

No. _____

19-8156

IN THE

SUPREME COURT OF THE UNITED STATES

JOHN STANCU, — PETITIONER
(Your Name)

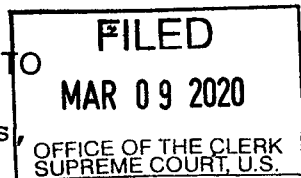
HYATT CORPORATION / vs.
HYATT REGENCY DALLAS

— RESPONDENT(S)

ORIGINAL

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals,
Fifth Circuit



(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John Stancu

(Your Name)

P. O. Box 133171

(Address)

Dallas, Texas 75313-3171

(City, State, Zip Code)

(469) 567-3365

(Phone Number)

QUESTION(S) PRESENTED

1. Did the district court and the 5th Circuit usurped the Seventh Amendment to the United States Constitution by wrongly denying Stancu's right to a jury trial ?

2. Did the district court and the 5th Circuit wrongly denied Stancu's due process rights by (a) obstructing Stancu from doing discovery, and sanctioning him for attempting to do discovery ; and (b) denying Stancu's right to amend his petition ?

3. Did the district court and the 5th Circuit wrongly denied Stancu's rights as provided by the Age Discrimination in Employment Act, which prohibits discrimination on the basis of age, including age-based hostile work environments and retaliations ?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

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

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

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

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 21, 2019.

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

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, 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 March 19, 2020 (date) on December 18, 2019 (date) in Application No. 19 A 684.

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONSTITUTION, Seventh Amendment.

U.S. CONSTITUTION, Fifth Amendment.

U.S. CONSTITUTION, Fourteenth Amendment.

THE AGE DISCRIMINATION IN EMPLOYMENT ACT of 1967,
29 U.S.C. §§ 621 et seq.

FRCP 26 (b) (1).

FRCP 15 .

FRCP 26-37, 4.

FRCP 56 (a).

STATEMENT OF THE CASE

Petitioner ("Stancu") filed the first case against respondents ("Hyatt") on March 8, 2017, for Age Discrimination and Retaliation. Stancu proceeded with his claim as pro se, because he cannot afford an attorney.

During this litigation, Hyatt escalated its retaliations against Stancu, and as a result Stancu was compelled to file a second claim which was later consolidated with the first one.

The following is a summary of the district and appellate courts rulings in this Civil Rights matter :

Denial of Petitioner's Right to Discovery.

Respondents refused to comply with Stancu's discovery requests under various pretexts such as "objections", "not relevant", etc., in complete disregard of FRCP 26 (b) (1), which states that :

"A party must produce information that is relevant to the claims or defenses involved in the action."

After 3 unsuccessful requests for production of documents, Stancu filed a motion to compel Hyatt to comply with basic discovery requests. The court denied Stancu's motion to compel, and on top of this adverse ruling, Stancu was sanctioned over \$ 3,000 for filing said motion.

Denial of Stancu's Motion to Amend his Petition.

The denial of Stancu's motion to amend his petition was erroneous for many reasons. **First**, was in contradiction of

FRCP 15, which states that :

"§ 1.2 Purpose. A party can amend its pleadings before trial to correct errors and defects in the plesdings." See **West Run Student Hous. Assocs. v. Huntington Nat'l Bank**, 712 F3d 165, 172 (3d Cir.2013) ; **Schacht v. Brown**, 711 F2d 1343,1352 (7th Cir.1983) "A party can supplement its pleadings before trial to add any transaction, occurrence, or event that happened after the date of the original pleading." See **ConnectU LLC v. Zuckerberg**, 522 F3d 82, 90 (1st Cir.2008).

Second, the denial was under the false pretense that the two cases were consolidated. In reality, the consolidation of the two lawsuits does not constitute an amendment because (1) Stancu was obstructed from incorporating new acts of retaliation that occurred after the filing of the original petition, and (2) Stancu was obstructed from adding to his claim more defendants.

Third, the denials of petitioner's rights to discovery and amendment was also in violation of Stancu's due process rights, specifically the Fifth Amendment to the U.S. Constitution, which states that "No person shall be deprived of life, liberty, or property, without due process of law ; ...", and the Fourteenth Amendment to the U.S. Constitution, which states that: "... 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 laws."

Due process limits a court's power to impose discovery sanctions. **Wyle v. R.J. Reynolds Indus.**, 709 F.2d, 585, 589, (9th Cir. 1983). A court can impose sanctions only to the extent that the party's conduct is based on bad faith, obstructiveness, or failure to produce material evidence. See, e.g., **Hammond Packing Co. v. Arkansas**, 212 U.S. 322, 349-54.

After denying Stancu's due process rights to discovery, sanctioning him over \$3000 while he was in bankruptcy proceedings, and blocking him from amending his petition, the district court continued the pattern of errors by dismissing petitioner's case on summary judgment. The U.S. Fifth Circuit Court of Appeals wrongly affirmed the myriad of errors in its decision (App. A). Because the errors and abuses of discretion are so numerous here, Stancu will only address the most egregious ones.

The 3 judges of the Fifth Circuit that ruled on Stancu's appeal, displayed their bias against this prose petitioner right from the first paragraph of their decision by attacking Stancu personally that, quote:

"John Stancu works as a shift engineer at Hyatt Regency Dallas ("Hyatt"). Having filed about twenty lawsuits in the past thirty years, he is also a prolific prose litigant. Hyatt is his latest target...".

For the record, this debasing description is misleading because the "about twenty lawsuits in the last thirty years" were all bona-fide legal actions, all related to civil rights violations,

and/or illegal acts against Stancu, and Stancu has prevailed in every single one of them. Even more disturbing is the fact that the 5-th Circuit employs the same malicious tactic used by Hyatt and its lawyers, i.e. libeling and slandering Stancu in order to defend their illegal activities.

More-over, Hyatt is not Stancu's "target", as Stancu is simply struggling to protect himself from Hyatt's sustained campaign of discriminations, and vicious onslaught of retaliations, including death threats. These most relevant parts were omitted by judges Owen, Jones, and Smith from the 5-th Circuit for the obvious reason: to divert from their errors and abuses of discretion by making Stancu look bad.

Furthermore, a fair and impartial court should address the facts of the case, not falsely demean the person who files the claim. And on top of all of the above described bias, errors, and abuses of discretion against Stancu, the 5-th Circuit engaged in adverse actions against Stancu even after its erroneous decision to affirm the summary dismissal of Stancu's case, by delaying to inform the petitioner in a timely manner about said dismissal. The following is a brief description:

The appellate court was well aware that Stancu had no access to the court's website to keep track of the court rulings.

The established mode of communication between Stancu and the 5-th Circuit was via U.S. Mail.

On November 21, 2019, Stancu called the clerk of the court to check the status of his case. The clerk told Stancu that the ruling "Was already made on October 19, 2019." At that point (based on the court's previous bias against Stancu) became clear that the court was impeding the petitioner from appealing to the U.S. Supreme Court by stonewalling to notify Stancu of its erroneous judgment. As a result Stancu requested from the 5-th Circuit via certified mail (including a SASE) that a copy of the ruling be mailed to him as soon as possible (**App. B**). Stancu finally received a copy of the ruling on December 10, 2019, almost 60 days after said ruling was made.

Subsequently Stancu had to file a motion for extention of time with the Supreme Court, in order to prepare and file this petition.

And considering the obvious bias against Stancu exhibited in the judgment against him, comes as no surprise that the 5th Circuit attempted to prevent a review of their flawed arguments ; first, by stonewalling to inform Stancu of their wrongful judgment against him, and second, by using the deceiving tactic that the judgment is not legal precedent because it is not published.

The following are few examples of obstructions, distortions, and discounting of material facts, abuses of discretion, and plain errors :

Obstructions, Distortions, and Discounting of Material Facts, Abuses of Discretion, and Plain Errors.

As stated in the previous pages, the lower courts wrongly blocked Stancu from doing any discovery, and denied him the right to amend his petitions and incorporate new evidence. After barring Stancu from introducing new evidence, the same judges turned around and blamed Stancu for not adducing sufficient evidence.

Furthermore, the district and appellate courts wrongly held that Hyatt could not be liable for a hostile work environment because Stancu did not know who had left him the anonymous, age-related notes and did not ask management personnel if they were responsible. This is a nonsensical argument and a distortion of facts because first, the derogatory, age-related notes were distributed by Hyatt's Engineering Director, Brett Killingsworth, with the consent of the H.R. Director Mark Spinelli,¹ second, Stancu notified the CEO of Hyatt Corp., Thomas Pritzker, and the owner of Hyatt Regency Dallas, Ray L. Hunt (after which the retaliations against him escalated), and third, the management

¹ Stancu was unable to incorporate this evidence in his petition because the district court blocked him from amending said petition.

itself was behing the constructive discharge campaign against Stancu.

More over, contrary to the district court and 5th Circuit's smoke screen reasoning, an employer may be liable for a hostile work environment whether or not management is behind the harassment. To confirm the hypocrisy of the 5th Circuit and its personal bias against Stancu, a fair and impartial reviewer has to go no further than the previous 5th Circuit's rulings on similar issues. Case in point, if an employer "knew or should have known about the hostile work environment yet allowed it to persist," it may be held liable for harassment by coworkers or even by third parties. **Gardner v. Pascagoula, L.L.C.**, 915 F.3d 320, 321-22 (5th Cir. 2019)(third parties); **Pullen v. Caddo Parish Sch. Bd.** 830 F.3d 205, 213 (5th Cir. 2016)(coworkers).

It does not matter that Stancu did not know who left the notes on his tools cart and did not ask anyone in management if they were responsible. "An employer is not subject to a lesser standard simply because an anonymous actor is responsible for the offensive conduct." **Pryor v. United Air Lines, Inc.**, 791 F.3d 488, 498 (4th Cir. 2015); **Cerros v. Steel Techs., Inc.**, 398 F.3d 944, 951 (7th Cir. 2005) (plaintiff's "inability to verify the authorship of the racist graffiti poses no obstacle to his establishing that this graffiti produced or contributed to a hostile work environment").

The Office of General Counsel of the Equal Employment Opportunity Commission made the same arguments in its Amicus Curiae Brief (**App. C**) but the 5th Circuit ignored this brief just as discounted petitioner's brief. In a ludicrous attempt to censure the EEOC's amicus brief, the 5th Circuit is diverting from the core issue (denial of Stancu's Constitutional rights) to the misleading narrative that their "...opinion should not be published and is not precedent except under limited circumstances set forth in the 5th Cir. R. 47.5.4", (**App. A**), implying falsely that their wrongful judgment is not legal precedent because "should not be published". In fact, the district court's and the 5th Circuit's trampling over Stancu's Constitutional rights (published or not) violates the U.S. Constitution, and is nullifying not only Stancu's rights but also the Constitutional rights of millions of other American citizens, because again, this sets the wrong precedent that the Constitutional issues involved, including the fundamental right to a jury trial, is up to someone's ~~interpretation~~ or to put it bluntly, is only on paper, not in reality.

In addition, the United States Congress has charged the EEOC with interpreting, administering, and enforcing the Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 et seq. The 5th Circuit in this case adopted the district court's flawed analysis in full, conflating the adverse action standard for a

retaliation claim with the more stringent adverse action standard for a substantive discrimination claim. This approach violates the Supreme Court's precedent.

REASONS FOR GRANTING THE PETITION

- A. In erroneously applying the "ultimate employment action" standard, the 5th Circuit failed to apply controlling precedent of the Supreme Court holding that an adverse action in the retaliation context is one that "might well have dissuaded a reasonable worker from making or supporting a charge of discrimination."

In agreeing with the district court that a retaliatory adverse action must be an "ultimate employment decision," the 5th Circuit wrongly failed to apply the standard for retaliation claims, applying instead their own wrong precedent which was expressly overruled by the Supreme Court in **Burlington Northern**. 548 U.S. at 60, 67. In **Burlington Northern**, the Supreme Court relied on differences in statutory language to interpret the "adverse action" standard of Title VII's anti-retaliation provision more broadly than the "adverse action" standard applicable to the substantive prohibition on discrimination.

In the retaliation context, the Court held, a plaintiff must show "that a reasonable employee would have found the challenged action materially adverse, 'which in this context means it might well have dissuaded a reasonable worker from making or supporting a charge of discrimination.'" *Id.* at 68 (citations and some internal quotation marks omitted).

In announcing the new standard, the **Burlington Northern** Court expressly repudiated the 5th Circuit's "ultimate employment decision" requirement in the retaliation context. The Supreme Court explained, "We ... reject the standards applied in the Courts of Appeals that have treated the antiretaliation provision as forbidding the same conduct prohibited by the antidiscrimination provision and that have limited actionable retaliation to so-called "ultimate employment decision." *Id.* at 67.

B. The district court and the 5th Circuit wrongly discounted most of Stancu's evidence of age-based harassment and did not consider the totality of the circumstances in assessing Stancu's hostile work environment claim.

Whether a work environment is "objectively intimidating, hostile, or offensive," *id.*, depends on whether the harassment is "severe or pervasive," which "can be determined only by looking at all the circumstances." **Harris v. Forklift Sys., Inc.**, 510 U.S. 17, 23 (1993).

With the exception of Dallas district court and the 5th Circuit is hard to imagine how anybody in Stancu's position would not be offended and threaten by the viciously hostile actions taken against him by Hyatt. Stancu described the ominous threats and harassments in his original petition, and in his appeal brief. The EEOC also described the hostile and offensive work environment against Stancu in its Amicus Brief (**App.C**).

Stancu's affidavit was neither speculative nor vague, as the district court and the 5th Circuit opined in their rulings. The credibility of the affidavit is for a jury to determine. See **Reeves v. Sanderson Plumbing Prods., Inc.**, 530 U.S. 133, 150 2000.

Moreover, the totality of the circumstances test requires courts to consider evidence of abusive conduct that is not explicitly age-based as part of the hostile work environment at issue. See, e.g., **Harris**, 510 U.S. at 23.

C. The district court and the 5th Circuit wrongly held that Hyatt could not be liable for a hostile work environment because Stancu did not know who had left him anonymous, threatening and age-related notes and did not ask management personnel if they were responsible.

Contrary to the district court and 5th Cir. reasoning, an employer may be liable for a hostile work environment whether or not management is behind the harassment. It does not matter that Stancu did not know who left the notes on his cart and did not

ask anyone in management if they were responsible.

"An employer is not subject to a lesser standard simply because an anonymous actor is responsible for the offensive conduct."

Pryor v. United Air Lines, Inc., 791, F.3d 488, 498 (4th Cir.2015);

Cerros v. Steel Techs., Inc., 398 F.3d 944, 951 (7th Cir. 2005),

(plaintiff's "inability to verify the authorship of the racist graffiti poses no obstacle to his establishing that this graffiti produced or contributed to a hostile work environment"). Nor does

the difficulty of identifying an anonymous actor necessarily relieve an employer of the obligation to try to do so. See

Tademy v. Union Pacific Corp., 614 F.3d 1132, 1149 (10th Cir. 2008).

Here, a reasonable jury could readily find that Hyat knew or should have known of the harassment but failed to take prompt remedial action. Stancu testified that, "I report[ed] [the notes] to the management, and they didn't stop itI told the HR director what happened, and he said that he's going to get to the bottom of it. He seemed ... to be real. [But] [w]hat he did ... amounts to ...nothing." This testimony, if credited by a trier of fact, is sufficient to support employer liability.

D. The district court and the 5th Circuit wrongly denied Stancu's due process of law by obstructing Stancu to do discovery and amend his petition.

FRCP 26-37, 45, provides among other stipulations that one of the purposes of discovery is to give all parties full knowledge of the facts so they can prepare for trial. See **Gary Plastic Packaging Corp. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.**, 756 F.2d 230, 236 (2d Cir. 1985); **O2 Micro Int'l**, 467 F.3d at 1365; **Computer Task Grp. v. Brotby**, 364 F.3d 1112, 1117 (9th Cir. 2004); **Pro-Football, Inc. v. Harjo**, 191 F.Supp.2d 77, 80 (D.D.C. 2002). The district court, in addition to obstructing Stancu from doing discovery, wrongly sanctioned him over \$3,000 while Stancu was in bankruptcy proceedings, in an obvious attempt to intimidate him to drop the litigation. Due process limits a court's power to impose discovery sanctions **Wyle v. R.J. Reynolds Indus.**, 709 F.2d, 585, 589 (9th Cir. 1983). A court can impose sanctions only to the extent that the party's conduct is based in bad faith, obstructiveness, or failure to produce material evidence. See, e.g., **Hammond Packing Co. v. Arkansas**, 212 U.S. 322, 349-54.

Furthermore, pertaining to the amendment of pleadings, FRCP 15 stipulates that: "**§ 1.2 Purpose.** A party can amend its pleadings before trial to correct errors and defects in the pleadings." See **West Run Student House. Assocs. v. Huntington Nat'l Bank**, 712 F.3d 165, 172 (3d Cir.); **Schacht v. Brown**, 711 F.2d 1343, 1352 (7th Cir. 1983) "A party can supplement its pleadings before trial to add any transaction,

occurrence, or event that happened after the date of the original pleading." See **ConnectU LLC v. Zuckerberg**, 522 F.3d 82, 90 (1st Cir. 2008).

The district court and the 5th Circuit obstructed Stancu from amending his petition under the pretense that the two cases were consolidated, which is a completely different fact.

Moreover, the denial of Stancu's rights to discovery and amendment of his pleadings is in violation of Constitutional due process laws, specifically the Fifth and Fourteenth amendments to the U.S. Constitution cited on page 5 of this petition.

E. The district court and the 5th Circuit wrongly denied Stancu's Seventh Amendment Constitutional right to a jury trial.

The systematic usurpation and denial of Stancu's right to a jury trial is unjust and plain wrong from every aspect : factual, pertaining to FRCPs, and in blatant disregard of the United States Constitution.

First, the facts of this case are overwhelming, and many of them uncontroverted.

Second, FRCP 56 (a) stipulates that "The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion."

In this case, the court ignored the numerous genuine disputes of material facts, and resorted to conclusory opinions and personal attacks on Stancu (see page 6 of this petition) to divert the attention from said genuine disputes of material facts.

In addition, case precedent contradicts the 5th Circuit's nonsensical reasons for affirming summary judgment :

U.S. v. Funds in the Amount of \$100,120, 730 F.3d 711, 717, (7th Cir. 2013).

"[W]e long ago buried - or at least tried to bury - the misconception that uncorroborated testimony from the non-movant cannot prevent summary judgment because it is 'self-serving.' To reject testimony because it is unsubstantiated and self-serving is to weigh the strength of the evidence or make credibility determinations - tasks belonging to a trier of fact. At summary judgment, whether the movant's evidence is more persuasive than the evidence of the non-movant is irrelevant. the only question is whether the evidence presented, reasonably construed in the light most favorable to the non-movant, creates a genuine dispute regarding any material fact precluding judgment as a matter of law." (Internal quotes omitted).

See also **Velazquez-Garcia v. Horizon Lines**, 473 F.3d 11, 17 (1st Cir. 2007).

Third, the Seventh Amendment to the United States Constitution states that: "In Suits at common law, where the value in contro - versy shall exceed twenty dollars, the right of a trial by jury shall be preserved, and no fact tried by jury shall be otherwise re-examined in any Court of the United States, than according to the rules of common law."

Case precedents also contradict the usurpation of Stancu's Constitutional right to a jury trial, as shown below:

City of Monterey v. Del Monte Dunes at Monterey, Ltd., 526 U.S. 687, 708 (1999). The Seventh Amendment to the United States Constitution provides that in "suits at common law", the right to a trial by jury is preserved.

The right to an impartial jury trial in civil cases, and especially in Civil Rights matters is inherent in the Seventh Amendment's preservation of a "right to trial by jury" and the Fifth Amendment's guarantee that "no person shall be...deprived of life, liberty or property, without due process." **McCoy v. Goldston**, 652 F.2d 654, 657 (6th Cir. 1981); see, e.g. **Hernandez v. City of Hartford**, 959 F.Supp. 125, 134 (D.Conn.1997) (Seventh Amendment protected P's right to trial under Rehabilitation Act

and Americans with Disabilities Act). The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. **Marshall v. Jerrico, Inc.**, 446 U.S. 238, 242 (1980). A fair trial in a fair tribunal is a basic requirement of due process. **In re Murchison**, 349 U.S. 133, 136 (1955). Furthermore, when there are two opposing versions of the facts and one is blatantly contradicted by the record, the court cannot adopt that version for summary-judgment purposes. E.g. **Scott**, 550 U.S. at 380.

F. The district court and the Fifth Circuit wrongly denied Stancu's Constitutional rights presented in this petition because Stancu is a prose litigant.

The facts show a very disturbing picture of systemic abuses of power by the courts named above, against prose plaintiffs in general, and against Stancu in particular. Here are some examples :

1. Statistics (court records) show that in the last twenty years there was not one single jury trial involving a prose plaintiff with a Civil Rights matter in the Dallas district court.
2. In this district court, after 5 (five) years and six lawsuits (all consolidated), Stancu is still waiting to get his day in court. During this five years time period, the court denied all of Stancu's motions while granting everything that Hyatt asked for.

3. In one representative ruling, Magistrate Judge David Horan of the Dallas district court sanctioned Stancu over \$3,000 for filing a motion to compel Hyatt to comply with Stancu's discovery requests. The 5th Circuit refused to even address this abuse of power presented in Stancu's appeal brief, under the false pretense that "Stancu did not object to the magistrate judge's nondispositive sanction order. This issue is therefore not preserved, and we do not address it." (App. A, Page 11).
4. And for the purpose of showing the court's open animosity against Stancu, in a related case filed in July 2018, the same magistrate judge named above, obstructed Stancu from even accessing the court system by issuing an arbitrary order stating that, quote: "But service of process shall not issue, if at all, until this Court completes its screening of this action..." The inconvenient truth here is that this magistrate judge blocked Stancu's Civil Rights action under the pretense that the Court is investigating Stancu's forma pauperis status, an obvious abuse of power because there was really nothing to "screen" (investigate) as Stancu just got out of bankruptcy proceedings, and was already thoroughly screened by the U.S. Bankruptcy Court. As of today, March 5, 2020, about twenty months after the filing of the case, the magistrate judge is still "screening this action", thus keeping the case off the docket, and abusing Stancu's due process rights.

5. The 5th Circuit implicitly showed in its ruling, their bias against Stancu by stating that "John Stancu is also a prolific prose litigant. Hyatt is his latest target ..." (App. A), a bismirching that has nothing to do with the subject matter of this case.

G. The usurpation of the U.S. Constitution and the Civil Rights laws, by special interest money.

The human rights abuses against Stancu, summarized in this petition, is a direct result of the corruptive actions of special interest money used by Hyatt, for the purpose of influencing the judges involved in this case, to obstruct and block Stancu from his Constitutional right to a jury trial.

Stancu's employer is a conglomerate of shady billionaires hidden under the brand name of Hyatt Corporation. One of them is oil magnate Ray Lee Hunt, the owner of Hyatt Regency Dallas.

The problem here is not that they are wealthy, but the simple and inconvenient truth that they are using their money to subvert the rule of law. The results of this form of corruption are obvious, and are having a negative impact on Stancu, and on millions of other Americans. Here are some examples :

1. The nonstop, adverse actions against Stancu by the district court and the 5th Circuit, including arbitrary sanctions, and defamation of Stancu's character in courts' rulings , no less, speak for themselves.

2. The hard fact that the district court and the 5th Cir. ruled against Stancu in every motion filed by him, and granted everything that Hyatt asked for, is on the courts' records. An independent review of the totality of the rulings in this litigation, shows that the opinions of the judges involved look more like the twisted arguments of Hyatt's lawyers than the opinions of fair and impartial judges.
3. Ray L. Hunt, the owner of Hyatt Regency Dallas, usurped the entire Texas Workers' Compensation Laws by downgrading them from mandatory workers' comp. insurance to no insurance requirements at all ("self-insured"). Now Hyatt is of course "self-insured" and free to abuse its injured workers.
4. Mr. Hunt, and few other employers like him, bullied the workers' unions out of the State of Texas. The sole remedy for workers in the eventuality of workplace discriminations is the courts' system. And that is if the victims could afford a lawyer, or represent themselves and survive the retaliations and corrupt practices of their employer, with little or no prospect of a fair trial, or no trial at all, like in Stancu's case.
5. In sum, Hyatt's own actions shows that for this hotels corporation money trumps everything: the most basic human rights and safety of its own workers, the safety of its own customers ("guests"), and the rule of law.

In addition, any accused party that claims innocence, would like to have its day in court and clear its name as soon as possible ; especially a defendant like Hyatt, backed up by mega law firms, friendly judges, and unlimited financial resources. Yet, Hyatt is afraid of facing a prose plaintiff, in front of an impartial jury, and is doing everything it can to harm Stancu even more, and obstruct a jury trial.

H. THE NATIONAL IMPORTANCE OF THE ISSUES OF THIS CASE.

Besides the inhumane harm inflicted by Hyatt and the lower courts on Stancu, a disabled, 65 years old man, the wrongful judgments of the district court and the 5th Circuit, if allowed to stand, will have a devastating impact on millions of Americans. First, Age Discrimination claims are frequent nowadays. The decisions of the courts mentioned above are out of control and already causing enormous harm to millions of older workers who are being pushed in the unemployment lines and poverty.

If permitted to continue and create more case precedents, these abuses of discretion will inflict additional irreparable damages to millions of older employees, and at the same time put a stain on our judiciary for ignoring this human tragedy.

Second, allowing few judges from the Dallas district court and the 5th Circuit to interpret the Seventh Amendment to the