

No.19-6536

In The
Supreme Court of the United States

Dr. Patt McGuire

Petitioner/Appellant/*Pro Se*,

v.

St. Louis County et. al.,

Respondent.

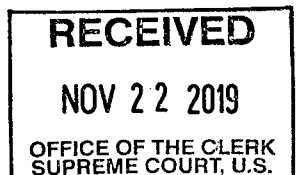
**ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES SUPREME
COURT**

SUPPLEMENTAL BRIEF FOR PETITIONER

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Appellant/*Pro Se*
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/s/Dr. Patt McGuire
Dr. Patt McGuire



SUPPLEMENTAL BRIEF FOR PETITIONER

Petitioner files this Supplemental Brief, pursuant to Rule 15.8, in order to call attention to a recent employment discrimination case Judgment/Order announced in the local news stations for the purpose of educating the public on relevant current issues to United States citizens, to educate on current happenings in real time. At the time of my last filing, I was not aware of the happenings in the Circuit court of the County of St. Louis State of Missouri because I was consumed with my submission of my Writ of Certiorari to this Court, which was docketed on November 7, 2019. The recent discrimination case I am bringing to the attention of this Court is: Keith Wildhabor-Plaintiff v. St. Louis County, Missouri-Defendant. This case, 17SL-CC00133, in Division 9 of the Circuit Court of the County of St. Louis State of Missouri was issued a Judgment and Order on October 25, 2019. *See* App. H. This supplemental Brief for Petitioner, dated November 19, 2019, from Appellant/Pro Se Dr. Patt McGuire to this Court, United States Supreme Court, for educational purposes for this Court while the Appellant/Pro Se Writ of Certiorari is being considered for which the Appellant/Pro Se alleged “failure to promote” employment discrimination Appellees (St. Louis County, Cheryl Campbell, Marshall Day, Clifford Faddis, and Thomas Ben Burkemper). The additional alleged claims on the additional appellees are Tampering Obstruction of Justice, Tampering with Physical Evidence, and Concealment of Document (additional appellees added for additional illegal violations against the Appellant/Pro Se: Counsel Cynthia Lou Hoemann, Counsel Priscilla F. Gunn, Veritext Legal Solution, and St. Louis County). The alleged conduct of employment discrimination-“failure to promote” plus the additional violations for which the named Appellees committed against the Appellant/Pro Se was presented in the Appellant/Pro Se Writ of Certiorari to this Court, Notice of Appeal in the In the Missouri District Court, and Missouri Federal Court of Appeal. The Appellant/Pro Se was not aware of Wildhaber v. St. Louis County at the time of the Petitioner’s last filing¹ The Judgment and Order rendered on October 25, 2019 by the Honorable Judge David Lee Vincent III, Judge , Division 9 affirmed in the Judgment and Order the claim of Plaintiff Keith Wildhabor for discrimination against Defendant St. Louis County, jury returned a verdict in favor of the Plaintiff Keith Wildhabor, and assessed Plaintiff’s actual damages at \$1, 980,000.00 against Defendant St. Louis County; and the jury assessed punitive damages against Defendant St. Louis County in the amount of \$10,000,000.00. On the claim the Plaintiff Keith Wildhabor for retaliation against the Defendant St. Louis County, jury returned a verdict in favor of the Plaintiff Keith Wildhabor, and assessed Plaintiff’s actual damages at \$9900,000.00 against Defendant St. Louis County; and the jury assessed punitive damages against Defendant St. Louis County in the amount of \$7,000,000.00. The total damages assessed: \$19,970,000.00. Judge David Lee Vincent III went on and stated, “Now, therefore, it is, ordered and adjudged that on all of the Plaintiff Keith Wildhabor’s claims for his actual and punitive damages, Plaintiff shall have and recover from Defendant St. Louis County. Costs assessed against defendant. *See* App. A

The Appellant/Pro Se presented the Questions in the Appellant/Pro Se’s first filing the following concerns: (1) Should Petitioner/Pro Se be granted the fundamental right to counsel which is essential to fairness in a civil case? and (2) Should Petitioner/Pro Se be granted a jury trial? on November 2, 2019, date of filing and docketed on November 7, 2019. *See* App. B.

¹ This Court’s Rule 15.8 permits the filing of a supplemental brief to address an “intervening matter the Appellant/Pro Se was not aware of at the time of the party’s las filing.”

The filings by the County Counselor, Beth Orwick and County Executive, Sam Page are supporting filings for the Appellant/Pro Se's Questions to this Court based on the lack of earnings and financial resources to secure counsel as St. Louis County had then and now to defend itself against Keith W. Wildhabor. The reason the Appellant/Pro Se put before this evidence before this Court is to stress the facts on the merits of the Appellant/Pro Se's employment discrimination case docketed with this Court on November 7, 2019 but filed in district court on August 28, 2017. The argument the Appellant/Pro Se wants to make is giving the position of the Appellant/Pro Se, a single person with one main income from St. Louis County and care compensation for assisting my mother with her day to day care by a local company do not equal the level of earnings that would match the cost of defending the Appellant/Pro Se in this Court. This information was given you this court in the last filing in the Motion For Leave To Proceed In *Forma Pauperis*. See App. D. The Appellant/Pro Se wants to draw the attention to the efforts of St. Louis County seeking monetary help to defend itself against Wildhabor in court. In the letter dated November 4, 2019 by the County Counselor, Beth Orwick stated St. Louis County, a local government agency, needed the County Executive Page to favor their efforts to formulate its post-trial strategy and make related decisions promptly. In additions to this request a request for emergency provision was requested effective upon adoption and approval. The Appellant/Pro Se has no such resource to tap into as St. Louis County does. All the efforts the Appellant/Pro Se had made since the onset of the appellant/Pro Se employment discrimination case before August 28, 2017 has been full of rejections after rejections from attorneys. This long standing experience is still the Appellant/Pro Se's with licensed attorneys in Missouri. No attorney has been willing to take the Appellant/Pro Se's case which led to the Appellant to take on the role of a Pro Se in the case before this Court. In the same letter from the County Counselor, dated November 4, 2019, the County Executive Page admits they will have a team of professionals working as outside counsel on the case. The Appellant/Pro Se does not have this privilege with all the open rejection of representation by past and recent Missouri counselors. The contract being requested, per the County Executive Page will not exceed \$75,000.00 without further authorization by Order of the Council. The Appellant/Pro Se does not have even this level of monetary resources available to defend herself against the name Defendants in this employment discrimination case. See App. C. For these named reasons, the Appellant/Pro Se is asking this Court to use it power to grant this last filing of Writ of Certiorari, counsel, jury trial, and/or requested relief. See App. E.

On the same day, November 4, 2019, the County Executive, Same Page, wrote a letter to the Honorable Council Members. This letter was added on apparently on November 5, 2019. The Appellant/Pro Se was not aware of this letter at the time of last filing on November 2, 2019 – docketed on November 7, 2019. In this letter, the County Executive, Same Page used Section 110.040 SLCRO, to justify his request of the County Counselor. The request being made was for St. Louis County Council takes the necessary legislative action to authorize a contract with the Lewis Rice LLC to serve as outside counsel to represent St. Louis County in the mater of Wildhabor v. St. Louis County. Once again, the Appellant/Pro Se does not have such resource available to her due to lack of funds at the level needed; nor does she have contacts available capable of supplying such resources to the Appellant/Pro Se. Once again, in this letter, emergency provision pursuant to Section 2.130 of the St. Louis County charter (1979) is being supported in order for the contract to become effective upon adoption and approval. The Appellant/Pro Se position against St. Louis County is unbalanced and unfair. The Pro Se's

Motion for appointment of counsel denial on May 30, 2019 clearly deprives the Pro Se of due process, equal protection, and constitutional right for natural citizens of the United State, which the Appellant/Pro Se is entitled to. *See* App. F. Each or these rights are presented in the last filing, Writ of Certiorari docketed on November 7, 2019 with this Court. The Appellant/Pro Se does not have to privilege of formulating a defense before this Court or previous Courts with a legal educated defense and strategy as the County Executive realizes is necessary for St. Louis County with Lewis Rice LLC with post-trial motions and a possible appeal. For this reason and the like, this is why the Appellant/Pro Se is bringing all these details to the attention of this Court in this timely filing. Same Page reinforced the fact of a team approach intent moving forward. The Appellant/Pro Se filed the Writ of Certiorari because the Appellant/Pro Se realized the Appellant/Pro Se needed matching support before this Court against the named Defendants in the Appellant/Pro Se's case. *See* App. C.

The Appellant/Pro Se met the requirement of filing the Appellant/Pro Se's case **before Missouri employment discrimination law changed on August 28, 2017**. This qualifies the Appellant/Pro Se's case to be judged on the **old rules and language in the law**. All the evidence submitted to the St. Louis District Court and Federal Appeal Court is "contributing factors" to the employment discrimination "failure to promote" claims against the Appellant/Pro Se by the Defendants. For this Court's review, the Appellant/Pro Se is presenting the NEW SB 43. None of the modifies to the law relating to unlawful discrimination applies to the Appellant/Pro Se's case because all the discrimination acts happened **BEFORE** the new law went into effect on August 28, 2019. This qualifies the Appellant/Pro Se for more than the requested relief, at this Court's discretion. *See* App. G.

CONCLUSION

This Supplemental Brief for the pending Writ of Certiorari supports this Court granting the pending Writ of Certiorari counsel, jury trial, and/ or the requested relief.

Respectfully Submitted,
Dr. Patt McGuire
Appellant/Pro Se
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St. Louis, MO 63136
314-556-9760
Patt.mcguire@yahoo.com

November 20, 2019

APPENDIX A

OCT 25 2019

JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

DATE: OCTOBER 25, 2019

CAUSE NO. 17SL-CC00133

DIVISION NO. 9

JUDGMENT AND ORDER

10/25^L/19.

App. A

APPENDIX B

QUESTION(S) PRESENTED

1. Should a Petitioner/Pro Se be granted the fundamental right to counsel which is essential to fairness in a civil case? The working poor citizens of the United States should not have to risk their basic needs to be treated fairly when faced with employment discrimination acts on the job.
2. Should a Petitioner/Pro Se be granted a jury trial? Pro Se are entitled to "due process and Equal Protection" in the courts as a matter of law in the United States.

App. B

APPENDIX C



OFFICE OF THE COUNTY EXECUTIVE

SAINT LOUIS COUNTY
41 SOUTH CENTRAL AVENUE
SAINT LOUIS, MISSOURI 63105

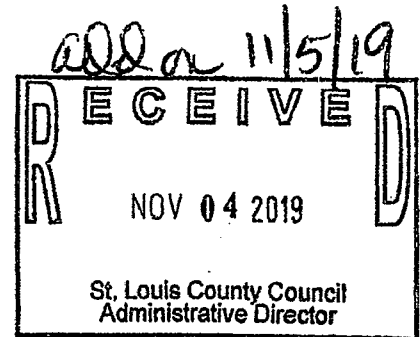
SAM PAGE
COUNTY EXECUTIVE

(314) 615-7016

November 4, 2019

Honorable Ernie Trakas, Presiding Officer
and Members of the St. Louis County Council
Lawrence K. Roos County Government Building
Clayton, Missouri 63105

Adm. On #4
11-5



Honorable Council Members:

In accordance with Section 110.040 SLCRO, and at the request of the County Counselor, I respectfully request that the St. Louis County Council take the necessary legislative action to authorize a contract with Lewis Rice LLC to serve as outside counsel to represent St. Louis County in the matter of *Wildhaber v. St. Louis County*. The contract is for an amount not to exceed \$75,000.

Additionally, I request that the Council include an emergency provision pursuant to Section 2.130 of the St. Louis County Charter (1979) in order for the contract to become effective upon adoption and approval. The request for an emergency provision is intended to allow the County to immediately formulate its post-trial strategy in a timely manner due to deadlines associated with post-trial motions and a possible appeal.

The judgment in the case mentioned above exceeds \$19 million. Beth Orwick, St. Louis County Counselor, states that Neal Perryman, Sarah Mullen, Jerina Phillips and other professionals will comprise the outside counsel team performing work on this case. Your consideration of this request is greatly appreciated.

Sincerely,

Sam Page
County Executive

SP/kcm
Attachment

App C 9

cc: Rita Heard Days, Kelli Dunaway, Tim Fitch, Rochelle Walton Gray, Lisa Clancy, Mark Harder

Sam Page
County Executive

Saint Louis
COUNTY
COUNTY COUNSELOR

Beth Orwick
County Counselor

November 4, 2019

The Honorable Sam Page
St. Louis County Executive
41 South Central Avenue
Clayton, MO 63105

Re: Request for Appointment of Outside Counsel

Dear County Executive Page:

In accordance with Section 110.040 SLCRO, I am requesting an ordinance for authorization to enter into a contract with Lewis Rice LLC to serve as outside counsel to represent St. Louis County in the matter of *Wildhaber v. St. Louis County*.

The judgment in this case exceeds \$19 million. Due to the required court-imposed deadlines associated with post-trial motions and a possible appeal, it is imperative that the County formulate its post-trial strategy and make related decisions promptly. Time is of the essence for the hiring of outside counsel. Accordingly, I also request that the legislation contain an emergency provision which would allow it to become effective upon adoption and approval. It is in my opinion that an emergency clause would be permitted in these unique circumstances.

Neal Perryman, Sarah Mullen, and Jerina Phillips and other professionals will work as a team as outside counsel on the case. The contract amount will be not to exceed \$75,000.00 without further authorization by Order of the Council.

I appreciate your assistance in requesting the necessary legislation by the County Council authorizing the County Counselor to enter in to a contract with Lewis Rice LLC and for the legislation to include an emergency clause.

Sincerely,



Beth Orwick
County Counselor

App. C b

APPENDIX D