

Supreme Court, U.S.
FILED
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No. 20-1736

In the Supreme Court of the United States

KATRINA L. WEBSTER,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

*On Petition for a Writ of Certiorari to the
U.S. Court of Appeals for the Ninth Circuit*

PETITION FOR WRIT OF CERTIORARI

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pro se

QUESTIONS PRESENTED

The questioned presented are:

1.

Defendant's Counsel stopping a deposition to direct a deponent [CAPT Patrick Croley] to change his testimony to hide discrimination, should be sufficient grounds for a ruling of discrimination in Petitioner's favor, or at the very least, to withstand summary judgement (see ECF 71, p. 4, 1st paragraph)?

a. If the District Court Judge was aware of the Equal Employment Opportunity Commission's (EEOC's) Office of Federal Operations (OFOs) Sua Sponte Decision (**appendix G**) and case No. 20-0610, ECF 1, that the Navy Captain Patrick Croley (identified in question "a" above, had breached the Confidentiality of pro se Petitioner's EEO activity, shouldn't this have been sufficient to withstand granting of summary judgment to the Defendant?

2.

Moreover, in the same OFO decision, if the Judge was aware that the EEOC OFO has found that pro se Petitioner was discriminated on the basis of Reprisal, shouldn't this have been sufficient to find discrimination in pro se Petitioner's favor or at the very least, been sufficient to survive summary judgment?

3.

Agency Attorney Kevin Keefe's use of Lexis Nexis to research and disseminate Plaintiff and her husband's Protective EEO Activity to SSP Management and Board of Directors is sufficient to withstand granting summary judgement to Defendant, and consistent with the OFO's 14

February 2020 Sua Sponte Decision (see Pl.'s Opposition to M.T.D. at ECF 70, page 30; "security clearance issue").

4.

Denied a copy of Defendant's deposition of Petitioner's witness' testimony. Since this deposition was with taxpayers' money, should plaintiff be permitted a copy free of cost. The deponent was Plaintiff's witness who provided testimony on Petitioner's behalf that would have withstood summary judgment and was damaging to Defendant's case.

5.

Should an affidavit from the agency's former Human Resource Director, clearly identifying discrimination in the agency, be sufficient to withstand a decision of summary judgment in Defendant's favor?

6.

Is it legal for the Judge to outright "deny" Plaintiff's cross motion for summary judgment without making a ruling on its merits?

PARTIES TO THE PROCEEDINGS

BRAITHWAITE, KENNETH J.

DEAN BERMAN

KEEFE, KEVIN

LEE, JAMES L.

RICKERT, JACK

RELATED PROCEEDINGS

Katrina L. Webster v. Thomas B. Modly, Appeal No. DON-17-00030-01579. EEOC Office of Federal Operations (OFO) 14 February 2020 Sua Sponte Decision that “the Agency subjected Complainant to discrimination on the basis of reprisal when Complainant’s supervisor, [CAPT Patrick Croley], revealed Complainant’s protected EEO activity to the Fire Control and Guidance Branch Deputy.”

Katrina L. Webster v. Kenneth Braithwaite, et al, Case No. 20-5187.

Katrina L. Webster v. Thomas Harker, Case 21-5040; DC Circuit Appellate Court.

Katrina L. Webster v. Modly, Case No. 20-0610; DC District Court.

Katrina L. Webster and Kirk E. Webster v. Lloyd Austin, III, Case No. 20-1488

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29 U.S.C. §§ 621 to 634	1
42 U.S.C. § 1981	1
42 U.S.C. § 2000e to 2000e-17	1

Jurisdiction

Jurisdiction of this civil action arises under federal law and is conferred on this Court by Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e to 2000e-17 and The Civil Rights Act of 1866, 42 U.S.C. Section 1981, 28 U.S.C. Section 1331, 28 U.S.C. 1343, and 28 U.S.C. Section 1367.

3. Age Discrimination in Employment Act (ADEA) of 1967, as codified, 29 U.S.C. §§ 621 to 634.

Constitutional & Statutory Provisions Involved

Article III, Section 2 of the Constitution provides, in relevant part:

The judicial power shall extend to all cases, in law and equity.

Section 1651(a) of Title 28, United States Code, also known as the All Writs Act, provides:

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

WRIT OF CERTIORARI

Pro se Petitioner is requesting a de novo review of the district Court's granting of summary judgement to defendant. The district Court abused its authority in granting summary judgment to defendant while fully aware that a 14 February 2020 Equal Employment Opportunity Commission (EEOC) Office

of Federal Operations (OFO) Sua Sponte Decision found that the Navy had discriminated against Petitioner on the basis of Reprisal. Moreover, the Court was made aware by Plaintiff/Petitioner in her cross motion for summary judgment and prior to granting summary judgment to defendant, that defendant's counsel had directed a deponent (Navy CAPT Patrick Croley) to change his testimony from that which was consistent with the EEOC OFO's 14 February Sua Sponte 14 February 2020 decision.

INTRODUCTION

Petitioner would like to inform the Court that I am a Black woman, 56 years of age (birth year 1964) who has not been promoted by the Department of the Navy's Strategic Systems Programs (SSP) Agency outside of the Target GS-06 Secretarial position that I started with the agency 23-years ago, this 22 June 2021, despite having earned Bachelor's degree in Business Management in 1999 and an Associate's Degree in Business Administration (**ECF 70, ex. 12 parts I and II**). The agency subjected Petitioner to discrimination on the basis of reprisal and deliberate breaching of my Equal Employment Opportunity (EEO) confidentiality. Petitioner began working at SSP on June 22, 1998 as a GS-0318-05 Secretary in SSP's Technical Division, Navigation Branch SP-24, and remained here for a period of three months.

Initially, pro se Plaintiff's case was assigned to DC District Court Judge Christopher Cooper, who had previously been assigned to another case involving Plaintiff and her husband. Plaintiff's case was reassigned to Judge Friedrich after she was appointed by Donald Trump and confirmed by the U.S. Senate.

Prior to granting the agency summary judgment, Judge Dabney L. Friedrich was aware that the EEOC's OFO had made a Sua Sponte Decision in Petitioner's favor because the case was assigned to Judge Friedrich. Moreover, the OFO stated that the Department of the Navy's Strategic Systems Programs Office had breached the confidentiality of Petitioner's protective EEO activity and in doing so, the OFO stated that Petitioner had been discriminated against on the basis of Reprisal. This alone should have prevented Judge Friedrich from granting summary judgment to the Department of the Navy, but on the other hand, it should have been sufficient to find discrimination in pro se Plaintiff's favor. In light of the fact that the OFO had characterized the agency as being careless with Plaintiff's/Petitioner's protective EEO activity. The 14 February 2020 Sua Sponte Decision of the OFO, coupled with the Defendant's assigned U.S. Attorney Marina Braswell and the Agency's Counsel Sarah McKenzie collectively removing CAPT Croley from the deposition to direct him to change his testimony, which supported the OFO's Sua Sponte decision of discrimination on the basis of reprisal. This alone was sufficient to withstand summary judgement and a finding of discrimination in Petitioner's favor. The fact that Petitioner has been denied every promotion I have applied for during my entire 23 career, thus keeping me essentially a GS-05/06 Secretary for the entire duration of my 22 plus year career, is within itself a red flag that gives credence to the OFO's Sua Sponte decision. Petitioner is asking the Supreme Court for a finding in her favor that will send this case back to the district Court for a jury trial of my peers.

STATEMENT OF CASE

U.S. Attorney Marina Braswell and Agency Counsel, Sarah Mckenzie, directed a Responsible Management Official (RMO), Navy Captain Patrick Croley (RMO in the OFO's 2/14/2020 Sua Sponte Decision) to change his deposition testimony to hide discrimination on the basis of reprisal, **Case 1:17-cv-01472, ECF Document 71 Filed 12/02/19 Pages 3-4 of 44 Civil Action No. 17-1472 (DLF)**: On page 31 of the Patrick Croley deposition, U.S. Attorney Marina Braswell asked "can we take a quick break, I need to consult for one second?" Then Ms. Braswell, CAPT Croley and SSP Attorney, Sarah McKen zie left the conference room with CAPT Croley to talk in private. Upon returning from a "quick break," **Page 31 from line 10 to page 32 line 18** is where CAPT Croley and U.S. Attorney, Ms. Braswell, changed CAPT Patrick Croley's initial testimony for the Monday, 31 March 2019 deposition, and SSP Attorney Sarah McKen zie was there the entire time (ECF 70, ex 11, p 2). I am objecting to CAPT Croley's changed testimony, it must be stricken from the record because what he stated initially was consistent with what was stated by SSP employees LCD Jefferey Mathes and Juanita Hager. This is how I know that my prior EEO activity at the National Imagery and Mapping Agency-NIMA [a predecessor agency of the National Geospatial-Intelligence Agency-NGA, which is where my EEO activity began prior to my employment beginning with SSP] was leaked to SSP. I have also never been promoted since I engaged in EEO activity at NIMA/NGA, with exception of going from a GS-0318-05 to a Target GS-0318-06 Secretary in the year 2000. I was non-selected

for 2 “upward mobility” positions by Admirals Shipway and Dwyer (ECF 70, ex. 16, p 8/12; ex. 43, p 7/24) before I engaged in EEO activity at SSP, losing out to Selectees who were only high school graduates.

I have never received a promotion to another position in the 23 years that I have been employed at SSP; this pertinent to my opposition to the Defendant’s motion to dismiss or for summary judgment.

Plaintiff provided information that perjury was committed by Navy CAPT Robert Vince in his Sworn declaration as an agency witness for DON 09-00030-00674 and this also factors into why this claim should not be dismissed or defendant granted summary judgment. Especially since this information was presented to former EEOC Chair Jenny yang, and she permitted to the OFO to reopen this claim; this alone should be sufficient to withstand Judge Friedrich’s granting summary judgment to the Navy. CAPT Vince intentionally lied under oath to hide discrimination (ECF 70, ex. 37, p 13/15 line 10 and p 15/15, line 7). Records show that Croley was the selecting official and later stated that he was. The Strategic Systems Programs (SSP) Office’s former Human Resource Director, Ms. Jeanne Walls, has provided an affidavit that gives a vivid look into the BOLD AND BLATANT discriminatory practices of the SSP Directors (Navy Admirals) and Office of General Counsel. This statement alone, should prevent the Court from granting summary judgment to defendant. The fact that Ms. Walls states within her affidavit, *“My reason for submitting this affidavit is to demonstrate the strong culture within the Department of Navy/Strategic Systems Program organization to*

obtain what the managers/supervisors want without any regard for the personnel management/EEO rules and regulations. It has been and continues to be built into the institution from the inception of the office because of its high-value mission. I personally experienced it and believe that is what has happened with Katrina Webster. I witnessed the same discriminatory behavior and tried to do something about it, and I was severely punished for my efforts” (ECF 70, ex.1, p 1/6) and (ECF 70, ex. 99, p 3/4).

The Defendant requested that agency case Nos. DON 09-00030-0674 and 10-00030-00266 are dismissed, but Plaintiff invoked the “continuing violation” doctrine, which overrides the statute of limitations for actions brought under Title VII of the Civil Rights Act of 1964, to prevents these claims from being dismissed (**Pl’s Opposition to Defendant’s m.t.d, ECF 71, page 1 of 44**).

CONCLUSION

For the forgoing reasons, the Petitioner for a writ of certiorari should be granted.

Respectfully submitted,

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June 10, 2021