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IN THE
SUPREME COURT OF THE UNITED STATES
WASHINGTON D. C.

YUSONG GONG

Supreme Court Case No.: 19-7641

Petitioner

Lower Court Case No.: 19-1068

Vs

UNIVERSITY OF MICHIGAN, et.al.

Respondents

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YUSONG GONG,

DAVID J. MASSON, P-37094

In Pro Se Petitioner

Attorney for Respondents

4937 N. Ridgeside Circle

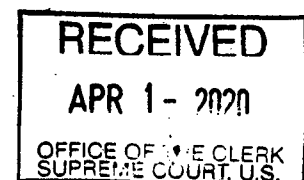
503 Thompson St. #5010

Ann Arbor, MI 48105

Ann Arbor, MI 48109

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PETITIONER'S REPLY TO RESPONDENTS' BRIEF IN OPPOSITION



IN THE SUPREME COURT OF THE UNITED STATES

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Because respondents/appellee/defendants used untruthful or misleading information in their brief, Petitioner/appellant/plaintiff is now, bringing facts to assist this court to make a just determination.

1. In their brief, respondents lied to this court that they had no idea that Plaintiff wanted to revoke her July 8, 2013 singing before a deadline to revoke. In fact, defendants' lawyer Mr. Daniel Tukel received many calls from plaintiff's lawyer Mr. Wahl as early as on July 9, 2013, regarding their problem, plaintiff had refused to sign a formal settlement agreement and wanted to withdraw the draft she signed the day before. Mr. Tukel contacted defendants immediately for any possibility to have plaintiff's supervisor (Dr. RJ Buckanovich) write a reference letter for her future employment. This reference letter was plaintiff's must have pre-negotiation condition for any possible resolution. In May 2013, defendants received a suggested draft from plaintiff (through Mr. Wahl). On July 9, 2013, Mr.

Wahl admitted that he forgot to ask the university again most recently, and promised to re-negotiate with the university. On July 30, 2013, Defendants refused to provide this reference letter. Therefore, the negotiation was finally broken (ECF 39, Exhibit 15).

To answer why Mr. Wahl did not send defendants a written notice to withdraw the signed draft by July 15, 2013, petitioner has to wait for a full investigation at the university by FBI or other law enforcement agencies. Petitioner can provide some hints to this court: 1) on or around July 8, 2013, Mr. Wahl confessed to plaintiff that the University had offered him additional \$4000 before and during the negotiation. Plaintiff believes the above money is a bribe which motivated Mr. Wahl for malpractice, such as lying to his client what kind of case he filed in federal court, "forgetting" to negotiate pre-conditions for his client, forcing his client to sign a draft with threats, and more. 2) Defendants has a history of buying out other party's attorney. In later 2008 to early 2009, plaintiff had a female lawyer from NachtLaw (101 North Main Street, Suite 555, Ann Arbor, MI 48104, (888) 312-7173) helped her to file a complain of sexual harassment. defendants offered her lawyer a paid short term part time position to exchange for her withdrawing representation. The lawyer dropped the case and accepted respondents' job offer. Since then, defendants repeatedly retaliated

plaintiff for filing a sexual harassment complain and being a whistleblower reported scientific misconducts by others at one of defendants' laboratory.

2. In their brief, respondents lied to this court that petitioner had told her psychiatrist that she had accepted a settlement. In fact, plaintiff had no reason to tell anyone that she accepted a settlement 3 days later AFTER she asked her attorney to revoke. It was this physician's own interpretation that plaintiff accepted a settlement. In addition, the said psychiatrist was respondents' employee with conflict interest. Plaintiff tried to correct this physician's error in 2015, but was rejected by defendants' psychiatric department as: it was not a medical matter and the physician had left Michigan.

3. In their brief, respondents' also lied to this court that petitioner keeps engaging litigation while agrees to a settlement. In fact, plaintiff has never agreed any settlement. Before July 8, 2013, plaintiff wanted her attorney to have defendants reinstate her employment at UM or pursuer a jury trail. Mr. Wahl refused to do so because he had agreed to defendants without consent (Mr. Wahl told plaintiff in June, 2013 and later something as: "No, I can not do that, I have promised them for a long time"). Plaintiff did not agree to settle. Mr. Wahl filed motion to withdraw representation on June 20, 2013. In addition, and the most important reason why plaintiff refused to settle is because defendants wanted

plaintiff to lie (ECF 39, Exhibit 7& 8): 1) saying she was not aware any scientific misconduct occurred at UM (The truth is that plaintiff knew several incidents , such as: submitting fake data for publications and funding applications (ECF 30 Exhibit1, ECF 39 Exhibit10, 11, 12,13)). 2) promising not to report misconducts she knew to any government agency (The truth is that petitioner wants federal and state agencies to launch a deep investigation at UM for all misconducts and corruptions). On July 8, 2013, she was fooled and forced to sign a draft of a settlement which was listed as a hearing exhibit as Judge Cox said at the hearing (ECF 84, Exhibit 43). Plaintiff has never signed any formal settlement agreement with defendants or their lawyer(s).

In order to end this fight outside a court, Petitioner has suggested respondents to set up a program to increase transparency and to protect whistleblowers at the university, to exchange for her withdrawing current lawsuit. Respondents rejected. Petitioner has suggested respondents to provide her a regular healthcare to treat her depression which is caused and aggravated by retaliation and discrimination by defendants since 2007, and her hand injury which is cause by her job related over use, to replace the \$41K hash money which she has no intention to accept ever. Respondents rejected.

4. In their brief, Respondents lied this court that plaintiff's EEOC charge did not allege any other facts except for the failure to hire, her EEOC intake form has not placed into the records. In fact, both in her original complaint EEOC (ECF1) and EEOC intake questionnaires (ECF58, Exhibit 27 and 30), Plaintiff listed many incidents from year 2007 to year 2016 which were related to retaliations against her reporting Scientific and Sexual misconducts, and discrimination against her based on her Race, National Origin and Disability. Petitioner believes that she was retaliated by respondents not only because he has disability, but also because she is a whistleblower, wants transparency and government accountability.

5. In their brief, respondents lied to this court that Plaintiff filed a motion to reinstate her state case on June 28, 2013, they responded her motion on August 28, 2013. In fact, Mr. Wahl never told plaintiff that he had filed or would file such motion. It is not exist in the state court (ECF58, Exhibit 23). If the said "plaintiff's motion to reinstate" was real, petitioner wants to ask respondents why they did not follow the court rule and filed their response within 14 days, no later than July 11, 2013.

For why respondents keep saying that plaintiff filed a motion to reinstate her state case on or around June 28, 2013, petitioner has contacted FBI and wanted the courts to enforce an investigation. Petitioner believes four possibilities. 1)

defendants' lawyer manufactured it. 2) as a part of the bribe, Mr. Wahl drafted it for defendants to satisfy their interests. 3) through a bribe, defendants had the state court judge and staff not file it because the timing was not right for them. 4) this is part of defendants' plan to use legal system for covering up misconducts at the university.

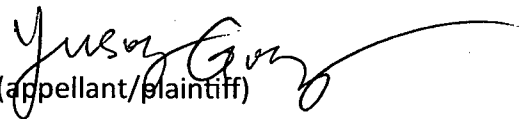
6. In their brief, respondents lied to this court that the three named defendants were plaintiff's supervisor, not liable for discrimination claims. In fact, None of them was plaintiff's supervisor. All of them were/are "officers" under the color of the law. Their actions malicious with intention, caused deprivation of constitutional rights and seriously injuries to plaintiff. Under "Color of Law", none of them have immunity in court (Johnson-kurek v. Abu-Absi, 23 F. 6th, Cir. 2005) (Scheuer v. Rhodes, 416 U.S. 232, 1973).

7. In their brief, respondents tried to fool this court that plaintiff' Michigan Whistleblow Protection Act case is the same as the year 2013 disability rehabilitation case. They also said: on September 25, 2013, Judge David Swartz granted university's motion and dismissed plaintiff's WPA case with prejudiced based on the said settlement agreement. In fact, not only Judge Swartz is under investigation, and will be out no later than the end of his term in months, but also the clerks in office are also under investigation now.

CONCLUSIONS

Petitioner/plaintiff respectfully request that this Honorable court

- 1) deny respondents/defendants request and
- 2) move the hearing forward and
- 3) revoke lower courts' wrongful decisions or
- 4) wait for the investigation done by FBI and the State of Michigan

By: Yusong Gong (appellant/plaintiff) 

4937 North Ridgeside Circle, Ann Arbor, MI 48105

March 27, 2020

(734)-972-1252, y_s_gong@hotmail.com