United States Court of Appeals ignore all undeniable facts and relevant Federal law, thereby dismissing before any appearances and briefings a good faith Appeal, particularly when the Appellant has certified that without being granted the relief requested, He will continue to suffer extreme and unnecessary personal medical and financial emergencies?
12. When do the actions of a Federal judicial employee in the course of their employment depart so far from the norm in all that is ethical, compassionate, fair, unbiased, and legal as to generate a meritorious Federal Tort Claim for personal injury where the shield of judicial

immunity is thereby penetrated? For instance, how outrageous and shocking must such behaviour be to be shielded by 28 USC §2674 and instead incur a tangible liability under 28 USC §2672?

13. When can a Federal judicial employee illegally curtail the Freedom of Speech of a Good Plaintiff in stark violation of The First Amendment to the Constitution of the United States of America, when He simply, diligently, persistently, and vigorously just prosecutes His meritorious Claims and vehemently asserts His lawful rights, particularly in the instances of a clear “emergency” adjudication?

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:

- CONTINUED ON NEXT PAGE:

SEE CAPTION TO "THIRD AMENDED COMPLAINT"

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

SETH MITCHELL,

17-CV-1845 (AT/SN)

Plaintiff,

THIRD AMENDED
COMPLAINT

-against-

Macy's, Inc.; Bloomingdale's, Inc.;
Bank of America Corporation; CIGNA
Corporation; U.S. Trust;
Merrill Lynch, Pierce, Fenner & Smith
Incorporated; Local 3
United Storeworkers RWDSU Council/UFCW;
New York University; Terrance P. Laughlin;
Thomas K. Montag; Andrew D. Hamilton;
Terrance Nolan; Martin S. Dorph;
Karen Hoguet; Jeffrey Kantor;
Tony Spring; Elisa Garcia, Esq.;
Nicole Jones, Esq.; Aanal Shah;
Dorothy S. Oertel-Albright;
Stephen Von Wahlde, Esq.;
Cassandra Berrocal; Shaun Kavanagh;
Dennis Di Lorenzo; Michelle Ronquillo; Susan
Wright; Richard Law; Santiago Fernandez, Esq.;
Susan Schiller; Elyse Vogel; Clare Coughlin;
Ariana Starace; Brittany Pressner; Robin
Goodell; Susan Shekerchi; Cynthia Clemons;
Sharen Freeling; Brenda Moses; Paula Sabatelli;
Aahren DePalma, Esq.; Bernard Manning;
John & Jane Does 1-1000,

Honourable Analisa Torres,
United States District Judge,
Presiding

Jury Trial Requested

Defendants.

-----X

THIRD AMENDED COMPLAINT

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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 A 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 B 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 22 FEBRUARY 2019.

[] 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: 29 MARCH 2019, and a copy of the order denying rehearing appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted to and including 26 AUGUST 2019 (date) on 19 JUNE 2019 (date) in Application No. 18 A 1323.

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 _____. A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

1. First Amendment to the United States Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

2. Federal Rule of Civil Procedure 15(a)(1)(B)

Amending as a Matter of Course. A party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

3. Federal Rule of Civil Procedure 56(b)

Time to File a Motion. Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.

4. 45 Code of Federal Regulations §164.530(c)

(C) To each member of the covered entity's workforce whose functions are affected by a material change in the policies or procedures required by this subpart or subpart D of this part, within a reasonable period of time after the material change becomes effective in accordance with paragraph (i) of this

section. (ii) A covered entity must document that the training as described in paragraph (b)(2)(i) of this section has been provided, as required by paragraph (j) of this section. (c)(1) Standard: Safeguards. A covered entity must have in place appropriate administrative, technical, and physical safeguards to protect the privacy of protected health information. (2)(i) Implementation specification: Safeguards. A covered entity must reasonably safeguard protected health information from any intentional or unintentional use or disclosure that is in violation of the standards, implementation specifications or other requirements of this subpart. (ii) A covered entity must reasonably safeguard protected health information to limit incidental uses or disclosures made pursuant to an otherwise permitted or required use or disclosure.

5. ERISA 502(a)

(a) Persons empowered to bring a civil action A civil action may be brought - (1) by a participant or beneficiary - (A) for the relief provided for in subsection (c) of this section, or (B) to recover benefits due to him under the terms of his plan, to enforce his rights under the terms of the plan, or to clarify his rights to future benefits under the terms of the plan; (2) by the Secretary, or by a participant, beneficiary or fiduciary for appropriate relief under section 1109 of this title; (3) by a participant, beneficiary, or fiduciary (A) to enjoin any act or practice which violates any provision of this subchapter or the terms of the plan, or (B) to obtain other appropriate equitable relief (i) to redress such violations or (ii) to enforce any provisions of this subchapter or the terms of the

plan; (4) by the Secretary, or by a participant, or beneficiary for appropriate relief in the case of a violation of 1025(c) of this title (5) except as otherwise provided in subsection (b) of this section, by the Secretary (A) to enjoin any act or practice which violates any provision of this subchapter, or (B) to obtain other appropriate equitable relief (i) to redress such violation or (ii) to enforce any provision of this subchapter; or (6) by the Secretary to collect any civil penalty under subsection (c)(2) or (i) or (l) of this section.

6. 29 USC §1132(a)(1)(B)

(a) Persons empowered to bring a civil action: A civil action may be brought (1) by a participant or beneficiary— (A) for the relief provided for in subsection (c) of this section, or (B) to recover benefits due to him under the terms of his plan, to enforce his rights under the terms of the plan, or to clarify his rights to future benefits under the terms of the plan.

7. 28 USC §2674

The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages. If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the

persons respectively, for whose benefit the action was brought, in lieu thereof.

With respect to any claim under this chapter, the United States shall be entitled to assert any defense based upon judicial or legislative immunity which otherwise would have been available to the employee of the United States whose act or omission gave rise to the claim, as well as any other defenses to which the United States is entitled.

8. 28 USC §2672

The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: Provided, That any award, compromise, or settlement in excess of \$25,000 shall be effected only with the prior written approval of the Attorney General or his designee. Notwithstanding the proviso contained in the preceding sentence, any award, compromise, or settlement may be effected without the prior written approval of the Attorney General or his or her designee, to the extent that the Attorney General delegates to the head of the agency the authority to make such award, compromise, or settlement. Such

delegations may not exceed the authority delegated by the Attorney General to the United States attorneys to settle claims for money damages against the United States. Each Federal agency may use arbitration, or other alternative means of dispute resolution under the provisions of subchapter IV of chapter 5 of title 5, to settle any tort claim against the United States, to the extent of the agency's authority to award, compromise, or settle such claim without the prior written approval of the Attorney General or his or her designee.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award, compromise, or settlement in an amount of \$2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of \$2,500 made pursuant to this section or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter.

STATEMENT OF THE CASE

- I. Petitioner's ongoing, severe emotional and financial distress and unassuaged medical emergencies due specifically to intentional damages caused by the defendants and their miscarried defamatory strategies against Him.

Any and all past and present meritorious Claims asserted against the named and doe defendants *en masse* remain outstanding to this day as such Claims are Unsettled and no Global Release of Claims has been duly – executed by the Petitioner, self – represented and *in forma pauperis*, SETH MITCHELL. He has substantial urgent medical requirements that cannot be met due to the indigent position in which He was purposefully placed by the defendants in the course of their unlawful campaigns against him as codified clearly in his *First, Second Amended, and Third Amended (APPENDIX H)* Complaints under *SDNY Index No. 17 – CV – 1845 (AT/SN)*.

Despite employer Macy's, Inc.'s nefarious highly public and clearly - defamatory campaign of branding this Good Petitioner himself a "wrongdoer" Macy's, Inc. has *never* proffered any irrefutable evidence that Petitioner engaged in "*misconduct*" on-the-job. In fact, on **24 April 2017** New York State Administrative Law Judge David Kogelman Decided upon Appeal that there was absolutely no evidence in the Record that would have prevented Petitioner from receiving [*emergency*] New York State Unemployment

Insurance benefits (ALJ Case No. 017 – 05580: APPENDIX D); though Macy's, Inc. was advised of its rights formally and in writing to Appeal Judge Kogelman's righteous Decision, it did not do so within the mandated twenty (20) day timeframe, nor has it sought to appeal said righteous Decision *to this very day*, vindicating in every aspect this infinitively – aggrieved Good Petitioner.

II. Complex, multi – faceted set of vast, interrelated instances of heinous and unadorned civil and/or criminal wrongdoing in an employment context committed by some of America's most “well-known” companies

During the course of His gainful employment as a Luxury Home Product Sales Generalist at Macy's, Inc.'s Bloomindale's Headquarters location in New York County, New York from 2015 – 2017 Petitioner was subject to a buffet of egregious violations of Federal, New York State, and City of New York law that included:

- a. Clear breach of [a formal uncontested employment] contract (*see JP Morgan Chase v. J.H. Elec. of N.Y., Inc.*, 69 A.D.3d 802, 803, 893 N.Y.S.2d 237 (2d Dep't 2010)) asserted timely as per CPLR §213(2) between Macy's, Inc. and Local 3 Union “RWDSU/UFCW” (of which Petitioner was a dues – paying member) which states “.....*it is Agreed that severance pay shall be paid by Employer [Macy's, Inc.] to Regular Employees [Petitioner] whose services are terminated by permanent layoff or discharge...the amount of such severance pay shall be as*

follows.....one week for 1 to 3 years of service....” Based upon Petitioner’s 2016 Macy’s, Inc. total compensation, such a contractually – owed severance payment equates to a mere **\$US791** which could still go to provide for indigent Petitioner’s daily living expenses such as food, housing, and medical and other bills, yet Macy’s, Inc. refuses to pay this valid debt.

- b. Local 3 Union “RWDSU/UFCW” engaged in the illicit “*stepping into the shoes*” of Petitioner in stark violation of the National Labor Relations Act (duties of fair representation) during a Dispute Settlement Conference held in March 2017 with employer Macy’s, Inc. where, despite Petitioner’s lack of express consent to such representation and His notification to Local 3 that He would not be in attendance, Local 3 Union attended the Conference and engaged in Settlement Negotiations/Agreements with Macy’s, Inc. where such Settlement Negotiations/Agreements have not been disclosed to Petitioner to this very day and where He has seen absolutely no benefit from such Agreements.
- c. Intentional Failure to provide for medically – necessary, easily-afforded little/no - cost Reasonable Accommodation for Disability in Violation of Title VII of the Civil Rights Act of 1964 (as amended) and in Violation of the Americans with Disabilities Act of 1990 where an ***analogous*** EEOC Case (*EEOC v. Grand Hyatt New York, Inc., SDNY*

Index No. 18-CV-07374 was Settled by the defendant in May 2019 for \$US100,000 and additional relief, where such due relief to this Petitioner could go to provide for His daily living expenses such as food, housing, and medical and other bills had EEOC done its job and initiated rightful litigation against Macy's, Inc. as it did in Grand Hyatt. In 2018 Petitioner obtained ultrasounds and MRI scans of both feet and ankles which clearly and irrefutably evidence severe damage to both feet and ankles, which upon the Granting of his Petition, will be presented to Court as uncontestable evidence that Macy's, Inc.'s illegal failure to provide for disability accommodation (a "desk role") has caused him extreme and unnecessary physical and emotional damage almost daily during his two year employment with Bloomingdale's.

- d. Ongoing blatant sexual harassment by a female colleague (a "*Ralph Lauren Sales Specialist*") where she literally bore her bare breast to Petitioner publically on the salesfloor three (3) times with the sole purpose of demeaning, degrading, shocking, humiliating and embarrassing Him so as to directly - interfere with his employment responsibilities and impede his performance ("*hostile work environment theory*") as a client – facing luxury home product sales generalist, in stark violation of Title VII and NYSHRL.

- e. Title VII Religious Discrimination/Hostile Work Environment in the form of caustic anti-Semitism by another colleague (a “*John Matouk Sales Specialist*”) that compounded the illegal oppression Petitioner experienced daily in his work environment and impeded his ability to conduct his employment responsibilities.
- f. The purposefully damaging multiple cruel and heartless denials in 2016 by fiduciary Bank of America / Merrill Lynch Wealth Management and employer Macy’s, Inc. of Petitioner’s emergency requests for 401k financial hardship withdrawals (29 USC §1132, 29 USC §1104, ERISA 502(a)) which resulted directly in his unconscionable forced eviction from His primary residence in New York City and related extreme emotional distress; despite the fallacious assertion to the contrary by Judge Torres in her erroneous and defective decision (**APPENDIX B**), Petitioner *had* exhausted his administrative remedies with Macy’s, Inc. and was formally and in writing advised of His right to assert an ERISA 502(a) Claim in Federal Court on **28 October 2016**.
- g. The perpetration of what can only be deemed “*employment fraud*” in connection with the Macy’s, Inc. 401k issue by US Trust / Bank of America / Merrill Lynch in the interviewing and hiring of Petitioner in June 2017 for a role with its Wealth Management Division in New York City where, after complying with highly burdensome private and

sensitive informational demands of Petitioner, Bank of America unjustly rescinded its offer of employment to Petitioner once in possession of his material non-public information and personally – identifiable information.

- h. The intentional failure to this very day by Bank of America / Merrill Lynch to provide Petitioner with copies of his client file associated with the Macy's, Inc. 401k Plan and his employee file associated with his employment offer in Bank of America / Merrill Lynch Wealth Management further compounds his injuries: his three written "escalations requests" to Ms. Anne M. Finucane, Vice Chairman, Bank of America (most recently on 20 August 2019) went unanswered, even after being apprised of the fact that the Supreme Court of the United States maintained jurisdiction of this controversy.
- i. The illegal, purposeful, and recursive breaches of HIPAA §104-191, §1177 and 45 CFR §164.530(c) by Petitioner's health insurer CIGNA Corporation where CIGNA illicitly communicated Petitioner's private and sensitive medical information to Bloomingdale's, Inc. CEO Tony Spring with the goal of tortuously interfering with Petitioner's [Macy's, Inc. employment] contract and encourage an illegal employment separation; Petitioner had timely filed a Complaint with Department of Health and Human Services' Office for Civil Rights ("OCR") on 5 February 2017 under Complaint No. 12372709. Given the severity of

CIGNA's offenses, its failure to make amends, and the degree of damage it causes the Petitioner and indeed the People of these great United States of America **Petitioner respectfully demands that:** i) **OCR assess a Tier IV penalty of \$US50,000 against CIGNA for its uncorrected willful neglect;** ii) **The Attorney General of the great State of New York File a Civil Action against CIGNA in Federal Court as per HITECH Act (§13410(e)(1)); and** iii) **United States Department of Justice prosecute CIGNA for criminal violations of HIPAA for “....*wrongful disclosures with intent to do harm.....*”**

- j. The purposefully unjust failure of Macy's, Inc. to remedy the highly disruptive and emotionally - distressing hostile work environment and sexual harassment that Petitioner experienced daily at His work, the intentional failure to provide for reasonable disability accommodation, the illegal employment separation and retaliatory discharge events (for Filing EEOC charges, for contesting his denied requests for 401k emergency hardship withdrawal, its conspiring with CIGNA in criminal violation of HIPAA, at least) at a time of great medical emergency have caused him grievous physical and emotional pain and suffering – for this Petitioner respectfully reiterates his Demand for compensatory relief in the sum of \$US50,000,000.00 against Macy's, Inc.

III. Highly suspicious activities in the courts down below evidence distinct perversion of justice of epic proportions

- a. Magistrate Judge Sarah Netburn herself not only acted unprofessionally and unethically in her Federal employment role in stark violation of The Guide to Judiciary Policy Chapter 2 – Code of Conduct for United States Judges (for instance, she goaded defendants' attorneys to file motions to dismiss at a 26 January 2018 Conference), she also broke Federal law, particularly Federal Rule of Civil Procedure 15(a)(1)(B) on numerous occasions (**Appendix E and G**), even going so far as to illegally deny Petitioner's good faith and clearly stated *dispositive* motion for partial summary judgment when only assigned District Judge Torres could actually rule on it (**Appendix F**).
- b. Magistrate Judge Sarah Netburn on numerous occasions sought to illegally curtail Petitioner's Freedom of Speech as guaranteed by the First Amendment to the United States Constitution, in the vigorous and diligent pursuit of the prosecution of his meritorious Claims, going so far as to outrageously threaten to revoke his Electronic Case Filing Privileges with the District Court!
- c. District Judge Torres' fallacious, erroneous, defective, and bad faith "Decision" (**Appendix B**) is tantamount to an offensive "Holocaust Denial": Petitioner has proven undeniably that there is enough factual

substantiation for each and every of his clearly stated meritorious Claims to warrant the procession of his case to the discovery phase and then to rightful trial; *instead, what does she do, good Justices of the The Supreme Court of the United States of America? She denies the horrors Petitioner faced ever happened without even calling Him to Court to observe his posture, presentation, and character.*

- d. Compounding the additional injuries Petitioner faced as a Plaintiff acting *pro se* and *in forma pauperis* in the courts down below The Second Circuit as well engaged in multiple outrageous Holocaust Denials, hiding behind *Neitzke v. Williams*, 490 US 319, 325 (1989) and 28 USC §1915(e) (**Appendix A and C**) when the total reverse *is reality*: Petitioner's [emergency] Appeal and Motions to the Second Circuit are replete with arguable bases in both *fact* and *law, as proven indubitably in this Petition.*

REASONS FOR GRANTING THE PETITION

As per Petitioner's Motion to Expand Time under **Application No. 18-A1323** Granted by Associate Justice Ginsberg, this complex, multi - faceted case presents highly novel questions of law which the Supreme Court should consider given their importance not only to this highly – aggrieved Petitioner, but also to the entirety of the People of these great United States of America, particularly those who experience wrongdoing in the context of their employment.

Here, the Supreme Court can further refine the law regarding unjust denials of 401k emergency hardship withdrawals for financial reasons, the obligations that Unions have to their dues - paying members, the curtailing of Freedom of Speech by Federal Judicial employees, retaliatory discharge, sexual harassment, and hostile work environment, among other nationally – important issues.

The defendants – many of them very well – known American companies – are brazen in their civil and / or criminal wrongdoing as codified in this Petition and The Supreme Court of the United States of America must shine a cleansing judicial light upon them for the good of this highly – aggrieved Petitioner and of course the entirety of the People of these great United States of America.

Also as per Petitioner's Motion to Expand Time, He invokes Supreme Court Rule 10(a) where: “.....*A petition for a writ of certiorari will be granted only for compelling reasons.....a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter.....or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power.....*” Petitioner has proven without doubt that evil machinations did in fact occur in the courts down below further injuring an already severely damaged Plaintiff acting *pro se* and *in forma pauperis*. Instead of doing the *difficult* but *right* thing by Granting his good faith Appeal, The Second Circuit “jumped on the bandwagon of injustice” being driven by Federal judicial employees Torres and Netburn and wittingly became Holocaust Deniers.

This Court has an opportunity to further vet the Federal Tort Claims Act for Claims for personal injuries committed by Federal Judicial employees in their work assignments: *for instance, how outrageous and shocking must such behaviour be to be shielded by 28 USC §2674 and instead incur a tangible liability under 28 USC §2672?*

Finally, on a personal note, it would be one of this Petitioner's life highlights to argue a case before the Supreme Court of the United States of America – there were days in 2017 at the height of the issues underpinning

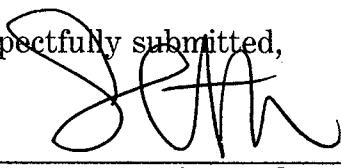
this controversy that good Petitioner didn't think he would literally survive to see the next day's sunrise given the unnecessary oppression He faced, yet here He is on 25 August 2019 ready, willing, and able to continue his Prosecution before the Nation's highest Court for his Good and the Good of the People of these great United States of America. He is very excited to meet and work with you!

20.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


SETH MITCHELL, SOLE PETITIONER

Date: 25 AUGUST 2019