

19-6291 No. ORIGINAL

IN THE UNITED STATES
SUPREME COURT

COURT, U.S.
OCT 06 2019
OF THE C FRK

JOSEPHAT MUA,

Plaintiff – Appellant

v.

The O'Neal Firm, LLP

Defendant – Appellee

ON PETITION FOR A WRIT OF CERTIORARI TO THE
DISTRICT OF COLUMBIA COURT OF APPEALS

CORRECTED PETITION FOR A WRIT OF CERTIORARI

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October 7th, 2019

QUESTIONS PRESENTED

1. Whether District of Columbia court of Appeals can ignore instances of retaliation under Title VII and other serious violations in dismissing a case after proffer of evidence of retaliatory animus and his own evidence of demonstrated causal connection between his alleged protected activity and his termination involving tortious interference of counsel?
2. Whether the Court erred in granting the Motion for Summary Judgment pursuant rule 60 and finding that there was no organized scheme.
3. Whether a Court Commits Error When It Fails To Consider All of the Facts and Circumstances Underlying Equitable Relief under Federal Rule of Civil Procedure 60
4. Whether the District of Columbia court of Appeals erred in Dismissing Petitioner's claims of fraud, fraud in the inducement, conspiracy to commit fraud, negligence, breach of contracts inter alia?
5. Did the lower courts err as a matter of law in which contract containing several provisions including filing of whistleblower claims was violated by the respondent?
6. Can a court determine whether Title VII violation of the Civil Rights Act of 1964 is a congruent and proportional response to the constitutional problems that it remedies, and thus validly abrogates the States' Eleventh Amendment immunity as applied to Petitioner's allegations, without first determining whether Title VII violation bars the conduct Petitioner Mr. Mua alleges?
7. Whether failure to docket important evidence and to limit presentation of Exhibits was harmful to the Petitioner Mr. Mua in the Small claims division?
8. The lower court had no mandate to review discrimination case as a small claims division of the Superior Court and the Decision undermines the title VII Requirement that employees report Harassment at the first opportunity.

PARTIES TO THE PROCEEDINGS BELOW

Petitioner Josephat Mua was the Defendant counter Plaintiff in the Washington DC Superior Court small claims Division and he was the Appellant in the District of Columbia court of Appeals below.

Respondent, The O'Neal Firm, LLP were the Plaintiff counter Defendant and party to the appeal below as the Appellee.

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Pro Se Litigant's pleadings are to be constructed liberally and held to less stringent standards than Formal Pleadings drafted by lawyers. If the Court can reasonably read Pleadings to state a valid claim on which litigation could prevail, it should do so despite failure to cite proper legal authority, confusion, legal theories, poor syntax and sentence construction or litigant's unfamiliarity with Pleading requirements. *See Boag v. MacDougall*, 454 U.S. 364, 70 L. Ed. 2d 551, 102 S. Ct. 700 (1982). *See also Haines v. Kerner*, 404 U.S. 519, 30 L. Ed. 2d 652, 92 S. Ct. 594 (1972); *See Green v. Branson*, 108 F.3d 1296 (10th Cir. 1997); *Simmons v. Abruzzo*, 49 F.3d 83 (2d Cir. 1995); *Fernandez v. U.S.*, 941 F.2d 1488 (11th Cir. 1991)

Now Comes Petitioner Josephat Mua herein, pro se, and request that this court issue a Writ of Certiorari to the District of Columbia Court of Appeals denying to review respectfully prays that a writ of certiorari issue to review the judgement below.

OPINIONS BELOW

On May 9th, 2019, the District of Columbia Court of Appeals issued an opinion finding no error. (Pet. App1- App2) and March 9th, 2018 order (Pet. App3-App 4) was issued earlier before petitioner filed a timely Motion for reconsideration in the trial court under rule 60 due to new issues tied to the case. The opinions of both courts appear on various websites on the internet. (*Mua v. The O'Neal Firm, LLP*)

JURISDICTION

In Washington DC judicial system, magistrate judges may conduct certain non-jury civil and criminal proceedings including a small claims court. See D.C.Code § 11-1732(j)(5) (2012 Repl.); Super. Ct.Crim. R. 117(c). While judgment by a magistrate judge is final for the purposes of the parties, it is not final for the purposes of the upper courts. D.C.Code § 11-1732(j)(5); See *Arlt v. United States*, 562 A.2d 633, 634-35 (D.C.1989). The District of Columbia Court of Appeals denied petitioner's timely Appeal on May 9th, 2019 (Pet. App1-Pet. App2) and petitioner did not file the petition for rehearing and rehearing en banc since Motion to stay proceedings due to death of his mother, petitioner Mr. Mua could not meet the dateline after the court denied to stay proceedings during the burial proceedings in his homeland, Kenya.(Pet. App5).

On March 9, 2018, the Court issued an order and denied relief. On April 2, 2018, the court *sua sponte* vacated an order denying application for allowance of appeal (Pet. App 6-App 7). On June 15th, 2018, the court ordered that applicant's motion for reconsideration of the denial of his application for allowance of appeal is denied. (Pet. App8). The DC Superior Court issued opinions which conflicted with each other without reviewing all the facts. On April 17th, 2019, the DC Superior court issued an order and denied Motion for judicial review (Pet. App9-App11). Earlier on January 24th, 2018, DC Superior court denied Motion for judicial review (Pet App 12- App15). On April, 25th, 2014, the same court found O'Neal Firm to have committed violations and issued an opinion (Pet. App16-App20) from which there was a timely appeal

already noted. On April 15th, 2019, the DC Superior Court small claims Division issued an amended order and vacated an order after conflicts of interests were pointed out. (Pet. App 21-App23). On January 22nd, 2019 without review the entire record due to conflict of interest as pointed out in the Motion for judicial review, the DC Superior Court small claims Division issued a flawed opinion (App 24-App25). On September 5th, 2017, the DC Superior Court small claims Division dismissed the action in its entirety (App 27) and refused to allow discovery to proceed and denied Sanctions as moot (App 28). The court dismissed the entire case in violation of its own order in which it stayed the entire matter on August 14th, 2014 pending the resolution of the action which had been stayed in the US District of Maryland. (See Federal Court case No. 8:11- cv-01198-PJM Josephat Mua. v. Board of Education of Prince George's County). (App 26)

Petitioner Mr. Mua filed an Application (19A120) to extend the time to file a petition for a writ of certiorari from August 7, 2019 to October 6, 2019. On August 13th, 2019 Application (19A120) was granted by the Chief Justice extending the time to file until October 6th, 2019. This Petition is timely filed and the jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1) and Supreme Court Rules 10(a), (b), (c). The case is related to Federal Court case No. 8:11- cv-01198-PJM Josephat Mua. v. Board of Education of Prince George's County currently pending in the U.S Federal District Court.

This Court has jurisdiction over the appeal in this cause under Title 28, United States Code, § 1291, which provides for an appeal from a final order of the District of Columbia Court of Appeals, and asserted under 28 U.S.C. § 1331, as this case presents federal questions arising under Title VI and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq, the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681, et seq, as amended; and the Fair Debt Collections Practices Act (FDCPA), 15 U.S.C. 1692, et seq. This Court also has supplemental jurisdiction of state law claims under 42 U.S.C. § 1988.

RELEVANT STATUTORY PROVISIONS

The Fourteenth Amendment to the United States Constitution provides, in pertinent part: "nor shall any State deprive any person of life, liberty, or property, without due process of law." TITLE 18, U.S.C., SECTION 242, 18 U.S.C. § 241 [Conspiracy Against Rights]; 18 U.S.C. § 242 [Deprivation of Rights]; 18 U.S.C. § 1001 [Fraud and False Statements]; 18 U.S.C. § 1519 [Obstruction]; 18 U.S.C. § 1621 [Perjury] Rule 60. Relief from a Judgment or Order; (a) Corrections Based on Clerical Mistakes; Oversights and Omissions. (b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or

applying it prospectively is no longer equitable; or (6) any other reason that justifies relief. In addition, other relevant statutory provisions include, the National Origin Discrimination Act under Title VI and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq, the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681, et seq, as amended; and the Fair Debt Collections Practices Act (FDCPA), 15 U.S.C. 1692, et seq, is reprinted; Racketeer Influenced and Corrupt Organizations Act (RICO) under 18 U.S.C. § 1961.

The Fourteenth Amendment provides in pertinent part "... nor shall any state deprive any person of life, liberty or property without Due Process of law, nor deny to any person within its jurisdiction the equal protection of the law ...".

The Maryland State Bar Rules of Professional Conduct provide in pertinent part "... a lawyer shall not reveal information acquired during the professional relationship with a client unless the client gives informed consent...."

STATEMENT OF THE CASE

This case seeks for this Honorable Court's intervention. The Honorable Rahkel Bouchet, Magistrate Judge in Washington DC small claims – and who is a former Howard University Supervising Attorney of the Child Welfare/Family Justice Clinic, personally distorted the record in this case and ignored overwhelming evidence of ongoing violations of the law. The respondent violations in lower court happened due to bias and a conflict involving interconnected parties. Honorable Rahkel Bouchet, Magistrate Judge refused to recuse herself from this case and violated due process rights. The reason for refusing to recuse herself was due to conflicts of interest tied to Howard University where she was a staff attorney before her current role as a magistrate. The Union lawyer Mr. Dalmon Felton who represents Maryland State Education Association (MSEA) and conspirator for respondent O'Neal Law Firm got involved in widespread fraud in Maryland and in Washington DC. Mr. Dalmon Felton was tied to Honorable Rahkel Bouchet, Magistrate Judge because they all went to Howard University Law School and engaged in same circles of friends. Attorney Damon Felton and respondent O'Neal Law Firm recruited Delegate C.T. Wilson of Charles County who interfered with cases in Prince George's County. Delegate C.T. Wilson also went to Howard Law School and was identified by witnesses engaged in violations during the proceedings in Maryland.

There has been ongoing collusion and public officials involving the Office of Maryland Attorney General, current and former officials in the Maryland State Department of Education. The O'Neal Law Firm was hired to initiate this case and undermine cases in Maryland deliberately. The respondent O'Neal firm was bribed by Board of Education for Prince George's County and other conspirators to sabotage petitioner Mr. Mua's case. As part of the conspiracy, Ardra O'Neal who was in Petitioner Mr. Mua's case in Maryland for less than a week did not have a law license to practice law in Maryland. It add insult to the injury, Ardra O'Neal and members of her law firm made up fictitious bills amounting to \$14, 646.54. (App 64-App66)

Ardra O'Neal working with employees of her law firm including her husband Mr. Jarmar Saunders. The respondent O'Neal firm was operating under "color of law" and the court has the authority to review the issues due to violation of Federal law, reverse and modify. The issue of whether the presence of a potentially biased magistrate overseeing a complex tribunal violates due process irrespective of the fact that her judgement was dispositive. This case provides an appropriate vehicle to address the important questions presented for review and others tied to this case for clarity involving new issues which were not available at the time of ruling. Petitioner Mr. Mua already gave notice to the Prince George's county concerning issues of public corruption involving respondent in this case which are ongoing. (App27-App63)

The respondent O'Neal Firm was involved in Mr. Mua's wrongful discriminatory termination in which she was bribed by agents of Prince George's County Public Schools (PGCPS), Maryland and others tied to them to sabotage the wrongful termination discrimination case both in state and Federal court.

As a point of reference, Petitioner Mr. Mua states that this case has a strong public interest. Petitioner believes He has strong evidence to show that the action to terminate him and the previous adverse actions and harassment taken against him are a result of:

- 1) Mr. Mua's discovery of illegal and improper activities of several school officials
- 2) Mr. Mua's intent and actions to disclose these activities
- 3) Retaliation for his disclosure efforts
- 4) National origin discrimination
- 5) Retaliation for Mr. Mua's claims regarding discrimination
- 6) Retaliation against Mr. Mua for his use of the Grievance system per the union

contract, Article VIII

and

7) Mr. Mua's refusal to acquiesce to the activities that he saw as flawed, unethical, illegal and criminal in nature which continues to this day in Prince George's County.

The U.S Attorney in Baltimore recently announced ongoing criminal investigations involving public officials in Maryland concerning public corruption. There was a concerted effort to force petitioner to leave the Prince George's County Public Schools (PGCPS) system when he disclosed what he believed to be more than questionable activities regarding county equipment and employees engaged in myriads of illegal activities. Mr. Mua believes that Mr. Dickson used pretexts to support his recommendations of termination. Petitioner is well prepared to show that every one of the allegations made by Mr. Dickson and covered up by Prince George's County Executive Ms. Angela Deneece Alsobrooks Esq are pre-textual and insubstantial.

Petitioner Mr. Mua has already reopened the Prince George's County Circuit Court case tied to this case and others will be pursued, in which many irregularities and illegalities have occurred. For example, the intimidation of witnesses has been an on-going occurrence that has intensified with the current administration of Ms. Angela Deneece Alsobrooks Esq. Attorneys have been

compromised to dismiss cases or engage in misconduct to the detriment of the Petitioners. This interference of lawyers including Ardra O'Neal of the O'Neal Firm, at the beckoning of the current administration, is a major concern to the public and is another example of irregularity. Furthermore, official documents were deliberately misplaced or lost by Washington DC Officials in the lower court and Maryland State officials led by Maryland Attorney General in Prince George's County engaged in similar issues led by the respondent in this case.

In addition, there have been issues of racial discrimination of which petitioner Mr. Mua made Ms. Angela Deneece Alsobrooks Esq aware a long time ago. On March 26, 2011, Petitioner Mr. Mua first made Ms. Angela Deneece Alsobrooks Esq aware of these illegal activities when she acted as the State's Attorney for Prince George's County. On March 29, 2011, in response to petitioner's assertions, her then Chief of Staff, Mr. Ramón V. Korionoff, followed up with him via email. Petitioner Mr. Mua responded with details of misconduct involving the current Prince George's County Public Schools (PGCPS) CEO, Dr. Monica Goldson, who petitioner Mua said was guilty of the willful violations and was using the respondent to harass him. Additional evidence was presented later as promised through email and personal delivery. Subsequently, Petitioner has presented Ms. Angela Deneece Alsobrooks Esq and the court with evidence that showed that PGCPS CEO Dr. Monica Goldson was not fit for office. There is clear evidence that she was at the center of the numerous public corruption scandals about which petitioner's colleagues and himself complained about previously. Dr Goldson's tenure can only make things worse with private interest groups and vendors interested in unmonitored system finances without an inspector general.

During County Executive Ms. Angela Deneece Alsobrooks Esq tenure as the Prince George's County State's Attorney, we interacted a lot as she were a member of one of the Facebook groups which petitioner Mr. Mua managed. Ms. Alsobrooks once approached the petitioner in a Subway shop in Upper Marlboro and stated that the issues which petitioner Mr. Mua presented to her were being handled by then County Executive, Mr. Rushern Baker III. However, nothing came out of the deliberations. Keep in mind that the Baker administration assured the petitioner that he would be reinstated to his position as a Help Desk Technician II. Mr. Christian Rhodes who was the then Prince George's County Education Policy Advisor, was required to facilitate this reinstatement, on his part, only to back off maliciously after petitioner won his administrative appeal only to be reversed through bribery scheme.

Mr. Christian Rhodes working with others including the respondent in this case is facilitating public corruption within the Prince George's County schools via various Union representatives. Some of these individuals were his colleagues at his former employers the Maryland State Education Association (MSEA) and Prince George's County Education Association (PGCEA) who are well connected. In ACE-AFSCME Local 2250, corruption is facilitated and covered up by James E. Spears, Jr. who is a Field Services Director and a former

colleague of Mr. Rhodes, Mr. Daniel Besseck at MSEA and Mrs. Theresa Mitchell Dudley. They coordinate willful violation of the law with Mr. Damon Felton, the attorney for MSEA and PGCPHS Human resources personnel tied to them, in order to blackmail union members and PGCPHS staff. The willful violations of civil rights and cover ups by these individuals, including County Executive Alsobrooks office, is an ongoing concern and others tied to PGCPHS CEO Dr. Goldson. In the past, the PGCPHS working in conspiracy with MSEA and PGCEA used services of former MSEA attorney Mr. James Whattam. Whattam was promoted in an organized scheme to become PGCPHS labor relations director. An investigation about Mr. James Whattam and Mr. Rhodes who have extensive ties to AFSCME Local 2250, PGCEA, MSEA and other organizations need to be investigated and exposed.

Petitioner's termination and confiscation of his teaching certificate when he was no longer teaching but in another role as an IT Technician and under a different union ACE-AFSCME Local 2250, is illegal and "mean-spirited." Discrimination on nationality alone is forbidden under human rights law. The Maryland State Board of Education decision to retaliate and undermine the grievance system is also mean-spirited, and wastes resources needed for proper public Education within the schools." Such selective and discriminatory acts will only serve to embolden the radical narratives of discrimination and racism and will provide further fuel to the advocates of bigotry and retaliation." The order and the opinion of the District of Columbia court of Appeals to uphold the discriminatory and retaliatory violations after petitioner pointed how he was prejudiced by the delays after several key witnesses had died, moved away, resigned or retired is unconstitutional, unAmerican and unlawful. The order of the District of Columbia court of Appeals to upheld and ignore the findings of the Maryland Office of Administrative hearings after Petitioner requested Dr. Charlene Dukes to recuse herself due to financial interest is unlawful and is consistent with the Board's obligation to "always seek justice and stand for what is right."

There is no justification ever, for the degrading, the debasing or the exploitation of other human beings – on whatever basis: nationality, race, ethnicity, religion, gender, sexual orientation, disability, age or caste. Petitioner's discriminatory termination while on Family medical leave (FMLA) and grievances in arbitration is unconstitutional. The illegal activities of the Union lawyer Mr. Damon Felton to interfere with arbitration while also interfering with the District of Columbia Superior Courts, Prince George's County Circuit Court was malicious. This Court must ensure accountability for these gross violations of human rights and other crimes committed in this case. Impunity can only lead to further conflict and abuses, as revenge festers and the wrong lessons are learned. Accountability, and public acknowledgment of the wrongs that victims have suffered, is important to ensuring that crimes will not be repeated, and the only way to begin to repair a sense of common community in devastated society such as Prince George's County and the District of Columbia.

The U.S District court of Maryland delayed the issuance of summons by close to six months while the respondent and other parties continued to harass Mr. Mua in Maryland State court system and in Washington DC Superior Court See Washington DC Superior Court Case No. 2013 SC3 004261: *THE O'NEAL FIRM, LLP, et al. Vs. MUA, JOSEPHAT*; Prince George's County Circuit court case No. CAL11-36992; Prince George's County Circuit court case No. CAL 13-03801 and others. The case were all ongoing at once. In some well-coordinated efforts to derail justice, the Respondent O'Neal Firm, Thatcher Law Firm, Mr. Raouf Abdullah, Mr. Robert Cappell, Mr. Mitch Batt, Board of Education for Prince George's County, Maryland State Department of Education and others worked together to create doctrine of *res judicata* and undermine the Federal court in a fraudulent and an organized version. The parties working as part of an organized scheme which is ongoing harassed the Petitioner Mr. Mua relentlessly until he got sick due to the influent of the respondent in this case and coconspirators own selfish interest after engagement in Money laundering operations.

In any event, the District court issued summons on December 2nd, 2014 District Court Record *Mua v. The O'Neal Firm, LLP et al Federal Case # 8:14-cv-02334-PJM ECF DKT #4*. As highlighted in the Amended Complaint *Federal Case # 8:14-cv-02334-PJM ECF DKT #7* at page 3-6, this is a discrimination case involving violation of *Title VII and Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII)*, as amended, as it appears in volume 42 of the United States Code, beginning at section 2000e. Title VII prohibits employment discrimination based on race, color, religion, sex and national origin. The Civil Rights Act of 1991 (Pub. L. 102-166) (CRA) and the Lily Ledbetter Fair Pay Act of 2009 (Pub. L. 111-2) amend several sections of Title VII. In addition, section 102 of the CRA amends the Revised Statutes by adding a new section following section 1977 (42 U.S.C. 1981), to provide for the recovery of compensatory and punitive damages in cases of intentional violations of Title VII, the Americans with Disabilities Act of 1990, and section 501 of the Rehabilitation Act of 1973.

Additionally, this case involves abuse of process, Fraud, and misconduct, organized scheme in violation of "The Racketeer Influenced and Corrupt Organizations Act (RICO or Act), 18 U.S.C. §§ 1961–1968 *inter alia* by the Respondent in an effort to defeat justice. The case involves public interest issues after Mr. Mua reported widespread public corruption within the Prince George's County System. "(A]buse of process (is) the intentional use of legal process for an improper purpose incompatible with the lawful function of the process by one with an ulterior motive in doing so, and with resulting damages." Thatcher Law Firm through Ms. Abbey Hairston engaged in abuse of process in conspiracy to defraud while working closely with the office of the Attorney general, Prince George's County, Attorney Raouf Abdullah, Mr. Robert Cappell, Mr. Bryan Chapman, The O'Neal Law Firm LLP, Maryland State Department of Education, The Thatcher Law Firm, Sullivan Talbott & Batt, Bradford Associates, Pessin Katz Law P.A., Maryland State Education Association, Association of Supervisory & Administrative School Personnel, Law Office of C. Sukari Hardnett LLC and other coconspirators in Maryland.

The Respondent in this case worked closely with the Petitioner Mr. Mua's employer and initiated cases in state court in conspiracy to defeat justice while another case addressing the same issues was in progress in Federal Court. *See Federal Court case No. 8:11-cv-01198-PJM Josephat Mua. v. Board of Education of Prince George's County.* The aforementioned case dwelt with Title VII and Title VI issues central to this case as well. Illegal seizure and confiscation of personal property which was done in retaliation by his employer was done with malice rather than a mistake.

Thus in order to advance the conspiracy to defeat justice, Respondent O'Neal Law firm, Thatcher Law Firm and others operating in the law firm including counsel Abbey Hairston together with Mr. Raouf Abdullah, O'Neal Firm and other conspirators, engaged in a deceit, deception, artifice, or trickery operating prejudicially on the rights of Mr. Mua after they were paid off millions of dollars for personal gain to the detriment of Mr. Mua. The Public corruption which involves millions of dollars due to lack of an inspector General is currently in progress as highlighted in the notice to sue. (App27-App63)

STATEMENT OF FACTS

Prince George's County Public Schools (PGCPS) is located in Prince George's County, Maryland and it is predominately African American. Josephat Mua served Prince George's County Public Schools for almost ten years, from October 2001 until June 2010. For many years Petitioner Mr. Mua worked without incident and received no complaints from supervisors. Mr. Mua was a teacher and later became an IT Technician II through a directive of his employer. He was seconded to a union which was not open to teachers after his teaching position was eliminated in retaliation for engaging in a protected activity on behalf of others. During his tenure in Prince George's County Petitioner Mr. Mua worked hard and advanced from the rank of a classroom teacher to that of Business Department Chairman and eventually Technology Coordinator.

In June 2004, Petitioner Mr. Mua's managers sent him to the University of California at Los Angeles to study computer network systems. There was only one other person chosen to attend. As a result of his participation in the program, Petitioner Mr. Mua became a certified Oracle® and Java® instructor. He also was instrumental in the school system receiving a grant of hundreds of computers and software from Oracle. On July 22, 2005, Mr. Mua was appointed the chairman of the Business Department for 2005-2006 year by Principal Dr. Horrigan at Parkdale High School where he supervised fourteen teachers. Following that appointment, in 2006, Mr. Mua successfully completed an administrative I internship at Parkdale High School under the guidance of Principal Dr. Horrigan and School of Education at Catholic University supervised the program. As Technology Coordinator petitioner Mr. Mua had many duties, including but not limited to training teachers to use computers, repairing computers and tracking inventory. During that time, he worked closely with his colleagues and was engaged in

a sheltered action on behalf of others because of willful violations of labor laws by his employer "PGCPS". (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 page 3-4 *Mua vs. O'Neal Firm et al*).

Being a foreign national of an African decent in Prince George's County Public Schools was never easy. Petitioner Mr. Mua helped create and was actively involved with groups intended to provide support to the Children, men and women of the Prince George's County Public Schools. He was instrumental in initiating change management within the Technology Department and the whole county.

In 2006, when the wide-scale use of computers in the school system of Prince George's County commenced, the majority of teachers, administrators and students were unskilled in computer technology. There were no procedures for inventorying computers and there was no protocol to track the computers in use. As a result, Prince George's County school employees were failing to return computers and many employees were using their privately-owned computers at school. The school community did not understand the need for computer security and the value of networking. As a result, there was complete chaos throughout the school District and no accountability for laptops, desktops, monitors, projectors, and software. In addition to these deficiencies, very few knew how to trouble shoot or repair the equipment. Nor was anyone to provide Information Technology ("IT") support. The school system relied upon contractors in resolving most of the Technical issues. Beginning in 2006, as a result of those activities, Petitioner Mr. Mua began to experience harassment and other unacceptable conduct from his colleagues and supervisors. As a result, Petitioner Mr. Mua filed grievances with his Union starting in 2006 until his termination. As a result of the filing of union grievances, Petitioner Mr. Mua was terminated wrongfully in retaliation while on approved Family medical leave (FMLA) in June 18th, 2010. In addition, Petitioner's Union was engaged in mediation with American Arbitration Association on his behalf which was an important union activity and makes the termination wrongful. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 page 5)

As a result of the wrongful Discriminatory termination and other willful violations by his employer Board of Education for Prince George's County and other Respondents in this action, Petitioner Mr. Mua suffered unjustly at the hands of the respondent O'Neal Law Firm who engaged in conspiracy, Misconduct, abuse of process and fraud while prejudicing Petitioner Mr. Mua. On June 18th, 2012, Attorney for Board of Education for Prince George's County working in conspiracy with the respondent and other conspirators misled the Federal court in a scheme to defeat justice after which the court stayed the Federal case #8:11-cv-01198-PJM ECF DKT 81 *Mua v. Board of Education of Prince George's County* and dismissed the count v (wrongful termination) with prejudice. The Federal court also dismissed other claims in that case which were not part of the complaint. After Petitioner Mr. Mua won his case

in the Maryland office of the administrative hearings, respondent O'Neal Firm in this case conspired with the County and retracted his award through retaliation and with malicious intentions. There was a lot of misconduct involving the public officials in Prince George's County and in Maryland who openly and covertly bribed the Attorneys Petitioner Mr. Mua hired including the respondent in order to defeat justice. To this extend, various parties working with respondent O'Neal Firm conspired to damage Petitioner Mr. Mua's cases with malice by hiding critical evidence, refusing to docket evidence for the court to see the evidence and bribing petitioner Mr. Mua counsels to file lawsuits which did not meet the threshold required of a proper complaint and in some cases filed a wrong case all together. This conspiracy was funded by Thatcher Law Firm, agents of the Board of Education for Prince George's county, agents of the Maryland State Department of Education, Dr. William Hite Jr, Ms. Verjeana Jacobs, Monica Goldson among others. Petitioner Mr. Mua lost all his cases as a result of the fraud, conspiracy and misconduct involving public officials in Maryland as a result of money laundering. Each party played a critical role in defrauding, conspiring, breaching contracts Petitioner Mr. Mua had with his employer and the Unions. Above all, the respondent O'Neal Law Firm and coconspirators sought to initiate malicious claims in Washington DC, Anne Arundel County circuit courts against Petitioner Mr. Mua with the sole purpose of retaliating and abusing the process in order to tie him down with the court system and damage his character. As a result of these malicious actions, Petitioner Mr. Mua incurred damages and losses. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 page5- 6) and presentation in the DC superior court.

Respondent Ardra O'Neal is the owner of the O'Neal Firm, LLP a law firm which is based in Washington DC and conduct business in the State of Maryland and in Washington DC. The Principal Attorney of the O'Neal Firm resides in Maryland. However, she did not have a license to practice law in Maryland at the time. The respondent O'Neal Law Firm engaged in Fraud and other serious misconduct after she was retained by petitioner Mr. Mua.

This action was stayed by the lower court pending the resolutions of the originated from Washington DC Small claims court through an order of the court due to fraud and Misconduct *inter alia* exhibited by the Respondent O'Neal Law Firm and other Respondent tied in this action with an aim to defeat justice in Maryland in an organized manner. Thus, the Respondent betrayed the independent professional judgement at the heart of the skills which each lawyer offers to his client such as a Mr. Mua. Respondent Attorney hired by Mr. Mua working with contractors for and inclusion with his employer Prince George's County Public Schools where obviously motivated to have Mr. Mua fired because of his protected activity. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 page 4 ¶2 and ¶157 page 33) Mr. Raouf Abdullah failed to disclose his close relationship with the Board of Education Chairperson, O'Neal Law firm and deliberately failed to disclose Mr. Mua's protected activity to the courts. Significantly, Respondent failed to disclose all evidence to address the retaliatory animus and intent reflected.

From 08/26/2013 to 08/14/2014 this case was heard by Honorable Judge Elizabeth

Carroll Wingo, Honorable Judge Craig [scoe and Honorable Judge Diane M. Brenneman in Washington DC. The case was set to go on trial in Washington DC superior Court. However, Petitioner Mr. Mua alerted the court of other cases with common theme and wanted the case heard at the same time in Maryland together with other claims involving the other Respondent in order to avoid doctrine *res judicata*, *collateral estoppel* and *statute of limitations*. After Honorable Judge Craig [scoe heard the arguments through a Motions hearing, he dismissed some claims and kept others and set a trial. Shortly after that, petitioner Mr. Mua filed a motion to transfer venue which was granted in part and denied in part. (See District Court record *Federal Case # 8:14-cv-02334-PJM* ECF DKT #7-1). (APP26) The case centers on the conduct of public officials in Maryland and involves public corruption, organized schemes to defraud and significant fraud among other claims involving the lead party in this case. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 page 3-4). (See Notice App27-App63). U.S Attorney in Maryland announced ongoing public corruption in Maryland and in Prince George's County in particular. This honorable court should give full mandate for proper investigations of what occurred in this case since the FBI Director has been notified and U.S senator.

Respondent O'NEAL Law Firm misled the lower court to dismiss the entire case contrary to the order of August 14, 2014 as part of an organized scheme to derail justice after causing significant harm to the petitioner. In addition, the PGCPs system should not be permitted to schedule an administrative appeal hearing under the wrong statute pursuant to Maryland § 6-202 of the Education article as the Petitioner Mr. Mua was not a teacher but support staff personnel when discriminatory terminated happened. Respondent O'Neal Law Firm has been obstructing justice in violation of 18 U.S.C. § 1519 while working with PGCPs. Therefore, the respondent O'Neal Firm engaged in illegal dealings in Washington DC and in the district of Maryland. PGCPs engaged services of respondent O'Neal Firm and other lawyers tied to them for illegal purposes. PGCPs personnel suddenly changed the classification of the Petitioner Mr. Mua on the way to the court with the help of respondent O'Neal law Firm and prejudiced Petitioner Mua after classification was changed from § 6-202 to § 4-205 deliberately.

UNDERMINING OF THE SUPERIOR COURT BY RESPONDENT O'NEAL FIRM

The Respondent O'Neal Law Firm while working clandestinely with PGCPs engaged in misconduct in the courts including in the Washington DC Superior court. When this case was in progress, the O'Neal Law Firm requested one of their lawyers Ms. Sidon Yohannes to seek employment in the Washington DC Superior court between 2015 and March 2016 for the purposes of undermining this case. She worked as a judicial clerk. Respondent O'Neal Firm engaged in what they deemed in their best interests and undermined the court on several areas. The respondent should not be allowed to put the Petitioner off, but then when such a tactic backfires and justifies a demand to have the case dismissed. Petitioner Mr. Mua requested the court for a new trial and reinstatement. The respondent should not be allowed to suddenly claim

that, the case should be dismissed when they sought to stay the matter pending the review of the cases in the U.S Supreme Court. The lower court stayed this matter pending the outcome of all the appeals including the case currently in the U.S Supreme court. (See District of Columbia Court of Appeals Record Exhibit H page 4 Line 15 -25; Exhibit H page 5 line 1-25; Exhibit H page 6 line 1-25; Record Exhibit I page 2-6) However, the respondent O'Neal Firm made false claims to the Washington DC Superior court small claims court stating that, the case was done when major violations involving her are ongoing. (See District of Columbia Court of Appeals *Record Exhibit J page 2-30*) The respondent O'Neal firm should be sanctioned for facilitating an illegal conduct of which she advanced as an attorney which is ongoing illegal scheme.

The review of this appeal case and proper examination of the issues by this court and the lifting of a stay of this case and Federal action under Federal rule 60 would serve the public interest in enforcing compliance by the lower courts as well as administrative agencies with their own administrative and contractual obligations to employees. When our public officials are permitted to deviate from their obligations at the expense of individuals, the result is increased cynicism by the public and an undermining of the individual's belief in principled, law-based government.

The court allowed the Petitioner Mr. Mua to transfer the case to Maryland U.S District Federal Court and stayed this case as a whole as shown by the record. (App26) (See District of Columbia Court of Appeals Exhibit F and Exhibit G) Every year from August 14th, 2014, Petitioner Mr. Mua and the respondent O'Neal Firm updated the court below. The agreement was to exhaust all cases including all appeals as shown on the record below in the District of Columbia Court of Appeals (See District of Columbia Court of Appeals *Record Exhibit H page 4 Line 15 -25; Exhibit H page 5 line 1-25; Exhibit H page 6 line 1-25; Record Exhibit I page 2-6, Exhibit J, K and Exhibit L.*). As stated above, shortly after the case was stayed in the small claims court, one of the lawyers in the case representing O'Neal Law Firm Ms. Sidon Yohannes sought employment in the superior court in order to undermine the proceedings. The O'Neal Law firm misled the court willfully as part of ongoing collusion involving ASASP Union, Prince George's County Public Schools due to public corruption in Maryland. Petitioner Mr. Mua reported the illegal activity to the FBI and was told by an agent, when the court request them to investigate, they will be ready. A copy of the email to the FBI was shared with the magistrate during the hearing. Respondent O'Neal Law Firm misled the court that, the entire cases had ended in violation of 18 U.S.C. § 1001 [Fraud and False Statements]; 18 U.S.C. § 1519 [Obstruction]; 18 U.S.C. § 1621 [Perjury].

DISMISSAL WITH PREJUDICE INVOLVED FRAUD

On September 5, 2017, the Magistrate Judge Sherry M. Trafford was misled by O'Neal Law Firm and dismissed the case with prejudice without reviewing the entire record as Mr. Mua objected. (See *Record Exhibit H page 4 Line 15 -25; Exhibit H page 5 line 1-25; Exhibit H page 6 line 1-25; Record Exhibit I page 2-6*, and violation of the order (See Exhibit J). Petitioner Mr. Mua filed Motion for reconsideration under Rule 60. Relief from a Judgment or Order on September 4th, 2018. Petitioner Mr. Mua also presented new evidence of ongoing

violations involving O'Neal Law Firm and coconspirators in order to have the issues resolved in light of new evidence. The issues which involves the Union corruption in Maryland has had O'Neal Law Firm right in the middle of it together with another coconspirator Thatcher law Firm. A copy of a different malicious lawsuit brought against Petitioner Mr. Mua in Montgomery county circuit court by coconspirator Association of Supervisory & Administrative School Personnel (ASASP) was presented to the lower court but issues were ignored. The lower court violated several issues by handling a case which it had no mandate due to the complicity of the issues. This case should have been certified to DC Superior Court or to Federal court due to the nature of the grievances. The Union involved in violations of law while working with Angela O'Neal and other agencies. Any violations they commit can be reviewed on trial level which was the reason the petitioner reopened the case under rule 60.

In July 2011 after a year when the administrative appeal hearing took place, Mr. Roger Thomas Esq (Chief Legal Counsel) for PGCPs worked in collusion with the O'Neal Law Firm, Mr. Batt and Thatcher Law Firm and arranged to have the Petitioner Mr. Mua's complaint for breach of contract dismissed in the Circuit Court for Prince George's County. This was done without the Petitioner Mua's consent. Mr. Roger Thomas Esq and respondent O'Neal Law Firm also intimidated witnesses of the Petitioner and told some of the witnesses not to appear for the internal appeal hearings.

Mr. Roger Thomas Esq, the respondent O'Neal Law Firm and others also changed the job description for the Petitioner during the administrative appeal hearing in order to mislead the courts and the Board of Education members for Prince George's County. The U.S District Federal court dismissed the wrongful termination with prejudice, after the coconspirator misled the court that petitioner was not a Technician but a teacher. The case remains stayed and the Federal court has failed to lift the stay.

PGCPs working with the O'Neal Law Firm in conspiracy misled the Federal court by stating that the Petitioner had not been terminated, therefore, the Petitioner had no cause of action necessary to continue the suit. Similar malicious activities occurred in this court after O'Neal firm misled the courts in the Washington DC that the case was over and there was no need to continue with the suit contrary to the case currently pending in the U.S Supreme Court.

Due to all the ongoing violations against petitioner Mr. Mua, The Board of Education for Prince George's County hired CEO Dr. Monica Goldson who was the architect of the illegal activities in Prince George's County. She was responsible for retaliation and discrimination in Maryland. Dr. Goldson who worked in collusion with the O'Neal Law Firm and others with ties to the ASASP Union, hired Mr. Christian Rhodes as her chief of staff. Mr. Rhodes has had extensive ties to the former Prince George's county Executive Rushern Baker III, Prince George's County Educator Association (PGCEA), union conspirator ASASP. Their illegal activities were presented to the court in order to help fix the issues but the court ignored the new issues. There is an organized effort to defeat justice in Maryland which is an ongoing

illegal activity currently in progress in Washington DC. These illegalities involve the ASASP Union and other parties as shown in the Notice to the Prince George's County. (App27- App63)

NEW CLAIMS

The Petitioner Mr. Mua did not receive justice in the Washington DC Superior Court Small claims Division. The lower court failed to protect the Petitioner's right to fair representation and protection of his rights under the law. As a result of these errors of the law, the decisions of the small claims court in light of new evidence must be reversed or modified to hear new claims involving the respondent O'Neal Law Firm. This court should vacate and reopen the case and reverse under rule 60 in order to hear new claims in the best interest of justice. This court can also order a new trial within the Superior Court or Federal court based on new issues involving O'Neal Firm as presented to the court.

Other violations currently tied to this case are in progress in Washington DC due to the Petitioner Mr. Mua's protected activity as a reporter as shown on the record. Petitioner Mr. Mua did not receive a proper hearing and his rights to due process was violated due to retaliation as highlighted in the Notice to the Prince George's county Attorney (App27- App63).

REASONS FOR GRANTING THE WRIT ARGUMENT

1. SUMMARY OF ARGUMENT

First, Mr. Mua established a *prima facie* case of retaliation:

1. Mr. Mua engaged in protected activity as a reporter and worked closely with civil society groups in Washington DC and other groups;
2. the respondent O'Neal Firm working under "color of law" and being used by the agents of the Board of Education of Prince George's County, agents of the State of Maryland took action against Mr. Mua that was materially adverse; and,
3. there is a causal connection between Mr. Mua's protected activity and the asserted adverse action.

Mr. Mua demonstrated that the Respondent O'Neal Firm in this case engaged in an organized scheme in conjunction with his employer to retract his award after he won administrative appeal in Maryland Office of Administrative Appeals. And that, the Board's nondiscriminatory reason for his termination was false, and that retaliation and discrimination in an organized scheme was the real reason.

Second, the Maryland state Board of Education led by O'Neal Law Firm of Ardra O'Neal in this case are directly liable for retaliation, under Title VI of the Civil Rights Act of 1964, because of their own misconduct. The respondent had actual

notice and knew that, Petitioner Mr. Mua was being discriminated against by his employer (the Board of Education of Prince George's County) instead of the Respondent Counsel helping rectify the situation, she joined in to advance the retaliation and benefit unjustly by agreeing to be paid under the table by officials in Maryland. A notice to initiate new claims has already been mailed out and a new action related to this case is being filed. In addition, Petitioner Mr. Mua is reopening .Federal Court case No. 8:11- cv-01198-PJM *Josephat Mua. v. Board of Education of Prince George's County* which has been stayed since June 18th, 2012.

Issue 1: Whether District of Columbia court of Appeals can ignore instances of retaliation under Title VII and other serious violations in dismissing a case after proffer of evidence of retaliatory animus and his own evidence of demonstrated causal connection between his alleged protected activity and his termination involving tortious interference of counsel?

A.) STANDARD OF REVIEW FOR LAWYER SANCTIONS

The American Bar Association Standards for Imposing Lawyer Sanctions (the "ABA Standards") that the proper standard of proof for violations of the relevant rules of professional conduct is "clear and convincing evidence." See ABA Standards § 1.3. The panoply of available sanctions for attorney misconduct includes disbarment, suspension, fine, public reprimand, and private reprimand. Id. §§ 2.2 – 2.10. When such misconduct has been proven by clear and convincing evidence, the court is obliged in formulating the appropriate discipline to consider both aggravating and mitigating factors, as well as the "potential or actual injury" resulting from the misconduct. Id. § 3.0.

Turning to the merits of the claims against respondent O'Neal Law firm in this case, the District of Columbia court of Appeals erred by not examining the violations in ascending order of seriousness. First, starting with the conduct of respondent O'Neal Firm LLC, the respondent in this case worked in organized manner to defeat justice in Washington DC and in Maryland. While working with other coconspirators, they swindled petitioner Mr. Mua of thousands of dollars, breached contracts and confiscated his personal property in malicious manner. In addition, the respondent O'Neal Firm made up false billings amounting to \$14,646.54 after being in the case for less than a week. (App64-App66)

A lawyer is charged with the challenging role of advocating zealously for his client and at the same time observing the applicable rules of professional conduct. Sustaining a lawyer's "dual obligations to clients and to the system of justice" is a far from trifling responsibility. In re *Snyder*, 472 U.S. 634, 644 (1985). As a result, the privilege of bar membership must be jealously guarded, and loose footing on the high standards of professional conduct must find its purchase in balanced discipline.

Above all, our adversary system depends on a most jealous safeguarding of truth and candor." *United States v. Shaffer Equip. Co.*, 11 F.3d 450, 463 (4th Cir. 1993). One of the most important aspects of the work of a lawyer is the obligation to provide the court with a fair and accurate presentation of the relevant facts. Indeed, many judges on the bench would characterize that obligation as paramount, and there is no valid reason for any lawyer to do otherwise. The District of Columbia court of Appeals erred by dismissing the case for lack of jurisdiction, when there was enough evidence of retaliation and discrimination by the respondent O'Neal Firm and false billings amount to staggering \$14, 646.54. This was clear error of law.

Issue 2: Whether the Court erred in granting the Motion for Summary Judgment pursuant rule 60 and finding that there was no organized scheme.

The standard of review for evidentiary rulings is abuse of discretion. *United States v. ReBrook*, 58 F.3d 961, 967 (4th Cir.1995). This Court reviews the lower court's evidentiary ruling with substantial deference and will not disturb that decision absent a clear abuse of discretion. *United States v. Russell*, 971 F.2d 1098, 1104 (4th Cir.1992), cert. denied, 506 U.S. 1066, 113 S.Ct. 1013, 122 L.Ed.2d 161 (1993). "By definition, a court abuses its discretion when it makes an error of law." *United States v. Moye*, 454 F.3d 390, 398 (4th Cir.2006) (*en banc*) (citation and internal quotation marks omitted). If the lower court makes an error of law in deciding an evidentiary question, that error is "by definition an abuse of discretion." See *Hunter v. Earthgrains Co. Bakery*, 281 F.3d 144, 150 (4th Cir.2002).

A. The lower courts abused its discretion in dismissing the petitioner's claims.

On a motion for judgment as a matter of law, the sole obligation of the party who did not prevail at trial is to show that there is "substantial" evidence that supports the verdict. *Martin v. Cavalier Hotel Corp.*, 48 F.3d 1343, 1350 (4th Cir. 1995) Circumstantial evidence can defeat a motion for judgment as a matter of law. *Sales v. Grant*, 158 F.3d 768, 777-789 (4th Cir. 1998). In this case, Petitioner Mr. Mua has enough direct and circumstantial evidence to prevail on trial. Therefore, lower court committed reversible error. Petitioner Mr. Mua presented enough evidence concerning retaliation, discrimination, organized scheme, fraud and showed a pattern of misconduct by the respondent O'Neal Law firm in this case. (See small claims docket evidence presented to magistrate judge also see related evidence (See District Court Record *Federal Case # 8:14-cv-02334-PJM* ECF DKT #58, 59, and ECF DKT#56 and exhibits.) It was error as a matter of law to overlook this evidence, as such the lower court abused its discretion and the error of law. This court should vacate and remand.

Issue 3: Whether a Court Commits Error When It Fails To Consider All of the Facts and Circumstances Underlying Equitable Relief under Federal Rule of Civil Procedure 60

Rule 60(b) permits courts to relieve a party from final judgment for any of five enumerated reasons or for “any other reason that justifies relief.” Fed. R. Civ. P. 60(b)(6). *See also, Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 863-64 (1988) (Rule 60(b)(6) does not particularize factors that justify relief but provides courts with authority adequate to enable them, in extraordinary circumstances, to vacate judgments when appropriate to accomplish justice); *Marrero Pichardo v. Ashcroft*, 374 F.3d 46, 55 (2d Cir. 2004) (Rule 60(b)(6) “confers broad discretion on the trial court to grant relief when appropriate to accomplish justice” and “constitutes a grand reservoir of equitable power to do justice in a particular case” (internal quotation marks and citation omitted)).

The court should begin by reviewing the transcripts of Magistrate Sherry M. Trafford which was held September 5, 2017 (See Exhibit J) and compare with *Record Exhibit H page 4 Line 15 -25; Exhibit H page 5 line 1-25; Exhibit H page 6 line 1-25; Record Exhibit I page 2-6, Exhibit J, K and Exhibit L*. On September 5, 2017, the court dismissed the case with prejudice and within one year of that date entitled the Petitioner Mr. Mua to reopen the case under RULE 60. Petitioner filed new claims with the court on September 4th, 2018 as shown on the record and the trial court. The lower court had an obligation to review all new claims.

A. Standard of Review

Rule 60(b) motions are directed to the sound discretion of the district court, and the denial of relief will be set aside on appeal only for an abuse of discretion. *Crutcher v. Aetna Life Ins. Co.*, 746 F.2d 1076, 1082 (5th Cir. 1984). It is not enough that the granting of relief might have been permissible, or even warranted—denial must have been so unwarranted as to constitute an abuse of discretion. *Id.*

Rule 60 in part states the following:

Rule 60. Relief from a Judgment or Order (a) CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court’s leave. (b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER OR PROCEEDING. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Magistrate Judge Tanya Jones Bosier failed to review all the issues properly and overlooked new evidence as presented under rule 60 from the date Magistrate Sherry M. Trafford held the hearing on September 5, 2017. The timing of the Motion was timely. Under the timing rule 60 states the following: *(c) TIMING AND EFFECT OF THE MOTION. (1) Timing. A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding. (2) Effect on Finality. The motion does not affect the judgment’s finality or suspend its operation. (d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a court’s power to: (1) entertain an independent action to relieve a party from a judgment, order, or proceeding; or (2) set aside a judgment for fraud on the court.*

In our system, magistrate judges may conduct certain non-jury criminal proceedings. See *D.C. Code § 11–1732(j) (5) (2012 Repl.)*; *Super. Ct. Crim. R. 117(c)*. While judgment by a magistrate judge is final for the purposes of the parties, *D.C. Code § 11–1732(j) (5)*; see *Arlt v. United States*, 562 A.2d 633, 634–35 (*D.C.1989*), it is not final for the purposes of this court. Rather, any “appeal to the District of Columbia Court of Appeals may be made only after a judge of the Superior Court has reviewed the order or judgment.” *D.C. Code § 11–1732(k) (2012 Repl.)*. A defendant initiates this review by filing a motion pursuant to *Super. Ct. Crim. R. 117(g)(1)* and any other rule, which provides that an associate judge reviewing the order or judgment of a magistrate judge has plenary authority to “affirm, reverse, modify, or remand, in whole or in part, . and enter an appropriate order or judgment.” *Id.* We have held that, “absent extraordinary circumstances,” a defendant “ordinarily” must present in his *Rule 117(g)* motion “all the issues to be raised [on appeal] or else forego their consideration later by this court.” *Dorm v. United States*, 559 A.2d 1317, 1318 (*D.C.1989*).

B. The issues raised on appeal were noted below.

Petitioner Mr. Mua was prevented from fully presenting his case and this was indicative of bias gave any indication that he believed that the magistrate judge's ruling limiting him from presenting all issues tied to the O'Neal Law Firm. The failure by the magistrate judge to certify the case to the Washington DC Superior court after request, was reversible error.

Further the [magistrate] judge's comments that Petitioner Mr. Mua likes to sue, after he presented a docket report to the magistrate that he was victim of retaliation and was the one being sued. If taken literally, magistrate's comments were not based on anything in the record. (See District of Columbia court of Appeals Exhibit L page 19 Line 1-16) “...the conduct of filing frivolous cases and this conduct does show this serial nature of filing on the exact same cases, seeking the same relief, even though captions might change.” Petitioner Mr. Mua is being harassed by respondent O'Neal Law Firm working closely with ASASP Union, PGCPS and other coconspirators. The failure by the magistrate judge Rahkel Bouchet to recognize the violations of law in lower court after being presented with evidence, was reversible error

In addition, on January 22, 2019, magistrate judge made “improper and unfounded comments about Mr. Mua at the time of ruling and then immediately switched off the microphone so that information Mr. Mua was putting on the record could not be recorded. In other words, some of the arguments he was trying to present to the court were not picked up as part of the record,” and that it was not clear what information the magistrate judge had reviewed before ruling, but whatever it was, the magistrate judge's comments had no foundation and could only be attributable to judicial bias. As a consequence, Mr. Mua argues this court to review the issues and reverse or vacate.

Magistrate judge's statements at hearing on November 2, 2018 and January 22, 2019 contained a number of unfounded assertions regarding Mr. Mua, the court should consider whether Mr. Mua's due process rights were violated when the court was presented with evidence involving harassment taking place at Catholic University and in Montgomery county involving coconspirator ASASP of respondent O’Neal Firm. The evidence was given to magistrate judge and was never docketed.

In short, this honorable court should conclude that Mr. Mua's due process rights were violated both because the magistrate judge relied on misinformation in making its ruling determination and because the magistrate judge failed to review the entire record based on the error made by Magistrate Sherry M. Trafford during the hearing held September 5, 2017. Failure by Magistrate Judge Tanya Jones Bosier to review all the issues under rule 60 and failure to consider ongoing violations which are currently in progress in Maryland and in Washington DC is a reversible error.

C. DUE PROCESS REQUIRE THAT A CASE BE DECIDED BY AN IMPARTIAL TRIBUNAL THAT "PRESERVES-BOTH THE APPEARANCE AND REALITY OF FAIRNESS.

Magistrate Judge Tanya Jones Bosier's refusal to recuse herself from this case violated Mr. Mua's Due Process rights. The "Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases." *Marshall v. Jerrica, Inc.*, 446 U.S. 238, 242 (1980); *accord In re Murchison*, 349 U.S. 133, 136 (1955) ("A fair trial in a fair tribunal is a basic requirement of due process."). This U.S Supreme Court has explained that

[t]his requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision making process. The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law.

Marshall, 446 U.S. at 242 (internal citations omitted). An individual, the Court wrote, must be assured "that the arbiter is not predisposed to find against him." *Id.*

This due process right "has been jealously guarded by this Court" because it "preserves both the appearance and reality of fairness, generating the feeling, so important to a popular government, that justice has been done." *Id.* (citation and internal quotation marks omitted). This due process requirement takes on even greater significance in a capital case, because of the Eighth Amendment's heightened due process requirements. *E.g., Lockett v. Ohio*, 438 U.S. 586, 604 (1978); *Woodson v. North Carolina*, 428 U.S. 280, 305 (1976).

A "fair and impartial tribunal," guaranteed by the Eighth and Fourteenth Amendments, requires not just "an absence of actual bias" - there must not be "even the probability of unfairness" and "justice must satisfy the appearance of justice." *Murchison*, 349 U.S. at 1350 36 (quoting *Offutt v. United States*, 348 U.S. 11, 14 (1954)). As the Court recently stated in *Caperton v. Massey Coal Co.*, 556 U.S. 868 (2009): "Under our precedents there are objective standards that require recusal when 'the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable.'" *Id.* at 872 (quoting *Withrow v. Larkin*, 421 U.S. 35, 47 (1975)).

In *Caperton*, the Supreme Court of West Virginia reversed a \$50 million trial judgment entered against Massey Coal Company by a vote of 3-2. One of the justices in the majority denied a recusal motion, which was based on the fact that the Massey CEO had contributed \$3 million to the justice's election campaign. *Caperton*, 556 U.S. at 872. This Court found that under the circumstances of the case, due process required recusal: *Id.* The Court explained that

[t]he inquiry is an objective one. The Court asks not whether the judge is actually, subjectively biased, but whether the average judge in his position is "likely" to be neutral, or whether there is an unconstitutional "potential for bias."

Id. at 881. With regard to the need for an objective standard, the Court noted that

The difficulties of inquiring into actual bias, and the fact that the inquiry is often a private one, simply underscore the need for objective rules. Otherwise there may be no adequate protection against a judge who simply misreads or misapprehends the real motives at work in deciding the case. The judge's own inquiry into actual bias, then, is not one that the law can easily superintend or review, though actual bias, if disclosed, no doubt would be grounds for appropriate relief. In lieu of exclusive reliance on that personal inquiry, or on appellate review of the judge's determination respecting actual bias, the Due Process Clause has been implemented by objective standards that do not require proof of actual bias. In defining these standards the Court has asked whether, "under a realistic appraisal of psychological tendencies and human weakness," the interest "poses such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented."

Id. at 883-84 (internal citations omitted). These "objective standards" require recusal when the situation "offer[s] a possible temptation to the average man as a judge ... not to hold the balance nice, clear and true between the State and the accused." *Id.* at 878 (quoting *Tumey v. Ohio*, 273 U.S. 510,532 (1927)); *id.* at 879 (same).

This Court also acknowledged the problems inherent in a system where "there is no procedure for judicial fact finding and the sole trier of fact is the one accused of bias." *Id.* at 885. This Court determined that while the justice "did undertake an extensive search for actual bias," this search is "just one step in the judicial process." -*Id.* at 886. The Court held that regardless of whether such an inquiry may "sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties," the "failure to consider objective standards requiring recusal is not consistent with the imperatives of due process." *Id.* This is so because "justice must satisfy the appearance of justice." *Offutt*, 348-U.S. at 14.

While the "possible temptation" standard "cannot be defined with precision," *Murchison*, 349 U.S. at 136; *Caperton*, 556 U.S. at 879, it applies here, where Magistrate Judge Tanya Jones Bosier was the Howard University Supervising Attorney of the Child Welfare/Family Justice Clinic with ties to Lawyers involved in this case in Maryland.

Magistrate Judge Tanya Jones Bosier, violated due process by suppressing mitigating evidence given to her during the hearing. The O'Neal Firm presented false and misleading information to the court that the Maryland Federal Case had ended contrary to the facts;

Petitioner Mr. Mua respectfully submits that, considering "all the circumstances of this case, due process requires recusal." *Caperton*, 556 U.S. at 872. Moreover, consideration of some of the circumstances individually highlights why that is so.

Where a judge is part of the "accusatory process," there is cause for recusal. *Murchison*, 349 U.S. at 137; *see also Del Vecchio v. fl. Dep't of Corr.*, 31 F.3d 1363 (7th Cir. 1994) (finding no due process violation where judge was prosecutor in prior unrelated prosecution of defendant but "did not serve dual role of prosecutor and judge" in the prosecution at issue). For example, in *Murchison*, the judge who presided at trial had conducted "'one-man grand jury' proceedings" that resulted in the defendant's indictment. *Id.* at 136. This Court held:

Having been a part of that process a judge cannot be, in the very nature of things, wholly disinterested in the conviction or acquittal of those accused. While he would not likely have all the zeal of a prosecutor, it can certainly not be said that he would have none of that zeal. Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer. *Id* at 137; *see also Republican Party of Minn. v. White*, 536 U.S. 765, 776 (2002) (characterizing *Murchison's* holding by noting that the "judge violated due process by sitting in the criminal trial of defendant whom he had indicted"). The U.S Supreme Court noted that in such instances, "it is difficult if not impossible for a judge to free himself from the influence of what took place" previously, particularly because the judge would be "more familiar with the facts and circumstances in which the charges were rooted than was any other witness." *Murchison*, 349 U.S. at 138.

Here, the due process violation is even clearer than it was in *Murchison*. While the *Murchison* judge returned the indictment while acting as a judge and, thus, did "not likely have all the zeal of a prosecutor," *id.* at 137, then-District Attorney Castille was the prosecutor who personally authorized his Office to seek the death penalty in Terrance Williams's case. The reports of Magistrate Judge Tanya Jones Bosier ties to attorneys from Howard University in related cases in Maryland where widespread fraud occurred further highlight the due process violation. The *Caperton* decision made clear that judicial conflicts of interest can create circumstances under which due process requires judicial recusal.

This Court should the review the attached record evidence as requested on February 1st, 2019 submission and vacate the small claims Court's ruling, which violates Mr. Mua's Fourteenth Amendment rights. The slightest appearance of bias or lack of impartiality undermines the entire judiciary, hence the mandate of not only propriety, but the appearance of propriety.

D. Other Conflict of Interest and violations

The O'Neal Law Firm lawyer worked in the Superior Court and then left. Evidence shows a "significant personal involvement in a critical decision" over Mr. Mua's case while the case was stayed. Ms. Sidon Yohannes who is listed as a lawyer in this case sought employment in the Washington DC Superior court between 2015 and March 2016. After undermining the case, Ms. Yohannes left the court. Some of the documents previously presented in paper are unavailable

which is prejudicial to Mr. Mua., there is no doubt the conduct during the proceedings were egregious.

On November 2nd, 2018, the lower Court issued an order without giving a chance for the petitioner to respond to the respondent O'Neal Firm. During the open hearing, the magistrate judge suggested to the petitioner Mr. Mua that, he could file a Motion for reconsideration (See District of Columbia Court of Appeals Exhibit K page 17 line 11-25). The assertion that, Petitioner had litigated this case on every level was false. Petitioner requested leave to bring new issues to the court when the case was pending on appeal. In addition, the magistrate judge on November 2, 2018 could have given the Petitioner Mr. Mua time to review the response. The O'Neal Firm filed a response without serving a copy to the Petitioner. (See District of Columbia Court of Appeals Exhibit K Line 21). However, the magistrate Judge Tanya Jones Bosier ruling from the bench reversed earlier ruling on January 22nd 2019 despite significant showing of new claims associated with the O'Neal Firm in Maryland and in Washington DC. (See District of Columbia Court of Appeals Ex L page 4 – page 5)

In addition, Petitioner filed a timely Motion to stay proceedings after his mother died when the case was on appeal. Petitioner filed a timely Motion requesting the court for permission to stay proceedings due the death of his mother. Instead, after the petitioner Mr. Mua had left the United States of America for the burial of his mother, the District of Columbia court of appeals dismissed the entire case. This is a due process violation as the petitioner was unable to clarify issues to the lower court.

The history of due process and judicial independence in the United States supports the proposition that the Constitution must be used to preserve fundamental fairness and the perception and reality of impartial justice. The Court should follow the long line of precedent that holds that due process requires judges to “hold the balance nice, clear, and true,” *Tumey v. Ohio*, 273 U.S. 510, 523 (1927). The Court’s constitutional ruling in this case, compelled by history and precedent, will encourage states to reform judicial selection in general and improve recusal provisions in particular.

Issue 4: Whether the District of Columbia court of Appeals erred in Dismissing Petitioner’s claims of fraud, fraud in the inducement, conspiracy to commit fraud, negligence, breach of contracts *inter alia*?

A.) SUPERIOR COURT PROCEEDINGS IN WASHINGTON DC

This honorable court of appeals reviews de novo the lower court's evaluation of judicial concerns, such as the interrelationship of certified claims and remaining claims, and the possibility of piecemeal review.

That a lawyer shall not "engage in conduct involving fraud and misrepresentation[s]. Ms. Ardra O'Neal engaged in misrepresentations in the Mr. Mua's cases (See *Mua v. Board of Education Case Number CAL10-30484*) For the sake of judicial economy, Petitioner incorporates by reference the District court Record Amended Complaint ECF DKT # 7 ¶¶22-32 encompass the following: During the hearing in Washington DC Superior Court, the court found that, Ardra O'Neal engaged in misconduct and the claim for fraud against the firm was cleared to move forward to trial based on the facts presented by Petitioner Mr. Mua. During the Prince George's County Circuit Court Case No. CAL10-30484 & CAL10-35227, Respondent O'Neal acted unethically and misled the Petitioner Mr. Mua concerning legal representation and contractual obligations involving execution of the legal actions in Maryland.

As a result of Respondent O'Neal Firm's misconduct cited in Count I, this court should find that O'Neal Firm working in conspiracy with Thatcher Firm, Raouf Abdullah, Board of Education for Prince George's County, Sullivan, Talbott & Batt; Bryan Chapman, Esquire; Robert E. Cappell, Esquire; Pessin Katz, P.A; and Maryland State Department of Education and others in this action misled the court. "Our adversary system depends on a most jealous safeguarding of truth and candor." *United States v. Shaffer Equip. Co., 11 F.3d 450, 463 (4th Cir. 1993)*. One of the most important aspects of the work of any lawyer is the obligation to provide the court with a fair and accurate presentation of the relevant facts concerning clients in each case. Indeed, many of the Honorable judges on the bench would characterize that obligation as paramount, and there is no valid reason for any lawyer to do otherwise. The court has jurisdiction of this case based on the pattern of the scheme enacted by the Respondent O'Neal Law Firm.

B. Lawful Purposes of the Enterprise

The Thatcher Law Firm was formed for the following legitimate and lawful purposes, among others: engaging in the practice of law, providing legal services deemed proper and valid, and carrying on any lawful business in connection with the practice of law and the provision of legal services.

Partner at The Thatcher Law Firm Abbey Hairston, Managing partner Linda Hitt Thatcher and other lawyers in the law firm operated a multi-state illegal scheme and money laundering operation in which various law firms including O'Neal Law Firm of Ardra O'Neal, Raouf Abdullah, Mitchell I Batt, Robert Cappell, Bryan A. Chapman, Sukari Hardnett, Pessin Katz Law, were paid off. The law Firm also interfered with the transcripts of the various administrative hearings conducted by BDR Inc of Mr. Bradford D. Roe among other illegal activities.

C. Unlawful purposes of the Thatcher Law Firm

The purpose of the Thatcher Law Firm led by Managing partner Linda Hitt Thatcher and facilitated by Abbey Hairston included violating the legitimate purposes of the law Firm in order to enrich herself and other individuals in the law firm including Abbey Hairston through illegal conduct, including by receiving monies from the Prince George's County Public Schools (PGCPS) and her associates in exchange for:

- a) Instructing PGCPS CEO and Board Chairman and her associates about how they could evade law enforcement in order to continue their illegal schemes.
- b) Laundering money from PGCPS for Thatcher Law Firm and her associates which continues that had been generated from the illegal scheme with the school Board and paying off attorneys and judges involved; and
- c) Obstructing justice in order to protect Thatcher Law Firm and her associates.
- d) Identifying and promoting associates to continue the scheme within the PGCPS legal department which is ongoing with the assistance of Prince George's County States Attorney, county Executive Angela Alsobrooks and Mr. Rushern Baker III among others in exchange for facilitating illegal activities within the Board including in.

D. The Racketeering conspiracy

Attorney Robert Cappell disrupted the Federal Court at the beckoning of Attorney Abbey Hairston of the Thatcher Law Firm who was being directed by attorney James Fisher from the U.S Department of Education.

- a) Thatcher Law firm led by Linda Hitt Thatcher and Abbey Hairston told members of the conspiracy to utilize certain specific modes of engagement in order to evade law enforcement community. Other support came from politically connected individuals who bribed law enforcement by increasing their pay in Prince George's County in order the for the Federal Law enforcement not to get involved.
- b) Thatcher Law firm led by Linda Hitt Thatcher and Abbey Hairston promoted several members of their law firms to the PGCPS legal department in order to advance cover ups of the money laundering schemes. Among some of these individuals included Mr. James Fisher, Shani Whisonant and others who assumed various roles within PGCPS for the sole purposes of covering up the ongoing money laundering schemes *inter alia*.
- c) After exposure, Abbey Hairston together with other co-conspirators left the Thatcher Law firm in order to strategize themselves elsewhere to advance the same illegal practices which are continuing. Linda Hitt Thatcher was left to advance the same illegal acts which are ongoing as they continue to represent PGCPS in legal matters.
- d) Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston and other members of the conspiracy used the Law Firm to launder money and protect the money laundering organization involved in illegal schemes from law enforcement detection and prosecution, and did so through the following means, among others:

1. Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston used the Law Firm's bank accounts to receive proceeds from PGCPs and make payments to attorneys retained to represent other members of the conspiracy.
2. Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston instructed members of the conspiracy to create and become involved in Businesses that could be used to launder money involving Thatcher Law Firm and other members of the conspiracy which involved the O'Neal Law Firm of Ardra O'Neal.
3. Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston and other members of the conspiracy used the Law Firm's bank accounts and the PGCPs bank accounts to launder money and funnel hundreds of thousands of dollars to and from various individuals.
4. Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston often used substantial cash payment derived from PGCPs as compensation for laundering money and for protection provided to her co-conspirators, and Thatcher Law Firm concealed these payments.
5. One of the major report of Money laundering scheme involved CEO Dr. Kevin Maxwell and involved payments and pay increases of thousands of dollars as reported in the Washington Post and other news outlets.
6. Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston and her co-conspirators paid off lawyers for services rendered to co-conspirators with cash that had been derived from PGCPs as part of money laundering scheme.
7. Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston, James Fisher used their position as lawyers with the Law Firm to protect co-conspirators and obstruct investigations and official proceedings, including, for example, by doing the following:
8. Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston arranged to disrupt the court proceedings in order protect members of the conspiracy.
9. After the law firm found out plaintiffs had reported criminal activity to the FBI, Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston arranged to have individuals connected to the law enforcement work for the law firm and others elsewhere for the purposes of discouraging cooperation with law enforcement community and protecting their co-conspirators.
10. Thatcher Law firm led by Linda Hitt Thatcher, Abbey Hairston and O'Neal Law Firm (co-conspirator) served as an intermediary between members of the conspiracy to facilitate the unlawful activities of their co-conspirators, including conveying information *inter alia*, thus preventing such information from being intercepted or detected by law enforcement. 18 u.s.c. § 1962(d)

11. Conspiring to have individuals with questionable past tied to the conspirators or co-conspirators promoted within PGCPs in order to help cover up illegal activities. These individuals include Debra Toppins currently a Field Operations Supervisor; Shani K. Whisonant currently Associate General Counsel.

E. Conspiracy to commit Money Laundering

Beginning at least by December 6, 2011, and continuing through on or about currently, in the District of Maryland, District of Columbia and elsewhere, the Thatcher Law firm led by Linda Hitt Thatcher, the O'Neal Law Firm and others did knowingly, intentionally, and unlawfully, combine, conspire, confederate, and agree with one or more persons known and unknown to the government to:

- a) Conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, the felonious distribution of controlled substances punishable under the law of the United States.
- b) Conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, the felonious distribution of controlled substances punishable under title 21, United States Code, Chapter 13, knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, and while conducting and attempting to conduct such financial transactions knew the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18 u.s.c. § 1956(a) (1) (B) (i); and
- c) Engage, attempt to engage, and cause others to engage in monetary transactions, in and affecting interstate and foreign commerce, in criminally derived property that was of a value greater than \$10,000, and was derived from specified unlawful activity, that is, the felonious money laundering schemes punishable under Title 21 United States Code, Chapter 13, in violation of 18 u.s.c. § 1957(a); 18 u.s.c. § 1956 (h)
- d) The Thatcher Law firm, O'Neal Law Firm and other law firms operating under collar of law and committing willful violations in Maryland and Washington DC are part of an illegal scheme involving Maryland Law makers.

All these are newly discovered evidence and there are new players involved in the enterprise which is an ongoing illegal activity in Prince George's County. Other claims involving the Maryland State legislature as noted in the notice to the Prince George's County Attorney. (App27-App64)

The District of Columbia court of Appeals and the U.S District court made an error of law by overlooking the Petitioner's evidence filed in the DC Superior Court and on 4/29/2015 District Court record *Federal Case # 8:14-cv-02334-PJM* ECF DKT #58 and Exhibits. In Exhibit 1, Petitioner presented the transcripts of the proceedings in Washington DC involving Fraud. Honorable Judge Craig Iscoe in Washington DC Superior court in this case conducted a hearing and set a trial against Respondent O'Neal Firm. Respondent O'Neal Firm had listed the coconspirators in this case as witnesses based on organized scheme to defraud Mr. Mua after making up more than \$14,646.54 in fraudulent bills for purposes of harassing the Petitioner as a debt collector. The O'Neal Firm knew they were harassing Petitioner Mr. Mua because she admitted under oath for being in the case for less than two weeks. Respondent O'Neal Firm led by Ardra O'Neal and her associates who include her boyfriend engaged in misconduct by making up false bills totaling up to \$14,646.54 with the sole purpose of defrauding Petitioner Mr. Mua. Respondent Ardra O'Neal admitted in Washington DC small claims court that she was in the case for less than two weeks. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶76.) Petitioner Mua sought assistance from all available sources including from the law enforcement community both in DC and in Maryland. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶83). Mr. Mua through the amended complaint informed the lower court that, Since September 2011 until 2014 throughout the proceedings in Washington DC, Respondent Ardra O'Neal consistently harassed Petitioner Mr. Mua without any justification demanding fraudulent payments. Petitioner Mr. Mua politely requested Respondent Ardra O'Neal to leave him alone and wished her well. However, she refused. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶98.) In the Amended Complaint, *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶100, the Petitioner informed the court that, Petitioner Mr. Mua has detected numerous prima facie anomalies in the process involving Respondent Ardra O'Neal contrary to the laws of the land, Petitioner's employer and the Maryland State Board of Education after reversing the decision of the Maryland office of the Administrative hearings begun a campaign of retaliation.

For Example, the day August 26th, 2013 when Petitioner Mr. Mua emailed the letter to the Maryland State Board of Education officials warning them of initiating a lawsuit in Federal court, the same day August 26th, 2013, Respondent Ardra O'Neal initiated this malicious lawsuit in Washington DC small claims court with the aim to defeat justice in the other cases. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶100). In addition, Petitioner Mr. Mua further wrote in the Amended complaint that, Respondent O'Neal Firm LLC's filed a lawsuit in Washington DC in retaliation after Petitioner Mr. Mua mentioned Respondent Ardra O'Neal in 3rd Amended complaint filed with the circuit court for Prince George's County on June 23rd, 2013. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶121.) That, Respondent O'Neal Firm LLC initiated a lawsuit in Washington DC at the beckoning of the other coconspirators with the sole purpose of harassing the Petitioner Mr. Mua. This violation exposed the petitioner to scorn and ridicule by his employer and Maryland State

Board of Education officials and others. The criminal violations which are interconnected are ongoing in Prince George's County as noted in the notice to sue the Prince George's county.

Respondent O'Neal Finn LLC also wanted to divert the attention to various violations they were engaged in. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶136). Petitioner Mr. Mua wrote that, all of the above conduct intentionally or recklessly caused the Petitioner to suffer severe emotional distress in a manner that included but were not limited to: depression, sleep deprivation, lack of concentration, loss of memory, irritability, loss of appetite, isolation, hypertension, anxiety, paranoia, fear, intimidation, grief and severe hot flashes. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶137). Similar issues were presented to the Superior court courts below. The complaint in the lower courts further alleges that, there is a direct and proximate cause of Respondent O'Neal Firm conduct Petitioner Mr. Mua required medical treatment from healthcare professionals and remains under his doctors' care today. That as a further direct and proximate cause of Respondent O'Neal Law firm conduct, Petitioner Mr. Mua suffered humiliation, embarrassment, questioned integrity, shame, mortification, insecurity, severe and non-severe physical and emotional distress, mental anguish, pain & suffering, and such other non-economic damages reasonably proven at trial. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶138-139) and complains in the lower courts as well. In the Amended complaint, Petitioner showed the amount he lost due to negligence of the Respondent O'Neal Firm attorney who were compromised. (See Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶141-142).

The District court also erred after it overlooked Respondent Raouf Abdullah discriminative behavior after he was compromised when he started to call the Petitioner "slave trader". In the Amended complaint, *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶172, Petitioner wrote that, Respondent O'Neal Firm conspired to maliciously harm Petitioner Mr. Mua after taking thousands of dollars from him and providing defective services. Respondent Mr. Raouf Abdullah started to call Petitioner Mr. Mua a "slave trader" and conspired with Respondent O'Neal firm and others. As a result of this malicious behavior, Petitioner Mr. Mua incurred damages. The District of Columbia Court of Appeals and the U.S District court further erred by ignoring the role played by Mitch Batt in conjunction with the other coconspirators as shown in the District Court Record Amended Complaint *Federal Case # 8:14-cv-02334-PJM* ECF DKT#7 ¶4, ¶9, ¶34, ¶36, ¶37-45 ¶54-55, ¶57, ¶66-67, ¶75-78, ¶84-87, ¶94-97, ¶114-126, ¶132, ¶171, ¶174, ¶220-221, ¶236, ¶265, ¶319. Respondent O'Neal Firm and other conspirators fronted by Thatcher Law Firm, Maryland State Department of Education and others encouraged the harassment and violation of the Federal law as articulated in the courts below.

It was error as a matter of law to overlook the claims involving fraud *inter alia* after the District of Columbia Court of Appeals and the Superior Court Small claims Division and the US. District Court declined to review the issues. However, new issues have occurred which was the reason the petitioner Mr. Mua filed notice with the respondent and Prince George's County. The small claims court is not equipped to review issues involving the Maryland Office of the Attorney

General and Maryland State Department of Education with substantial influence. The Washington DC Superior Court small claims division failed to transfer and certify the entire case to the Washington DC Superior Court or U.S District Court in the District of Columbia in the interest of justice after the evidence presented should have been considered. As such the District of Columbia Court of Appeals abused its discretion and was an error of law. This court should vacate and remand under a new Judge.

Issue 5: Did the lower courts err as a matter of law in which contract containing several provisions including filing of whistleblower claims was violated by the respondent?

Respondent O'Neal Firm signed a contract with the Petitioner Mr. Mua and promised to file Whistleblower case, claims of discrimination and breach of contract in Federal court. A whistleblower is a person who exposes secretive information or activity that is deemed illegal, unethical, or not correct within a private or public organization. The information of alleged wrongdoing can be classified in many ways: violation of company policy/rules, law, regulation, or threat to public interest/national security, as well as fraud, and corruption. In the United States, those who become whistleblowers can choose to bring information or allegations to surface either internally or externally. Internally, a whistleblower can bring his/her accusations to the attention of other people within the accused organization such as an immediate supervisor. Externally, a whistleblower can bring allegations to light by contacting a third party outside of an accused organization such as the media, government, law enforcement, or those who are concerned. Instead of assisting petitioner Mr. Mua in this case as respondent O'Neal law firm was paid to do, she chose to work and cover up the corruption as issues were presented to her. Respondent O'Neal joined forces with his employer and undermined the cases for personal gain. She facilitated the illegal activities by helping them to cover the illegal activity.

Federal law generally provides whistleblower protections to an employee who discloses information revealing "any violation of any law, rule, or regulation," or "a substantial and specific danger to public health or safety." 5 U. S. C. §2302(b)(8)(A). An exception exists, however, for disclosures that are "specifically prohibited by law."

During his tenure, Petitioner Mr. Mua observed that a principal Mitchel Skinner was selling private merchandise on the school grounds without approval for personal gain. Petitioner Mr. Mua another principal selling meats for profit to the teachers during working hours. Petitioner Mr. Mua observed that computer equipment was purchased outside of inventory controls. Petitioner Mr. Mua observed that electrical circuits overloaded to the extent that a fire hazard was created and many other issues of public concern. These sheltered activities constitute whistleblower protection. (See (*Pickering v. Board of Education*, 391 U.S. 563 (1968))

Respondent O'Neal Firm working closely with Mr. Raouf Abdullah breached the contract petitioner had with them due to discrimination. The respondent O'Neal Firm joined the other side to undermine his client case in a clear breach of contract. Mr. Raouf Abdullah started to call

the Petitioner “a slave trader” and a “snitch”. Robert Cappell undermined the Federal court and disrupted the court proceedings on two occasions and breached contract he had with the Petitioner when he joined forces with PK Law, Thatcher Law firm and others. Mitch Batt breached the contract he had with the Petitioner when he joined forces with his employer and began a racist behavior by telling the Petitioner to go fuck himself. Bryan Chapman undermined Petitioner’s case when he took less than one day to file an amended complaint without consulting the Petitioner. He other violations as well when he chose to represent other Respondent who violated Petitioner’s rights at the same time. State Department of Education, Maryland Office of the Attorney General working closely with Maxwell, Crawley, Prince George’s County through County Executive Rushern Baker promised to reinstate Mr. Mua after he won his administrative appeal. Petitioner Mr. Mua and supported the candidacy of the county Executive and testified in the Maryland senate. The Prince George’s county invited the Petitioner as an activist to meet up with them. However, everything turned out to be false. The question seems to turn upon the character of the breach viewed in the light of the intent of the parties in making the contract. Separate actions cannot be instituted on the various promises; where divisible they may be sued on separately. (*See Secor v. Sturgis*, note *ilO supra*; *Williams-Abbott Electric Co. v. Model Electric Co.*, 134 Ia. 665, 112 N. W. 181, 13 L. R. A. (N. S.) 529 with note; *Pakas v. Hollingshead*, 184 N. Y. 211, 77 N. E. 40, 3 L. R. A. (N. S.) io42; *Conkle v. Laughlin*, 83 Pa. Super Ct. 468; *Helsey v. Am. Mineral Prod'n. Co.*, 118 Wash. 591, 204 Pac. i9o; *Felt City Townsite Co. v. Felt Inv. Co.*, 50 Utah 364, x67 Pac. 835.)

The test is the intent of the parties and how they regarded the promises. A method of determining such intention, where, as is usually the case, it is not definitely expressed, is to determine "the apportionability of the consideration," i.e. whether the consideration seems to have been given as a whole for all the promises, and hence they are indivisible, or whether a part of the consideration applies to each separate promise so that they were viewed separately by the parties. (*See Bridgeport v. Scott Co.* 94 Conn. 461, iog Atl. 162; *Kalm v. Orenstein*, 12 Del. Ch. 344, 114 Atl. 165; *Peist v. Richmond*, 97 Vt. 97, 122 Atl. 420; 29 YAL4 L. J. 296). As such the lower courts abused their discretion and was an error of law. This court should review, vacate and remand in light of new evidence.

Issue 6. Can a court determine whether Title VII violation of the Civil Rights Act of 1964 is a congruent and proportional response to the constitutional problems that it remedies, and thus validly abrogates the States’ Eleventh Amendment immunity as applied to Petitioner’s allegations, without first determining whether Title VII violation bars the conduct Petitioner Mr. Mua alleges?

The court of appeals reviews de novo the lower court’s evaluation of judicial concerns involving discrimination, such as the interrelationship of certified claims and remaining claims, and the possibility of piecemeal review.

A.) Mr. Mua established a prima facie case for retaliation.

The Supreme Court expanded the scope of retaliation in *Burlington N. & Santa Fe Rwy. Co. v. White*, 548 U.S. 53 (2006) (“a Petitioner must show that a reasonable employee would have found the challenged action materially adverse, which in this context means it well might have ‘dissuaded a reasonable worker from making or supporting a charge of discrimination.’”).

To establish a *prima facie* claim for retaliation, a Petitioner must show:

1. they engaged in protected activity;
2. the Respondent O’Neal law Firm at the beckoning of petitioner Mr. Mua’s employer took action that would be “materially adverse to a reasonable employee or job applicant”; and,
3. there is a causal connection between the protected activity and the asserted adverse action.

Mr. Mua established a *prima facie* claim for retaliation and discrimination involving the Respondent O’Neal firm in this case after they joined forces with his employer to derail justice.

First, Mr. Mua engaged in protected activity. The Fourth Circuit and the District of Columbia court of Appeals have adopted an expansive similar views of what constitutes oppositional conduct. *DeMasters v. Carilion Clinic*, 796 F.3rd 409, 417 (4th Cir. 2015). Listed below are some of the National Origin discrimination complaints Mr. Mua filed with the Board and the state of Maryland: See status report Federal Case 8:14-cv-02070-PJM ECF #3 Filed 11/18/14 and Exhibits. See also Federal Case 8:14-cv-02070-PJM ECF #32-1 Filed 04/20/15 Page, See Federal Case 8:14-cv-02070-PJM Document 32 Filed 04/20/15 Page 1 of 1; See Exhibits attached to District court record 8:14-cv-02070-PJM ECF#28.

According to the Fourth Circuit, the “but for” causation standard has been met because this is a *McDonnell Douglas* retaliation claim. *Foster v. University of Maryland-Eastern Shore*, 787 F.3d 243, 246 (4th Cir. 2015) (“*Nasser* does not alter the legal standard for adjudicating a *McDonnell Douglas* retaliation claim.”)

B. Mr. Mua demonstrated that the Respondent O’Neal Firm reason for ganging up to terminate him was false, and that discrimination was the real reason.

Mr. Mua demonstrated that the state, County and Board’s nondiscriminatory reason for his termination was false, and that retaliation was the real reason after he published an opinion based on feedback from the community and the filing of union grievance on August 29th, 2008 against Principal Dwayne Jones who was the President of Respondent ASASP Union (Association of Supervisory & Administrative School Personnel). *Adams v. Trustees of the University of North Carolina-Wilmington*, 640 F.3d 550, 560 (4th Cir. 2011)

Further, When Respondent O’Neal Firm filed this malicious lawsuit in Washington DC superior court Case No. 2013 SC3 004261: *THE O’NEAL FIRM, LLP, et al. Vs. MUA, JOSEPHAT* on August 26th, 2013, this was the same day petitioner Mr. Mua notified the

Maryland State Superintendent of Schools Dr. Lilian Lowery of initiating a Federal Action due to discrimination. There is a casual connection between the initiation of this lawsuit and the malicious activity. Responded O'Neal Firm worked closely with attorney Raouf Abdullah, Thatcher and others as mentioned in the notice. (App27-App63). The reason for retaliation was because Petitioner Mr. Mua was engaged in a protected activity as a writer and an activist. Therefore, after Petitioner Mr. Mua presented evidence of conflict of interest in Prince George's County Circuit Court in CAL 11-36992 (now subject for transfer to this court or to Federal court – See Court of Special Appeals of Maryland No.1128, September Term 2019 CSA-REG-1128-2019), she retaliated by making up false claims while working with Dr. Charlene Dukes and reversed the judgement of the Office of Administrative appeal. (See District Court record *Federal Case # 8:14-cv-02334-PJM ECF DKT #133-1 Filed 04/11/16 Page 1 of 9 DeJarnette v. Corning, Inc., 133 F.3d 293, 299 (4th Cir. 1998)* (employee must present evidence reasonably calling into question the honesty of his employer's belief)

The Owner of Respondent O'Neal Firm Ms. Ardra O'Neal, Dr. Charlene Dukes and Dr. Lilian Lowery, knew that Dr. William Hite who is African American wanted to get rid of Mr. Mua because: 1) he was an African and, 2) he complained to the State of Maryland that Dr. Charlene Dukes and Dr. Lilian Lowery were harassing him. Nonetheless, the state and the county joined in "papering" Mr. Mua's personnel files. Therefore, the opinion of the court omits various issues. Temporal proximity exists between Mr. Mua's protected activity and the adverse action. *Price v. Thompson, 380 F.3d 209, 213 (4th Cir. 2004)* In July 10th, 2013, Mr. Mua met with Prince George's County Executive Rushern L. Baker, III and the new Chief Executive Officer (CEO) of Prince George's County Public Schools, Dr. Kevin Maxwell and Board of Education Chairman Dr. Segun Eubanks. They all assured him of support to rehire. During this meeting, the county Executive Mr. Rushern Baker also asked Mr. Mua to do something illegal involving his opponents which Mr. Mua declined to support a politician's campaign. That, On July 12th, 2013, Mr. Mua's second amended complaint in *Prince George's County Circuit Court Case No. CAL11-36992* was dismissed by The Honorable Michael R. Pearson without a proper hearing in conspiracy, fraud and retaliation involving Delegate C.T. Wilson, County Executive Rushern Baker, Dr. Hite and others. A copy of the complaint had been given to State Attorney Office to investigate the issues by Mr. Jeremy Robbins. A copy had also been given to county Executive Baker. Mr. Mua had also complained to Delegate C.T. Wilson and met several times with him in person to address the issues each time promising they will look into them. After the 2nd complaint was dismissed, Delegate C.T. Wilson who was in the court room and who spoke with Judge Pearson met Mr. Mua in presence of others in the halls of the court and Delegate C.T. Wilson told Mr. Mua that, corruption in Prince George's County was worse than Chicago. (See District Court Record *Federal Case # 8:14-cv-02334-PJM ECF DKT#104 Filed 09/10/15 Exhibit 8 ECF DKT #104-8*). (See also Affidavit of Donna Young based on protected activity of which Petitioner Mr. Mua reported to the authorities before his wrongful termination (See *District Court Record Federal Case # 8:14-cv-02334-PJM ECF DKT #104-16 Filed 09/10/15*). On July 14th, 2013, Mr. Mua wrote a letter to Superintendent Lilian lowery asking the

Maryland State Department of Education to reconsider the decision and his pleadings were ignored. On August 26, 2013, Mr. Mua wrote a letter and an email protesting the conduct of Maryland State Board of Education officials and gave them a notice of initiating a lawsuit in Federal court for breach of contract. (See *Case 8:14-cv-02070-PJM ECF DKT # 1-8 Filed 06/26/14*)

Same day on August 26, 2013, Mr. Mua's previous attorney involved in fraud Respondent Ms. Ardra O'Neal maliciously initiated this lawsuit in Washington DC superior court at the beckoning of the employer. There is a casual connection that she was working closely with the State Officials in order to defeat justice because of the corruption currently taking place within the Prince George's County and in Maryland. On August 28, 2013, Maryland State Department of Education issued a diverse opinion and refused to consider Mr. Mua's Motion for reconsideration which was unopposed and issued a diverse judgment. There is a casual connection with the letter submitted to the state officials on August 26th, 2013 and the diverse action. On August 29th, 2013, Mr. Mua refiled three (3) charges of Discrimination with EEOC against ACE AFSCME Local 2250, AFSCME International and Prince George's County Public Schools. Shortly after that, on September 11, 2013, Prince George's County Executive Mr. Rushern Baker nominated Ms. Robin Barnes-Shell Esq a friend of Dr. Charlene Dukes to head the Prince George's Ethics office in an effort to battle corruption. Mr. Mua wrote an email to county Executive Baker expressing his reservations concerning the appointment. It was Ms. Barnes -Shell who prejudiced Mr. Mua's case when she was in charge of the administrative hearings with the Prince George's County Public Schools. On September 25, 2013 Maryland State Board of Education committed fraud by submitting a partial record and false affidavits under oath to Prince George's County Circuit Court in Retaliation in order to defeat justice. On September 28, 2013 Mr. Mua wrote a letter protesting this conduct and requested full record be submitted. Full record was never submitted to the court and the Maryland office of the Attorney General conspired with the court officials to conceal the crime. Again, the entire record has never been submitted to the court. On October 30, 2013 Mr. Mua wrote Letters to Maryland State Superintendent Dr. Lilian Lowery, Maryland Governor Martin O'Malley requesting entire file for Mr. Mua be submitted to circuit court per regulations. His request was ignored. Within days, President Charlene Dukes began to "paper" Mr. Mua's personnel file for a year *Amirmokri v. Baltimore Gas & Electric Co.*, 60 F.3d 1126, 1131 (4th Cir. 1995) (the court focused on the evidence that an employee's supervisor had intentionally embarrassed him by assigning him impossible tasks and telling co-workers that he was incompetent, which may have negatively affected both his performance and his evaluation).

It was error as a matter of law to overlook this evidence in the lower courts, as such the lower court abused its discretion and the error of law. This court should vacate and remand under a new trial judge in Federal court due to the interconnected issues.

Issue 7: Whether failure to docket important evidence and to limit presentation of Exhibits was harmful to the Petitioner Mr. Mua in the Small claims division?

The Small claims Division of the Washington DC Superior Court and the U.S District Court in Greenbelt failed to docket important pieces of evidence against the Respondent O'Neal Firm. The U.S District court limited the number of pages the Petitioner could present. (See *District Court Record Federal Case # 8:14-cv-02334-PJM ECF DKT #66 Filed 05/06/15*). Small claims Division of the Washington DC Superior Court magistrate Judge Honorable Rahkel Bouchet, reviewed the evidence and failed to docket and switched off the microphone so that evidence of the petitioner Mr. Mua and what the petitioner was trying to say could not be picked up. All the lower courts failed to address the issues. The trial court's error was harmful and Petitioner Mr. Mua was not able to present his case to the court properly. Challenges to the erroneous admission or exclusion of evidence requires a two-prong approach. First, the trial court's evidentiary ruling must be erroneous such as in this case. Second, assuming error occurred, was it harmful? Yes! When considering whether the erroneous admission or exclusion of evidence constitutes error, the appropriate standard of review is whether the trial court abused its discretion. See *City of Brownsville v. Alvarado*, 897 S.W.2d 750, 753 (Tex. 1995).

Petitioner had a lot of evidence showing various violations by the Respondent O'Neal Firm which the court limited for review. A successful challenge to evidentiary rulings usually requires the appealing party to show that the judgment turns on the particular evidence excluded such as in this case. (See *Texas Department of Transportation v. Able*, 35 S.W.3d 608, 617 (Tex. 2000)); The Supreme Court gave the following widely-cited test for determining an abuse of discretion by the trial court: The test for an abuse of discretion is not whether, in the opinion of the reviewing court, the facts present an appropriate case for the trial court's action. Rather, it is a question of whether the court acted without reference to any guiding rules and principles. *Craddock v. Sunshine Bus Lines*, 133 S.W.2d 124, 126 (Tex. Com.App.--1939, opinion adopted). Another way of stating the test is whether the act was arbitrary or unreasonable. *Smithson v. Cessna Aircraft Company*, 665 S.W.2d 439, 443 (Tex. 1982);

Due to these errors and others pointed out in the brief in this court, the honorable Court should reverse and remand to review the issues in light of continuous violations.

Issue 8. Whether the lower court had mandate to review discrimination case as a small claims division of the Superior Court and the Decision undermines the title VII Requirement that employees report Harassment at the first opportunity.

The Supreme Court has many times observed that the "primary objective" of Title VII is a "prophylactic one." *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 417 (1975). Title VII is intended to promote "[c]ooperation and voluntary compliance." *Alexander*, 415 U.S. at 44. With regard to workplace harassment, "[f]or example, Title VII is designed to encourage the creation of anti-harassment policies and effective grievance mechanisms." *Ellerth*, 524 U.S. at 764. In hostile work environment cases, Title VII "[t]ies] the liability standard to an employer's effort to install effective grievance procedures." *Suders*, 542 U.S. at 145.

Accordingly, in *Faragher* and *Ellerth* the Supreme Court established, and in *Suders* the Court applied, an affirmative defense permitting an employer to avoid strict liability for one employee's harassment of another. The "two necessary elements of the defense" are (1) "that the employer exercised reasonable care to prevent and correct promptly any . . . harassing behavior" and (2) "that the Petitioner employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise." *Ellerth*, 524 U.S. at 765; *Faragher*, 524 U.S. at 807.

The objective of the *Faragher/Ellerth* affirmative defense is to incentivize prompt complaints about (and responses to) workplace harassment. Consequently, although a hostile work environment is characterized only by harassment that is "severe or pervasive," *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21 (1993), the *Faragher/Ellerth* defense is intended to prevent and correct "any . . . harassing behavior." *Faragher*, 524 U.S. at 807 (emphasis added). The Supreme Court has stated explicitly and repeatedly that the affirmative defense's "linkage of liability limitation to effective preventive and corrective measures" was intended to "serve Title VII's deterrent purpose by 'encourag[ing] employees to report harassing conduct *before* it becomes severe or pervasive." *Suders*, 542 U.S. at 145 (quoting *Ellerth*, 524 U.S. at 764) (emphasis added).

The district court's decision and the *Jordan* standard that it applies conflict with *Faragher*, *Ellerth*, and *Suders*.² According to the court's decision, an employer may retaliate against an employee if the employee complains of harassment not yet sufficiently severe or pervasive to sustain "an objectively reasonable belief that the employer committed an unlawful employment practice." *Boyer-Liberto*, 2013 WL 1413031.

During his tenure, Petitioner Mr. Mua observed that a principal Mitchel Skinner was selling private merchandise on the school grounds without approval for personal gain. Petitioner Mr. Mua observed that computer equipment was purchased outside of inventory controls. Petitioner Mr. Mua observed that electrical circuits overloaded to the extent that a fire hazard was created and many other issues of public concern. These sheltered activities constitute whistleblower protection. (See (*Pickering v. Board of Education*, 391 U.S. 563 (1968))

Mr. Mua has suffered after the Respondent in this case engaged in a scheme to defeat justice after tortious interference by his employer and the Maryland State Department of Education. PK Law, Thatcher joined forces after misleading the Federal court to change Petitioner Mr. Mua's classification from section §4-205 to §6-202 in order to cover up the breach of contract. BDR changed the transcripts of the administrative appeal between July 2011 and October 2011 willfully in order to prejudice Mr. Mua. Respondent O'Neal firm then joined forces with Robert Cappell, Bryan Chapman, Raouf Abdullah, Respondent O'Neal Firm, Maryland Office of the Attorney General through Jackie La Fiandra to retract the award after

Petitioner Mr. Mua won the administrative appeal at Hunt Valley Maryland. *See District Court record Federal Case # 8:14-cv-02334-PJM ECF DKT# 133-1 Filed 04/11/16 Page 1 of 9.*

Shortly thereafter, Board of Education for Prince George's County public schools working in conspiracy with the Pessin Katz Law P.A, Maryland State Education Association and the others appealed the decision and conspired with Maryland Department of Education officials led Dr. Charlene Dukes, Maryland Office of the Attorney General and others in this case to retract the award using fraudulent means led by PK Law because of Mr. Mua's protected activity. *See District Court record Federal Case # 8:14-cv-02334-PJM ECF DKT# 133-1.* Petitioner Mr. Mua wrote to the governor concerning willful violation of the law. Shortly after writing Governor O'Malley that within a week, the Internal Revenue Service (IRS) came to audit Mr. Mua. The IRS found that, the government agency instead owed the Petitioner more than \$14,000. The IRS audit was done in retaliation and with a malicious intent after Petitioner Mr. Mua wrote to Maryland governor O'Malley concerning notice to sue the state of Maryland. It was error of law and abuse of discretion not to hold a hearing or seek clarification of what was happening based on Mr. Mua's protected activity. As such, the lower court abused its discretion and was the error of law. This court should vacate and remand in order to conduct a discovery which was never granted.

Prejudice –

Having established that there was a breach of contract, discrimination in termination provisions, violation of fair debt collection practices, violation of union rules because the insurance had a contract with the union membership to keep confidential agreements. One must now examine the impact of this professional error. Once the Respondent Counsel placed the information in the public domain, the bell could not be unring, so what choice did the Petitioner Mr. Mua have but to defend their actions. Lying under oath was not an option, and neither was trying to avoid corroborating it for fear of appearing "evasive". The Petitioner Mr. Mua and his family has been on trial for their lives, literally, and needed the jury to believe their testimony. This was the crucial pivoting point for the whole case, however the court below failed to assist the petitioner. The Respondent O'Neal Firm attorneys committed serious errors, there is a reasonable probability that the result of the proceeding would have been different if the Respondent attorneys had spoken the truth and did the right thing. Should this fail to meet the Cronin standard it would meet the second prong requirement under Strickland v. Washington supra.

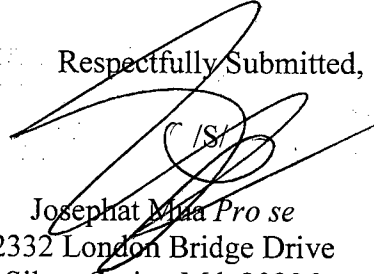
A divided U.S. Supreme Court has ruled that retaliation claims under Title VII of the Civil Rights Act of 1964 must be established using a "but-for" causation standard, rejecting an employee's argument that the lower "motivating factor" causation test applied. *University of Texas Southwestern Medical Ctr. v. Nassar*, No. 12-484 (June 24, 2013).

CONCLUSION

As a matter of first impression definitive guidance is required from this Court to set the standard for the waiver of Attorney-Union Client Privilege (S. Ct. Rule 10(c)). Furthermore, this guidance is required to resolve conflicts between the circuit courts and within the District of Columbia Court of Appeals because and within other courts as well.

Furthermore, the District of Columbia Court of Appeals ruling which not only contradicted State and Federal Law and precedent but itself as well. This ruling violated the Petitioner's rights to Equal Treatment and Due Process under the law as guaranteed by the Constitution and therefore should not be allowed to stand. It involves an unreasonable application of clearly established Federal Law as determined by the Supreme Court of the United States. The District of Columbia Court of Appeals failure to correct these errors makes it a matter for this Court. For the reasons discussed above, Petitioners Josephat Mua respectfully request this honorable Court vacate the judgment and remand the case for a new trial in the interest of justice. The Petitioner further requests the court to lift the stay of Federal case *No. 8:11- cv-01198-PJM Josephat Mua. v. Board of Education of Prince George's County* which has been stayed since June 18th, 2012 in order to address the new claims as the defendants have been retaliating ever since the court failed to address the claims.

Respectfully Submitted,



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Appendix