

No. 20-1579

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IN THE SUPREME COURT OF THE UNITED STATES

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Vivian Epps, PETITIONER

v.

CVS HEALTH CORPORATION, RESPONDENT

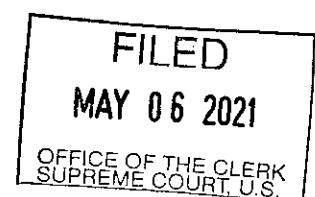
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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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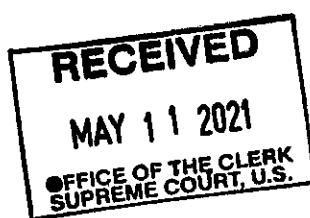
PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. Whether the Ninth Circuit 3-panel Judges, TASHIMA, SILVERMAN, and OWENS had INFRINGED the Rule of NATURAL JUSTICE for NOT giving the Appellant the opportunity to explain, contradict and rebut their docket September 16, 2020 “NOT FOR PUBLICATION September 8, 2020 district court’s Memorandum allegations” which gave way Ninth Circuit’s December 8, 2020 DENIAL final judgement.
2. Whether Appellant’s 3-newly Source-Evidence meet the meaning of Federal Rule 60 (b) Relief for Renewal Trial that NO TWO SOURCE and EVIDENCE CANNOT BE IDENTICAL in Comparison to Appellant’s old Source-Evidence of “Google.com and CVS Pharmacy, Inc.”.
3. Whether Plaintiff’s Constitutional 14th Amendment Rights and Due Process Clause were violated by being DEPRIVED of the Due Process stipulated Law Rule for default judgment/default judgment sum-certain with district court’s discrimination determination of the Law’s 7-days’ Time Limit have allowed the defendant to defend the action of an UNTIMELY-Answer has actually prejudice the plaintiff, or tended to her prejudice, in respect to a substantial right.
4. Whether the lower courts DENIAL of Plaintiff/Appellant’s copy reproduction Electronic Record audio-disc CD September 27, 2918 Hearing be MAILED-OUT to her private transcriber for evidence comparison raised a substantial federal issue to have Invalidated the Federal Regulation Program of implicating the Federal Law Electronic Record Freedom of Information 1996 Act .
5. Whether the appeal court’s Denial to Moot of my motion 2<sup>nd</sup> post-peremptory challenge to final judgment has violated my Constitutionality Rights for a new trial with a new district judge using my plausible and admissible 3-Newly Source-Evidence.

## LIST of PARTIES to PROCEEDING

- 1.) The Plaintiff – VIVIAN EPPS
- 2.) The Defendant – CVS HEALTH CORPORATION

## RELATED CASES

Case No. 1:15-cv-04179-CM

Theme subject of the Case No. 15-04179 is based on “FRAUDULENTLY” false claim done by CVS Health Corporation knowingly made untrue statement or claim to gain reward. Caption Page named the CVS store in Ohio of its owner of the store, Subsidiary Omnicare CVS, LLC as Defendant and the lawsuit also made the PARENT COMPANY a Defendant of being connected to Omnicare CVS, LLC.

Caption Page, #2, First top paragraph, Line 3 and 4 of Statement CONNECTING the Parent Company (in Rhode Island) by name as “CVS Health Corporation”.

Fraudulently is a violation of the False Claim Act, 31, U.S.C. section 3729-3722 (the “FCA”).

The case is similar to my case for CVS Health Corporation is the Defendant, made False Claim Statements in my case of Document 71, Caption Page, Line 3,4,5,6, and 7 and knowingly made untrue statement or claim to the lower courts to gain reward of Summary Judgment and knowingly of Document 72, made or used a false statement material Affidavit # 6, 7,8,9, and 10 from its senior-management employee Melanie Luker..... My 3-Newly Source is plausible and its Evidence is admissible and DOES exposed Defendant acquired Summary Judgment by Fraud upon the Court, and that both lower courts does NOT want Petitioner-EPPS to benefit by the LAW when its obviously deem in the actions.

## CORPORATE DISCLOSURE STATEMENT

### 1.) Disclosure relationship of Plaintiff to Institutions involved in petition:

The Plaintiff were a pre/post permanent TBI injuries Invitee(customer) relationship to Subsidiary German Dobson CVS, LLC business institution CVS Store # 2963 at the address of 711 E. Indian School Road, Phoenix, Arizona 85014.

### 2.) Disclosure relationship of Defendant to Institution involved in petition.

The Defendant relationship to Institution as being the PARENT COMPANY connected into Single Business Enterprise of the institution business CVS Store #2963 with its wholly-owned Subsidiary German Dobson CVS,LLC in Phoenix, Arizona as CONFIRMED through Petitioner's 3-Newly Source-Evidence; (1) United States Security Exchange Commissioner's document report email, (2) P.I. Litigator Jim Reynold's document report email, (3) Defendant's owned "IN-HOUSE" Customer Relations Department's document page email.

## TABLE of CONTENTS

Questions Presented.....	Page i
Parties to Proceeding and Related Cases.....	Page i
Corporate Disclosure.....	Page ii
Table of CONTENTS.....	Page iii
Opinion Below .....	Page 1
Basis for Jurisdiction.....	Page 1
Constitutional Provisions.....	Page 1
Statement of Case.....	Page 2
Reason for Granting.....	Page 3
Conclusion.....	Page-4
Appendix A.....	Page-5
Appendix B.....	Page-6
Certificate of Service.....	Page-7

## TABLE of AUTHORITIES

### CASES

Schexnayder v. Vannoy, 140 S. Ct. 354,355 (U.S. 2019).....	Page 2
United Stated v. Nace, 561 F.2d 783 (9 <sup>th</sup> Cir. 1977).....	Page 2
United States v. Biggins, 551 F.2d 64 (5 <sup>th</sup> Cir. 1977).....	Page 2
United States v. Huges 658 F.2d 317, 322 (5 <sup>th</sup> Cir. 1981).....	Page 2

### STATUTES

Statute False Claim Act, 33, U.S. section 3729-3733 (the “FCA”).....	Page 2
Electronic Record Freedom of Information Act 1996.....	Page 2

### CONSTITUTIONAL PROVISIONS

US Constitution, 5 <sup>th</sup> Amendment.....	Page 2
US Constitution, 6 <sup>th</sup> Amendment.....	Page 2
US Constitution, 14 <sup>th</sup> Amendment with Due Process Clause.....	Page 2

#### CITATIONS of OPINIONS

1. District Court of PHX-Arizona; Case #2:18-cv-01274-DGC
2. Ninth Circuit Court of Appeals; Case # 19-16100

#### STATEMENT of the BASIS for the JURISDICTION

The Final Judgment of the Court of Appeals was entered on December 8, 2020. A petition for Rehearing was Denied on December 8, 2020. This Court's jurisdiction rests on Federal Law cited 28 U.S.C. section 1254(1).

#### CONSTITUTIONAL PROVISIONS and STATUTES

##### Constitution Provisions

U.S. Constitution,.....Page 2

U.S. Constitution,.....Page 2

Statutes.....Page 2

## STATEMENT of the CASE

In a general outline in this case which is all about NOT getting Natural Justice of Fair Justice , Fraud done by the Defendant with their undersigned counsels, Bias with Prejudice arisen from the September 27, 2018 Hearing and Discrimination of the Law as a Pro Se person and Not being equally treated of the Law for if I had an attorney, I wouldn't be of railroaded-justice by both lower courts of district Judge Campbell's judicially negative hegemony to Ninth Circuit Judges to ensured I DO NOT GET A REHEARING WITH A NEW DISTRICT JUDGE FOR MY 3-NEWLY SOURCE-EVIDENCE of my being unawareness of his sent Brief to 9<sup>th</sup> Circuit until I gets Ninth Circuit continue denial without no regards to my constitutionality rights.

A pro se person should NOT be in disparity judicial mistreatment of her Constitutional Rights under the 14<sup>th</sup> , 6<sup>th</sup> and 5<sup>th</sup> Amendments with her Due Process Clause having been violated and being discriminated from benefiting the Law Rules, Statutes and Act in her proceedings done by both lower courts as a pro se party (Schexnaydernayder v. Vannoy, 140 S. Ct. 354,355 (U.S. 2019) revealed a potential state appellant court bias against pro se litigant), I were denied from a properly August 22, 2018 Default Judgment/Default Judgment Sum-Certain and BOTH lower court knew the DEFENDANT'S DATED September 4, 2018 Answer were a submitted UNTIMELY default late Answer were 6-days in default as a matter of law.

Ninth Circuit submitted me a listings that can get a REHEARING and I chosen , "FRAUD upon the Court "done by the Defendant to acquire reward Summary Judgment which is in violation to the Federal Statute False Claim Act, 31, U.S.C. section 3729-3733 (the "FCA")of knowingly made untrue claims to the court to gain Summary Judgment which my admissible, plausible 3-newly Source-Evidence can exposed, and about the DENIED district court/Ninth Circuit denial audio disc CD copy, I submitted my court witness Veronica Hollowell's affidavit for she was present at the time of the audio disc court conversation and acknowledge its accuracy and of the default court transcription I paid for, Veronica Hollowell's affidavit is admissible of the audio disc even though the witness did not retain custody of the audio disc( United States v. Nace, 561 F .2d 783 (9<sup>th</sup> Cir. 1977) )....(United States v. Biggins, 551 F .2d 64(5<sup>th</sup> Cir. 1977) ), in Biggins, the 5<sup>th</sup> Circuit held that the party introducing a tape(audio disc) into evidence has the burden of going forward with sufficient evidence to show the audio disc is an accurate reproduction of the conversation recorded(the absence of material deletions of the Written Transcription of district court's reported. See United States v. Huges 658 F .2d 317,322 (5<sup>th</sup> Cir. 1981), cert. denied, 455 U.S. F .2d 922 (1982). The federal law of Rule 26 – Duplicate copy of Electronic Recording allows a person to get a copy audio disc for motion the court to mail-out to its private chosen transcriber and the Federal Statute Electronic Record Freedom Information Act of 1996 states its audio disc be equally like its paper (written transcription)counterparts, which both lower courts denied Plaintiff-Appellant.

Petitioner requesting this Court for an invitation intervention viewpoints of the Solicitor General BEFORE the 9-Justices' votes.

## REASON for GRANTING the WRIT

The Petitioner error complained of being unjustified denial of her 2<sup>nd</sup> post-peremptory challenge as moot to denied and close my case to precluded Petitioner-EPPS from getting a new trial with a new trial judge of being now with plausible, admissible 3-newly Source-Evidence that will exposed FRAUDULENTLY done by the Defendant and Defendant's witness perjury affidavit senior-management employee statement that assisted in giving cause to be rewarded Summary Judgment about German Dobson and the "Parent Company" Defendant CVS Health Corporation has resulted in a Miscarriage of Justice and has PREJUDICED the Appellant-Plaintiff or tended to her prejudice, in respect to a substantial right.

CONCLUSION

For the foregoing reasons, this Petition for Writ of Certiorari should be granted

Respectfully Submitted,

*Vivian Epps* May 6, 2021.

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