

No. 19-7181

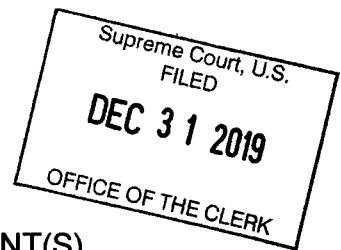
ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

ANNA BELL — PETITIONER

vs.

OREGON HEALTH & SCIENCE UNIVERSITY. — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO
THE SUPREME COURT OF THE STATE OF OREGON

PETITION FOR WRIT OF CERTIORARI

Anna Bell

PO Box 994

La Center WA 98629

(971) 322-7290

Pro se plaintiff and petitioner

QUESTIONS PRESENTED

1) Does denying a pro se individual or public a proper course of justice by a Court violate prior U.S. Supreme Court rulings and The Ninth Amendment to the United States Constitution which states that certain rights such as people's right to represent themselves in Court shall not be disparaged?

2) Does denying a pro se individual or public a trial by jury by a Court despite the evidence qualifying the matter for jury trial violate The Seventh Amendment to the United States Constitution which states that "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved [...]?"

3) Does denying a pro se individual or public a proper course of justice violate The Fourteenth Amendment to the U.S. Constitution where "nor shall any state [...] deny to any person within its jurisdiction the equal protection of the laws" and affect majority of the population such as public with low-to-middle income, no income an inability to afford an attorney or lack of attorneys willing to work on contingency?

4) Does proper course of justice in a civil case has the same importance to the well-being of the nation as in a criminal case (e.g. civil cases of general public, large corporations or presidents)?

List of Parties

1) ANNA BELL, Pro se Petitioner;

2) Oregon Health & Science University, Defendant;

3) Hart & Wagner Law, Attorney for Defendants. Address 1000 SW Broadway #2000,
Portland, OR 97205.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

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

☐ reported at ; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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

☐ reported at U.S. Supreme Court of Oregon ; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☒ For cases from **state courts**:

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

☐ reported at ; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

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

☐ reported at ; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

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

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

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

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was **October 3 2019**.

A copy of that decision appears at Appendix.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Seventh Amendment to the United States Constitution

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Ninth Amendment to the United States Constitution

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Fourteenth Amendment to the United States Constitution

[..] nor shall any state [...] deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

Anna Bell v. Oregon Health & Science University # 17CV09496 was filed with Multnomah Circuit Court of Oregon on March 2 2017 for damages from the employment discrimination. Anna Bell a female research scientist with a disability was dismissed by Oregon Health & Science University (OHSU) after a relapse of the disability and on other discriminating grounds despite her excellent performance record (OHSU statements on record). OHSU is a largest employer in the State of Oregon who “treats the most complex health needs in the region, makes discoveries that save lives and educates next-generation health pros” (OHSU official site). The case was filed by plaintiff’s attorney who later withdrew due to inability to continue this case against large corporation without being paid. Plaintiff couldn’t afford to pay attorneys’ fees. No other attorney in the city of Portland, State of Oregon or neighboring state(s) was willing to take on the case “against such large corporation and without being paid”. Plaintiff continued her case pro se.

Plaintiff showed unmistakable evidence on record of defendant’s discrimination, pretext and lies on admissions. Judge Bloch of Multnomah Circuit Court of Oregon dismissed the case at summary judgement against the overwhelming evidence of discrimination, pretext and lies on admission which qualifies the case for a jury trial, rule ORCP 47. Multnomah Circuit Court of Oregon entered a general judgement twice, on May 31 2018 and August 2 2018, both times outside its jurisdiction since the case was in appeal at the Oregon Court of Appeals, rule ORS 19.270. Lower Court claimed that

both times it was unaware that the case was in appeal yet had appeal's copies.

Further, Multnomah Circuit Court of Oregon failed to inform the plaintiff of the general judgement by mail, in violation of the rule ORS 18.078 Notice by Mail, preventing pro se plaintiff from acting. Oregon Court of Appeals failed to act on these errors of law by the Lower Court.

The Court of Appeals failed to respond to plaintiff's motion for reconsideration within 30 days. It responded on day 52 by issuing dismissal of appeal and granting plaintiff's motion for reconsideration all in the same order. Further requests for review and reconsideration by plaintiff were denied. **The following actions by the Oregon Court of Appeals and Multnomah Circuit Court of Oregon violated proper course of justice for a pro se plaintiff and led to a dismissal of the case:**

A. The Trial Court did not allow trial by jury despite the evidence of discrimination, pretext and lies on admissions at summary judgement, rule ORCP 47.

B. The Trial Court did not inform appellant of re-entry of judgement by mail, rule ORS 18.078, preventing her from timely actions.

C. The Trial Court entered judgement twice outside its jurisdiction while the case was in appeal. The judgement was re-entered and recorded on 08/02/2018 which is 24 hours before the Court of Appeals actually granted such authority to Lower Court on 08/03/2018.

D. The Court of Appeals did not act timely per its own rules, responding to plaintiff's motion for reconsideration within 52 days instead of 30 days, rules of ORAP.

E. The Court of Appeals did not adhere to abeyance by issuing orders while the appeal was in abeyance by the Court order, rules of ORAP.

F. The Court of Appeals failed to explain the delay in receiving/processing plaintiff's mail with motions, rules of ORAP. The Court stated that it took 19 days for plaintiff's priority mail to reach Oregon from neighboring Washington State, 19 after the mail was stamped and received by USPS for delivery. Usually it takes 1-3 days.

G. The Court of Appeals did not adhere to the U.S. Supreme Court ruling that the Court should hold appellant's pro se pleadings to less stringent standards than formal pleadings drafted by attorneys (Haines vs Kerner 404 U.S. 519, 520, 1971; Boag vs MacDougall, 454 U.S. 364 1982). Court of Appeals denied plaintiff's motion for reconsideration for the reason that pro se plaintiff didn't use words "under oath" in her declaration properly titled "Declaration", made in proper form, accompanied by her signature and a certificate of service.

H. The Court of Appeals dismissed the appeal for reason that plaintiff failed to file timely intent to proceed. The Court of Appeals was aware that it was impossible to file intent to proceed because the appellant was not informed of the re-entry of judgement and its date mail by the lower Court, but didn't take that error of law into account.

Plaintiff was treated by the trial Court and opposing counsel as a person with a lesser right to justice during summary judgement, depositions and general judgement (records). Pro se plaintiff conducted hearings and depositions in a most respectful

manner (records). Plaintiff has no legal degree or experience but made best efforts as a pro se with legal procedures.

Pro se plaintiff files a writ of certiorari on December 30 2019 within 90 days from the Court of Appeals of Oregon decision. Plaintiff asks for a fair chance at justice by granting the review of a pro se civil case which didn't receive a due process in lower Courts.

Plaintiff asks the Court to hold her pro se pleadings to less stringent standards than pleadings drafted by attorneys (Haines vs Kerner 404 U.S. 519, 520, 1971, Boag v. MacDougall, 454 U.S. 364, 1982).

REASONS FOR GRANTING THE PETITION

I. Review Is Warranted Because The Opinion By The U.S. Supreme Court Conflicts With An Opinion Of The Multnomah County Circuit Court and The Oregon Court of Appeals.

II. Review Is Warranted Because Actions Of The Multnomah County Circuit Court and Oregon Court of Appeals Violate The Seventh Amendment to the United States Constitution.

III. Review Is Warranted Because Actions Of The Multnomah County Circuit Court and The Oregon Court of Appeals Violate The Ninth Amendment to the United States Constitution.

IV. Review Is Warranted Because Actions Of The Multnomah County Circuit Court and The Oregon Court of Appeals Violate The Fourteens Amendment to the United States Constitution.

V. Review Is Warranted Because "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws." (Elmore v. McCammon 1986, 640 F. Supp. 905).

Opposing counsel may claim that all Courts proceedings were proper and the plaintiff is simply dissatisfied with Courts decisions but the facts of the Courts proceedings in a pro se case show otherwise.

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959), Puckett v. Cox, 456 F. 2d 233 6th Cir. USCA (1972), Boag vs MacDougall, 454 U.S. 364 (1982). No-income, low-income or middle-income public cannot afford a counsel in a civil case which requires a very least \$20,000 to take a case to a trial. There is no such thing as contingency as plaintiff learned. All law firms required at least \$20,000 to take a case to trial under a "contingency" agreement. **Low, middle or no income should not be an obstacle to justice.**

What percentage of the population has \$20,000 available for an attorney in a civil case, for instance, an employment discrimination case against a largest employer in the state who represented by the largest law firm in the state? No income, low-income and middle-income public simply cannot afford justice in a civil case, where a counsel is not provided by the state. This creates an advantage for high-income individuals and corporations in legal cases to hire counsel(s) and avoid justice when they violate the law. When this advantage is combined with Courts denying proper course of justice to a pro se public the justice stands no chance to prevail. Pro se right is essential because our justice is designed to be for all (U.S. Constitution 1789, and historically Magna Carta 1215) and "[...] nor shall any state [...] deny to any person within its jurisdiction the equal protection of the laws." Court may not have a responsibility to help a pro se counsel **but Court must not disparage a pro se counsel from justice.**

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dated this December 30, 2019

A handwritten signature in cursive script, appearing to read "Anna Bell".

Anna Bell
Pro se petitioner

APPENDIX A

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

ANNA BELL,)	
)	Case No. 17CV09496
Plaintiff,)	
)	
v.)	GENERAL JUDGMENT OF
)	DISMISSAL AND MONEY AWARD
OREGON HEALTH & SCIENCE)	
UNIVERSITY,)	
)	(Honorable Eric J. Bloch)
Defendant.)	

Based upon the Court's Order granting defendant's Renewed Motion for Summary Judgment, IT IS HEREBY ORDERED AND ADJUDGED that plaintiff Anna Bell's claims against defendant are DISMISSED WITH PREJUDICE.

Defendant filed its Statement of Costs and Disbursements on May 21, 2018. It is further ORDERED that plaintiff shall pay costs and fees to defendant in the amount of \$530.00.

MONEY AWARD

- | | |
|------------------------------------|--|
| 1. Judgment Creditor: | Oregon Health & Science University |
| 2. Attorney for Judgment Creditor: | Karen O'Kasey, OSB No. 870696
kok@hartwagner.com
Jason R. Poss, OSB No. 104831
jrp@hartwagner.com
Hart Wagner LLP
1000 SW Broadway, Suite 2000
Portland, OR 97205
Phone: 503-222-4499 |
| 3. Judgment Debtor: | Anna Bell, <i>Pro Se</i> |
| 4. Judgment Debtor's Address: | 9311 NE 41 st Avenue
Vancouver, WA 98665 |

1 5. Judgment Debtor's DOB: 02/14/1970
2 6. Judgment Debtor's Attorney: N/A
3 7. Amount of Judgment Exclusive None.
4 Of Costs:
5 8. Pre-Judgment Interest: None.
6 9. Post-judgment interest at the rate of nine percent (9%) per annum on the total judgment
7 from the date the judgment is entered until fully paid.
8 10. Judgment for Costs: \$530.00.

Signed: 5/31/2018 04:51 PM



Circuit Court Judge Eric J. Bloch

17 Submitted By:
18 Jason R. Poss, OSB No. 104831
19 Hart Wagner LLP
20 1000 SW Broadway, Suite 2000
21 Portland, OR 97205
22 Of Attorneys for Defendant

APPENDIX B